

PLANNING & DEVELOPMENT COMMITTEE

13 JANUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0946/10 (GD)
APPLICANT: WDL Homes Ltd
DEVELOPMENT: Proposed highway engineering works including access.(revised stie plan received 27/10/21)
LOCATION: LAND AT FORMER ABERDARE HOSPITAL, ABERNANT ROAD, ABER-NANT, ABERDARE
DATE REGISTERED: 05/07/2021
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve subject to conditions

REASONS: The principle of the proposed development is considered acceptable in planning policy terms and there are no other material considerations that would warrant a refusal of the planning application

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

This application seeks planning permission for improvements to the access road serving the former hospital site from Abernant Road. The works will take place mostly within the former hospital grounds but will involve some improvement works to Abernant Road itself. The proposal comprises the following –

- The widening and improvements to the existing highway and junction from Abernant Road to adoptable standards.
- Construction of the access and first section of highway that will serve the wider hospital site.
- Dedicated walking and cycling link into the site from Abernant Road.
- The existing bridge structure will be replaced with new culvert sections of equal standing as part of the highway infrastructure works.

The road will initially follow the line of the existing highway projecting into the site for nearly 111.5 metres in a north westerly direction before turning northwards for a further 53m. the highway will be of tarmac as would be the footway and cycle path.

The application is accompanied by the following documents:

- Planning Statement;
- Ecology report
- Tree survey
- Arboricultural Impact Assessment
- Access Appraisal
- Ground Investigation Report (desk top).
- Site location plan
- Planning layout
- Spine road arrangement
- Swept path analysis (12m coach access)
- Swept path analysis (12m coach egress)
- Visibility splay
- Tree constraints plan
- Access road initial landscape proposals.

The details submitted in support of the application have perhaps been responsible for some confusion and many residents interpreting the application understandably as representing something more than a submission seeking consent for a road improvement. However, in this instance it is reiterated that this submission only seeks improvements to a relatively short section of road that will serve the development and is being done largely in preparation for ground remediation works to address past mining activity.

SITE APPRAISAL

The application site in this instance comprises the existing hospital access road and its associated verges that enters and traverses the site in a north westerly direction. The site has previously been worked and would have formed the access and service road to the former hospital. A small area of the access into the care home is also included within the red line boundary.

Generally, the site is located north east of the Aberdare town centre and accessed off Abernant Road and formerly served the hospital. The surrounding area is wholly residential in character comprising the village of Abernant north east of Aberdare.

PLANNING HISTORY

The planning history of the site is as follows and relates solely to the former use of the site as a hospital.

11/0896	Prior notification of proposed demolition	Permission not required 19 th August 2011
08/1434	Smoking shelter	Approved 1 st October 2008
04/1821	Modular building extension (x-ray)	Approved 6 th December 2004
01/4010	New car park	Approved 22 nd January 2001
92/0562	Child & family unit	Approved 28 th September 1992
86/0580	Extension for 2no. twenty bed units	No objection 18 th February 1987

PUBLICITY

The application has been advertised by means of press notice, site notice and neighbour notification letters, this has generated eleven responses offering the following observations and objections.

Procedural issues

- Though confined to engineering works the application is clearly preceding a much larger proposal for the residential development of the former Hospital site.
- The application has been inadequately advertised.
- Clearer and more transparent access to application documents on the Council website is required.
- There is a call for a public meeting before the application is presented for consideration and determination by Members.

Highway issues

- The proposals could potentially have a huge impact on the local highway network served as Abernant is by just one road in and out adding substantially to congestion and pollution through Abernant and on the roundabout where traffic would meet the A4059.
- There is a need for a separate and discreet access for the development site and that needs to be considered now.
- Rush hour traffic from the housing scheme will block access to traffic coming from Abernant which needs to pass the same exit proposed for the housing site.

- The development presents an opportunity to construct a back lane to the properties of the side of Abernant Road backing on to the site, which would give residents the opportunity to improve off street parking provision to the wider benefit of highway safety and the free flow of traffic.
- The junction where the new development meets Abernant Road should have a mini roundabout giving every vehicle a fairer chance to keep moving and pedestrians would need to be provided with a central crossing island
- What are the projected highway usage levels?
- The traffic appraisal provided by Asbri Traffic Consultants is disingenuous in comparing traffic flows from the hospital that are 9 years old with current levels.
- To alleviate the concerns over congestion RCT should adopt and upgrade an access via Moss Row.
- The traffic survey was undertaken during a pandemic and is not representative of the traffic that actually use Abernant Road and should be done again.
- Additional traffic will exacerbate existing problems with speeding on Abernant Road.

