

## **PLANNING & DEVELOPMENT COMMITTEE**

**17 MARCH 2022**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1307/13 (BJW)  
**APPLICANT:** Mr C Donnellan  
**DEVELOPMENT:** Detached bungalow (Outline) - Coal Mining Risk Assessment received 18/03/2021.  
**LOCATION:** LAND TO THE REAR OF SWN Y FRO, GELLIFEDI ROAD, BRYNNA  
**DATE REGISTERED:** 18/03/2021  
**ELECTORAL DIVISION:** Brynna

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**RECOMMENDATION:** Approve

**REASONS:** The application is seeking to establish the principle of erecting a house within the rear garden of Swn y Fro, Gelli Fedi Road, Brynna.

The siting, scale and means of access have been offered and consist of a bungalow with access achieved directly onto Brynna Road at the south of the site.

It is considered that the proposal would make a productive use of the rear garden area for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area.

The relationship between the proposed dwelling and neighbouring properties is such that the proposal is not considered to cause detriment to their amenities.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, the amenities of nearby residential properties and the impact on the visual amenities of the area.

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

- More than 3 letters have been received objecting to the application

#### **APPLICATION DETAILS**

Outline planning permission sought for the construction of a bungalow within the rear garden of Swn y Fro. The application is at outline and seeks to establish the principle of erecting a dwelling on the site. However, the access, layout and scale of the proposal are offered for consideration within the current application, while the remaining reserved matters – landscaping and appearance would be considered as part of a subsequent application to discharge those reserved matters.

The details that are submitted for consideration indicate the following:

- A bungalow located within the south east corner of the rear garden of the existing property, facing onto Brynna Road;
- The bungalow would measure 10m in width by 10.5m in depth and with a height of 2.5m to the eaves and 5.1m to the ridge;
- Access would be located on the south west corner of the rear garden of the plot, directly onto Brynna Road and would include a turning facility and two off-street parking spaces.

The application is accompanied with a Coal Mining Risk Assessment received in response to the initial comments of the Coal Authority.

## **SITE APPRAISAL**

The application site comprises of the rear garden of Swn y Fro, Gelli Fedi Road. The site is irregularly shaped, with a street frontage of approximately 19m, a depth of between 21-28m and an area of 470 sq.m.

The site has a tree and hedge lined edge to the sides (east and west) and front (south).

## **PLANNING HISTORY**

20/5069/41	Land to the rear of Swn y Fro, Gelli Fedi Road, Brynna	Dwelling (informal enquiry)	Raise no objection 26/08/2020
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## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. 6 responses have been received, the main points of which are detailed below:

1. Firstly, a number of mature trees will be removed, which is always a matter of concern.
2. Secondly, and more importantly, creating an access to the property from Brynna Road would set a precedent that should be avoided. There are no other individual properties between the west of Brynna village and Llanharan that have direct access driveways from this busy

road. There is an obvious risk to both pedestrians and other road users.

3. I have no objection to the development per se. however any access should be from Gelli Fedi Road, which is a residential street and not a main road.
4. There is high use of the pavements on both sides of the road, with people walking to the village and children going to school and alighting from buses as they travel home from the comps. There is also a crossing island just to the Llanharan side of where an access point would be created.
5. There are another 6 properties which have gardens backing on to Brynna Road and I believe if the application should be passed and a precedent set, there could be a significant increase in road accidents.
6. In addition most houses face Brynna Road therefore their garden aspects are that their front gardens are also facing Brynna Road with their entrances, driveways and rear gardens to Gelli Fedi Road. This application would appear out of character to the existing houses.
7. The proposed height and nearness to the boundary will reduce light to our garden.
8. I am concerned also that there may be increases in height in the future, or dormer or roof windows overlooking our garden.
9. The main sewer for houses on this side of Gelli Fedi Road passes under our garden, recent difficulties were only just overcome to add these properties to mains drainage. I would not be willing to have our garden dug up again should this arise.
10. We have some mature trees near the boundary, a tall cherry tree in our garden near to the boundary and Brynna Road could be destabilised.
11. I am concerned that this application conflicts with the nature of properties in this road as bungalows with private gardens with a southerly view. This will lead to loss of privacy and also loss of value.
12. The existing drainage for the seven properties within the immediate area would not be sufficient to accommodate even one additional property.

