



PLANNING & DEVELOPMENT COMMITTEE

22 JULY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1182/16 (CA)
APPLICANT: Mr C Wills
DEVELOPMENT: Development of five detached dwellings (Approval of reserved matter details pursuant to grant of outline permission 14/1308/13, as extended by 19/0334/15) (Amended Plans received 23/03/2021).
LOCATION: FORMER CWMBACH LIBRARY SITE, MORGAN ROW, CWMBACH, ABERDARE
DATE REGISTERED: 23/03/2021
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS:

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan. The principle of the development has been previously established via the outline planning permission related to the site and the proposal is deemed to have an acceptable impact upon the character and appearance of the area as well as upon the residential amenities of neighbouring properties and highway safety.

The proposal would enable the development of a disused parcel of land with five family homes. It is considered that the proposal would enhance the street scene, provide additional housing in an established residential location and provide a degree of economic benefit to the local area.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for final determination as three or more objections have been received and the application is recommended for approval.

APPLICATION DETAILS

The application seeks reserved matters consent (access, appearance, landscaping, layout and scale) for the development of 5 no. detached dwellings at the former Cwmbach Library Site, Morgan Row, Cwmbach. Outline planning permission was originally granted on 22/04/2015 (Application Ref: 14/1308/13), with the permission extended on 21/05/2019 (Application Ref: 19/0334/15).

The submitted Site Layout Plan indicates that dwellings contained within Plots 1 – 4 would be positioned towards the eastern side of the application site, with Plot 1 accessed from the south via Morgan Row and Plots 2 – 4 accessed via Pond Place. Plot 5 would be located within the north western corner of the application site, with access gained from Cwmbach Road to the west. Each dwelling would benefit from private amenity space and Plots 2 – 5 would contain ancillary garages.

In terms of the visual appearance of the development, each dwelling would differ in design but follow a similar modern style. Plot 1 would contain a split level three bedroom dwelling with accommodation spread over three floors. A double garage would be located within the basement and the dwelling would measure a maximum height of approximately 9.8 metres on its western elevation. Plot 2 would contain a substantial three bedroom dwelling featuring a terrace at first floor level on its western elevation. This dwelling would measure approximately 10.8 metres high on its western elevation, however due to the sloping nature of the land it would reach approximately 6.7 metres on its eastern elevation. A triple garage would be positioned to the east of the property, adjacent to Pond Place. The dwelling located within Plot 3 would contain up to five bedrooms and be of substantial scale with accommodation spread over four floors including within a sunken basement. This dwelling would measure a maximum height of approximately 10.4 metres. Accommodation within Plot 4 would be spread over three floors with the property containing two bedrooms at first floor level. Finally, Plot 5 would contain a more modestly sized dwelling with accommodation spread over two floors including three bedrooms. Plots 3 – 5 would contain matching double garages.

External materials proposed include natural slate roofs with clay ridge tiles, render elevations, facing brickwork and natural stone detailing.

Since its original submission, the application has been amended in order to provide highway improvements following an objection from the Council's Transportation Section.

SITE APPRAISAL

The application site comprises a roughly rectangular shaped plot of land with an area of approximately 0.35 hectares, located within the defined settlement boundary of Cwmbach.

The site is located on a gradient that falls steeply from east to west and is bound on three sides by vehicular highways; Cwmbach Road to the west, Morgan Row and an

un-named road leading to Abernant-y-Groes-Uchaf Farm to the south and Pond Place to the east. Cwmbach Road and the highway to the south benefit from pavements on both sides of the carriageway, whilst Pond Place only has a pavement on the eastern side of the carriageway, adjoining and adjacent to the existing dwellings. Prior to its demolition, the former library building and associated car-parking area were located in the southern part of the site, adjacent to Morgan Row.

A trodden path, that provides pedestrian access from Blaennantygroes Road to the north, to the un-named road in the south, passes through the site. Whilst the path is well established it is not a definitive Right of Way.

The surrounding area is predominantly residential, with a mix of traditional terrace properties, detached and semi detached dwellings as well as blocks of flats evident in the immediate area.

PLANNING HISTORY

19/0334/15	Vary Condition 1 of Planning Permission Ref. 14/1308/13 to extend planning permission for a further 5 years.	Granted 21/05/2019
14/1308/13	Demolition of existing redundant library building and outline consent for residential development of the site (all matters reserved).	Granted 22/04/2015

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties and a site notice was displayed. Three letters of objection were received, however it is noted that within one of the submissions, the letter was re-produced and individually signed by twenty local residents, all of whom reside at either Pond Place, Phillip Row or Morgan Row. As such, there are twenty-three local residents who object to this proposal.

