

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
17 APRIL 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No.5</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No. 12/1167 - Residential development, land adjacent to Cwm Nant Yr Hwch, Penywaun, Aberdare.
2. Application No. 13/1337 - 10 no. 1 bedroom flats, 1 no. 4 bedroom house, 1 no. 2 bedroom bungalow and new access onto Cardiff Road into a mews court, former Aberdare School, Cardiff Road, Aberaman, Aberdare.
3. Application No. 14/0073 - Retention of log building, pheasant enclosure and boundary fence (Amended description 24/03/14), 1 Heol Coroniad, Tynant, Beddau, Pontypridd.
4. Application No. 14/0083 - Two storey rear extension, 50 William Street, Cilfynydd, Pontypridd.
5. Application No. 14/0095 - Extension to front, to create larger kitchen to existing property (Re-submission of 13/1210) (Amended Plans Received 11/02/2014 and 24/02/14), 71 Windsor Drive, Miskin, Pontyclun.
6. Application No. 14/0127 - Change of use from A1 retail to D1 use for a chiropractic clinic (retrospective), rear ground floor Office, 15 Llantrisant Road, Pontyclun.
7. Application No. 14/0152 - Conversion of former music shop to ground floor shop with self contained flats over, 6 Church Road, Ton Pentre,

Pentre.

8. Application No. 14/0163 - Detached single garage, rear of Lloyd Street Gelli, Pentre.
9. Application No. 14/0214 - Alterations to and subdivision of existing Class A1 retail unit to provide up to five Class A1, A3 and mixed A1/A3 units, car park alterations and ancillary works, Comet Plc, Talbot Green Retail Park, Talbot Green, Pontyclun..

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 12/1167/13 (MJ)  
**APPLICANT:** Mr J Evans  
**DEVELOPMENT:** Residential development.  
**LOCATION:** LAND ADJACENT TO CWM NANT YR HWCH,  
PENYWAUN, ABERDARE  
**DATE REGISTERED:** 13/12/2012  
**ELECTORAL DIVISION:** Penywaun

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement.

### REASON:

The proposed development is considered acceptable in principle. The proposal if allowed would provide housing on this vacant area of land in the Northern Strategy Area where there is a need for private and social housing development.

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### APPLICATION DETAILS

Planning permission is sought in outline for residential development on an area of vacant land opposite no's 9 and 10 Cwm Nant yr Hwch.

The application is made in outline with all matters reserved for future consideration. In accordance with the requirements of the General Permitted Development (Amendment) Order (SI 20089 No. 2336 (W.199)) information regarding the access point, maximum and minimum footprint and height measurements of the proposed development have also been received as part of the Design and Access statement, as well as indicative plans of house types which vary between detached, semi-detached and terraced houses. These range from:

Width: 4.5m (min) to 9.3m (max)  
Depth: 8.3m (min) to 9.2m (max)  
Height: 7.5m (min) to 8.1m (max)

Access to the site will be directly off Cwm Nant yr Hwch, opposite the side garden of no.10 Cwm Nant yr Hwch. An indicative plan shows an access road with the dwellings fronting an internal access road. The indicative layout plan, demonstrates a development of 40 dwellings, however the number of units proposed is not being considered at this stage.

The application is accompanied by the following:

- Design and Access Statement;
- Ecological Assessment (October 2010) prepared by Barry Stewart & Associates Ecological Consultants;
- Ecological Assessment – Supplement (May 2013) prepared by Barry Stewart & Associates Ecological Consultants.

## **SITE APPRAISAL**

The irregular shaped application site is situated at the western end of Penywaun, between the existing playground and fields and the A4059 to the east. The site is located in the Northern Strategy Area in the small settlement of Penywaun and the majority of the site falls within the defined settlement boundary.

The proposal site contains vacant scrubland with a border of trees to the south, east and west. The site rises gradually from the north eastern corner to the south western corner, and the boundary to the south and west rises away from the site steeply.

The street known as Cwm Nant yr Hwch follows the northern boundary of the site, and there are two residential properties located to the north fronting the site. There is also a culvert running along the eastern boundary of the site.