Trees & Ecology

- The creation of the road will clearly lead to a loss of trees on site.
- If trees are lost it will also lead to a loss of wildlife habitat and the wildlife itself as a consequence.
- The suggested positioning of housing suggests that trees indicated for retention might not be retained.
- The development of the site will result in a tremendous amount of environmental damage and must not be underestimated. Nature has re-established itself in the site in recent years and it now provides a rich habitat for woodland animals and birds. This needs to be maintained and the impacts on these animals kept minimal.

Other

- Does the planned development affect the green spaces beyond the immediate hospital site?
- One individual indicates that his property shares a boundary with the site and the eight houses proposed adjacent and the intervening trees need to be retained.
- Some existing dwellings on Abernant road have gated access into the hospital grounds and these need to be respected.
- The straight line arrangement shown for the realigned stream course may cause the stream to back up or for its banks to overflow.
- The estate will alter the character and beauty of Abernant forever.
- Will the development of houses at the site result in a loss of privacy to existing dwellings given the difference in levels between the site and existing properties on Abernant Road?

- The development of 600 houses will have an adverse impact on the existing quiet ambience of the area.
- The historic entrance gates to the hospital site must be retained in some form.

CONSULTATION

Transportation – No objections subject to conditions.

Natural Resources Wales – express concern at certain aspects of the proposed development but ultimately raise no objection subject to the imposition of conditions on any planning permission that might be issued.

Flood Risk Management – No objections subject to conditions.

Countryside – no objections subject to conditions requiring the implementation of the mitigation measures in schedule 4 of the Ecological Impact Assessment submitted with the planning application

TPO officer – no comments received at the time of preparation of this report any observations received later will be reported verbally.

South Wales Fire and Rescue Service – no observations received

The Coal Authority – agree with the conclusions of the desk study that intrusive investigations should be undertaken prior to construction works taking place and recommend the use of planning conditions to that effect.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for the consideration of development proposals in the northern strategy area with an emphasis on building strong sustainable communities

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 – aims to protect the natural environment from inappropriate development and sets out criteria for consideration when dealing with development proposals.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity

Policy NSA7 – allocates land at Robertstown/Abernant for amongst other things residential development.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking

National Guidance

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

Planning Policy Wales Edition 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
- Policy 3 – Supporting Urban Growth – Council land / Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development
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:

The key considerations in the determination of this planning application are the principle of the proposed development itself, the impact of the proposals on the character and appearance of the area, impact on residential amenity and privacy, access and highway safety issues, and ecology impacts.

Principle of the proposed development

The former hospital site forms part of the wider strategic site allocated for development under policy NSA7 of the Local Development Plan. Under such circumstances the improvement to an access road appears compliant with policy requirements.

Impact on the character and appearance of the area

The intention with this application is to upgrade approximately 170m of road and replace a weak bridge structure. As it largely follows the line of the existing access road impacts from the proposal on the character and appearance of the area would be minimal. Indeed, given the stated intention of the applicants to if at all possible, relocate but retain the existing gate pillars and railing arrangements change would be minimal.

Impact on residential amenity and privacy

There will undoubtedly be some disruption during the construction of the proposed road however this would be transient in nature and would not of itself constitute sufficient reason to reject the current proposals. Once established the road itself would have no impact on residential amenity or privacy that would be substantively different from existing circumstances. Though obviously the longer term intentions for the development of the site have been a matter of public knowledge since the adoption of the current Local Development Plan

Ecology

Members should note that neither Natural Resource Wales or the Council's Ecologist have raised any objection to this planning application, though the latter has indicated that the works should be compliant with the recommendations in Section 4 of the Ecological Impact Assessment that supports the planning application. A number of residents have pointed out that there would be a loss of trees and as a consequence a loss of wildlife habitat associated with the trees. The purpose of tying any permission to the findings of the Ecological Impact Assessment would be to minimise the extent

of any damage and to ensure that appropriate compensatory arrangements are put in place. Some residents express concern that the positioning of some housing might result in trees marked for retention being lost to development. As this application relates only to highway improvements this is not a matter for consideration at this time particularly as any plans showing house locations are purely illustrative.

Access and highway safety

Members should first note that subject to conditions the Transportation Section have raised no objections to the current proposals. In arriving at that conclusion they have evaluated the information supporting the current application and found it acceptable including information supplied in survey form and trip generation etc.

A number of the objections raised in highway terms relate more to the potential future development of the site rather than the relatively modest highway improvement currently proposed. It is not appropriate to consider these issues here though they would be relevant to any future application for residential development on the wider site.

