

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016**

**DEVELOPMENT CONTROL  
COMMITTEE  
19 NOVEMBER 2015**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 4</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No. 15/0829 - Erection of detached two storey three bedroom dwelling including new driveway, hard standings, drainage works and boundary walls (Amended plans received 06/10/15, alteration to parking, circulation and design of dwelling), land at Awelon, Heol-Y-Parc, Efail Isaf, Pontypridd.
2. Application No. 15/0971 - Conversion of Existing Two Storey Retail Premises (A1) to Retail Premises (A1) and 4 Flats including New Shop Front & External Alterations (Amended plans received 03/09/15), 4 Dunraven Street, Tonypandy
3. Application No. 15/0988 - Erection of a 4 bed dwelling and double garage, Former Legion Site, Adjacent To 40 Eleanor Street, Tonypandy.
4. Application No. 15/1225 - First floor rear extension, 33 Gwawr Street, Aberaman, Aberdare.

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## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 15/0829/10 (BJW)  
**APPLICANT:** Mr L Lane  
**DEVELOPMENT:** Erection of detached two storey three bedroom dwelling including new driveway, hard standings, drainage works and boundary walls (Amended plans received 06/10/15, alteration to parking, circulation and design of dwelling).  
**LOCATION:** LAND AT AWELON, HEOL-Y-PARC, EFAIL ISAF, PONTYPRIDD, CF38 1AN  
**DATE REGISTERED:** 22/06/2015  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Approve.

### REASONS:

The application proposes a substantial and contemporary dwelling on a large site within the settlement boundary that would be close to the main residential area. The proposal would make productive use of the site for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area.

The relationship between the proposed dwellings and the closest existing neighbouring properties and the amended design features is such that the proposal is not considered to cause detriment to their amenities.

The application is considered acceptable in respect of its access and highway safety considerations, the amenities of nearby residential properties, and the impact on the visual amenities of the area.

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### APPLICATION DETAILS

Full planning permission sought for a single detached dwelling on land adjacent to the bungalow "Awelon" Heol-y-Parc, Efail Isaf, Pontypridd.

The dwelling proposed would be modern, two storey, 3 bedroom property with an attached garage that would also allow pedestrian access to the property. The property would be of a modern design with a cat-slide type roof with a lower eaves and overhanging roof to the front; a mono-pitch feature roof over the main entrance; two gable features to the rear elevation; floor to ceiling ground floor windows on the side and rear elevations, wrapping around the corner of the building and blue pennant stone piers to the rear elevation.

The dwelling would measure 22.6m in length by 10.7m in depth at its deepest point by 7.25m in height to the highest point of the roof. The elevations would be finished with a mixture of white render walls, natural Welsh blue pennant stonework on the front elevation and as feature panels and piers on the side and rear elevations, horizontal timber cladding on the side elevations and for the external doors, a natural Welsh slate roof, dark stained softwood fascias and soffits and grey coloured aluminium framed double glazed windows.

Accommodation would consist of:

Ground floor – covered porch; entrance hall; study; lounge; W.C.; cloak room; utility room, living area kitchen/dining room and attached garage.

First floor – balcony over living area; master bedroom with walk in wardrobe and storage room; 2 no. bedrooms with access to a single en suite shower room and W. C. and a family bathroom. The upper floor features a void area over the living area creating a double height at this part of the property.

Boundary treatment would consist of a mixture of new 1.2m high facing brickwork wall to match the neighbouring property “Awelon”.

Highway works, negotiated during the application process, would involve the creation of an enlarged turning area within the site that would allow vehicles to enter and exit the site in a forward gear.

The application is accompanied by a Design and Access Statement (DAS) in support of the application.

## **SITE APPRAISAL**

The application site comprises an existing, side garden curtilage of a detached bungalow property that is situated within the built up area of Efail Isaf. The site is currently to lawn, defined by mature tree lines to its northern and western side and steadily falls in level from south to north.

The topographical survey of the existing site indicates the southern boundary of the site is approximately 2 metres higher than the northern boundary of the site. The site sits on the junction of Nant Celyn and Heol-Y-Parc and is abutted to its rear, east, by further residential properties. A small culvert also runs toward the rear of the site. The surrounding locality comprises a mixture of residential house types.

## **PLANNING HISTORY**

98/2466	Erection of 2 Bungalows	Granted 10/09/05
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96/2397	Erection of 2 no. dwelling houses - Variation of Condition of Outline planning permission to extend period of validity for further 3 years from 14/01/97	Granted 11/12/96
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## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site, 5 letters of objection have been received, to the originally submitted plans and later amendments. The main points of are detailed below and any further responses received will be reported orally to Members at the Committee meeting.

- There is a right of way across the site that is not shown on the layout plan.
- Loss of privacy.
- The building will be overbearing to my property (90 Parc Nant Celyn) and is an inappropriate design for the plot.
- Concerns over noise during construction of the property.
- I am unlikely to agree to the proposal to discharge storm water drainage to the stream
- The site is particularly wet and it is unlikely that any soakaway could cope with the storm water drainage for this project.
- Loss of trees and mature hedgerow. The trees are an attractive feature of the site which add to the rural character of the village. Their loss would be detrimental to the character and appearance of the area.
- The village is a Special Landscape Area which is a further reason to retain and protect the trees.
- No tree survey has been submitted in regard to the ecological value of the trees on the site.
- The building of a boundary wall may create a traffic hazard when vehicles are emerging from Parc Nant Celyn estate as the sight line will be obstructed.