The points raised within the objections will be addressed in the main body of the report below and are summarised as follows:

- Access to the site must be via Morgan Row only and not via Pond Place.
- The amendment to the plans which increases the length of the turning head and provides footways along Pond Place would have no benefit to the residents of Pond Place.
- The development would reduce on street car parking provision along Pond Place.

- The development does not include car parking provision for the new resident's children or visiting extended family members.
- The development should be for five smaller dwellings (preferably bungalows).
- The proposed dwellings would impact upon the privacy of nearby dwellings.
- The proposed dwellings would result in a loss of light to properties along Pond Place.
- The proposal does not factor in the eradication of Japanese Knotweed.
- A claimed right of way crosses the application site and the recording of the right of way is being considered by the Planning Inspectorate. This process needs to be completed prior to the determination of the application.

CONSULTATION

Transportation Section – No objections, subject to conditions.

Flood Risk Management – No objections or conditions recommended.

Public Health and Protection – No objections.

Countryside, Landscape and Ecology – No objections.

Rights of Way Officer – The claimed right of way should be detailed in the planning application, conditions recommended.

Natural Resources Wales – No objections or conditions recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site lies within the defined limits of development but is not allocated for any specific purpose.

Policy CS1 – Development in the North: Places an emphasis on building strong, sustainable communities.

Policy AW1 – Supply of New Housing: Provides criteria against which applications for new housing will be considered.

Policy AW2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW4 – Community Infrastructure and Planning Obligations: This policy provides support to secure planning obligations and contributions.

Policy AW5 – New Development: This policy sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – Design and Placemaking: This policy requires development to involve a high quality design and to make a positive contribution to place making.

Policy AW10 – Environmental Protection and Public Health: Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries: Development within the Northern Strategy Area will be permitted within the defined settlement boundaries subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

A Design Guide for Householder Development

Nature Conservation

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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.

It is also considered the proposed development is compliant with the NDF.

Other relevant national policy guidance considered:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 11: Noise

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

PPW Technical Advice Note 23: Economic 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 application seeks reserved matters consent. As such this application seeks an assessment of the access, appearance, landscaping, layout and scale of the development proposed following the grant of outline planning permission. It is therefore considered that the principle of the development of the site has been previously established and the proposal is acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area:

In terms of physical area, the site extends to approximately 0.35 hectares, an area which is large enough to accommodate the proposed number of dwellings and associated access and off road car parking provision.

The development of 5 no. dwellings on the 0.35 hectare site would result in a density of approximately 14 no. dwellings per hectare (dph), which is considerably below the required density of 30 no. dph as set out in Policy NSA10. However, it has previously been accepted when granting the outline permission that due to the topography of the site, which falls steeply from east to west, it is more difficult to develop the site to an acceptable standard at a higher density. As such it is accepted that the density of the development proposed would result in the proposal making efficient use of the land.

The local area is residential in nature and characterised by a mixture of detached, semi-detached and terraced dwellings, as well as blocks of flats. Housing stock within the locality is of varied age and design, with traditional terrace dwellings located on Pond Place and larger, more modern detached dwellings positioned to the north of the site on Blaennantgroes Road. The dwellings proposed are of good quality, modern design and are considered to fit in with the character and appearance of the surrounding area.

The application site is currently disused and in need of attention with a visual appearance that is not considered to have positive impacts upon the character and appearance of the locality. It is considered that the development of the site would allow for its ongoing maintenance and overall enhancement to the local area.

As such, overall, it is considered possible to accommodate the proposed dwellings on the site, without adversely affecting the existing varied character of the area.

Impact on residential amenity and privacy:

As the site is located within settlement limits, in a predominantly residential area, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

As set out above, the site is large enough to accommodate the dwellings, associated parking and amenity areas. It is considered that the dwellings are positioned an adequate distance away from nearby properties to avoid significant overbearing impacts or overlooking, which would not be beyond established levels.

Given the topography of the site which slopes from east to west, the dwellings would be built into the slope. As such, whilst it is noted that the objectors would prefer to see bungalows constructed on the application site, the dwellings would appear lower in height when viewed from Pond Place and are not considered to result in significant loss of light to the terrace row.

In conclusion, it is considered that acceptable standards of amenity could be provided for both existing nearby neighbours and future occupiers of the development.

