

PLANNING & DEVELOPMENT COMMITTEE

24 JUNE 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1337/10 (KL)
APPLICANT: Mrs P Lyons
DEVELOPMENT: Erection of 3 detached dwellings. Retention of existing dwelling and associated works (Amended Plans rec. 15/02/2021)
LOCATION: BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL
DATE REGISTERED: 30/11/2020
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve, subject to conditions

REASONS: The application site is located inside the defined settlement boundary and within a predominantly residential area. The construction of an additional 3 dwellings at the site is therefore considered to be acceptable in principle.

Furthermore, the site is capable of accommodating 3 additional dwellings along with adequate off-street car parking provision and outdoor amenity space without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. It is also considered that the proposed development would have no undue impact upon highway safety in the vicinity of the site.

The application would therefore comply with relevant local and national planning policies and is considered to be acceptable.

BACKGROUND

The application has been submitted following the refusal of a previous planning application (ref. 20/0409/10) for 4 detached residential dwellings. The application was refused for the following reason:

The proposal, as a result of the number and scale of the dwellings proposed, would lead to overdevelopment of the plot which would have a detrimental impact upon the character and appearance of the site and surrounding area. The application would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

Full planning permission is sought for the construction of 3 detached dwellings on a parcel of land that currently forms part of the garden curtilage of an existing residential dwelling known as Birchwood, which is situated on Llwydcoed Road, Llwydcoed, Aberdare.

The existing dwelling at the site and its associated garage would be retained with the proposed dwellings being situated to its south-eastern side elevation (plot 1) and south-western rear elevation (plots 2 and 3). Both the existing dwelling and the three dwellings proposed would be accessed off a new private access road which would be served off Llwydcoed Road to the north. The driveway would run along the north-western boundary of the site. The existing Public Right of Way (OED/22/5) that runs alongside the south-eastern side of the site would be altered as a result of the proposal.

Plot 1 would face a north-easterly direction, as per the original dwelling, and would measure 9.1 metres in width by 6.1 metres in depth with a hipped roof design that would measure 7.7metres in height to the ridge and 4.7 metres in height to the eaves. It would incorporate two pitched roof dormers within the front roof slope and one pitched roof dormer and a Velux window within the rear roof slope. Accommodation would consist of a lounge, kitchen/family room and WC at ground floor and 3 bedrooms and a family bathroom at first floor.

Plots 2 and 3 would face a north-westerly direction and would be identical in terms of scale, design and layout. The dwellings would measure 6.1 metres in width by 10.1 metres in depth with an apex pitched roof that would measure 8.8 metres in height to the ridge and 5.7 metres in height to the eaves. Accommodation would consist of a living room, kitchen and WC at ground floor, 3 bedrooms and a family bathroom at first floor and 1 bedroom, a dressing room and an en-suite bathroom within the roof space.

External materials would consist of through colour cream render, dark grey Redland Stonewold slate and white uPVC windows and doors.

The application is accompanied by the following:

- Planning Statement
- Tree Survey
- Coal Mining Risk Assessment
- Landscape Specification
- Preliminary Ecological Report

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located just off Llwydcoed Road, Lwydcoed, Aberdare. It measures approximately 2315m² and is currently occupied by a single residential dwelling which is located fairly centrally within the plot. Access is provided via an existing access track to the eastern boundary of the site which joins with Llwydcoed Road to the north. The track, which is identified as a Public Right of Way (OED/22/5 and OED/22/2), runs along the full length of the south-eastern and south-western boundary of the site and provides access to a further

residential dwelling, known as 'Casa Mia' (to the west of the existing property) and a parcel of land to the south (housing allocation – NSA 9.4). The site is enclosed by a mature hedgerow to the eastern and western boundaries with a band of trees to the south.

The surrounding area is predominantly characterised by residential properties with the nearest being located to the north-western boundary of the site ('Casa Mia' and 'Beverly'). These properties form a pair of semi-detached bungalows which are orientated towards the application site. It is noted that access to Casa Mia is via the lane adjacent to the eastern and southern boundaries of the application site. Other properties in the wider area of Llwydcoed vary in terms of their scale, design and overall visual appearance.

