



PLANNING & DEVELOPMENT COMMITTEE

12 AUGUST 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0665/10 (GH)
APPLICANT: Ocean Community Services Ltd
DEVELOPMENT: Two residential care units each containing four self contained two bedroom flats. Separate building for use as an office and laundry. (CMRA received 8th June 2021)
LOCATION: LAND ADJACENT TO 74 CORBETT STREET, TREHERBERT, TREORCHY, CF42 5ET
DATE REGISTERED: 08/06/2021
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The application site is located within a residential area and in a sustainable location within the settlement boundary. It is considered that a residential use of the site, for the purposes indicated, would be compatible with the surrounding dwellings and not detrimental to the amenity of existing neighbouring residents.

In addition, the design, scale, and layout of the new properties would have an acceptable impact on the street scene and would result in an improvement to the appearance of the site, without detriment to highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development and three or more objections have been received.

APPLICATION DETAILS

Full planning consent is sought for the construction of two detached care units on land adjacent to 74 Corbett Street, Treherbert.

It is proposed that the detached structures would be of an identical two storey design, each containing four two bedroom flats. The flats would be self-contained and have their own kitchen/diners and living rooms.

Externally, the site would be hard landscaped to manage the significant south-westerly fall in level and the various retaining walls would enable some off-street parking from Twyn Yr Eos, together with several garden and planted bed areas. It is also proposed to construct a small office/laundry building below the terrace of the higher property.

By way of context, the Design and Access Statement explains that the Applicant is a well-established provider of specialist residential accommodation for people who have mental health needs, autistic spectrum conditions and/or learning disabilities with a mental health diagnosis.

The proposed accommodation would allow residents to live together as family units while receiving appropriate residential care to enable them to live as independently as possible depending on their particular needs. The application form notes that the development would create 8 full-time equivalent jobs.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Enviro All-In-One Report
- Japanese Knotweed Report
- Design and Access Statement
- Coal Mining Risk Assessment

As a result of representations received during the consultation process, the Applicant has provided further detail of the development via a statement:

The Applicant is an independent health care company which works with local health boards and social services to support local people who need support to live in the community with staffing on call 24 hours a day. Care units can accommodate mixed or single gender, depending on the needs of individuals.

The company currently operates a mental health unit in Pontypridd, which supports patients who require care and treatment to help them move back into the community. Most patients are from Wales and the Welsh Government is seeking to bring back those who have previously been sent to England for treatment, so that they can be closer to their families.

Within South Wales the company operates 14 units and a further 2 in Bristol, one of which is a 5-bed female service next to the application site, together with a male service in Porth.

SITE APPRAISAL

The application site comprises a vacant, unallocated parcel of land located within the Pen-yr-Englyn area to the south-east of Treherbert

The rectangular shaped corner plot has a surface area of approximately 0.14 hectares and is bounded by the highway on three sides, and by existing dwellings on the other. There is a pronounced fall in height of around 8m as the land slopes down from Corbett Street to Brynheulog.

To the west is the side road Twyn-Yr-Eos, where there is a block of six garages located on the opposite side of the highway. However, the surrounding area is predominantly residential in character and includes no. 74 Corbett Street and no. 21 Brynheulog which are adjacent to the eastern site boundary.

PLANNING HISTORY

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

13/0417/13: Residential development (Outline) (Revised indicative layout plan received 26th July 2013). Decision: 16/07/2015, Withdrawn - Finally Disposed Of.

PUBLICITY

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

Five letters of objection were received raising concerns in respect of the following:

Community Safety/Wellbeing

- This is not the right location for the development, it would be unsafe for children and vulnerable adults. Lots of children live in the street and there is a youth centre nearby.
- Such individuals should be housed further from children and vulnerable young adults.
- A development like this would destabilise the area by adding additional housing stock and people.
- This development would be in the centre of the estate and there is a possibility that this may create a magnet for gatherings (dependent on clientele) of various people, which would increase the fear of crime on the estate.
- To ask local residents to embrace 8 more flats (which may be an extension of the house), with occupants unknown, may be a step too far for acceptance and sustainability.
- Many residents would not feel safe having a rehabilitation care units there.

Design/Appearance/Access

- New buildings would not fit into the streetscape.
- Do all flats have disabled access?

Principle of development

- Is there evidence that this type of accommodation is required?

- What is the purpose of the office and laundry?

Procedure

- Has there been consultation with Rhondda Housing Association or Trivallis?
- How can objections be raised when we don't know what we are objecting to?

Other non-planning matters

- The foundations from previous structures are still in situ.
- The builders are from outside RCT and have no prior moral or physical investment in the area.
- Prior to demolition and housing stock transfer it was agreed that no future developments would happen on the estate.
- The proposal would devalue our properties.