Impact on highway safety:

To aid in the assessment of highway safety impacts, consultation has been undertaken with the Council's Transportation Section.

The application site is flanked by three adopted highways; Cwmbach Road to the west, Morgan Row extending to an unnamed road to the south and Pond Place to the north. Cwmbach Road has a carriageway width of 7.3 metres with 1.8 metre wide footways and double yellow lines on the opposite carriageway lane. The unnamed road, which leads to Abernant-y-Groes-Uchaf Farm, has a carriageway width of 5.9 metres with footways varying in width between 1.6 metres and 1.8 metres. Pond Place has a carriageway width of 5.4 metres with a 1.8 metre wide footway on the opposite side to the proposed development, as well as a sub-standard turning area which has double yellow lines.

There is concern regarding the proposed access off Pond Place due to the high on-street car parking demand, which narrows the available road width, and sub-standard turning area, which results in reversing movements along Pond Place. The concerns regarding access off Pond Place are reiterated by the objectors. It is also noted that at the time of the consideration of the 2014 outline application, the Planning and Development Committee requested that an Informative be placed on the planning permission advising that the most appropriate access to the site would be from Morgan

Row and not Pond Place. Notwithstanding this, the imposition of the Informative does not prevent the developer from seeking consent for an access from Pond Place as part of the development.

It is considered the proposed development would increase service and delivery vehicles using Pond Place and the sub-standard turning area, which would have a detrimental impact upon the safety of all highway users and the free flow of traffic. In addition, the proposal would result in increased reversing movements along Pond Place to the detriment of safety of all highway users and the free flow of traffic.

In order to mitigate the above concerns however, the developer has proposed to increase the length of the turning head to a minimum of 16.5 metres as well as provide a 1.8 metre wide footway on the development side. This would allow for safe turning movements of larger vehicles and segregated footway facilities would improve pedestrian safety. The proposal will require full engineering design and detail to include construction details, levels, longitudinal / cross section, surface water drainage and details of any retaining wall to be offered for adoption. This can be secured by way of condition.

Car Parking: In accordance with the SPG Access, Circulation & Parking 2011, each dwelling proposed has a maximum off street car parking requirement of three spaces, with each plot accommodating in excess of this requirement. It is however noted that the garage contained within Plot 5 would encroach onto the adjacent public footway. As such, it is recommended that a condition be implemented requiring this garage to be positioned a minimum of 0.5 metres from the rear of the public footway.

To conclude, the amended plans submitted overcome initial concerns raised by the Council's Transportation Section by providing a full size turning facility for use of all on Pond Place as well as a 1.8 metre wide footway on Pond Place. As such, it is considered that access, circulation and parking provision is acceptable and therefore no highway objection is raised, subject to conditions.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage: This issue would be covered by the required, separate SuDs approval prior to any development taking place.

Ecology: Having reviewed the application, the Council's Ecologist has raised no objections to the proposal. It is noted that Condition 2 of the outline permission required the submission of details of all existing trees and hedgerows on the land as well as details of any to be retained together with measures for their protection during the course of the development as part of the reserved matters application. These

details have been submitted and relevant related conditions will be applied accordingly.

In addition, it is known that Japanese Knotweed grows on the site and the objectors' concerns regarding this issue are acknowledged. The planning history indicates that during the summer months of 2014 ground clearance works were undertaken which resulted in the weed spreading across the site. A condition was placed on the outline planning permission requiring full details of a scheme for the eradication and/or control of Japanese Knotweed to be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site. This condition still applies and requires discharging prior to the commencement of the development.

Furthermore, it is considered appropriate to seek biodiversity enhancement at the site through the use of a suitably worded planning condition.

Public Right of Way: It is acknowledged that a claimed right of way crosses the application site and reference to this has been made in the objections. It is noted that the Council previously determined in favour of an application to record the path on the Definitive Map and Statement as Footpath 28 Cwmbach. The Council's Public Rights of Way Officer has advised that the Order was objected to and as a consequence is currently in the process of being referred to the Planning Inspectorate. The objectors argue that until this process is complete, the current planning application should not be determined. In addition, the Council's Rights of Way Officer has requested that the line of the path should be referenced on the proposed plans.

Advice from the Council's Legal Department indicates that the Council cannot insist that the Applicant marks the claimed right of way on the plans. It is however acknowledged that the Council has made an Order to include the right of way on the Definitive Map and whilst the Order has yet to be confirmed by the Planning Inspectorate, it is a material consideration in the determination of the planning application. The grant of a planning permission does not authorise the obstruction of a right of way and the developer would therefore need to make an application to divert the right of way if necessary.

