

PLANNING & DEVELOPMENT COMMITTEE

10 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0752/10 (JE)
APPLICANT: Mr J Sexton
DEVELOPMENT: Change of use from stores and office to one bed dwelling.
LOCATION: D G LOVE GARAGE, REAR OF 362 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6TP
DATE REGISTERED: 19/08/2021
ELECTORAL DIVISION: Aberaman North

RECOMMENDATION: APPROVE

REASONS: The proposal is in-keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with surrounding land uses and would not result in an adverse impact upon the character of the site, the amenity of neighbouring occupiers or highway safety in the vicinity.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from ward Member, Councillor De Vet, so that Members can consider the full impact of the development upon highway safety, residential amenity and the standard of accommodation proposed.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the property from stores and office to a one bedroom dwelling.

The proposal would see living accommodation over two floors, with an open plan kitchen and living room at ground floor level and an en-suite bedroom on the first floor. The proposal would also accommodate a mezzanine storage area above the first floor.

External works would include the installation of exterior cladding and replacement of existing fenestration and the installation of bifold doors to the front elevation (much of which has already been undertaken). Members are advised that whilst these works have already been undertaken no new openings have been created and the works appear to be part of a larger external repairs and refurbishment and are considered permitted development.

SITE APPRAISAL

The application site relates to a detached garage/stores building located to the rear of 362 Cardiff Road, Aberaman. The site extends to approximately 32m² which includes the footprint of the structure and a narrow entrance apron to the front. Access to the building is gained via an unmade private access lane that adjoins Cardiff Road (B4275). To the front of the site works comprising the construction of a low wall and installation of block paving have been completed by the applicant. During the Officer site visit external works had been completed at the property however, the building appeared vacant.

Surrounding development comprises of Maesyffynon Care Home to the west, traditional terraced properties to the south and semi-detached dwellings at Penderyn Place to the north.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

1 letter of support has been received from a neighbouring occupier and 1 letter of objection has been received from the local ward Member, Councillor Evans. The points raised in both letters are summarised below:

Support

- Would bring a rundown property back into beneficial use.
- There have been no issues during the construction period.

Objection

- Overlooks gardens in Penderyn Place.
- Existing issues and disputes with the Council's Corporate Estates department in relation to works to the lane and side of the site.
- Access to property along unmade narrow lane.

CONSULTATION

Transportation Section: No objection.

Flood Risk Management: No objection.

Public Health and Protection: No objection although conditions raised in relation to hours of construction, noise, dust and waste.

Dwr Cymru: No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Aberaman but is not allocated for a specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW1 – sets out the criteria for housing developments.

Policy AW2 – supports development within 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 placemaking, including landscaping.

Policy AW10 - Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or safety.

Policy NSA12 – permits housing developments within and adjacent to the settlement boundary in the Northern Strategy Area.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- 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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered:

PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the change of use of the unit from a stores and office to residential including various renovation works.

The property is located within the settlement boundary as identified by the Rhondda Cynon Taf Local Development Plan and is within a predominantly residential area where this type of development could be considered acceptable.

The site is accessible by a range of sustainable transport options including bus, foot and bicycle; and has good access to key services and facilities within the Neighbourhood Centre of Aberaman and Principal Town of Aberdare. This site can therefore be considered a sustainable location for residential purposes in accordance with Policy AW2.

Whilst the proposal would result in the creation of a 1 bedroom dwelling, given the nature of the development it is considered that the resulting unit would be akin to a flat and therefore it should comply with The Council's Supplementary Planning Guidance

(SPG): Development of Flats which requires the development to be of a certain standard.

In this respect, the proposal is of an acceptable size and each main room would have at least one window. Whilst the proposal lacks direct access to the site from the surrounding pavements and roads, the access is relatively well overlooked and is not considered to result in such an impact that would warrant a refusal of the application. In addition, whilst it is acknowledged that the proposal does not benefit from any external amenity space, it is noted the site is located close to nearby public parks and facilities that are easily accessible from the property. As such, the proposal is considered to meet the requirements set out in the SPG and is generally considered acceptable in principle.