There are a small number of retail units to the south-east of the site, on the opposite side of the lane.

PLANNING HISTORY

20/0409/10: BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL
BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL

Erection of 4 detached dwellings. Retention of existing dwelling and associated works (amended red line boundary plan rec. 24/08/2020; amended elevation plans rec. 25/08/2020; additional supporting information rec. 25/08/2020)

Decision: 21/10/2020, Refused

PUBLICITY

The application has been advertised by means of direct neighbour notification letters to 13 surrounding neighbouring properties, through the erection of two site notices in the vicinity of the site (dated 02/12/2020) and through the publication of a press notice in the local newspaper (Dated 10/12/2020). A total of 5 letters of objection have been received as a result of the consultation exercise. Three of the letters are written on behalf of the occupier of one neighbouring property, one is from the landowner of an adjacent parcel of land and the final letter is from a local resident. The objections and concerns are summarised as follows:

Character and Appearance

- The development to the rear garden is insensitive development and if allowed would have a serious adverse impact on the character of the surrounding area and would have an unneighbourly impact on neighbouring homes.
- The replacement of open rear garden land to accommodate 3 no. residential dwellings, internal road, parking and associated hardstand areas represent overdevelopment which, if allowed, would irreversibly damage the pleasant character of the area and harm the residential amenity and outlook of neighbours.
- The development is wholly unreasonable in scale in terms of 3 dwellings in addition to retaining the existing dwelling that sits centrally within the plot.

- The development would have an urbanising effect on the immediate residential land, wider setting and highway.
- It is a fair assumption that future occupiers of the proposed dwellings would expect ancillary accommodation including garages which would exacerbate the already cramped arrangement.
- Concern is raised that the development would not relate well to local character which includes bungalows to the site boundary.
- The housing layout shows limited space between dwellings emphasising how cramped the development would be.
- The internal road layout is unneighbourly.
- The scheme is not sympathetic and does not relate well to the natural and built environment.
- It would erode the pleasant garden space.
- The houses offer no enhancement to the built form.

Amenity

- In dissecting/removing lawned area in place of a roadway, there would be clear detrimental impact upon the adjacent bungalows by virtue of traffic movements in proximity to the shared boundary.
- Noise, light spill from cars and fumes would be presented with only a hedgerow separating the internal road from adjacent existing homes'
- The cramped form of residential development creates a substandard living environment for future occupiers.
- The amenity enjoyed by the occupiers of the main house would be greatly diminished by Plot 1.
- The enjoyment of existing properties would be significantly and detrimentally affected by the overdevelopment of the garden land beyond the boundary'.
- Concern is raised that the cramped appearance of the new dwellings would result in no one wanting to live in the original house due to loss of outlook and privacy.
- The development would not create a pleasant living environment for existing or future occupiers.
- No consideration is given to neighbouring homes to the rear boundary of Birchwood.
- No visit has been made to neighbours and a full assessment of neighbour impact can be reached.
- Noise disturbance and fumes generated from vehicles manoeuvring within the turning area would irreversibly change the living arrangement of neighbouring properties which includes patio areas.
- It is wholly unacceptable for vehicles to be manoeuvring, starting up, for car doors to be opening and closing throughout the course of the day and the night and it would severely detract from the living conditions of established homes.

Highways Impacts

- The traffic generation created by the proposal raises significant highways concerns for pedestrians and motorists on the lane and at the main road junction.

- The plans show alterations to land outside of the application site/applicant's control and it is considered that the proposed works beyond the red line boundary may not be deliverable.
- The proposed access is unacceptable.
- The development would have a direct impact on a right of way and the local junctions.
- The development would exacerbate highway safety concerns for pedestrians and drivers, noting that the topography of the land drops to the south from the main road, reducing clear visibility from properties, including Birchwood.
- The development would be served off a narrow lane which also serves shops and the addition of more traffic would jeopardise pedestrian and traffic safety at the entrance to Birchwood.
- The parking layout is contrived.
- It is understood that the Council's Highways department has raised concerns/objections on these grounds.
- The hammer head and internal road running along the shared boundary adjacent to my client's property presents an awkward and unacceptable layout.
- Headlights shining directly into neighbouring properties windows would be unneighbourly and unacceptable.
- As the road would be privately owned, there will be no control over parking and it is anticipated that visitors to the new homes would park on the boundary and within the turning area.

