



PLANNING & DEVELOPMENT COMMITTEE

7 JANUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0959/10 (GH)
APPLICANT: Cartrefi Limited
DEVELOPMENT: 6 x 1 bedroom flats (description changed and revised plans received 4th November 2020).
LOCATION: FORMER BRITISH LEGION CLUB, HOWELL STREET, CILFYNYDD, PONTYPRIDD
DATE REGISTERED: 03/11/2020
ELECTORAL DIVISION: Cilfynydd

RECOMMENDATION: REFUSE

REASONS: The position and height of the rear elevation of the proposed building would be considered to be overbearing, dominate and be harmful to the outlook of neighbouring residents to the west and cause an unacceptable degree of overshadowing.

Furthermore, the windows within the proposed south-facing side elevation would enable intrusive views towards the rear amenity space and windows of habitable rooms of the neighbouring property to the south.

Consequently, the proposal is considered to have a significant detrimental impact on the amenities of neighbouring occupiers and represents development inappropriate to the local context, which would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan or the Council's SPG for the Development of Flats.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Full planning consent is sought to construct a building to contain six self-contained one-bedroom flats, at the site of the former British Legion Club, Howell Street, Cilfynydd. The new accommodation would be arranged over three floors, each of which would have two flats.

As the description of development suggests, the original proposal was for a larger building which would have accommodated 4 x one-bedroom and 2 x two-bedroom flats.

However, to address concerns raised during the initial consultation, revised plans were received which reduced the height and footprint of the building; removed fenestration to the rear elevation of the building to prevent overlooking of Cilfynydd Road dwellings; and relocated the building slightly further to north to help mitigate any impact on the property to the south.

Due to the topography of the site the principal elevation, facing eastwards towards Howell Street, would appear as a two storey structure. The flats occupying the ground and first floor would have a separate entrance to the parking area between the principal elevation and the highway.

Conversely the entrance to the lower ground flats would be within the side elevations and accessed by a flight of steps to either side. The split level arrangement means that from the rear the three storeys of the building would be evident.

As noted, off-street parking spaces are proposed to the front of the site, with a total of seven being laid out both adjacent and perpendicular to the highway. However, other than for a bin store being indicated to one side, no specific external amenity space is identified.

External finishes would comprise elevations of painted render with uPVC fenestration, all of which would be enclosed by a twin pitch roof of man-made slate tiles.

In addition to the plans and elevation drawings accompanying the application, a design and access statement has been submitted.

SITE APPRAISAL

The application property is a rectangular-shaped parcel of land located at Howell Street within the settlement of Cilfynydd.

Comprising a surface area of approximately 0.037 hectares the eastern boundary of the land is aligned with the highway to the east. The land falls significantly in level towards the east. The site previously accommodated the British Legion Club, and

although the remains of foundations have been visible, the Club was demolished in excess of 15 years ago.

Neighbouring land uses are residential, where dwellings on the opposite side of Howell Street are part of a typical linear Victorian terrace. The land immediately to the south is occupied by a modern bungalow, whilst a pair of semi-detached houses, on Cilfynydd Road occupy the lower ground to the west.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

10/5661/32: 4 dwellings. Decision: 26/08/2010, Raise Objections

07/1856/13: Construction of 2 dwellings. (Outline with indicative scheme). Decision: 28/01/2008, Grant

PUBLICITY

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

Ten letters of objection were received in response to the first consultation. A further five letters of objection were received to the reconsultation of the revised plans. The following concerns were highlighted:

Amenity:

- The proposed development is only 13.5m away from the back of my house instead of the recommended 21m.
- My privacy will be completely gone due to the position, height, size and the fact there are 12 windows on the rear elevation.
- The proposed overbearing development will stand 12.7m above our bedroom windows.
- The proposed development is overbearing to my property, the height and size will overshadow the rear of my house and back garden. I am already overshadowed by an out of control tree on the rear garden of the cottage next door.
- There is a widely used rule amongst many local councils where 25 degrees is the recommended angle from the centre of the lowest window to the top of any new development to ensure no loss of daylight. From the centre of the lowest window in our ground floor, the angle to the new build would be 45 degrees, thus having a huge effect on the light entering our home.
- The original building that sat on the land was far smaller, set about 5m back from our boundary and our property was faced by the gable end

- The increased noise associated with flats. I object to the change of use from a former commercial premise to residential flats.
- The view we currently have will be spoilt by a block of flats which will I guess take value from the houses as will have flats looking over them.
- The side elevation of the plans show windows from 2 different flats looking straight into my modest back yard and garden, taking away all my privacy, this is surely not acceptable.

