



PLANNING & DEVELOPMENT COMMITTEE

15 APRIL 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1114/10 (KL)
APPLICANT: Active Construction Limited
DEVELOPMENT: Construction of commercial premises with 5 No. self contained flats to upper floors (amended plans rec. 03/11/2020), (Flood Consequences Assessment rec. 24/02/2021)
LOCATION: SITE OF NO1 CANON STREET, ABERDARE, CF44 7AT
DATE REGISTERED: 03/11/2020
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS: The proposal to construct a new building to facilitate a retail unit at ground floor and residential flats above is considered to be acceptable in principle. The site is situated within a highly sustainable location with good access to a number of key local services and facilities as well as to a range of sustainable transport options. The proposed use of the site would also not raise any compatibility issues in the surrounding area.

The proposal would provide a three-storey property that would be in-keeping with the general scale, design and overall visual appearance of existing properties in the surrounding area and the reuse of the site would inevitably improve the visual appearance of the immediate and wider area.

The building would have a limited impact upon the occupants of surrounding properties whilst the potential future occupiers of the flats would benefit from adequate living accommodation.

Whilst the proposal does not provide any off-street car parking provision, the town centre location of the site ensures that public transport, local amenities and public car parks are all within easy walking distance which will result in less reliance on the private motor vehicle for the main mode of transport.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the construction of a new building to facilitate one commercial unit and 5 self-contained flats on a vacant parcel of land adjacent to 2 Canon Street, Aberdare.

The proposed building would measure 7.9 metres in width by a maximum of 17 metres in depth with a pitched roof design that would measure 12.2 metres in height to the ridge and 8.5 metres in height to the eaves. Two pitched roof dormer windows would be incorporated into the front roof slope with one further pitched roof dormer window within the rear roof slope.

The commercial unit would be situated at ground floor with the self-contained flats being arranged over 3 upper floors as follows:

- First Floor: Flat 1 (2 bedroom) & Flat 2 (1 bedroom)
- Second Floor: Flat 3 (2 bedroom) & Flat 4 (1 bedroom)
- Third Floor (roof space): Flat 5 (2 bedroom)

A shop front would be incorporated into the front elevation with a separate entrance to the upper floor flats being provided alongside. The shopfront would consist of a painted timber surround and windows above a rendered stallriser with a single timber door. The remainder of the building would be finished with render, reconstituted slate roof tiles, sliding sash windows and softwood (painted) fascias, soffits and bargeboards.

The application was initially submitted with plans for a four storey building with further accommodation in the roof (total of 7 flats) however, following discussions with the applicant, this was reduced to three-storey with accommodation in the roof (reduction in the number of flats to 5).

The application is accompanied by the following:

- Flood Consequences Assessment (rec. 24/02/2021)

SITE APPRAISAL

The application site relates to a vacant parcel of land located on the northern side of Canon Street, Aberdare which is situated within the Principal Town of Aberdare and Aberdare Conservation Area. It is broadly rectangular in shape, measures approximately 171m² and is flat in ground profile.

The site is surrounded by numerous commercial properties, many of which have residential flats above. They are typically two or three-storeys with traditional shop fronts at ground floor and sash windows above. However, the property immediately to the west of the application site appears to have been constructed more recently and

is of a much larger scale, comprising of 4 storeys. Properties at the rear of the site (Dean Street) are typically residential and are of a traditional two-storey terrace design.

The front of the site is currently enclosed by a fence and gate.

PLANNING HISTORY

The following planning application are relevant to this site:

13/0124	Land at 1 Canon Street, Aberdare	Variation of condition 1 of planning permission 07/2035 to extend the permission for a further 5 years – three storey building consisting of commercial premises to ground floor with residential flats above	Refused 17/12/2014
07/2035	Land at 1 Canon Street, Aberdare	Three storey building consisting of commercial premises to ground floor with residential flats above	Granted 20/02/2008
07/0280	Land at 1 Canon Street, Aberdare	Development consisting of commercial ground floor and 2 storey residential above	Refused 12/04/2007
97/4268	Land at 1 Canon Street, Aberdare	Reconstruction of façade and division of shop front into 2 no. shop units	Granted 15/09/1997

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. The application has also been advertised through the publication of an advertisement in a local newspaper. The application was advertised further following the submission of amended plans to reduce the height of the proposed building.

A total of 2 letters of objection have been received in relation to the proposal and are summarised as follows:

- The building will obstruct any light to my garden. The existing flats (Ty Oriel) already restricts light and another tall building will take away the little lighting we already have;
- The building will restrict lighting to adjacent flats.

