

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
15 MAY 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
APPLICATION N0: 13/0974) - CONSTRUCTION OF A DETACHED HOUSE, VACANT LAND OFF DYNEA ROAD, RHYDYFELIN	

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 20th March 2014 with a recommendation of approval. A copy of that report is attached at **APPENDIX A**. At that meeting Members deferred determination for a site visit. This took place on 31st March 2014. The application was reported back to Development Control Committee on 17th April 2014 (copy of report attached as **APPENDIX B**) and as Members were minded to refuse the application contrary to the recommendation of the Service Director, Planning as they considered that the proposal would constitute an overbearing and incongruous format of development, have a detrimental effect on neighbouring residents and further exacerbate existing flooding and drainage problems in the area, the matter be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (Minute No.299 refers).

With regard Members concerns about flooding and drainage no objection has been raised to this proposal by the Land Reclamation and Engineering Section. The objections raised by surrounding residents, with regard existing groundwater issues are noted, however

the information supplied in the application (as detailed in the original report in **APPENDIX A**) has overcome the previous objection and refusal reason for the previous application raised by the Land Reclamation and Engineering Section (Reference 12/1015).

With regard to the overbearing and the incongruous nature issue raised by Members; the development would be relatively unrelated to the surrounding settlement pattern and on a steep slope above properties on Dynea Close. Notwithstanding this, the proposed dwelling is essentially similar to that refused in applications 11/1040 and 12/1015. However the issue of the overbearing and incongruous visual impact of the proposed dwelling did not feature as a reason for refusal in those cases.

If Members are however minded to refuse the application; the refusal reasons below are suggested.

REASON

1. In the opinion of the Council the development will exacerbate existing water run-off and localised flooding problems in the area. As such the proposal is considered contrary to Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed dwelling by reason of its siting and design would constitute an incongruous form of development which would result in an adverse visual impact on the character and appearance of the area. As such the proposal is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
3. The proposed dwelling by reason of its siting would result in a detrimental impact on the amenity of nearby residents, by reason of overbearing. As such the proposal is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 13/0974/10 (GW)
APPLICANT: Mr C Monks
DEVELOPMENT: Construction of a detached house.
LOCATION: VACANT LAND OFF DYNEA ROAD, RHYDYFELIN, PONTYPRIDD.
DATE REGISTERED: 26/09/2013
ELECTORAL DIVISION: Rhydyfelin Central

RECOMMENDATION: Grant

REASONS:

The application proposal is for residential development of vacant land within the settlement boundary of Rhydyfelin. Although previous proposals have been refused on this occasion sufficient information has been provided to overcome previous concerns with regard existing water run-off and localised flooding problems in the area.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single split-level dwelling on land off Dynea Lane and opposite the junction with Heol y Bryn. This is a resubmitted application following the refusal of a similar application in March 2013 (Reference 12/1015). This application was refused as there was inadequate information provided to assess whether the development would exacerbate existing water run-off and localised flooding problems in the area.

This application mainly differs in that it would have four bedrooms instead of three. However the dwelling itself would be in the same siting, of the same size and the same design (with some minor changes) as previously proposed. In addition amended drainage details have been submitted to attempt to overcome the previous refusal reason.

The dwelling would have the appearance of a bungalow from Dynea Lane, but two stories are proposed on its south-west elevation. The lower level contains bedrooms and a bathroom, and the living space is proposed on the upper floor. Two additional windows would be provided on the rear elevation at the lower floor level to the service the extra bedroom and en-suite. Off-street parking is proposed adjacent to the dwelling. A terrace is proposed on the south-western side of the building with spiral steps leading down to a patio and garden area.

The proposed dwelling has an irregular shape to respond to the constraints of the site. It measures 12.5m in width at the widest point and has a maximum

depth of 11m. The dwelling is 4.5m in total height on the front elevation and 7.2m in total height on the rear elevation.