Highways/Parking:

- There is no parking in the street now and they want to put a load of flats where people park now.
- This would stop parking for approximately 6 cars in the street. Sometimes we have to park on the hill or another street as it stands.
- This road is also a bus route and buses have trouble passing parked cars as it is at times.

Design:

- The proposed building is an absolute monstrosity, extremely unsightly and completely and utterly out of character with the area and current houses in the street.
- The proposed building is not in keeping with the surrounding houses including my own, the height of the building will over shadow my own and stop all light to the rear of my property and bedroom.
- The plot is clearly too small for the block of 6 flats, or any block of flats for that matter.
- Two newer houses at the opposite end of Howell Street i.e. Forest View and May House were built long after Tre-goed, but in a similar design and therefore more in-keeping.

Other:

- For many years since the demolition of the British Legion the land has been left unmaintained. There is a major problem with Japanese Knotweed and also, I believe sewerage issues were never resolved.
- I strongly object to "housing association" flats being built that as highlighted and identified by yourselves can bring unsought characters to the area and highlights potential problems that flats can bring thus being privacy and nuisance issues.
- We have had many anti-social behaviour issues with other flats close by. Drug dealing, armed Police visits, illegal parking and even food/litter dropped from windows are just some of the issues we have had to endure.
- The existing stone retaining wall, that borders our property, was no doubt built at the same time as the British Legion building and has become weak, especially due to the large plant machinery that has been on the land in recent

years. There will need to be a new retaining wall built behind this stone wall in order to prevent its collapse into our property.

- The stone boundary wall is not a retaining wall and would not withstand the construction works of any proposed building, and as the topography of the area is quite extreme there would be major ground works required from the developer
- No neighbours have been consulted or received direct notification about this proposal.
- The siting of the household waste bins will attract vermin onto our property.
- We would urge you to consider your responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

CONSULTATION

Highways and Transportation

No objection subject to conditions regarding vehicular crossover, parking and HGV delivery times.

Housing Strategy

No objection

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise, dust and waste.

Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

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 Cilfynydd

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries.

Policy CS5 - The policy identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - This policy is concerned with the supply of new housing within the Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW2 - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness.

Policy AW10 - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA11 - The policy stipulates that residential development will only be permitted where the net residential density a minimum of 35 dwellings per hectare.

Policy SSA12 - The provision of 20% affordable housing will be sought on sites of 5 units or more.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Development of Flats

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 10 (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.

It is considered that the proposed development is neither sufficiently consistent with the key principles and requirements for placemaking as set out in PPW, or with the Well-being of Future Generations (Wales) Act's sustainable development principles, which seek a positive contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

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 construction of a residential development at a site within Cilfynnd, which is within the settlement boundary.

LDP Policy CS2 supports residential developments that are focussed within settlement boundaries and where the re-use of previously developed land is proposed. Policy AW1 also recognises that the supply of new housing will occur on unallocated land within the defined settlement boundaries of smaller settlements.

The sustainability of the location is also a key consideration, and the development would accord with the relevant criteria of Policy AW2, e.g. its location within the settlement boundary; compatibility with surrounding residential uses, accessibility to sustainable transport options; and access to key services and facilities.

Furthermore, the Council's Housing Strategy Team has advised that this scheme has been designed to help address the need for additional affordable housing within Cilfynydd, and the unit mix and tenure proposed are in accord with the Local Housing

Market Assessment 2017/23. Therefore, the proposal satisfies Policy SSA12 and would also be able to meet the density requirements set by Policy SSA11.

In addition, some of the matters above coincide with national sustainable placemaking outcomes, against which PPW10 suggests development proposals should be assessed, particularly the reuse of previously developed land, the provision of homes to meet society's needs and accessibility to public transport and goods and services.

In light of the above, the development could be considered acceptable in principle, however in this instance the proposal would result in a significant detrimental impact on the amenities of neighbouring occupiers and represent development inappropriate to the local context.

Impact on the character and appearance of the area

There are no concerns in respect of the design and style of the building per se and it is acknowledged that revisions to the original design were submitted in order to address concerns raised during the consultation process, although these relate more to neighbour amenity issues, rather than visual impact.

Nonetheless, whilst it is recognised that there are buildings of comparable size and scale within Cilfynydd and close to the site - such as the Church, Community Centre and Commercial Hotel - they were contemporary to the Victorian era when much of the wider community was constructed, and therefore assimilated better with the residential terraces.

The responses from objectors questioned whether the proposal was in-keeping with its setting. These concerns are understood since more recent infill development, such as Tregod to the south and the two dwellings known as Forest View and May House further to the north, are smaller, less intrusive and, all being split-level, appear as single storey structures from Howell Street.