## **CONSULTATION**

Transportation Section – initially objected to the application on highway safety grounds. Following negotiations and amendments to the proposal, now offers no objection subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period of the development.

Natural Resources Wales – no objection.

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

Wales and West Utilities – no objection. Standard advice offered in relation to safe working practices in the proximity of Wales and West Utilities apparatus.

Western Power Distribution - no response received.

South Wales Fire and Rescue Service - no response received.

## **POLICY CONTEXT**

The site is within the settlement boundary and is unallocated.

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

**Policy AW1** - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

**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** – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding

**Policy SSA13** - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing)

Planning Policy Wales Technical Advice Note 12 - Design

Planning Policy Wales Technical Advice Note 15 – Development and Flood Risk

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

## **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**

Permission is sought for the erection of a detached property within the existing built up area of Efail Isaf. The application site is situated in between existing buildings on an 'in-fill plot' that is situated within the settlement boundary.

The planning history of the site also reveals permission for a further bungalow to be developed on part of the application site has also been previously granted on the site. The consent, reference no. 98/2466, was for two bungalows to be developed at the site. The first, "Awelon" has been completed meaning that the second could be built under the existing extant planning consent.

The principle of the development is therefore considered to accord with the provisions of the Local Development Plan, nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

#### **Impact on amenities of neighbouring properties**

The site is an infill plot located between the highway and several other houses to the side and rear.

The proposed dwelling would be positioned centrally within the plot in a similar position to the previously approved bungalow. It is acknowledged that the property would be close to the properties on the eastern boundaries, and that there would be additional impact from overlooking from first floor windows.

Consequently, the scheme has been re-designed to lessen this potential impact by including non-opening, obscurely glazed windows to a height of 1.8m from the internal floor level to ensure that the overlooking issue is adequately addressed.

Similarly, it is considered that the proposed dwelling would be of an acceptable domestic scale and that they would not have an overbearing impact on neighbouring properties.

It is acknowledged that there have been objections to the application from neighbouring properties and these will be addressed later within the report.

### **Character and appearance of the area**

The site slopes down from its southern boundary with Awelon to the northern boundary at the entrance to Parc Nant Celyn estate. The land is well screened on its western and northern boundary by well established trees although it is proposed to remove the trees on the western boundary and one on the northern boundary to facilitate the access arrangements and the layout of the property.

The application proposes a large, detached, modern house at the site in place of the previously approved bungalow. The development would remain relatively well screened from the northern approach to the site. The proposed property would be of a similar height to the adjacent dwelling "Awelon" although it would be higher than the property to the rear, 16 Parc Nant Celyn, and existing bungalow on the eastern boundary.

It is considered that the proposed property would provide a high quality development at the site that would make a productive use of this fairly large area. The site is within the village of Efail Isaf and is characterised, in its immediate surroundings, by a mixture of older traditional properties and more modern dwellings with a variety of styles and materials within larger plots. It is considered that the proposed modern dwelling would sit comfortably within this setting and that the proposal would have a positive effect on the character and appearance of the area.

The property, although large, would be located within a generous plot that would provide acceptable levels of parking, manoeuvring and amenity space.

It is considered that the scale and design would be sympathetic and in keeping with the existing dwellings in the area particularly the more modern dwellings in the immediate area. Therefore, the application is considered to be acceptable in this respect.

It is recognised that the proposal would remove trees on the western boundary which is of concern to several local residents. However, the site is already subject to an existing extant consent which also included the removal of these trees and could be enacted should this consent be refused. It is considered that although an attractive feature the retention of the trees would make development of the site extremely difficult. On the basis that an inferior scheme could be developed without further recourse to the Council (as LPA) it is considered that the removal of the trees, as

proposed, would be an acceptable compromise in order to facilitate a better scheme at the site.

### **Highway safety**

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledges the amended access and highway improvements, achieved through negotiations, and the improvements that these would make to highway safety in the area.

It is also acknowledged that the site has an existing extant consent and that this application provides an opportunity to improve highway safety within the area.

Consequently, on this basis of the amended plans and that no highway objection has been raised the proposal is considered to be acceptable in this regard.

### **Other Issues**

The application has been the subject of five objections from neighbouring properties during the consultation process. Having regard to the comments made the following observations are offered in response.

The previous right of way that did cross the site was diverted to its current position in the lane between Awelon and 2 Heol-y-Parc and is therefore unaffected by this proposal. The windows in the rear of the property have been altered to be obscurely glazed and non-opening windows to a height of 1.8m from internal floor level. It is considered that this would remove any overlooking issues to neighbouring properties, particularly those to the rear of the site. Noise during construction is an obvious result of the development process, however the hours of operation during construction can be restricted by condition to mitigate this issue. Similarly, drainage details would also be required prior to the commencement of development so any issues would be addressed at that stage. The loss of trees are regrettable but could be mitigated by replacement planting through a suitable landscaping scheme. Additionally, it is acknowledged that there is an existing extant consent on the site for a bungalow that also necessitated the removal of the trees on the western boundary. On this basis it is considered that replacement planting, through a suitable landscaping scheme would be the most appropriate method of screening and softening the appearance of the site. The trees at the site are not protected and their removal has already been approved by virtue of the existing extant consent. The site is not within a Special Landscape Area and consequently, a tree survey would be an unreasonable requirement in this instance. The point in relation to the boundary treatment is acknowledged however the application has been subject to consultation with the Council's Transportation Section who has raised no objection to

the proposal, subject to condition. Consequently, it is considered that the proposal is acceptable in this regard.

