

PLANNING & DEVELOPMENT COMMITTEE

14 December 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0412/10 (JE)
APPLICANT: Blackbrook Developments Ltd
DEVELOPMENT: New four bedroom dwelling with detached garage and two additional parking spaces
LOCATION: LAND ADJACENT TO 4 NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB
DATE REGISTERED: 17/04/2023
ELECTORAL DIVISION: Abercynon

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

- 3 or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 4 bedroom detached dwelling along with a detached garage and parking spaces at Land adjacent to 4 Nash Street, Abercynon. The dwelling would be located at the site of an existing detached garage that would be demolished.

The dwelling would be located towards the front of the site to tie into the existing property line along Nash Street and would measure a width of 6 metres by a depth of 8.2 metres. The proposed dwelling would have a dual pitched roof design with gable ends on its side elevations measuring a maximum height of 8.8 metres sloping to 5.3 metres at the eaves.

The proposed garage would be located towards the southern boundary of the site to the rear of the proposed dwelling and would measure a width of 3 metres by a depth of 5 metres. The garage would have a double pitched roof design measuring a maximum height of 3.2 metres sloping to 2.4 metres at the eaves. To the front and alongside the garage would be 2no. off-street parking spaces that would be accessed from the highway at Llys Ty'r Twyn.

The dwelling would incorporate living accommodation over three floors with a kitchen/diner, lounge and W/C on the ground floor, three bedrooms and a bathroom on the first floor. A further bedroom would be sited on the second floor.

SITE APPRAISAL

The application site forms an irregular shaped parcel of land located adjacent to No.4 Nash Street, Abercynon. The site is located on the corner of Nash Street and Aberdare Road and is bounded by highways to the south, north and west. No. 4 Nash Street is located directly to the east. The site currently accommodates a detached garage and an area of hardstanding which benefits from dropped kerbs along Nash Street and Aberdare Road. The site slopes from south to north with an approximate one metre change in levels across the site.

The general character of the locality is residential in nature comprising traditional terraced dwellings, although it is noted that a development of 4no. large modern detached dwellings are located to the south.

PLANNING HISTORY

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

07/1763/13: LAND ADJACENT TO NASH STREET, ABERCYNON

Two detached properties (outline application)

Decision: 12/12/2007, Refuse

08/1190/13: LAND ADJACENT TO 4 NASH STREET, ABERCYNON

Detached dwelling with off street parking.

Decision: 06/10/2008, Grant

14/0121/10: TYR TWYN COURT, NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB

Construction of four detached private dwellings with attached garages and associated external works and extension of residential curtilage for 6 Tressilian Place (Amended description and plans received on 4th February 2014).

Decision: 01/04/2014, Grant

PUBLICITY

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

3.no letters of objection have been received from the occupiers of neighbouring properties following consultation. The points raised have been summarised below:

- Highway safety associated with the proposed access.
- Parking and deliveries during the construction period.
- Issues associated with the construction of the dwelling.
- Loss of privacy.
- Access to gable end of adjacent property.
- Bluebells on site which are protected.

CONSULTATION

Transportation Section: No objection subject to conditions.

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

Countryside (Ecology): No objection raised.

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 Abercynon 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 and garage at land adjacent to 4 Nash Street, Abercynon. The application site is located within the defined settlement boundary and a residential area of Abercynon, and is unallocated. 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 is within close proximity to public transport links with bus and train connections nearby. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the LDP.

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

Whilst the proposed dwelling would form a visible addition to the site and the immediate area, it would be sited on a relatively spacious plot, adjacent to an existing terraced dwelling with a highway and access lane flanking the western and southern boundaries respectively. The proposed dwelling would have a similar layout and orientation to the adjacent, terraced properties. As such, it is not considered that the proposal would form a dominant or incongruous feature within the area. 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.

In light of the above, it is considered that the proposal will not detract from the character or appearance of the area and that the application is compliant with the relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

With regard to the impact upon No.4 Nash Street immediately to the east, given the location of the proposed dwelling, directly alongside the existing neighbour, the proposed dwelling would not be visible from within the adjacent property and would not result in any undue overshadowing or overbearing impacts. Whilst views would be possible from the rear amenity space of No.4, it is not considered that any impact would be significant and would be no different to that which occurs at most other properties within the area.