CONSULTATION

Highways and Transportation

No objections, subject to conditions and informative notes, as detailed further below.

Flood Risk Management

Given that the construction area is greater than 100m², the applicant will be required to submit an application to the SuDS Approval Body (SAB). under Schedule 3 of the Flood and Water Management Act 2010. The applicant is also required to comply with Part H of the building regulations.

Additionally, the applicant will need to provide the LLFA with further information regarding how the site's surface water will be effectively managed, which can be achieved via the use of a condition.

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise dust and waste. However, since these matters may be addressed by existing public health legislation, it is considered that an informative note would be more appropriate.

Natural Resources Wales

No objection or comment.

Dwr Cymru Welsh Water

No objection.

Western Power Distribution

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

South Wales Fire and Rescue Service

No objection. The Service has advised that consideration should be given to adequate water supplies on the site for firefighting purpose and access for emergency firefighting appliances, together with standard design advisory notes.

Countryside – Ecologist

There is a minimal ecology concern for this site although biodiversity enhancement will be required by a condition for bat/bird bricks/boxes.

The Coal Authority

No objections subject to conditions requiring a scheme of intrusive site investigations and a signed declaration, from a suitably competent person, that the site has been made safe and stable for the development.

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 Treorchy.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support the role of principal towns and key settlements; provide high quality, affordable accommodation that promotes diversity in the residential market; and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

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

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Proposals must also be designed to protect and enhance landscape and biodiversity

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - supports development proposals which are not detrimental to public health, the environment or local amenity.

Policy NSA10 - The policy stipulates that residential development will only be permitted where the net residential density a minimum of 30 dwellings per hectare.

Policy SSA13 - stipulates that development will be permitted inside and adjoining the defined settlement boundary, subject to a range of criteria, including that the development would not affect the provision of open space, adversely affect the highway network, or adversely affect the provision of car parking in the surrounding area.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- Nature Conservation
- Development of Flats

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 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), WG's 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:

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

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

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:

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further below, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of community-based local care within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and shops and services located at Bute Street, and being within the settlement boundary is considered to be a sustainable location. There is public open space within a short distance of the site and the development would provide safe accommodation and, as a care facility, would promote mental well-being.
- **Making Best Use of Resources:** the development would result in the use of previously developed land and would have regenerative benefits due to its

support of construction jobs and the permanent care positions associated with the proposal.

- Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs, and would foster economic activity.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

Principle of the proposed development

The application relates to the construction of two residential care units to provide eight self-contained flats at an unallocated site within the settlement boundary and within a residential area close to other dwellings.

In this case, notwithstanding the element of care and a permanent duty staff presence, it is considered that the development would mostly exhibit the same residential characteristics as the surrounding dwellings, including the flats at no's 18-21 Corbett Street.

It is noted that with the exception of the small laundry and office room, there would be no reliance on shared facilities, and the external amenity space, as is often the case for flats, would be provided on a communal basis.

The development would therefore be considered to be a residential institution and fall within the scope of Use Class C2, although as is often the case where the degree of care may vary or be limited, it may be difficult to distinguish such properties from Class C3 uses, where care may also be provided for residents.

In any event, subject to the material planning matters discussed below, the proposed units would be compatible with the existing residential properties in the vicinity and the application is considered to be acceptable in principle.

Impact on the character and appearance of the area

The arrangement of the two care units would be comparable to the existing street scene, where dwellings form a linear pattern and are set back from, and parallel with the adopted highway.

The development would undoubtedly be of a different appearance to those existing properties, although the submitted plans indicate that similar external finishes would be used.

However, although the units would be larger and slightly taller than the pairs of semi-detached houses that constitute the majority of the surrounding development, they would still be two storey. Taking account of the size of the site and the footprint of the units and laundry/office, compared with that of the site, the mass and density of the proposal is not excessive.

Lastly, although the site boundaries have been left open, the land is privately owned, and its development would not be considered to be detrimental to public open space. The site is close to the settlement boundary and there is already a lot of open space within a short distance to the north, together with a play area next to no. 65 Corbett Street.

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. It is therefore considered that the proposals will not detract from the character or appearance of the area.

Impact on neighbouring occupiers

In this regard, the main issue is whether the development would be likely to be harmful to neighbour amenity caused by overlooking or the physical relationship between the new buildings and the existing.

The two units would be arranged in line with the existing properties at Corbett Street and Brynheulog, in the case of the former, which would be adjacent to no. 74 Corbett Street, there would be a gap of over 8m between opposing side elevations – partly due to the presence of a mains sewer which crosses the site.