In terms of the drainage, surface water run off from the dwelling and hard surfaces would go to a storm water culvert to the west of the site (instead of to a rainwater harvester as originally proposed). An existing highways drain (not previously detailed in application 12/1015) would be removed and replaced by a new highway drain. This would be relayed to miss the proposed house and link to the storm water culvert. This proposal details, the flow to the culvert, would be attenuated with a flow control device to 5 litres per second. This is further expanded upon in the Design and Access Statement summarised below. An intercept channel is proposed across the vehicle entrance with Dynea Lane and drainage from it would connect directly to the storm water culvert. A land drain is detailed at the base of the front retaining structure of the dwelling and connecting to the surface water drains and storm water culvert. More areas of impermeable land are proposed than previously (including house and drive and parking area) connecting to the surface water drainage system.

In addition the following additional information has been submitted:

- Design and Access Statement (As amended)

This details a new drainage scheme to alleviate flooding and capacity problems on the estate have been implemented (since the previous refusal). A connection to pick up ground water from the site, together with discharge from the existing highway drain crossing the site has been designed in and installed. They have been advised investigations to locate the outfall of the highways drain during installation revealed that it was blocked and no water travelling through the pipe. They contest this probably caused the problems experienced by Dynea Close residents with water escaping from this pipe at some point and discharging in their rear yards. The diversion and renewal of this pipe, as part of the development, can only improve this problem.

- Surface water storage report from GWP property services (As amended).

This details surface water attenuation will be required to comply with the maximum discharge rate of 5 litres per second.

The impermeable area would equate to 232 sq mts.

SITE APPRAISAL

The site is vacant and is located between the rear of houses in Dynea Close and Dynea Lane. It is an irregular shape and is approximately 40 metres x 15 metres in size. The site slopes steeply down to the south-west, down towards dwellings in Dynea Close. There are a number of trees on the site, particularly around the boundaries.

PLANNING HISTORY

12/1015	Vacant land off Dynea Close	Construction of 1 no. split level house.	Refused 27/03/13
11/1040	Vacant land off Dynea Close	Construction of 1 no. detached house	Refused 16/02/12
07/0906	Vacant land off Dynea Close	New detached house.	Refused 31/07/07
			Appeal dismissed 24/04/08
05/1141	Vacant land off Dynea Close	Proposed erection of two storey dwelling and attached garage	Refused 20/01/06
03/1739	Vacant land off Dynea Close	Proposed detached house and garage	Refused 02/04/03

PUBLICITY

The application was advertised via neighbour notification letters and site notices. Objections were received from 5 households and a petition signed by a 100 people. The concerns raised are as follows:

- Concern regarding the flow of water from the hillside, and that the proposed dwelling could make the existing situation with water run-off worse for residents in Dynea Close;
- Concerned about surface water connecting to existing drain and being blocked up;
- Concerned if the flood barrier is to be removed (along the existing site boundary with Dynea Lane) there would be more water flowing and flooding into Dynea Close;
- Concern regarding where the proposed overflow pipe from the rainwater harvesting will discharge;
- Concern regarding the potential foul sewer connection, and the impact of the proposed pumping to the sewer;
- Concern regarding possible landslip due to disturbing the ground from building on the site;
- Lack of information with regard retaining wall;
- Loss of privacy to neighbouring properties;
- The proposed dwelling would be overbearing on neighbouring dwellings;
- The dwelling would be incongruous and out of character with the area,
- Loss of daylight to neighbouring properties;
- Concern for wildlife on the site.
- Boundary wall at 32 Dynea Close is incorrectly shown on the plans.

Following an amended plan and drainage details being submitted the application was re-advertised. Four further letters of objection (3 from the original objectors) have been received.

The points with regard surface water draining to the properties and damaging retaining walls and loss of privacy issues detailed above were reiterated and the following new issues raised:

- It would result in highway safety issues as the lane to the site is narrow and dangerous.
- The plan indicates foul water would be pumped to a sewer in Dynea Lane. There are doubts about permission to do this and this has recently overflowed causing foul water to gather on Dynea Lane. If the flood barrier is removed this would cascade into the properties below in Dynea Close.
- An area has now been shaded on the plan which was not their previously which is confusing and misleading.
- The proposal would affect our view from our balcony
- It would look into our property on the opposite side of Dynea Lane

CONSULTATION

Countryside, Landscape and Ecology – there are some large trees on site, which have bat potential. A tree and bat survey should be submitted.

Dwr Cymru/Welsh Water – no objection subject to drainage conditions

Land Reclamation and Drainage – no objection. The amended plan, drainage statement and calculations are acceptable. As such the development would have no adverse impact on flood risk issues in the immediate area.