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 application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

CONCLUSION

Taking the above considerations into account it is concluded that the principle of residential development of the site has been positively established by the granting out the outline application. It is considered that the reserved matters are acceptable and would not have a detrimental impact upon the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety of the area. As such, it is considered that the application is compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan, dated 23/10/2020
 - Proposed Site Layout Plan (Drawing No: 1351/PLN/001 Rev A), dated 26/03/2021;
 - Proposed Landscaping Layout (Drawing No: 1351/PLN/002 Rev A), dated 23/03/2021;
 - Proposed Site Elevations (Drawing No: 1351/PLN/003 Rev A), dated 23/03/2021;
 - Proposed Site Sections (Drawing No: 1351/PLN/004 Rev A), dated 23/03/2021;
 - Proposed Highway Improvements (Drawing No: 1351/PLN Rev A), dated 23/03/2021;
 - Proposed House Type Plot 1 – Floor Plans (Drawing No: 1351/PLOT 1/PLN/01), dated 23/10/2020)
 - Proposed House Type Plot 1 – Elevations (Drawing No: 1351/PLOT 1/PLN/02), dated 23/10/2020)
 - Proposed House Type Plot 2 – Floor Plans (Drawing No: 1351/PLOT 2/PLN/01), dated 23/10/2020)
 - Proposed House Type Plot 2 – Elevations (Drawing No: 1351/PLOT 2/PLN/02), dated 23/10/2020)
 - Proposed House Type Plot 3 – Floor Plans (Drawing No: 1351/PLOT 3/PLN/01 Rev A), dated 10/03/2021)

- Proposed House Type Plot 3 – Elevations (Drawing No: 1351/PLOT 3/PLN/02 Rev A), dated 10/03/2021)
- Proposed House Type Plot 4 – Floor Plans (Drawing No: 1351/PLOT 4/PLN/01 Rev A), dated 10/03/2021)
- Proposed House Type Plot 4 – Elevations (Drawing No: 1351/PLOT 4/PLN/02 Rev A), dated 10/03/2021)
- Proposed House Type Plot 5 – Floor Plans (Drawing No: 1351/PLOT 5/PLN/01), dated 23/10/2020)
- Proposed House Type Plot 5 – Elevations (Drawing No: 1351/PLOT 5/PLN/02), dated 23/10/2020)
- Proposed Detached Garage – Plot 2 (Drawing No: 1351/GARAGE/PLN/01), dated 23/10/2020)
- Proposed Detached Garage – Plots 3-5 (Drawing No: 1351/GARAGE/PLN/02), dated 23/10/2020)

and documents received by the Local Planning Authority on 23/10/2020 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.

2. Notwithstanding the details shown on the submitted plans, development shall not commence until full engineering design and details of the turning head to be lengthened and 1.8 metre footway provision on Pond Place have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling served off Pond Place.

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

3. Prior to the development being brought into use, 2 no. vehicular footway crossings shall be provided (one on Cwmbach Road and one on the unnamed road) in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety, in accordance with policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, prior to the commencement of development, details of the garage for Plot 5 set back a minimum of 500mm off the public highway shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and retained thereafter.

Reason: To ensure that no part of the development encroaches onto the public highway (including footings and rain water goods), in the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The street lamp column/WPD pole affected by the proposed development shall be relocated to a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

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

6. Prior to the commencement of development hereby approved the developer shall submit to the Local Planning Authority details of all retaining walls to be built as part of the development, including drawings and structural calculations. The submitted details shall be accompanied by a certificate from an appropriately accredited independent Consulting Engineer confirming that the proposed retaining wall(s) are acceptable from a structural perspective. The approved retaining wall(s) shall be built in accordance with the agreed details. Following construction of the retaining walls additional certification from an independent suitably accredited consulting engineer confirming that the works have been constructed in accordance with the agreed details and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority.

Reason: In the interests of amenity and public safety, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted 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 highway safety and the free flow of traffic, 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 9. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- b) Materials and construction to ensure long lifespan of the feature/measure.
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- d) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales.

- 10. During construction works any trees to be retained shall be protected in accordance with the details in the submitted Tree Survey and Arboricultural Impact Assessment, dated March 2021. The protection measures shall be retained and maintained throughout all construction works.

Reason: To protect retained trees on the site during the course of building work in the interests of amenity in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.