## **PLANNING HISTORY**

The following application comprises the application site's planning history:

09/0900	Field Opposite Cwm-Nant-Yr-Hwch, Penywaun	Proposed engineering works to level a shale spoil tip.	Granted with Conditions 18/12/09
06/0597	Land adjacent to nos. 9 & 10 Cwmnant Yr Hwch, Heol Caradoc, Penywaun, Hirwaun.	Residential Development (Outline)	Refused 12/05/06  Appeal: Dismissed 11/12/06

## **CONSULTATIONS**

Education Section – no objections to the proposal and no S106 requirements as there is sufficient capacity in both the primary and secondary schools in the area.

Transportation Section – no objections subject to conditions and the provision of the Transport Tariff.

Parks Section - no objections subject to contribution to off-site provision to upgrade existing play areas in the area. The contribution requested equates to £73,975.

Land Reclamation and Engineering - no objections subject to conditions.

Public Health and Protection Section - no objections subject to conditions.

Housing Section – no objections subject to 10% affordable housing provision.

Countryside, Landscape and Ecology – no objections subject to conditions.

Natural Resources Wales – no objections.

Welsh Water – no objections subject to standard advice and conditions.

Wales and West Utilities – no objections subject to standard advice that their apparatus may be at risk during the course of the development. They advise that the developer should contact them directly.

## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and site notices. One letter has been received which is summarised as follows:

- Comments received that the road leading to the existing properties should not be blocked up during the course of development.

## **POLICY CONTEXT**

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

### Rhondda Cynon Taf Local Development Plan

The application site is identified as inside the residential settlement boundary of Penywaun and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW1** - sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.3 refers directly to the development of unallocated land within the defined residential settlement boundaries of principal towns, key settlements and smaller settlements.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW4** – refers to Community Infrastructure & Planning Obligations. It states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms.

**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 5 (Conserving and Improving Natural Heritage and the Coast),  
Chapter 8 (Transport),  
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 22: Sustainable Buildings;  
Manual for Streets

### **PLANNING CONSIDERATIONS**

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 site is unallocated and within the settlement boundaries of Penywaun apart from a small section of land at the end of Cwm Nant yr Hwch where a culvert is located. From inspection of the site and surroundings, the key issues are the effects of the proposal upon the character and appearance of the area, the effects on the amenity of neighbours, upon highway safety and the ecological impact of the proposed development.

## Character and Appearance of the Area

The site is located in a predominantly residential area where the principle of development is considered acceptable subject to certain criteria. In terms of the effect of the proposal on the character and appearance of the area, it is considered that the scale of the site is appropriate to accommodate dwellings of a scale, which reflects that established in the area as shown on the indicative plan.

It is considered that the site is able to accommodate 40 dwellings within the dimensions specified, in a manner which would have an acceptable impact on the character and appearance of the surrounding area. The size of the site would allow a degree of flexibility in the development of the site in terms of layout and the number of dwellings proposed. Should the site be developed for 40 dwellings, as indicated, the density of development would be 37.7dph which would be in keeping with the requirements of policy NSA10 of the Rhondda Cynon Taf Local Development Plan.

The southern boundary of the site is heavily vegetated and forms an attractive boundary between the site and Heol Keir Hardy at the higher level. It is considered that the site is capable of being developed in such a manner which protects the character and setting along this boundary. Conditions for the protection of this boundary are suggested below.

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

Due to the location of the site, at a lower level than the properties of Heol Keir Hardy, it is not considered that the development of the site for residential purposes would have a detrimental impact on the residential amenity of these properties.

It is considered that the site could be developed without having a detrimental impact on the privacy of neighbouring properties nearest the site along Cwm Nant yr Hwch and Heol Caradoc as there is sufficient space to ensure that there will be a satisfactory distance between habitable room windows.

The increase in traffic in the estate as a result of the additional residential units is acknowledged, however, it is not considered that this would result in an unacceptable impact on the residential amenity of existing residential properties as a result of any disturbance.

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

## Highway Safety

With regard to the impact of the proposal on highway safety and comments raised in this respect, the proposal is considered to allow for satisfactory vehicular access to the proposed dwellings. The Council's Transportation Section has raised no objection to the proposal, subject to several recommended conditions of consent.