Impact on the character and appearance of the area

The renovation of the property has resulted in a positive contribution to its appearance, which historically was rundown and in need of repair. In addition, the scheme does not propose any increase to the footprint of the building or any external works to the wider curtilage, other than generally tidying works. As such, it is considered that the proposal will not detract from the character or appearance of the area and is acceptable in this regard.

Impact on residential amenity and privacy

It is not considered the proposed use of the building as residential property would result in any detrimental impact to the existing amenity standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and is considered a betterment to the previous use as an uncontrolled store/office.

Whilst it is appreciated that the first floor Juliet balcony on the front elevation of the building does allow for views onto the rear gardens of properties along Penderyn Place, as commented by the objector, when considering the semi-detached nature of these properties and the relationship with Maesyffynon Care Home to the west, an existing mutual level of overlooking has already been established between neighbouring properties here. As such, it is not considered that the opening would exacerbate existing levels of overlooking experienced by neighbouring occupiers. With regard to the 2no. first floor windows located on the western side elevation of the property, these would overlook a vacant area of land and an area of the car park serving Maesyffynon Care Home only. As such, they would have no undue impact.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

Concern was raised by the objector with regard to the use of the substandard lane serving the proposed dwelling. However, no objection has been raised by the Council's

Highways and Transportation Section following consultation, with the following comments received:

The proposed dwelling is accessed off an existing unadopted lane which is a dead end at the property boundary with no official turning facility. The lane measures in the region of 5 – 5.3 metres in width with no segregated footway facility. The lane is also outside the control of the applicant to allow improvement. However, there is enough space for a vehicle and pedestrian to pass one-another and given the limited use of the lane, it is, on-balance, considered acceptable for access. Furthermore, it is expected that service and delivery vehicles would not access the lane and would park on-street to deliver due to the relatively short distance of 25 metres between the main road and proposed dwelling.

Vision onto Cardiff Road in both directions is in excess of the SPG requirement. On-street car parking to the right from the access is often obstructed by high on-street car parking demand which raises cause for concern, however, the impact of the on-street parking is mitigated by the location within a 20mph zone and physical traffic calming close to the junction. As such there is no objection in this respect.

In accordance with the Council's SPG Access, Circulation and Parking the proposed 1 bed dwelling requires up-to a maximum of 2 off-street car parking spaces. The red line boundary submitted indicates that there is space within the curtilage along the lane to accommodate 2 off-street car parking spaces. The previous use is stated as a builder's store and office. This would have generated a number of trips by all types of vehicle using the store with no turning facility resulting in reversing to and from Cardiff Road. It is anticipated that the proposed use will reduce delivery vehicles to and from the site reducing reversing movements which would be acceptable.

To conclude, there is concern that the proposed access lane is lacking in turning facilities for service and deliveries to access / egress in forward gear and lacking in permanent surfacing material. However, as stated above, due to the short length to access the dwelling off Cardiff Road, it is not anticipated that delivery vehicles would use the lane. Furthermore, the proposed one bed unit would attract limited vehicular movements due to the small scale of development and taking into account the previous use as a builder's store and office, the trip generation would be similar or potentially reduced. Therefore, on-balance, the proposed is considered acceptable.

Other concerns raised by the objector

Concern has been raised with regard to current disputes in relation to works undertaken by the applicant to the access lane and the enclosure of an area of land to the side of the application site. Whilst the lane as a whole is not Council owned, the areas subject to the disputed works are within Council ownership. However, these areas are outside of the application site and cannot be considered in the determination of this application.

Members are advised that these matters are currently under separate consideration by the Council's Corporate Estates Department.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection 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 more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient.

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. Therefore, no CIL would be payable.

Conclusion

The application represents an appropriate change of use of a currently vacant and disused property within the heart of a residential area. Furthermore, it is not considered that the proposal would have any undue impact upon the character and appearance of the locality, the residential amenity of the surrounding properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
 - 004-CR-XX-RF-DR-AT-0001
 - 004-CR-XX-RF-DR-AT-0100

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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