

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
20th OCTOBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
APPLICATION NO: 22/0492/10 – Hard standing (retrospective) and dropped down kerb access over public footpath at 36 Aber-Rhondda Road, Porth, CF39 0BB	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

To approve the application in accordance with the recommendations of the Service Director, Planning.

3. BACKGROUND

This application was originally reported to the 21st July 2022 meeting of the Planning and Development Committee with a recommendation of approval. A copy of the original report is attached at **APPENDIX A**.

In accordance with Minute No 22 (Planning and Development Committee – 21st July 2022), Members were minded to defer determination of the application for a site inspection, which was undertaken on 9th August 2022, to consider the potential impact the proposed development would have upon pedestrian and highway safety in the vicinity of the site. A copy of the site inspection report is attached at **APPENDIX B**.

The application was reported back to the next available meeting of the Planning and Development Committee, 8th September 2022, where Members were minded to refuse the application as they considered it would result in an unacceptable impact on highway and pedestrian safety in the vicinity of the site.

4. PLANNING ASSESSMENT

The considerations in respect of the impact the hardstanding and dropped kerb would have upon highway and pedestrian safety are set out in the original Committee report, however, a brief summary is set out below:

There is concern with regard the lack of on-street parking availability for residents within the street and this proposal would exacerbate this issue further by removing 1/2 spaces. In addition, there is also some concern with the visibility out of the site and the impact it would have upon pedestrians utilising the pavement when vehicles manoeuvre across the vehicular crossover, especially as there are two nearby S-bends on Aber-Rhondda Road and the regular incidence of vehicles travelling beyond the speed limit of 30mph here. However, given there are several examples of similar vehicular crossovers along this section of highway, on balance, the Highways and Transportation raised no objection to the application.

Notwithstanding the lack of a highway objection, the above clearly demonstrates that the development would result in an impact to pedestrian and highway safety in the immediate vicinity, as well as a loss of parking for surrounding neighbours, impacts which raise concern and could be considered significant enough to warrant refusal of the application.

Consequently, the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway and pedestrian safety.

5. CONCLUSION

Whilst the application is recommended for approval, subject to the conditions set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would reflect those views:

- 1. The hard standing and dropped down kerb access over the public footpath would result in the reduction of on-street parking spaces in the vicinity, where there is already little provision and high demand, and the creation of traffic hazards due to a lack of visibility out of the site, to the detriment of pedestrian and highway safety and the free flow of traffic. The proposal is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

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: 22/04/2022
ELECTORAL DIVISION: Porth

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.

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 planning 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 LPD 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 runoff 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.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

9th AUGUST 2022

SITE MEETING

APPLICATION NO: 22/0492/10 HARD STANDING (RETROSPECTIVE) AND DROPPED DOWN KERB ACCESS OVER PUBLIC FOOTPATH, 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Kate Spence, Council Business Unit.

1. PURPOSE OF THE REPORT

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

2. RECOMMENDATION

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development, subject to conditions.

3. BACKGROUND

- 3.1 In accordance with Minute No 22 (Planning and Development Committee – 21st July 2022) a site inspection was undertaken on Tuesday 9th August 2022 to consider the potential impact that the proposed development would have upon highway safety in the vicinity of the site.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S Rees, C Middle, J Smith and R Williams, and Local Member County Borough Councillor S Hickman.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors D Grehan, W Lewis, W Owen, L Tomkinson, and D Williams.
- 3.4 Members met at the front of the property on Aber-Rhondda Road, Porth. The Planning Officer advised Members that full planning permission is sought for the retention of a hardstanding, boundary fencing and gates to the front of the property and for the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.
- 3.5 The Planning Officer advised Members that 11 letters of objection had been received in respect of the application, citing issues of highway safety and removal of on-street parking for surrounding residents, in addition to 3 letters of support.
- 3.6 The Planning Officer advised that the proposed development would not cause an unacceptable level of overshadowing or detriment to outlook for neighbours; and although the proposed development would form a minor alteration to the front of the site, this would not be dissimilar to other dropped kerb / driveway developments in the immediate vicinity.
- 3.7 With respect to the gates in front of the hardstanding, the Planning Officer advised that it was considered their scale and design were not suitable for this prominent location and that should Members be minded to approve the application, it is advised alternatives are sought. As such it was suggested that Condition 5 be amended to read as outlined below:

Within 1 month of the date of this consent, full details of replacement gates to be located across the front of the driveway hereby approved (adjacent to Aber-Rhondda Road), shall be submitted to the Local Planning Authority for approval. The approved gates shall be installed within 3 months of approval, shall open into the site, and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

The Highways Officer raised no objection to the proposed development, advising that the hardstanding and dropped kerb are considered acceptable in principle, subject to conditions being attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards and that no surface water discharges onto the public footway/highway. The Highways Officer confirmed adequate visibility for the vehicular crossover of the

neighbouring property, advising that there had not been any reported issues to date and advised that guidance on the provision of vehicular crossovers was provided on the Council's website, and Manual for Streets. Given that the vehicular crossover satisfied the requirements, including the common law right of owners whose land abuts the highway to have access to and from the highway, no objection was raised. The Highways Officer acknowledged the concerns for limited on-street parking, however, the requirement of a highway is to accommodate free passage, and does not confer any legal rights with regard to parking.

- 3.8 Members queried on-street parking along the distance of the dropped kerb. The Highways Officer advised that enforcement of obstructive parking across a vehicular crossover was a Police matter, and it would be at their discretion whether they permitted residents of No. 36 Aber-Rhondda Road to obstruct their own access.
- 4.0 Members discussed gate access in front of the hardstanding. The Planning Officer advised that gates would be inward-opening, but the requirement of a manual or electric gate could not be enforced.
- 4.1 Members queried the visibility of pedestrians utilising the pavement when manoeuvring across the vehicular crossover. The Highways Officer noted the obligation of drivers to manoeuvre cautiously when merging onto the carriageway, whilst giving way to pedestrians, as per the requirement at all vehicular crossovers.
- 4.2 Members queried the ability to condition the use of the hardstanding. The Planning Officer advised that the use of hardstanding could be limited to the parking of any non-commercial vehicle, although the type of private vehicle could not be controlled.
- 4.3 Members queried the potential damage to drain covers that are situated within the vehicular crossover. The Planning and Highways Officers advised that the design and details of the vehicular crossover would be submitted to, and approved in writing, by the Local Planning Authority, and construction supervised by the highway inspector, thus alleviating any adverse impact on services and adjacent footway.
- 4.5 Local Member, County Borough Councillor S Hickman spoke against the proposed development and shared concern for loss of on-street parking for local residents.
- 4.6 Members queried approval of the neighbouring hardstanding and dropped kerb. The Local Member discussed the retrospective application that was granted full planning permission in 2010, but referenced the reduced demand for on-street parking at that time.

- 4.7 The Local Member further shared concerns for poor visibility for entry and egress onto the hardstanding, with reference to two nearby S-bends of Aber-Rhondda Road, in addition to the regular incidence of vehicles travelling beyond the speed limit of 30mph.
- 4.8 Members queried the impact of the Welsh Government policy initiative to reduce the default speed limit within 30mph zones to 20mph, and the Highway Officer advised that the speed limit of Aber-Rhondda Road would likely decrease to 20mph in line with the Welsh Government initiative next year.
- 4.9 The Chair thanked the Officers for the report and closed the meeting.