



PLANNING & DEVELOPMENT COMMITTEE

22 NOVEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/0638/10
(GW)

APPLICANT: Mr Ward

DEVELOPMENT: Proposed construction of new 4 bedroom bungalow including improvements to existing access and offsite connections to existing sewers (Affecting Public Right of Way RAN/32/1) (Amended description, plans and documents received 27/11/17).

LOCATION: CALFARIA, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RB

DATE REGISTERED: 28/11/2017

ELECTORAL DIVISION: Llanharan

RECOMMENDATION: GRANT

REASONS:

The development would provide a new dwelling within defined settlement limits. Although objections have been raised that increased use of the lane would cause highway safety issues and have a detrimental impact on the Public Right of Way, the development would improve the existing width of the private drive and no objection has been raised by the Council's Highway Section. Any increase in use of the lane from the proposal would not result in a significant impact on the Public Right of Way or the enjoyment of its users and a sufficient level of parking would also be provided for both the proposed dwelling and the existing dwelling.

Whilst a further objection has been raised regarding the ownership of land required for the development and improvements to the lane, the applicant has notified relevant landowners and this issue would not prevent the application from being determined. In all other material planning considerations, the application is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the erection of a bungalow within the grounds of an existing dwelling in Llanharan. Previously planning permission (07/0577/10) was granted for a dwelling in a similar position, however this has now expired.

It would be located adjacent the side of the existing dwelling (Calfaria) within what is the garden area. The land in this position is a relatively flat area of land at a higher level to Calfaria and a lower level than the adjacent bungalow to the south (The Firs). A detached garage would be provided in the approximate location of an existing garage. A new access and turning head with a further parking area would be provided. The existing access would be blocked with similar walling material to the existing.

After an initial objection from the Transportation Section, amended plans were submitted detailing the private drive would be widened along its length to the public highway.

In terms of the drainage proposal, an initial consultation response from Dŵr Cymru/Welsh Water detailed that currently there is no foul water capacity for further dwellings in the area until improvements are made. The applicant has proposed replacing the existing septic tank for 'Calfaria' with one that can accommodate both dwellings. The applicant has further detailed on the submitted plans that when foul capacity is available they would seek to connect foul drainage to the main sewer. Foul pipes for the new dwelling would be laid within the curtilage of the dwelling for when a new connection can be completed. Surface water would be drained by the provision of a new drainage pipe through residential land behind the site and a new connection to an existing surface water drain at the road called 'The Grove'. This would also drain surface water from the roof of property called 'Cartref' that is located to the rear of 'Calfaria'.

SITE APPRAISAL

The application site forms part of the residential curtilage of a dwelling called 'Calfaria', which is located within the settlement limits of Llanharan. It is rectangular in shape with a frontage of 15m onto a private access road. Two large double garages currently occupy the front of the site; both of which would be demolished to accommodate the proposed development. Calfaria is situated further back in to the site. To the rear are dwellings located on a cul-de-sac called 'The Grove'.

The application site and surrounding area are located on a gentle slope falling from south to north. A public footpath follows the route of the private driveway past the application site. There are other dwellings accessed off the private drive on the same side as 'Calfaria'. On the opposite side of the private drive are the rear of the dwellings on Parc Bryn Derwyn. These do not have access on to the private drive.

The application is supported by a:

- Coal Mining Risk Assessment

PLANNING HISTORY (Relevant to application)

07/0577/10	Site adjacent to Calfaria House, Bridgend Road, Llanharan	Construction of 1 no. 3 bedroom bungalow	Granted 08/10/07
06/2128/10	Calfaria, Bridgend Road, Llanharan	Extension to side of dwelling providing swimming pool & changing rooms to ground floor with 2 No. bedrooms.	Refused 20/12/06
89/0781	“ “	2 Bungalows	Granted
79/0526	“ “	Hardstanding for lorries	Refused 26/06/79
78/1400	“ “	Double Garage	Granted 30/10/78

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. Seven letters have been received at the time of writing this report. The contents are summarised below:

Two objections from the solicitor of a nearby resident who claims ownership of some of the site. The applicant has served notice on this person.

