



## **PLANNING & DEVELOPMENT COMMITTEE**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1235/10 (LJH)  
**APPLICANT:** Mr L Davies  
**DEVELOPMENT:** Construction of 3 bed dwelling. (Amended site layout received 31/03/2020).  
**LOCATION:** LAND REAR OF NOS. 37 TO 47 HEOL DEWI, BRYNNA, CF72 9SQ  
**DATE REGISTERED:** 10/02/2020  
**ELECTORAL DIVISION:** Brynna

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

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the residential amenity and privacy of neighbouring properties and its impact upon highway safety.

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

- The application is reported to Committee for determination as three or more objections have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached dwelling on a parcel of land to the rear of nos. 37 to 47 Heol Dewi, Brynna.

The dwelling would occupy an irregular shaped plot to the rear of nos. 37 to 47 Heol Dewi and would be accessed via the existing cul-de-sac serving nos. 29 to 35 Heol Dewi. The dwelling would be sited centrally within the plot with the front elevation facing a north-easterly direction.

The dwelling would have an almost rectangular shaped footprint and measure a maximum of 8.7 metres in width by 14 metres in depth with a pitched roof design which would measure 8 metres in height to its ridge and 5 metres in height to its eaves.

Living accommodation would be arranged over two floors. The ground floor would consist of an open-plan kitchen/lounge/dining room, utility room, W.C, with an integral

garage. Three bedrooms, one with en-suite, a family bathroom, and a terrace area off the master bedroom would be located at first floor level.

Externally, the dwelling would be finished with buff coloured brickwork and cladding in 'Evening Blue', the roof would be finished with artificial slate and the windows and doors would be grey uPVC.

The application is accompanied by the following:

- Coal Mining Risk Assessment;
- Preliminary Ecological Appraisal.

## **SITE APPRAISAL**

The application site relates to an irregular shaped plot of land which runs along the rear boundaries of nos. 39-47 Heol Dewi, Brynna. It measures approximately 310m<sup>2</sup> and is relatively flat in profile.

The surrounding area is residential in character with properties in Heol Dewi predominantly being two-storey, semi-detached properties with frontages set back from the adopted highway by open-plan front gardens and driveways. They are all of a similar scale and design, although most have been extended in various ways.

The site is situated inside the defined settlement boundary as prescribed by the Rhondda Cynon Taf Local Development Plan. It is not allocated for any particular purpose and is not subject to any further constraints.

## **PLANNING HISTORY**

The most recent planning applications at the site are:

95/0292/13: Use of the plot for the construction of one dwelling (additional plans received 24th August, 1995).

Decision: Granted, 18/09/1995.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and the erection of site notices in the vicinity of the site. Three letters of objection have been received and are summarised as follows:

- The balcony/terrace to the rear elevation will impact upon the privacy of neighbouring residents and will overlook their properties and gardens.
- The development will impact upon natural light currently received by neighbouring properties.
- There is concern that the development will impact upon local wildlife.
- Some neighbouring properties are at a lower ground level and there is concern that the development may put them at risk of flooding.

- The development may impact upon ground stability.
- The neighbouring gardens are wet and boggy and rely on soaking away to a pond on the other side of the development, there is concern as to how this would continue if the development were built.
- The apex of the garage/bedroom 2 would be very tall and in close proximity to our garden and will be overbearing.
- The design of the property is not in-keeping with the rest of the estate.

## **CONSULTATION**

**Coal Authority** – No objection, subject to conditions.

**Public Health and Protection** – No objection subject to conditions.

**Transportation** – No objection subject to a condition and advisory notes.

**Ecology** – No objection, subject to a condition.

**Public Right of Way** – No objection, subject to a condition.

**Waste Management** – No objection.

**Dwr Cymru Welsh Water** – No objection.

**South Wales Fire Service** – No objection.

**Western Power** – No objection.

## **POLICY CONTEXT**

The application site lies inside the defined settlement boundary for Brynna and is not allocated for any specific purpose.

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

**Policy CS2** - sets out criteria for development in the Southern 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 transport modes and would not unacceptably conflict with surrounding uses.

**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** – development proposals will be required to demonstrate what measures are proposed for the protection and management of protected and priority species.

**Policy AW10** - requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

**Policy SSA13** - sets out criteria for the consideration of development proposals within settlement boundaries.

### Supplementary Planning Guidance:

Design and Placemaking  
Access, Circulation and Parking  
Nature Conservation

### **National Guidance**

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for Placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)  
Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)  
Chapter 4 (Active and Social Places)

### Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning  
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.

### **Main Issues:**

## **Principle of the proposed development**

The application proposes the construction of one residential dwelling with associated vehicular access and parking areas on a parcel of land that is currently vacant. The site is located within defined settlement limits and, as such, the key consideration is whether the principle of residential development is acceptable on the site. In addition, it is also necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities without resulting in a detrimental impact upon the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site is a further consideration.

The application site is situated within the defined settlement boundary as prescribed within the Rhondda Cynon Taf Local Development Plan and it is noted that the surrounding area is predominantly characterised by residential properties. The site has also historically benefited from outline planning permission for a single dwelling, however this has now expired. It is therefore considered that the general principle of residential development in this location is acceptable, subject to an assessment of the criteria set out below.

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

The development plot is a currently vacant plot of land to the rear of nos. 37-47 Heol Dewi. Having assessed the proposed site layout provided, it is considered the resulting plot would be physically large enough to accommodate the proposed dwelling and off-street car parking and private amenity areas without resulting in over-development of the plot.

In terms of siting, the amended layout plan provided illustrates that the dwelling would not have a direct frontage with the adopted highway and would be set back to provide off-street parking spaces and a turning area. Whilst this is of some concern, it is acknowledged that it would be impossible for the dwelling to have a direct frontage onto the highway, given the location of the plot.

In terms of the design, the proposed dwelling would appear to be more modern in comparison to the existing properties in the immediate vicinity, however it is not considered that the modern appearance would necessarily be a bad thing and it is not considered that the proposed dwelling would detract from the existing character and appearance of the area as is a concern of one of the objectors. The proposed height of the property albeit taller than the surrounding residential properties, is considered to be acceptable as it is not considered that the dwelling would be highly prominent from the street scene of Heol Dewi. Therefore, it is not considered that the overall design of the proposed development would be unduly harmful to the character and appearance of the surrounding area.

## **Impact on residential amenity and privacy**

The proposed dwelling would be sited in close proximity to the southern boundary of the site and it is acknowledged that there is potential for a dwelling in this location to have some impact on the residential amenity and privacy of existing residential

properties that are adjacent to this boundary, which is referred to by the objectors. It is noted that the dwelling would not have any windows facing towards the southern boundary at first floor level, a set of bi-fold doors are located at ground floor level however the elevation in which they sit is set back within the plot and views created by them would be hindered by existing boundary treatments. There is a raised terrace area proposed to the rear elevation off the master bedroom and it is acknowledged that this may have views of the rear windows and gardens of neighbouring dwellings, as are concerns of the objectors, however, it is not considered that the views created would be any more harmful than those a large window or Juliet balcony would have. It is however considered reasonable to append a condition requiring a privacy screen be constructed along the southern elevation of the terrace area. As such, it is considered that the level of overlooking could be adequately addressed through the provision of a suitable privacy screen.

The height of the dwelling is acceptable and its position to the north of the nearest properties would ensure that it would not result in any overshadowing or loss of outlook to these properties. One of the objectors raise the issue that the side elevation of the dwelling could be overbearing to their property due to its height, however, the side elevation would be sited approximately 16 metres away from the rear elevations of the properties along Heol Dewi and it is therefore considered that the level of overbearing would not be great enough to warrant refusal.

### **Impact on highway safety**

It is noted that the Council's Transportation Section raised objections to the initial plans submitted with the application. The issues were discussed with the applicant resulting in amended plans being submitted in order to overcome the objections raised. Therefore, a revised consultation response has been received from the Transportation Section which raises no objection to the proposal subject to conditions.

The response received notes that the site is accessed via a spur off Heol Dewi which lacks adequate turning area to enable vehicles to enter and exit in a forward gear, which gives cause for concern. Also, the spur narrows to circa 4.8m opposite the access to house no. 35. This results in difficult vehicular manoeuvres to and from house no. 35. The amended site layout plan indicates that the site boundary is to be set back to increase the width of the access and provide an informal turning area. Whilst the proposed turning area is not in accordance with the councils standards, the proposal offers betterment over the existing arrangement. As such, on balance the proposal is considered acceptable.

The proposal is for a 3 bedroom dwelling. In accordance with the council's adopted SPG, a maximum of 3 off-street spaces are required. The proposal includes an integral garage with clear internal dimensions of 3m x 6m and a further 2 spaces on the proposed drive. As such, the proposal benefits from adequate off-street parking provision.

The proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and it would therefore comply with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Other:**

The following other material considerations have been taken into account in the consideration of the application, though were not the key determining factors in reaching the recommendation:

**Ecology**

The Council's Ecologist has commented that the ecology report submitted in support of the application concludes that ecological impacts of the development can be mitigated to an acceptable level subject to some mitigation measures. It is requested to append a condition requiring a Wildlife Protection Plan and therefore a condition will be appended.

**Public Right of Way**

It is noted that the site is crossed by a Public Right of Way, namely Footpath 34 Peterston-Super-Mortem. The Council's Public Rights of Way Officer has raised no objection subject to a condition to ensure that no development takes place until the footpath is formally stopped up or diverted. The condition will therefore be appended.

**Coal Risk**

The Coal Authority have commented that they do not consider that the supporting Coal Mining Risk Assessment report definitively demonstrates that the application site is unaffected by past unrecorded shallow coal mining activity. They therefore consider that intrusive investigations are required to establish the exact situation regarding shallow coal mining legacy at the site and to inform any remedial measures required to ensure the safety and stability of the proposed development. Two conditions are provided to be appended, without which The Coal Authority would object to the application.

**Public Health**

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation hours of operation, noise, waste, dust and possible land contamination. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation. The condition in respect of land contamination is however considered necessary and is suggested below.

**Drainage**

It is noted that objectors raise concern with regards to drainage at the site. Consultation has been undertaken with the Council's Flood Risk Management Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to the application or conditions suggested.

## **Community Infrastructure Levy 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 site lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £19,659.54.

## **Conclusion**

The proposal is considered to be acceptable in terms of its principle, the impact it would have on the character and appearance of the surrounding area, the impact it would have upon the residential amenity and privacy of surrounding properties and the impact it would have on highway safety.

## **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 plan nos. 501:01 B, 501:02 A, 501:03, and documents received by the Local Planning Authority on 25/11/2019, 10/02/2020, and 31/03/2020, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Access and parking shall be laid out on site in permanent materials in accordance with submitted drawing no. "501:02 Rev A" prior to beneficial occupation. The parking spaces indicated shall remain for the purpose of parking only.

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

4. No development shall commence until details of a privacy screen along the southern elevation of the raised terrace area have been submitted to the Local Planning Authority for consideration and approved in writing. The privacy screen shall be constructed in accordance with the approved details and shall remain in perpetuity.



Reason: To ensure that the development would not result in undue loss of privacy to neighbouring properties and their gardens, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Wildlife Protection Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed;
  - d) Details of specific species and habitat mitigation measures for key species including bats, birds, and reptile
  - e) Maintenance of the northern buffer;
  - f) Details of wildlife sensitive lighting proposals;

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Buffer Zone' to all construction personnel on site.

Reason: To ensure the protection and mitigation of ecology at the site in accordance with Policy AW8 of the Rhondda Cynon Taff Local Development Plan.

6. No development shall commence on site until the element of Public Right of Way Footpath 34 Peterston-Super-Mortem that crosses the site is formally stopped up or diverted.

Reason: To ensure the protection of the public rights of way which cross the site in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

7. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features and the findings of the intrusive site investigations have been

submitted to and approved by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Where the findings of the intrusive site investigations (required by condition no. 7 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved by the Local Planning Authority. Following approval, the remediation works shall be implemented on site in complete accordance with the approved details prior to beneficial occupation of the dwelling hereby approved.

Reason: To ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.