

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1433/10 (JE)
APPLICANT: WK Plasterers LTD
DEVELOPMENT: Proposed development of two dwellings, car parking and associated works.
LOCATION: VACANT LAND AT WILLIAM STREET, YSTRAD, PENTRE
DATE REGISTERED: 08/02/2023
ELECTORAL DIVISION: Ystrad

RECOMMENDATION: APPROVE

REASONS: The principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

- More than three letters of objection have been received.
- A request has been received from Councillor Geraint Jones for the matter to come to Committee for Members to consider the full impact of the development.

APPLICATION DETAILS

Full planning permission is sought for the construction of two dwellings with car parking and associated works at vacant land at Williams Street, Ystrad. The proposal would consist of a pair of semi-detached dwellings located centrally within the plot fronting William Street. Vehicular access would be gained from River Street to the rear with each dwelling benefitting from an 2no. off street parking spaces and an area of amenity space.

The dwellings would measure a combined width of 12 metres by a depth of 8.3 metres. The dwellings would have a dual pitched roof design with gable ends on their side elevation measuring a maximum height of 8.8 metres sloping to 5.6 metres at the front elevation and height of 11.3 metres sloping to 8.2 metres measured from the rear.

The proposed dwellings would see living accommodation over three floors with the following layout proposed:

Lower Ground Floor:

- Kitchen/dining room
- Storage and water tank cupboard

Ground Floor:

- Entrance hallway
- Living room
- Bedroom
- WC

First Floor:

- 3no. bedrooms
- Airing cupboard
- Bathroom

The proposal has been designed to meet local needs following discussions with Trivallis who would occupy the units once complete.

Members are advised that this application was originally submitted as a terrace of 3no. properties before a reduction to 2no. The applicant has advised that the reason for this change was concerns associated with the potential need for underpinning of existing foundations should they attach to the neighbouring property.

This application is supported by:

- Transport Statement
- Flood Consequence Assessment and Drainage Strategy
- Geotechnical and Geoenvironmental Desk Study and CMRA
- Preliminary Ecological Appraisal

SITE APPRAISAL

The application site relates to a vacant parcel of land along William Street within the village of Ystrad. The site is irregular in shape and extends to approximately 0.03 hectares and is located on the southern side of William Street located between No.78 and No.83. The site is overgrown with shrub and it is noted as previously being occupied by a terrace of properties which were historically demolished. The nature of the site decreases in level from north to south. The site is bounded by the highway at William Street to the north, a separate vacant parcel of land to the east, the highway at River Street to the south and No.83 William Street to the west.

The area surrounding the site comprises a mix of residential properties and commercial units.

PLANNING HISTORY

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

12/0666/10: VACANT LAND 80 - 84 WILLIAM STREET, YSTRAD.

Construction of 4 no. 3 bed dwellings & 1 no. 1 bed maisonette.

Decision: 27/03/2013, Grant

11/0804/10: VACANT LAND, 80 - 84 WILLIAM STREET, YSTRAD.

Proposed construction of 5 no. 3 bed dwellings & 1 no. bed maisonette.

Decision: 20/06/2012, Withdrawn by Applicant

09/5640/32: 80-84 WILLIAM STREET, YSTRAD

Residential development

Decision: 09/12/2010, Withdrawn by Applicant

03/2150/13: PLOTS 79 - 84 WILLIAM STREET, YSTRAD, PENTRE

Erection of 2 no. dwellings (outline).

Decision: 16/04/2004, Refuse

PUBLICITY

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

3no. letters of objection and a petition with a total of 10 signatures from neighbouring occupiers have been received following consultation (summarised below).

- Development is next to an existing Trivallis housing facility which creates existing problems with highway safety and parking.
- Highway at River Street is substandard in width.
- River Street has no turning facilities.
- Poor ground conditions caused the previous developer to go bankrupt which created problems for local residents.
- Proposal results in a poor quality of accommodation.
- The dwellings have insufficient amenity space.
- Concerns associated with the intentions of the developer due to the floor plans indicating that the space can be used by wheelchair users although no lift between floors is shown.
- Proposal is out of keeping with William Street which is characterised by terrace properties.
- Concerns associated with Trivallis – costs of development, lack of consultation with residents.
- Concerns and disagreement with the findings of the supporting information, specifically the Transport Statement.
- Concerns associated with existing drainage infrastructure which is noted as frequently blocking.
- The site accommodates a spring which impacts upon neighbouring properties through water ingress. The intended construction on the applicant site will cause excessive rainwater run-off from the site to the lower levels and will

undoubtedly increase the problems currently being experienced by neighbouring occupiers.