CONSULTATION

The following comments have been received in relation to the application:

Highways and Transportation: No objection is raised or condition/s suggested.

Natural Resources Wales: Significant concern is raised unless the Flood Risk Assessment (dated 18 February 2021) submitted with the application is included in a condition identifying approved plans and documents.

Public Health and Protection: No objection subject to conditions relating to hours of operation, noise, dust and waste.

RCT Waste Services: The plans do not appear to include any bin storage areas and the bin collection point is assumed to be off the highway. There is no concern in this regard.

Welsh Water: No objection subject to condition relating to surface water. It is also indicated that the site may be crossed by a public sewer and advisory notes are also recommended in relation to Sustainable Drainage Systems.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the defined settlement boundary and is unallocated. It is situated within the main retail zone of Aberdare which is identified as a Principal Town. The site is also located within Flood Zone C2. The following policies are considered to be relevant to this proposal:

Policy CS1 – promotes residential and commercial development in locations which will support and reinforce the roles of Principal Towns. Also seeks to ensure the removal and remediation of dereliction by promoting the re-use of under used and previously development land and buildings.

Policy AW1 – promotes development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW2 – advises that development proposals on non-allocated sites will only be supported 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 AW7 – supports development which would impact upon sites of architectural and/or historical merit where it can be demonstrated that they would preserve or enhance the character and appearance of the site.

Policy AW10 – development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA1 – supports proposals for residential and commercial development within the defined town centre of Aberdare.

Policy NSA10 – requires proposals for residential development to have a minimum residential density of 30 dwellings per hectare.

Policy NSA12 – promotes developments within the defined settlement boundaries.

Policy NSA18 – identifies the retail hierarchy with Aberdare being defined as Principal Town Centre.

Policy NSA19 – promotes new and improved retail (class A) facilities and other uses that are appropriate within the town centre.

Supplementary Planning Guidance

Design and Placemaking
The Historic Built Environment
Design in Town Centres
Access Circulation and Parking
Shopfront Design
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.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed: (*or not in the case of refusals*)

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 6 - Town Centre First – commercial/retail/education/health/public services
- Policy 8 – Flooding – flooding/flood risk management
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;

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 proposal relates to the construction of a new building to provide a Class A1 retail unit at ground floor with 5 self-contained residential flats above. The site is situated within the defined settlement boundary and is therefore generally supported by policies AW1, AW2 and NSA12.

The site is situated within the Principal Town of Aberdare (as defined by Policy NSA18) and is therefore considered to be a highly sustainable location with good access to a number of key local services and facilities as well as good access to a range of sustainable modes of transport with both a bus and train station located within easy walking distance. The site is also conducive to travel on foot and bicycle. The proposal would therefore comply with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Further requirements of Policy AW2 seek to ensure that proposed developments would not conflict with existing uses in the area and given the town centre location of the site, the proposed A1 use would be typical of the surrounding area. Furthermore, residential flats on upper floors is generally supported as they provide a sustainable form of living whilst also contributing to the daytime and evening economy of the centre and subsequently adding to the vitality and viability of the town. It is therefore not considered that the part-residential use of the site would unacceptably conflict with the predominantly retail character of the town, particularly given that there are already a number of flats above shops in the immediate and wider vicinity.

Policy CS1 (Development in the North) further promotes residential and commercial development in locations which support and reinforce the roles of Principal Towns as well as the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings. It is noted that this site has been vacant for quite some time and has been fenced off from the public highway. It does not currently add any aesthetic value to the wider conservation area and the proposal would therefore provide an opportunity to bring this vacant parcel of land back into beneficial use and improve the overall visual appearance of this part of the town.

Policy NSA12 seeks to ensure that development is carried out within the defined settlement boundary provided that the development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, on foot or bicycle and providing that it does not adversely affect the provision of car parking in the surrounding area. As noted above, the site is situated within a highly sustainable location with access to both a bus and train station however, due to its town centre location, no provision has been or can be made for off-street car parking. Whilst the Council's Highways and Transportation section raise some concerns in this regard, no objection has been raised and the proposal is therefore considered to comply with Policy NSA12 (the impact of the proposal on highway safety is discussed in more detail in the *Access and Highway Safety* section below).

In light of the above, the principle of the proposed development is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application site is situated within the Aberdare Town Centre Conservation Area which is largely characterised by traditional two and three-storey properties with shop fronts at ground floor. The upper floors are predominantly finished with painted render and incorporate traditional sash window detailing. The property immediately to the west of the application site is a large four-storey property that has been constructed more recently but still incorporates traditional features.