### **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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/ sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL charge (including indexation) for this development is expected to be £30,045.19.

### **Conclusion**

The proposed dwelling is considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area or highway safety considerations. Consequently, the proposal is considered to be acceptable.

### **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 approved shall be carried out in accordance with the approved plan(s) no(s)
  - Site location plan, Drawing number 0777/01, dated 17/06/15.
  - Proposed site plan, Drawing number 0777/03 Revision A, dated 06/10/15.
  - Proposed floor plans, Drawing number 0777/04 Revision A, dated 06/10/15.
  - Proposed elevations, Drawing number 0777/05 Revision A, dated 06/10/15.

and documents received by the Local Planning Authority, 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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

6. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and

no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. 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.

8. Notwithstanding the approved plans a scheme for the first floor windows in the rear elevation shall be submitted and approved to the Local Planning Authority. The scheme shall detail the level of obscuration of the windows which shall also be non-opening. The agreed details shall be implemented at the site and retained in perpetuity.

Reason - To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

10. No development shall take place until drainage arrangements have been

submitted to and approved in writing by the Local Planning Authority. These details shall also indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in relation to Flood Risk Management.

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

11. No development shall be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment, including proposed mitigation, design details and a development program with respect to:

- Protection of open and culverted sections of the existing watercourse during and after construction.
- Protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
- Protection of properties within the development from flood risk.

Reason: To ensure that the development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to flood risk in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

13. The building shall not be occupied until an area for the parking and turning of vehicles has been laid out in accordance with the approved plans 0777/03 Rev A and that area shall not thereafter be used for any other purpose other than the parking and turning of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

development on site commencing.

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16. No development, including demolition or works of site clearance shall be carried out in bird nesting season.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 15/0971/10 (CPU)  
**APPLICANT:** Mr Simmonds  
**DEVELOPMENT:** Conversion of Existing Two Storey Retail Premises (A1) to Retail Premises (A1) and 4 Flats including New Shop Front & External Alterations (Amended plans received 03/09/15)  
**LOCATION:** 4 DUNRAVEN STREET, TONYPANDY, CF40 1QE  
**DATE REGISTERED:** 03/09/2015  
**ELECTORAL DIVISION:** Tonypandy

**RECOMMENDATION:** Approve

**REASONS:**

The proposal to subdivide an existing retail premises into two separate retail units and 4 self-contained flats with a renewed shop frontage would help bring a vacant building in the retail centre of Tonypandy back into beneficial use. The proposal is considered to represent an appropriate and compatible use which would also add to the vitality and viability of the retail centre.

## **APPLICATION DETAILS**

Full planning permission is sought for the conversion of a two-storey retail premises to facilitate the provision of two retail premises and a residential flat on the ground floor and 3 flats on the first floor. The key aspects of the proposed works are as follows:

- Conversion of the ground floor to 2no. retail units and 1no. 2 bed flat;
- Conversion of the first floor to 2no. 1 bed flats and 1no. 2 bed flat;
- Overhaul of front elevation including the installation of 2 new shop fronts which would include new fascia signs, doors, windows and a roller shutter door;
- Insert 4 roof lights within the south-west (front) facing roof plane;
- Demolish a flat roof garage building located adjacent to the rear access lane and provide a hardstand for 2 off road parking spaces;
- Changes to the fenestration arrangement including the installation of new windows to the rear and south-eastern side elevation of the existing two-storey rear annexe.
- The installation of a new window within the first floor front elevation of the building.

The application is accompanied by the following:

- Design and Access Statement;
- A Bat Survey.

It is noted to Members that the subdivision of the existing retail unit into two separate retail units does not require planning permission. Therefore, this aspect of the proposed development will not be included in the planning considerations of this report.

## **SITE APPRAISAL**

The application site relates to a vacant, two-storey retail premises situated within the retail centre of Tonypany. The principal elevation of the property fronts onto Dunraven Street to the south-west and the rear elevation faces onto an access lane to the north-east. To the north-west, the property is bound by a vacant retail premises and by an opticians to the south-east.

At the rear of the application property, there is a large, two-storey projection and a flat roof single storey garage building that encloses the extent of the curtilage. Beyond the flat roof garage building, there is a steel set of steps that provide access to the first floor. These access steps appear to protrude beyond the boundary into the rear lane. The neighbouring building occupied by the opticians has a large two-storey rear extension set in off the common boundary by approximately 1.5 metres.

Beyond the extension, there is an off road staff parking area serving the opticians. On the other side of the application property, there is a vacant commercial property with a single storey extension projecting off the back wall and a two-storey lean-to building adjacent to the rear boundary. On the opposite side of the rear lane, there is a detached pitched roof bungalow positioned on a lower level. A terraced row of houses are also positioned to the south-east of the bungalow.