The indicative site plan shows an access road leading to the internal road layout of 5.5m, with 2.0m footways and two turning heads which is satisfactory. The developer has provided a pedestrian footway link to Heol Keir Hardie and the A4059 beyond to encourage a sustainable mode of transport and desire line to bus stops which is satisfactory. The developer has proposed to improve the access Heol Caradoc by widening the road width to form lay-by parking for the residents of Heol Caradoc whilst maintaining safe two-way traffic movements which is considered acceptable.

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

## Ecology

The proposal has been accompanied with an Ecological Assessment which has been reviewed by the Council's Ecologist and Natural Resources Wales. The Ecological Assessment takes into account the designation of land adjoining the site within the Tir Mawr a Dderi Hir Site of Special Scientific Interest (SSSI) and concludes that the proposal is unlikely to have an impact on the SSSI. Natural Resources Wales and the Council's Ecologist have therefore raised no objections to the proposal subject to conditions requiring protection measures for vegetation and wildlife during the construction phase.

## Other Matters

With regard to comments made regarding the access to the existing properties along Cwm Nant yr Hwch, it is the developer's responsibility to maintain access to existing properties at all times.

## Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with 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.



## PLANNING OBLIGATIONS

Since 6 April 2010 planning obligations have been required to 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

It is suggested that the financial contributions requested would potentially enhance the quality of the development and offset any potential detrimental impact upon local facilities and the environment. The terms of the agreement are set out under the Heads of terms detailed below:

- The developer will be required to enter into a Section 106 agreement to ensure 10% affordable housing is provided as part of a detailed scheme.
- The developer will also be required to enter into a Section 106 agreement to pay a transport tariff contribution towards improving the strategic highway network. The transport tariff rates applicable for the proposed development are as follows:

Residential 1/2 bedrooms £1,692 per unit	(£2,256/unit x 75% Level 2 tariff)
Residential 3/4/5 + bedrooms £2,256 per unit	(£3,008/unit x 75% Level 2)

- The developer will also be required to enter into a S.106 Agreement to make an off-site contribution of £73,975 for the upgrading of existing equipped play facilities in the area.
- That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation.

### **RECOMMENDATION: Grant**

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is

commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. 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.

3. No felling or clearance of trees on site shall occur between the months of March and August through the site clearance and the construction phase of the development.

Reason: To ensure the protection of birds' habitats during the nesting season.

4. Before any work is commenced on site, including site works of any description, the site's southern boundary shall be securely fenced off by a chestnut paling or similar fence. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas

they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing vegetation along the southern boundary of the site during the course of building work in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted to and approved in writing by the Local Planning Authority.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. 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.

7. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees 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 & AW6 of the Rhondda Cynon Taf Local Development Plan.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development,

whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as 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.

9. 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.

10. 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.

11. 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.

12. No development shall take place until details of the drainage arrangements (including a hydrological impact assessment and details of highway surface water drainage) 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.

13. 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.

14. Notwithstanding the submitted plans, full engineering design and details of the proposed parking lay-by along Heol Caradoc shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling on the site.

Reason: To ensure that the site can be suitably accessed. In the interests of highway safety.

15. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout and pedestrian links including sections; street lighting details 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.

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

16. Off-street parking shall be in compliance with Rhondda Cynon Taff Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety.

17. 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.

18. The development hereby permitted shall not begin 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.

19. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 18) 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.

20. 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.

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**APPLICATION NO:** 13/1337/10 (MJ)  
**APPLICANT:** Walnut Grove Homes  
**DEVELOPMENT:** 10 no. 1 bedroom flats, 1 no. 4 bedroom house, 1 no. 2 bedroom bungalow and new access onto Cardiff Road into a mews court.  
**LOCATION:** FORMER ABERDARE SCHOOL, CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6HJ  
**DATE REGISTERED:** 21/01/2014  
**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement.

**REASONS:**

The proposed development is considered acceptable in principle. The proposal if allowed would provide housing on this area of brownfield land in the Northern Strategy Area where there is a need for general and social housing development.

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**APPLICATION DETAILS**

Full planning permission is sought for the erection of 12 residential units on land formerly occupied by Ysgol Gynradd Gymraeg Aberdar, Cardiff Road, Aberaman. The site has been vacant for a number of years and the school building has been demolished.