- The applicant doesn't control all the land identified in the application and will find it difficult to establish possessory title.
- The applicant assumes they can run a sewer over land that is not in their ownership.
- The applicant assumes they can carry out excavation/surfacing works along the existing private lane.
- Calfaria has no right of way over part of our client's private roadway.
- Construction traffic would damage the private way.
- There is a lack of parking to serve the existing property.
- The Public Right of Way could be damaged.

One letter from former owner of Calfaria

- They have clarified they do not own any land behind Calfaria.

Two objections from two nearby residents (one neighbour has submitted two letters).

- There has been a lack of publicity
- No notification has been issued to the owner of the access lane.
- There are technical inaccuracies in the plans of ownership.

- It would affect the freedom of access enjoyed by my family.
- Noise and mess would not result in a benefit to me.
- Concerned about the impact on the ecology of the area especially the boundary to the west of the lane access which is currently made up of an established tree line and a bank with many wild flower species also the effect on the wildlife dependant on this natural environment
- The use of this busy single lane road would result in safety issues.
- There is no pavement and families with small children and pushchairs use the road.

One objection from Llanharry Community Council.

- Support initial objection from the Transportation Section to the use of the lane which is a Public Right of Way.

CONSULTATION

Coal Authority – no objection. The submitted Coal Mining Risk Assessment concludes there are definitely no shallow mine workings under, or near to the site.

Countryside Section – the main concern is to ensure that works to the private drive don't involve the loss of the relic hedgerow which grows on the hedge bank along the access. Firstly, I note that the hedgerow is degraded, and has (over the years) been various cut and lopped in a haphazard fashion. In places the hedgerow has been recently removed. The hedgerow would not count as important under the Hedgerow Regulations 1997. I noted that the hedge bank is a considerable width. So, while it is important (for mainly neighbour privacy reasons) that lane widening works does not remove the relic hedgerow, it would appear that the works if carefully controlled can probably be undertaken without removing what remains of the hedgerow. If planning permission is granted a condition requirement for a pre-commencement method statement for hedgerow sensitive lane widening works would be required. In addition as a precaution with regard protected species append the appropriate bat note to any permission.

Footpath 32 Llanharan does run close to the site - what if any heavy vehicles would need to use the path/track to make deliveries whilst the development is ongoing. Any damage caused to the path would need to be rectified by the applicant.

Dŵr Cymru/Welsh Water – no objection. If the applicant wishes to utilise private drainage facilities for the disposal of foul water, which will not communicate with the public sewer, we would not object in principle to the proposal. However, we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building Control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

In respect of the surface water, we acknowledge that soakaways would not be a viable option for surface water disposal. We also appreciate that there are no watercourses present adjacent or within the vicinity of the site. Therefore in principle we agree to the domestic surface water communicating with the public surface water system from the proposed development and that of the existing house known as

Cartref. However, a restricted rate will be required to minimise any detrimental effects to our public sewerage system.

Should the applicant wish to proceed with a surface water communication, it will be subject to the satisfactory submission by the developer following planning approval, discharge of drainage conditions (if applicable) and completion of a Section 104 Adoption Agreement as per the Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act 1991 (s104). A s104 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 Water Industry Act 1991 being granted by Dwr Cymru/Welsh Water.

Flood Risk Management – no objection subject to consultation with Dŵr Cymru/Welsh Water. From a surface water management perspective the soakaway calculations provided do not favour the use of infiltration within this area.

Glamorgan Ramblers – no objection. The proposed building would not have a negative effect on people's enjoyment of the footpath. The extra house would result in a slight increase in traffic. While visiting the site a number of people used the path and a post van passed with no problems.

Natural Resources Wales – no objection. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Public Health and Protection – no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust and waste.

