

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
6 MARCH 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATIONS RECOMMENDED FOR APPROVAL	

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. 13/0959 - Proposed conversion of Public House to 8 No flats with off street parking (Amended Description Received 07/02/14 and Amended Plans Received 30/01/14), The Colliers Arms Public House, Ynyscynon Road, Trealaw, Tonypandy.
2. Application No. 13/1004 - Proposed residential development, new local centre, car parking and access, Bryncae Industrial Estate, Bridgend Road, Llanharan, Pontyclun.
3. Application No. 13/1172 - Change of use from car sales to car wash and car sales retrospectively, Riverside Garage, Cardiff Road, Taffs Well.
4. Application No. 13/1232 - Projected conservatory 4.5 x 3.5 metres (Amended Plans Received 21/1/2014), 8 Brook Terrace, Llanharan, Pontyclun.
5. Application No. 13/1267 - Erection of two dwellings, Site Of Former 7, 8 & 9 Cambrian Terrace, Llwynypia, Tonypandy.
6. Application No. 13/1348 - Erection of a two storey four bedroom house (Amended Plan Received 05/02/14), rear of No's 57 - 63 Hendrecafn Road, Penygraig, Tonypandy.
7. Application No. 14/0069 - Single-storey rear extension to create an enlarged kitchen-diner, 5 The Rise, Cwmdare, Aberdare.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 13/0959/10 (MJ)
APPLICANT: Mrs W Holmes
DEVELOPMENT: Proposed conversion of Public House to 8 No flats with off street parking (Amended Description Received 07/02/14 and Amended Plans Received 30/01/14)
LOCATION: THE COLLIERS ARMS PUBLIC HOUSE, YNYSCYNON ROAD, TREALAW, TONYPANDY, CF40 2LQ
DATE REGISTERED: 23/09/2013
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: Approve

REASONS:

The proposal is considered acceptable in principle.

The proposal if allowed would provide housing provision in a form that is currently under provided for in this locality. The application will also bring this disused building back into beneficial use whilst maintaining its distinctive character in the street scene. The proposal is in keeping with the policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

Full planning permission is sought for the conversion of this former public house to eight flats.

The proposed development will utilise all existing openings on the building. Units 1 to 4 and 6 to 8 will have two bedrooms, whilst unit 5 will have one bedroom. A laundry and drying room, and bin store are proposed in the basement of the building, and there will be a small external area for drying to the rear of the building.

4-off street parking spaces are proposed within the existing yard area to the rear of the existing building.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site is currently occupied by the Colliers Public House which has been closed for a number of years and forms a single block surrounded by public highways to the north, east and west. The main building of the Colliers faces the junction of Treallaw Road and Ynyscynon Road and is a split level building (2-3 storeys) finished in brick and render with a hipped roof finished in slate. At the rear there is a small yard which can be accessed from Treallaw Road by pedestrians. There is no off-street parking available for the pub.

The site is situated on the main street through Treallaw close to a shop. The surrounding area is dominated by two-storey Victorian dwellings, mostly in the form of terraces.

PLANNING HISTORY

No previous relevant planning applications have been made on this site.

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. Five letters have been received in response to the original submission which are summarised as follows:

- Object to the proposal on the basis that it represents overdevelopment of the site.
- Raise concerns regarding the impact of the proposal on highway safety.
- Concerns regarding the impact of the proposal on parking in the area where there are currently problems.
- Concerns that the parking spaces proposed have a sub-standard access with poor visibility.
- Concern that there is insufficient parking facilities for cars to serve the proposed development.
- Concerns that a bus stop would need to be relocated.
- Object to the proposal on the basis that it would result in increased environmental and noise disturbance.
- The site is surrounded by double yellow lines and concerns are raised regarding the impact of the development phase on the surrounding streets with reference to work vehicles parking.

- Concerns that the proposal contains a lack of amenity space for future residents.
- There is no capacity in the area for development at the density proposed.
- The proposal will result in a decrease to the value of neighbouring properties.

CONSULTATION

Transportation Section – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions and informative notes relating to site investigations, hours of construction, dust suppression measures, disposal of waste, etc.

Land Reclamation & Drainage – no objections subject to a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity. The Council's Ecologist has confirmed that in view of the absence of protected species records from the survey, no mitigation measures will be required.

Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) – response awaited at the time of writing the report. Their comments will be reported verbally to Committee.

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

Housing Strategy – no objections as the scheme is for 100% affordable housing.

Education Section – no objections.

South Wales Fire and Rescue – no objections subject to adequate water supplies being made available and access for emergency vehicles.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Trealaw and is unallocated.

Policy CS1 – promotes the building of strong sustainable communities.

Policy CS4 – Housing Requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),

Chapter 8 (Transport),

Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

The application site lies within settlement limits and in a residential area where the principle of residential development is considered acceptable. The key considerations in this case are whether the proposed conversion of the building to 8 flats will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of development

The application site consists of a vacant public house which forms part of the neighbourhood of Trealaw. Under the provisions of the Local Development Plan, the site is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its location on the main road through Trealaw where there is a bus service and local shops.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS1, which seeks to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area and objections raised in relation to overdevelopment; it is considered that the use of the site for residential development will be in keeping with the existing residential character of the area.

The proposed scheme is for a total of 8 one and two bedroom flats, arranged over two floors, with communal facilities for washing and drying in the basement. This is a high density development, which is acceptable on its own merits, although it should be ensured that there is appropriate space for the amenity of occupiers and the provision of suitable facilities. It is considered that the level of facilities proposed are proportionate to the number of units being proposed and it is not considered that the proposed development represents overdevelopment of the site and will not detract from the character of the area.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With regards to the impact on neighbouring residential amenity, concerns have been raised regarding the potential noise impact of the development on neighbouring properties which are in close proximity to the site.

The site is entirely surrounded by existing streets and the local area is considered to be dominated by high-density terraced housing. The proposed building will utilise the existing windows in all elevations of the building, and it is therefore considered that whilst some overlooking may occur between habitable room windows, the development would not lead to unacceptable levels of overlooking between properties. The distance between the properties is considered to be sufficient to ensure that there is no unacceptable loss of privacy and the relationship is reflective of the terraced streets surrounding the site.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however some conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have also been raised, as such a condition to restrict the hours during which construction operations may be undertaken is also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and it is considered that the development would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety and objections raised, the Council's Transportation Section has raised no objections to the application subject to conditions.

In respect of the impact of the development on the highway it is acknowledged that only 4 off-street parking spaces are proposed for the proposed 8 flats. No off-street parking is currently available in conjunction with the use of the site as a public house. The site is close to some neighbourhood amenities and public transportation options which would encourage the use of the facility by pedestrians. It is considered that the site is in a sustainable location and the need for maximum car parking standards would not apply in this case. It is not considered that there is likely to be a material increase in traffic generated by the proposed development and the impact on highway safety is considered acceptable.

The Transportation Section has recommended that the developer enter into a Section 106 agreement to pay the Council a sum of £5,000 to up-grade the existing

bus stops on Trealaw Road and encourage the use of public transport in light of the lower levels of off-street car parking provision provided on the site. The Transportation Section have also noted that to facilitate the 4 off-street car parking spaces served off Trealaw Road the developer will have to re-locate the existing bus stop to an area to be agreed with the Council.

Having regard to the above, the application is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

The developer will also be required to enter into a Section 106 agreement to provide a contribution of £5000 towards improving bus stops along Trealaw Road and Ynyscynon Road.

It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

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 amended/revised plans received by the Local Planning Authority on 30 January 2014.

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

3. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) 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.

4. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. 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.

5. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the car parking spaces increased to 5.0m have been submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

6. 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 and pedestrian safety.

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APPLICATION NO: 13/1004/10 (GD)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: Proposed residential development, new local centre, car parking and access
LOCATION: BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RP
DATE REGISTERED: 16/10/2013
ELECTORAL DIVISION: Brynna

RECOMMENDATION: That subject to conditions and the developer entering into a Section 106 agreement that planning permission be granted.

REASONS:

The proposed development would remove dereliction and deliver much needed social housing and new shopping facilities in an area of high demand.

APPLICATION DETAILS

This is an application for full planning permission for the demolition of the existing buildings on site and their replacement with 33 affordable homes and a new local centre comprising three retail units (2 use class A1 and one use class A3). The proposal will also provide a new access from Bridgend Road to the site and the appropriate levels of car parking.

The housing will comprise:–

- 4no. three bedroom two storey houses.
- 2no. two bedroom two storey houses.
- 1no. three bedroom adapted bungalow.
- 8no. two bedroom bungalows.

Additionally there will be four apartment blocks on the site providing the following accommodation:–

- Apartment block 1 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 2 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 3 – 1no. one bedroom flat & 1no. two bedroom flat
- Apartment block 4 – 2no. two bedroom flats.

