

## **PLANNING & DEVELOPMENT COMMITTEE**

**20 July 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1305/10 (RP)  
**APPLICANT:** Mr J Rees  
**DEVELOPMENT:** Formation of hardstanding to rear garden and associated dropped kerb access off Church Road.  
**LOCATION:** 13 CONWAY CRESCENT, TONTEG, PONTYPRIDD, CF38 1HP  
**DATE REGISTERED:** 02/04/2023  
**ELECTORAL DIVISION:** Church Village

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The principle of the proposal is considered to be acceptable, inasmuch as it proposes development within both the curtilage of an existing residential property and the defined settlement boundary of Church Village.

The development would be in keeping with the surrounding land uses and it is not considered that the proposals would adversely affect the character and appearance of the site or the surrounding area. Similarly, it is not considered that the proposals would result in an unacceptable impact upon highway safety, subject to conditions. The application is also considered acceptable in terms of potential impacts upon the levels of amenity enjoyed by neighbouring residents. Consequently, the proposal is recommended for approval.

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

- A request has been received from Councillor Graham Stacey for the matter to come to Committee for the reason that the development would have an adverse effect upon highway safety, with particular concern shown towards vehicular movements to and from the hardstand onto Church Road. In addition, seven letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning consent is sought for the retention of a car parking hardstand, vehicular crossover and associated works at 13 Conway Crescent, Tonteg, Pontypridd.

Previously, and in common with neighbouring properties, the rear boundary of the application site was demarcated by a brick-built boundary wall.

Subsequently, the applicant has removed the section of brick-built wall and has erected block retaining walls to a maximum of 1250mm in height above existing garden levels to facilitate the creation of an area of hardstanding within the rear garden curtilage.

The submitted block plan that accompanies the proposal indicates that the hardstand has been constructed so that it is irregular in plan, measuring a maximum of 5.3m in depth by 5.9m in width.

The plans also denote that the new block walls would be capped and parking area enclosed with close boarded fencing ranging from 1500mm to 1800mm in height, whilst a pedestrian access gate would be formed upon the west facing elevation of the hardstand.

## **SITE APPRAISAL**

The application site consists of a semi-detached house and its associated curtilage that is set within a residential development to the west of Tonteg and south of Church Road. The external finish of the house is mainly of red face brick, however, has been modernised by the addition of a single storey side extension and panels of UPVC and stone cladding

The house occupies a corner plot on the junction of Church Road and Brecon Way and has a south-facing principal elevation which is set back from the highway of Conway Crescent by a garden and driveway to a depth of up to 13.5m.

To the rear of the house the garden extends to a maximum width of approximately 21m and depth of 11.5m.

The property is located in a residential area containing predominantly semi-detached and terraced dwellings along with a number of detached dwellings and bungalows. The nearest of these are located immediately to the west and around 4.4m to the south-east.

## **PLANNING HISTORY**

01/2308	13 Conway Crescent, Tonteg	Proposed garage enlargement and new pitched roof to existing porch and garage.	GTD	17/05/01
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## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. A total of seven letters of objection have been received and raise the following points:

- The boundary walls of the original development were built in unbroken form all the way up to St. Illtyd's Church. Is there a restrictive covenant forbidding such a change to the wall;
- The development is hazardously close to a busy junction, with vehicles constantly going to and from the shopping precinct and others travelling, often speeding, up and down Church Road;
- The parking area lacks depth, so that a car has little room front and rear when parked. At the rear is a dangerous drop, so that the driver is obliged to drive straight into the parking space rather than reverse and this affects the ability to see oncoming traffic. On the drivers side the applicant would be blindly well into Church Road before he had any visibility of traffic as he looked right and this would be dangerous to traffic and to pedestrians on the footpath, including dog walkers, users of prams or wheelchairs and the numerous schoolchildren who walk along this footpath;
- Allowing the development would set a precedent and any hazards will be multiplied;
- The hardstand is at a junction of a distributor road and a residential access road, at a location considered to be unsuitable/unsafe for a highway access;
- The owner is currently parking large vehicles on the hardstand which regularly encroach on the footway, causing frequent obstructions to the highway. Visibility when joining Church Road from Brecon Way is therefore severely hampered;
- The applicant is currently over running an unmodified footway, causing damage and obstruction with uncleared building materials;
- There is risk given the proximity of the development to a T-Junction;
- The development is extremely unsightly and will have a negative effect on the value of my property.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> 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 Church Village but is not allocated for any specific purpose.

