

## PLANNING & DEVELOPMENT COMMITTEE

13 JANUARY 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1449/15 (KL)  
**APPLICANT:** Mrs May  
**DEVELOPMENT:** Variation of Conditions - 1 Extend the time limit and 2 Replace the approved plan (hdw/ph/may.2001 Rev - A with plan hdw.ph/may.2001 Rev B) - of approved planning permission 17/0246/10.  
**LOCATION:** HEULWEN DEG, ROCK COTTAGES, GRAIG-WEN, PONTYPRIDD, CF37 2EF  
**DATE REGISTERED:** 01/11/2021  
**ELECTORAL DIVISION:** Town (Pontypridd)

---

**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** Although there has been a change in national planning policy since the approval of the previous consent (ref. 17/0246/10), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Pontypridd which is considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable.

In terms of the proposed amendment to increase the ridge height of the approved dwellings by 0.8 metres in order to provide an additional bedroom within the roof space, it is not considered that this would result in a significantly different impact to that created by the original scheme. The dwellings would continue to be acceptable in terms their impact upon the character and appearance of the surrounding area and in terms of their impact upon the amenity and privacy of surrounding neighbouring properties. Furthermore, the layout of the site and the proposed access would remain unchanged from the original consent and is considered to be compliant with the relevant design standards for private driveways serving up to 5 dwellings. The number of car parking spaces proposed within the site is also considered to comply with the Council's SPG: Access, Circulation and Parking.

---

#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

#### APPLICATION DETAILS

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary conditions 1 and 2 of a previously approved planning application (Ref. 17/0246/10) relating to the construction of two detached dwellings with parking at an existing residential property known as Heulwen Deg, Rock Cottages, Graigwen, Pontypridd. The permission was granted on 26<sup>th</sup> July 2017.

### Condition 1

Condition 1 of the permission is as follows:

*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.*

The current planning application seeks to renew the earlier consent and extend the time period within which the planning permission may be implemented.

### Condition 2

Condition 2 of the previous permission requires the development to be carried out in accordance with the approved plan:

*The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) hdw/ph/may2.001 rev A, 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.*

The current application proposes an amendment to the height of the approved dwellings to enable an additional bedroom with an en-suite bathroom within the roof space. The previously approved dwellings measured 7.9 metres in height to the ridge and 5.4 metres in height to the eaves. The proposed amendment would result in the ridge height of the dwellings being increased in height by 0.8 metres, resulting in an overall height of 8.7 metres. No changes are proposed to the approved eaves height. Three Velux windows would be incorporated within one roof slope of each dwelling (west facing) with a standard window being incorporated within the gable end of each side elevation.

No other amendments are proposed to the scheme. The access and site layout would remain as per the previously approved plan and each dwelling would have 3 off-street car parking spaces to their front/side elevations.

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land which currently forms part of the residential garden curtilage of an existing residential dwelling known as

Heulwen Deg. It measures approximately 700m<sup>2</sup> and is positioned immediately to the north of the existing dwelling. There is a slight variation in level across the site with a fall in the land from north east to south west. The north western and north eastern boundaries are defined by a rock face and stonework wall. The south western extent of the site is defined by a low-level post and wire fence, beyond this boundary is a steep bank which falls to an area of land below identified as a Site of Importance for Nature Conservation (SINC). Far reaching cross valley views exist in a westerly aspect from the site. To the south east is the main dwelling 'Heulwen Deg', which is a large two storey property served by a single track private drive from Graigwen Road to the south. To the north east, the site is bounded by the residential dwellings which front Heol Y Deri and Llanwonno Close. These occupy an elevated position above the application site. It is noted that pedestrian access from the western extent of Heol Y Deri already exists to serve Heulwen Deg and the application site.

## PLANNING HISTORY

17/0246	Heulwen Deg, Rock Cottages, Graigwen, Pontypridd	Construction of two detached dwellings and parking	Granted 26/07/17
16/0871	Heulwen Deg, Rock Cottages, Graigwen, Pontypridd	Non-material amendment of planning permission ref. 15/1253 for window alterations and internal arrangement	Granted 05/10/16
15/1253	Heulwen Deg, Rock Cottages, Graigwen, Pontypridd	Construction of a detached dwelling with garage	Granted 11/12/15
12/0318	Heulwen Deg, Rock Cottages, Graigwen, Pontypridd	Outline planning for 1 dwelling and parking	Granted 25/09/12

## PUBLICITY

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

### General

- Objections are raised in relation to the proposed amendments to the approved application. No objection is raised to the original planning permission being extended, subject to the development being carried out in accordance with the previous scheme.