- Other developments have been required to include turning facilities which are not included in this development.

CONSULTATION

Transportation Section: No objection subject to conditions.

Countryside (Ecology): No objection subject to a condition.

Flood Risk Management (Drainage): No objection.

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

South Wales Fire and Rescue: No objection.

The Coal Authority: Sets out that the site does not fall within a Development High Risk area and no objection is raised.

Wales and West Utilities: Standard consultation response setting out that utility pipes maybe present in this area.

Dwr Cymru/Welsh Water: No objection although condition suggested with regard 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 Ystrad and isn't allocated for a specific purpose.

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

Policy CS5 - Identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - The policy identifies how land will be made available to meet the housing land requirement figure, and does not include the development of unallocated land outside the defined settlement boundary.

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

Policy AW5 – Sets out the criteria for new development in relation to amenity and accessibility.

Policy AW6 – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

Policy AW8 – only permits new development where its shown that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

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

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Affordable Housing

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 FW2040, 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
- Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

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 seeks full planning permission for the construction of two dwellings with car parking and associated works at vacant land at Williams Street, Ystrad. The application site is located within the settlement boundary and benefits from a previous consent for residential development. As such, the principle of residential development on the site has been previously established and the proposal is acceptable subject to an assessment of the criteria set out below.

It has also been set out by the Council's Housing Strategy Team that this social rented scheme has been designed by Trivallis in dialogue with them to help address the need for additional affordable housing within Ystrad. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23, and, as such, this proposal satisfies Policy NSA11 of the adopted Local Development Plan.

Impact on the character and appearance of the area

The residential development surrounding the site comprises a mix of dwelling types, including some recently built semi detached houses immediately to the west, in addition to the traditional Victorian terraced properties to the north and a terrace of late 20th century properties to the rear along River Street. In this context given the variation in local character, the proposed development is considered to be an acceptable addition to the street scene and would share similarities with a recently built house directly to the west. In addition, the redevelopment of the site would result in a positive impact upon the character and appearance of the area due to its currently overgrown nature which appears unkempt and forms a prominent feature within the street scene.

In terms of the visual impact of the proposal, the dwellings would be sited on a relatively spacious plot, directly adjacent to an existing pair of semi detached properties. The proposed dwellings would have a similar layout and orientation to the adjacent properties, with the principal front elevations facing towards William Street and vehicular access gained from the rear.

In addition, the submitted site layout plan indicates the site is large enough to accommodate the proposed dwellings whilst also retaining sufficient amenity space and off street parking.

Furthermore, the materials proposed with a cement rendered finish is considered appropriate for the development with adjacent properties benefiting from a variety of rendered or dashed elevations. As such, the proposal is not considered harmful to the existing character and appearance of the locality and is considered acceptable in this regard.

Impact on residential amenity and privacy

When considering the impact upon properties to the north along William Street, whilst the proposed development would form a prominent addition from the front elevation of these dwellings, the resulting relationship would be similar to that which currently exists between neighbouring properties within the vicinity and is not considered to be significant.

The proposed dwellings would be erected alongside the blank side elevation of No.83 William Street located to the west. An area of amenity space would also be located along the boundary that would offset the buildings from the nearest residential property with no windows proposed within the side elevations of the dwellings. Additionally, the relationship between the new dwellings and No.83 would be a betterment to the previously approved relationship that would see No.83 as a mid terrace dwelling.

The main impact of the proposal would be the potential for overlooking to the dwellings at the rear of the site, on River Street, as they are at a lower level to the site. However, this proposal would be no closer to the dwellings on River Street than that previously approved and would result in a similar impact. This relationship is also a common occurrence in the surrounding area.

