

## **PLANNING & DEVELOPMENT COMMITTEE**

**21 JULY 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0492/10 (AM)  
**APPLICANT:** Miss R Green  
**DEVELOPMENT:** Hard standing (retrospective) and dropped down kerb access over public footpath.  
**LOCATION:** 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB  
**DATE REGISTERED:** 21/05/2022  
**ELECTORAL DIVISION:** Porth

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#### **RECOMMENDATION: APPROVE 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 and the impact it has upon the amenity and privacy of the neighbouring residential properties and highway safety in the vicinity.

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

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the retention of a hardstanding and the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.

The vehicle hardstand is located to the front of 36 Aber-Rhondda Road and has been surfaced in permanent materials and enclosed with a timber fence. It is proposed an associated vehicular crossover be provided to the front to allow for access.

#### **SITE APPRAISAL**

The application property is a two-storey, traditional terraced dwelling situated within a residential area of Porth.

The principal elevation of the property faces east towards the adopted highway, from which it is set back by a linear front amenity area measuring approximately 14 meters

in length. An enclosed hardstanding has been created here (the subject of this application).

There are similar examples of hardstandings and dropped kerbs to that proposed within the row at nos. 35 and 40 Aber-Rhondda Road.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and a site notice. 11 Letters of objection and 3 letters of support have been received, which raised the following points (summarised):

### Objections

- A strain and detrimental effect upon on-street parking and availability. Would remove existing on-street parking provision outside of property.
- Detrimental effect on road safety which would affect children, the elderly and people with mobility and health issues as cars would have to cross the footway.
- Increased probability of road traffic accidents.
- Would increase parking in the lane off Aber-Rhondda Road.
- Would set a precedent for more dropped kerbs in the street exacerbating the parking / accessibility issues.

### Supporting

- This would not adversely affect the area or the residents.
- Parking is a problem locally and is not isolated to Aber-Rhondda Road.
- Many households have more than one vehicle and there for off road parking is limited. This would allow for additional off road parking.

## **CONSULTATION**

### Highways and Transportation

No objection is raised subject to conditions in respect of the dropped kerb construction and to prevent surface water discharging onto the public highway.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. It has been reviewed and it is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions

specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Porth.

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

**Policy AW6 – Design and Placemaking:** This policy requires development to involve a high-quality design and to make a positive contribution to placemaking.

Supplementary Planning Guidance

A Design Guide for Householder Development

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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not

considered the policies set out in the document are specifically relevant to this application.

#### Other national policy guidance considered

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 relates to the construction of a vehicle hardstanding and associated dropped kerb at an existing residential dwelling to allow for off-street parking at the property. The principle of development is therefore acceptable subject to the criteria set out below.

#### **Impact on Highway Safety**

The application has been subject to consultation with the Council's Highways and Transportation Section with a view to assessing the potential impacts of the proposal on highway safety.

In their assessment of the scheme Highways and Transportation commented that the driveway and dropped kerb are considered to be acceptable in principle. The retrospective hardstand has been surfaced in permanent materials which is considered acceptable, and they would provide additional off-street parking which reduces on-street parking demand, in the interests of highway and pedestrian safety. It is suggested however that a condition be attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards.

Highways and Transportation also noted that there is some concern that surface water run-off from the proposed may discharge onto the highway however it is considered this can be overcome through a suitable condition, suggested below.

Taking the above into account, while the concerns of the objectors are acknowledged, the proposal is considered to be acceptable in terms of the impact it would have on pedestrian and highway safety in the vicinity of the site, and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

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

Policy AW5 stipulates that the scale, form, and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context.

The proposed hardstanding and dropped kerb would be accessed off Aber-Rhondda Road, where a number of dwellings featuring front amenity areas. The proposed development would form a minor alteration to the front of the site which would not be too dissimilar to other dropped kerb / driveway developments in the immediate vicinity. The development would therefore have a minimal impact upon the street scene as a whole and it is not considered that it would have an adverse impact on the character and appearance of the area.

As such, the proposal is considered acceptable in terms of its siting, scale, design, and overall visual appearance, in accordance with the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance.

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

The proposal would result in the kerb to the front of the site being dropped to facilitate off-street car parking on an existing hard standing. The development would therefore not be capable of causing any overshadowing or detriment to outlook, nor would it raise any concerns with regard to privacy. As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of neighbouring properties.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality, upon the residential amenity of the surrounding neighbouring properties, or upon highway safety. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

**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(s)

- Site location plan
- Hardstand plan

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. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use.

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

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

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.

5. Within a period of four months, the gates in front of the hardstanding, as outlined in the submitted plans, are to be reduced to match the existing brick wall boundary treatment. Thereafter, the scheme shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.