

PLANNING & DEVELOPMENT COMMITTEE

08 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0216/10 (GH)
APPLICANT: Mr Durrani
DEVELOPMENT: Development of 6 terraced houses. (CIL form received 13th March 2023, corrected floor layout plan received 24th March 2023)
LOCATION: LAND ADJACENT TO 138 DUFFRYN STREET, FERNDALE, CF43 4EH
DATE REGISTERED: 24/03/2023
ELECTORAL DIVISION: Ferndale and Maerdy

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASONS:

REASONS: By virtue of its relationship with the neighbouring properties located at New Street, the development would be harmful to the privacy and amenity of existing residents.

In addition, no information has been provided to assess the ecological value of the site and therefore to identify any biodiversity mitigation and enhancement measures required to make the development acceptable.

Consequently, the development would be considered not to comply with PPW11 or Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the construction of six terraced houses on land between 138 Duffryn Street, Ferndale and Our Lady of Penrhys RC Church.

It is proposed that the six, more-or-less identical, properties would be constructed facing towards and in line with Duffryn Street, with their front elevations mirroring the curvature in the highway.

Due to the sloping topography of the site the dwellings would be of a split-level design, appearing to be of two-storey to the front. However, to the rear the arrangement would be of a height and massing comparable to a four storey property.

The open-plan living accommodation to the ground floor would incorporate a balcony at the rear with an external staircase connecting to the parking garage area. Each dwelling would include three bedrooms and a loft room.

The submitted plans demonstrate that the garage areas would be capable of accommodating between one and two vehicles and would be accessed via the rear lane off New Street. The property at the southern end of the terrace also proposes to use the garage roof as outdoor amenity space.

It is noted that the proposed development is very similar to those approved under earlier planning applications ref: 07/0866/10 and 12/1215/10.

SITE APPRAISAL

The application site is a roughly rectangular-shaped plot of vacant land covering an area of approximately 0.06 hectares located within the settlement limits of Ferndale.

The land, which is currently a grassed embankment, is situated between the gable of the existing end of terrace dwelling at 138 Dyffryn Street and Our Lady of Penrhys Church, which is Grade II listed.

The site slopes steeply from the Dyffryn Street frontage down to the adopted lane at the rear of New Street. It is understood that the site was formerly occupied by houses that were demolished many years ago.

The site is faced by a terrace of dwellings known as Oakland Villas and by the rear elevations of another terrace of dwellings in New Street. A traffic order (double yellow lines) prohibits on-street parking along the Dyffryn Street frontage of the site.

PLANNING HISTORY

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

12/1215/10: Development of 6 terraced houses (amended details received 17/04/13). Decision: 15/08/2014, Grant.

07/0866/10: Residential development of 6 new terrace houses (amended plans received 17/10/07). Decision: 15/01/2008, Grant.

PUBLICITY

The application has been advertised by direct notification to twelve neighbouring properties and notices were displayed on site. In addition, the application was subject to a press notice on the basis that the development would be considered to affect a listed building.

Four letters of objection or representation have been received raising the following matters:

- Overlooking into bedrooms and kitchens of properties at New Street below and also Oakland Villas on the opposite side of Duffryn Street.
- The flat areas above the garages and balconies are very large and overlooking the neighbours – so large that they might be used to sit out and ‘party’, which could cause unacceptable noise.
- The steps to either side of the development are privately owned.
- The development would affect views towards the listed former Church.
- The rear access is restricted and narrow and is used by children to play.
- Off-street parking would likely be insufficient and the garages are narrow. It would be difficult to manoeuvre into them.
- The pavement along the site frontage has previously been subject to some slippage and the collapsed culvert to the front of New Street causes concern.
- The road isn’t safe and the development would hinder forward visibility.

CONSULTATION

Highways and Transportation

No objections, subject to conditions for the approval of details relating to the rear access, parking, traffic management, surface water and HGV deliveries.

Flood Risk Management

Given the proposal is to develop more than one dwelling, under Schedule 3 of the Flood and Water Management Act 2010, the Developer would be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The Developer would also be required to comply with Part H of the Building Regulations.

The Applicant has outlined that surface water will be disposed of via the main sewer. The principal of a reduction of the discharge to the existing drainage network provides a betterment to the existing situation which would be acceptable from a surface water flood risk perspective subject to asset operator approval for the connection, i.e., DCWW. A condition would therefore be required for the submission of details for approval.

Public Health and Protection

No objection, conditions are recommended with regard construction hours of operation, noise, dust and waste.

Dwr Cymru Welsh Water

DCWW notes that the developer has indicated that foul and surface water flows are to be disposed of via the public sewerage system and there would be no objection in principle to the foul flows only discharging to the public sewer. However, there is no justification within the submitted application as to whether sustainable methods of surface water drainage have been investigated. In the absence of this information and to ensure there is no detriment to the public sewerage system a condition would be required.

National Grid

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

Countryside, Landscape and Ecology – Ecologist

The grass, which includes bramble and rough area, is quite large, which suggests potential for slow worm. A Preliminary Ecological Appraisal would be needed to identify baseline biodiversity conditions, mitigation and enhancement.