## PLANNING HISTORY

13/0135	Change of use from carpet shop Granted	Granted 15/05/13
84/0816	Extension to shop	Granted 11/03/85

## PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. 4 letters have been received, two of which state that they do welcome the proposed renovation of the building. However, there are a number of concerns/issues raised during the original consultation exercise which are summarised as follows:

- Concern that there is nowhere to park any vehicles that the occupiers may have and the potential for this to cause an obstruction in the lane;
- The site plan provided by the agent shows the boundary of the property going beyond the existing boundaries as shown on a Land Registry document;
- The fire exit door proposed on the south-eastern side elevation would provide access onto land owned by the opticians. The land is used as off-road parking for the opticians and no permission will be given for a right of access over this land;
- The applicant will require a Party Wall Agreement for any work within 3m of a shared boundary and it is requested that the developer is made aware of this matter to mitigate any potential issues during the proposed construction works;

Following the submission of amended plans, a further consultation exercise was undertaken and as a result of this, additional comments have been submitted by the owner of the adjoining opticians. The letter states that the owner is happy that the fire exit door has been relocated and notes that additional windows have been added to the elevation which faces the opticians. The writer confirms that there is no objection to the location of these windows but requests that regulations are adhered to. It is also noted that there is an access to a flat at the rear of the opticians and the development should give consideration to the requirements of Building Regulations, fire safety and the safety of pedestrians.

## CONSULTATION

Transportation Section - no objection.

Land Reclamation & Engineering - no objection.

Public Health & Protection - no objection.

Natural Resources Wales - no objection.

Dwr Cymru Welsh Water - no objection.

Western Power Distribution - no adverse comments received.

Wales & West Utilities - no objection.

Countryside, Landscape & Ecology - no objection following the submission of a bat survey.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement limits and the retail centre of Tonypany. The following policies are considered to be of relevance in the determination of this application:

**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 AW8** – sets out criteria in relation to nature conservation and ecology;

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

**Policy NSA18** – identifies Tonypany as a key settlement;

**Policy NSA19** - States that other uses within the defined retail centre of Tonypany will be permitted where they are deemed to add vitality and viability to the retail centre.

Supplementary Planning Guidance

Development of Flats – Conversions and New Build;  
Shopfront Design.

## **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 Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
Manual for Streets

## **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 site is a vacant, two-storey retail unit situated within the retail centre and settlement boundary of Tonypany. The proposal seeks full planning permission to convert part of the ground floor and the first floor to residential together with alterations to the front elevation and fenestration of the building. The main considerations in the determination are the principle of the proposal and whether the change of use is consistent with the key requirements of planning policy. Other important considerations are the impact of the scheme on the visual amenity of the locality, potential impacts on highway safety, and the impact on the amenity of adjacent land users and other established uses in the area.

In terms of the principle of the proposed development, the application site lies within settlement limits and within the retail centre of Tonypanydy. The proposal seeks to bring the building back into beneficial use, through the subdivision of the existing retail unit and the conversion of part of the ground floor and the first floor to provide four self contained flats. A proposal to change part of the ground floor and the first floor to residential is considered to add to the vitality of the retail centre whilst also enhancing the diversity of activity on the street. The principle of the proposal is therefore considered to be in compliance with the criteria set out in Policy NSA19 of the Rhondda Cynon Taf Local Development Plan.

Some concern has been raised with the agent regarding the layout and quality of the accommodation being provided by the 4 residential flats and although amendments have been made to the scheme, concerns still remain in regard to the intensive nature of the development and the low level of natural light that would be enjoyed by a number of the bedrooms and one of the living rooms areas. Ideally, it is considered that the building would lend itself better to the provision of three flats rather than four and this was suggested to the agent. However, it has been requested for the application to be considered on the basis of the plans submitted which show three residential flats on the first floor and one flat to the rear of the retail units located on the ground floor. Whilst this is regrettable, it is acknowledged that the scheme has been improved with the primary access to the flats now being located from a separate access door to the front of the building and the fire exit being contained within the curtilage of the application site. Although concerns still exist in regard to the general layout of the proposed flats, it is appreciated that the proposal is partly dictated by the context and layout of the existing two-storey annexe and in this instance, the scheme is considered to be acceptable having regard to the Supplementary Planning Guidance 'Flats SPG' highlighting that when the conversion of existing buildings help support other planning objectives such as regeneration, the Council will take a pragmatic and flexible approach to assessing proposals.

The consequences for the proposed use as a result of flooding have also been considered. Residential development is classed as '*highly vulnerable development*' and is not normally permitted within Flood Zone C2 due to the high risk of flooding. The response received from Natural Recourses Wales (NRW) has confirmed that the application site partially lies within Flood Zone C2 and is located in the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. However, given the scale of the proposed development, NRW raise no objection to the application subject to the applicant/developer being made aware of the potential flood risks. Therefore, it is considered that in principle, the development is acceptable, subject to an assessment of the material planning considerations set out below;

### **Impact on the character and appearance of the area**

The main alterations consist of a new shop frontage, the insertion of 4 skylight windows within the front roofplane of the building and alterations to the fenestration

of a rear two-storey annexe. The scheme also includes the demolition of a large single storey flat roof garage and the provision of a hardstand to provide off road parking within the rear curtilage. As detailed earlier in this report, the overall scheme includes the subdivision of the existing retail unit to provide two smaller units with the aim of making the property financially more viable than an attempt to bring this vacant unit back into beneficial use. This would necessitate alterations to the shop front to allow for the provision of two separate fascia panels and access doors to serve the two retail units and the proposed residential accommodation on the ground and first floor.