Shallow Mine Workings

- It is not accepted that there would be no impact in terms of the conclusions made in the Coal Mining Risk Assessment.
- There appears to be coal workings cutting across the corner of the site which would affect the new homes from a health and safety perspective.
- No investigative work appears to have been presented by the applicant and a query is raised on how the Council can conclude that the site is developable without key technical confirmation.

Public Right of Way

- The development would cause conflict between vehicles and pedestrians on the narrow lane due to increased levels of traffic movement.
- The garages opposite Birchwood's access serve commercial properties and are in daily use with at least 3 lorries loading and un-loading.
- There is no pavement or vehicle passing bays located on the single-track lane.

Impact on Trees

- It is unclear as to whether the building envelope of the new homes and drives impose on the root protection areas of established boundary trees.

Sustainable Drainage and Surface Water Flood Risk

- It is unclear whether the applicant has engaged in SAB pre-application consultation. If this matter has not been addressed, then it is fair to assume that amendments to layout could result.
- The Council's FRM officer identifies that the site is within a high surface water flood risk area which has the potential to impact on neighbouring property and land. Without SAB confirmation, the planning authority are potentially endorsing a residential development proposal for significant additional hardstand which may have an impact in terms of surface water run off beyond the boundary of the site.

Other

- In planning policy terms, the garden is not designated for housing within the Local Development Plan.
- The lane to the east of the site provides access to Casa Mia and to the land to the south. The lane is not under the ownership of a single person and we are concerned that the shared access road would be realigned with a public right of way onto private property owned by the applicant.
- Our right of access has been ignored during this application and is unacceptable.
- A query is raised with regards to the legal owners of the road and liability.
- Title deeds have been provided to indicate that the lane to the south of the application site is owned by the objector (this does not include the lane to the east).

CONSULTATION

The following consultation responses have been received:

Coal Authority: No objection. An informative note is recommended.

Flood Risk Management: Objection raised in relation to the drainage information submitted however, it is considered that a condition could be added to any grant of planning consent to overcome the concerns raised.

Natural Resources Wales: No objection.

Public Health and Protection: No objection subject to conditions.

RCT Countryside, Ecology, Landscape: No objection, subject to condition

RCT Highways and Transportation: No objection, subject to conditions

RCT PROW Officer: Advises that no part of the development shall interfere with or obstruct the public right of way until the right of way has been formally stopped-up or diverted.

RCT TPO Officer: No objection, subject to conditions

Welsh Water: No objection subject to condition and advisory notes.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant to this application:

Policy CS1: the emphasis is on building strong, sustainable communities which will be achieved by providing high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1: outlines how the housing land requirement will be met which includes development of unallocated land within the defined settlement boundaries.

Policy AW2: advises that development proposals on non-allocated sites will only be supported in 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 AW8: ensures that developments have no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

Policy AW10: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy NSA10: requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

Policy NSA12: identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

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, with the following policies being relevant to the development proposed: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
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:

It is considered that the key considerations in the determination of this planning application will be whether the principle of residential development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed dwellings, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

Principle of the proposed development

Full planning permission is sought for the construction of 3 detached dwellings within what is currently the garden curtilage of an existing residential property. The site is unallocated and located within a well-established residential settlement of Llwydcoed, which is inside the defined settlement boundary prescribed by the Rhondda Cynon Taf

Local Development Plan. The proposal therefore meets the criteria set out in Policies AW1 and AW2 of the Local Development Plan (LDP) which both aim to support residential development on unallocated land within settlement boundaries.

Policy AW2 also seeks to direct development within sustainable locations by supporting development that would have good access to key services and facilities, good accessibility by a range of sustainable transport options and that would not unacceptably conflict with surrounding land uses. In the case of this proposal, the area has good access to key local services and amenities, such as schools and shops, and is accessible by a range of sustainable modes of transport with bus services to the nearby Principal Town of Aberdare and Merthyr Town Centre which both provide onward travel to the wider area. The area is also conducive to travel on foot and bicycle and the site is therefore considered to be a sustainable location. Furthermore, given that the surrounding area is predominantly residential in character, it is not considered that the use of the site for additional residential dwellings would conflict with surrounding land uses.