**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.

### **Supplementary Planning Guidance**

A Design Guide for Householder Development  
Access, Circulation and Parking Requirements

### **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 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 policy guidance considered:

PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18: Transport;

Manual for Streets

## **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 provision of a car parking hardstand, vehicular crossover and associated works within the curtilage of an existing residential property.

The hardstand would provide off-road car parking space for the property in an area where there are multiple examples of this type of development and, consequently, the development is considered to be compatible with the surrounding land uses. As such, the principle of the development is considered to be acceptable.

However, in accordance with the requirements of Policies AW5 and AW6, proposals for householder development may only be considered acceptable providing no adverse impacts result in terms of highway safety, character or amenity. These matters will be considered in detail in the following sections.

#### **Highway Safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments.

### Access.

The proposed hardstand is located to the rear of the dwelling with vehicular access from Church Road (C103). Church Road is characterised by semi-detached dwellings on the development side and detached dwellings on the opposite side with direct frontal access for both vehicles and pedestrians with no footway provision. To the south and north of the proposal are dwellings and garages with direct frontal access on the development side crossing the existing footway facilities. To the east is the junction of Brecon Way.

The proposal is sufficient in depth to provide off-street car parking for a single domestic car only. There is concern that the applicant has been parking commercial vehicles within the hardstand totally obstructing safe pedestrian movement and impacting on the adjacent sight lines from the junction of Brecon Way. There is potential to restrict the off-street car parking via planning conditions to a domestic vehicle only, which will prevent encroachment onto the public footway and maintain sight lines from the adjacent junction of Brecon Way.

### Traffic Counts

The Council undertook a traffic survey in 2019 which indicates Church Road has an average daily flow of 3400 vehicles per day. In accordance with Manual for Streets, it is recommended that the limit for providing direct access on roads with a 30mph speed restriction is above 10,000 vehicles per day.

Therefore, in accordance with current guidelines, Church Road, with a speed limit of 30mph, is lightly trafficked.

### Accident Data

There are no reported accidents in the vicinity of the site along Church Road as a result of vehicles reversing to and from driveways / parking spaces.

### Highways Summary

There is concern that the applicant has been using the hardstanding to park commercial vehicles, thereby impacting on the free flow of pedestrian movement and impacting on sight lines from the adjacent junction of Brecon Way to the detriment of safety of all highway users.

The Council's Transportation section have suggested this concern can be mitigated by the imposition of the below suggested planning condition, restricting the use of the hardstand to that of a domestic vehicle only:

*“The proposed hardstanding shall be used for a domestic vehicle only with no encroachment permitted within the public highway.*

*Reason: In the interests of highway and pedestrian safety, for the avoidance of doubt to the permission granted and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan”.*

However, Members are advised that, in accordance with Welsh Government Circular 016/2014 in respect to the Use of Planning Conditions for Development Management, the condition would fail to meet with the necessity and enforceability tests and therefore, it is recommended that the suggested condition should not be applied to any consent.

Paragraph 3.6 of the Circular states that planning conditions should not duplicate controls under other legislation unless there is a planning reason for doing so. In this case, Members are advised that the provisions set out within the Highway Act (1980) relating to the free passage of traffic would allow for action to be taken against the developer by the Local Highway Authority should a wilful obstruction to the highway be caused or continue to be caused.

Further to the above, Paragraph 3.22 of the Circular states that sometimes a planning condition will be unenforceable because it is, in practice, impossible to detect or prove a contravention

Notwithstanding the above highways assessment and the enforceability and necessity of the suggested condition, the Council’s Transportation section have concluded that after taking into account the local context, where there are a number of driveways opposite the application site which result in reversing movements to and from Church Road, with further direct access points on the development side to the north and south with no reported accidents, slow traffic speeds of 30mph, limited vehicular traffic of an average daily total of 3400 and the limited use of the hardstand to potentially 2-4 movements per day, on balance the proposed is deemed acceptable.