The local centre will front on to Bridgend Road and will comprise a single storey convenience store with a floor area of 375 sq m., together with 2 smaller retail units designed to accommodate a small bakery, floor area 111 sq m. and a take away

restaurant floor area 86 sq m. (both units single storey construction). The local centre is served with a separate parking facility with 21 parking spaces (including two disabled bays) and cycle parking provision. The retail units will be serviced from dedicated loading areas which provide appropriate turning facilities for vehicles servicing the intended shops. The parking and servicing area serving the shops will have its own independent access from the proposed site service road.

The residential element of the development will be finished in a combination of Sahara Stone panelling and rendered blockwork throughout with a fibre cement slate to the roofs. The exception will be on the larger apartment units the appearance of which will be supplemented by the use of weatherboards on the central three storey core. Further detail will also be provided by the use of a Staffordshire Blue bricks to form door and window reveals, cills and lintels. The windows for the residential element of the proposal would be in uPVC while the shop units would benefit from the same combination of external wall finishes, larger powder coated aluminium window frames and shallow mono-pitch roofs.

Access to the site will be derived via an improved existing access from Bridgend road forming a fourth arm from the existing mini roundabout from Bridgend Road opposite Ffordd Dol Y Coed. The access road will project 70m. into the site at right angles to Bridgend Road forming a double hammerhead at its northern end and will have a series of private drives off it serving the wider development. The exception to this will be the 4 three bedroom houses which front Duffryn Crescent which will have direct access on to that road. All properties will have off street parking provision which in most cases will be to the side of the building it is intended to serve. The exception to this will be a parking courtyard located centrally on the northern boundary of the site which will serve apartment blocks 1 & 2 and the three bedroom adapted bungalow. Pedestrian access into the site will also follow the routes described above.

The planning application forms, certificates and plans are also accompanied by the following documents –

- Planning and retail statement.
- Transport statement.
- An extended phase 1 habitat survey (ecology report).
- A preliminary site investigation.
- A local flood risk assessment.
- A drainage philosophy statement,
- A demolition method statement, and;
- A noise impact assessment.

SITE APPRAISAL

The application site is formed by the western part of the Bryncae Industrial Estate and an area of open ground with frontage on to Duffryn Crescent. This gives the site

an angular overall shape around a central rectangular core. In total the site comprises some 1.14 hectares of land located to the north of Bridgend Road in the centre of Bryncae which is approximately three quarters of a mile (1.2km) west of the centre of Llanharan. The application site other than the element that fronts on to Duffryn Crescent, comprises industrial land and buildings which appear under used and run down surrounded almost entirely by residential development.

The industrial estate element of the site is relatively flat and sits at a slightly lower level than Bridgend Road. The existing access and circulation roads on the estate indicate that there is a very shallow fall in a northerly direction towards the newer housing on the Barratt's estate to the rear of this site. The part of the site that has frontage on to Duffryn Crescent sits at a higher level than the rest of the application site occupying the crest of a hill before that street falls in a north westerly direction. Access to the main part of the site already exists as does that to the Duffryn Crescent element of the site.

PLANNING HISTORY

The site has an extensive planning history most of which relates to the business operations that have operated from the site over the years. The following applications are considered the most relevant in the consideration of the current application.

07/1925	Bryncae Industrial Estate	Demolition of existing buildings, residential development, new access road & associated works	Approved 21/08/08
06/0174	Land at Duffryn Crescent	Residential development (max 5 houses)	Approved 12/05/06
05/1795	Land at Duffryn Crescent	Residential Development	Refused 19/12/05
04/0246	Bryncae Industrial Estate	44 no. residential semi detached and detached houses, garages, roads drainage and associated works	Approved 20/01/05
03/0407	Land at Duffryn Crescent	20 x 2 person 1 bedroom flats	Withdrawn 14/07/08
95/0328	Bryncae Industrial Estate	Residential Development	Approved 01/08/95
91/0137	Land at Duffryn Crescent	24no. 1 bedroom flats	Refused 25/09/91

90/0635 Land at Duffryn Crescent Residential Development

Approved
01/11/90

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters. To date four letters of objection have been submitted raising the following issues: –

- There is objection in principle to the proposed development.
- There is no mention of the site being developed for retail purposes in the Local Development Plan up to 2021.
- The development of this site could mean that the balance of the site could then come forward for further retail development.
- The boundaries to the adjacent property (The Sycamore Tree) are of concern to the neighbour and they would welcome the opportunity to discuss this with the developer should consent be granted.
- The owners of the adjacent shop have prepared a scheme for the improvement of their own facility and when this is complete there will be no need for further retail development in the area.
- The erection of housing association property to the rear of the private housing estate will leave established residents feeling threatened and vulnerable .
- The proposed development would exacerbate traffic congestion in the area.

CONSULTATION

Transportation Section – raise no objection to the proposed development subject to conditions.

Land Reclamation & Engineering Manager – no objections subject to conditions.

Public Health & Protection – raise no objection subject to conditions.

Education & Children's Services – raise no objection to the proposal and on this occasion indicate that given the nature of the proposed development there is no requirement for Section 106 contributions towards education.

Housing Strategy – this 100% social rented scheme has been designed by Rhondda Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Llanharan. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2012 and this proposal therefore satisfies policy.

Natural Resources Wales – raise no objections to the proposals subject to conditions.

Dwr Cymru/Welsh Water – have belatedly raised objection to the proposed development expressing concern relating to the capacity of existing systems to cope with a new cycle of development.

Western Power Distribution – no response received within the statutory consultation period.

Wales & West Utilities – no response received within the statutory consultation period.

South Wales Fire & Rescue Service – no response received within the statutory consultation period.

Glamorgan Gwent Archaeological Trust – as archaeological advisers to your Members, we have no objection to the positive determination of the application.

Countryside Section – raise no objection to the loss of trees on site and advise that appropriate conditioning will be required in respect of new planting. They also reveal that there are no records of statutory protected species in the immediate vicinity of the site and it is recommended that a bat advisory note be attached to any consent that might be issued.

South Wales Police – have no objection to the proposed development and are happy that the developers have incorporated secured by design principles into their proposals.

POLICY CONTEXT

The Rhondda Cynon Taf Local Development Plan 2006 – 2021

Policy CS2 - promotes sustainable growth in the southern strategy area.

Policy CS4 - defines housing land requirements.

Policy CS5 - requires the provision of affordable housing.

Policy AW1 - defines the housing land supply to be met partly by the development of unallocated land in key settlements.

Policy AW2 - promotes development in sustainable locations.

Policy AW4 - lists community infrastructure and planning obligation contributions which might be sought in relation to new developments.

Policy AW5 - sets a series of criteria around amenity and accessibility that new development is expected to meet.

Policy AW6 - lists design and placemaking criteria that new development should meet where relevant.

Policy AW8 - requires that development should not have an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 - aims to prevent unacceptable harm to health and amenity from, amongst other things noise and contamination.

Policy AW11 - aims to protect existing employment land.

Policy SSA11 - seeks a minimum housing density of 35 dwellings per hectare

Policy SSA12 - requires the provision of 20% affordable housing in respect of proposals for 5 or more dwellings.

Policy SSA13 - sets criteria for housing developments within settlement boundaries.

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 8 (Transport),
Chapter 9 (Housing),
Chapter 10 (Planning for Retail and Town Centres),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning & 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.

In the determination of this particular case, the planning policy position, amenity considerations, environmental considerations, highway considerations and the retail impact of the proposal are considered the key determining factors, and these matters are dealt with in turn below as the main issues impacting on the determination of this case.

Main Issues

The planning policy position

The site is sustainably located within a defined key settlement with a primary school, local shops (existing and proposed – see below), recreation facilities and good access to non car related connections to employment areas and facilities in Talbot Green, Bridgend and Cardiff as well as the employment facilities that Llanharan itself holds. As such the proposal can be considered compliant with the requirements of policies CS2, AW2 and SSA 13. Additionally the fact that the proposed development will also deliver affordable housing supports the requirements and objectives of policies CS4, CS5, AW1 and SSA12. In addition to all of this the proposal provides development at a density that satisfies the threshold set down in policy SSA11 (providing a density of 42 dwellings per hectare); and the fact that the housing to be provided is 100% affordable more than satisfies the requirements of policy SSA12.

As a result of earlier consents for the residential development of the wider site the site had already been included in the five year housing land supply however the 2008 consent that this related to expired in 2013 and last year the supply was in shortfall. A new consent would therefore make a useful contribution to addressing the shortfall in accordance with the requirements of Policy AW1 and wider Welsh Government requirements and obligations.