The proposal provides a net residential density of 15 dwellings per hectare which is far below the minimum requirement of 30 dwellings per hectare set out in Policy NSA10 (Housing Density). However, the policy states that lower densities will be permitted where they are necessary to protect the character of the site and/or the surrounding area; to protect the amenity of existing or future residents; and where they still make adequately efficient use of the site. In the case of this proposal, it is considered that an acceptable balance between the key issues has been achieved and as such, there would be no objection in respect of Policy NSA10.

It is noted that the vacant parcel of land to the south of the application site is allocated for housing within the Local Development Plan (NSA9) however, it is not considered that the proposed development would prejudice or prevent any future proposal at that site. The allocated site forms part of the Tan-y-Bryn Gardens development and access can be provided through that development.

One letter of objection notes that the garden is not designated for housing within the Local Development Plan. Whilst that may be the case, it does not necessarily mean that it cannot be developed for housing.

In light of the above, the principle of developing the site for residential purposes is considered to be acceptable, subject to compliance with other relevant material considerations as discussed further in the sections below.

Impact on the character and appearance of the area

The current scheme proposes the construction of 3 dwellings on a parcel of land which currently forms part of the residential garden curtilage of an existing residential dwelling. Plot 1 would be sited immediately adjacent to the existing dwelling whilst Plots 2 & 3 would be sited to the rear and would address the proposed new turning head.

It is noted that one letter of objection raises concerns that the proposal would lead to overdevelopment of the plot however, the number of dwellings have been reduced

since the previous refusal of 4 dwellings and this is considered to be acceptable. The scale of the proposed dwellings is relatively modest and set within reasonable sized plots with the removal of plot 4 allowing for a better overall layout which reduces the previous concern raised in relation to the cramped appearance of the development. The additional space created within the site would allow for more soft landscaping to be incorporated which would help soften its visual appearance and ensure that the site retains its attractive appearance. The proposal includes a soft landscaping scheme which indicates that a large number of existing trees and hedges would be retained on the boundaries of the site whilst additional trees and hedges would be planted within the site.

The surrounding area is not characterised by one particular house style or type and whilst properties in the immediate vicinity of the site on the southern side of Llwydcoed Road are predominantly set within larger-than-average plots, there are properties in the wider area that are set within similar sized and smaller plots to those proposed and it is not considered that the development would have an urbanising effect on the wider setting. The proposal would undoubtedly provide two different house types at the site (in addition to the existing dwelling) however, this would provide further visual interest to the existing urban form. Furthermore, it is indicated that the dwellings would be finished with appropriate materials that would match/complement materials found at the existing site and in the surrounding area and it is not considered that the proposed development would appear overly prominent or out of character with the area.

An objector also raises concern that future occupiers of the proposed dwellings would possibly seek ancillary accommodation in the form of garages etc. Whilst it is likely that planning permission would be required for such structures with the impacts of those proposed structures being considered at that time, it would be prudent to include a condition to any grant of planning consent to remove the permitted development rights of the plots to ensure that no ancillary structures could be constructed without planning permission.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Existing residents

As indicated above, a number of letters of objection have been received on behalf of one local resident that lives in property immediately adjacent to the application site. The letters raise concern with regards to the impact of the development on the amenity and privacy of existing properties to the north-west of the site with particular reference being made to the density of the development and the likely impacts of the proposed driveway which would be sited alongside the common boundary.

In terms of the density of the development, the net residential density of the development is far below the requirement of Policy NSA 10 (as indicated in the

Principle of the Proposed Development section above). This policy makes allowances for lower density levels where they are necessary to protect the amenity of existing or future residents and where they still make adequately efficient use of the site. In the case of this application, the proposal is considered to strike an acceptable balance between the requirements of Policy NSA10 and Policy AW5. Indeed, the scheme has been amended since the refusal of a previous planning application for 4 dwellings with the closest dwelling to Casa Mia and Beverly being removed. Whilst the impact of the siting of the previous 'plot 4' on Casa Mia and Beverly was not considered to have a detrimental impact upon existing dwellings in the previous application, its removal has inevitably further reduced the impact with the siting of plots 2 and 3 towards the eastern boundary of the site creating an even greater separation distance than the previous scheme. Whilst plots 2 & 3 would face towards Casa Mia and Beverly, they would be sited 30 metres away and at a similar ground level. As such, it is not considered that they would result in an adverse overbearing, overshadowing or overlooking impact.