The units will be split over four buildings:

Units 1 to 6 are 1-bedroom flats arranged over two floors within a building that will have the appearance of a link of 3 two storey dwellings. The building will measure 23.26m in width across its frontage by 8.15m in depth, at a height of 7.8m to the ridge. The fronts of the properties will face the rear of 25 to 28 Cardiff Road with a separation distance of approximately 13m from the rear of the existing properties. The area around the proposed building will be a shared garden area with a drying space for each unit.

Unit 7 will be a 2-bedroom bungalow which will be situated to the rear of 35 to 38 Cardiff Road. The bungalow will measure 13.26m in width by 8.39m in depth, at a maximum height of 5.3m to the highest part of a hipped roof. The property will have a front and rear garden area and off-street parking within a car port.

Units 8 to 11 are 1-bedroom flats arranged over two floors within a building that will have the appearance of a semi-detached unit. The building will measure 15.66m in width by 8.15m in depth, at a maximum height of 7.8m to the ridge. These units will front the access road into the site and will have a shared amenity space to the rear of the properties.

Unit 12 is a 4-bedroom, two storey dwelling, which will front Cardiff Road. The dwelling will measure 8.1m in width by 8.2m in depth, at a maximum height of 7.8m to the ridge. The property will have a side and rear garden, as well as two off-street parking spaces to the rear.

The external materials proposed will consist of render and grey roof tiles.

Vehicular access to the properties will be from Cardiff Road to a parking area with 13 off-street car parking spaces. The bike store will accommodate 6 spaces.

The application is accompanied by the following:

- Design and Access Statement
- Drainage Strategy Plan

## **SITE APPRAISAL**

The application site is approximately 0.3 hectare in area and lies to the north of Cardiff Road, located between two-storey terraced residential properties. To the rear of the site lies the A4059. The site is long and narrow, has a frontage with Cardiff Road, but the remainder of the site lies to the rear of the terraced properties numbered 24-39 Cardiff Road. Adjacent to the western boundary is a garage workshop premises. The site has been cleared of the vacant school buildings of Ysgol Gynradd Gymraeg Aberdar which formerly occupied the site. The site is level with adjacent land uses and the public highway. Vehicular and pedestrian access to the site is gained direct from the main entrance and an additional pedestrian entrance onto Cardiff Road. The side and rear boundaries of the site are formed by a 1.8m high stone wall with stone capping, with the addition of a catch ball fence adjacent to the A4059. The front boundary immediately adjacent to Cardiff Road is formed by a low dressed stone wall with pillars and black painted railings.

The adjacent area mainly consists of two storey residential properties of traditional terraced properties of a mixed external finish of render and stone, with a scattering of larger prominent community buildings finished externally in a mix of brick-work and render.

## **PLANNING HISTORY**

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



12/0732	Construction of 6 pairs of 3 bedroom semi detached dwelling houses with access roadway and private drives (application for approval of reserved matters following outline approval - 08/1115).	Withdrawn (Invalid) 28/02/13
08/1115	Redevelopment of the site for residential development.	Granted with Conditions 09/09/09
00/4245	Erection of a single mobile classroom	Granted with Conditions 18/07/00
96/4125	Erection of 1 no. 18m X 7.7m cabin to provide accommodation	Granted with Conditions 30/07/96
88/120	Mobile classroom	Granted with Conditions 18/10/89

## **PUBLICITY**

The application has been advertised by a press notice, direct neighbour notification and site notices. 5 letters and 1 petition with 34 signatures have been received which raise the following concerns:

- Concerns are raised regarding the impact of the proposed development on the privacy of the neighbouring properties of Cardiff Road by virtue of overlooking between windows.
- Concerns that the proposed plans do not accurately show the extent of the rear of the properties of Cardiff Road in relation to the proposed development.
- Objections in relation to the potential loss of light that could be experienced as a result of the proposed development to properties along Cardiff Road.
- Concern is raised regarding the impact of any external lighting around the proposed dwellings on the amenity of existing residential properties in close proximity to the site.
- Objections raised in relation to noise that may be caused by the proposed development and the negative impact this would have on the amenity of existing residential properties.

