

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
7 NOVEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
	APPLICATION NO: 13/0310/10 - 8 NO. FLATS AND ASSOCIATED WORKS (AMENDED PLANS RECEIVED 17TH JULY 2013), YORK DRIVE, LLANTWIT FARDRE, PONTYPRIDD

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of this planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the 3rd October 2013 meeting of the Development Control Committee (**APPENDIX A**). At that meeting Members resolved to refuse the application contrary to the recommendation of the Service Director, Planning because they considered that:

- (i) the proposed development would be out of character with the surrounding area;
- (ii) the proposed development would result in the overdevelopment of the site;
- (iii) the development would exacerbate existing parking problems in the area to the detriment of highway safety.

The matter was therefore deferred to the next appropriate meeting of the Development Control Committee for a report from the Director of Regeneration and Planning, upon the strengths and weaknesses for taking a decision contrary to recommendation (minute no. 97 (1) refers).

UPDATED PUBLICITY

An additional four letters of objection and a petition signed by 256 people were received prior to the Committee on the 3rd October 2013 which are summarised as follows:

- Concerns regarding the impact of the proposal on traffic in the area.
- Concerns that flats are not in keeping with the character of the area which mainly consists of family homes with children.
- Concerns regarding the impact of the proposed development on house prices in the area and insurance premiums.
- Comments that the land is registered for commercial use and not residential use.

The objections raised have already been addressed in the original report (**APPENDIX A**).

UPDATED PLANNING ASSESSMENT

With reference to Members' concerns regarding the design of the proposed dwellings as flats rather than semi-detached dwellings, it is acknowledged that the properties in York Drive are predominantly semi-detached however there are a variety of house types in the wider estate including bungalows and flats above the nearby shops. As detailed in the original report, it is not considered that the development would have a harmful effect on the character and appearance of the area.

It is acknowledged that the erection of 8 new residential units in York Drive will result in an intensification of the use of the site which has the potential to have an impact on the amenity of existing residential properties through and increase in traffic travelling to and from the site. However, it is not considered that the impact of four additional residential properties would lead to an unacceptable level of disturbance as detailed in the original report (**APPENDIX A**).

With regard to Members' concerns regarding the effect of the proposed development on highway safety, it is acknowledged that the erection of eight residential units on the site will increase the number of vehicles entering and leaving York Drive and the surrounding area.

However, the Council's Transportation Section has assessed the proposal and has raised no objections. It is considered that the provision of off-street parking for the eight units is acceptable particularly having regard to the fact that the proposal is for affordable housing where car ownership levels are likely to be low.

However, if after further consideration, Members are of the opinion that the application should be refused, the following reasons are considered to reflect their views previously expressed.

REASONS

1. The proposal is contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan in that the proposal for 8 residential units will create hazards relating to highway safety for the following reasons:
 - The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety due to the fact that there is insufficient off-street parking proposed.
2. The proposal will result in the overdevelopment of the site to the detriment of the amenity of existing surrounding properties contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
3. The proposed development by virtue of its scale and design would be out of character with its setting and poorly relates to existing development in the immediate vicinity and the surrounding area. The proposal is therefore contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATION NO: 13/0310/10 (MJ)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: 8 no. flats and associated works (Amended plans received 17th July 2013)
LOCATION: YORK DRIVE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NR
DATE REGISTERED: 03/04/2013
ELECTORAL DIVISION: Llantwit Fardre

APPLICATION DETAILS

Full planning permission is sought for the erection of 8 flats on land at York Drive, Crown Hill, Llantwit Fardre.

The building will be L-shaped and will measure 21.7m across its frontage with York Drive and 23m across its frontage with Queens Drive (including a single storey bike store). The building will be two storey at a height of 8.6m to the ridge.