Public Health and Protection - no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust and waste.

Structural Engineer - a ground investigation report and a design of all retaining walls on the site is advised.

Transportation Section – no objection subject to conditions requiring the site boundary to be set back to incorporate a 1.2m wide footway, parking area to be constructed in permanent materials, surface water run-off not to discharge on to the public highway and a traffic management and wheel washing facility to be provided on site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is situated inside the defined settlement boundary and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 – supports new housing inside the settlement boundaries and allocated sites.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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.

Policy AW8 – sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA13 - promotes development within settlement boundaries.

Supplementary Planning Guidance Access, Circulation & 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 Chapter Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

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 site is located inside the defined settlement limits and policies in the adopted Local Development Plan support residential development in such locations. Therefore the principle of residential development is acceptable, subject to material planning considerations that are assessed below.

It is noted the previous refusal reason (12/1015) was only on a lack of information with regard flooding and drainage issues. Whilst this would be the main consideration in this application, the proposal includes some minor alterations in terms of the dwelling and each consideration will therefore be looked at:

Impact on the character and appearance of the area

This proposal would result in a dwelling sited in the same location and the removal of much of the soft landscaping on the site as previously proposed. The change in this application from the previous refusal (i.e. the insertion of some windows) does not significantly change the proposal. Whilst there are some concerns with the overall design of the dwelling and the impact of a dwelling in this location a refusal reason was not previously (12/1015) added on this issue. Therefore it is considered a refusal cannot be justified on this scheme for reason of impact on the character and appearance of the area.

Impact on residential amenity and privacy

Again, the change in this application from the previous refusal (i.e. the insertion of some windows) does not significantly change the proposal. Whilst there are some concerns with the distance between the site and the rear of properties on Dynea Close and potential for overlooking the new windows would not look directly towards them and would be approximately 22.5m from the nearest dwelling. It is also noted an area detailed as being owned by the applicant (but not within the application site) is located between the site and the rear gardens of Dynea Close. This contains some landscaping, which could be improved to help screen views to the dwellings on Dynea Close. Details of this could be obtained by a suitably worded condition if permission were to be granted.

Further concerns about amenity issues have been raised from the occupiers of the property on Heol y Bryn, which is directly opposite the front of the site. This property is at a raised level compared to the proposed dwelling and it

would be a sufficient distance away so as not to result in a detrimental impact. One issue relates to views from this property being affected by the development. Due to the level difference between the two, this should not be a significant issue and Members are also advised that the loss of a 'private view' is not a material planning consideration.

Therefore it is considered a refusal reason on this issue cannot be sustained.

Impact on Ecology

There would be no significantly different impact from this proposal to the previous refusal which was approximately only 12 months ago (March 2013). There are some relatively mature trees on the site that would be removed and could potentially be a habitat for protected species. Notwithstanding this the issue was dismissed in the previous refusal (12/1015) and at an appeal for another earlier refusal (07/0906). Therefore it is considered a refusal reason based on this issue would not be reasonable.

Flooding and drainage

The previous application was refused solely on this issue as insufficient information had been provided at that time. Members are advised a number of objections have been raised as a result of the public consultation exercise, mainly from the residents of Dynea Close. These are supported by photographs and comments highlighting the residents consider this proposal would result in further flooding and drainage issues. Their objections also highlight the issues are existing and that their properties on Dynea Close suffer from drainage and ground water issues. It is also noted the rear garden areas of these properties are cut into the hillside (below the application site) with retaining structures behind. It could be argued that this and potentially inadequate drainage behind the existing retaining walls could be the cause of some of the current drainage issues. Notwithstanding this, the residents concerns with regard any further impact as a result of the proposal are noted.

The proposal would result in the site having an impermeable area including the house, drive and parking areas with surface water draining directly to the adjacent storm water culvert. It would also include formal land drainage for the proposed retaining structures to collect groundwater and a surface water intercept, across the vehicle entrance, which would also drain to the storm culvert. Therefore the proposal would provide a positively drained system to the adjacent culvert at an attenuated discharge rate, previously agreed with the Local Authority. The Council's Land Reclamation and Engineering Section do not object and consider the submitted drainage details acceptable and that there would be no adverse impact on flood risk in the immediate area. Members are therefore advised that, surface water from the proposed development, would not exacerbate the issues currently experienced by the residents of Dynea Close.