- Concerns are raised regarding the future of the old school wall between the rear of the existing properties of Cardiff Road and the proposal site. Concerns are particularly raised in relation to possible security issues as a result of the development.
- Concerns regarding the existing flooding issues experienced on the site and in neighbouring properties and the fact that this proposal will exacerbate this. The existing drainage system cannot cope with the additional use from the proposed development.
- Concerns are raised that the culvert and existing drainage arrangements are not shown accurately on the plans and therefore there is insufficient information to assess the impact of the proposal on the drainage in the area.
- Concerns are raised regarding the cumulative impact of the traffic associated with the proposed development as well as the development in the nearby sports centre and schools as Cardiff Road will become the main road leading to these sites.
- The proposal would have a detrimental impact on highway safety for vehicles, cyclists and pedestrians due to the increase in traffic associated with it.
- Concerns regarding the location of the bus stop in close proximity to the proposed access road and the impact this will have on highway and pedestrian safety.
- Objections in relation to potential parking problems which may be caused as a result of a lack of off-street parking within the development over-spilling into Cardiff Road where there is already a parking problem. Objectors consider that the number of off-street parking spaces proposed is insufficient to serve the proposed development.
- Concerns regarding the ground stability of the site as there is a history of subsidence and questions are raised regarding whether or not it is safe to erect any buildings on the land.
- The proposal would result in the overdevelopment of the site in an area which is already deprived.

## **CONSULTATIONS**

Transportation Section – no objections subject to conditions.

Public Health and Protection – no objections subject to conditions.

Natural Resources Wales – no objections as the site is not considered to be at risk of fluvial flooding. State that whilst part of the site is within Zone C2, the flood map information confirms that the site is located outside the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

Land Reclamation and Engineering – no objections subject to condition. The department has noted that there is currently an application for open watercourse consent under consideration with them in relation to the site.

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

Glamorgan Gwent Archaeological Trust – no objections as it is unlikely that any significant archaeological finds, features or structures would be adversely affected by the work proposed.

Wales and West Utilities – no objections subject to standard advice for the developer to contact them directly to discuss any risks the development may pose to their apparatus.

## **POLICY CONTEXT**

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

### **Local Plan**

#### Rhondda Cynon Taf Local Development Plan

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

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

**Policy NSA12** - refers to development within and adjacent to Settlement Boundaries and states that development in the Northern Strategy Area will be permitted within the defined settlement boundaries subject to certain criteria.

### 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 (PPW) Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), and 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 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;

## **REASONS FOR REACHING THE RECOMMENDATION**

The application site is within the settlement boundary of Aberdare, as defined in the Rhondda Cynon Taf Local Development Plan, and within a predominantly residential area. Accordingly, in principle there is no planning policy objection to the proposed redevelopment of the site and a presumption in favour of permission for residential purposes. As detailed above, the scheme seeks to provide 12 residential units of varying types. The site is in close proximity to Aberdare town centre and in close proximity to transport links to Cardiff, Merthyr Tudfil and the wider Rhondda Cynon Taf Borough. As a result of its location, the properties will be within easy access of a variety of differing uses and facilities, and the area which immediately adjoins the site, is predominantly residential.

The key considerations in this case are whether the proposed development 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. The report will also consider the impact of the proposed development on drainage in the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Residential Amenity**

With regard to the impact on residential amenity and objections raised in this respect, it is considered that the site is capable of being developed for residential purposes without causing a detrimental impact on privacy or overshadowing between the site

and existing properties. Although the proposed buildings will be two storeys, in close proximity to existing two storey terraced properties, it is considered that the distance between the existing and proposed buildings is sufficient to ensure that the development will not have a significant overbearing impact on existing dwellings.

There have been some concerns raised from surrounding residential properties about the potential increase in noise, loss of privacy and overbearing concerns, and whilst units 1 to 6 will directly face the rear of 25 to 28 Cardiff Road at a distance of approximately 13m which will have an impact on the current level of privacy experienced by existing dwellings, it is not considered that it would be to a degree that would warrant the refusal of the application. The windows fronting the rear of the properties of Cardiff Road will be non-habitable room windows, serving the bathroom and kitchen of the new dwellings which ensures that direct overlooking between habitable room windows is avoided. The relationship between the existing and proposed properties, whilst in close proximity, is considered to be reflective of the character set by the existing residential development in Aberaman which is at a high density.