A further policy consideration is that the redevelopment of this site would lead to the loss of established employment land. However the site has a history of consents for residential development being justified on the basis that the site has a very poor appearance with a piecemeal arrangement of largely vacant units and that other better located new employment opportunities would emerge elsewhere in Llanharan. It remains the case that greater regenerational benefits for the wider community lie in the provision of employment land elsewhere and the removal of this eyesore. As such, it is considered that clause 3 of policy AW11 is relevant in this case as the redevelopment of this unsightly underused or vacant land for the use proposed would have significant regeneration benefits, to the point where in this case it overrides the policy requirement of 12 months marketing also required by the policy. In any event, there is also considerable provision of employment land of a better

quality in the wider area on established employment sites and in new allocations such as that at Mwyndy

Amenity considerations

The redevelopment of what is currently an underused and partially derelict industrial site for residential and retail purposes will inevitably lead to an uplift in the amenity standards of the wider area. Within the site, though the proposal would be developed at a relatively high density, the proposal maintains adequate privacy standards within itself. In terms of its relationship with residential property outside of the site, greater distances are maintained which reflect the norms in the area. Both the residential and retail elements of the proposed development will be completed in a suitable palette of materials that are broadly reflective of the wider locality in terms of their usage. As such it is reasonable to conclude that the scale form and design of the proposed development would have no unacceptable impact on the character and appearance of the site or the surrounding area, or the amenities of neighbouring occupiers. Furthermore, the relatively high density of development also affords a degree of natural surveillance within the site that reduces any opportunity for crime or anti social behaviour.

The layout and positioning of the shops and their associated car parking area are dictated largely by the operational needs of particular end users and this has resulted in an arrangement that to some extent does not relate well to the frontage along Bridgend Road or where these units turn the corner into the development site itself. The principal concern in this regard is that there is no public access to any of the units from Bridgend Road itself as it is located to the rear, leaving a relatively inactive frontage on this principal elevation. However, this particular shortcoming needs to be balanced against the fact that these properties have frontage on to Bridgend Road and the creation of an access on that frontage would in all likelihood encourage indiscriminate parking which the Transportation Section would want to resist. There is also a clear distinction between the residential and retail elements of the proposal in their location and in how they make use of the land, this is a product of their intended use. While greater permeability would be desirable in the retail element of the proposed development, the design standards are acceptable and respect local context and the quality of the proposed built form is adequate.

Environmental considerations that can affect amenity are considered in greater detail below, however, insofar as the issues addressed above are concerned the proposed development is considered acceptable and compliant with the requirements of policies AW5 and AW6.

Environmental considerations

This proposal does not involve the redevelopment of the whole of the industrial estate and a heavy engineering firm (Humphreys) will remain immediately adjacent to the proposed development. This is the kind of awkward relationship that policy at

the local and national level cautions against. However, in support of the application a noise assessment has been provided and the Council's Public Health & Protection Division have not raised noise as an issue in this case. Additionally Members should also note that the engineering firm referred to has equal proximity to established residential development at Witts End and Colliers Avenue and has not been a source of concern to these properties.

The application is also accompanied by a preliminary site investigation report that deals with the contamination issue. The Public Health and Protection Section have considered the content of the report and have concluded that contamination at the site such as it is, does not function as a bar to development and can be dealt with. However a need for further site investigation is identified and should Members be of a mind to support the current application then suitable conditions are recommended to this effect.

The above represent the only concerns in terms of the potential impacts on human health and the environment that arise out of the current application and as such it is clearly demonstrated that the proposal meets the requirements set down in policy AW10 and is considered compliant.

However there is also a requirement to consider the impact of the development itself on the broader environment. To this end the application was originally accompanied by an Extended Phase 1 Habitat Survey which identified a need for further survey works in respect of bats. The survey work was subsequently undertaken and was subject to consultation with the Council's ecologist and Natural Resources Wales and as long as demolition works in particular are undertaken in accordance with the recommendations of the later survey work then the proposals would prove satisfactory. As such the application is considered compliant with Local Development Plan policy AW8, particularly as use by bats was the only issue of ecological importance that the survey work raised.

The proposed development would have no impact of the street trees that lie outside of the development site.

The application is also accompanied by a local flood risk assessment and drainage methodology. With regard to flooding the site lies well outside of any designated flood areas and members should note that Natural Resources Wales have not raised this issue. Turning to the issue of drainage, Dwr Cymru Welsh Water have raised some concerns regarding the capacity of the existing system to cope with the proposed development and have belatedly raised holding objection to the proposal. However, the applicants point out that at present both foul and surface water drainage feed into the existing system and that they intend to remove storm water from the drainage system if the site is redeveloped and there will be further improvement in that not as much of the site will remain impervious on redevelopment. While this matter may present some medium term issues for the developer, it is a matter that can be adequately addressed through the use of a pre

commencement condition requiring a drainage solution to be agreed between Dwr Cymru Welsh Water and the developer.

Highway considerations

On this issue, Members should first note that the proposed development, after a great deal of negotiation between the developer and highway officers will have a safe and suitable access on to Bridgend Road through modifications to the existing arm that feeds into the site from the adjacent mini roundabout. The roads within the development are all designed to adoptable standards other than where the intention is to have properties serviced from private drives. Each residential property will be provided with off street parking space commensurate with its needs either in the form of a private drive adjacent to the property or in communal parking areas. The retail shops will be provided with their own dedicated parking areas away from the residential elements of the proposed development and the larger A1 retail unit will also have its own service bay. In addition to the above, the site is located within the Llanharan/Bryncae area at a point close to a bus stop on Bridgend Road and within reasonable walking distance of the Llanharan Railway Station, and as such it enjoys good accessibility to more sustainable forms of transport and would certainly not be entirely car dependent as a development. There is no evidence whatsoever to suggest that the development of this site would exacerbate traffic congestion in the area as some residents have suggested, indeed the replacement of commercial/industrial development with retail/residential development might well improve the situation

Retail impact considerations

The proposed retail centre comprises two retail units totalling 486 sq m. floorspace and one hot food unit of 86 sq m. the shops would be located over 1km from the retail centre of Llanharan and approximately 800m away from the proposed Parc Llanhilid centre. The Local Development Plan does not recognise the established shops opposite the site as a retail centre. The proposal seeks consent for neighbourhood scale retail provision that would fall well below the threshold for formal retail impact assessment. In this case the small scale A1 and A3 uses proposed are not considered a threat to the existing centre at Llanharan or the proposed Parc Llanhilid proposals given the distances involved and the shops opposite could potentially benefit from the additional attraction of shoppers to this location that the development might bring. Members will note the references made to the lack of any allocation on this site for retailing in the Local Development Plan raised by objectors, however, the lack of a specific allocation does not prevent this type of development should the proposals prove compliant with other policy considerations.

Other matters

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

Firstly the suggestion that allowing retail development on part of this site could lead to further retail development on the balance of the industrial land is misplaced, as should that particular eventuality occur it would be considered on its merits against the policy requirements at that time.

While the boundaries of the site with the adjacent property are clearly of concern to the owner of that property these remain a private issue between respective land owners in this context. In any event the precise details of boundary treatments will be the subject of agreement under conditions should Members support the current proposal.

The fear of feeling threatened or vulnerable as a result of new development taking place is a legitimate planning consideration be it real or perceived. However in this case, no evidence is offered to suggest that this would prove to be the case or that there would be any difference in this factor between the development of private and social housing. As such little or no weight should be given to this concern in this particular instance.

Members should also be aware that the delivery of this proposal, should it gain consent, is dependent upon the retail element of the development cross subsidizing the provision of much needed social housing and the housing cannot be delivered without the retail provision proposed.

Section 106 Contributions/Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further

guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's Strategic Planning Guidance on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

As the development in this instance is for 100% social housing it does not raise a requirement in respect of transport tariff. There is also adequate capacity in local schools to accommodate the limited number of children that this development might generate. There is also a requirement to consider the need for outdoor recreational facilities, however in this instance the applicants are providing an appropriate amount of public open space on site that they will manage and maintain. Given the exemptions to transport tariff and educational contributions and the decision on the part of the applicant to retain and maintain open space on site, there is a need to tie any consent into remaining affordable housing. As such it is recommended that the developer be invited to enter into a Section 106 agreement covering the following heads of terms: –

1. A legal agreement to ensure that the development approved remains affordable housing in perpetuity, and;
2. The developer meeting the Council's reasonable costs in preparing the legal agreement.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the redevelopment of brownfield land within defined settlement limits and would bring a new cycle of development to what is in essence an underused and derelict site. Additionally the proposed development will also deliver new affordable housing of a type that is much in demand in an area of housing need, which planning policy also favours. As such support for the proposal is given.

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 Section 92 of the Town and Country Planning Act 1990.

2. No development shall commence except for works of demolition and site clearance until 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.

3. The A3 use hereby permitted shall not commence retailing until details of the type and location of litter bins to be provided have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with that approval. The litter bins shall be maintained thereafter as approved.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

5. 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 buildings are 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.

6. Before any works start on site, existing and proposed levels (including

relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence except for works of demolition and site clearance until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site.

Reason In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 7) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan

9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Construction works on the development shall not take place other than during the following times:
- (i) Monday to Friday 0800 to 1800 hours
 - (ii) Saturday 0800 to 1300 hours
 - (iii) Nor 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development whatsoever shall take place, other than works of demolition and site clearance, until drainage arrangements 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.