Further concerns have been raised from the objectors that there is potential for the construction works to impact on ground water courses/springs and

resulting in flooding issues. The Council's Land Reclamation and Engineering Section has advised a condition requiring a Method Statement prior to works starting detailing how the developer would deal with any groundwater issues during construction. Details of this can be obtained by a suitably worded condition if permission were to be granted.

There are also concerns raised from the public consultation exercise about the removal of a bund, which is adjacent to Dynea Lane (see presentation photographs). This would be removed if the developer had to provide the 1.2m footway requested by the Transportation Section. Members are advised Land Reclamation and Engineering Section comment that they have no concerns regarding the surface water risk of this. The kerb line would perform the same mitigation as the current situation and the 'fall' back towards the highway (within the pavement) would direct surface water run-off away from the development site. Members are further advised the plans detail a new bund could be created behind the pavement. The objector has further detailed that recently foul sewerage from a blocked drain on Dynea Lane became mixed with surface water on the road and could be an additional risk to residents. Whilst this situation is regrettable and not welcomed, the issue of blocked drains is one of maintenance by the relevant statutory bodies and taking into account the comments of Land Reclamation this should not be a significant issue in the consideration of this application.

Finally the issue of land slip has been raised due to the ground water issues and the slope of the site. Whilst it is a sloping site no objection has been raised by the Council's Structural engineer. He has however requested a condition requiring details of a site investigation and retaining structures prior to commencement of development. Therefore it is considered this issue could be acceptably dealt with.

In summing up, whilst the concerns of the residents are noted, the proposal would result in a positively drained site i.e. taking surface water and ground water away that could potentially had an impact on the properties of Dynea Close. Whilst it is acknowledged this may not resolve entirely the existing drainage problems for the residents of Dynea Close; it can be argued that the proposal would not exacerbate the situation. The information submitted has also satisfied the Land Reclamation and Engineering Section and they do not now raise any objections. As such, it is considered that sufficient information has been submitted to overcome the previous refusal reason.

Access and Parking

The access and parking would not change from the previous refusal and was not raised as an issue. Whilst Dynea Lane is relatively narrow in sections it is currently used by a number of dwellings and no objection has been raised from the Transportation Section. Therefore it is considered access and parking would be acceptable.

OTHER ISSUES

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues if permission were to be granted.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, the impact on the character and appearance of the area, the impact on residential amenity and privacy, the impact on ecology, flooding and drainage and access and parking (Policies AW1 AW2, AW5, AW6, AW8, AW10 and SSA13).

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 and 93 of the Town and Country Planning Act 1990.

2. Building operations shall not be commenced until a sample of the roof coverings and brick proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to occupation of the dwelling hereby approved. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to any development taking place details of site clearance (including a time table of works) shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter any clearance shall take place in accordance with the agreed details and timetable.

Reason: In the interest of the protection of nesting birds in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No works shall commence on site, until details and design calculations, of any retaining walls proposed have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in

accordance with the approved details.

Reason: In the interests of safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The dwelling hereby approved shall not be occupied until the surface water drainage works have been completed in accordance with plan number ST/973/01D received on 30th January 2014 and requirements detailed in the Surface Water Storage report received on 6th January 2014.

Reason: To ensure adequate disposal of surface water drainage in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until foul drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The site boundary fronting Dynea Road shall be set back and a 1.2 metres wide footway shall be laid out as shown on Drawing No. ST/973/01 Rev. D and constructed in accordance with the submitted details Drawing No. 110. The approved details shall be implemented prior to beneficial occupation of the dwelling hereby permitted.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. A vehicular safety barrier shall be provided along the frontage as shown on Drawing No. ST/973/01 Rev. D and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted plans, the existing flood defence measure fronting the site onto Dynea Road shall be relocated to the rear of the proposed footway in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation.

Reason: To prevent surface water highway drainage from discharging into

the proposed development site, in the interests of public safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Full engineering design and details of the highway drain to be diverted within the site curtilage including cross sections, depth of drain and slope stabilising mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that adequate highway drainage is provided, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. The creation of a vehicular crossover shall be in accordance with the submitted details Drawing No. 111. The crossover shall be constructed in accordance with the approved details before the development is brought into use.