Similarly, whilst the development of the site or even the provision of this road might offer the opportunity to develop rear access to existing properties on Abernant Road the proposal has to be judged on its merit rather than individual preferences. The Suggestion that access via Moss Row/Moss Place should be pursued as an alternative needs to be similarly regarded.

Other Issues:

Despite the fact that the current application is submitted solely in respect of highway improvements a number of residents have expressed concern that any approval might give support or commitment to the illustrative layout that accompanies the application. This illustrative layout remains just that and carries no weight. Further, the illustrative layout would of itself prove unacceptable given its failure to establish either a secondary means of access or even a highway link through to the adjacent River Level Tips site.

A number of resident's express concern that the application is a precursor to a much larger planning application for residential development of the wider site. Such an application may follow any approval of this application, however, this application has to be determined on its individual merit and not on the basis of what may or may not follow it.

The level of advertisement undertaken in respect of this application has exceeded statutory requirements and has included the publishing of press notices and extending the time for submissions to take account of the school holidays which was a concern for many objectors. Calls for a public meeting are not normal practice in determining any planning application.

Objectors raise the question does the proposed development affect the green areas beyond the former hospital site? As it stands the answer to that question is no, however, the hospital site is allocated for residential development, and the River level tips site north east of it has the benefit of planning permission and north east of that land is allocated for residential development under Policy NSA9.6 of the Local Development Plan

An objector points out that there is in places a common boundary between existing properties on Abernant Road and the hospital site. This would be unaffected by the current proposals and as such any evaluation between the existing property and any proposed cannot be considered under this application as it is a matter of detail that would need to be considered if, or at the time proposals for that part of the site come forward.

Some properties on Abernant Road have direct gated access into the hospital site. This is fundamentally a private issue that should not influence a planning decision and in any event would be unaffected by the current proposals.

One objector raises the issue of the realignment of the stream and the capacity for that to cause flooding. It should be noted that as no evidence is offered to support this theory it amounts to no more than speculation. Members should also note that the Flood Risk Management Section has raised no objections subject to conditions.

The application is only for highway improvements and will not result in any loss of privacy. As far as residential development is concerned the impact on the privacy of existing homes can only be evaluated when the details of that scheme are known.

Notwithstanding that this proposal only relates to highway improvement, any future development of the hospital site will alter the appearance of the area and alter its "quiet ambience" the objective of any future planning application would be to ensure that its undertaken in an appropriate manner.

The local history society has written expressing concern that the existing entrance gates, pillars and railings will be lost to the redevelopment of the site and an important element of the town's history lost with them. The applicants have indicated that they will make every effort to retain and if deemed necessary realign the gates, piers and railings as part of the development. To that end a condition is included.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan and Planning Policy Wales 11 (PPW11) inasmuch as it relates to what is ultimately no more than a highway improvement. The Local Development Plan allocates the wider site for residential development and the road improvements proposed would reasonably align with the objective of enabling that development. In addition to this the material particulars of the case also support the proposals and as such the following recommendation is made.

RECOMMENDATION: Grant

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 plans:
 - Spine Road Arrangement Drawing No: 200710_WDL_H_001 Rev D.
 - Access Road Initial Landscaping Drawing no: 2101FAHAR L 5100
 - Tree Constraints Plan Drawing No: 21-053.

Unless otherwise superseded by details required by any other condition attached to this consent.

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

3. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five 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 the Local Planning Authority gives written consent to any variation.

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.

4. The development approved shall be carried out fully in accordance with the findings and recommendations of the ecological impact assessment submitted in support of this application.

Reason: to ensure that the new development has due regard to the requirement to maintain and enhance biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of any works on site the developer shall submit and agree details for the retention and if necessary repositioning and realignment of the former hospital access gates, piers, railings and walls with the Local Planning Authority. Such details as may be agreed shall be fully implemented prior to the commencement of any future housebuilding on the site.

Reason: to ensure that the new development has due regard to placemaking and the historic and cultural heritage of Aberdare in accordance with policies AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout including sections, street lighting details, culvert details, cycle route 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 prior to the road being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

7. No development shall take place, including any works of sight clearance until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for –

- The means of access into the site for construction traffic.
- The parking of vehicles of site operatives and visitors
- The management of vehicular and pedestrian traffic.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel cleansing facilities.
- The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the Local Planning Authority.

Reason: in the interests of safety and the free flow of traffic.

8. Surface water runoff from the proposed development shall not discharge on to the public highway or be connected to any highway drainage systems unless otherwise agreed in writing with the Local Planning Authority.

Reason: in the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.