When considering the impact upon properties along Aberdare Road to the west, these dwellings would be separated by approximately 14 metres and elevated above the application site. As such, whilst there would be views towards the proposed development, any impact would not be significantly greater than that which already exists between properties within the vicinity.

Turning to overlooking, an issue raised by the objectors, when considering the terraced nature of properties surrounding the site a mutual level of overlooking has been established between surrounding neighbouring properties. As such, it is not considered that the proposal would exacerbate existing levels of overlooking and the scheme is considered acceptable in this regard.

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 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:

Access

Primary access to the proposed dwelling will be served off Nash Street with off street car parking served off the rear lane. Nash Street is acceptable as a primary means of access for vehicles and pedestrians taking into account the limited additional movement generated by 1 additional dwelling.

To the rear the off-street car parking will be served off the lane which is lightly trafficked acceptable in access terms. There is an existing vehicular crossover in place to serve the proposed off-street car parking provision.

The footway surrounding the site has two existing vehicular crossovers which will become redundant as part of the proposal and should be reinstated in full footway construction in the interests of pedestrian safety. A condition to this effect has been suggested accordingly.

Vision

There is concern that the proposed boundary treatment fronting Aberdare Road slightly impacts on the required vision splays from Nash Street and the lane, but there is sufficient space within the site to provide appropriate vision splays. Therefore a condition is suggested to ensure the required vision splays from both streets is implemented in accordance with Manual for Streets and TAN 18 for a 20Mph speed limit, 2.4m x 22m.

Parking

The proposed 4-bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011 with 3 provided, which is acceptable in this instance given the highly sustainable nature of the site.

Taking the above into account, the proposed will have minimal impact on the existing highway network and is considered acceptable in highway safety terms, subject to a number of highway related conditions.

Ecology

It is noted that the objectors raised concerns with the presence of bluebells at the site which would be removed following development. In this respect the Council's Ecologist has advised that the protection afforded to native bluebells is from being 'dug up and sold' as bulbs, and that native bluebells are not afforded protection from the impacts

of development. Native bluebells occur in natural habitats, not often in urban situations, it is more likely that the bluebells visible at the site were Spanish bluebells which is a common garden plant that escapes into urban edge situations and are not afforded any protection. As such, no objection is raised subject to a condition requiring the submission of biodiversity enhancement measures.

Other issues raised by the objectors

The objectors set out concerns with regard the impacts upon parking, noise and disturbance through the construction period. It is appreciated that the noise and disruption from development on adjacent land, as well as the use of accesses via established residential areas, can be extremely trying for existing residents, despite the best efforts of a developer. However, whilst understandably unwelcome, the construction period of a development is a relatively short term process and disruption from that cannot be considered as a sustainable reason to refuse a development.

An objector raised a number of concerns with regard the proximity of the new dwelling to No.4 Nash Street which could result in issues around the ability to access and maintain the gable end of the neighbouring property. Whilst this concern is acknowledged, this issue would form a civil matter between the owner of No.4 and the developer of the site. The Council's Building Control team have also confirmed that the proximity of the development to No.4 would require a party wall agreement prior to works commencing on site which would address this issue. As such, an informative note has been included below to advise the applicant of these requirements.

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 which would cover this issue, 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 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
 - NS-01 – Received 13/04/2023
 - NS-02 – Received 13/04/2023
 - NS-03 – Received 13/04/2023
 - NS-04 – Received 13/04/2023
 - NS-05 – Received 13/04/2023
 - NS-06 – Received 13/04/2023

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. Notwithstanding the submitted plans, prior to the commencement of any development on site, details of the boundary treatment fronting Aberdare Road set back to maintain a vision splay of 2.4m x 22m from the adjacent junctions of Nash Street and Llys Tyr Twyn shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and retained thereafter.

Reason: To ensure that adequate visibility is provided for vehicles exiting the adjacent junctions, in the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The parking area shall be constructed in permanent materials and retained for the purposes of parking only.

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.

6. The 2no. existing vehicular crossovers serving the existing site now redundant as part of the proposal on Nash Street and Aberdare Road shall be reinstated in full flexible footway construction in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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 on site 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 commence on site 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.

11. No Development shall commence on site until a scheme for biodiversity mitigation and enhancement has been submitted to and agreed in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

Reason: To ensure a positive impact upon biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.