



PLANNING & DEVELOPMENT COMMITTEE

9 MAY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0927/10
(JE)
APPLICANT: Mr Agostini
DEVELOPMENT: 2 number 5 bedroom houses on vacant land to the rear of Penybryn House (Amended redline boundary received 01/11/18) (Amended plans received 07/12/18) (Ecological Report received 15/03/19)
LOCATION: PENYBRYN HOUSE, CORNER HOUSE STREET, LLWYDCOED, ABERDARE, CF44 0YA
DATE REGISTERED: 01/11/2018
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS:

The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

REASON APPLICATION REPORTED TO COMMITTEE

- The matter is required to come to Committee for the reason that more than three letters of objection have been received from the occupiers of neighbouring properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of 2 no. detached 5 bedroom dwellings on vacant land to the rear of Penybryn House, Llwydcoed. The land is within the residential curtilage of the dwelling and is separated from the dwelling by an additional development plot which benefits from planning permission (16/0671/10) for one detached dwelling. The properties would be accessed by a proposed shared

driveway which would adjoin Corner House Street to the north along side Penybryn House.

Plot 1 would be located closest to Penybryn House and would measure a maximum width of 17.3 metres by a maximum depth of 14.6 metres. The proposed dwelling would have a multi pitch roof design with gable features on its front and rear elevations measuring a maximum height of 7.4 metres sloping to 3.3 metres at the eaves. The proposed dwelling would also incorporate a number of pitched dormers within the roof space.

Plot 2 would be located towards the rear of the site and would be orientated N-S. The dwelling would measure a width of 8 metres by a depth of 16.6 metres. The proposed dwelling would have a hipped roof design measuring a maximum height of 7.5 metres sloping to 4.8 metres at the eaves. The dwelling would also have a pennant stone feature wall on its front elevation measuring a height of 5.7 metres.

The development would also see the construction of 2 no. retaining walls to allow for the construction of the shared driveway and accommodate the difference in levels between the previously approved dwelling (16/0671/10) and plot 1.

SITE APPRAISAL

The application site forms the southernmost area of the garden space of Penybryn House, Llwydcoed. The plot is roughly rectangular in shape, amounting to approximately 2694m². The general topography of the area and site falls from north to south and as such the plot is located at a lower ground level than Penybryn House and its main garden area to the north. Whilst the majority of the site slopes gradually there is a more pronounced difference in levels between the front of the site and the adjacent development plot. The site is bounded by a service lane to the west beyond which is dense woodland. On its east elevation the site is bounded by Llwydcoed Primary School. The plot is currently vacant and during the Case Officer's initial site visit was overgrown with various shrubs/vegetation. However during the application process the site has been cleared of vegetation.

The surrounding street is residential in nature comprising a mixture of large detached dwellings and bungalows of varying design and scale as well as a number of traditional terraced properties.

PLANNING HISTORY

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

05/0660	Penybryn House, Corner House Street, Llwydcoed, Aberdare, CF44 0YA	Change of use to domestic dwelling. Alterations to front elevation & detached garage.	Granted 29/07/05
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16/0671	Penybryn House, Corner House Street, Llwydcoed, Aberdare, CF44 0YA	5 bedroom detached dwelling within the grounds of Penybryn House (amended location plan received 16/08/16).	Granted 11/10/16
17/5100	Penybryn House, Corner House Street, Llwydcoed, Aberdare, CF44 0YA	Pre-Application Advice	Raise objection 13/11/2017

PUBLICITY

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

4 letters of objection have been received from the occupiers of neighbouring properties. The points raised are summarised below:

- Narrow access road at Corner House Street
- Highway safety concerns due to proximity to Llwydcoed Primary School
- Increase in traffic volume
- Loss of view
- Overlooking from proposed dwellings
- Allowing the proposal would lead to further development

CONSULTATION

Countryside - no objection.

Highways - no objection however conditions suggested regarding access, HGV deliveries, Construction Method Statement and surface water.

Dwr Cymru/Welsh Water - DCWW requests that conditions relations to sewerage and surface water be applied should the development receive consent.

Land Reclamation & Engineering (Drainage) - no detail of the proposed surface water drainage has been supplied, such that a condition requiring the submission of full drainage details should be appended to any consent.