The proposal would see the construction of a new three-storey property which would be similar to the scale and design of other three-storey buildings in the immediate area. The design of the proposed shop front at ground floor is considered to be traditional in nature and would be appropriate to the scale of the building upon which it would be sited and to the general character of the wider area. The overall design and finish of the upper floors are also considered to be reflective of the character of the wider street scene.

The proposed dormers are considered to be well proportioned in relation to the width of the roof and appear to be situated appropriately between the windows of the lower floors to provide some degree of balance. It is understood that the building that previously occupied the site was of a similar scale and design with similar style dormer windows in the roof.

Furthermore, the proposal would provide an opportunity to make effective use of a site that has been vacant for a number of years which would improve the visual amenity of the site and the surrounding area.

As such, the proposal is considered to be in-keeping with the character and appearance of the surrounding area and would therefore help to preserve and enhance the traditional character of the conservation area. The proposal is therefore considered to comply with Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Two letters of objection have been received in relation to the proposal, both of which raise concern with regard to the potential loss of light that would be experienced as a result of the scale and position of the proposed building. Whilst these concerns are noted, the building would not project beyond the rear elevations of the two properties either side of the application or indeed of properties further along the row. As such, neither of the properties either side of the site would experience a significant loss of light or indeed any overbearing or overshadowing impact. Similarly, the proposed building would not be situated any closer to properties in Dean Street at the rear than other properties along Canon Street and so the resulting impact would not be any greater than that experienced by other properties further along the row.

There is some concern that the proposal would result in direct overlooking towards properties in Dean Street, particularly due to habitable rooms being positioned within the rear of the building. However, taking into account that the building would be in a similar position and of a similar scale as other buildings in the street, the distance between elevations reflects the established relationship between properties further along the street and it is not considered that the level of overlooking would be exacerbated to such a degree that it would warrant the refusal of the application.

Given that the proposal also includes the provision of residential units on the upper floors, it is also important to consider the amenity and privacy of potential future occupiers. The Council's SPG: Development of Flats states that new flats should provide an acceptable quality of accommodation for residents. It states that flats should be of a suitable size and habitable rooms should have a reasonable outlook and level of natural daylighting and ventilation. Flats should also have a main entrance to the front of the building and, have access to either private or communal outdoor space.

In the case of this application, the level and quality of accommodation is considered to be reasonable with adequate space provided within each unit for future occupiers to carry out day to day tasks. Each unit would have windows in the main living area which would ensure that a good level of natural daylight and ventilation can be achieved whilst also providing a reasonable outlook. All 5 of the flats would be accessed via a shared entrance to the front of the building which would be separate from the main shop front. Whilst there is a small courtyard area at the rear of the building, this appears to be for the use of the commercial unit and not for the flats and so the proposal would lack communal outdoor space. However, given that the building is located in proximity to a number of public amenity spaces, it is not considered that this issue would be significant enough to warrant the refusal of the application.

Consequently, it is not considered that the proposal would have an adverse impact upon the amenity and privacy of existing neighbouring properties or upon the health and well-being of future occupiers. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Development of Flats.

Access and highway safety

The application has been subject to consultation with the Council Highways and Transportation section. The response received indicates that no objection is raised in relation to the proposal with the comments received being summarised as follows:

Parking

The site is located in the centre of Aberdare Town which has a variety of businesses, public car parks and both bus and rail stations within walking distance. The Council's SPG Access, Circulation & Parking 2011 indicates that the site is located in Parking Zone 1 which requires 1 space per residential unit (no visitor parking requirement). As such, the proposed residential element of the proposal requires up to a maximum of 5 spaces in accordance with the SPG.

Details submitted with the application suggest that the commercial unit would fall within A1 Use which would require 1 space per 60m² and up-to a maximum of 2 spaces would be required, in accordance with the SPG.

Therefore, the maximum requirement for the proposal is 7 spaces with none provided. There is considerable demand for on-street parking within the vicinity of the site due to the Traffic Regulation Orders in place for short-term on-street car parking and resident permit holders only and, as such, there is concern with regards to the lack of off-street car parking provision for long-term residential parking with the shortfall adding to the already congested streets.

The Council has already undertaken a parking review of Aberdare Town Centre with a resident car parking scheme implemented.