Whilst it is noted that the construction of additional dwellings at the site may increase the level of noise and disturbance experienced by adjacent occupiers, this would be of a residential nature which is considered to be acceptable.

In terms of the location of the shared access driveway adjacent to the common boundary with Casa Mia and Beverly, the vehicular movements along the driveway would be limited given that only two of the proposed dwellings (plots 2 & 3) would utilise the full length of the lane. The access to the existing dwelling and plot 1 would be situated much closer to Llwydcoed Road and adjacent to the existing driveway of Beverly. Vehicles would therefore not need to venture any further into the site to access these properties. As such, it is considered that the comings and goings of 2 residential dwellings would be relatively low and the vehicular movements and the noise, light spill and fumes associated with the vehicles of these properties would therefore be unlikely to adversely affect the living conditions of adjacent properties.

Future Occupiers of the Site

Residents have also raised concern that the development would result in a substandard living environment for future occupiers of the existing and proposed dwellings. Whilst these concerns are noted, the proposed dwellings are sited such that they would not result in any significant levels of overlooking or a detrimental loss of outlook.

Plot 1 would be sited to the side elevation of the existing property with it being set back from its principal elevation. This would result in the rear of the dwelling extending beyond the rear elevation of the existing dwelling however, this would be marginal and would not give rise to any significant overbearing, overshadowing or overlooking impact. Whilst it is noted that the first floor rear windows of plot 1 would have views towards the rear garden of the existing dwelling, these views would be oblique rather than direct and the situation is not significantly different to the relationship between other properties in the surrounding area.

Plots 2 & 3 would be sited towards the rear of the site and would inevitably be visible from the rear windows and rear gardens of the existing dwelling and Plot 1. The relationship between these properties would be close with a separation distance of 10

metres between the rear elevations of the existing property and Plot 1 and the side elevation of Plot 2 and there is some concern that Plot 2 would have an overbearing impact upon the rear aspect of the existing property and Plot 1. There is also some concern that the southern position of Plot 2 would result in some overshadowing upon the existing property and Plot 1.

However, the position of Plot 2 is such that it does not extend across the full rear boundaries of either the existing dwelling or Plot 1 and this, together with its apex roof design, would ensure the rear aspects of the existing dwelling and Plot 1 would still experience a reasonable level of natural sunlight and a reasonable outlook. As such, it is not considered that the resulting impact would be so detrimental to future occupiers that it would warrant the refusal of the application.

The rear elevation of Plot 1 would directly face the side aspect of Plot 2 which could give rise to some direct overlooking however, the master bedroom would be served by a Velux window within the roof slope rather than a standard window and the level of overlooking achieved from this window would therefore be low. The other bedroom window in this elevation would face the blank side elevation of Plot 2 and would only have oblique views of its rear garden. Any views from the ground floor windows would be screened by boundary fences between plots.

One letter of objection raises concern that no consideration has been given to neighbouring homes to the rear boundary of the application site. Properties to the rear of the site (Tan-y-Bryn Gardens) are situated at least 80 metres away from the rear boundary of the site and are separated from the site by a vacant parcel of land that contains numerous trees and vegetation. Given the separation distances involved and that the access to the identified dwellings is through Tan-y-Bryn Gardens rather than the lane adjacent to the application site, the dwellings to the south would not be affected by the proposed development.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing properties surrounding the site and that of any future occupiers of the proposed dwellings and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

It is noted that a number of objections have been received from local residents/adjacent landowners in respect of the impact of the proposal upon highway safety. The Council's Highways and Transportation section originally raised an objection to the proposal which was primarily in relation to the access to Plot 1, off the sub-standard lane to the east of the site. This concern was discussed with the applicant's agent and an amended plan was submitted which indicates that access to Plot 1 could be achieved off the proposed private driveway with no access off the sub-standard lane. These plans were further assessed by the Highways and Transportation section and the objection was subsequently withdrawn (subject to conditions). The comments received are summarised as follows:

Access

The existing and proposed dwellings would be served off Llwydcoed Road (B4276) which has a speed limit of 30mph, a weight restriction of 7t for deliveries only and continuous pedestrian links leading to the site. Llwydcoed Road is acceptable for safe and satisfactory access for vehicles and pedestrians.

