



## **PLANNING & DEVELOPMENT COMMITTEE**

**21 FEBRUARY 2019**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below

**APPLICATION NO:** 18/0393/13  
(MF)  
**APPLICANT:** Mr D Ewa  
**DEVELOPMENT:** Construction of apartment block accommodating 9 no. self-contained residential flats (outline) (amended plans, application form and description received 29/10/18).  
**LOCATION:** LAND ADJACENT TO 209 YSTRAD ROAD, PENTRE, CF41 7BL  
**DATE REGISTERED:** 29/10/2018  
**ELECTORAL DIVISION:** Pentre

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**RECOMMENDATION:** Approve

**REASONS:** The site is located within settlement limits and a highly sustainable location. Therefore the principle of developing a block of 9 no. self-contained flats at the site is considered acceptable.

Further, the proposed development would make effective use of a vacant and currently unkempt plot in the street scene and it is considered a building of the scale and layout proposed would be acceptable in terms of its visual impact and its potential impact upon the amenity and privacy standards currently enjoyed by surrounding residents. It is noted that there is some concern with the proposed design of the building as illustrated within the application, but the appearance of the building is a matter reserved for future consideration and would be carefully considered at any future reserved matters stage.

Finally, it is not considered the proposed development would have any undue impact upon pedestrian and highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

Three letters of objection and two petitions have been received from local residents following the consultation process.

## **APPLICATION DETAILS**

Outline planning permission is sought for the construction of an apartment block accommodating 9 no. self-contained flats at the application site. The application seeks consent for the principle of the development as well as the layout, scale and proposed access. All other matters (appearance and landscaping) are reserved for future consideration.

Members are advised that the scheme originally proposed a retail unit at ground floor level with 8 no. self-contained apartments across the four floors. However the applicant submitted amended plans on 29/10/18 which entailed the replacement of the retail unit with an additional flat following consideration of the need for a retail unit at the site given the current vacancy rates in the village.

The scheme now proposes a three storey building along the eastern boundary of the site, fronting Ystrad Road. However, given the sloping nature of the site, falling from front to back (east to west), it would appear as four storeys from the rear. The building would measure 16.4m in width by 15m in depth and would incorporate a pitched roof design to 11.2m in height. It would accommodate 9 no. self-contained apartments across the four floors, 4 no. one bedroom apartments and 5 no. two bedroom apartments. There would be two communal accesses to the property, one via the front elevation and one via the rear. A bin storage area and separate, small communal amenity area would be located to the southern side of the building, fronting Wesley Place.

The submitted plans also detail that the building would include a number of windows and doors throughout and 2 no. small dormer features within the front elevation, however Members are advised that the appearance of the building is reserved for future consideration and therefore its design, as illustrated within the submitted plans, is for indicative purposes only at this stage.

A rear yard area would be created behind the new building which would accommodate 11 no. off-street parking spaces. Access to this area would be off Wesley Place to the south.

## **SITE APPRAISAL**

The application site is located along Ystrad Road (A4058) which forms the main highway through the village. It was formerly occupied by the Pentre Wesleyan Methodist Church which was demolished in 1983 and has been vacant ever since. The plot is roughly rectangular in shape, amounting to approximately 0.06 hectares, and is currently overgrown with various scrub/bushes. It falls steeply from front to back (east to west) and consequently its eastern boundary along Ystrad Road is sited approximately 3m above the rear, western boundary. The plot is bounded by a large, detached, commercial property to the north, the adopted highway Wesley Place to the south, with a band of mature trees sited to the rear beyond which is the Pentre Bowls Club. The general topography of the area forms a valley hillside falling from both north to south and east to west. As a result the site is located below the

level of the adjacent property to the north, no. 211, but above the level of the adjacent property to the south, no. 209.

The surrounding area is predominately residential in nature with a number of the immediate neighbouring buildings being blocks of self-contained flats similar to that proposed. The wider locality is generally comprised of rows of traditional terraced dwellings. It is noted however that a number of commercial uses are sited in the immediate locality to both the north and south.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

17/1016	Outline planning permission for retail and residential development	Refused 24/01/18
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. Three letters of objection and two petitions (signed by a total of 185 people) have been received from local residents, making the following comments (summarised):

- A large number of existing properties within the locality are currently unoccupied. As such there is no need for this development.
- Occupiers of existing flats within the area cause a number of anti-social behaviour, crime and litter issues. More flats in the area would exacerbate these problems.
- The proposed flats would increase the number of vehicles in the locality. This would result in increased vehicular movements in the area and more cars parked on the highway, having a detrimental impact upon highway safety in the area.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection.

Dwr Cymru Welsh Water – no objection, subject to conditions.

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

South Wales Police – no objection, subject to conditions.

South Wales Fire and Rescue Service – no objection, subject to conditions.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is located within the settlement boundary for Pentre, 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 place making, 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 NSA10** – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Access, Circulation and Parking;
- Development of Flats.

