

**PLANNING & DEVELOPMENT COMMITTEE**

**1 MARCH 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 17/1132/10** - Proposed re-located vehicular access and new, realigned wall to front of property onto A473, The Bungalow, The Square, Llanharan, Pontyclun, CF72 9NR

**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 1<sup>st</sup> February 2018 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 closing of the existing access point and the opening of the new proposed access would not have an adverse impact upon highway safety in the vicinity. (Minute No. 127.(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.

**4. PLANNING ASSESSMENT**

For Member's clarification, the current application relates to the creation of a new access onto the A473 and does not address the closure of the access

point previously used to access the applicant's property, which he has indicated is outside of his ownership or control.

The officer concerns regarding the potential impact of the new access on highway safety in the vicinity of the site are outlined in the original report. Whilst the visible alterations to the site are not considered to have a detrimental impact in terms of appearance or amenity, there are significant concerns with regard to the proposed new access and the potential impact that this would have on highway safety. This is due to the fact that the proposed new access would exit onto the A473 in close proximity to The Square, which already experiences problems due to the existing sub-standard highway network.

The Council's Transportation Section has raised significant concerns 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. Highway Officers have noted that the application site is located on the A473 in close proximity to The Square and the Council currently experiences problems at Llanharan Square due to the existing sub-standard highway network, junction arrangements and vehicle movements. The Council also has a general presumption against the creation of new accesses from the strategic highway network and this position is supported by regional policy (specifically HIP2) in the SEWTA Regional Transport Plan, March 2010 which states that "Sewta supports control of accesses to the regional road network in the interests of highway safety and capacity".

Furthermore, it has been identified in the response that the A473 is part of the strategic network, carrying an average weekday 2-way flow of 12,864 in 2012. The creation of an additional private access in proximity to the existing sub-standard junctions and accesses will result in further traffic hazards and further harm to all highway users, to the detriment of highway safety and the free flow of traffic, which is considered unacceptable. The approval of this access would also set a precedent against the Council's policy on further individual accesses off strategic highway network.

Consequently, whilst the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the surrounding area and on the residential amenity and privacy of surrounding properties, there are significant concerns with regard to the proposed new access to the dwelling. It is not considered that any amendments or conditions would make the proposal acceptable and 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.

If however, having considered the above advice and after further consideration, Members remain minded to grant planning permission for the new access, it is suggested that the conditions set out below would be appropriate.

Should Members be of the view that the acceptability of the new access in terms of highway safety is dependent on the closure of the previous access point used, then it may also be appropriate to include a Grampian condition to require the closure of that access.

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 approved shall be carried out in accordance with the approved plans:

- Drawing no. PA01: Site Location Plan;
- Drawing no. PA02: Proposed Site Access;
- Drawing no. PA03: Proposed Front Elevation;
- Drawing no. PA04: Cross Section through Proposed Vehicle Crossover.

and documents received by the Local Planning Authority on 15<sup>th</sup> and 17<sup>th</sup> November 2017.

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

3. Notwithstanding the submitted plans, development shall not commence until full engineering design and detail of the vehicular crossover 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 use.

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

4. Prior to the development being brought into use, a turning space to enable vehicles to enter and leave the site in a forward gear shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before any development commences on site.

Reason: To ensure that vehicles can enter and leave the site in a forward gear at all times, in the interest of highway safety and free flow of traffic safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to beneficial use of the vehicular crossover, the existing boundary wall abutting the A473 shall be reduced to 0.9m in height to provide for vision splays of 2.4m x 70m within the site frontage.

Reason: To ensure that adequate visibility is provided for vehicles exiting the site, in the interests of highway and pedestrian safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**APPLICATION NO:** 17/1132/10 (KL)  
**APPLICANT:** Mr Jason Phillips  
**DEVELOPMENT:** Proposed re-located vehicular access and new, realigned wall to front of property onto A473.  
**LOCATION:** THE BUNGALOW, THE SQUARE, LLANHARAN, PONTYCLUN, CF72 9NR  
**DATE REGISTERED:** 20/11/2017  
**ELECTORAL DIVISION:** Llanharan

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**RECOMMENDATION:** Refuse

**REASONS:**

There are significant concerns with regard to the potential impacts of the proposal on highway safety in that the proposed new access would exit onto the A473 in close proximity to The Square which already experiences problems due to the existing sub-standard highway network, junction arrangements and vehicle movements. Furthermore, the Council has a general presumption against the creation of new accesses from the strategic highway network which is supported by regional policy.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received from Councillor Hopkins for the matter to come to Committee in order for Members to consider fully the highways issues raised by officers;

**APPLICATION DETAILS**

Full planning permission is sought for the creation of a new vehicular access at The Bungalow, The Square, Llanharan. The access would be created at the northern boundary of the site, exiting onto the adjacent A473. The existing boundary wall would be demolished and rebuilt to a height of 1 metre. It would also be set back from its original position to facilitate vision splays either side of the new access. The access would measure 2.7 metres in width and would include access gates which would measure 1 metre in height. A new dropped kerb would be installed in front of the access to facilitate vehicular access.

