

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
7 DECEMBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7(5)
<p>APPLICATION NO: 17/0785 - PROPOSED DETACHED TWO STOREY DWELLING INCLUDING A DETACHED GARAGE AND TURNING AREA. (RE-SUBMISSION) (AMENDED SITE LOCATION PLAN AND SUPPORTING INFORMATION RECEIVED 16/08/17), REAR OF 132 BUTE STREET, TREHERBERT, TREORCHY</p>	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

3. BACKGROUND

This application was reported to the 2nd November 2017 Planning and Development Committee meeting with an officer recommendation of refusal. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to approve the application contrary to the officer recommendation. Members were of the view that the highway objection could be overcome by the imposition of a condition to restrict the commencement of development until a Traffic Regulation Order is in place to restrict parking and thereby improve visibility at the junction access with a further condition to ensure street lighting and surfacing of the access lane to facilitate the proposed dwelling (Minute No. 89.1 refers).

As a consequence, it was resolved that the matter should therefore be deferred to the next appropriate meeting of the Planning and Development 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 89.1 refers).

4. PLANNING ASSESSMENT

The officer concerns regarding the potential impact on highway safety in the vicinity of the site are outlined in the original report, however, a brief summary is provided below:

The Council's Transportation Section raise significant concern with regard to the means of access to the property in that it is considered to be sub-standard to serve as a primary means of access for the following reasons:

1. The lane lacks width with a lesser metalled running width to accommodate safe two-way vehicular movement;
2. The lane is acceptable for secondary off-street parking and limited vehicular use only. It is not considered to be satisfactory for a primary use which would require increased vehicular movements by all types of vehicle;
3. There is a lack of suitable junction radii to accommodate the type of vehicle generated by the proposal which is further impacted by the high on-street car parking demand along Bute Street in the vicinity of the junction to the detriment of all highway users;
4. There are no segregated footway facilities meaning pedestrians are forced to share the same surface as moving/reversing motor vehicles to the detriment of safety of all highway users and free flow of traffic.;
5. The lane lacks structural integrity for the type of traffic generated by the proposal and is only metalled for part of its length;
6. Vehicles could be in excess of 11.2 metres which would potentially result in reversing movements to and from Bute Street A4061 with substandard vision due to on-street car parking pressure, lack of street lighting and lack of segregated footway facilities to the detriment of all highway users;
7. A vehicle of 11.2 metres would require both carriageway lanes on Bute Street A4061, which is a strategic route carrying a substantial amount of vehicular traffic, to access the sub-standard lane due to sub-standard junction radii and on-street car parking demand;
8. Large vehicles such as refuse vehicles and large HGV delivery vehicles would be forced to use the full width of the lane;
9. The access is located in the main retail area of Treherbert where there is considerable demand for on-street car parking which results in vehicles parking close to the sub-standard access lane and which unacceptably reduces the available visibility splay;
10. Additional concern is raised that the approval of this application would encourage adjacent land owners to apply for planning permission for residential dwellings which would further exacerbate the highway safety concerns.

Subsequently, whilst the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the surrounding area and upon the residential amenity and privacy of surrounding properties, there are significant concerns with regard to the proposed access to the proposed dwelling in that it is sub-standard for use as a primary access.

As such, it is considered that the proposal would have a detrimental impact on highway safety in the vicinity of the site and the application would therefore be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan. Consequently the application is recommended for refusal.

If however having considered the above advice and after further consideration, Members remain of a mind to grant planning permission, it is suggested that the following conditions of consent would be appropriate:

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 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 16th August 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. 01A: Proposed Elevations and Layouts;
- Drawing no. 01A: Proposed Garage Elevations;
- Drawing no. 02: Site and Block Plan;
- Drawing no. 03A: Proposed Site Layout;
- Drawing no. 04: Proposed Ground Floor;
- Drawing no. 05A: Proposed First Floor;

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

3. No development what so ever shall commence on site until a Traffic Regulation Order (TRO) at the junction of the lane with Bute Street A4061 has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

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

4. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the improvements to access lane including turning area, street lighting and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

5. No lorries visiting the site during the construction phase shall access or leave the site between the hours of 07:30 - 09:00am and 16:00 - 17:30pm on weekdays.

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

6. The use of the garage hereby approved with the dwelling, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users.

7. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been submitted to and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

APPENDIX A

APPLICATION NO: 17/0785/10 (KL)
APPLICANT: Mr Ian McGhee
DEVELOPMENT: Proposed detached two storey dwelling including a detached garage and turning area. (Re-submission) (Amended Site Location Plan and supporting information received 16/08/17).
LOCATION: REAR OF 132 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD
DATE REGISTERED: 16/08/2017
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: Refuse

REASONS:

Whilst the application site is located within the defined settlement boundary, it is located at the rear of the main shopping street in Treherbert (Bute Street) with access via a sub-standard lane which will create increased traffic hazards to the detriment of highway and pedestrian safety. The access lacks an adequate turning area for vehicular turning movements to and from the site and both carriageway lanes on a strategic route (A4061) would be required to access the lane. Furthermore, the access lacks adequate visibility due to on-street car parking pressure.

Whilst it is noted that 3 letters of support have been received in relation to the visual and security benefits of the proposal, it is not considered that these issues would overcome the significant concerns raised by the Council's Transportation Section.

REASON APPLICATION REPORTED TO COMMITTEE

Requests have been received from Councillor Jones and Councillor Davies for the matter to come to Committee for the following reasons;

- To consider the visual impact of the proposed development on the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling on a parcel of land at the rear of no. 132 Bute Street, Treherbert. The application represents the re-submission of a previously refused application (planning ref. 17/0168) for an almost identical scheme.

The proposed dwelling would be sited centrally within the plot with a detached garage and driveway to the south-eastern side. Access would be provided via a privately maintained access lane between no's 131 & 132 Bute Street.

The dwelling would measure 9.8 metres in width by 6.8 metres in depth with a pitched roof design which would measure 7.8 metres in height to the ridge and 5.4 metres to the eaves. Living accommodation would be arranged over two floors, consisting of an entrance hallway, lounge, open-plan kitchen-diner, WC and utility room at ground floor and 4 bedrooms (1 with an en-suite bathroom) and a family bathroom at first floor. Externally, the dwelling would be finished with facing brickwork, reconstituted slate and brown uPVC windows and doors. The site would be enclosed with timber board fencing and wrought iron gates supported by brickwork piers.

The proposed garage would measure 4 metres in width by 6 metres in depth with a pitched roof design which would measure 4.1 metres to the ridge and 2.6 metres to the eaves. It would be externally finished with materials to match the main dwelling. The driveway to the front of the garage would be finished with self-draining Cotswold stone chippings. Together, the driveway and garage would provide three off-street car parking spaces within the site.

The application is accompanied by the following supporting documents:

- A Transport Statement (commissioned by Asbritransport).
- A Design and Access Statement.
- Three letters of support from nearby residents.

SITE APPRAISAL

The application site relates to an irregular shaped parcel to the rear of no. 132 Bute Street, Treherbert. It measures approximately 570 m² and is relatively flat in profile. A large outbuilding which is being used for the kennelling of several dogs currently occupies the north-western corner of the site with a further steel container being located towards the centre. The remainder of the site is laid to lawn. The site is enclosed by of a mixture of timber and palisade fencing.

Access to the site is via a privately maintained lane between no's 131 & 132 Bute Street to the north-east. The lane serves the rear of properties on the southern side of Bute Street as well as a number of domestic-style garages to the north-west of the application site. The River Rhondda is located immediately to the south-west.

The surrounding area is characterised by a mixture of commercial and residential properties which are located at least 30 metres to the north-east and approximately 19 metres to the south-west (on the other side of the River Rhondda). Properties are predominantly two-storey or split-level terraced properties.

PLANNING HISTORY

17/0168	Land rear of 132 Bute Street, Treherbert	Proposed detached two-storey dwelling including detached garage	Refused 11/05/17
01/6236	Land rear of 135-136 Bute Street, Treherbert	Continuation of use of land as paddock area and stables	Granted 07/09/01

PUBLICITY

The application has been advertised by means of direct neighbour notification and the erection of two site notices near to the access lane at Bute Street. Whilst no letters of objection or representation have been received as a result of this exercise, three letters of support have been submitted as supporting documents to the application (signed by adjoining landowners and nearby residents) and are summarised as follows:

- The development would offer my own plot a lot more security and would also make the area look tidier;
- We have never had any difficulties passing on the access lane with trailers;
- A dwelling would be considerably better than the current use as part stables and part storage;
- It would improve the outlook of the lane and will offer much better security and visuals from my own property;

CONSULTATION

Countryside, Landscape and Ecology – no comments received in relation to ecology.

No relevant SewBrec Records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

Flood Risk Management – no objection subject to condition.

Natural Resources Wales – no objection.

Public Health – no objection subject to conditions.

South Wales Fire Safety – no objection subject to the applicant being made aware of the need for the provision of:

- a) adequate water supplies on the site for firefighting purposes; and
- b) access for emergency firefighting appliances.

Transportation – objections raised.

Wales and West Utilities – no objection.

Welsh Water – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary for Treherbert and is within a Flood Risk Area (Zone C2).

Policy CS1 – encourages sustainable growth in the south of Rhondda Cynon Taf through protecting the culture and identity of communities by focusing development within defined settlement boundaries.

Policy AW1 – identifies the sources of land for new housing, which do not include land outside the defined settlement boundaries.

Policy AW2 – promotes development 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 AW10 - states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy NSA12 – gives criteria for housing development within settlement boundaries. Development will not be permitted outside the defined settlement boundaries.

Supplementary Planning Guidance:

Design and Placemaking

Delivering Design & Placemaking: 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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport) and Chapter 9 (Housing) 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 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

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:

The application proposes the construction of a single residential dwelling with dedicated off-street parking on a parcel of land that is located inside the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition to this, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the surrounding area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

Principle of the proposed development

The application relates to the construction of a residential dwelling on a small parcel of land behind the main residential and commercial area of Treherbert. Although not forming part of the established built up area, the site is located within the defined settlement boundary where residential development would usually be permitted, subject to an assessment of other policies within the Rhondda Cynon Taf Local Development Plan. The principle of the development is therefore considered to be acceptable subject to an assessment of the criteria set out below.

Impact on highway safety

The application has been subject to consultation with the Council's Highway's Section with a view to assessing the impact of the proposal on highway safety. The response received acknowledges that the proposed dwelling would benefit from 3 off-street car parking spaces which would comply with the Council's SPG: Access, Circulation and Parking. However, significant concern has been raised with regard to the means of access to the proposed dwelling. The dwelling would be accessed via a privately maintained lane between no's 131 & 132 Bute Street which is considered to be sub-standard to serve as a primary means of access for the following reasons:

1. There is a lack of width boundary to boundary with a lesser metalled running width to accommodate safe two way vehicular movement given the type of vehicle generate by the proposal (i.e. service and delivery vehicles).
2. The transport statement indicates that trips to and from the proposed dwelling will be comparable to the existing use which has horses stabled and dogs in

kennels. The lane is acceptable for secondary off-street car parking and limited vehicular use only and it is not considered to be satisfactory for a primary use which would require increased vehicular movements by all types of vehicle, including delivery and service vehicles especially with the on-set of internet shopping.

3. There is a lack of suitable junction radii to accommodate the type of vehicle generated by the proposed dwelling. This is further impacted on by the high on-street car parking demand along Bute Street and in the vicinity of the junction to the detriment of safety of all highway users. The applicant is not in control of the land to provide for a satisfactory junction onto Bute Street due to the adjacent dwellings and retail units.
4. There are no segregated footway facilities meaning pedestrians are forced to share the same surface as moving/reversing motor vehicles to the detriment of all highway users and free flow of traffic. The transport statement indicates that the lane access narrows to 4.1 metres which is sufficient for two standard cars only to pass one another leaving no space for pedestrians. This is of particular concern considering that vehicles would potentially be wider than the standard car (i.e. delivery and service vehicles). In addition to this, the proposal would give rise to increased pedestrian movements not only by residents of the dwelling but also by delivery personnel. The measurement of 4.1 metres has also been taken boundary to boundary where there is only metalled single track running width.
5. The lane lacks structural integrity for the type of traffic generated by the proposed dwelling and is only metalled for part of its length. The transport statement indicates that the types of vehicles that currently use the lane (i.e. horse boxes and trailers) are larger than the type of vehicles using the lane for the proposed dwelling. However, delivery and service vehicles would be in excess of the size and weight of a horsebox and trailer and would thus lead to increased risks to detriment of safety of all highway users.
6. The transport statement Appendix B shows a swept path analysis of an 11.2m refuse vehicle turning and accessing / egress the lane in forward gear. There is concern that vehicles could be in excess of the 11.2m shown on the swept path analysis which would potentially result in reversing movements to and from the A4061 with sub-standard vision due to on-street car parking pressure, lack of street lighting and lack of segregated footway facilities to the detriment of safety of all highway users.
7. The swept path indicates that a 11.2m refuse vehicle travelling from the south would require to use both carriageway lanes on the A4061 which is a strategic route carrying substantial amount of vehicular traffic to access the sub-standard lane due to sub-standard junction radii and on-street car parking demand to the detriment of safety of all highway users and free flow of traffic.
8. The refuse vehicle is also forced to use the full width of the lane to the detriment of safety of all highway users. It is noted that this occurrence would take place on average once a week. However, dwellings would attract

additional delivery movements by all types of vehicle especially given the onset of internet shopping where by firms deliver to multiple drop off points within an area using large HGV vehicles.

9. The visibility splay at the junction of the sub-standard lane and Bute Street is considered to be acceptable. However, the access is located in the retail area of Treherbert where there is considerable demand for on-street car parking which results in vehicles parking close to the sub-standard access lane and which unacceptably reduces the available visibility splay to below the required standard.
10. There is concern that the approval of this application would encourage the adjacent land owners to apply for planning permission for residential dwellings which would further exacerbate the highway safety concerns.

Given the concerns and objections raised above, the proposal is not considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on the character and appearance of the area

The proposed dwelling would be sited on a plot of land at the rear of existing properties in Bute Street and it would therefore not be visible when viewed in context with the wider street scene. The site appears to be physically divorced from the existing pattern of development and the disparity between the scale and design of the proposed dwelling and those in the immediate vicinity is therefore not of significant concern.

Whilst there is some concern that the dwelling would result in a form of back land development that would not have a positive relationship with the existing pattern of development at Bute Street, it is noted that an application for a similar development was granted in 2007 at the rear of no's 103 & 104 Bute Street approximately 200 metres to the south-east of the application site (ref: 06/1474).

Taking the above into consideration, it is not considered that the proposed development would form an overly prominent addition to the surrounding area and it would therefore not have such a significant impact on the character and appearance of the surrounding area that it would warrant the refusal of the application in this regard.

Impact on residential amenity and privacy

The proposed dwelling would be sited approximately 34 metres away from the rear elevations of the nearest properties in Bute Street and at a notably lower ground level. Similarly, properties in David Street to the south-west would be located approximately 19 metres away. As such, it is not considered that the dwelling would result in an overbearing, overshadowing or overlooking impact that would be detrimental to the residential amenity and privacy of surrounding properties.

It is also noted that a number of letters have been received in support of the application. The letters state that the proposed dwelling would improve the visual amenity of the lane and would also provide security to the rear of existing properties along Bute Street as well as the existing garages immediately adjacent to the site.

Flood Risk

It is noted that part of the site is located with Zone C2 of the Development Advice Map (DAM) contained within TAN15. As such, Natural Resources Wales (NRW) has been consulted on the application.

The response received notes that the proposed development abuts Zone C2 and that there would not be any built development within this zone. Therefore, no objections have been received in relation to the proposal, providing that the developer is made aware of potential flood risks.

Other

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

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not necessary. It is considered that an appropriate informative note would be sufficient in this instance.

Other

It is noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to the application, subject to standard conditions and advice.

Furthermore, no adverse comments have been raised by Dwr Cymru/Welsh Water or Wales and West Utilities.

Community Infrastructure Levy 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 liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of

Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The principle of the proposed development is considered to be acceptable and there are no significant concerns with regard to the impact it would have on the character and appearance of the surrounding area and residential amenity and privacy of neighbouring properties. However, the proposed dwelling would be accessed of a sub-standard access lane which is not suitable for a primary means of access. Whilst the supporting letters signed by local residents in relation to the visual and security benefits are appreciated, they lack weight against the significant highway safety concerns raised by the Council's Transportation Section. As such, the application is recommended for refusal.

RECOMMENDATION: Refuse

The proposed development is considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reasons:

- i) The proposed access lane lacks adequate width of carriageway, structural integrity, junction radii, surface water drainage, street lighting and segregated footway to serve vehicular and pedestrian traffic and would create traffic hazards to the detriment of safety of all highway users.
- ii) The proposed additional use of the sub-standard lane as a principal means of access to serve the proposed development will create increased traffic hazards to the detriment of highway and pedestrian safety.
- iii) The proposed access lacks an adequate turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety.
- iv) The swept path analysis submitted (Appendix B) indicates that use of both carriageway lanes on a strategic route A4061 would be required to access the sub-standard lane to the detriment of safety of all highway users and free flow of traffic.
- v) The access lacks adequate visibility due to on-street car parking pressure and therefore further intensification of use by the proposed development would create traffic hazards to the detriment of highway safety.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

7 DECEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 17/0785 -
PROPOSED DETACHED TWO
STOREY DWELLING INCLUDING A
DETACHED GARAGE AND
TURNING AREA. (RE-
SUBMISSION) (AMENDED SITE
LOCATION PLAN AND
SUPPORTING INFORMATION
RECEIVED 16/08/17), REAR OF 132
BUTE STREET, TREHERBERT,
TREORCHY**

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See Relevant Application File