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

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

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

### **Character and Appearance of the Area**

In terms of the effect of the proposal on the character and appearance of the area, it is considered that the scale of the plot is appropriate to accommodate buildings of the scale and layout proposed. It is considered that the proposed development is of a domestic scale and design that will ensure that the buildings will be in keeping with the character and appearance of the area. The use of render to the elevations and grey roof tiles is considered to be reflective of the character of the area and will help to reinforce the traditional characteristics of the area.

The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

## **Highway Safety**

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

A new access is proposed off Cardiff Road with the previous access serving the school abandoned. The new access will be 5.5m wide with a 6m junction radius kerbing either side with a 2m wide footway on one side and a 0.5m wide margin strip on the other side which is considered acceptable. The existing access in the form of a vehicular crossover to be abandoned should be reinstated in full in accordance with details to be submitted for consideration and approval, and a condition is suggested accordingly should Members wish to approve the application.

The nearby bus stop and its associated road markings affected by the new access will be required to be relocated to a new position to ensure that blocking of vehicles does not take place at the site access. The bus stop and its markings will be re-positioned to a suitable location in accordance with details to be submitted for consideration and approval secured by a condition recommended below.

Having regard to the fact that the proposal is for affordable housing and that secure cycle storage is to be provided for 6 bicycles, and scope for the surrounding street to cater for occasional on-street parking, and local community facilities and public transport services are within walking distance of the site, the number of off-street parking spaces (13) is considered to be to an acceptable level.

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

## **Drainage and Flooding Issues**

In terms of drainage matters and concerns raised by residents in relation to flooding problems associated with the site, no objections have been raised by Natural Resources Wales, Dwr Cymru/Welsh Water or the Council's Drainage Section. However, it is noted that the site is crossed by a culvert and a public sewer which will need to be protected during the re-development of the site.

Natural Resources Wales have stated that whilst part of the site is within Zone C2, the flood map information confirms that the site is located outside the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines and therefore no objections have been raised and there is no requirement for a flood consequences assessment.

The applicant has submitted a plan indicating a drainage strategy for the site which identifies the constraints on the site. It is considered that this information is sufficient to enable the determination of the application subject to conditions that will require the full drainage details to be submitted and approved in liaison with the statutory bodies. The proposal is therefore considered to be in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in this respect.

## **Conclusion**

The residential proposal is acceptable as a matter of principle as it involves re-development of this brownfield site in close proximity to Aberdare town centre that would contribute to the economic and social growth of Aberdare and the surrounding area. The design, scale and massing of the scheme are acceptable in terms of their consequences for the character and appearance of the locality and access and highway safety. The recommendation is therefore that the application be approved subject to the conditions set out below.

## **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 SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

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

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

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

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

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

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

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

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

5. Notwithstanding the approved plans, building operations shall not be



commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

6. Each 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.

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

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

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

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

9. Before the development is brought into use, the means of access, together

with the vision splays, parking and turning facilities, shall be laid out in accordance with submitted layout plan, Drawing No. 21 Rev. H, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. The existing vehicular crossover shall be re-instated in full footway construction in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to works commencing on site. The footway shall be re-instated in accordance with the approved details to the satisfaction of the Local Planning Authority prior to beneficial occupation of any dwelling.

Reason: In the interests of pedestrian safety.

11. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road layout including sections; street lighting details, and surface-water drainage details and the re-location of the nearby bus stop and associated road markings 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 highway safety.

12. The parking court serving Plots 1 – 6 and Plot 12 and the shared surface/turning area serving Plots 7 -11 shall be delineated for shared use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of any of the dwellings.

Reason: To ensure safe and satisfactory vehicular and pedestrian access and circulation at all times, in the interests of the safety of all highway users.

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

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

14. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for; the means of access into the site for all construction

traffic, the parking of vehicles of site operatives and visitors, the management of vehicular and pedestrian traffic, loading and unloading of plant and materials, wheel wash facilities and the sheeting of lorries leaving the site. The approved Construction Method Statement shall be adhered to throughout the construction process unless agreed otherwise in writing by the Local Planning Authority.

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

15. 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.