Public Health & Protection - no objection although conditions suggested regarding hours of construction, waste, dust and noise.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Llwydcoed and isn't allocated for a specific purpose.

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

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

Policy AW2 - supports development in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - sets out the criteria for the protection and enhancement of the natural environment.

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

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

Supplementary Planning Guidance

Design and Placemaking

Delivering design and Placemaking: Circulation & Parking Requirements.

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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 5 (Reducing energy demand)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other policy guidance considered:

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 two detached dwellings on a parcel of land currently forming part of an existing residential curtilage which is located inside of the defined settlement boundaries and within an established residential area of Llwydcoed. Policies AW1 and NSA12 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, which are located within and adjacent to defined settlement boundaries within the Northern Strategy Area. As such, the principle of development at the site is considered acceptable.

Impact on the character and appearance of the area

The application site is located to the south of the existing dwelling, Penybryn House. Therefore, given the position of the site within the street, the proposed dwellings would not appear overly visible from the surrounding properties. The dwellings would be appropriately positioned within the plot to leave adequate space for amenity and parking areas and it is therefore considered that the proposal would not lead to an over intensive form of development and will also allow for a degree of landscaping to be retained around the new building.

Whilst it is acknowledged the proposed dwellings would be larger than some of the surrounding properties along Corner House Street, they are considered to be of an attractive, modern design and scale with their mass and proportions having a limited potential impact upon the character and appearance of the locality, especially given the mix of property designs in the street. Further, it is considered that the combination of appropriate external finishes will ensure the dwellings are generally in-keeping with the character of the area and not overly prominent within the locality.

As such, it is considered that the proposals 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

The dwelling to the north, Penybryn House, is sited at a higher ground level than the application site and is separated by approximately 45 metres from Plot 1. Therefore it is not considered the proposed development would have any undue impact upon the amenity and privacy standards currently enjoyed by the occupiers of this property. Also as the development plot located between the proposal and Penybryn house is located at a higher level and separated by 16 metres from Plot 1 any impact upon amenity of future occupiers of this property would be considered acceptable.

Whilst the objectors concerns that the proposed development would lead to overlooking are acknowledged. Following the submission of amended plans which saw the Plot 2 set back from the boundary with Llwydcoed Primary School by 24 metres any impact on overlooking from this plot is not considered to be significant.

It is noted that the proposed private access to the new dwelling would be sited in close proximity to a further residential property, Rustlings, which is sited to the west of Penybryn House and that the new access would be sited at a higher ground level than the adjacent dwelling. However, only minor ground works would be required in order to create the new access including general levelling and an approximate 1 metre build up where the existing garden meets the street to allow safe vehicular access. Therefore it is not considered that the proposed works would result in a significant difference between the current relationship of the existing garden levels with that of Rustlings and there would not be any further impact upon Rustlings in comparison that which currently exists.

Having considered the relationship between the proposed dwellings and the existing properties, it is considered that the development proposed would not have a significantly detrimental impact on the residential amenity of those living closest to the site. The application is therefore considered compliant with the relevant criteria of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

It is noted that the objectors raised concerns in respect of highway safety, stating that the proposed dwelling would increase traffic movements along Corner House Street which would impact upon pedestrians accessing the adjacent primary school. However, following consultation with the Council's Transportation Section, no objections have been raised to the proposal, subject to a number of standard conditions being attached to any consent. The consultation comments are summarised below.

Access

Corner House Street is sub-standard in respect of continuous footways to facilitate safe passage for pedestrians and the proposed dwellings could potentially generate in excess of 20 trips per day and as such increase the risk to all highway users along Corner House Street and it's junction with Merthyr Road, which gives cause for concern.

TRICS (Trip Rate Information Computer System)

Due to concerns raised by local residents and primary school regarding the increase of traffic at peak times when school pick up and drop off takes place an analysis of the peak traffic associated with three dwellings has been undertaken (existing approved and two proposed).

The proposed will result in an additional 9 trips AM peak 08:00-09:00 and 9 additional trips PM peak 17:00-18:00 which raises slight cause for concern with regards additional traffic using Corner House Street. However, this concern alone would not warrant a highway objection.