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

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application. Whilst a number of concerns were raised by the objectors with regards to access and parking, no objection was raised by the Transportation Section with the following response received:

Access

The proposal is served off the A4058 (William Street) which has a carriageway width of 7.7m with 1.7m wide footways on each side. There are on street parking restrictions in place in the form of double yellow lines to prevent indiscriminate on-street parking.

The proposed parking to the rear will be served off River Street which has substandard carriageway width to accommodate two-way vehicular movement due to on-street parking. The rear of the property is only accessible by vehicle via Brook Street or a side lane off the A4058 (William Street).

The proposed provides parking to the rear however no details of a vehicular crossover have been submitted therefore, a condition has been suggested accordingly. The applicant also proposes bi-folding gates to the rear of the property which will open internally which is considered acceptable.

Trip Rate (TRICS)

The proposed will result in limited additional peak trips, 3 in the AM and 3 in the PM which will have minimal impact on the existing highway network.

Parking

The development proposes the construction of 2no. 4-bedroom dwellings which have a parking requirement of 3 spaces per dwelling in accordance with SPG: Access, Circulation & Parking Requirements 2011 with only 2 provided per dwelling, resulting in a shortfall of 1 space per dwelling, which raises concern. The applicant also proposes secure cycle storage which promotes sustainable modes of transport which is considered acceptable.

Swept Path

Swept Path analysis has been provided within the Transport Statement to indicate the off-street car parking is accessible from River Street which is acceptable.

Drainage

There is concern that water run-off from the proposed off-street parking to the rear may discharge onto the highway therefore a condition has been suggested accordingly.

Conclusion

The proposed site has previously been given planning permission for 5 units with 2 previously built. The proposal seeks permission for 2 additional dwellings taking the total to 4 dwellings.

The proposed results in a shortfall in the maximum standards of 2 spaces potentially increasing on-street parking demand in an area with high on-street parking demand and restricted traffic flow due to lack of off-street parking facilities in the area and the nature of terraced streets. However, taking into consideration the proposed is located in a sustainable location within walking distance of nearby public transport in the form of bus and train, parking restrictions fronting the property to prevent indiscriminate on-street parking, provision of secure cycle storage to promote sustainable modes of transport on-balance, the proposed is considered acceptable.

Public Health

The application is supported by a Geotechnical and Geoenvironmental Desk study which has been reviewed by the Council's Public Health and Protection Division during the consultation period. Whilst the Council does not hold any records of potentially contaminating former land uses on the site or landfills on or within 250 metres, the aforementioned report identifies medium risks to human health and recommends an intrusive site investigation. As such, the standard contaminated land conditions were requested by the Public Health Division.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Ecology

The application is supported by the December 2022 Wildwood Ecology PEA which identifies that the site consists primarily of tall ruderal and scrub which may be suitable for reptiles, nesting birds, hedgehog and invertebrates. This report has been reviewed and considered acceptable by the Council's Ecologist who requests that all recommendations set out in section 5 are conditioned should the development be granted consent.

Drainage

The objections received raise a number of concerns associated with drainage and impact associated with the proposed development. The application is supported by a Flood Consequence Assessment and Surface Water Drainage Strategy which demonstrates acceptable discharge rates from the site which provide a betterment to the existing situation as commented by the Council's Flood Risk Management Department. As such, no objection to the proposal was raised and it was commented that surface water flood risk will be adequately managed by both Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

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 principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

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 plans:

- 2193-02 K
- 2193-03 I
- 2193-04 I
- Site Location Plan

and documents received by the Local Planning Authority on 20/06/23, 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. Notwithstanding the details shown on the submitted plans, development shall not commence until design and detail of the vehicular crossover and tie in with River Street have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

5. 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.

6. The parking spaces shall be constructed in accordance with the submitted drawing no "2193-02 H" prior to the proposed being occupied. The parking spaces shall be retained for vehicle parking only unless agreed otherwise by the Local Planning Authority.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted 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.

8. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved in writing by

the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a Conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby permitted shall not be brought into beneficial use until the measures approved in the scheme referred to in Condition 8 have been implemented and a suitable validation report of the proposed scheme is submitted and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

11. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Wildwood Ecology, Preliminary Ecological Appraisal, December 2022.

Reason: To afford protection to animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.