Although it is acknowledged the new shopfronts are not of an exemplar design, the fascia signs are of a similar proportion to the existing. There is an imbalance in terms of the layout and proportions of the display windows but overall the design and appearance of the proposed shop fronts are not considered to be overly harmful to the character of the existing building or the surrounding area. The alterations proposed to the fenestration of the building are also considered to be acceptable and the demolition of the large single storey extension is considered to represent an improvement to the property. In this regard, the development is considered to be acceptable and in line with Local Development Plan Policy.

### **Impact on residential amenity and privacy**

The proposed conversion of the existing vacant premise to a mix of residential and commercial use is considered to be a compatible and appropriate use of the application building that is located on a busy commercial high street. Neighbouring properties are predominantly commercial in nature with some benefitting from first floor flat accommodation of a similar nature to that being proposed.

There are a number of windows proposed along the ground and first floor south-eastern side elevation of the two-storey annexe. Four out of the five windows would serve bedrooms and the one remaining first floor opening would serve as a secondary window in a living room. These windows face onto the side elevation of the neighbouring two-storey building which is occupied by the opticians. There is one window in the first floor side elevation of the neighbouring extension which serves an unoccupied flat located above the opticians. While the location of windows on the boundary is not ideal, there are three existing first floor openings at present. The additional windows are proposed at ground floor level only and as such, it is not considered that the level of overlooking as a result of the conversion or the new openings would be so harmful to the amenities of the neighbouring building to warrant the refusal of planning permission. On the other elevation of the extension, there are minor changes proposed to the size and shape of three existing openings. This elevation faces a vacant commercial property and the proposed use of the existing windows in this elevation serve non-habitable rooms. It is therefore considered that the impact on any future occupier of this property will be acceptable.

Regard has also been given to the potential overlooking impact arising from the windows proposed in the rear elevation of the extension. In this respect, it is noted that the residential bungalow is located on the opposite side of the lane and is on a lower ground level. It is considered that the view from proposed windows would be above the roofline of this property and therefore it is been assessed that the proposal would adversely impact upon the amenities enjoyed by this property.

### **Access and highway safety**

A number of concerns have been raised during the consultation exercise over the provision of off-road parking to serve the proposed residential flats. Concern has also been raised that the site plan provided with the application showed the red line boundary of the application site protruding beyond the existing boundary. Although the concerns raised regarding the provision off road parking is noted, the site is located within a retail centre that benefits from a range of sustainable forms of transport. Two-off road parking spaces are proposed as part of the application which is considered to be acceptable in the view of the Transportation Section.

Concern was however raised that the existing fire escape and the proposed parking area encroached onto the adopted rear lane and that the two spaces proposed as part of the application were substandard for use as the reversing width onto the lane was unsatisfactory. To overcome these concerns, the agent has amended the parking layout to provide a satisfactory reversing width with no encroachment onto the lane. Having regard to these amendments, the Transportation Section has raised no objection to the proposal. Consequently, the development is considered to be acceptable in terms of highway safety.

### **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.

### **Ecology**

The Council's Ecologist has reviewed the Bat Survey submitted with the application and has commented that it is an appropriate and adequate assessment. The report concludes that while there are many access points that could be used by bats, water ingress into the building has reduced the potential for bats at this site. The report notes that bats were recorded emerging from nearby buildings but none were recorded emerging from the application site. To conclude, it states that the building has a low bat potential and the proposed development would not compromise the nearby bat roost referred to in the report. As such, no mitigation is required or suggested as part of this development. However, an appropriate bat informative note is recommended.

## **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 application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan, representing an appropriate mixed use of a vacant building within a key retail centre. Approval of the planning application is recommended.

### **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 approved shall be carried out in accordance with the approved plan(s) no(s)

- PL001A dated 03/09/15,
- location plan dated 06/07/25.

and documents received by the Local Planning Authority, 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. Building operations shall not be commenced until samples/brochure details of the external finishes proposed to be used for the shop front 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 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. Before the development is brought into use, the means of access, together with the parking facilities for both cars and cycles, shall be laid out in accordance with the submitted plan PL001A and approved by the Local Planning Authority. The parking facilities shall remain for the parking of vehicles thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

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**APPLICATION NO:** 15/0988/10 (GW)  
**APPLICANT:** Mr W Coles  
**DEVELOPMENT:** Erection of a 4 bed dwelling and double garage.  
**LOCATION:** **FORMER LEGION SITE, ADJACENT TO 40  
ELEANOR STREET, TONYPANDY**  
**DATE REGISTERED:** 21/09/2015  
**ELECTORAL DIVISION:** Tonypandy

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**RECOMMENDATION: Grant**

**REASONS:**

**The development site is within the settlement boundary and in a sustainable location close to the town centre of Tonypandy. Previously planning permission (08/0814) has been granted for a dwelling on the site however this permission expired and the current application is in essence a renewal of that consent.**

**The proposal is for a similar dwelling to that previously approved with some minor amendments. The visual impact and the impact on residential amenity would be acceptable. An acceptable access and level of parking would be provided.**

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Full planning permission is sought to erect a dwelling on land that formerly housed an Ex. Service Club and Institute, adjacent to No 40 Eleanor Street, Tonypandy. Previously planning permission (08/0814) has been granted for a dwelling on the site however this permission expired and the current application is in essence a renewal of that permission. Construction of the dwelling has commenced and is currently up to ground floor window level. The dwelling was not being constructed in accordance with the previous permission and amended plans have been submitted detailing the

changes. This mainly relates to the angle of the rear projection, which now extends back at an angle in line with the side gable. Internally the former voids between the dwelling and 40 Eleanor Street are incorporated in to living accommodation.

