PLANNING & DEVELOPMENT COMMITTEE

24 JUNE 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

Application No:	20/1171/10 – Construction of 4no. terraced houses with associated curtilage car parking off rear access at Land adjacent to 186 East Road, Tylorstown

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 25th February 2021. A copy of the original report is attached as Appendix A.

During that meeting Members resolved to undertake a site visit following a request from the two ward Members for Tylorstown. A copy of the minutes of the site meeting are included as Appendix B.

At the subsequent Committee meeting of 20th May 2021 Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development, due to concerns of overdevelopment and that parking and access arrangements were not acceptable.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

Whilst the views of Members are acknowledged, it is considered that the proposed residential development is acceptable in principle, being located within the

settlement boundary and in a sustainable location close to public transport and some local services.

In this case, the site already benefits from a live outline planning consent for four terraced houses with parking to the rear (16/0391/13), which was granted on 7th June 2016. No objections were recorded from either statutory consultees or members of the public to this application.

The means of access and the site layout were approved at outline stage, with only scale, appearance and landscaping left as reserved matters. The approved layout of the extant consent for the four plots, with vehicular access and the parking area gained from the shared lane, is the same as that proposed by the current application. Furthermore, the form and density of the development directly reflects that of the adjacent properties to the south.

As the report presented to Members on 25th February notes, the extant consent is considered to carry significant material weight. Taking both this and the comments of the Highways and Transportation Section into account, there is a concern that a reason for refusal on these grounds would be unsustainable and difficult to justify at any subsequent appeal.

Nonetheless, Members concerns about the site layout and access are also noted and in respect of the latter, it is clear that the rear lane is narrow, which would make vehicle access very tight.

The awkwardness of this access means that there is a genuine concern about whether it would be convenient and practical for future residents to use the lane and allocated parking spaces and, if not, that it would result in parking on East Road or Edmondes Street where there is already an excess of demand.

Another concern relates to antisocial behaviour and whether future residents would consider it safe to leave vehicles parked off the rear lane. Although there may be a degree of natural surveillance from the new houses, the adopted lane does not benefit from street lighting and is set away from the well-trafficked part of the highway network.

Lastly, the acceptability of the development density was highlighted by Members, and although the surrounding development is of a similar layout and density, this was not the case for the application site, which once accommodated a former Chapel.

Historic maps demonstrate that the Chapel was set back from the highway by a small forecourt and occupied around 2/3rds of the plot width, providing variety and a break from the continuous elevations to either side. Therefore, the impact on the street scene in respect of East Road, was one of less massing compared with that which would be created by the proposed dwellings.

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

By virtue of their design and layout, the proposed dwellings would provide inappropriate and inadequate off-street parking facilities and would create on-street parking in the vicinity to the detriment of highway safety. Furthermore, the density and massing of the dwellings would be excessive, resulting in overdevelopment of the site and therefore harmful to the appearance of the street scene. The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG for Access, Circulation and Parking Requirements.

APPENDIX A

PLANNING & DEVELOPMENT COMMITTEE

25 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	20/1171/10 **(GH)**
APPLICANT:	**Mr Allyjaun**
DEVELOPMENT:	Construction of 4no. terraced houses with associated curtilage car parking off rear access.
LOCATION:	**LAND ADJACENT TO 186 EAST ROAD, TYLORSTOWN, CF43 3BY (FORMER BAPTIST CHAPEL SITE)**
DATE REGISTERED:	**26/10/2020**
ELECTORAL DIVISION:	**Tylorstown**

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The proposal is considered to be an appropriate scale and form of infill development that would be in keeping with the character and appearance of the area and would make a productive use of the site. Furthermore, it is considered that the new dwelling would not cause undue harm to the amenity and privacy of the neighbouring residential properties or be detrimental to highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Robert Bevan, and supported by Councillor Mark Adams, for the matter to come to Committee due to concerns about the ability to achieve the proposed off-street parking to the rear, and whether the proposal would represent overdevelopment.

APPLICATION DETAILS

Full planning consent is sought to construct four terraced dwellings on a parcel of previously developed land between no's 186 and 187 East Road, Tylorstown.

The properties would be constructed between the two extant dwellings and on their southern side would adjoin the side elevation of no. 187 so that the terrace would partly be continuous.