### Amenity and privacy

- It is not clear how much taller the houses will be but it would appear from the plans that they are significantly higher.
- The taller houses will be more intrusive.
- A large window is added to the top floor level which will overlook neighbouring houses and gardens.
- It is suggested that the top floor level window be removed, made smaller or contain obscure glazing.

### Access and Parking

- The application now proposes 2 no. 4 bedroom houses with parking for 6 vehicles.
- The potential is for the residents of the 2 dwellings having up to 14 vehicles (excluding visitors).
- Additional bedrooms mean additional cars.
- It is not uncommon for every person in a house to have their own vehicle so where do all the excess vehicles park?
- Heol y Deri is already crowded with 15 vehicles belonging to residents (excluding visitors, of which there can be several at the same time).
- One property in Heol y Deri has set up a business in their converted garage. Permission was granted for the conversion providing that every one of the 5 people living in the house had an off-road parking space. This meant that they had to pave over their front garden to accommodate this requirement. This rule must apply to everyone and so the properties should have on-site parking for 14 vehicles.
- Emergency services are already unable to access the top of the street at times.
- Heol y Deri is already congested and parking in or very near the turning hammerhead makes it very difficult for vehicles to turn.
- Most delivery vehicles find that they cannot turn so they reverse back down the narrow street swerving past any parked vehicles. There have been several near misses with pedestrians and children playing in the street.
- In 2015, Highways Development Control recommended that suitable provision be made 'to ensure that vehicles are parked off the highway to ensure road safety'. They also expressed concern with regards to the existing 2 m high fence, reducing vision between the two drives to the detriment of all highway users.
- In 2017, Highways Development Control stated that 'there is concern with regards to vehicles emerging onto the sub-standard turning area however, given the low traffic speeds and volumes at this location, the concern is not significant enough to warrant highway objection'. The question is now whether this comment is still justified with a potential of 14 vehicles entering a 'blind' sub-standard turning area thus substantially increasing traffic volume.
- The points raised by Highways Development Control have not been addressed.
- The existing property has a 4-5 metre wide driveway, which runs parallel to the small residential street, which could have been adapted as the shared drive to the houses to be built.
- There is concern that the owner of no. 4 Heol y Deri coming out of the driveway and not seeing a vehicle coming from the new access.
- A previous bus service was removed as the road was too narrow and not safe.

## Drainage/Sewage

- Welsh Water have had to come out to deal with a large blockage on a number of occasions.
- If the dwellings are to be allocated to the existing system, it will not cope.

## Other

- Reference is made to the objections submitted to the original scheme which included concerns with a retaining wall and the removal of a large Sycamore tree.
- Reference is made to the previous planning applications and the concerns raised by residents during the process of each application, including access, turning, parking etc.
- Concern is raised with regards to where builders/construction workers will park their cars.
- The application has been made in a different name to that on the previous application.

## CONSULTATION

**Flood Risk Management:** Do not wish to make comments

**Highways and Transportation:** No objection, subject to condition

**Public Health and Protection:** Do not wish to make comments

**Welsh Water:** No objection

No other responses have been received.

## POLICY CONTEXT

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

The application site is located within the defined settlement boundary and is unallocated for any specific purpose. The following policies are considered to be relevant in the consideration of this application:

**Policy CS2 – Development in the South:** outlines how the emphasis on building strong, sustainable communities will be achieved in the Southern Strategy Area.

**Policy AW1 – Supply of Housing:** focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

**Policy AW2 – Sustainable Locations:** 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 AW5 – New Development:** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 – Design and Placemaking:** requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10 – Environmental Protection and Public Health:** does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA13 – Housing Development within Settlement Boundaries–** sets out the criteria for the consideration of development proposals within the settlement boundaries.

