



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 JULY 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 17/1236/10 (GH)  
**APPLICANT:** Ms Williams  
**DEVELOPMENT:** Construction of a detached bungalow.  
**LOCATION:** 21 TRENOS GARDENS, LLANHARAN, PONTYCLUN,  
CF72 9SZ  
**DATE REGISTERED:** 13/12/2017  
**ELECTORAL DIVISION:** Brynna

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**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

#### **REASONS:**

The proposed new dwelling represents an acceptable form of infill development and would be located within the settlement boundary and in a sustainable location. The design and layout of the dwelling would have a minimal impact upon the appearance of the street scene, provide sufficient garden space for new and existing residents, and due to its scale, would not cause harm to the amenity of neighbouring residents. Consequently, the development is considered to comply with LDP Policies AW2, AW5, AW6, AW10 and SSA13.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

Three letters of objection have been received from neighbouring residents; hence under the Council's Scheme of Delegation, this application is presented for determination by the Planning and Development Committee

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a single bungalow on a parcel of land which currently forms part of the residential garden curtilage of no. 21 Trenos Gardens.

The existing plot would be sub-divided with the proposed dwelling being located to the north of the existing dwelling. The proposed dwelling would be set towards the

most south-eastern part of the new plot and set back from the front elevation of the existing dwelling by approximately 9m.

The bungalow would measure 8.4m in width by 10.5m in depth with a pitched roof design rising from 2.9m at the eaves to a height of 4.7m at the ridge. External materials would consist of smooth white render with a feature panel of reconstructed stone to the front elevation, concrete interlocking roof tiles and white uPVC windows and doors.

The dwelling would accommodate an open-plan living room/kitchen/diner, three bedrooms and a family bathroom. Private outdoor amenity space would be provided to the east-facing rear and north-facing side elevation. Three off-street car parking spaces would be provided to the front of the dwelling with access off the turning head at Trens Gardens.

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land that currently forms the residential garden curtilage of no. 21 Trens Gardens, Llanharan. The dwelling is located towards the most southern part of the plot with extensive gardens being located to the north facing side and east facing rear elevations. Off-street car parking is provided at the front of the property as well as within the integral garage.

The surrounding area is characterised by residential properties that vary in terms of their scale and design. Properties in this part of Trens Gardens are predominantly single storey, semi-detached or detached properties that have been externally finished in white render and stone panelling.

The nearest properties to the site include no. 22 Trens Gardens which is located immediately to the western boundary and no. 23 Trens Place which is located immediately to the eastern boundary.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site

## **PUBLICITY**

The application has been advertised by direct notification to six neighbouring properties and notices were erected on site.

Three letters of objection, together with a fourth letter of representation, have been received, with concerns summarised as follows:

- The development would cause noise, disturbance and visual intrusion;
- Potential damage to neighbouring dwellings during construction
- Poor access and with parking awkward and limited on site, with on-street parking opportunities reduced;
- Diminishment of amenity and domination of outlook;
- Incorrect plans using land in third party ownership

## **CONSULTATION**

Coal Authority - The CMRA submitted on behalf of the applicant is acceptable

Drainage - no objections subject to a condition in respect of drainage details

Public Health and Protection - no objections, but conditions are recommended in respect of noise, dust, waste and hours of operation. However, with the exception of the latter it is considered that these issues can be captured within an informative note.

Highways - no objections subject to conditions

Wales and West Utilities - no objection

Dwr Cymru/Welsh Water - objection due to capacity issues with the combined sewer

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Llanharan

**Policy CS2** - sets out criteria for development in the Southern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** - supports 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** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA13** – identifies criteria for assessment of development proposals within settlement boundaries.

### **Supplementary Planning Guidance**

Access, Circulation and Parking  
Design and Placemaking

### **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 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

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

The application proposes the construction of a single residential dwelling with dedicated off-street car parking on a plot of land that is situated within the defined settlement boundary and within an established residential area. As such, it is considered that the development of the site for residential purposes would be compatible with surrounding land uses. Therefore the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below.

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

The proposed dwelling would be set within a corner plot with ample space being provided around the dwelling for private amenity space and off-street car parking provision whilst also retaining sufficient amenity space and off-street parking for the existing dwelling. It is therefore considered that the dwelling could be comfortably accommodated at the site without resulting in a sense of overdevelopment.

The proposed dwelling would be set back approximately 9m back from the front elevation of the existing dwelling and, given the position of the site and its relationship with no's 21 and 22 Trenos Gardens, it is not considered that the dwelling would form an overly prominent addition to the wider street scene. In addition to this, the dwelling would be single storey and of a similar scale, design and finish to existing properties in the immediate vicinity and it is therefore not considered that it would have an adverse impact on the character and appearance of the surrounding area.

Taking the above into consideration, the proposal is considered to comply with the relevant criteria of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on neighbouring occupiers**

The proposed dwelling would be sited in close proximity to no's 21 & 22 Trenos Gardens and no. 23 Trenos Place, but would not be considered to have an adverse impact on the residential amenity and privacy of these properties.

The dwelling would be sited to the north of no. 21 and would be single storey in height, thereby having no overshadowing or overbearing impact on that property. In addition to this, there would be no habitable windows within the south facing side elevation that would give rise to significant levels of overlooking. Details submitted with the application also indicate that timber fencing would be erected along the boundary which would further reduce any potential impact.

Whilst the dwelling would incorporate habitable windows in the front elevation which would face towards no. 22, these would be sited approximately 16.5m away and would primarily overlook the blank side elevation of that property. In addition to this, the existing garage of no. 22 and the existing 1.8m high timber fence along the common boundary, either retained or replaced, would predominantly screen any potential views. For similar reasons, the distance between these dwellings would ensure that the proposed dwelling would not result in any overbearing or overshadowing impact.