Like their immediate neighbours the new dwellings would have a two-storey principal elevation facing East Road, but a three-storey rear elevation due to the topography of the location. A rear parking area, comprising two spaces per dwelling, would be accessed from the existing adopted back lane.

The accommodation would comprise a kitchen/diner to the lower ground floor; single bedroom, WC and living room to the ground, with two double bedrooms and a bathroom to the first. In addition, each dwelling would be provided with an enclosed garden and patio, together with a balcony, essentially the roof of the kitchen/diner below, leading from the living room.

The application is accompanied by a Design and Access Statement (DAS). The DAS states that the development would accord with national planning policy objectives and those within the Local Development Plan.

SITE APPRAISAL

The application site is an irregular-shaped parcel of land, of approximately 0.05 hectares, which is located between 186 and 187 East Road, and is both within Tylorstown and the defined settlement boundary.

Historic mapping shows that the site previously accommodated a Baptist Chapel as a continuation of the west-facing terrace fronting East Road, albeit that this building was demolished at least twelve years ago.

The site is level with East Road but falls significantly towards the east, at which point the site boundary meets an adopted rear lane. This access is shared both with the neighbouring properties on East Road and those at Edmondes Street, the gardens of which back onto it.

The majority of the surrounding development dates from the Victorian era and most, if not all, accommodates residential land uses.

PLANNING HISTORY

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

16/0391/13: 4 new terraced houses with rear parking (outline). Decision: 07/06/2016, Grant.

PUBLICITY

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

One letter of objection was received from a resident of Edmondes Street raising concerns in respect of the reduction in sunlight to the rear of their property, and therefore being of less appeal to future buyers.

It was also stated that the rear access to the new properties through the lane could lead to general disturbance, and that anti-social behaviour already occurs.

CONSULTATION

Transportation Section

No objection subject to conditions in respect of access, parking and timing of HGV deliveries.

Dwr Cymru Welsh Water

DCWW notes and accepts the intention is to drain foul water to the mains sewer and surface water to a sustainable drainage system. DCWW has also acknowledged that the proposed site plan drawing no. 2018.PL01 suggests that the SuDs percolation zone will be located within the easement of a public sewer; no operational development shall be carried out, or SuDs feature located within 3 metres either side of the centreline of the public sewer.

Public Health

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

However, these matters are proposed to be incorporated within an informative note, since they can be controlled within the scope of existing environmental health legislation.

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 Tylorstown.

Policy AW1 - identifies how new housing will be supplied.
Policy AW2 - directs development towards 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 - supports development proposals which are not detrimental to public health or the environment.
Policy NSA12 - supports development within the settlement boundary

Supplementary Planning Guidance

Design and Placemaking
Access, Circulation and Parking

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 consistent with the key principles and requirements for placemaking set out in PPW; and is also 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.

Other relevant national policy guidance consulted:

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 site is within the defined settlement boundary and fulfils the requirements of LDP Policy NSA12 and most of the relevant criteria of Policy AW2; the latter identifying that the location would be considered to be a sustainable one. Consequently, the LDP establishes that there would be a presumption in favour of the principle of residential development.

In addition, the site's planning history demonstrates that the construction of four dwellings, with rear parking, was previously considered to be an appropriate development, having gained outline consent by virtue of planning application 16/0391/13.

That decision was taken within the context of the current Local Development Plan and the circumstances of the site have not changed materially since then. Therefore, the previous consent is considered to carry significant weight in favour of the proposed development.

Nonetheless, whilst the principle of residential infill development is supported by Local Development Plan policy, the details of the application are subject to consideration of the relevant matters outlined below.

Impact on the character and appearance of the area

The site was formerly occupied by the Libanus Methodist Chapel, which was constructed in 1885 and closed in 1982. In the intervening period, the Chapel has been demolished and the site mostly left as maintained grass or scrub.

Whilst the Chapel was a large and prominent structure, the construction of four dwellings would still represent a substantial change to the appearance of the street scene, because the site had been vacant for a long period.

Nonetheless, since the scale and form of the new dwellings would be sympathetic to the surrounding residential properties, which are predominantly characterised by terraced dwellings with the occasional larger detached and semi-detached house, the development would not be considered detrimental to the appearance of the site.