Notwithstanding this, the site is situated within a highly sustainable location in terms of access to public transport, local amenities and public car parks which will, in turn, result in less reliance on the private motor vehicle for the main mode of transport. The proposal is therefore, on balance, considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site.

Flood Risk

The application proposed highly vulnerable development within an area that is confirmed to be entirely within Zone C2 of the Development Advice Map (DAM) contained in TAN 15: Development and Flood Risk. The policy guidance set out in TAN 15 clearly prohibits highly vulnerable development in Zone C2 and this is echoed in Policy AW2 of the Rhondda Cynon Taf Local Development Plan. However, NRW have indicated that the highly vulnerable element of the proposal is situated on the upper floors and therefore likely to be above any potential flood depths should a flood event occur at this location. The ground floor would contain a retail use which is considered to be less vulnerable development.

Whilst it is acknowledged that the proposal cannot meet the tests set out in paragraph 6.2 of TAN 15, the site is clearly previously developed land within a densely developed area and the proposal would have inevitable regeneration benefits in terms of bringing a long vacant site back into use which, on balance, outweighs any concern over flooding. Furthermore, the application is supported by a Flood Consequences

Assessment (FCA) which fully considers the issues and has raised no objections from NRW. The FCA states that the highway along Canon Street falls from 128.80m AOD at the west of the site to 126.50m AOD to the east and that the new development could be designed to be flood free if the new building is set 0.25m above ground level or at 128.00 AOD.

The potential flood level for the 1% (1 in 100 year) plus climate change flood event is 128.00m AOD and so, based on an FFL of 128.25 AOD, the proposed development is predicted to be flood free and the proposal is therefore compliant with section A1.14 of TAN 15.

The potential flood level for the 0.1% (1 in 1000 year) flood event is 128.30m AOD and so, based on an FFL of 128.25 AOD, the proposed development is predicted to flood to a depth of 500mm which is within the tolerable limits as prescribed in section A1.15 of TAN 15 and the development is therefore compliant with TAN 15 in this respect.

Taking the details of the FCA and the comments received from NRW into consideration, the proposal is on balance considered to be acceptable.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The proposed construction works would be greater than 100m² and the applicant will therefore be required, under Section 3 of the Flood and Water Management Act 2010, to submit an application for Sustainable Drainage Approval prior to works commencing on site. The application will also be required to comply with Part H of the building regulations which sets out the design requirements associated to the use of infiltration drainage.

The surface water flood risk at the site would therefore be satisfactorily managed by both the building regulations and Schedule 3 of the Flood and Water Management Act 2010.

Welsh Water have indicated that the foul and surface water flows are to be disposed of via the public sewerage system and no objection is raised in this regard.

Public Health

The Council's Public Health and Protection section have recommended that a number of conditions be added to any grant of planning consent in respect of building regulations, hours of construction, noise, dust and waste. These are issues that are better dealt with by separate environmental health legislation and it is therefore not considered necessary to duplicate this through the imposition of planning conditions.

Bin Storage

There is some concern that the proposal does not appear to include any provision for bin storage. However, it is indicated that the bin collection point would be from Canon Street, as is the current arrangement for existing properties. Waste Services have assessed the proposal and have not raised any concerns or objections in this respect.

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 lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The proposal to construct a new building to facilitate a retail unit at ground floor and residential flats above is considered to be acceptable in principle. The site is situated within a highly sustainable location with good access to a number of key local services and facilities as well as to a range of sustainable transport options. The proposed use of the site would also not raise any compatibility issues in the surrounding area.

The proposal would provide a three-storey property that would be in-keeping with the general scale, design and overall visual appearance of existing properties in the surrounding area and the reuse of the site would inevitably improve the visual appearance of the immediate area.

The building would have a limited impact upon the occupants of surrounding properties whilst the potential future occupiers of the flats would benefit from adequate living accommodation.

Whilst the proposal does not provide any off-street car parking provision, the town centre location of the site ensures that public transport, local amenities and public car parks are all within easy walking distance which will result in less reliance on the private motor vehicle for the main mode of transport.

RECOMMENDATION: Approve subject to conditions

RECOMMENDATION: Grant

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 permitted shall be carried out in accordance with the approved plans and documents unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 2750 C. 01: Proposed Floor Plans (Ground, First and Second Floors) and Site Plan (rec. 03 November 2020);
- Drawing No. 2750 C. 02: Proposed Elevations, Section Through and Proposed Floor Plan (Third Floor) (rec. 03 November 2020);
- Flood Risk Assessment (dated 18 February 2021)

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area, in the interests of visual amenity and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan