

PLANNING & DEVELOPMENT COMMITTEE

12 SEPTEMBER 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0245/10 (HB)
APPLICANT: Mr D Morgan
DEVELOPMENT: Vehicle crossover and dropped kerb to the highway

LOCATION: 3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW
DATE REGISTERED: 14/05/2024
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT

REASONS: It is not considered the proposal would have a significant impact upon the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties, or upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

REASON APPLICATION REPORTED TO COMMITTEE

Three letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for a dropped kerb and vehicle crossover to provide vehicular access to a proposed area of hardstanding within the property's front garden area for the parking of domestic vehicles.

The vehicle crossover would be required to cross a grass verge and two pedestrian footways to the front of the site to allow access, extending 9.4m from the existing boundary wall to the public highway, and having a minimum width of 3m. Additionally, to accommodate the parking area, the front curtilage boundary wall would be removed.

SITE APPRAISAL

The application site forms an area of grass verge including two public footpaths to the front of 3 Bronhaul, at the junction of Bronhaul and Heol Johnson. The house curtilage is almost rectangular and linear in shape, with a side (eastern) and rear (north-

western) amenity area surrounding the dwellinghouse extending approximately 13m to the rear and 7.5m in width with a rear access lane providing existing parking provision. The property itself is a two-storey, semi-detached dwellinghouse attached upon its western elevation. The front amenity space consists of a lawn, pathway and front wall boundary treatment and extends approximately 10.7m from the front elevation with a slight increase in ground level towards the curtilage boundary.

The dwellings off Bronhaul and Heol Johnson are similar in character, appearance, and scale, all having seemingly been built as one larger development, and many with examples of similar vehicle crossovers and off-road parking areas to that proposed.

PLANNING HISTORY

23/0474/10: Double storey rear extension and downsizing of front and rear windows.
Decision: 30/05/2023, Granted.

21/0554/10: Proposed single storey front extension and off-road parking including new vehicle access (Resubmission of 20/1448/10).
Decision: 08/07/2021, Refused.

20/1448/10: Proposed single storey front extension and off-road parking including new vehicle access.
Decision: 01/03/2021, Refused. Dismissed at Appeal, 30/06/2021.

20/0059/10: Retention of outbuilding at rear of property.
Decision: 18/03/2020, Granted.

PUBLICITY

The application has been advertised by means of direct neighbour notification. 3 letters of objection have been received. In summary the objections are as follows:

- Health concerns from pollution (emissions).
- Concern regarding the impact to the adjacent tree and lamppost.
- Highway safety concerns with regards to the position of the dropped kerb near a junction.
- Loss and damage to public green space due to the requirement of the driveway crossing a grass verge and two pedestrian footpaths.

CONSULTATION

Highways and Transportation: No objection, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and 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, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within a settlement boundary for Talbot Green and 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 placemaking, including landscaping.

Supplementary Planning Guidance

Design and Placemaking
A Design Guide for Householders
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 12 (PPW) was issued on 8th February 2024 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.

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

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 seeks consent for a dropped kerb, vehicle crossover access and associated works at an existing residential dwelling to improve living conditions for residents. The principle of development is therefore acceptable subject to the proposals meeting the criteria set out below.

Impact on the character and appearance of the area

The application is considered to be acceptable in terms of its scale, design and overall visual appearance for the following reasons. The proposal will undoubtedly impact the appearance of the area by removing the existing boundary wall to the front elevation and providing vehicular access across the pavement and grass verge. Whilst this is noted, there are several examples of broken front boundary walls and similar vehicle parking provision within the street-scene. Furthermore, the vehicle cross-over and access to the dwelling would follow the prevailing ground levels and is therefore not considered to be a significant alteration.

Therefore, it is not considered the works would detract from the character and appearance of the area and would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in visual terms.

Impact on residential amenity and privacy

Due to the type of development proposed and existing use of the front amenity space there are no concerns regarding overshadowing, overbearing or loss of privacy. It is also considered that a vehicle crossover from Bronhaul to the front curtilage boundary would not result in any unacceptable amenity impact to any neighbouring residents. As such, the application is compliant with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in amenity terms.

Highway Safety

Public comments have been received raising concern over highway safety, namely due to the siting of the dropped kerb near a junction. However, following consultation the Council's Highways and Transportation Section advised that while there is some concern regarding the proximity to the junction, no objection is raised for the following reasons. There would generally be very slow speed of vehicles, sufficient space for vehicles to turn to allow access and egress in forward gear, as well as open vision for highway users. Therefore, subject to conditions regarding the parking area materials, surface water run-off and vehicle crossover, the application is considered acceptable from a highway safety context. Whilst the conditions are noted, surface water run-off is considered to be sufficiently covered through alternate legislation and an advisory note would suffice.

Impact on Green Infrastructure

PPW (Edition 12) and Future Wales 2040 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. The proposal raises no significant concerns in this regard given the existing context and minor scale of the development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The LPA have a duty to act towards securing the maintenance and enhancement of the above-mentioned features and to mitigate against the effects of climate change, however, in this case there would be no significant adverse impact and there remains sufficient scope for the applicant to make improvements in this regard.

Other Matters

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

Pollution: Comments were received raising concerns over pollution (noise and air). It is not considered the provision of a very small domestic driveway would increase the level of pollution within the vicinity.

Dropped kerb width: Comments were received raising concerns over the width of the dropped kerb. Whilst these are noted, applicants are not required to apply for a

specific width dropped kerb and following an assessment, the Highways and Transportation have no concerns in this respect (as detailed above).

Loss of green and public space, and impact upon adjacent infrastructure: Comments have been received raising concern over the loss of public space and potential impact to an adjacent mature tree and lamppost. Whilst these comments are noted, the tree and lamppost are outside of the red line boundary and the applicant has indicated they will not be impacted in any way. The applicant also has a common law right for access from land which adjoins a highway and the pedestrian footway will continue to be available for public use as it would at any other vehicle crossover / dropped kerb at other residential driveway in the County Borough.

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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the impact it would have upon the character and appearance of the application property and surrounding area, the amenity and privacy of existing neighbouring properties, and highway safety.

RECOMMENDATION: Grant subject to 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 permitted shall be carried out in accordance with the approved plans and documents received on 14/05/2024 and 23/05/2024 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Amended Site Plan (received 14th May 2024)
- Standard detail drawing No 111

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

3. The parking area shall be constructed as indicated on submitted drawing Amended Site Plan (received 14th May 2024) in permanent materials and retained for the purposes of parking and turning of vehicles only.

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.

4. Prior to the development being brought into beneficial use, a vehicular footway/verge crossing shall be provided in accordance with the submitted standard detail drawing No 111.

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