12. No dwelling or retail unit hereby approved shall be occupied until the drainage works have been completed in accordance with the plans and other details to be approved under condition 11 above have been built.

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. 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 (5th Edition) November 2012.

14. 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 (5th Edition) November 2012.

15. 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 (5th Edition) November 2012.

16. No works shall commence on site, other than works of demolition and site clearance, until full engineering design and details of the improvements to the site access off the A473 Bridgend Road as shown on Drawing No. AC01 Rev. A (received on 05/02/2014) that incorporates the provision of extended footways together with uncontrolled pedestrian crossing facilities including the relevant Road Safety Audits and designer's response have been submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and be implemented prior to beneficial occupation of any dwelling or retail units.

Reason: In the interests of highway and pedestrian safety.

17. Notwithstanding the approved plans, infrastructure work, other than works of demolition and site clearance, shall not commence until full engineering design and details of the internal road layout including sections, street lighting, highway structures, turning facilities, footways, link footpaths, and associated works together with surface-water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the

interests of the safety of all highway users.

18. Notwithstanding the submitted plans, the private shared accesses including turning facilities for Roads B, C and D and serving Retail Units 1 – 3 shall be laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the safety of all highway users.

19. No articulated delivery lorries exceeding 10.7m in length shall serve the retail development at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of all highway users.

20. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

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

21. No works whatsoever shall commence on site, except for works of demolition and site clearance, until design calculations duly certified by a professional engineer and constructional details of any retaining wall abutting the highway have been submitted to and approved in writing by the Local Planning Authority. Any retaining wall abutting the highway shall be constructed to the approved details prior to the development being brought into beneficial use.

Reason: For the safety of highway users.

22. No development shall commence except for works of demolition and site clearance, until details providing for the creation of vehicular crossovers along Duffryn Crescent have been submitted to and approved in writing by the Local Planning Authority. The crossovers shall be constructed in accordance with the approved details before the dwelling is brought into use.

Reason. In the interests of highway and pedestrian safety.

23. No HGV deliveries shall take place during the construction period between the hours of 08:30 am to 09:30 am and 15:00 pm to 16:00 pm on weekdays to and from the site.

Reason: In the interests of the safety and free flow of traffic.

24. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
- a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

25. The consent hereby granted relates to the following plans as modified by other conditions of this consent where appropriate: –
- The site location plan drawing no. BBA 576.p.12.
 - The site layout plan drawing no. BBA 576.p.01A received 7-1-2014
 - The Block 1 & 2 elevations drawing no. BBA 576.P.07B received 7-1-2014
 - The Block 1 & 2 plan drawing no. BBA 576.P. 06A received 7-1-2014
 - House type D Drawing No BBA 576.P.05A received 22-11-2013
 - House type B Drawing No. BBA 576.P.03
 - The Block 3 Plans & Elevations BBA 576.P.08A received 22-11-2013
 - The Block 4 Plans & Elevations Drawing no. BBA 576.P. 09
 - House type A Plans & Elevations Drawing no. BBA 576.P.02
 - House type C Plans & Elevations Drawing no. BBA 576.P.04.
 - Retail 1 Plans & Elevations Drawing no. BBA 576.p.10A.
 - Retail Units 2&3 Plans & Elevations Drawing No. BBA 576.P.11A

Reason: For the avoidance of doubt and in order to define the extent of the consent hereby granted.

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APPLICATION NO: 13/1172/10 (EL)
APPLICANT: Plaisted Properties
DEVELOPMENT: Change of use from car sales to car wash and car sales retrospectively.
LOCATION: RIVERSIDE GARAGE, CARDIFF ROAD, TAFFS WELL, CF15 7RF.
DATE REGISTERED: 25/11/2013
ELECTORAL DIVISION: Ffynon Taf

RECOMMENDATION: Approve subject to conditions

REASONS:

The site already benefits from permission to trade as a car sales place; the proposed car wash use and associated structures are considered acceptable in terms of appearance; impact on residential amenity, land drainage and highway safety.

APPLICATION DETAILS

Full planning permission is sought, in retrospect, for the change of use of Riverside Garage, Cardiff Road, Taffs Well from a car sales place to a car wash and car sales place. The application also includes details of the associated structures.

The application site relates to an area of land measuring 300m². At the south eastern extent of the site is a portacabin style building, which provides an office for the business. This measures 6.0 metres in length and 2.4 metres in width with a flat roof extending to a height of 2.4 metres.

At the north western extent of the site is a canopy structure. This cantilevered canopy occupies a footprint of approximately 38m², measuring 7.9 metres in length and 4.8 metres in width and extending to 3.1 metres in height. This canopy provides a covered area for the valeting of vehicles. The central (open) area of the site is used as the car wash area.

The site benefits from three vehicular access points, which provide access onto Cardiff Road. The site boundaries are defined largely by a combination of facing brickwork and railings, with the exception of the north western boundary which is close board fencing.

SITE APPRAISAL

The application site is a parcel of land that is irregular in form, measuring approximately 300m². The site fronts Cardiff Road, which is the main road through the village of Taffs Well. The site was formerly used as a car sales garage, but is now being operated as a car wash. The site is located in an area that has a varied character, with a mix of commercial and residential properties in the vicinity of the site. Vehicular access to the site is gained off Cardiff Road, with the site benefiting from three separate points of access. To the south west the site is bounded by an embankment, which extends down to the River Taff.

PLANNING HISTORY

The most recent and relevant planning history for the site is set out as follows:

11/1218	Riverside Garage, Cardiff Road, Taffs Well, Cardiff	Change of use from car sales to car wash and car sales	Withdrawn 27/09/13
11/0846	Riverside Garage, Cardiff Road, Taffs Well, Cardiff	Change of use/Conversion to Retail(A1); Cafe(A3) & Car Sales	Granted with conditions 21/09/11
11/0558	Riverside Garage, Cardiff Road, Taffs Well, Cardiff	Change of use/conversion to retail (A1); cafe (A3) & car sales.	Refused 17/06/11
08/0296	Indespension Premises, Cardiff Road, Taffs Well, Cardiff	Change of use to cover the sales of second hand motor vehicles and valeting.	Granted with conditions 02/07/08
94/0820	Cardiff Road Taffs Well Cardiff	Removal of condition attached to Application No: 56/87/0541 - "The proposed garage shall be retained for domestic use only."	Refused 09/01/95
93/0320	1 Cardiff Road, Taffs Well, Cardiff	Pool hall for members only	Refused 02/08/93
87/0541	1 Cardiff Road, Taffs Well, Cardiff	Car sales show room and garage for residents at 6 Cardiff Road	Conditions 11/09/87
86/0077	1 Cardiff Road, Taffs Well, Cardiff	Alterations and extension	Conditions 09/04/86
84/1434	1 Cardiff Road, Taffs Well, Cardiff	Car sales business	Conditions 21/12/84

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Two letters of representation have been received, which are summarised as follows:

- Questions are raised with regard to where the run-off from the car wash discharges.
 - It is commented that the site location plan does not illustrate any land edged in blue i.e. other land that is in the applicant's ownership.
 - Reference is made to the fact that the site has been divided and that vehicles now have to reverse out onto Cardiff Road.
 - Questions are raised with regard to the differences between an earlier application (11/0846) and the current submission.
 - Questions are raised with regard to the structures on site, whether they require planning permission or Building Regulations approval.
 - It is commented that the car wash has now been operational for approximately 2 years. Questions are raised as to whether any visual improvements can be sought to improve the appearance of the site. Reference is made to policies AW5 and AW6, which relate to character and appearance.
 - It is commented that the means of access to the site has altered, but this is not referenced on the application forms.
 - Questions are raised with regard to how hours of operation will be controlled, as it is commented that its use impacts upon the operation of their business (the issue of noise is referenced).
 - Questions are raised with regard to the time-frame for the determination of the application.
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- It is commented that since 2011 the site has been used foremost as a carwash, with little evidence of car sales taking place on-site. It is noted however that occasionally vehicles are parked on the highway with sales signs on them.
 - The general appearance of the site is not in keeping a car sales place.
 - It is commented that the size of the site has been reduced over time, as a proportion of the site was fenced off to provide parking for the adjacent building.
 - It is commented that it is a very busy car wash and when there is no room on the site, vehicles are parked on the highway. It is suggested that there is not enough room to operate both uses (car wash & car sales).
 - It is commented that the car wash generates a high level of noise.

CONSULTATION

Transportation Section – no objections raised, subject to a condition.

Land Reclamation and Drainage – no objections raised; consultation with Natural Resources Wales recommended and condition recommended.

Natural Resources Wales – no objections raised. It is commented that the application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). The site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. However, given the scale of the proposed development, it is considered that the risk could be acceptable, subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

Dwr Cymru – no objections raised.

Public Health & Protection – no objections raised.

