

PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0311/10 (JE)
APPLICANT: Mr Jorge Solano
DEVELOPMENT: New build 1 no. bedroom dwelling (Amended plans and revised description received 27/01/2023).
LOCATION: THE HILL COTTAGE, EAST ROAD, TYLORSTOWN, FERNDALE, CF43 3HG
DATE REGISTERED: 21/06/2022
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: APPROVE

REASONS: The principle of development is acceptable, and proposal would bring a vacant site back into beneficial use. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring 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.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Robert Bevan so that Members can consider the sustainability of the development and its impact upon highway safety.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 1 bedroom detached dwelling at The Hill Cottage, East Road, Tylorstown, Ferndale. The dwelling would be located at the site of a former community police station which has been demolished.

The dwelling would be located towards the front of the site and would measure a width 12.6 metres by a depth of 4.2 metres. The proposed dwelling would have a dual pitched roof design with gable ends on its side elevations measuring a maximum height of 5.3 metres sloping to 2.3 metres at the eaves. The dwelling would also incorporate a dormer within the rear roof plane that would measure a width of 11.8 metres and a height of 2.4 metres with a flat roof.

The dwelling would incorporate living accommodation over two floors with a kitchen diner, bathroom and open lounge on the ground floor and an open plan bedroom on the first floor. Off street parking would be provided to the side of the dwelling utilising an existing access from East Road.

The proposal would also see the construction of an outbuilding located alongside the northern side elevation of the dwelling. The building would measure a width of 3.1 metres by a depth of 2.2 metres and would incorporate a dual pitched roof design measuring a maximum height of 3.4 metres sloping to 2.3 metres at the eaves.

SITE APPRAISAL

The application site relates to a vacant parcel of land which previously accommodated a single storey detached building used as a community police station. The site is located along the A4233 which is the main highway through the village and the Rhondda Fach Valley. The site is split into two areas with the western extent closest to the highway level in nature and the eastern area to the rear steeply sloping towards Edmonds Street beyond. A number of mature trees are located within the site. At the time of the Officer's site visit the former building on the site had been demolished to slab level.

The general character of the locality is residential in nature and characterised by traditional terraced dwellings. Although to the south of the site along East Road there are several commercial properties and to the east is Tylorstown Primary School.

PLANNING HISTORY

The most recent planning applications on record associated with the application site are:

18/0718/10: FORMER SOUTH WALES POLICE TYLORSTOWN STATION, 243 EAST ROAD, TYLORSTOWN, FERNDALE, CF43 3HG

Change of use of former Tylorstown Police Station to residential dwelling (Changes required to include ground floor extension together with pitch roof dormer extension to rear first floor).

Decision: 10/09/2018, Grant

PUBLICITY

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

No letters of objection have been received following consultation.

CONSULTATION

Highways and Transportation: No objection subject to condition.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

Waste Services: Standard response noting that the bin collection point must be at the kerbside on East Road

National Grid: Standard consultation response setting out that a separate application to National Grid would be required should the developer require a new connection or a service alteration.

Welsh Water/Dwr Cymru: No objection although condition recommended in relation to surface water drainage.

Flood Risk Management (Drainage): No objection although condition recommended in relation to surface water drainage.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 Tylorstown and but is not allocated for any specific purpose.

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

Policy AW1 – sets out the criteria for new housing proposals.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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 would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – sets out the criteria for the consideration of development proposals within and adjacent to settlement boundaries.

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) 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 all 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

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 detached dwelling at The Hill Cottage, East Road, Tylorstown. The application site is unallocated and is located within the defined settlement boundary and a residential area of Tylorstown. As such, the application complies with Policies CS1, AW1 and NSA12, all of which support the provision of new housing on unallocated sites within and adjacent to settlement boundaries within the Northern Strategy Area.

The site is also located within walking distance of a number of local services and facilities and benefits from direct access to public transport with a bus stop located to the front of the property. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

It is also noted that the site previously benefited from planning permission to convert the police station into a residential dwelling.

As such, taking the above into account, the principle of development is considered acceptable subject to the below criteria.

Impact on the character and appearance of the area

The proposed dwelling would feature a footprint similar to the structure which previously occupied the site. In addition, the previous building benefited from an approved consent to raise the flat roof and create a dual pitched roof design that would have resulted in a building of a similar appearance to the proposed dwelling. As such, it is not considered that the proposal would form a dominant or incongruous feature within the area with any impact similar to the previously approved scheme. In addition, the redevelopment of the site would result in a positive impact to the area surrounding the site and would bring a disused site of an unkempt appearance back into beneficial use.

Members are advised that the application currently lacks sufficient information in relation to landscaping and boundary treatments. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposal will not detract from the character or appearance of the area. The application therefore would be compliant with the relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

When considering the relationship with closest neighbouring properties and the scale of the proposed dwelling, it is not considered that the proposal would result in any adverse impact upon the few neighbouring properties that may be affected through the construction of the new dwelling.

It is not considered that the proposed use of the site for a residential dwelling would result in any detrimental impact upon the existing residential amenity and privacy standards currently enjoyed by residents of the surrounding properties. It is considered the proposed use would actually have less of an impact upon surrounding residents compared to the previous use as police station where numerous comings and goings would have occurred throughout the day and night.

Further to the above no objections were received following consultation with neighbouring occupiers. As such, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety

The Council's Highways and Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

The application site is served off East Road (A4233) which is a principal route carrying a substantial amount of vehicular and pedestrian movement. To the front of the proposed on the opposite carriageway and adjacent to the proposed are two existing bus stops. Due to the location of the bus stop the footway varies in width from 3.5m to 2m to accommodate the bus stops and shelters. There are also double yellow lines on both sides of the carriageway preventing on-street car parking maintaining free flow of traffic.

There is an existing car parking space which was previously used in connection with the police station. The existing vehicular crossover is sub-standard in construction and lacking demarcation kerbing from the private car parking area and public footway. Therefore, a standard condition requiring a vehicular crossover in accordance with the Council's standard specification has been suggested.

In accordance with the Council's SPG Access, Circulation & Parking the proposed 1-bedroom dwelling requires up-to a maximum of 2 off-street car parking spaces with only 1 provided. There is concern with this shortfall and that the use of the car parking

space will result in reversing movements to and from the A4233 in close proximity to the bus stops and with limited forward visibility for vehicles travelling from the north due to the existing road bend. However, taking into account the sustainable location of the site; the fact that the car parking space will have limited use, is existing and was used in connection with the previous use which would have generated a number of daily manoeuvres with no reported accidents within the vicinity of the site; and the fact that there are parking restrictions fronting and adjacent to the property to prevent indiscriminate on-street parking, on-balance, the proposed is acceptable in this respect.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient in this instance.

Drainage

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard surface water drainage. Nevertheless, as this development would require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

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 principle of development at the site is considered acceptable. Furthermore, the proposal is considered acceptable with regard its impact upon the character and appearance of the area, the residential amenities of surrounding neighbours and highway safety within the vicinity of the site. As such, the application is considered to generally comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved Plan numbers

- P/001 Rev E received 27.01.23
- P/002 received 07.11.22

and documents received by the Local Planning Authority, 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.

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. The dwelling shall not be occupied until an area for the parking of vehicles has been laid out in accordance with the approved plan "P/001 REV E" and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to works commencing on site design and detail of the car parking area surfaced in permanent material and new vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the dwelling.

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

6. HGV's used 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.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the new development will be in keeping with the surrounding area and to protect residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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.

10. 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 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.