Therefore, whilst there are fewer concerns about the design being of a more modern appearance, the scale and massing of the development, which have consequences for the neighbour issues discussed below, are considered to be excessive and inappropriate to the local context and street scene.

As such, it is considered that the proposed development would detract from the character and appearance of the area, contrary to the provisions of Policy AW6.

Impact on neighbouring occupiers

The Councils SPG for the Development of Flats makes specific references to matters of neighbour amenity, that are encompassed by Policy AW5.

The SPG states that the Council will resist proposals which have a detrimental impact on the existing built or natural environment or the amenity of neighbours. It more specifically advises that “the impact on neighbouring properties in terms of loss of privacy, overlooking and overbearing impact will need to be carefully considered” and that where the development includes new buildings, that loss of daylight and impact on outlook are valid considerations.

In respect of the neighbouring properties located on the opposite side of Howell Street, objections were made relating to a loss of view and privacy. The former cannot be considered material, although there is a concern that the windows of habitable rooms within the flats would have views towards those of the houses and vice versa.

The relationship between the flats and the two properties to the west, known as Trefechan and Cilfor, is a key concern, particularly given the acute change to topography, although the revised plans removed all fenestration from the rear elevation to prevent overlooking.

The submitted plans demonstrate that the distance between the rear elevations of those two properties and the existing boundary wall is 12.6m. The current 8.1m height of the wall is proposed to be increased to 8.7m, on top of which there would be a 2m high fence. Beyond the wall and fence, and set back by 1.9m, would be the 6m high rear elevations of the flats.

This arrangement would result in the outlook from Trefechan and Cilfor being dominated by an overbearing structural mass that would be harmful to neighbour amenity and living conditions. In addition, this mass would, for the first part of the day, reduce natural light and overshadow their rear elevations and windows. The helpful section provided by a resident, which shows a 45 degree angle between ground floor rooms and the roof of the flats, clearly emphasises that impact.

Lastly, the windows within the side elevations of the flats would directly overlook the rear amenity space and side windows of the neighbouring property to the south, Tregoed, which is considered to be unacceptable.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered not to comply with Policy AW6 or the Council’s SPG for the Development of Flats.

Access and highway safety

The proposed flats would be served via direct access from their frontage to Howell Street, Cilfynydd.

The Council’s Highways and Transportation Section has advised that the proposed means of access gives no undue cause for concern, although a vehicular footway

crossover would be required for the proposed 7 no. off-street parking spaces, which could be addressed by a condition.

With regard to off-street parking, the Council's SPG advises that 1-2 bedroom dwellings have an off-street parking requirement of 2 spaces, plus 1 space per 5 dwellings for visitors. The development would therefore have a total requirement of 13 spaces, whereas the proposed site plan for 7 no. off-street parking spaces would result in a shortfall of 6 spaces, which gives cause for concern.

However, when considering that the proposed development is located in a sustainable location within defined settlement boundaries, that residents of flats often have lower car ownership rates, and the development is entirely for 1 bedroom flats, the provision of 7 no. spaces, i.e. 1 space per flat plus 1 visitor space, is considered acceptable.

Other Issues

Most of the relevant material considerations contained within the representations of neighbours and residents have been addressed within the preceding sections.

However, whilst concerns about the effect on property values, tenure of the development and anti-social behaviour issues at other properties are noted, they are not germane planning considerations in the context within which they are raised.

Therefore, no material weight has been apportioned either to these or those that could be controlled by other legislation, including those that would fall within the scope of Building Regulations.

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 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40m² for residential development.

The CIL (including indexation) for this development is expected to be £22,571.55. However, social housing relief may be claimed on the social housing element of the development.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require

payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development, on behalf of the Newydd Housing Association, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement would be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

Conclusion

For the reasons outlined above it is considered the proposal would be of an excessive scale and have a harmful impact on the residential amenity of the surrounding neighbouring properties. These concerns are considered sufficient to outweigh the factors in favour of the development, in particular the need for affordable housing provision. The application is therefore considered not to comply with Policies AW5 and AW6 of the Local Development Plan.

RECOMMENDATION: Refuse

1. The position and height of the rear elevation of the proposed building would be considered to be overbearing, dominate and be harmful to the outlook of neighbouring residents to the west and cause an unacceptable degree of overshadowing.

Furthermore, the windows within the proposed south-facing side elevation would enable intrusive views towards the rear amenity space and windows of habitable rooms of the neighbouring property to the south.

Consequently, the proposal would have a significant detrimental impact on the amenities of neighbouring occupiers and represent development inappropriate to the local context, which would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan or the Council's SPG for the Development of Flats.