

PLANNING & DEVELOPMENT COMMITTEE

20 DECEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1083/08
(GH)
APPLICANT: Corporate Estates
DEVELOPMENT: Residential development (Outline).
LOCATION: LAND TO THE REAR OF BRECON ROAD &
ADJACENT TO LONG MEADOW CLOSE, HIRWAUN
DATE REGISTERED: 24/09/2018
ELECTORAL DIVISION: Hirwaun

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The application site is within the settlement boundary and is in a sustainable location close to local shops, services and school. The principle of residential development would be in accordance with LDP Policies AW1, AW2 and NSA12.

In addition the indicative layout plan has established that the site is of a size sufficient for the construction of five dwellings and would enable satisfactory space for amenity use and off-street parking.

The granting of outline consent would contribute to the local housing supply and would offer residents and families the chance to construct a self-build home to their requirement, without the disadvantages of locating a suitable development plot.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Outline planning permission is sought for the construction of five dwellings on land both to the rear of Brecon Road, Hirwaun and adjacent to Long Meadow Close. The

parcel of land is roughly rectangular in shape and encompasses an area of approximately 0.24ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an illustrative layout. This demonstrates that the site would be subdivided into five parcels, each amounting to an area of 480m².

The applicant has provided minimum and maximum parameters of scale as follows:

Width: 4m to 12m

Depth: 6m to 12m

Height 5m to 11m

The application is one of a number of similar developments proposed by the Council as part of a new housing strategy entitled 'Plot Shop'.

As explained at a previous Committee presentation, the purpose of the strategy is to increase the housing land supply by releasing land within the Council's ownership, where outline planning permission has already been granted.

The strategy is targeted particularly at locations where developer interest has not been strong and where market housing has not been able to address the needs of communities and local families.

Furthermore, by helping to address the complexities of identifying potential development sites and securing outline consent in advance of sale, it is anticipated that the Plot Shop scheme will help to address the low number of self build homes being constructed within RCT.

SITE APPRAISAL

The application property is a piece of land located adjacent to Long Meadow Close and to the rear of Brecon Road, Hirwaun.

Of a rectangular nature, the surface area of the land amounts to 0.24 hectares and exhibits a gentle fall in level towards the north-east.

Currently maintained as a grassed public open space and containing a couple of park benches, the land is enclosed by the public highway to the south-west and north-west, and by the boundaries of dwellings to the north-east and south-east.

The land is not subject to any environmental designations or constraints.

PLANNING HISTORY

There are no recent or relevant applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to twelve neighbouring properties and notices were displayed on site.

Eleven letters of objection have been received highlighting the following concerns:

- The dwellings would have an impact on the privacy of the residents whose homes back onto the site.
- New houses would exacerbate existing parking and access issues, particularly in respect of the proximity to the school site, and will add to the traffic generated by other recently approved/constructed developments; including that at the former Nidums site to the west.
- Loss of green space which is pleasant to look at and is used by children, dog walkers and residents as a meeting space. The recreation ground is too far away for children.
- Brecon Road residents have a right of access to the rear gardens. A previous Council constructed the rear garden wall, which included gaps for the access.
- The land was previously compulsorily purchased to provide public open space for the now-demolished high rise flats. Previously it formed part of the gardens of Brecon Road properties and should be retained as public open space

These matters are considered within the body of the report further below.

CONSULTATION

Highways and Transportation - no objection subject to conditions.

Land Drainage - a condition is suggested in respect of surface water drainage.

Public Health and Protection - no objection subject to conditions regarding noise, dust, waste, demolition, hours of operation.

Dwr Cymru/Welsh Water - DCWW requests that conditions relating to sewerage and surface water be applied should the development received consent, and notes that the site is crossed by a sewer.

Wales and West Utilities - WWU notes the proximity of underground services to the application site, including a gas main crossing the southern part of the site, and has supplied a list of general conditions and a plan.

Hirwaun and Penderyn Community Council - raises concerns in relation to on-street parking in the area and the likelihood of congestion with school buses/traffic; particularly if the School is developed further. The Council also states a preference for the ground to be retained as a valuable green open space.

Countryside - Ecologist - the site is mown amenity grass with very minimal ecological value, and contains a section with Japanese Knotweed.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun

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

Policy AW2 - promotes 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 AW10 - does not support development where unmitigated environmental, public health or amenity risks are present.

Policy NSA12 - supports housing development within defined settlement boundaries.

Supplementary Planning Guidance (SPG)

- Design and Placemaking
- Access, 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 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other 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 outline consent for the construction of five dwellings within a parcel of land located within the settlement boundary for Hirwaun.

Policies NSA12 and AW1 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, where located within or adjacent to defined settlement boundaries in the Northern Strategy Area.