### **Supplementary Planning Guidance**

Design and Placemaking  
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 Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant policy guidance consulted:

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:**

This is an application under Section 73 of the Town & Country Planning Act 1990 seeking variation of conditions 1 & 2 of planning permission ref. 17/0246. The application effectively seeks to renew the earlier consent, thereby extending the time period for which the development can commence by a further 5 year, whilst also seeking an amendment to the original plans approved.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary conditions. It can:

- a) Grant consent either with or without condition; or,
- b) Refuse

In that the Council can approve with or without conditions, it is also appropriate to consider, if planning permission is to be renewed, the extent and nature of all the previous conditions and, if necessary, amend them to reflect current circumstances and requirements.

In the case of this application, the applicant is seeking to extend the period of time within which the development can commence. It is therefore appropriate to consider whether there has been any change in policy or any other material circumstances that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

As the application also proposes an amendment to the ridge height of the proposed dwellings in order to incorporate an additional room within the roof space, it will also be appropriate to consider whether the proposed change would have an impact upon the character and appearance of the site and surrounding area, the amenity and privacy of surrounding residential properties and upon highway safety in the vicinity of the site.

### **Principle of the proposed development**

The Local Development Plan (LDP) remains the key policy consideration in this application however, national policy has changed since the approval of the previous application with the publication of Planning Policy Wales ed. 11 (PPW11) and Future Wales – The National Plan 2040 (FW 2040). The updated policy continues to have a clear emphasis for residential development in sustainable locations and within defined settlement boundaries and nothing has changed in terms of the position of the site within the settlement boundary of Pontypridd, which is considered to be a highly sustainable location.

The principle of developing the site for residential dwellings has been well-established in the approval of the original application (ref. 17/0246) and in the approval of previous applications for residential development at the site (refs. 15/1253 & 12/0318). Furthermore, the original application is currently extant and the fall-back position is that the development could commence and be constructed in accordance with the approved plans up until 26<sup>th</sup> Jul 2022. As such, the extant consent for two dwellings at the site is considered to carry significant weight and, when balanced against the absence of a change in circumstance at the site and lack of objection from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which the development can commence.

In light of this, it is considered that the principle of the development remains acceptable however, given that the proposal also seeks an amendment to the approved plans, it will also be necessary to consider the impact of the amendments upon highway safety, the character and appearance of the site and surrounding area and upon the amenity and privacy of surrounding residential properties. These issues are considered in greater detail in the subsequent sections below.

### **Access and highway safety**

The proposal has been assessed by the Council's Highways and Transportation team in order to determine whether the proposed amendments would have an adverse impact upon highway safety in the vicinity of the site. The comments received indicate that there has been no significant material change in terms of traffic or the local highway network since the original assessment of planning application ref. 17/0246 and that no significant changes in terms of the Council's SPG: Access, Circulation and Parking. As such, no objection has been raised in this regard.

The Council's SPG: Access, Circulation and Parking indicates that a dwelling with 3 or more bedrooms will require up-to a maximum of 3 off-street car parking spaces. Whilst the concerns raised by residents in relation to the number of spaces provided within the scheme are noted, a total of 6 off-street car parking spaces would be provided within the site (3 per 4 bed dwelling) which accords with the requirements of the SPG.

No amendments are proposed in terms of the access to the site and the site layout is exactly the same as that previously approved. The comments received during the previous application indicated that the development would be served off the turning area at Heol y Deri via a private shared access. It was considered that the private shared access was in accordance with Standard Detail 102 – Private Drive Serving up to 5 Dwellings and was therefore sufficient to serve as a primary means of access to the proposed development. Concern was raised with regards to vehicles emerging onto the turning area, however, it was noted that low traffic speeds and volumes at this location would not be sufficient to warrant a highway objection. A number of conditions were considered necessary and it is recommended that these are carried forward to the current application, should Members be minded to approve the application.



It is noted that residents refer to a previous application at an existing dwelling on Heol y Deri for the conversion of the integral garage to a beauty salon (ref. 18/0430), stating that 'permission was granted for the conversion providing that every one of the 5 people living in the house had an off-road parking space'. Having looked at the response given during that application, it was commented that a total requirement of 5 off-street car parking spaces would be required (2 for the beauty salon and 3 for the existing three-bed residential dwelling) however, given that the salon was to be used by the resident of the dwelling, then the 4 off-street car parking spaces proposed at the site would be acceptable. As with this current application, the off-street car parking requirement was generated from the number of bedrooms contained within the dwelling and the floor area of the proposed beauty salon, not the number of people at the dwelling.