Community Council – the following points are raised:

- It is commented that the site plan illustrates a limited area for the parking of cars for sale, however in practice no cars are parked on the site, with the area being used for storage of associated car wash equipment.
- It is commented that cars are often parked on the highway, and often on double yellow lines.
- It is commented that if permission is granted then consideration be given to imposing conditions that restrict the use to the confines of the site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits and within the Local and Neighbourhood Centre of Taffs Well.

Policy AW2 - promotes development in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - sets out the criteria for new development in terms of design and place-making.

Policy AW10 - refers to environmental protection and public health.

Policy SSA13 - sets out the criteria for development within settlement boundaries.

Policy SSA16 - sets out the Retail Hierarchy identifying Taffs Well as a Local and Neighbourhood Centre.

Policy SSA17 - sets out the criteria for retail development in the retail centres of principal towns and key settlements.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the 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.

The application site lies within settlement limits and within the Local and Neighbourhood Centre of Taffs Well. The proposal seeks to introduce a new use to the site, that being a car wash and valeting service. In order to facilitate the use, a number of minor adaptations and new structures are proposed, which take account of the current occupier's operational requirements. As such, it is considered that in principle, the proposal is acceptable, subject to assessment of the following criteria;

- The impact of the proposed development upon the character and appearance of the surrounding area
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

Planning History

Before considering the above-mentioned issues, it is first important to outline the planning history of the site. The history for the site suggests that the land has been in use for the sale of cars for a number of years. However, in 2008 a formal application was submitted which sought to change the use of the (application) site and adjacent building for the sales of motor vehicles and associated valeting. Since the approval of this consent the site has been sub-divided with the adjacent building, which would formerly have been used as a showroom, having been brought into use as a retail unit, with an associated area of car parking. The remainder of the land forms the current application site and consists of a surface area of approximately 300m².

Character and Appearance

As the site has been sub-divided, the resulting curtilage does not benefit from any buildings, with the former car showroom now being in use as a retail unit. As a result, in addition to the change of use of the land, the application also relates to the construction of a number of structures on the site. A portacabin style unit has been sited at the south eastern extent of the site; this acts as a small site office. At the opposite, north western extent of the site, a canopy has been erected; this provides a covered area, for the valeting of cars.

As a result of its location, on the main road through the village, the site and structures inevitably form visible features in the streetscene. However, it is not considered that they appear overly prominent. It is acknowledged that the portacabin building has a degree of impermanence, representing an immediate solution to the need to provide an office for the business. However, its visual prominence is partly reduced by the fact that it is a single storey structure and by its siting at the south eastern extent of the plot. In this position, it is partially screened by existing boundary walls, which define and enclose the site. It is acknowledged that at present a wooden frame sits on top of the unit and that this increases its scale and prominence. This frame previously supported a number of advertisements; however these have now been removed, therefore the structure no longer serves any purpose. As such, should Members be minded to approve planning permission, it is suggested that a condition be attached to this permission, which requires the removal of the structure within 1 month of the date of the permission.

With regard to the canopy, this structure is located at the opposite end of the site, adjacent to the north western site boundary and closer to the adjacent building. Again whilst this structure is visible in the streetscene, it is not considered to appear overly prominent; the frame which supports the canopy is relatively light-weight, with the canopy itself being formed by a stretched fabric hood. Overall, it is not considered that the addition of this structure appears overly harmful to the character of the immediate area.

The remainder of the site is retained as a surfaced area, as it would have been when the site was in use solely as a car sales place. Therefore, whilst it is accepted that the structures associated with the use are visible in the streetscene, it is not considered that their scale or appearance significantly detracts from the character of the area, to a point that would warrant refusal of the scheme.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that the site already benefits from three points of access along its site frontage with Cardiff Road; however the accompanying layout plan suggests that under the current arrangements, the central access gates are not in use. The layout plan illustrates that vehicles enter via the southern most access and exit via the northern most access; as such there is no need for vehicles to turn within the site.

The Transportation Section raises no objections to the continued use of these access points for the proposed use. It is noted however, that as the dropped kerbs are not entirely in alignment with the entrance/exit points, a condition is suggested which requires these minor re-profiling works to the footway.

In terms of parking provision, the Transportation Section have indicated that with both the car wash and car sales businesses operating side by side, this would generate a parking requirement of 6 no. spaces (including operational spaces), with there being sufficient space to accommodate 4 no. spaces. Whilst it is acknowledged that this represents a shortfall, it is commented that on-street parking is available in the immediate vicinity of the site.

It is acknowledged that some neighbouring occupiers have expressed some concern with regard to the parking arrangements at the site and the fact that Cardiff Road is often congested. It is accepted that it is common to find vehicles parked on the highway along Cardiff Road; however it cannot be assumed that all of these are connected to the application site. As noted above, the site lies within the local and neighbourhood centre for Taffs Well, as such, there are a variety of commercial uses located in the vicinity of the site. Nevertheless, as a result of the carriageway width of Cardiff Road, it is possible for on-street parking to take place on both sides of the carriageway, without compromising two-way traffic movements.

It is also worthwhile noting that whilst the application has been assessed on the basis that both the car sales and car wash facility could operate in conjunction with one another, at present only the car wash is operational. The applicant has indicated that the reference to car sales has only been included in the description of development to ensure that should the existing tenants (who operate the car wash) vacate the site, then the use could revert back to that of car sales.

Overall, the assessment of the Council's Transportation Section concludes by raising no objections to the application; as such the application is considered to be acceptable in this regard.

Residential amenity

As set out above, as part of the assessment of the planning application, it is necessary to consider the potential impacts of the use upon the levels of amenity that neighbouring residents enjoy. Whilst it is acknowledged that some residential units are located in vicinity of the site, it is also important to note that the site lies within the established local and neighbourhood centre for Taffs Well. As such, many of the properties which are located closest to the site are commercial in character.

It is also important to note that the site has, historically been in use for commercial purposes, having previously been used for car sales, which would have generated traffic movements comparable to that of the current use. It is acknowledged that a resident has expressed some concern with regard to the noise generated by the

activities on site. However, following consultation with the Council's Public Health & Protection Section, no objections have been raised to the application. Nevertheless, it is considered that potential impacts resulting from the operation of the site may be limited by restricting the hours of operation of the business, in-line with day-time trading. This would prevent the facility from operating particularly early the morning or late into the evening, when residents may expect a degree of quiet. In this regard it is also important to note that the site fronts Cardiff Road; this is the main road through the village of Taffs Well and carries a significant volume of traffic. In this regard, it must be noted that the levels of background noise at this location are likely to be higher than those in an entirely residential side street. Nevertheless, it is worthwhile noting, that statutory nuisance legislation exists to deal with matters of serious nuisance, should issues arise in the future. However, this would require investigation by the Council's Public Health and Protection Section and would be subject to a separate process and consideration under separate legislation.

As such, having regard to the above-mentioned issues, it is not considered that the operation of the facility has resulted in such a significant impact that would warrant the refusal of the planning application.

OTHER ISSUES

Drainage

Since the primary use of the site is that of a car wash facility, it is important that consideration also be given to matters of land drainage; as such, consultation has been undertaken with the Council's Land Drainage Section, Dwr Cymru and Natural Resources Wales. As the site is already operational, a scheme for drainage arrangements is already in place. Having assessed the details presented, no objections have been raised by any of the above-mentioned consultees.

Natural Resources Wales identify that the site lies within Zone C1 as defined by the Development Advice Map referred to under TAN 15: Development and Flood Risk. Their response also comments that the Environment Agency Flood Map, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. However, their assessment concludes by stating that, given the scale of the proposed development, it is considered that the risk could be acceptable, subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development. As such, no objections are raised, however, a number of informative notes are recommended.

Having assessed the scheme it is apparent that the surface water generated on site is collected and discharged, via an interceptor, to a Dwr Cymru sewer. Consultation with Dwr Cymru has confirmed this arrangement and has also confirmed that the applicant has in place, the necessary Trade Effluent Consent that is required in connection with the operation of the facility. As such, they raise no objections to the

application. Therefore, on the basis that a scheme to deal with surface water run-off is already in place and has been agreed with Dwr Cymru, the proposal is considered acceptable in land drainage terms.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, upon residential amenity and its potential impact upon highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

1. The use hereby permitted, including hours of working, deliveries and collections, shall not be operated from the site except between the following times:

Mondays to Saturdays	08.00 to 18.00hrs
Sundays and Bank Holidays	09.00 to 17.00hrs

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

2. Within 1 month of the date of this permission the wooden frame structure, mounted upon the portacabin office shall be permanently removed.

Reason: In the interests of visual amenity of the area.

3. Within 1 month of the date of this permission, details of a vehicular footway crossing / full flexible footway, to be provided along the site frontage, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the agreed details, within 2 months of their approval.

Reason: In the interests of highway and pedestrian safety.