Whilst Policy AW1 is supportive of the general principle of development at this site, the criteria stipulated by Policy AW2 also require that development proposals should be positioned within a sustainable location.

In this case it is considered that the location of the site, surrounding land uses and absence of any environmental designations, including potential for flooding, would satisfy Policy AW2. Furthermore, in addition to local bus services, the site is within walking distance of a school and local shops and services, including the new Co-op store on Brecon Road.

Residential proposals would also be subject to other policy considerations, including access, appearance, landscaping, layout and scale, and whether the development would be unacceptably detrimental to neighbouring occupiers. Submission of these details would be a requirement of a reserved matters application.

Therefore, noting the location of the site and the pattern of development within the area and surrounding uses, it is considered the principle of the residential development of the plot is acceptable.

Impact on the character and appearance of the area

The extent of the site, as demonstrated by the submitted indicative layout plan, evidences that it would be physically capable of accommodating five new dwellings in a linear layout, and with driveway accesses leading directly from the highway. This arrangement would mirror the line of existing properties which face towards Brecon Road.

That said, whilst the principle of development could be acceptable, how these dwellings would integrate within the street scene and relate to other neighbouring

properties is a significant material consideration, and one which would have to satisfy a future reserved matters application.

Nevertheless, all of those residents who submitted objections referenced the loss of the public open space and, in addition to noting the visual benefits of the green area, felt that it ought to be retained for community use and informal play by children. It was pointed out that much of the application site had once been part of the Brecon Road gardens and should be kept open in nature.

LDP Policy AW6 recognises that informal public open spaces play a significant role in improving physical and mental health and well-being. Whether the loss can be justified is a matter for Members to determine. However the closest alternative green space of size is at the recreation ground further to the south, which incorporates pitches and play equipment. From the westernmost point of the application site, as the crow flies, the ground is approximately 210m away.

On balance and given the proximity of the alternative provision for play at the recreation ground, it is considered that the development would not be harmful to the character and appearance of the local area.

Impact on neighbouring occupiers

During the consultation period, the matter of privacy was raised by objectors at Brecon Road, since there would be the potential for any new dwellings to overlook gardens or enable views towards habitable rooms.

As part of any future application the potential detriment to neighbouring residents would be a key consideration in determining whether or not reserved matters approval would be appropriate. The reason for this is that the distance between the rearmost elevations of the Brecon Road properties and the site boundary ranges between 7.7m and 16.4m. The application site is also at a higher level than Brecon Road, which could exacerbate any overlooking.

Furthermore, residents have stated that on account of a Compulsory Purchase Order some years ago, as part of the Tower Flats development, they were granted a right of access across the land to enable rear access to gardens; ergo the development would now frustrate this.

In respect of the latter, should outline consent be granted, the enforcement of any rights would be a matter outside of the planning system. However, there is no reason why a corridor of land could not be retained to provide continued access, albeit that this would be for the Council to agree with residents separately.

Nonetheless, with regard to privacy, at this stage the impact of development cannot be assessed since this would depend upon the position of any houses, their relative height compared with those at Brecon Road, and how fenestration would be arranged.

In principle it is possible that five dwellings could be constructed such that they would neither cause significant detriment to the outlook or privacy of other residents,

nor be likely to cause overshadowing. As an outline application and in terms of the impact on neighbouring occupiers, the proposed development is therefore considered to be acceptable.

Highways and accessibility

The highway leading to both the application site and the Junior School has a carriageway width of 5.8m, and has footways that vary in width between 1.8m and 2m. In addition there is a parking lay-by which is currently used for parking in association with the school and for picking up and dropping off pupils at the start and end of the school day.

The Highways and Transportation section considered is acceptable for safe vehicular and pedestrian movement but has concern that the proposal will result in the loss of the lay-by car parking facilities.

With regard to off-street parking requirements for the new dwellings, since this is an outline application with all matters reserved, provision would be expected to be in accordance with the Council's SPG for Access, Circulation & Parking.

There are a number of statutory undertakers poles located within the verge area of the site and could potentially require diversion or relocating and access would be required at all times to the existing electricity sub-station which has been maintained on the submitted plot layout plan.

Consequently, despite the loss of the lay-by, this concern would not warrant a highway objection as there is potential to provide off-street car parking within the school grounds. On balance the proposal is considered acceptable.

Conditions and the scope of outline consent

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. However, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable.

Conclusion

Noting that all matters have been reserved, it is considered that the information submitted with the application demonstrates that the site would be able to accommodate five dwellings and that their design, layout, appearance and scale, as well as its access, could be arranged such that they would satisfactorily address the material determining issues.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

1. (a) Approval of the details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from

inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed access, circulation and parking including surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety.

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