The submitted plans demonstrate that the principal elevation of the new terrace would be directly adjacent to East Road, as is the case with the houses to either side, and whilst the ridge line would be slightly higher, this would not cause an unacceptable divergence from the pattern of development in the area, where some variation can already be found.

To the rear, the proportions of the development would mirror those of the neighbouring dwellings to the south, being comparable both in terms of depth, height and massing, and where the lower ground level is apparent due to the steep drop in level. Conversely, the

four neighbouring properties to the north have a much greater mass to the rear, since three of these benefit from very large three storey off-shots.

In respect of design, as stated above, the scale and form of the development would respect the existing built environment; however rather than try to create ‘new’ Victorian houses, the elevations would be of a contemporary style, being finished in render and without the kind of fenestration detail found on the older properties.

Consequently, the proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance.

Impact on neighbouring occupiers

The public consultation only resulted in one objection, which was from a resident of Edmondes Street, and raised concerns about the impact on daylight, the appeal to potential buyers, and possible disruption from use of the lane and anti-social behaviour.

Although the ‘right to light’ is a civil matter with any options for recourse based on the provisions of the Prescription Act of 1832, it is still relevant to planning where the proximity or layout of a development can cause overshadowing.

Generally, for overshadowing to be unacceptable in planning terms, a development would have to be very much closer than that which is proposed. As an example, the distance between the rear elevation of the new dwellings and those on Edmondes Street varies within the region of 25m to 31m. Given the density and pattern of the settlement, this is considered ample, to maintain outlook, privacy and prevent overshadowing.

It is also appreciated that there are four or five properties on the western side of East Road, which currently benefit from views though the gap towards the opposing side of the valley, which was created when the Chapel was demolished.

Whilst the loss of a view is not a material consideration, the development would undoubtedly change the outlook from those dwellings. However, with a gap of 13m between opposing elevations, which would be in common with the relationship between other properties up and down East Road, this would not be considered sufficient a reason to withhold planning permission.

Lastly, the location and level of the proposed ground floor balcony/deck and lower ground level garden were considered, as to whether these would enable intrusive views towards other dwellings and their habitable rooms. Notwithstanding the high degree of overlooking that already exists between neighbouring houses, the balcony and garden would not exacerbate this.

Therefore, having regard to the layout and design of the properties, it is considered that the arrangement of the proposal, both in respect of topographical changes and the

distance between the development and existing properties, would not cause a harmful impact to the amenity or privacy of neighbouring occupiers.

Highways and accessibility

Primary access is from East Road (A4233) which is a principle route and carries a substantial amount of vehicular traffic. The carriageway is 7.3m in width and has double yellow lines on both sides of the carriageway, with continuous 1.5m-1.6m wide footways. This is considered acceptable for safe vehicular and pedestrian movement.

To the rear is an adopted lane which varies in width between 3.6m – 4m and is proposed to be used to access off-street car parking. There is some concern that the visibility at each end of the lane is sub-standard (2.6 x 6m to the left and right at the northern end; and 2.4m x 3m to the right and 2.4m x 5m to the left at the southern end).

However, the Council's Highways and Transportation Section has advised that taking into account the lane would be used for secondary access and for off-street car parking, which generate limited vehicular movement, the proposal is, on balance, acceptable in this respect.

In accordance with the SPG for Access, Circulation & Parking, the proposed 3 bedroom houses would each require a maximum of 3 off-street car parking spaces with 2 per dwelling provided. However, since the site is in a sustainable location close to a number of local facilities and public transport links, the 2 spaces per dwelling provided is considered acceptable.

Furthermore, 4 secure cycle stands have been proposed to mitigate the impact of the development, for the purposes of promoting sustainable modes of travel, with less reliance placed on the private motor vehicle, which accords with the aims of the Welsh Government.

The applicant has set the rear site boundary back to accommodate the off-street car parking and therefore details of the proposed tie-in with the adopted lane and surface water drainage details have been conditioned.

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). However, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore no CIL would be payable.

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. Furthermore, the development would benefit from acceptable highway and parking access. The application is therefore considered to comply with Policies AW1, AW2, AW5, AW6, AW10 and NSA12 of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

CONDITIONS

1. 1A2 Time limit
2. 1A5 Plan numbers

The development hereby approved shall be completed in accordance with the approved drawing numbers:

- 2018.PL01 (dated 09/10/20)
- 2018.PL02 (dated 09/10/20)
- 2018.PL03 (dated 09/10/20)
- 2018.PL04 (dated 09/10/20)

and details and documents received on 22nd and 27th October 2020.