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APPLICATION NO:	13/1232/10	(KL)
APPLICANT:	Miss S Jones	
DEVELOPMENT:	Projected conservatory 4.5 x 3.5 metres (Amended Plans Received 21/1/2014)	
LOCATION:	8 BROOK TERRACE, LLANHARAN, PONTYCLUN, CF72 9PT	

DATE REGISTERED: 21/01/2014
ELECTORAL DIVISION: Llanharan

RECOMMENDATION: Approve

REASONS:

Although one objection has been received, the visual impact of the proposed extension and its impact on the amenity and privacy of the neighbouring property is not considered sufficiently harmful to warrant its refusal.

APPLICATION DETAILS

Full planning permission is sought for the construction of a conservatory to the front of 8 Brook Terrace, Llanharan.

The proposed conservatory would be sited on the south-western facing front elevation of the property and would measure 3.5 metres in width by 4.6 metres in depth. Low level walls of red facing brick have already been constructed to form the base of the proposed conservatory measuring a maximum of 1.3 metres in height. It is proposed that a white uPVC glazed structure be positioned above the base which would incorporate a hipped roof design measuring a maximum of 3.7 metres in height from ground level.

SITE APPRAISAL

The application property is a two-storey, semi-detached dwelling located within a residential area of Llanharan. It has a large, enclosed garden to the front which slopes down to a narrow access road at Brook Terrace. To the rear is a smaller garden which is bound by the road at Park Terrace to the north-east. Neighbouring properties are of a comparable scale and design with a number of properties within Brook Terrace already having large conservatories to the front elevations. The adjoining neighbour to the south-east is at a comparable level to the application site and has an existing conservatory projecting approximately 2.55 metres from the front elevation. The neighbouring property to the north-west is at a similar level to the application site and is offset from the common boundary.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupier of no. 7 Brook Terrace and is summarised as follows:

- The base of the proposed conservatory would be constructed from red face common bricks which would stand out very proud compared to no. 7 Brook Terrace. It should have a pebble dash finish to match no. 7.
- A smaller conservatory (measuring 2.55 metres by 3.5 metres) would be more appropriate to coincide with the existing conservatory at no. 7 Brook Terrace.

CONSULTATION

No responses received at the time of writing the report. Any subsequent responses shall be presented orally at Committee.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Llanharan, but is not allocated for any specific purpose.

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 4 (Planning for Sustainability), sets 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 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:

The 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.

Visual Impact

The proposed conservatory would be sited on the south-western facing front elevation of the property and would form a visible feature within the street scene. It would be a prominent addition to the property, measuring 3.5 metres in width by 4.6 metres in depth, however it is not considered to have such an adverse impact on the character and appearance of the existing dwelling or wider area as to warrant the refusal of the application. One letter of objection has been received from the occupier of no. 7 Brook Terrace in relation to the design and scale of the proposed conservatory however there are a number of large additions to the front elevations of properties within the immediate vicinity and as such, it is considered that a precedent has been set for this type of development in the area. The low-level wall of the conservatory would be constructed from red facing brick and whilst this is not ideal, it is not considered to detract from the character and appearance of the wider area to such an extent as to warrant the refusal of the application.

Residential Amenity

Whilst the proposed conservatory is a large addition to the property, it is not considered to have such an adverse impact on neighbouring properties as to warrant the refusal of the application. It would be of a limited height and would be sited on the south-western facing front elevation of the property. As such, it is not considered to have an overbearing or overshadowing impact on either neighbouring property. The conservatory would be predominantly of a glazed construction, however, existing boundary treatments between no. 9 Brook Terrace and the application site would limit the level of overlooking on this property. A condition will be added to the consent to ensure that obscure glazing be utilised within the south-eastern side elevation to reduce the overlooking impact on no. 7 Brook Terrace.

Conclusion

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

RECOMMENDATION: Grant

1. The windows proposed within the south-eastern side elevation shall be glazed with obscure glass, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/1267/10	(LE)
APPLICANT:	Grantcourt Ltd	
DEVELOPMENT:	Erection of two dwellings .	
LOCATION:	SITE OF FORMER 7, 8 & 9 CAMBRIAN TERRACE, LLWYNYPPIA, TONYPANDY.	
DATE REGISTERED:	09/12/2013	
ELECTORAL DIVISION:	Llwynypia	

RECOMMENDATION: Approve

REASONS:

The application represents an appropriate form of residential infill development within the settlement limits; planning permission was also granted at the site for an identical proposal in 2008.

APPLICATION DETAILS

Full planning permission is sought for the erection of two semi-detached dwellings on an infill site at land between no.'s 6 and 10 Cambrian Terrace, Llwynypia. The site was formerly occupied by three dwellings and following their demolition a landscaped area was created at the site by the Council. The site is now owned by a private developer.

The proposed dwellings would be of two-storey design with similar appearance, each measuring 5.1 metres in width by 10.0 metres in depth. Each dwelling would follow

the sloping topography of the street with maximum heights of 7.0 to 7.5 metres from ground level. A full width rear extension is proposed on each dwelling with a gable elevation facing to the rear. The dwellings would be finished in render with concrete roof tiles. The layout of each dwelling would comprise a ground floor living room, kitchen and toilet, with the first floor comprising three bedrooms and a bathroom.

It is detailed 2 no. parking spaces to the side of each dwelling would be created alongside the hard standing areas that exist to the sides of no.6 and no.10 Cambrian Terrace.

The planning application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The application site comprises a vacant, infill site within the built up area of Llwynypia. The site is positioned immediately to the east of the vehicular highway of Cambrian Terrace, in between two existing end of terrace properties. Vehicular hard standings offset the front of the plot from the side elevations of the adjoining dwelling buildings. The broadly rectangular shaped plot covers an area of approximately 510 square metres falling gradually from south to north. The rear of the plot falls sharply toward Glamorgan Terrace that abuts the east of the site. The front of the plot hosts a number of small trees and low level planting although the rear of the site appears overgrown and unmaintained.

PLANNING HISTORY (post 1974)

07/1261	Former 7, 8 & 9 Cambrian Terrace, Llwynypia Tonypandy, Mid Glamorgan	Erection of two semi-detached dwellings	Granted 30/10/08
00/6045	Former 7, 8 & 9 Cambrian Terrace, Llwynypia Tonypandy, Mid Glamorgan	Informal Enquiry for residential development	Permission Required 04/02/00
96/115	Former 7, 8 & 9 Cambrian Terrace, Llwynypia Tonypandy, Mid Glamorgan	New footpaths, paved surfacing, seating, tree planting & shrubs	Granted 30/03/96

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. No objections or representations have been received.

CONSULTATION

Transportation Section - raise no objection subject to conditions.

Land Reclamation and Engineering - raise no objection subject to conditions.

Public Health and Protection - raise no objection subject to conditions.

Natural Resources Wales - raise no objection.

Dwr Cymru Welsh Water - raise no objection subject to conditions.

Countryside Landscape, Ecology - raise no objection with no relevant Sewbrec Records of Statutory Protected Species from immediate vicinity.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and is unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

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.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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

Policy NSA10 - sets housing density requirements for the Northern Strategy Area

Policy NSA12 - supports housing development within and adjacent to settlement boundaries.

Planning Policy Wales

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's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9

(Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the 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 development

Permission is sought for the erection of a pair of semi-detached properties within the existing built up area of Llwynypia. The application site is situated in between existing residential properties on an 'in-fill plot' that is situated within the settlement boundary. Furthermore, the planning history of the site reveals planning permission was previously granted for the erection of two dwellings at the site in 2008 (the previously approved scheme being identical in nature to the proposal currently under consideration). The principle of the development is therefore established on the site and in accordance with the provisions of the local development plan that aims to focus new development within defined settlement boundaries.

Impact on the character and appearance of the area

With regard to the character and appearance of the area, the application site comprises a gap in the street scene of terraced properties. The proposal is to erect a pair of semi-detached dwellings to visually integrate with the surrounding dwellings. Each dwelling would be street fronted, directly abutting the pedestrian pavement fronting the site and thereby respect the existing pattern of development in the area. The design and general scale of each dwelling reflects the existing appearance and finishes of dwellings within the street scene. The external materials of the front elevation would also comprise render to match neighbouring buildings. Inevitably the new dwellings would result in the loss of the existing vacant, relatively green space at the site although the site has a neglected and unmaintained appearance and currently offers limited opportunities for use as a formal recreation space especially given the site is within private ownership. The proposed rear annexes to the main dwellings, although relatively large are also viewed as acceptable and typical of the design and appearance of rear extensions that can be found throughout the wider locality. When further considering the proposal is identical to a scheme that was approved planning permission in 2008, it is considered the development would not have an adverse impact on the character or appearance of the surrounding locality.