Transportation Section – there is concern with the intensification of use of the existing sub-standard access. However, a number of improvements are proposed to the existing access. The proposed improvements are considered sufficient to mitigate the intensification of use of the access resulting from the proposed development. No objection subject to conditions requiring the improved access, parking and turning areas are implemented and maintained, surface water run-off not to discharge on to the public highway and a restriction on HGV deliveries during construction.

Wales & West Utilities – no objection. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. The developer of these works should contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

Western Power - if they require a service diversion or new connection, they will need to apply to WPD for this.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including promoting residential development with a sense of place and focussing development within defined settlement boundaries.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW7- covers the protection and enhancement of the built environment including Public Rights of Way.

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.

Policy SSA11 – details a minimum of 35 dwellings per hectare unless it can be justified as an exception.

Policy SSA13 – provides criteria for housing development within settlement boundaries.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Nature Conservation

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 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic

Development), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets 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 18: Transport;

PPW Technical Advice Note 23: Economic Development; and
Manual for Streets.

Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.

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.

Principle of the proposed development

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. Policies in the LDP support dwellings in these locations. Therefore the principle of the proposed dwelling would be acceptable subject to the following material planning considerations, which are discussed below:

Access and highway safety

The applicant has identified that improvements can be made to the existing private drive that leads to the site by widening it to 4.8m for the length nearest the main road and then to 4.1m for the remaining to the new dwelling. The access would be surfaced with hardcore. A turning head would beneficially be provided on site. Sufficient parking would also be provided for each dwelling. No objection has been raised by the Council's Transportation Section. The issue with regard the ownership to make the improvements to the lane, that is identified by an objector, is noted. However this is an issue outside the remit of the planning permission. A condition requiring that these works are carried out prior to construction of the dwelling is considered to be necessary.

Therefore, it is considered access and parking would be acceptable.

Impact on the Public Right of Way (PRoW)

In terms of the public right of way the development and improvements to the lane would not alter the path of the PRow. Whilst it would be widened this would be for a short distance and should not have significant impact on the adjacent hedges. The lane is already used by vehicles and it is considered there would not be a significant increase in use of the lane. The works and surfacing to the lane would negate any issues of damage to the surface of the path during construction works.

Impact on ecology

An objection has detailed that the widened access would impact on ecology. Whilst there would be some loss of the verge this would not be a significant area. The Council's Ecologist details the hedge may also be impacted, however this is in poor condition and sensitive works would be acceptable. It is considered a condition requiring a method statement would be necessary to make this issue acceptable.

Impact on the character and appearance of the area and on residential amenity

Previously planning permission for a dwelling in a similar situation was granted (07/0577/10). The curtilage of the dwelling is sufficiently large to enable it to be split and still provide acceptable access and amenity space for the two dwellings. The proposed bungalow would sit comfortably between the existing dwellings. Whilst it would be larger and forward of the building line of the existing dwelling (Calfaria), the impact would however not be significant enough to warrant a refusal reason. The proposed garage would be to the front of the site, however it would replace an existing garage structure. Therefore it is considered there would be no significant impact on the character of the area to warrant a refusal reason.

Turning to the impact on amenity, the new dwelling would be mainly in line with the existing dwelling. Whilst no levels have been submitted it is envisaged due to its siting, that its slab level would complement the topography in that it would be above Calfaria and below the neighbouring property to the South (The Firs). It is considered, in the interest of residential amenity, it would be necessary to obtain definitive level details and these could be required by a suitably worded condition.

The new dwelling would have some impact on the occupiers of Calfaria, due to the close proximity and being forward of the front elevation, however this is the applicant's dwelling and any new occupiers would be aware of the situation. Notwithstanding this, the impact of the new dwelling is considered to not be significant enough to warrant a refusal reason.

The distance between the new dwelling and other surrounding properties would be sufficient to protect the amenity of neighbouring residents from issues such as loss of privacy or loss of sunlight.

As such, it is considered the development would not result in a significant detrimental impact on the character of the area or on residential amenity.