Consequently, the application would be in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on the visual amenity of the area**

The application site is prominent, being positioned upon the junction of Conway Crescent with Brecon Way and in this respect, the works that have been conducted are legible.

However, it is considered the development itself is very modest in comparison to the size of what is a large corner plot and therefore, has not resulted in overdevelopment. Furthermore, given the multiple other developments that can be seen along Church Road, where off street parking provisions, associated vehicular crossovers and private

driveways have been developed across its length on both sides of the carriageway, it is not considered that the addition of a further arrangement would be incongruous.

Consequently, it is not considered that the proposal would significantly alter the existing character and appearance of the application site to a degree that warrants refusal of the application and, as such, would not be of any further detriment to the street scene. The application is therefore considered acceptable in this regard and is in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity**

The development consists of lowering the kerb to the rear of the site (at Church Road) to allow vehicular access to an existing residential curtilage where a hardstanding has been formed to allow for the parking of vehicles.

It is not considered that the living conditions of the closest neighbouring occupants would be severely harmed as a result of the development of the hardstand or the retaining walls that have been constructed to support it, given the position of the development in relation to neighbouring property boundaries.

For similar reasons, it is considered unlikely that the enclosure of the hardstand with the close boarded timber fencing proposed would cause significant shading or overbearing impacts towards neighbouring occupants, neither would the development likely have a negative impact upon outlook as the area of hardstanding has not been sited or extended within sufficient proximity to any of their habitable room windows or garden space. Lastly, as a non-habitable form of development, the works would not cause detriment to the privacy of other residents.

Consequently, the development is considered to be acceptable in terms of the impact it has on the residential amenity and privacy of surrounding properties and is in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Neighbour Consultation Responses**

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

The objectors contend that the development is unsightly and it is acknowledged the demolition of the boundary wall for access has resulted in the loss of streetscene uniformity where boundary walls of red brick construction generally enclose the rear amenity spaces of properties that back onto this section of Church Road.

However, it is noted that the developer, prior to carrying out the development, had already removed the upper section of the brick wall that bound his rear curtilage and subsequently capped it with hit and miss fencing. Furthermore, and as alluded to in



the preceding sections of this report, there are multiples of examples of off-street parking arrangements located across the length of Church Road such that the impact of the development upon the visual qualities of the area would not be significant. Therefore, there are no sustainable planning reasons to warrant refusal of the application in terms of character.

With regard to the objectors point in respect of covenants, the Local Planning Authority is not aware of any restrictions that would prevent the development from taking place and in any event, this would not preclude the Council from issuing a decision notice for the proposal as it has no involvement in checking or enforcing private rights or any legal impediments that may exist.

Lastly, any de-valuation of neighbouring properties that may occur as a result of the development is not a material planning matter that can be given consideration in the determination of this planning application.

### **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**

The principle of the development is considered to be acceptable, inasmuch as it proposes development within both the curtilage of an existing residential property and the defined settlement boundary of Church Village.

For the reasons set out above, it is not considered that the proposals would adversely affect the character and appearance of the site and surrounding area. Similarly, it is not considered that the proposals would result in an unacceptable impact upon highway safety, subject to conditions. The application is also considered acceptable in terms of potential impacts upon the levels of amenity enjoyed by neighbouring residents. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plans:
  - Drawing no. 23/01 (Site Plan and Block Plan (1:500 scale))
  - Drawing no.23/02 (Block Plan (1:200 scale), Existing and Proposed Elevations)

and documents received by the Local Planning Authority on 07/11/2022 and 02/04/2023, 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.

2. Notwithstanding the submitted plans, within 6 weeks of the date of this consent a scheme for the provision of a vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed with the agreed details within 3 months of the date of this consent.

Reason: To ensure the adequacy of the proposed development and in the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system.

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.