Private Shared Access

The existing junction leading to Birchwood is sub-standard in terms of structural integrity, junction radii, acute angle junction, steep gradient at its junction with Llwydcoed Road. It is also located opposite the junction to Scales Houses which has potential to result in vehicular conflict to the detriment of all highway users and free flow of traffic.

The proposal would result in the improvement of the access onto Llwydcoed Road by provision of a standard junction with 5.5m carriageway, 6.0m junction radii, 2.0m footway for part of its length and vision splays of 2.4m x 40m which is in accordance with the Rhondda Cynon Taf Design Guide and is therefore acceptable.

There is some concern with the potential conflict with the junction to Scales Houses opposite however, taking into account the proposed junction improvements, limited additional movements generated by 3 additional dwellings and fairly low speeds due to the location of a nearby speed camera, the proposal is considered to be acceptable.

An amended plan has been submitted which indicates that the existing dwelling and all three dwellings proposed would be served off the new proposed private shared access which provides for safe vehicular and pedestrian access as a shared use. The submitted plan does not provide a direct pedestrian access to Plot 1, should all the car parking spaces be occupied however, there is potential for this issue to be overcome through the imposition of a suitably worded condition requiring an unobstructed segregated footway to the primary access/front door of Plot 1.

Vision Splays

As indicated above, the site is located on a classified road, Llwydcoed Road (B4276) which has a speed limit of 30Mph. This requires a visibility splay of 2.4m x 40m which has been provided within the proposal and is therefore acceptable.

Public Right of Way

The existing shared access and junction is also used as a PROW which raises cause for concern with regards to increased vehicular movement off a sub-standard junction. The proposal includes an amendment to the route of the PROW which is acceptable to the Highway Authority.

Parking

The proposed dwellings require up-to a maximum of 3 spaces per dwelling and 1 visitor space, in accordance with the SGP: Access, Circulation and Parking 2011. The proposal provides 3 spaces per dwelling and is therefore considered to be acceptable. There does not appear to be any visitor space provided however, taking into account the

width of the shared access driveway, this short- term space could be accommodated there.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway and pedestrian safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

The application site is located within a high flood risk area which is subject to significant flood depths. Whilst the Council's Flood Risk Management team have recommended that a drainage condition be added to any grant of planning consent, the development would be above the 100 square metre threshold and separate Sustainable Drainage Approval will therefore be required. As such, issue of surface water drainage would be adequately dealt with in the Sustainable Drainage application process and the condition is not considered to be necessary in this case.

It is noted that one letter of objection queries whether SAB pre-application consultation has been undertaken as this could result in changes being made to the layout of the site. The SAB process is entirely separate to the planning process and whether the SAB process has been considered by the applicant/developer would have no bearing on the outcome of a planning application. It is accepted that this may result in amendments being made to the proposed development following its approval however, any amendments required would need to be applied for through the submission of either a further full planning application or a Section 73 (variation of condition) application in which the amendments would be considered accordingly.

Ecology

The application is accompanied by a Preliminary Ecological Survey which was undertaken by Ecological Services (dated March 2020). The report identifies moderate to high bat roost potential in the existing house.

The proposal includes the provision of a new dwelling in close proximity to the side elevation of the existing dwelling and concern was raised by the Council's Ecologist that this would affect flight lines. As a result of these concerns, the applicant consulted with their own Ecologist and subsequently submitted amended plans to set the proposed dwelling further away from the side elevation of the existing dwelling. The proposed dwelling has also been re-designed and is of a reduced scale. The Council's Ecologist considers the amended scheme to be acceptable however, conditions are recommended to secure bat sensitive lighting and for details of all ecological recommendations and mitigation outlined in the Preliminary Ecological Survey.