The dwelling would be sited approximately 9m away from the side elevation of no. 23 Trenos Place which is a two-storey property. A 1.8m high timber fence and a single storey garage lie between the two properties and it is therefore not considered that the proposed dwelling would result in any overbearing, overshadowing or overlooking impact on that property.

A letter from the occupant of no. 23 Trenos Place was received, suggesting that the red line boundary on the site location plan is incorrect on account of the inclusion a strip of land that forms the residential garden of that property. The applicant has subsequently submitted the title deed and land registry plans for the site which reflects the red line boundary on the site location plan and the Council are therefore satisfied that the correct ownership certificates have been completed (Certificate A). In any case, issues relating to land ownership would be a private matter between the two parties involved and not reason to refuse the application.

Taking the above into consideration, the proposal would not have an adverse impact on the residential amenity or privacy of surrounding neighbouring properties and it would therefore comply with the relevant criteria of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Highways and accessibility**

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety in the

vicinity of the site. The response received indicates that the proposed dwelling would be served from the existing turning head in a similar manner to no. 21 Trenos Gardens and other neighbouring properties in the vicinity

There is some concern with regards to the creation of additional vehicular reversing movements to and from Trenos Gardens. However, when considering the low trafficked nature of Trenos Gardens and that all other properties on the street are served in a similar way, the concern is not significant enough to warrant a highway objection.

It is noted that there is a difference in level between the proposed driveway and the neighbouring dwelling, no. 22 Trenos Gardens and a retaining wall will be required to facilitate the proposed driveway. There is concern that vehicles may leave the proposed driveway and drop off the retaining wall whilst undertaking the required reversing movements to or from the public highway. However, this concern could be overcome by provision of vehicle containment along the boundary of the proposal and the neighbouring dwelling.

In terms of parking, the proposal is for a three bedroom dwelling which has an off-street car parking requirement of three spaces. The drawings submitted indicate that the proposed driveway is long enough to accommodate three vehicles and, as such, the proposal is considered to be acceptable in this regard.

Whilst the comments received from local residents in relation to highway safety are appreciated, the Council's Transportation Section has not raised any objection in this regard. The proposal is therefore considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and it would comply with the relevant criteria of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Dwr Cymru/Welsh Water - Drainage issues**

As noted above, the proposal has been subject to an objection from DCWW on the basis that the public sewer system serving the locality is at capacity, and would be unable to receive additional flows. DCWW contends that a further connection would cause detriment and increase the frequency and volume of spills being experienced on the downstream network, although no evidence has been provided to confirm such assertions.

Subsequently, DCWW has stated that their objection could be overcome by delivering a surface water removal scheme, i.e. removing the surface water run-off from an existing property currently draining to the combined sewer, to allow the foul water from the new dwelling to connect. Although DCWW has suggested a condition in this regard the LPA's view is that it would not meet the Welsh Government's 'six tests' which are stipulated within Circular WGC 016/2014, inasmuch as a surface water offset scheme could be dependent on an agreement with an unknown third party and/or land outside the control of the applicant.

This matter has been subject to clarification with the Council's Legal Section which has noted that Section 106 of the Water Industry Act 1991 provides developers with a right to connect to the public sewers regardless of capacity issues. This right was

confirmed by the Supreme Court in the matter of Barratt Homes Ltd v Welsh Water (2009), although the difficulties that the decision would cause for sewage undertakers were recognised. Furthermore, DCWW has a duty under Section 94(1) of the same Act to provide, improve and extend such a system to ensure that the area is and continues to be effectively drained.

In such a situation, it is common for local planning authorities to apply a Grampian condition to any planning consent which, for example, would prevent beneficial occupation of a dwelling until capacity improvement works have been undertaken by the sewage undertaker - in this case DCWW. Unfortunately this would not apply in this case because a Grampian condition has to be applied where capacity works are programmed within the five year investment plans to which the industry operates. DCWW's current investment programme runs from 2015 to 2020, with no planned upgrades for the Llanharan and Brynna area, despite the degree of development identified prior to the adoption of the LDP.

The view of the Legal Officer is that DCWW's objection is a material matter that needs to be considered, alongside the LDP and all other material considerations, but that the LPA is entitled to approve the application if the proposed development is judged to be acceptable. Consequently, since the application is otherwise deemed to be acceptable in planning terms and has not been subject to objections from other statutory consultees; it is considered reasonable that a standard drainage pre-commencement condition should be applied and that to withhold determination on the basis of DCWW's objection would be unreasonable.

Notwithstanding all of the above, the drainage condition would still require the submission of foul and surface water details for approval; which could incorporate a surface water offset proposal, and would still be subject to consultation with DCWW, prior to being discharged.

### **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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £8,905.44.

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties, and would be acceptable in terms of highways safety issues. The application is therefore considered to comply with Policies AW2, AW5, AW6, AW10 and SSA13 of the Local Development Plan.

**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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 drawing numbers SK02, SK03 and SK04, and documents received by the Local Planning Authority on 15th November 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The driveway shall be constructed in permanent materials and retained for the purpose of the parking of vehicles 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.

5. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety.

6. HGV's deliveries used as part of the development shall be restricted to 09:00am to 16:30pm on weekdays and 09:00am to 13:00pm on Saturdays, with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.



7. During the construction phase of the development the hours of work shall be restricted to the following:

Monday to Friday	08.00 to 18.00 hours
Saturday	08.00 to 13.00 hours
Sunday and Bank Holidays	Not At All

Reason: In the interests of the amenity of other residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.