Impact from former coal mining works

The site includes high risk areas for former coal mining works and these could impact on the development. The Coal Authority has however detailed the submitted Coal Mining Risk Assessment concludes there are definitely no shallow mine workings under, or near to the site. Therefore it is considered that this issue is acceptable.

Other issues

Drainage

Dŵr Cymru/Welsh Water originally objected to the application as there was no foul capacity for new development in the area and improvements are not proposed within the current investment period to 2020. The applicant has now however proposed to replace the existing septic tank for Calfaria for one to serve both properties. When improvements are made to the public sewerage system, the applicant details they would connect to the mains sewer.

In terms of the acceptability of a septic tank, it is noted this is a replacement for an existing one that serves Calfaria. Natural Resources Wales have not objected to this and detail the applicant should be advised that in addition to planning permission, that they should obtain all other relevant permissions. An environmental permit would be required for the septic tank and a suitably worded informative would be prudent if permission is granted. In addition, the Council's Building Control Section has verbally stated that as long as the type and size of septic tank can accommodate the flow from two dwellings then this would be acceptable. These details would form part of a Building Regulations application.

Turning to the connection of the foul water to the public sewerage system when improvements are made, it is considered this could not be controlled through planning measures such as conditions or a legal agreement due to the uncertainty of when the improvements would be made. If improvements are made and a connection is required in the future this would be controlled through the water industry legislation used by Dŵr Cymru/Welsh Water.

In terms of surface water drainage, the Council's Flood Risk Management section detail the submitted soakaway calculations show infiltration methods of surface water disposal is not favourable in this area. The applicant has therefore proposed a new surface water drain connection to an existing drain on 'The Grove' to the rear of the site. Dŵr Cymru/Welsh Water does not object to this.

Finally, an issue with regard permission to provide the new sewer run has been raised as a result of the public consultation exercise as it would be over land that may be owned by other parties. The applicant has however detailed they have served notice on the owner of that land and this is considered acceptable.

Therefore taking into account the above it is considered an acceptable drainage system would be provided.

Public Health and Protection Comments

With regard to the issues raised by the Public Health and Protection Section 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 dust issues.

Land ownership

Concerns have been raised with regard ownership of land required for the development, right of access of the private drive and permission to develop on some of the land. The applicant has however carried out relevant notifications of other landowners. Notwithstanding the above, the information provided by the objectors and the applicant, does not however definitively clarify the situation. In terms of the planning application it is considered this issue would not prevent the application from being determined or would be a refusal reason. The land ownership issues, right of access and permission to develop would be matters for the developer to resolve.

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 £18,144.83.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, parking and highway safety, the impact on the Public Right of Way, the impact on ecology, the impact on the character of the area, the impact on residential amenity and the impact from former coal mining works (Policies AW1, AW2, AW5, AW6, AW7, AW8, AW10 and SSA13).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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 plan(s) no(s)
 - 1196-01 Rev A Location Plan received on 27th November 2017.
 - 1196-05 Rev A Proposed Site Plan received on 27th November

2017.

- 1196-06 Rev B New Cross Section A-A, B-B, C-C received on 27th November 2017.
- 1196-07 Rev B New Dwelling - Floor Plans received on 27th November 2017.
- 1196-08 Rev A New Dwelling – Elevations received on 27th November 2017.

and documents received by the Local Planning Authority on 4th July 2017, 31st July 2017 and 27th November 2017, 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. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual 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 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 before the dwelling here by approved first occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of works to the construction of the dwelling hereby approved the improvements to the private shared access serving the existing 4 dwellings and the proposed dwelling shall be laid out in accordance with approved drawing no. "1196-05 Rev A" and constructed in permanent materials.

Reason: In the interests of ecology and to protect hedgerows during construction in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The access, circulation and parking as shown on approved drawing no. 1196-05-Rev A shall be retained for such purposes unless otherwise

agreed in writing by the Local Planning Authority.

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

7. HGV's deliveries used as part of the construction 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: To ensure vehicles are able to enter and exit the site in a forward gear and are parked off the highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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