

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT
1 February 2016

HISTORY

None.

DEVELOPMENT PLAN

Within the settlement limits of Penrycae. Polices PS1, PS2, GDP1, H2 and T8 apply.

CONSULTATIONS

Community Council:	Consulted 20.11.15
Local Member(s):	Notified 20.11.15 Re-notified 14.1.15
Welsh Water:	No objections subject to appropriate drainage scheme.
Natural Resources Wales:	Standard advice applies.
Public Protection:	No objections subject to controls regarding noise during construction period. Standard conditions and notes.
Highways:	The site is located on classified highway subject to a 20 mph speed limit. There is an existing access into the site which provides substandard visibility onto the highway. The existing access can be improved by reducing the height of the existing highway boundary. Adequate parking and turning is proposed. No objections raised subject to conditions.
Site Notice:	Expired 16.12.15
Other Representations:	5 neighbours notified, and one letter received (No. 55 Groesfan), raising the following: • The dwelling will cause overlooking and loss of privacy. • Rear access could be made onto a narrow access road at the rear.

One oral response made regarding an existing right of way at 5 Chapel Street if this is removed.

Neighbour at rear was re-notified regarding amended plans, and there are still concerns in connection with overlooking towards own property because the cill height of skylights are only 1.3m above the floor level, and these windows will not just give light into the proposed loft room. No objection is raised in principle, but seeking to protect own privacy.

SPECIAL CONSIDERATIONS

Details: The site is a disused area of land between two existing residential properties. I am informed that the area was used by the occupants of 6 Chapel Street (the other semi-detached house next to No. 5 Chapel Street) as a parking and yard area; and up until recently there was a single storey building located along the rear boundary of the site. The use of the land is not confirmed by any established use certificate, but the building was possibly used as a workshop.

I also am informed that the site currently provides an independent (cart) access to the rear garden area 5 Chapel Street, and retention of this right of way has partly influenced the design and layout of the site. It appears that a right of way is secured, and private rights of way are not matters to be controlled through the planning application – unless this alters the layout and design of the development.

Design and Appearance: The proposal will fill a gap within a well built up frontage at this location within Pen y cae.

The plans have been amended to alter the appearance of the dwelling, so that this is more consistent with the established character of Chapel Street – incorporating a bay window (ground floor) and vertical emphasis for the elevations. Although the proposal has not incorporated an entrance door on the front elevation, it is noted that the driveway area at the side must be retained as an access route for occupants at No.5 Chapel Street, and this arrangement is not a significant design issue, and the entrance is easily seen from the road. Subject to controls regarding materials, the appearance will be acceptable.

These amendments have also enabled the rear elevation to be less imposing, and it has been moved further from the rear boundary. Issues of privacy will be examined below.

Loss of privacy / overlooking: The amended plan has made significant improvements to amenity separation between the development and the properties at the rear (within the area called Groesfan).

The opposing distance is between 19 to 21m from new first floor windows, and the ground floor windows which will be closer faces an existing boundary wall. The new plot is located to the north of adjacent properties and therefore this position will not result in any loss of light issues. The resulting amenity separation distance is also consistent with established amenity distances between the rear of properties in Chapel Street and those properties located at a lower level behind this frontage development.

Whilst it is noted that there will be skylight windows within the new rear elevation of the proposed dwelling, and that the cill heights of the skylights are

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lower than those required to protect visibility if the opposing properties were located with the same finished ground levels; in this instance the slightly higher position of the new dwelling will make it difficult for occupiers to look down towards the neighbours garden. The relationship will be no worse than that found at Ty Salem, which is immediately next door. The privacy issue will only be made marginally worse than currently the case.

It will be, however, important to remove any permitted development rights for any rear extensions or other structures within the rear garden area of the new dwelling because the garden is not very large. However I have no objections to the erection of a small shed within one corner of the garden, and this is shown on the submitted plans.

Parking: Initially there was some concern that the development may lead to the loss of parking for occupants of No. 5 Chapel Street. It has been confirmed that this is not the case, and the previous owner of the site has no requirement because separate off site parking provision has been made with the curtilage of No. 6 Chapel Street.

The scheme provides adequate parking and turning for the house, and visibility at the existing access can be improved to ensure that the highway safety is not compromised. Highway raises no objection subject to conditions.

A neighbour had concerns regarding the formation of an access onto the road at the rear of the site. This is not shown as part of the proposals, and this is unlikely to be a requirement in the future given the configuration of the development. As a result I do not believe that this matter should be made conditional as part of the decision.

CONCLUSION

The development provides a suitable infill development within an existing settlement, and existing amenities are adequately protected.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 15-03-02B, 03B, 04B, 05A, 06B, 07B, 08A, 09B, 010A, 11A, 12A, 13A, 14A and 15A and contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. Other than the shed as shown on the approved plans (providing this shed does not exceed a height of 2.5m above ground level), and

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notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, D and E of Schedule 2 Part(s) 1, other than the development hereby granted permission.

5. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

6. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

7. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.

8. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 15-03-02B shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

9. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

10. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

11. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

12. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To ensure that the development fully complies with the appropriate policies and standards.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

4. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development

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as described in the condition is carried out without the permission of the Local Planning Authority.

5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. In the interests of highway safety.
10. To protect the amenities of the occupiers of nearby properties.
11. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
12. To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 10 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

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To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

You are advised that the elevation facing Chapel Street is regarded as the principal elevation in relation to 'permitted development' rights for the Town and Country Planning (General Permitted Development) Order 1995 as amended.