The proposal is to erect a dwelling adjacent to No 40 Eleanor Street, the front and rear main walls of the dwelling would be on a similar building line to 40 Eleanor Street and it would include a rear projection adjacent to Gelli Road. The side gable wall would extend at an angle in line with the pavement of Gelli Road and the ridge of the roof would step down in height from the adjacent dwelling. The external walls of the dwelling would comprise render walls with brick quoin detailing. The roof covering would be slate. A bedroom window would be located in the gable end wall of the dwelling.

The proposal would include the erection of a garage at the rear of the site. The garage would measure 6.75m in length by 6.5m wide (lane elevation). It would have an apex roof and would be 3.7m at its highest point (lane elevation). Access to the garage would be via the rear lane. The garage would have two 2.3m wide roller shutter doors. The external finishes would be render and slate to match the proposed dwelling.

The application is accompanied by the following:

- Design and Access Statement.

Councillor Middle has requested the application is reported to Development Control Committee to assess the impact on the occupiers of the adjacent dwelling.

## **SITE APPRAISAL**

The application site comprises an end of terrace plot that lies at the corner of Eleanor Street with Gelli Road. It is close to the centre of Tonypandy in an area of terraced dwellings off Gelli Road. To the rear of the adjacent property (No 40 Eleanor Street) there is a private car park.

## **PLANNING HISTORY**

08/0814	Former Legion Site, Adjacent to 40 Eleanor Street	Erection of a 4 bed dwelling and double garage.	Granted 30/09/08
07/1929	Form club adjacent to Eleanor Street, Tonypandy	Erection of two three bed dwellings (at site of Former Club and Institute) and erection of parking (land at rear of 43/44 Primrose Street).	Refused 11/02/08

94/656	“	“	Demolish/retain the ex service institute with a change of use to residential and to demolish the moose hall to use the site for ancillary car parking	Refused 15/06/95
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## **PUBLICITY**

The application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection has been received at the time of writing this report and the comments are summarised below:

- The developer has commenced prior to determination of the application and the development is not in accordance with the plans submitted.
- Parking is detailed on the form as being zero even though a garage is proposed.
- Concerned about them joining the main sewer as it has been blocked several times.
- Neighbour details the buttresses should not be changed as they are his.
- Building regulations state that a new dwelling abutting an existing dwelling should be an independent structure to prevent water penetration to the internal features.
- Three sets of foundations should have been put in place and only 2 have been laid. Foundations closest to my house have not been put in place, a waste pipe is incorrectly positioned and the concrete is not thick enough and will crack in the near future.
- The dwelling would prevent maintenance to the side gable wall of 40 Eleanor Street.
- There are limited windows and it will be a dark property with inadequate natural light.
- The building is featureless and ugly with a 40ft wall with no windows.
- The plans detail the rainwater pipe would join mine which I am not willing to allow as it already gets blocked. Additional waste would worsen the situation.
- Mr Cole has not put in a Party Wall agreement and has caused damage to 40 Eleanor Street.

- Mr Cole has taken up the paving slabs and replaced with tarmac. It is poorly laid and there are differences in height, which has resulted in me tripping over and is difficult to drive my buggy over.
- Mr Cole has argued with people parking in two hour zone on Gelli Road and made it difficult for people to pass the site for example with push chairs.
- The garage will affect light to my property. This could affect my children's learning ability and behaviour.
- The steel roller shutter doors will result in noise and disturbance.
- The removal of the existing stone wall would result in structural issues.
- Mr Cole intends leaving the development half-built for a year, which will be an eyesore and will attract unwelcome attention such as drunks and youths.

## **CONSULTATION**

Building Control – advises written consent is required from the next door neighbour if the dwelling is to be constructed without an independent cavity wall. Regard should be given to the design of any cavity wall where the buttressing walls and cavity meet. This should be designed by a competent architect. A party wall agreement would be required by all relevant parties.

Countryside, Landscape and Ecology – there may be bat issues if the original building is still present.

Dwr Cymru/Welsh Water – no objection subject to foul and surface water being drained separately from site and that no surface water /land drainage to be allowed to connect to the public sewerage system.

Flood Defence Management – no objection subject to conditions requiring drainage details.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions requiring the provision of the means of access and footway in accordance with the plans, footway re-installation, use of garages to be only for domestic purposes, details of garage entrance tie in and surface water run-off to the public highway.

Wales & West Utilities – advise they have pipes in the area and that the developer should contact them to discuss their requirements. General conditions for the protection of their apparatus is provided.

## **POLICY CONTEXT**

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

The site is inside the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1** - supports new housing inside the settlement boundaries and allocated sites.

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

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity from pollution, land instability, contamination and/or flooding.