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

16. The parking area shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

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.

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

18. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

20. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

21. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

22. Construction works on the development shall not take place other than during the following times:

- (i) Monday to Friday 0800 to 1800 hours
- (ii) Saturday 0800 to 1300 hours
- (iii) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR 2013-2014****DEVELOPMENT CONTROL
COMMITTEE****17 APRIL 2014****REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES****Agenda Item No.4(2)****SITE MEETING
APPLICATION NO.13/0974 –
CONSTRUCTION OF A DETACHED
HOUSE – VACANT LAND OFF DYNEA
ROAD, RHYDYFELIN, PONTYPRIDD****Author: Mrs.Z.Maisey, Principal Officer, Committee Services****1. PURPOSE OF THE REPORT**

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 Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

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

3. BACKGROUND

- 3.1 In accordance with Minute No. 206(2) (Development Control Committee, 20 March 2014) a site inspection was undertaken on Monday, 31 March 2014 to consider highways and land drainage issues concerning the proposed development.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Member for Rhydyfelin Central (County Borough Councillor M.Webber).

- 3.3 The application site was inspected and it was noted that it was an irregular shape and sloped steeply down towards the properties in Dynea Close. There were currently trees and vegetation on the site which would have to be removed for the development to proceed.
- 3.4 The Development Control Officer informed Members that full planning permission was being sought for the construction of a single split-level dwelling. The proposed dwelling would have the appearance of a bungalow from Dynea Lane but two-storeys were proposed on its south-west elevation. Off-street parking was proposed adjacent to the dwelling. In terms of the drainage, surface water run-off from the dwelling and hard surfaces would go to a storm water culvert to the west of the site. An existing highways drain would be removed and replaced by a new one.
- 3.5 The Development Control Officer also informed Members that the proposal before them was a re-submitted application following the refusal of a similar application in March 2013 which was refused as there was inadequate information provided to assess whether the development would exacerbate existing water run-off and localised flooding problems in the area. The current application provided sufficient information to overcome previous concerns with regard to existing water run-off and localised flooding problems in the area and was, therefore, recommended for approval subject to conditions.
- 3.6 The Transportation Section had no objection to the proposed development subject to a number of conditions. Members noted that the bund, which was adjacent to Dynea Lane, would need to be removed for the developer to provide the 1.2m footway requested and the Land Reclamation and Engineering Section had no concerns regarding the surface water risk of doing so. The kerb line would perform the same mitigation as the current situation and the "fall" of the footway towards the highway would direct surface water run-off away from the development site. Also, a condition would be imposed to relocate the existing flood defence measure to the rear of the footway as a mitigation measure.
- 3.7 The Land Drainage Officer confirmed no objection to the proposal as the amended plans, drainage statement and calculations submitted by the applicant were considered acceptable. It was not felt that the development would have an adverse impact on flood risk issues in the immediate area.
- 3.8 The Local Member highlighted historical flooding problems in the area and referred to the concerns that had been raised by local residents particularly in Dynea Close regarding development on this site which they feared would exacerbate existing problems in the area. She stated that properties in Dynea Close constantly suffer from drainage and ground

water issues. Rear garden areas were cut into the hillside below the application site with retaining structures behind and residents were concerned that there was potential for the construction works to impact on ground water courses/springs resulting in further flooding issues and landslip.

- 3.9 Members were advised that whilst the concerns of residents had been noted, the proposal would result in a positively drained site as surface water and ground water would be taken away that could potentially have had an impact on the properties in Dynea Close. The information provided by the applicant satisfied the Land Reclamation and Engineering Section and it was considered that sufficient information had been submitted to overcome the previous reason for refusal.
- 3.10 At the request of the Local Member, an inspection was also undertaken of one of the rear gardens in Dynea Close located directly beneath the application site and Members noted the drainage and ground water issues being experienced. The Local Member stated that what Members viewed at the property was typical of the conditions suffered by other residents within the street.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

15 MAY 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0974) -
CONSTRUCTION OF A
DETACHED HOUSE, VACANT
LAND OFF DYNEA ROAD,
RHYDYFELIN**

OFFICER TO CONTACT

**MR G WATKINS
(Tel. No. 01443 494754)**

See Relevant Application File