In light of the comments received from the Council's Ecologist, the proposal is considered to be acceptable in terms of its impact upon protected species and biodiversity and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Impact on Trees

The application is accompanied by a Tree Survey (undertaken by Treescene Arboricultural Consultants, dated January 2020) which has been assessed by the Council's Tree and Allotments Officer who has raised no objection to the proposal. It is indicated that the tree species appear to be low importance small trees of fair to poor condition with the rest being hedgerow species. As these are mostly growing around the perimeter boundary line, it is considered that there will be little impact on the trees from the proposed development. However, it will be necessary to ensure that the trees are suitably protected during construction and a condition is recommended to ensure that protection is provided in accordance with the details contained within the Tree Survey. A further condition is recommended for nesting birds.

None of the trees within the site are identified as being protected.

Whilst the Tree Survey indicates that some trees and hedgerows need to be removed due to their health/condition, the loss would be compensated through the implementation of a landscaping scheme.

Public Right of Way

Policy AW7 of the Local Development Plan indicates that development proposals that would affect a public right of way will only be permitted where it can be demonstrated that there is a surplus of such facilities in the locality, where the loss can be replaced with an equivalent or greater provision in the immediate locality or where the development enhances the existing facility.

In the case of this proposal, the public right of way would be altered and retained as a result of the proposal rather than it being permanently stopped-up. The proposal includes the provision of a pedestrian footpath at and in the vicinity of the junction off Llwydcoed Road and the layout of the junction would also be improved in comparison to the current situation. As such, it is considered the proposal would provide safer access to the site and the public right of way for all highway users.

The concerns raised by the objectors are noted however, the alteration of the public right of way would not be a reason to refuse planning permission. Planning permission does not authorise the interference with or the obstruction, diversion or stopping-up of a public right of way and the alteration will need to be applied for via a separate diversion order.

As such, it is considered that the proposal would enhance the existing public right of way and the application would therefore comply with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

Historic Coal Mining

The most south-eastern corner of the site falls within a High Coal Risk Area and a Coal Mining Risk Assessment undertaken by W. M. Clarke Ltd - Consulting Engineers, dated November 2020) has been submitted to support the application. The report has been reviewed by the Coal Authority who raises no objection to the proposed development. The comments received indicate that concerns were raised in relation to the previous proposal (ref. 20/0409) however, the current scheme presents an amended layout which results in plot 3 only marginally intersecting the defined Development High Risk Area. This is confirmed by the Coal Mining Risk Assessment which concludes that there is no risk to the proposed development from past mining activity and that no special measures are required. The report recommends that in the event that coal seams are found as part of the excavation works, these should be inspected by an Engineer and that the Coal Authority must be notified. The Coal Authority agrees with the recommendation set out in the report and have recommended that an informative note be added to any grant of planning permission to ensure that information outlining how the former mining activities affect the proposed development, along with any mitigation measure required, be submitted alongside any subsequent application for Building Regulations approval.

Whilst the concerns raised in the objection letters are noted, no evidence has been submitted to the contrary and the Coal Mining Risk Assessment submitted with the application is therefore considered to be acceptable (as confirmed by the Coal Authority). The proposal would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan in this regard.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be controlled more effectively by other legislation and the suggested conditions are not considered necessary in this case.

Welsh Water

The application has been assessed by Welsh Water who have advised that the site is crossed by a public sewer, in the approximate location of Plot 1. The comments state that no works will be permitted 3m either side of the centreline however, it is advised that the sewer could be diverted if the developer applies under Section 185 of the Water Industry Act. This issue has been raised with the applicant who has confirmed that a separate application will be made to Welsh Water for the diversion of the sewer.

Other issues raised by objectors

The following comments are offered for issues raised by objectors that are not addressed in the sections above:

Land Ownership

The objectors raise concern with the realignment of the lane to the side of the application and questions are raised over its ownership. One of the letters of objection is accompanied by title deeds which indicates the extent of their ownership which includes the land to the south of the site and the lane between that and the application

site; it does not include the lane to the eastern side of the application site. Indeed, it was suggested that no one owns the lane.