**Policy NSA10** – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

**Policy NSA12** – details criteria for development within and adjacent to settlement boundaries.

### **Supplementary Planning Guidance**

Access, Circulation & Parking

Design and Placemaking

Nature Conservation

### **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.

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

Manual for Streets

## **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 site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. Planning permission (08/0814) has been previously granted for a dwelling on this site, however this has expired. The applicant has commenced construction, however as detailed above the dwelling was not being constructed in accordance with the original permission. Amended plans have been submitted to reflect the alterations.

Taking into account the above assessment, the principle of residential development would be acceptable subject to other material planning considerations which are assessed below.

#### **Impact on the character and appearance of the area**

An objector has pointed to the side gable wall facing Gelli Road being long, featureless and ugly. The size, scale and design of the dwelling would be broadly similar to that previously approved and it also has one window at first floor level. The front elevation on the amended plans is considered does not accurately show how the roof would be formed over the angled side gable. This matter could be overcome by the submission of an amended front elevation. As such there would be

no significant difference between this dwelling and that previously approved. Therefore in these terms the development would have an acceptable impact on the character and appearance of the area.

### **Impact on residential amenity and privacy**

An objector details that the proposed garage would restrict light to the property and that the roller shutter doors would be noisy. The proposed garage is however essentially the same as previously approved. It is to the south west of the affected dwelling and would be relatively low in height, albeit at a raised level to the affected dwelling. Therefore any loss of sunlight would be minimal and it is more likely that the existing topography of the land and surrounding dwellings would have a greater impact on restricting sunlight to the rear of the property particularly late in the evening. The proposed dwelling would be similar in size, scale and design to that previously approved and the alterations from that permission would not have a significantly greater impact on residential amenity. An objector has also pointed to the proposed dwelling lacking windows and would be dark inside. The dwelling would however have similar fenestration to existing dwellings on the terrace and that previously approved on site. Therefore this is not considered an issue that would warrant a refusal reason.

Therefore taking into account the above assessment in these terms the development would have an acceptable impact on the amenity of neighbouring residents.

### **Access and highway safety**

The garage would provide 2no. off street parking spaces, despite the application form detailing there would be no parking. No objection has been raised by the Transportation Section subject to suitable conditions including requiring the garage is kept for parking ancillary to the proposed dwelling.

Some concerns have been raised with regard to the impact of the dwelling on the visibility splay for cars leaving Eleanor Street. Further concern has been raised about encroachment on to the public footway. It is however noted the dwelling is the same dimensions as previously permitted and the impact is therefore the same. In addition the previous permission required a footway of 2m in width, however only 1.7m is provided as would have been the case with the permitted scheme.

Concerns have been raised with regard the finishing of the footway that could result in public health and safety issues. A condition requiring its re-instatement to an acceptable finish is considered necessary.

As such it is considered the application would be acceptable in these terms subject to suitable conditions.

### **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:

### **Building Regulations**

An objector points to issues with regard the developer not conforming to Building Regulations, the impact on existing buttresses, damage to his dwelling and potential undermining. The Council's Structural Engineer has looked at the undermining and does not consider there has been any significant damage. A Buildings Regulation application has also been submitted for the works and the works have been inspected. They do not object subject to a written agreement with the neighbouring property for not having an independent cavity wall. If this is not obtained the developer could amend the application and construct an independent party wall as detailed in the previous permission. In planning terms this would only affect the internal layout and not the external size, scale and design of the dwelling. Further advisory notes are required regarding the design of walls and obtaining party wall agreements.

### **Other objections from public consultation exercise.**

The comments relating to rainwater goods and maintenance are private issues between the two parties and would not be reasons to refuse the planning application on. Issues with regard drainage can be dealt with by condition. No objections have been received from Dwr Cymru/Welsh Water or the Council's Drainage Section.

### **Public Health**

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

### **Impact on Ecology and Trees**

The site previously contained a building which may have had some ecological value; however this has been demolished some time ago. Construction of the new dwelling has commenced and therefore the site would have little ecological value.

### **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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on residential amenity and access and highway safety (Policies AW1, AW2, AW5, AW6, AW8, AW10 and Policy NSA12).

**RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

- Location Plan received on 17<sup>th</sup> July 2015.
- Block Plan Scale 1:500.
- Drg no. 07/03/01A Proposed Dwelling Elevations and Floor Plans received on 21<sup>st</sup> September 2015.
- Drg no. 07/03/02A Proposed Garage Elevations and Floor Plans received on 17<sup>th</sup> July 2015.

and documents received by the Local Planning Authority on 15<sup>th</sup> April 2015, 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.

2. Notwithstanding Drg no. 07/03/01A Proposed Dwelling Elevations and Floor Plans received on 21<sup>st</sup> September 2015 and the Block Plan Scale 1:500 an amended front elevation and block plan shall be submitted within 1 month of the date of permission and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: In the interest of visual amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Within one month of the date of permission a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development

Plan.

4. Within 1 month of the date of permission drainage arrangements shall have been submitted to and approved in writing by the Local Planning Authority.

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

5. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

6. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with submitted plans dated 17/7/2015 and 21/09/2015 and approved by the Local Planning Authority.

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

7. Within 2 months of planning permission being granted, the existing footways adjacent to the site shall be reinstated in full footway construction in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

8. The use of the garages hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Development shall not commence until details of the garage entrance apron and tie in with the rear lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. 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.