### **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.

Welsh Government published Planning Policy Wales (Edition 10) on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act (2015) into town and country planning and sets out the Welsh Government's policies on issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act and the proposed development is

consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 11: Noise;
- 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.

### **Principle of the Proposed Development**

Outline planning permission is sought for the construction of a block of 9 no. self-contained flats at the application site. The application seeks consent for the principle of the development as well as the proposed layout, scale and site access. The appearance of the proposed building and site landscaping are reserved for future consideration.

Policy AW1 supports residential development on unallocated land within the settlement boundary, while Policy AW2 requires development be situated within settlement boundaries and sustainable locations. In this instance the site is situated inside of the defined settlement limits of the village and is unallocated. Further, it is located near the village's Local and Neighbourhood Retail Centre and a number of public transport links, being sited on a main bus route and in close proximity of Ton Pentre railway station. Furthermore, Treorchy Retail Centre is located nearby which provides a number of services and facilities. As such it is considered the site is located within a sustainable location and therefore complies with the objectives of Policies CS1, AW1 and AW2 of the Local Development Plan. Additionally, the site, in its current state, appears unsightly and does not make a positive contribution to the surrounding street scene. Therefore its redevelopment would ensure the removal of dereliction by making beneficial re-use of the site, which is promoted by Policy CS1.

It is also noted that the RCT Joint Housing Land Availability Study (2018) calculates the current supply to be 1.4 years, a deficit of 3.6 years against the minimum required by national policy. As such the proposed development would go some way

to increasing the Authority's housing land supply, whilst providing a form of accommodation to local people who live and want to remain in Pentre with greater variety in their housing options. Additionally, the proposal is compliant with Policy NSA10 in that it proposes development which exceeds 30 no. dwellings per hectare.

It is acknowledged that a number of concerns have been received from local residents with regard to the need for additional flats in the village, stating that there are a number of existing vacant units (both retail and residential) in the immediate vicinity of the site and consequently additional residential units are not required in the village. Whilst the concerns that a development on the site could stand vacant are acknowledged, it is beyond the remit of planning to determine the level of need and to regulate or control potential competition. It has to be assumed that the developer would have carried out suitable and sufficient market research to identify a need within the region prior to going to the expense of formulating and submitting an application for planning permission. This appears to be evident given the submission of amended plans on 29/10/18 whereby the applicant has withdrawn the proposed retail unit at ground floor level.

Therefore, in light of the above, it is considered that the construction of a block of 9 no. self-contained flats at the application site is acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

### **Visual Impact**

The application site is considered capable of accommodating a building of the scale and footprint proposed, along with its associated parking and amenity areas, without leading to overdevelopment of the plot. Additionally, the proposed building would be of a comparable scale and height as that of the many similar flat blocks in the locality and would therefore be in-keeping with the general character and appearance of its surroundings. Furthermore, the site has been vacant and unkempt for many years, now appearing unsightly in the street scene. It is therefore considered its redevelopment would significantly benefit the current character and appearance of the site and the immediate surrounding locality.

It is noted however that there are some concerns with the overall bland and utilitarian design of the building illustrated on the submitted plans, but as detailed above, the elevations submitted are for indicative purposes only and the appearance of the proposed building is reserved for future consideration. As such this aspect of the scheme can be carefully considered at any future reserved matters stage should Members be minded to grant this outline application.

It is therefore considered that the proposed building would appear as an appropriate infill between to the two adjacent properties and is consequently considered to be in accordance with the relevant local planning policy in respect of its scale, layout and potential impact upon the visual amenity of the surrounding area.

### **Residential Amenity**

It is acknowledged that surrounding residents would have been accustomed to the plot being vacant for many years, therefore having little impact upon their amenity

standards. Consequently the introduction of a residential use at the site will inevitably have a degree of impact to the amenity standards they currently enjoy. However, whilst intensive in respect of the number of units and the associated comings and goings and general noise and disturbance normally associated with residential use, the application site is located along one of the main highways through the village and in close proximity of the local retail centre where a degree of noise/disturbance already occurs. Therefore it is not considered the introduction of 9 no. self-contained flats at the site would result in an unacceptable impact upon the amenities of the surrounding residents in these terms.

It is noted that the objectors have commented that occupiers of existing flats in the area cause a number of anti-social behaviour, crime and litter issues and that more flats in the village would exacerbate these problems. Whilst these comments are acknowledged, any present issues caused by the behaviour of existing local residents have no bearing on the behaviour of potential future occupiers. As such this issue cannot be taken in to consideration during the determination of this application.

With respect to the building itself and any potential impact it may have upon the amenities of the neighbouring properties, the proposed building would be sited directly adjacent to the southern side elevation of the neighbouring property to the north, no. 211, following the established development pattern of the area. Further, whilst considerably greater in width than no. 211, it would be of a similar depth and height to no. 211 and that of many similar flat blocks in the locality. As such it is considered a building of the scale and siting within the plot proposed could be constructed on site without having a significant overshadowing or overbearing impact to the surrounding properties.