Impact on residential amenity and privacy

The dwellings, in the main, would be erected between the blank gable ends of two existing terraced properties and offset from the neighbouring buildings by existing and proposed vehicular hard standings. The proposed buildings would therefore be sited over six metres from the flanking properties (no.s 6 & 10). Whilst some concerns are raised with regard to the scale of the rear extensions, they are unlikely to give rise to any adverse level of overshadowing or overbearing that would warrant a recommendation to refuse the scheme. The windows being proposed within the side elevations of the dwellings serve non-habitable rooms (toilet and hallway), although a recommended condition should Members be minded to grant consent, would ensure the windows are obscured in nature to further prevent any direct overlooking of the adjacent properties (as conditioned when planning permission was granted in 2008 for the development). Properties to the rear of the site would also have an offset from the new dwelling buildings by a distance of 21 metres. Furthermore, no objections have been raised against the planning application following the neighbour consultation process and it is noted the site was historically occupied by three terraced properties. Overall, it is considered the proposed development would not result in a significant detrimental impact to the residential amenity and privacy of surrounding residential properties.

Access and highway safety

The proposal would create an access to each property from the highway fronting the site with parking areas for two vehicles (per dwelling) being created alongside each building. The Council's Transportation Section has considered the proposal and has raised no objection. It is commented that the means of vehicle and pedestrian access, and parking provision is satisfactory for the development.

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:

Public Health

Following consultation with the Council's Public Health and Protection Division no adverse comments have been raised against the scheme.

Drainage

Comments of the relevant drainage bodies raise no objection against the proposal subject to the imposition of standard drainage conditions to ensure the satisfactory drainage of the development.

CONCLUSION

The application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan, representing an appropriate form of infill development within an existing built up area. Approval of the planning application is therefore 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. Building operations shall not be commenced until samples/brochure details of the external finishes 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 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.

3. 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.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, 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.

5. Notwithstanding the submitted details, no development shall take place, until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme for boundary treatments for the development. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby 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.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The dwellings shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of development details of the existing and proposed profiles of the land to the rear of the site shall be submitted to and approved by the Local Planning Authority. 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 policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out and constructed in accordance with the submitted site layout plan (submitted plan no. 3 of 3). The area shall not thereafter be used for any other purpose other than the parking of vehicles.

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

10. Prior to the development being brought into use, 2 no. vehicular footway crossings shall be provided in block paving to match the existing 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 and pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the commencement of development, details of traffic management 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The street lamp column and bollard affected by the proposed parking area's shall be relocated in a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

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

13. HGV's used as part of the development (during the construction phase) shall be restricted to 09:30am to 16:00pm weekdays, with no deliveries on Weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The dwellings 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.

15. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings 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.

16. Prior to the occupation of the dwellings 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.

17. 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/1348/10	(LE)
APPLICANT:	Mr G Hughes	
DEVELOPMENT:	Erection of a two storey four bedroom house (Amended Plan Received 05/02/14)	
LOCATION:	REAR OF NO'S 57 - 63 HENDRECAFN ROAD, PENYGRAIG, TONYPANDY. CF40 1LW	
DATE REGISTERED:	10/01/2014	
ELECTORAL DIVISION:	Penygraig	

RECOMMENDATION: Approve

REASONS:

The application is considered to represent an appropriate form of residential development within the settlement limits of Penygraig. Issues raised in the two letters of objection received relating to traffic and access are not sufficiently harmful to justify a reason for refusal.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached, four- bedroom dwelling on a plot of vacant land sited to the rear of no's. 57 - 63 Hendrecafn Road, Penygraig.

The principal front elevation of the dwelling would be orientated at a right angle away from the rear elevations of properties along Hendrecafn Road and face toward the rear of the recently erected detached dwelling to the southeast of the site. The dwelling would have a traditional two-storey design. The front elevation would incorporate two bay-style windows and porch canopy that would extend the near full width of the front elevation. A double, garage with a pitched roof would be erected adjacent to the southwestern side of the main building with a single storey annexe also being proposed to the rear of the main building. The main dwelling would have a depth of 10.2 metres and 13.3 metres width. The attached garage would measure 6.3 metres in width with 6.6 metres depth. The single storey rear extension would measure 4.0 metres by 4.0 metres with a pitched roof design extending to a maximum height of 3.5 metres. The main dwelling would extend to a maximum height of 8.9 metres from ground level. The dwelling would be finished with stone elevations (bradstone reconstructed) and slate tiled roof.

The proposed dwelling would accommodate 4 bedrooms, en-suite, small study and a bathroom at first floor level. At ground floor level living rooms, hallway, kitchen/dining area, utility room and sun room would be created. The side garage would accommodate two vehicles. It is indicated vehicular parking and turning space would be created to the front of the proposed garage. A landscaped area would also be created to the front of the building and an enclosed garden area would be created to the rear of the site. It is detailed access would be gained off Blaenlau Street to the southeast via the tarmac access lane that was upgraded (in part) as part of the neighbouring development. The access would be upgraded alongside the boundaries of the new development, with a pedestrian footway and the widening of the access lane being proposed.

The planning application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The application site is positioned toward the rear of Hendrecafn Road, Penygraig. It consists of a vacant irregular shaped parcel of land measuring approximately 800 square metres. The site has previously been cleared and excavated with small earth mounds evident across the site and areas of unmaintained planting (historically the site and land to the southeast was occupied by a large building that operated for light engineering purposes). Immediately to the southeast of the plot is a modern, relatively large detached property (erected under planning ref no 10/0342). The rear elevation of this property faces toward the application site with a boundary wall separating the sites. To the northeast of the application site beyond the narrow access lane are the rear gardens of properties along Hendrecafn Road. Several properties along Hendrecafn Road benefit from detached rear garages that define the rear boundaries of these terraced properties. There is a small area of vacant land toward the northwest of the site that is also owned by the applicant. The A4119 Tonypany by-pass road is located further toward the southwest of the site.

PLANNING HISTORY (most relevant)

12/0048	Land at rear of Hendrecafn Road and Blaenlau Street, Penygraig	Variation of condition 8 of reference 10/0342 to: Reposition the access into the site 5m to the east (towards Blaenlau Street). Replace the 2.0m wide pavement across the site frontage with a 1.5m wide pavement. Narrow the access between the front of the site and the rear boundaries of properties in Blaenlau Street from 4.5m to 4.1m.	Refused 25/07/12
10/0342	Land at rear of Hendrecafn Road and Blaenlau Street, Penygraig	Proposed erection of a 4 bedroom detached house and garage	Granted 20/09/10
09/0011	Land rear of Hendrecafn Road/Blaenlau Street, Penygraig, Tonypany	New dwelling (outline application) (revised plans received 27/02/09).	Refused 21/04/09 Appeal Allowed 10/11/09
07/2115	Land rear of Hendrecafn Road, Penygraig	Residential dwellings (outline)	Refused 07/04/08

07/0366	Land rear of Hendrecafn Road, Penygraig	Private residential dwellings. (Revised description)	Refused 18/07/07
04/2011	Land to rear of Hendrecafn Road, Penygraig.	Residential housing. (Outline).	Granted 04/03/05
01/6230	Blanstam Engineering, R/O Hendrecafn Road, Penygraig Tonypandy, Rhondda	Change of use from light engineering to builder's merchants	Refused 24/09/11

PUBLICITY

The planning application has been advertised by means of direct neighbour notification and site notice. At the time of writing the report, two letters of objection have been received against the planning application that raise traffic and access concerns (representation received from the occupiers of no. 73 Hendrecafn Road and the owners of the corn merchants sited at the end of Hendrecafn Road). The concerns are summarised as follows:

- Concerns are not raised against the building itself just the means of access.
- When the new dwelling was built to the rear of Hendrecafn Road (adjacent to the application site) access was only proposed off Blaenlau Street, although there has been constant use of the access via the end of Hendrecafn Road to the site.
- Delivery vehicles struggle to access the site via Hendrecafn Road.
- Pedestrian access to the nearby footbridge is compromised by vehicles accessing the site from Hendrecafn Road, a bridge that is regularly used by school children.
- Regard should be given to the increased levels of traffic the development would generate.
- Increased levels of delivery vehicles and builders vans/machinery have been witnessed recently which has had a detrimental impact on the access road fronting the corn merchants.
- If access to the site is restricted through the siting of bollards for example at the end of Hendrecafn Road/within the lane, the objections would be withdrawn.
- Any approved consent should have traffic restrictions that must be adhered to.

CONSULTATION

Transportation Section - raise no objections, subject to the imposition of conditions to ensure satisfactory parking and turning facilities are retained within the site and the proposed lane widening and pedestrian footway are appropriately implemented. Conditions are also suggested in relation to restricting delivery vehicle times and ensuring traffic management/wheel washing facilities are provided. (An advisory note is also recommended to advise the developer of the requirements of the Highways Act when undertaking the proposed works to the highway).

Countryside Landscape, Ecology - raise no objections, with no records of statutory protected species from immediate vicinity according to SewBrec data.

Land Reclamation and Engineering - raise no objections, subject to conditions in relation to the detailed drainage of the development.

Welsh Water - raise no objections, subject to conditions in relation to the detailed drainage of the development.

Public Health and Protection - raise no objections, subject to the imposition of a standard condition limiting the hours of operation during construction. (A condition is suggested to introduce measures into the design of the dwelling to safeguard against noise emanating from the nearby A4119, although given the proximity of other properties to the by-pass road, with no such condition being applied to the approved consent for the adjacent new build property, such a condition is not considered reasonable in this instance).