Waste and Recycling

The bin collection point would need to be at the kerbside on Duffryn Street.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that is has been reviewed and is in the process of being replaced. 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 LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan

remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Ferndale.

Policy CS1 - the policy emphasis in the Northern Strategy Area is on sustainable growth that protects the culture and identity of communities and supports the Principal Towns and Key Settlements.

Policy AW1 - this policy is concerned with the supply of new housing within the Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW2 - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

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. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

Policy AW7 - aims to protect the historic built environment from inappropriate development.

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

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA10 - permits proposals with the net residential housing density is a minimum of 30 dwellings per hectare.

Policy NSA12 - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment

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 the location of the proposed development would be compliant with the general aims of 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.

However, for the reasons set out further below, it is considered that the proposed development would neither be consistent with the key principles and requirements for placemaking set out in PPW; nor 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.

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:

Principle of the proposed development

The application relates to the construction of a residential development on an unallocated site within the settlement boundary. In principle, the LDP is supportive of infill developments in such locations and Policy AW1 reflects that the housing needs will be partly met by windfall sites.

Furthermore, Policy CS1 is favourable to developments which will support Principal Towns and Key Settlements like Ferndale and, like PPW11, promotes the re-use of previously developed sites.

In respect of Policy AW2, the development site is not subject to any designations that would conflict with its criteria and thus, could be considered to occupy a sustainable location.

Concerns relating to access and car parking are set out further below and although Policy NSA12 requires development not to adversely affect the local highway network, or the provision of car parking in the surrounding area, Members will note that the Council's Highways and Transportation Section has not raised objections in this instance.

Taking into account the above and the planning history for the site, the latter being considered to carry some material weight in favour of the proposed development, there are no objections to generally developing the site in principle.

Impact on the character and appearance of the area

With regard to the impact of the development on the character and appearance of the area; it is considered that the use of the site for residential development would be in keeping with the residential character of the surrounding street scene.

It is considered that the principal elevations of the new dwellings would follow the form and general character of the existing dwellings further to the north-west and along the opposite side of Duffryn Street. The proportions of the houses, and design features such as size of openings and inclusion of bays, together with the traditional external finishes, would be sympathetic to the established Victorian style.

It is also noted that the houses at each end of the terrace would incorporate a front facing gable to the roof, which is something typical of Victorian terraces where long rows would be punctuated by this kind of feature.

The dwellings would also be of a similar ridge and eaves height to the neighbouring terraced houses in Dyffryn Street although to the rear, the new elevations would appear to be of a greater mass.

Unlike the existing development on this side of Duffryn Street, where the terraces are three storey to the rear and have yards sloping towards the rear lane, the development would be engineered to allow for the off-street parking. The downside of this approach is that is a concern that the scale of the six houses might appear excessive and there is no usable amenity space, save for balconies.

However, it is appreciated that in common with the adjacent dwellings in Dyffryn Street the slope of the land limits the potential to create a reasonably sized and useable garden space, unless the off-street parking is dispensed with. Therefore, whilst there are concerns about the appearance of the rear elevations, in terms of their design and visual impact, there is no objection on balance.

The consequences of the proposal for the setting of the adjacent Our Lady of Penrhys Church building, which is Grade II Listed, have been considered.

The former Church occupies a prominent corner location on the junction between Duffryn Street and New Street. The most striking, visually and architecturally interesting facades are the corner, eastern gable end and the north facing rear elevation towards New Street, neither of which would be affected by the proposal.

Although the setting of the property on its southern elevation facing Duffryn Street and the rear western gable would be affected, these elevations are largely plain and functional and any impact is not considered to be harmful.

Consequently, there are no concerns in respect of the impact of the proposal on the setting of the Listed Building or on its character and appearance within the wider street scene.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Impact on neighbouring occupiers

In terms of the compatibility between the proposed and existing neighbouring residential land uses, the development would be acceptable.

With regard to the properties at Oakland Terrace on the opposite side of Duffryn Street, the representations from objectors have been considered and although there would be a minimum gap of 13.75m between opposing elevations, Oakland Terrace is set at a higher level than the application site. It is therefore unlikely that intrusive views would be possible from the development towards bedrooms.

The change to outlook for those existing residents is recognised, but since there would be that difference in site levels, it is not considered that the impact to outlook or privacy would be harmful to a significant degree.

In respect of the other neighbouring dwellings at New Road, it is clear from historic mapping that the site once accommodated a row of terraced dwellings, which would have replicated the back-to-back relationship that is evident between the terraces further along Duffryn Street and New Road. It is probable that the proximity of those opposing elevations will have enabled views from the higher properties towards the habitable rooms of the others.

Nonetheless, whilst it is acknowledged that the aforementioned previous applications for six dwellings on this site have benefitted from planning permission and been considered acceptable in terms of neighbour amenity, greater material weight is now given to those matters in respect of placemaking and wellbeing and the impact on the properties below is not considered to be acceptable on account of the following:

Firstly, the application site does comprise previously developed land and although any previous consents have not been implemented, this does not constitute abandonment. The land has also evidently been subject to some maintenance.