With respect to any potential impact upon the privacy of surrounding properties, whilst the design and appearance of the building is reserved for future consideration, it is likely that any principle windows would be sited in the front and rear elevations which would inevitably result in a degree of overlooking to the adjacent property no. 211. However, it is considered the relationship would be no different to that which already occurs to/from the existing properties in the area and therefore this type of relationship would be typical of such development.

It is also noted that no objections have been received from surrounding neighbours in this respect or from the Council's Public Health and Protection Division following consultation.

Therefore, in light of the above, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by immediate surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

### **Highway Safety**

The Council's Transportation Section raised no objections to the scheme following consultation, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that both the proposed primary access off Ystrad Road (A4058) and secondary access off Wesley Street are acceptable for safe and satisfactory access. Further, the developer proposes a 1.5m wide footway link from the rear car park along Wesley Street to the primary shared access along Ystrad Road which is also acceptable.

With respect to parking, the Transportation Section commented that the proposed development would require up-to a maximum of 18 no. off-street parking spaces for residents and 2 no. for visitors in accordance with SPG Access, Circulation and Parking, with only 11 no. provided. However, there is scope within the SPG to reduce maximum car parking standards due to a sites sustainable location placing less reliance on the private motor vehicle. As such, on this basis, the minimum requirement is 1 no. space per residential apartment and 2 no. visitor spaces, 11 no. in total in this instance. Consequently with 11 no. off-street parking spaces proposed, the scheme is considered acceptable in this respect. It was also noted that the proposed access to the parking area via Wesley Street is acceptable as a secondary means of access for off-street car parking, and the parking layout ensures that all vehicles will be able to access/egress the site in forward gear which is acceptable. Therefore no highway objections are raised.

Consequently, whilst the concerns raised by the objectors in this respect are noted, in light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site and car parking provision, subject to the conditions detailed below.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division. 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, 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.

### **Land Drainage and Flood Risk**

No objections have been raised by the Council's Flood Risk Management (FRM) Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition being added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were raised by Dwr Cymru Welsh Water, subject to standard conditions and advice.



## **Other Issues**

It is noted that no objections were received from the Council's Countryside, Landscape and Ecology Section, Wales and West Utilities, Western Power Distribution, South Wales Police, or South Wales Fire and Rescue Service, subject to standard conditions and advice.

## **Community Infrastructure Levy 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. Therefore no CIL would be payable.

## **Conclusion**

The site is located within settlement limits and a highly sustainable location. Therefore the principle of developing a block of 9 no. self-contained flats at the site is considered acceptable.

Further, the proposed development would make effective use of a vacant and currently unsightly plot in the street scene and it is considered a building of the scale and layout proposed would be acceptable in terms of its visual impact and its potential impact upon the amenity and privacy standards currently enjoyed by surrounding residents. It is noted however that there is some concern with the proposed design of the building as illustrated within the application, but the appearance of the building is a matter reserved for future consideration and would be carefully considered at any future reserved stage.

Finally, whilst the concerns raised by the objectors are acknowledged, it is not considered the proposed development would have any undue impact upon highway safety in the vicinity of the site, subject to the works detailed in the conditions below being carried out.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions set out below.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. (a) Approval of the details of the appearance of the building(s) 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 appearance of any building to be erected 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 Sections 92 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 ref:

- 18-027/P/01;
- 18-027/P/02 Rev. B;
- 18-027/P/03;
- 18-027/P/04;
- 18-027/P/05 Rev. B;
- 18-027/P/06 Rev. A;
- 18-027/P/07 Rev. A;
- 18-027/P/08 Rev. A;
- 18-027/P/09 Rev. B;
- 18-027/P/10 Rev. B;
- 18-027/P/11 Rev. B;
- 18-027/P/12 Rev. A;
- 18-027/P/13 Rev. B;
- 18-027/P/14 Rev. A,

and documents received by the Local Planning Authority on 11/04/18, 17/04/18, 29/10/18 and 29/11/18, 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 commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation 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.

4. Notwithstanding the submitted plans, prior to the commencement of development, design and details of the proposed 1.5m footway / vehicular crossover along Wesley Place 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 implemented prior to beneficial use / occupation.

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

5. No development shall commence on site, including any demolition works or 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 pedestrian and highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Before the residential units hereby approved are brought into beneficial occupation, the means of access, together with the pedestrian footway link, parking and turning facilities shall be laid out in accordance with the submitted plan 18-027/P/05 REV B and approved by the Local Planning Authority. The facilities shall remain in place thereafter for the parking and turning of vehicles only and to ensure safe pedestrian access.

Reason: In the interests of pedestrian and highway safety and to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The site boundary shall be set back to provide for a vision splay of 2.4m x site frontage along Ystrad Road (A4058) from Wesley Place with no obstruction or planting above 0.9m in height placed within the required vision splay area.

Reason: In the interests of safety of all highway users and to ensure the

adequacy of the proposal, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Surface water run-off from the proposed development shall not discharge onto the public highway or connect 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 Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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