Wales & West utilities - raise no objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and is unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

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

Policy AW5 - specifies criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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

Policy NSA10 - sets housing density requirements for the Northern Strategy Area.

Policy NSA12 - supports housing development within and adjacent to settlement boundaries.

Planning Policy Wales

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's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the 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 development

Permission is sought for the erection of a detached property within the existing built up area of Penygraig. The application site is situated within the settlement boundary and it is also acknowledged planning permission has previously been granted to develop a similar dwelling directly adjacent to the application site (the dwelling is now erected). The principle of the development is therefore in accordance with the provisions of the local development plan and supported in this instance.

Impact on the character and appearance of the area

In terms of the impact of the scheme on the existing character and appearance of the locality, whilst some concerns exist in regard to the scale of the dwelling, the scheme is considered acceptable in this regard. The wider area is characterised by traditional terraced properties, although immediately adjoining the site is a recently erected modern detached property of comparable scale, layout and appearance to the scheme now under consideration. The dwelling would also be developed upon a large plot that would accommodate appropriate levels of off-street parking provision and garden space. Furthermore, the existing plot also has limited visual or amenity value and was previously occupied by a large industrial/commercial unit that was in a poor state of repair and at odds with the predominantly residential nature of the

locality. The scale, design and location of the garage and means of enclosure are also considered to be visually acceptable. On balance, it is therefore considered that the positioning of a dwelling of the design and appearance proposed would not have such a harmful visual impact on the existing character and appearance of the locality to warrant refusal of the planning application.

Impact on residential amenity and privacy

With regards to the impact on neighbouring residential amenity, due to the topography of the area, the proposed dwelling would be sited in a raised position to the rear of properties in Hendrecafn Road and marginally higher than the new dwelling erected to the southeast. The front elevation of the proposed dwelling would be located a distance of approximately 27 metres from the main rear elevation of the detached new build property with a boundary wall defining the site boundaries. A relatively large front garden would be created to the front of the new dwelling and given the siting of the proposal to the northwest of the adjacent property it is unlikely to have any adverse overshadowing or overbearing impact.

In relation to properties along Hendrecafn Road, the side gable end of the proposed dwelling would be positioned in excess of 21 metres from the rear elevations of the existing terraced properties. These properties are sited at a lower level than the application site and benefit from linear gardens, many of which host detached garage outbuildings and high boundary walls that provide a screening buffer from the application site. No habitable room windows would be positioned within the side elevation of the proposed dwelling with only an obscured bathroom and toilet window being proposed in the side elevation facing toward Hendrecafn Road.

The dwelling would be acceptable in terms of its impact on properties in Wyndham Street that are located above the site and separated by the Tonypandy by-pass road (A4119). It is also considered the increased traffic and pedestrian movements associated with the use of the new dwelling is unlikely to cause any significant disruption or general disturbance to the end of terrace property sited alongside the primary means of access to the site (no. 13 Blaenlau Street). When further considering the brownfield nature of the site and likely levels of activity previously associated with the use of the site for commercial/industrial purposes, a residential use is more compatible with the general residential nature of the locality.

In summary, given the existing site context and proposed relationship of the new development to the nearest neighbouring properties, it is considered the scheme would not have an unneighbourly or unduly harmful impact on levels of residential amenity currently enjoyed within the locality.

Access and highway safety

As detailed earlier, representations received against the planning application raise a number of access concerns, including concerns in relation to construction traffic

associated with such a proposal. However, following consultation with the Councils Transportation Section no objections have been raised against the scheme. It is detailed the proposal would be accessed of an adopted lane that varies in width between 3.0 and 4.8 metres. The proposal provides for an access lane widened to 4.8 metres and the creation of a 2.0 metres wide footway (abutting the length of the site), improvements that were also undertaken when the adjacent new dwelling was recently erected. The new dwelling would slightly increase vehicular and pedestrian movements along a narrow section of the lane off Blaenlau Street, but not to such a significant degree that would warrant a highway objection. It is also acknowledged that there is a pedestrian footway bridge positioned toward the northwest of the site that links to the nearby school site. There are no continuous pedestrian links to the bridge along the rear lane which means pedestrians share the same surface as moving motor vehicles. Given that this situation already occurs and the increase in vehicular movements generated by the proposed dwelling would be minimal with slow moving speeds, such a concern does not warrant a highway objection against the scheme.

General concerns raised in relation to the disruption and damage that is likely to arise from vehicular movements to the site, including construction traffic, are also acknowledged although not considered a reason to warrant the refusal of the planning application. Inevitably, like most development projects a degree of disturbance to residents and users of the neighbouring streets (be it along Hendrecafn Road or Blaenlau Street) is likely during the construction phase of the development, although this is normally only of a temporary nature. Controlling the hours of operation during the construction phase of the development and limiting the delivery times of HGV's would help safeguard levels of residential amenity enjoyed within the area. Restricting or limiting the wider means of access to the site is not considered reasonable or necessary for a proposal of the nature and scale proposed.

Overall, the erection of an additional dwelling on this previously developed site is considered acceptable in access and highway safety terms.

Other Issues

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

Drainage

The Councils Land Reclamation and Engineering Section, and Welsh Water have raised no objection against the scheme subject to appropriate conditions.

Ecology

The Council's Ecologist has raised no adverse comments against the scheme with no records of statutory protected species from immediate vicinity according to SewBrec data.

CONCLUSION

The application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The development of a single dwelling on the site would pose no unacceptable harm to the existing character and appearance of the area or the residential amenity of those living closest to the site. The development is also considered satisfactory in terms of highway safety.

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. Building operations shall not be commenced until samples/brochure details of the type and colour of stone, windows, doors and roof slates 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 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.

3. 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.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, 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.

5. No development shall take place, until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme for boundary treatments for the development. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby 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.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted site plan (received 05/02/2014) and retained as such thereafter.

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

9. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the proposed footway and lane widening as indicated on the submitted layout drawings, including sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the

interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. HGV deliveries during construction shall be restricted to 09:30am to 15:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

11. 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: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to the commencement of development, details of traffic management 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.

13. The 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.

14. Unless otherwise agreed in writing by the Local Planning Authority, construction of the 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.

15. Prior to the occupation of the 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.

16. 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	14/0069/09	(JB)
APPLICANT:	Mr & Mrs G Crimmings	
DEVELOPMENT:	Single-storey rear extension to create an enlarged kitchen-diner.	
LOCATION:	5 THE RISE, CWMDARE, ABERDARE, CF44 8BJ	
DATE REGISTERED:	20/01/2014	
ELECTORAL DIVISION:	Aberdare West/Llwydcoed	

RECOMMENDATION: Approve

REASONS:

The proposal meets all the criteria set out in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required for the proposed extension. A Certificate of Lawfulness can therefore be issued.

APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD'), which seeks to establish whether a proposed single storey rear extension at 5 The Rise, Cwmdare, Aberdare, CF44 8BJ would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

The proposed development will incorporate a single storey rear extension to the South of the site which will measure 5.80m in width and 2.25m in depth. The extension will incorporate a gable roof design measuring 2.10m to the eaves with a maximum height of 3.20m.

The proposed extension will be red brick built and finished to match the existing "Dwelling", will include matching grey concrete roof tiles and white UPVC double glazed windows and doors again, to match the design of the existing dwelling.

The single storey rear extension will provide additional space for an extended kitchen/dining area.

This application is brought before Development Control Committee as the applicant is a relative of a Local Member.

SITE APPRAISAL

The application site is a detached property situated within a residential area of Cwmdare, Aberdare. The property is set back approximately 5.00m from the highway to the North by a small front garden. There is a large enclosed garden to the rear of the property which is bound on all sides by a 1.80m high wooden fence. The nearest property to the South is situated at a lower level, 22.00m from the rear elevation of the existing property. Neighbouring properties visible within the immediate vicinity are of similar scale and design. There are no relevant constraints to consider as the property is not located on article 1(5) land (Conservation Area).

PLANNING HISTORY

No previous planning applications have been received in the last 10 years.

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

CONSULTATION

None necessary for this kind of application.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no Local Development Plan policies that need to be taken into account.

National Guidance

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the Local Planning Authority are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

REASONS FOR REACHING THE RECOMMENDATION

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the proposed extension to the rear of the property, as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

With relevance to this case, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 states that the following development is permitted:

‘The enlargement, improvement or other alteration of a dwelling house.’

Class A then goes on to list the various criteria to be met by development in order to constitute permitted development. This proposal for a single storey rear extension at 5 The Rise, Cwmdare, Aberdare, CF44 8BJ meets all of the relevant criteria set out in Class A. Consequently, the proposed works are permitted development and planning permission is not required.

Conclusion

The proposal meets all of the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required. A Certificate of Lawfulness can therefore be issued for this proposal.

RECOMMENDATION: Grant

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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

6 MARCH 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File