The building will have the appearance of a link of three houses along the elevation fronting York Drive and the appearance of a single dwelling fronting Queens Drive. The proposal is for four 1 bedroom flats on the ground floor and three 1 bedroom and one 2 bedroom flats on the first floor. The entrance doors to the first floor flats will be on the rear elevation of the building which faces the car parking area. Materials proposed are brick to the ground floor and render above with grey concrete roof tiles.

Vehicular access to the properties will be to the rear of the properties from Queens Drive to a parking area with 8 spaces. The bike store will accommodate 4 spaces. There will also be an amenity area to the rear of the building as well as an area for drying to the side of the building.

The application has been accompanied by highway brief which has been produced as a result of an Automatic Traffic Count (ATC) which was carried out on the site.

SITE APPRAISAL

The site is currently occupied by a vacant single storey shop unit and tarmaced informal parking area and is set within the settlement boundaries of Llantwit Fardre and is unallocated. The site is at the end of the street next to a link of commercial units to the south west. The site is surrounded by residential properties in all other directions.

The plot is irregular in shape and measures approximately 28m at its widest point and 22m across the site frontage. The levels within this area raise from the south to the north and the proposal site is therefore at a higher level than some of the properties along Queens Drive to the rear of the site.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

11/1400	Land adjacent to 'Spar', York Drive, Crown Hill, Llantwit Fardre, Pontypridd	Demolish existing vacant building, proposed housing development (four houses) (amended description received. Addendum to Design and Access Statement also received with amended maximum and minimum height parameters 21/08/12)	Refused 05/11/12
06/1727	Costcutter Retail Store, Crown Hill Estate, York Drive, Llantwit Fardre, Pontypridd	2 No. bedroom flats above shop.	Refused 25/10/06

CONSULTATIONS

Transportation Section – no objections subject to conditions.

Public Health and Protection – no objections subject to conditions.

Countryside, Landscape and Ecology – no objections subject to advisory note regarding development and the potential impact on bats. In addition, no SewBrec records of statutory protected species have been found in the immediate vicinity.

Land Reclamation and Engineering – no objections subject to conditions.

Welsh Water/ Dwr Cymru – no objections subject to conditions.

Llantwit Fardre Community Council – state that the community council support the objections raised by residents to the development and also raise concerns regarding highway safety.

PUBLICITY

The application has been advertised by direct neighbour notification and site notices. 42 letters of objection have been received as well as a petition with 65 signatures, which are summarised as follows:

- Concerns have been raised regarding the impact of the proposal on traffic and highway safety in the area.
- Objectors disagree with the findings of the speed survey and are of the view that vehicles are likely to travel at a higher speed than stated.

- Concerns that the proposed vehicular access to the development would be a danger to local residents.
- Concerns have been raised that the proposed building would restrict the view at the junction of York Drive which is already a problem as it would be closer to the road than the existing vacant shop unit.
- Concerns that the proposal will result in lorries loading for the existing Spar shop to park on York Drive and not off-street as is currently available.
- Concerns that the highway safety problems associated with the development will result in difficulties for the local bus services accessing the area as well as the proximity of the site to Maes y Bryn School.
- Concerns that the proposed development will result in parking problems within the area where most people park on the street already.
- The number of spaces proposed is less than would be expected for a development of 8 units. There is also concern regarding the accessibility for emergency vehicles and the lack of visitor parking.
- Objections are raised to the proposal due to the fact that it is for flats and the existing housing estate comprises three bedroom houses and bungalows. There is a concern that the proposal for flats by a housing association for social housing will have 'significantly different needs than those currently provided for families living in this area.' The objectors consider that flats are out of character with the rest of the housing estate.
- Concerns have been raised as the proposal will result in an invasion of privacy and disturbance. There is also a concern that the future tenants of the proposed development would have a detrimental impact on these factors.
- Concerns that the proposed development will be overbearing, out of scale and out of character in terms of its appearance with the existing dwellings in the area.
- Concerns have been raised that the proposed development would block light into existing neighbouring properties.
- Objections have been raised to the erection of 8 residential units as it is considered that this represents overdevelopment of the site.
- Concerns regarding the loss of a shop unit in the area which could have a detrimental impact on the community.