## **CONSULTATION**

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to standard advice in relation to surface water flood risk and sustainable drainage requirements.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development and standard informative notes in respect of noise, waste and dust associated with the proposed development.

Natural Resources Wales (NRW) – no response received.

Dwr Cymru Welsh Water (DCWW) – initially raised an objection to the application on the basis that the proposed development would overload the existing public sewerage system.

However, following discussions in respect of removing surface water flows to accommodate the foul flows generated by the proposed development, now withdraws the objection, subject to the imposition of a condition.

Countryside, Landscape and Ecology – no response received.

The Coal Authority – following receipt of the coal mining risk assessment, raises no objection.

Llanharan Community Council – no response received.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The site is within the settlement boundary and is unallocated.

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

**Policy AW1** - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

**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 placemaking, including landscaping.

**Policy AW10** – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

**Policy SSA13** - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

### **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 (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the relatively modest scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

### **Planning Policy Wales Technical Advice Note 12 Design.**

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

#### **Main issues:**

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

The site is within the defined settlement boundary and seeks to establish the principle of developing the site for a single dwelling, in this case a bungalow as this is the most common type of housing within the immediate locality.

The application includes the details of access, layout and scale of the proposed dwelling for consideration with the remaining details of landscaping and appearance reserved for future consideration.

It is considered that the principle of development is in accordance with the Local Development Plan, and is therefore broadly acceptable, and it represents a potential windfall site in terms of housing provision.

Nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

### **Impact on amenities of neighbouring properties**

The site currently forms the extensive rear garden of Swn y Fro which, like neighbouring properties, faces onto and accesses onto Gelli Fedi Road to the north.

The proposed dwelling would be located in the south east corner of the site and would access onto Brynna Road. While the rear trees and hedge boundaries would be removed to accommodate the access, the existing side foliage would be retained.

It is considered that the dwelling could be accommodated at the site without leading to overdevelopment and would, subject to conditions, provide adequate access, parking and amenity space.

Due to the proposed layout, it is not considered that the proposed dwelling would have a detrimental impact on the existing levels of privacy and amenity to neighbouring properties.

### **Character and appearance of the area**

It is acknowledged that this part of Brynna features properties that face onto Gelli Fedi Road. This application would differ in this respect as it would face directly onto Brynna Road and would also feature a highway access onto this road.

However, a similar situation does exist just 90m to the east of the site at Oaktree Close. While it is acknowledged that this access serves nine properties, it does demonstrate that access onto Brynna Road can be successfully created in a way that can be in-keeping with the existing pattern of development within the area and its character and appearance.

The proposal would create modern residential accommodation which, while slightly at variance with the existing pattern of development, would provide a windfall housing site and additional housing supply within the area.

It is considered that the scale, design and access would be acceptable. Therefore, the application is considered to be acceptable in this respect.

### **Highway safety**

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledged the status of Brynna Road as a Class C road that serves as a bus route and diversion route should the A473 be closed to vehicular traffic. As such, the creation of an additional access point does give cause for concern.

However, the submitted information indicates a 4.5m wide private drive with off-street parking for 2 vehicles arranged to facilitate access and egress in a forward gear. Therefore, the proposed development is considered acceptable regarding access.

In terms of parking, and given that the application is at outline, information as to the number of bedrooms within the dwelling is not available. Nevertheless, there is scope for additional off-street parking to be provided and the issue can be overcome by means of a suitably worded planning condition.

The submitted proposed site plan currently indicates 2 no. off-street parking spaces which is sufficient to cater for up to a 2 bedroom dwelling.

Consequently, it is considered that the proposal is acceptable, subject to the suggested conditions, in this regard.

### **Other Issues**

#### Drainage

As is detailed above the application has been subject to consultation with Dwr Cymru Welsh Water (DCWW). DCWW initially objected to the application as they considered that the proposed development would overload the existing public sewerage system and as no improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme, DCWW considered any development prior to improvements being undertaken to be premature.

However, discussions were then undertaken between DCWW and the applicant regarding the possibility of removing surface water flows from the public sewer network in order to accommodate the foul flows from the proposed development.

This approach would ensure that there is no net increase in flows communicating with the public sewer network, and therefore no further detriment to the public sewer network downstream of the development.

DCWW have completed a scheme to improve assets performance and are currently monitoring the network to understand whether additional capacity has been created as a by-product, enabling the connection of new development.

In light of this DCWW removed their objection and suggested conditions that would allow a means of exercising control over the proposed development. It would also ensure that an acceptable solution can be implemented in advance of any communication to foul flows to the public sewer network.

Consequently, subject to the suggested condition, it is considered that this issue can be adequately addressed.

### Neighbour responses

The application has been the subject of six representations from a neighbouring property during the consultation process. Having regard to the comments made the following observations are offered in response.

1. Ecological information and mitigation can be sought by way of a restrictive condition, prior to any works, including site clearance being undertaken.
2. Any subsequent application for the redevelopment to the rear of other properties within the area would be dealt with on its individual planning merits. The grant of consent for this application would not set a precedent within the locality.
3. The access proposed is off Brynna Road which has been assessed by the Council's Transportation Section and considered acceptable.
4. Similarly, the impact on pedestrian safety, particularly in relation to existing infrastructure has been assessed by the Transportation Section and considered acceptable.
5. There are other properties within the immediate locality that also face onto Brynna Road.
6. The property would be located in the south-east corner of the site and would be a reasonable distance from neighbouring properties. It is not considered that any reduction in light would be sufficient to warrant refusal of the application.
7. Any application to extend or increase the height of the property would be subject to a further application should, one be required.
8. The application has been subject to consultation with the Council's Drainage Section as well as Dwr Cymru Welsh Water (DCWW). While the deficiencies in the existing system are acknowledged DCWW have suggested a condition be imposed at this stage in order to address this issue.
9. Loss of property value is not a material planning consideration.

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.



## **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage but will be calculated for any future reserved matters or full applications.

## **Conclusion**

The proposed dwelling is considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area or highway safety considerations. Consequently, the proposal is considered to be acceptable.

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

1. (a) Approval of the details of the appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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 plan(s) no(s)
  - Site Location Plan
  - Proposed layout plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

4. Prior to any works commencing on site, including works of site clearance, a phase 1 ecology survey shall be undertaken and submitted to the Local Planning Authority. Following approval of the recommendations set out in the survey they shall implemented on site prior to beneficial occupation of the dwelling and retained as such thereafter, unless the Local Planning Authority gives consent to any variation.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. 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 building is occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

6. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of

building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

7. Prior to the commencement of development, details for the provision of bat and barn owl boxes (incorporated within the conversion scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. 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.

9. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

10. No development shall commence on site until an assessment of the impact of the foul flows from this development on the public sewerage network has been undertaken by Dwr Cymru Welsh Water, with confirmation that sufficient capacity is available or:

A surface water trade-off on the public sewerage network, offsetting the proposed foul flows from the development against the removal of existing surface water flows has been undertaken by the developer and verified by Welsh Water and the Local Planning Authority.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No surface water and/or land drainage shall be allowed to connect

directly or indirectly to the public sewerage network.

Reason: To prevent hydraulic overload of the public sewerage system, to protect health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plans and approved by the Local Planning Authority.

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

13. Notwithstanding the submitted plans, development shall not commence until details providing for the creation of a vehicular crossover in accordance with Highway Design Guide Standard Details drawing no. 111 have been submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of the dwelling.

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

14. The proposed private access shall be constructed in accordance with submitted drawing no. "20/010/1" in permanent materials and remain for the purpose of vehicular parking and turning only.

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

15. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

17. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 16:30 pm on weekdays to and from the site

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