Landownership is not a material planning consideration however, the applicant is required to ensure that appropriate notice has been served on the landowner(s). The issues raised by the objectors was raised with the applicant who subsequently advertised the application in a local newspaper and submitted an amended landownership certificate accordingly (Certificate C). It is considered that the applicant has undertaken all reasonable steps to determine the ownership of the lane and has completed the relevant landownership certificate.

Any right of access over the land is a private matter that cannot be taken into consideration in the determination of the planning application. It is noted that access to both Casa Mia and the adjacent parcel of land would be altered rather than prevented by the proposal Furthermore, the Council's Highways and Transportation section have determined that the alteration would present an improvement to the current road and junction layout.

One letter of objection also suggests that the narrow lane serves the shops to the east. Public access to the shops is directly from Llwydcoed Road with only a secondary access provided at the rear. Given that the vehicles associated with the proposed development would not need to enter the lane, the number of vehicles requiring access to the lane would be reduced in comparison to the current situation.

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

The application site is located inside the defined settlement boundary and within a predominantly residential area. The construction of an additional 3 dwellings at the site is therefore considered to be acceptable in principle.

Furthermore, the site is capable of accommodating 3 additional dwellings along with adequate off-street car parking provision and outdoor amenity space without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. It is also considered that the proposed development would have no undue impact upon highway safety in the vicinity of the site.

The application would therefore comply with relevant local and national planning policies and is considered to be acceptable.

RECOMMENDATION: Approve subject to conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents received on 15th March 2021 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. T2436-1-PA-01: Site Location Plan (Rec. 25/11/2020)
- Drawing No. T2436-1-PA-03B: Proposed Site Layout Plan (Rec. 12/02/2021)
- Drawing No. T2436-1-PA-04B: Proposed Floor Plans – Plot 1 (Rec. 03/06/2021)
- Drawing No. T2436-1-PA-05B: Proposed Elevations – Plot 1 (Rec. 03/06/2021)
- Drawing No. T2436-1-PA-06: Proposed Floor Plans – Plots 2 & 3 (Rec. 25/11/2021)
- Drawing No. T2436-1-PA-07: Proposed Elevation Plans – Plots 2 & 3 (Rec. 25/11/2021)
- Drawing No. T2436-1-PA-12b: Proposed Soft/hardscape Landscaping (Rec. 12/02/2021)
- Drawing No. T2436-1-PA-14: Typical External Wall (Rec. 25/11/2020)
- Drawing No. T2436-1-PA-15: Typical Boundary Fence (Rec. 25/11/2020)
- Drawing No. T2436-PA-16: Proposed New Hedging (Rec. 25/11/2020)
- Drawing No. T2536 -PA-17 (Rec. 25/11/2020)

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. Before the development is brought into use the means of access, together with the parking, vision splays, un-controlled crossing points and turning

facilities, shall be laid out in accordance with the submitted plan T2436-1-PA-03B and approved by the Local Planning Authority.

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

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the private shared access including its tie in with Llwydcoed Road B4276, un-controlled pedestrian crossing points together with sections and surface-water drainage details 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 and the private shared access and turning implemented to the satisfaction of the LPA prior to construction of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, development shall not commence until details of the pedestrian access to plot 1 with no obstruction 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 plot 1.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted plans, development shall not commence until details of the pedestrian access to plot 1 with no obstruction 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 plot 1.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

8. 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 the safety and free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity mitigation and enhancement, shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of on-site bat sensitive lighting and bat roost provision with development design, reptile mitigation, nesting bird method statement and bird nest box/brick provisions, retained habitat areas and consideration of ecological treatments within SuDs provision. 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.
- a) Materials and construction to ensure long lifespan of the feature/measure.
- b) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- c) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of PPW.

10. The development shall be carried out in accordance with the recommendations set out in the Arboricultural Impact Assessment (undertaken by Tender Leaf, dated 26/10/2020).

Reasons: In order to protect existing trees on site, in the interests of the visual amenity of the site and in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

11. The proposed works shall be carried out outside of the nesting bird season (between September and February).

Reason: To protect the biodiversity of the site in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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.