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

3. UNQ Highways parking area

No works shall commence on site until design and detail of the parking area and its tie in with the adopted lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. UNQ Highways access

Before the first unit is brought into beneficial occupation the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 2018.PL01 and approved by the Local Planning Authority. The car parking spaces shall remain thereafter for the parking of vehicles in association with the proposed development.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. UNQ Highways HGV deliveries

HGVs used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm 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 in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

5th May 2021

SITE MEETING

APPLICATION NO. 20/1171 – CONSTRUCTION OF 4 NO. TERRACED HOUSES WITH ASSOCIATED CURTILAGE CAR PARKING OFF REAR ACCESS. LAND ADJACENT TO 186 EAST ROAD, TYLORSTOWN, CF43 3BY (FORMER BAPTIST CHAPEL SITE)

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Jessica Daniel, Council Business Unit.

1. PURPOSE OF THE REPORT

1.1 To consider the outcome of the site inspection in respect of the abovementioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

2. RECOMMENDATION

It is recommended that Members:

2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

3. BACKGROUND

3.1 In accordance with Minute No 110 (Planning and Development Committee – 25th February 2021) a site inspection was undertaken on Wednesday 5th May 2021 to consider highways safety and access to the proposed parking location on the site.

3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, D. Grehan, S. Powderhill and J. Williams.

3.3 Local Member, County Borough Councillor R Bevan was also present at the meeting.

3.4 Apologies for absence were received from Committee Members – County Borough Councillors J. Bonetto, G. Hughes, P. Jarman, W. Owen, D. Williams and R. Yeo

3.5 Members met at the proposed front entrance to the site on East Street and walked around the rear of the site to view the proposed rear access and parking site. The Planning Officer in attendance informed members that planning permission is sought to construct four terraced dwellings on a parcel of previously developed land between no's 186 and 187 East Road, Tylorstown. The properties would be constructed between the two extant dwellings and on their southern side would adjoin the side elevation of no. 187 so that the terrace would partly be continuous.

3.6 The Planning Officer advised that the new dwellings would have a twostorey principal elevation facing East Road, but a three-storey rear elevation due to the topography of the location. A rear parking area, comprising two spaces per dwelling, would be accessed from the existing adopted back lane.

3.7 The Highways Officer present advised Members that the primary access to the site would be at the front of the proposed development with the rear area being retained for off street parking solely.

3.8 Members noted the number of parking spaces provided within the application as 2 per dwelling being below the maximum required in accordance with the SPG for Access, Circulation & Parking. The Highways Officer advised Members that due to the sustainable location of the site close to a number of local facilities and public transport links, the 2 spaces per dwelling provided is considered acceptable.

3.9 Members questioned the safety of utilising an unadopted lane as highways access to the rear of the proposed development. The Highways Officer informed Members that the proposal included a 6m curtilage set back from the lane at the rear to allow movement of vehicles and given that the lane would be used for secondary access and for off-street car parking, which generate limited vehicular movement, the proposal is, on balance, acceptable in this respect.

3.10 Members questioned the possibility of ensuring that the parking access be completed prior to the start of the development on the residential dwellings and were informed by the Planning Officer that Condition 4 of the original report outlines that prior to the first unit being brought into beneficial occupation the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 2018.PL01 and approved by the Local Planning Authority. The car parking spaces shall remain thereafter for the parking of vehicles in association with the proposed development. Furthermore, Members were advised that condition 3 sought the submission engineering design and details for the parking area and its tie-in with the adopted lane, prior to the commencement of development.

3.11 Non-Committee Member/ Local Member, County Borough Councillor R. Bevan expressed his concerns in respect of the proposed development and in particular, to the potential for increased issue of parking on East Street and the lack of safety for vehicles parking at the rear of the proposed site. He also raised the concern of overdevelopment of the site resulting in too many vehicles potentially utilising the confined rear parking. Finally, he also questioned the suitability of the unadopted lane being used and highlighted the limited vehicle movement currently in the lane.

3.12 The Chair thanked the officers for the report and closed the meeting.