However, a longstanding resident has advised that the former buildings were demolished in the 1980s on safety grounds, so whilst the land is indeed previously developed in a technical sense, this was over a generation ago. Therefore, any arguments that the proposed development ought to be considered acceptable on the basis that a similar form of development once occupied the site is considered to be of minimal relevance.

Secondly, the distance between the rear elevations of the new houses and those on New Road would be a closer relationship than that which exists between the extant properties further along New Road and Duffryn Street, where there are gaps of between circa 13.7m and 22m. By comparison, the minimum gap between plot 2 and no. 74 New Road would be 13.2m, or just 11.5m if the balcony is taken into account.

Therefore, the proximity of the new elevations and their balconies, together with the considerable difference in height, would be considered to cause unacceptable intrusive views towards the four or five properties directly below them. The four storey scale and mass of their elevations would also be considered to be harmful to outlook as they would dominate any views from the rear of New Road towards the south-west.

Lastly, there is a concern that the proximity of the side elevation of plot 1 to that of the former Church, which contains a number of windows, including a large double height window.

If the building was still operating as a place of worship and therefore not permanently inhabited, this matter might have been of less concern and any detrimental impact harder to evidence. Nevertheless, it is understood that those windows now serve the habitable rooms of a dwelling and it is clear that the development would cause an unacceptable overshadowing relationship.

Therefore, for the reasons set out above, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered not to comply with LDP Policy AW5.

Access and highway safety

Previous History

Applications 07/0866 & 12/1215/10 were granted permission for six dwellings subject to conditions. Although concerns were highlighted regarding the sub-standard size of the garages to accommodate two family cars no highway objections were raised.

Site location

The site is located on a vacant parcel of land between 138 Dyffryn Street, Ferndale (A4233) & Lady of Penrhys RC Church.

There are double yellow lines to the front of the site preventing on-street car parking along the A4233, for the purposes of maintaining the free flow of traffic and highway safety given that this is the main route through the Valley.

On the opposite side of the road to the site there are parking bays which are used by existing residents of Oakland Terrace. There is high demand for on-street car parking in the vicinity of the site due to the nature of terraced dwellings with limited off-street car parking facilities.

At the rear of the site there is a publicly maintained lane via which it is proposed to provide a secondary access to the rear parking areas / garages of the new dwellings. The lane measures between 2.7m – 3m in width.

The proposal would widen the rear lane to 4.1m which in turn would allow for two standard cars to pass one another and reduce the need for vehicle reversing movements.

Parking

The Council's SPG for Access, Circulation & Parking advises that the proposed six 3-bedroom dwellings would require a total 18 off-street car parking spaces and 1 visitor space. The submitted plans propose to provide a total of 11 off-street car parking spaces.

However, with the access stairs using part of their floor space, the proposed garages would be sub-standard in width to accommodate the two car parking spaces side by side.

Therefore, it is considered that only 1 useable space has been provided for plots 2-6 and with regard to plot 1, which is adjacent to the former Church, the proposed parking is sub-standard in width and length and would not be considered able to provide for any off-street car parking.

Consequently, the proposed housing scheme would be 14 off-street car parking spaces short in of the SPG requirement.

Furthermore, the proposed 4.1m lane width to the rear, including the area of apron would be sub-standard to cater for access / egress from the garages which in turn would likely result in the garages not being used for parking at all. This would cause displacement of vehicles to park on the local highway network, which would be detrimental to highway safety.

Therefore, the proposed development is not satisfactory and would lead to on-street parking in an already congested area to the detriment of safety to all highway users and free flow of traffic.

Pedestrian Access

There are continuous pedestrian links leading to the proposed which are satisfactory for safe access. Adjacent to plots 1 & 6 would be via existing stepped footway links leading to the rear lane.

Accident Data

There are 3 reported accidents within the vicinity of the site. The Highway Authority's view is that any intensification of on-street car parking at this location will further exacerbate the highway safety concerns.

Summary

Despite the above concern, taking into account the previous applications 07/0866/10 and 12/1215/10 were granted permission with a number of highway related conditions and given that the current scheme is similar, on balance no highway objection is raised.

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

As outlined above It is considered the proposed six dwellings would enable overlooking of neighbouring properties located at New Street and the height, massing and proximity of their elevations would be harmful to the outlook of existing residents.

Furthermore, both national and local policy requires new development to demonstrate that there would be no unacceptable impact relating to ecology, and in addition to mitigation of any impacts there should be an identifiable biodiversity net gain. However, no ecological assessment has been provided in this case.

Therefore, the development would have an unacceptable impact on the residential amenity of neighbouring properties which, taken together with the absence of any ecological supporting information, means that the application would not comply with PPW 11 or Policies AW5, AW6 and AW8 of the Local Development Plan.

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. By virtue of its relationship with the neighbouring properties located at New Street, the development would be harmful to the privacy and amenity of existing residents.

In addition, no information has been provided to assess the ecological value of the site and therefore to identify any biodiversity mitigation and enhancement measures required to make the development acceptable.

Consequently, the development does not comply with PPW11 or Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.