- Several objections have been raised in relation to who exactly will be living in the proposed development as it is considered that there is a risk to community safety (children in particular) with certain groups of people.
- Concerns that the development will result in anti-social behaviour and increased crime in the area.
- All properties in the estate have covenants to restrict them from being converted into flats and there is also a covenant on the shopping area – the current application is ignoring these covenants.
- The proposed development may have a detrimental impact on property values.

POLICY CONTEXT

The principal policies in the consideration of this application are as follows:

Rhondda Cynon Taf Local Development Plan

Policy CS2 guides development in the south of the County Borough, with an emphasis on focusing development in the settlement boundary and promoting the reuse of under used and previously developed land.

Policy AW1 states how the supply of new housing will be met, including the development of unallocated land in the defined settlement boundary of smaller settlements.

Policy AW2 supports development of non-allocated sites in sustainable locations.

Policy AW5 – New Development - states that development proposals will be supported where in terms of amenity:

- The scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area;
- There would be no significant impact upon the amenities of neighbouring occupiers;

Policy AW6 – outlines types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;

Policy SSA13 gives criteria for development within settlement boundaries.

National Guidance

Planning Policy Wales

4.10.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Technical Advice Note (TAN) 12: Design

Sets out the objectives of good design and aims to encourage good design in all aspects of development, stating that:

2.2 The Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed use communities.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

PLANNING CONSIDERATIONS

The main issues in the consideration of this application are:

1. Planning policy context of the proposed development.
2. The impact of the proposal on the character and appearance of the surrounding area.
3. The impact on neighbouring residential amenity and the adjoining clinics.
4. The impact on highway safety and parking.

Planning policy context

The site is unallocated brownfield land within the settlement boundary of Llantwit Fardre as defined by the Rhondda Cynon Taf Local Development Plan. With regard to objections raised and the fact that the existing vacant shop is proposed to be demolished, although the loss of the vacant retail unit is regrettable, the site is unallocated and there is a shop and other

commercial properties located in the link of properties adjoining the site. It is not considered that the loss of the retail unit would warrant an objection to the principle of the redevelopment of the site for residential purposes.

Character and Appearance of the Area

In terms of the effect of the proposal on the character and appearance of the area and objections raised, it is considered that the scale of the plot is appropriate to accommodate a building of the scale proposed. It is acknowledged that the surrounding properties predominantly consist of semi-detached two storey dwellings, however due to the design of the proposed building, it is considered that the character of the estate is maintained as the flats appear as four dwellings from the front elevation.

It is considered that the proposed development is of a scale and design (including materials) that will ensure that the building will be in keeping with the character and appearance of the area.

Although the density of the development proposed is higher than the surrounding area, it is not considered that it would lead to a development which has a detrimental impact on the character of the area or the overdevelopment of the site. It is considered that the proposed design of the flats demonstrates that the development will not have a detrimental impact on the character or appearance of the street scene. The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Residential Amenity

With regards to the impact on neighbouring residential amenity, concerns have been raised that include loss of privacy, overshadowing and loss of light. The proposed building would be located at least 17m from the surrounding dwellings, with elevations with habitable rooms located at least 21m from the existing dwellings. Given this distance, it is considered that the siting, scale, height and design of the proposed development would not have an unacceptable impact in terms of loss of privacy, overshadowing or loss of light to the dwellings located opposite the site. It is considered that the proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in this respect.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

In terms of the potential effects of the demolition and construction works on dust and air pollution that could have an effect on neighbouring properties, this issue is dealt with under Public Health legislation. An advisory note regarding dust will be attached to any consent granted.