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

The proposal would result in an increase in the overall ridge height of the dwellings from 7.9 metres in height to 8.7 metres in height (0.8 metre difference) and the inclusion of Velux windows within the front roof slope and two windows within the gable end of each of the side elevations. These changes are considered to be relatively minor and would not be significant to warrant an objection in terms of the resulting impact upon the character and appearance of the site or the surrounding area.

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

It is noted that concerns have been raised by residents in relation to the impact of the proposed increase in ridge height and the inclusion of an additional bedroom in each dwelling upon existing residential properties surrounding the site. Whilst these concerns are noted, it is not considered that the changes would have a such a significant impact that it would warrant the refusal of the application.

No. 5 Llanwonno Close (to the north of the site) is situated in an elevated position and benefits from an elongated garden measuring approximately 21 metres in length. It is therefore not considered that the increased ridge height of plot 1 by 0.8 metres would give rise to any significant overbearing impact or significant loss of outlook. It is noted that a window would be incorporated within the gable end of the property which would face towards no. 5 however, taking into account that this window would serve a landing and not a habitable room, it is not considered that the level of overlooking would be detrimental to the privacy currently enjoyed by the residents of no. 5.

Whilst plot 2 would be positioned in an elevated position above Heulwen Deg, it is not considered that the increase in height of the ridge line by 0.8 metres would have a significantly greater impact to that of the previously approved scheme. Similarly, it would also incorporate a landing window within the side gable which would look towards the existing dwelling however, given the non-habitable nature of the room, it is not considered that it would give rise to any significant levels of overlooking.

The Velux windows proposed within the roof slopes would look towards the garden areas of the dwellings rather than towards existing properties and it is therefore not considered that they would impact upon the privacy of the nearest neighbouring properties.

## **Drainage**

Since the approval of the original consent (ref. 17/0246), developments with a development area over 100m<sup>2</sup> are required to comply with Schedule 3 of the Flood and Water Management Act 2010 in that a separate application is required to be made to the Sustainable Drainage Approval Body (SAB) for Sustainable Drainage Systems (SuDs) prior to any development commencing. Whilst a drainage condition was imposed on the previous consent (as recommended by the Council's Flood Risk Management team), it is now considered that the surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and also by Part H of the Building Regulations. It is therefore no longer considered necessary to add the relevant drainage condition to the consent, should Members be minded to approve the application.

## **Other issues raised by objectors**

The objections received in relation to the previous application(s) were fully considered in the determination of each respective application.

Whilst the concern with regards to where builders/construction workers will park their cars is noted, this is not a material planning consideration.

It is noted that the name of the applicant on the current application differs to that of the name on the original application however, it must be noted that planning permission is tied to the land, not the person who originally applied for the permission.

## **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 £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £21,453.39.

## **Conclusion**

Although there has been a change in national planning policy since the approval of the previous consent (ref. 17/0246/10), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Pontypridd which is considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable.

In terms of the proposed amendment to increase the ridge height of the approved dwellings by 0.8 metres in order to provide an additional bedroom within the roof

space, it is not considered that this would result in a significant difference from the originally approved scheme. The dwellings would continue to be acceptable in terms their impact upon the character and appearance of the surrounding area and the amenities and privacy of surrounding neighbours. Furthermore, the proposed access would remain unchanged from the original consent and is considered to be compliant with the relevant design standards for private driveways serving up to 5 dwellings. The number of car parking spaces proposed within the site is also considered comply with the Council's SPG: Access, Circulation and Parking.

**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) hdw/ph/may2.001b rev C (rec. 8<sup>th</sup> December 2021) 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 take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Building operations shall not be commenced until details of the external 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 samples 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. 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 works commencing on site.

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The parking area shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

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

8. Surface water run-off from the proposed parking area, turning area and driveway shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. HGV deliveries during the construction of the development shall be restricted to 09:00am and 16:30pm weekdays, 09:00am 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, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted details, prior to the commencement of development, full details (including external finishes, heights and exact siting) design and structural calculations of any proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety, and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.