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**APPLICATION NO:** 15/1225/10 (GH)  
**APPLICANT:** Miss H Thomas  
**DEVELOPMENT:** First floor rear extension.  
**LOCATION:** 33 GWAWR STREET, ABERAMAN, ABERDARE,  
CF44 6YP  
**DATE REGISTERED:** 09/09/2015  
**ELECTORAL DIVISION:** Aberaman North

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**RECOMMENDATION:** Approve

**REASONS:**

The application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

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**APPLICATION DETAILS**

Full planning permission is sought to erect a first floor extension to the rear of 33 Gwawr Street, Aberaman.

It is proposed that the development would be constructed directly above an existing single storey part-width extension and therefore share the same footprint as the accommodation below. Consequently, the extension would have a depth of 5.4m, as measured from the original rear elevation, and a width of 3.4m.

Within the new section of rear elevation a single casement window would serve the additional bedroom enabled by the works, with a further small bathroom window to the north-east facing side elevation.

A 5.6m high flat roof is proposed, which would tie in with the current eaves height, and have a proprietary fibreglass coating.

The details accompanying the application demonstrate that the extension would be timber-framed and have a rendered external finish similar to the existing. Similarly, fenestration would be of uPVC manufacture.

This application is presented for determination by Committee at the request of one of the local members, Councillor Sheryl Evans.

## **SITE APPRAISAL**

The application property is a semi-detached Victorian house, located towards the eastern limit of Aberaman. Of smart appearance, it has been subject to some modernisation work, which includes a cream rendered finish, white uPVC fenestration a single storey extension with conservatory.

The house occupies a slightly raised position, with a principal elevation facing north-west towards the highway, and benefitting from a short, lawned front garden enclosed by a brick wall. Reflecting the change in level from north-east to south-west, both the house and its neighbours sit upon plots that are staggered in height.

To the rear, the dwelling benefits from an unusually large south-east facing garden, maintaining a continuous width of 7m, but to a maximum depth of 38m.

Neighbouring properties are located immediately to the south-west, 2.6m to the north-east, 15m to the north-west, and 43m to the south-east. Many other properties within Gwawr Street, including the attached house, have been subject to a variety of rear extension developments of single and double storey height.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to two neighbouring properties.

One letter of objection has been received from a neighbour, on the grounds of design, loss of privacy and stability which are considered in greater detail below.

## **CONSULTATION**

### **Countryside:**

No relevant SewBrec Records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

No other consultation responses have been received.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Aberdare.

**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.

### **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 Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 the extension of an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

### **Impact on the character and appearance of the area**

The proposed extension is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

The site of the current and proposed extension at the rear of the house is extremely well screened from either the public realm or any views to the rear, so other than from the neighbouring gardens it could not be seen directly.

However, the objector's letter references the flat roof design and suggests that it would not be aesthetically pleasing. Generally it is agreed that a pitched roof would be a preferable design treatment, although one of the benefits of a flat roof is that, depending on the context, it can minimise the mass of a development and help to reduce its scale.

It was noticeable during the site visit that although the objector's property has a two storey rear extension with pitched roof, the attached house extension has a flat roof. This variation of flat or pitched roofs is replicated down and further along this side of Gwawr Street, which sets a high degree of precedence.

On balance, given the site context, the provision of a flat roof would be of less material concern than it might be in a prominent location, and in other respects, the use of matching render and windows should help to ensure the extension ties in with the current elevations. As such, it is considered that the proposals would not detract from the character or appearance of the area.

### **Impact on residential amenity and privacy**

The proposed development is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

The addition of a new bedroom window within the first floor extension would not introduce a greater or unacceptable degree of overlooking of neighbouring properties, since it would face towards the rear garden. Nonetheless, one of the concerns raised by the objector is that the proposed bathroom window within the side elevation would cause privacy issues, although the window is of small scale.

It is noted that bathroom windows are normally fitted with obscure glazing to maintain the privacy of the occupants as much as anyone else. However, to ensure the objector's concern is satisfactorily addressed, a condition would be appended to any consent, as detailed further below.

With further regard to the roof design and the objector's comments, since that the objector's property is located on a lower plot, the proposed flat roof could be considered to be preferable. The reason for this is that a pitched roof would be higher and would, as a consequence, give the development greater visual prominence. The extra height would also mean that the potential for the objector's property and garden to be overshadowed to a greater degree, particularly during the afternoon.

Similarly, a flat roof would also have a lesser impact on the occupiers of the attached property, where the outlook from an adjacent rear bedroom window would be impinged by the extra height of a pitched roof.

Therefore taking into account any impact on the amenity and privacy of neighbouring residents, the development is considered to be acceptable.

### **Other issues**

Other representation has been made from the objector in respect of whether the existing foundations would be sufficient to support the second storey.

However, the objector was advised that although structural stability or means of construction would not be a material planning concern, the development would require a building regulations application. Any structural design issues would be covered by other legislation and would therefore have to be to the satisfaction of building control officers.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

**Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

**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 approved shall be carried out in accordance with the approved plans entitled 'Proposed 2nd Storey Bed/Bath Extension', and documents received by the Local Planning Authority on 9th September 2015, 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. The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The first floor bathroom window proposed to be installed within the north-east facing side elevation, hereby approved, shall be fitted and maintained with obscure glazing to the industry standard of privacy level 3 or above; unless agreed in writing by the Local Planning Authority

Reason: To ensure the privacy and amenity of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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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**

**19 NOVEMBER 2015**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

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**See Relevant Application File**

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