This gap, the relative position between the two properties and the orientation of the site, means that the development would not appear overbearing or cause overshadowing. Furthermore, the windows in the side elevations of both care units are proposed to be fitted with obscure glazing at first floor level, for which a condition is recommended.

In addition, the submitted plans, both pre- and post-development, have included datum levels of the site and that of the properties on the adjacent land. This has helped to address any concern that the landscaping works and external amenity space would, for example, enable intrusive views. It is clear from the finished levels that this would be very unlikely.

The relationship between the unit facing Brynheulog and no. 21 (Ty Mynydd) to the south-east is a similar one to that described above, where there would be a large gap between opposing side elevations. However, this property is already owned and operated by the Applicant, which means there are fewer concerns regarding amenity impact.

In terms of the other neighbouring properties in Corbett Street, those to the north and west are either at a sufficient distance for there not to be a harmful impact, or occupy a higher site, and there are no other properties immediately to the south of Brynheulog.

Therefore, it is considered that the proposed works would not have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties, and in terms of the amenity and privacy of other occupiers, the application is considered to be acceptable.

Highways and accessibility

The application property is located on a parcel of land between the adopted highways at Corbett Street, Twyn Yr Eos, and Brynheulog, all of which have no parking restrictions. In addition, there are continuous pedestrian footways linking to the site which are satisfactory for safe pedestrian access.

The Primary access to the new properties would be from Brynheulog and Corbett Street with three vehicular access points of which one would be from Corbett Street and two from Twyn Yr Eos. A condition is recommended in respect of the technical detail for the crossovers.

There is substantial on-street car parking demand within the vicinity of the site due to the nature of existing dwellings and lack of off-street car parking facilities.

The Council's SPG for Access, Circulation & Parking states that for residential children's homes, homes for elderly persons or nursing homes, there would be an off-street parking requirement of 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4 beds.

There are 8 staff proposed and 8 residential units requiring a total of 5 spaces, and since 5 would be provided the SPG parking requirement would be met. Furthermore, it is anticipated that the staff will be working on a shift pattern further reducing the potential for overspill on-street car parking.

In light of the above, the development would be acceptable due to the reduced car parking requirement associated with a C2 residential use.

Other issues

Representations received during the public consultation resulted in concerns expressed about community safety, in respect of the background of any individuals living at the site.

As noted further above, consideration of this application is on the basis that it would be for a C2 use and not the separate use class C2a. It is the latter which relates to secure residential institutions and would enable the use of premises for housing young offenders, a detention centre, or other such secure accommodation etc, which is not what is proposed for this site.

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 site 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 property is within the settlement boundary and therefore the principle of residential development would be supported by LDP Policies CS1 and AW2.

In respect of other material matters, it is considered that the development would not be detrimental to the character of the area or be harmful to the amenity of neighbours.

In addition, the Council's Highways and Transportation Section has advised that any highway issues can be satisfactorily addressed by the use of planning conditions, whilst biodiversity mitigation and enhancement can be provided to satisfy the Council's Ecologist.

On this basis the recommendation to Members is that the development would be acceptable, and that planning permission be granted.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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 approved shall be carried out in accordance with the approved drawing numbers:
 - P102
 - P103

and details and documents received on 5th May 2021, and 8th June 2021.

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

3. No development shall commence until full drainage details have been submitted to and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment, and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- a) The means of access into the site for all construction traffic,
 - b) The parking of vehicles of site operatives and visitors,
 - c) The management of vehicular and pedestrian traffic,
 - d) Loading and unloading of plant and materials,
 - e) Storage of plant and materials used in constructing the development,
 - f) Wheel cleansing facilities,
 - g) The sheeting of lorries leaving the site.

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

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

5. No development shall commence until details of the 3 no. vehicular footway crossings have been submitted to and approved in writing by the Local Planning Authority and implemented on site. The crossings shall be installed before the development is brought into use.

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

6. No development shall commence until details of a scheme for the provision of species mitigation and enhancement measures, to include integral bird nesting and bat roosting bricks within the new buildings, have been submitted to and approved in writing by the Local Planning Authority. These measures shall be provided on site prior to the beneficial occupation of the new dwellings and maintained in perpetuity

Reason: In the interests of nature and landscape conservation in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until:
- a) as scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and:
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved layout plan which illustrates the delineation of the adit roadway if found present.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Before the development is brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan P102 and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles in association with the proposed thereafter.

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.

10. The use of HGV's for deliveries during construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am 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.

11. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

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.

12. Prior to occupation of the development, all first floor windows within the south-east facing side elevations of both residential buildings shall be fitted with obscure glazing to a minimum of industry standard level 3 obscurity and maintained as such thereafter.

Reason: In the interests of the privacy and amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