Concerns have also been raised regarding the needs of the future occupiers of the flats and the potential for anti-social behaviour. There is no evidence to suggest that the proposed development would result in a potential for crime and anti-social behaviour in the area and the 'type' of future residents is not a material planning consideration.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With reference to parking and access issues and comments raised by objectors, the Council's Transportation Section has considered the information submitted with the application and have raised no objections subject to conditions which are recommended below.

A new access is to be created off Queens Drive to serve the proposed flats. The existing right of access for vehicles is to remain to serve the garages to the rear of York Drive.

A seven day speed survey has been undertaken at the site access on Queens Drive to the proposed parking area. The findings indicate that the 85th percentile wet weather speed northbound towards York Drive is 18.3mph and 17.6mph southbound. A full comprehensive report was submitted for consideration which showed that no speeds have been recorded in excess of the speed limit of 30mph which is considered acceptable.

It is noted that a vision splay of 2.4m by 35m to the right of the access can be achieved by avoiding frontage development which is reasonably in line for a speed of 28mph in accordance with Manual for Streets and therefore, on balance, the amended layout is considered acceptable.

At the junction of York Drive with Queens Drive, the submitted drawing Figure 1.1 shows a vision splay of 2.4m by 28m to the right based on the speed survey carried out at a distance of approximately 55m on the approach to the junction which is considered acceptable.

Eight off-street parking spaces are proposed for the development (1 space per flat) which represents a shortfall of 10 spaces from the maximum requirement in accordance with the supplementary planning guidance. It is also noted that the submitted layout plan shows a cycle store for 4 No. bicycles to be provided as part of the development. It is considered that there is adequate carriageway width (at least 7.3m) for visitors to occasionally park on-street in the vicinity of the site together with use of the parking lay-by fronting the nearby shops adjacent to the site.

Having regard to the fact that the proposal is for affordable housing and that secure cycle storage is to be provided for 4 bicycles, and scope for the surrounding street to cater for occasional on-street parking, and local community facilities and bus services are within walking distance of the site, on balance, the shortfall in the parking requirement is considered to be acceptable.

The proposal is therefore considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of the impact on highway safety.

It is noted that the developer would be required to enter into a Section 106 agreement to ensure that the development would be secured for affordable housing.

Other matters

The Council's Ecologist has carried out a site visit and is satisfied that the potential for a bat roost in the building is very low. The advisory note in relation to bats and development is recommended below to safeguard any bats found during the development of the site.

Objectors have raised concerns that the proposed development would result in a reduction in property values in the area. There is no evidence to support the suggestion that there would be a reduction in property values in the area as a result of the proposed development, in any event this issue is not a material planning consideration.

Any restrictive covenant on the site is not a material planning consideration and therefore not a matter for the planning application to address.

Having regard to the above issues it is considered that the proposal complies with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national policies and is accordingly recommended for approval subject to the following conditions.

RECOMMENDATION

Having regard to the above it is recommended that planning permission be approved, subject to a S106 agreement which secures the following:

- 1. The applicant entering into an agreement to ensure that the development is utilised for affordable housing only.**

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. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Development shall not begin until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as agreed prior to the dwellings being brought into beneficial use.

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

5. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

6. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

8. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

9. The proposed means of access, parking and vision splays shall be laid out in accordance with the submitted layout plan Drawing No. Figure 2.5 and completed to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: In the interests of highway safety.

10. Notwithstanding the submitted details, full engineering design and details of the proposed means of access including the re-alignment of the kerb line and widening of the adjoining footways shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be carried out to the satisfaction of the LPA prior to beneficial occupation.

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

11. The parking area shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

12. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Prior to the commencement of development, details of traffic management including lorry sheeting details, and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

7 NOVEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0310/10 - 8
NO. FLATS AND ASSOCIATED
WORKS (AMENDED PLANS
RECEIVED 17TH JULY 2013),
YORK DRIVE, LLANTWIT
FARDRE, PONTYPRIDD**

OFFICER TO CONTACT

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See Relevant Application File