It is noted that the property was formerly accessed via an existing vehicular access track from the southern boundary of the site. This runs to the back of the adjacent field (to the east of the property) and exits onto the A473 next to the existing petrol station. The applicant confirms that the property, field and access track were all previously owned by the same person, however, the property was later sold off separately and therefore no longer benefits from any vehicular access. On

purchasing the property at auction without the benefit of a vehicular access, the applicant entered into negotiations with the adjoining landowner in order to establish a legal right of access over the track, however, this was unsuccessful. The application has been submitted for a new vehicular access on this basis.

## **SITE APPRAISAL**

The application site relates to a detached property which is located on a busy section of the A473 on the most eastern edge of the village of Llanharan.

The property is positioned towards the most north-western corner of the irregular shaped plot with a detached outbuilding being positioned toward the north-eastern corner. The remainder of the site forms a private residential garden which is split into distinct areas of paving (previously used for parking/turning) and lawn. Boundary treatments consist of a 2 metre high stone wall to the northern boundary with a low-level concrete block wall and timber fence above to the southern and western boundaries.

The surrounding area is characterised by residential and commercial properties although those closest to the site, i.e. those to the west and north, are commercial.

## **PLANNING HISTORY**

96/2091	The Bungalow, The Square, Llanharan	Two storey side extension	Granted 09/09/96
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters and through the erection of two site notices in the vicinity of the site. No letters of objection or representation have been received.

## **CONSULTATION**

Llanharan Community Council – whilst Members accept that there are traffic/highways issues on the Square at Llanharan, there are a significant number of access points already off the A473 as you come into the village. One more would not make any significant difference. Indeed, the proposal to re-align and reduce the height of the wall to the front of the property would significantly improve the aesthetic entrance to the village.

Transportation – objections raised.

## **POLICY CONTEXT**

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

**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.

### **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) and Chapter 4 (Planning for Sustainability) 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 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:**

#### **Principle of the proposed development**

The application relates to the creation of a new vehicular access to serve an existing residential dwelling and the principle of the proposed development is therefore considered to be acceptable subject to the criteria set out below.

#### **Access and highway safety**

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the potential impact of the proposal on highway safety in the vicinity of the site. The response received raises significant concern in relation to the proposal, noting that the application site is located on the A473 in close proximity to The Square, Llanharan. The Council currently experiences problems at Llanharan Square due to the existing sub-standard highway network, junction arrangements and vehicle movements. Furthermore, the Council has a general presumption against the creation of new accesses from the strategic highway network. This position is supported by regional policy (specifically HIP2) in

the SEWTA Regional Transport Plan, March 2010 which states that “SEWTA supports control of accesses to the regional network in the interests of highway safety and capacity”.

The A473 is part of the strategic network, carrying an average weekday 2-way flow of 12,864 in 2012. The creation of an additional private access in proximity to the existing sub-standard junctions and accesses will result in the creation of further traffic hazards and further harm to all highway users, to the detriment of highway safety and the free flow of traffic. This is considered to be unacceptable and the Transportation Section have therefore raised an objection to the proposal.

Whilst the response from the Transportation Section indicates that the property currently enjoys vehicular access from another location, the applicant can no longer utilise this access as it does not form part of the residential curtilage of the main dwelling and an attempt to secure a right of access over the track has been unsuccessful. As such, the property does not currently benefit from a vehicular access.

Whilst one letter of support has been received in relation to the proposal which states that one more access off the A473 would not make any difference, the proposal to create a new vehicular access in this location would have a detrimental impact on highway safety in the vicinity of the site. The application is therefore considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on the character and appearance of the area**

The proposal would result in the existing boundary wall adjacent to the A473 being demolished and rebuilt in a set back position to its current location and to a reduced height of 1 metre. This would facilitate a vehicular access to the site with vision splays to each side. Whilst the works would form a visible alteration to the site, it is not considered that it would be detrimental to the character and appearance of the surrounding area. The application is therefore considered to comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity and privacy**

The application property is located on the A473 with no residential properties in close proximity to the site. It is therefore not considered that the proposal would have any impact in this regard. The High Corner Public House is located approximately 31 metres away from the site, on the opposite side of the road, and would therefore not be impacted by the works.

As such, the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **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**

There are significant concerns with regard to the potential impacts of the proposal on highway safety in that the proposed new access would exit onto the A473 in close proximity to The Square which already experiences problems due to the existing sub-standard highway network, junction arrangements and vehicle movements. Furthermore, the Council has a general presumption against the creation of new accesses from the strategic highway network which is supported by regional policy.

Whilst officers acknowledge the applicant's position, it is considered that the circumstances that have resulted in this application should not override the important highway safety issues that have been identified in this case.

**RECOMMENDATION: Refuse**

1. 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:
  - The creation of an additional vehicular access on a strategic route (A473) in proximity to numerous other sub-standard junctions and accesses would result in the creation of further traffic hazards and further harm to all highway users, to the detriment of highway safety and the free flow of traffic.
  - There is a general presumption against the creation of additional access from the strategic highway network (A473), which would create hazards to the detriment of highway safety and the free flow of traffic.

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