Turning Area

In the absence of a satisfactory turning area, the turning movements will take place either on the carriageway with limited space and no footways or the existing junction of Exhibition Row or the un-metalled Lane leading to the site or potentially reverse onto Merthyr Road. Such movements would be to the detriment of safety of all highway users and free flow of traffic, which gives cause for concern.

The applicant has proposed to overcome these concerns by providing a full size turning area adjacent to plot 3 which will cater for all calling service and delivery vehicles to all plots and can be conditioned accordingly for use of all plots, service calling and delivery vehicles to access / egress the site in forward gear thereafter.

Visibility

In accordance with TAN 18 the required visibility for a 30Mph speed limit is 2.4m x 40m.

The achievable visibility at the junction of Corner House Street and Merthyr Road is 2.4m x 9m left and 2.4m x 30m right which is below the standard and further exacerbated by on-street parking, which gives cause for concern.

The visibility from the proposed driveway onto Corner House Street is sub-standard 2.4m x 3.5m left and in excess of 2.4m x 40m to the right. There is concern that due to the sub-standard visibility at the junction the proposal would increase potential vehicular and pedestrian conflict to the detriment of safety of all highway users. This is of particular concern given there is a missing footway link at this location.

Accident Data

The accident data has been assessed for the latest period 01/01/2010-31/12/2014 with two reported accidents within the vicinity of the site on the B4276. Both accidents were the cause of driver error with vehicles overtaking cars wishing to turn right. No accidents were attributed to the sub-standard visibility or junction radii.

Private Shared Driveway

The developer has proposed a 5.5m carriageway width for the private shared access with a full size turning area located adjacent to plot 3 which will result in all vehicles

being able to access / egress the site in forward gear which is acceptable and in accordance with the council's design guide.

Parking

The proposed 5 bedroom dwellings require up-to a maximum of 3 off-street spaces per plot in accordance with the SPG Access, Circulation & Parking 2011 with 3 per plot provided which is acceptable.

The existing dwelling has off-street car parking served directly off Corner House Street and the rear off the existing gate access which is acceptable.

HGV Deliveries during Construction Period

Taking into account the constraints of corner House Street and the location of the nearby school, any HGV deliveries during construction period should be restricted in the interests of highway and pedestrian safety and free flow of traffic. Such requirement could be secured via suitable planning condition.

Conclusion (Transport Section)

Corner House Street is sub-standard and as such any additional pedestrian and vehicular traffic would exacerbate the situation. The proposed dwellings could potentially generate in excess of 20 trips per day and as such increase the risk to all highway users along Corner House Street and its junction with Merthyr Road, which gives cause for concern. However, on balance the application is considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site, subject to the conditions detailed below.

Ecology

As the site was previously overgrown with vegetation an ecological report was requested by the Council's Ecologist due to the potential for nesting bird and reptile populations. However prior to receiving the ecological report the site was cleared by the applicant. As such, the submitted ecological report does not raise any concerns in regards to ecology. Whilst this is disappointing the site was cleared outside of the nesting bird season and does not raise significant concerns.

Drainage

Consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to this application, subject to a standard conditions and advice.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggested a number of conditions be attached to any consent in relation 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.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposed dwellings are considered acceptable in terms their impact upon the character and appearance of the locality and the amenity and privacy standards enjoyed by the surrounding properties. Furthermore, the proposal is also considered acceptable in terms of its impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is acceptable, subject to the conditions detailed below.

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(s) no(s)

- Plot 1 A.02.1 – Received 15/08/18
- Plot 1 A.02.2 – Received 15/08/18
- Plot 1 A.02.3 – Received 15/08/18
- Plot 2 A.02 – Received 15/08/18
- Plot 2 A.03 – Received 15/08/18
- A.05.5 – Received 01/11/18
- A.04 – Received 07/12/18

and documents received by the Local Planning Authority on 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. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan and approved by the Local Planning Authority. The private shared access including turning area shall remain thereafter in perpetuity for the use of the three dwellings, visitors, service and delivery vehicles.

Reason: In the interests of highway safety. To ensure the adequacy of the proposal in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

5. No lorries shall access or leave the site between the hours of 08:00-09:00 am and 15:00-16:00 pm on weekdays.

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

6. 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.

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

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 take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 9. The dwellings shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 10. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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