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<b>APPLICATION NO:</b>	<b>14/0073/10</b>	<b>(KL)</b>
<b>APPLICANT:</b>	<b>Mr G Bartlett</b>	
<b>DEVELOPMENT:</b>	Retention of log building, pheasant enclosure and boundary fence (Amended description 24/03/14).	
<b>LOCATION:</b>	<b>1 HEOL CORONIAD, TYNANT, BEDDAU, PONTYPRIDD, CF38 2AT</b>	
<b>DATE REGISTERED:</b>	<b>03/02/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Ty'n y Nant</b>	

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**RECOMMENDATION: Approve**

**REASONS:**

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

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#### **APPLICATION DETAILS**

Retrospective planning permission is sought for the retention of a log cabin, pheasant enclosure and boundary fence within the extended curtilage of 1 Heol Coroniad, Tynant.

The works have been carried out within the extended curtilage to the south east of the property in close proximity to an existing domestic garage at the site. The log cabin has an irregular shaped footprint measuring 7.5 metres in width by a maximum of 4 metres in depth. It has a flat roof construction measuring 2.1 metres in height. The

cabin has been constructed from timber cladding and has been painted dark green. The roof is proposed to be finished with felt and fibreglass.

The pheasant enclosure adjoins the existing garage which is at a lower ground level. It has an irregular shaped footprint measuring 9.6 metres in width by a maximum of 2.2 metres in depth and has a slightly sloping roof measuring a maximum of 1.6 metres in height. It has been constructed from a soft wood frame with meshing sides and a felt roof.

The timber fence creates a boundary between two different ground levels within the extended curtilage. It measures 1.8 metres in height from garden level with a cumulative height of 3.1 metres from the lower yard level. It measures 9.6 metres in width, extending from the existing steps adjacent to the garage at the south of the site to the northern boundary.

## **SITE APPRAISAL**

The application site is a two-storey, semi detached house located within a residential area of Tynant, Beddau. The garden curtilage has been extended to include an irregular shaped piece of land to the south east of the original sloping garden, which is bound by the rear gardens of properties in Heol Coroniad and Tan-y-Bryn. It is within this area of the garden that the works have been carried out. There is an existing double garage within the site (approved under planning application 11/0417) with a yard area in front which is used for parking. This area is at a lower ground level to the rest of the site and is accessed via a narrow lane between no's. 13 and 15 Tan-y-Bryn at the east of the site.

The log cabin has been partially constructed and is located at the western boundary of the site. The pheasant enclosure is located to the south of the cabin and adjoins the rear of the garage. It is shielded from the properties along Heol Coroniad by a wall measuring approximately 2 metres in height which runs along the boundary with these properties. Neighbouring properties along Heol Coroniad are all of a similar scale and design with long, linear gardens which slope downwards towards the site. Properties within Tan-y-Bryn are at a lower level to the site and are separated from the works by the rear gardens of these properties and a vacant piece of land.

## **PLANNING HISTORY**

11/0417	1 Heol Coroniad, Tynant	New double garage and extension of rear garden curtilage at number 1 Heol Coroniad, Tynant, Beddau (amended details received 08/06/2011, amended plans/description received 16/8/2011)	Granted 25/10/11
08/1705	Old Council Depot Site,	Outline application for new dwelling	Refused 27/01/09

Rear of Tan-y-  
Bryn, Tynant

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. Two letters have been received from occupiers of neighbouring properties; a letter of support has been received from the occupier of 5 Heol Coroniad as well as a letter of objection from the occupier of 13 Tan-y-Bryn. They can be summarised as follows:

### **Support:**

- The old council yard was an eyesore - an overgrown dumping ground which attracted vermin.
- The land has been transformed by the applicant.

### **Objection:**

- The supposed boundary fence does not run along the boundary of the property and is made up of old off cuts of timber erected to a very poor standard.
- The log cabin is also of a poor standard and looks like a shoddy shack which does not have a proper roof. There are concerns over whether it would meet building and fire regulations.
- The works are detrimental to the appearance of the area
- The works have been carried out in breach of the conditions of the original permission for the garage which removes the permitted development rights.
- The applicant has a double garage as well as at least 2 other sizable block buildings at the site.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Tynant 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 construction of a log cabin, pheasant enclosure and fence within the curtilage of an existing dwelling and the principle of development is therefore acceptable subject to the criteria set out below.

#### **Visual Impact**

The works have been carried out within a fairly large area of land to the rear of properties in Heol Coroniad, Heol y Beddau and Tan-y-Bryn. Whilst the log cabin currently looks to be of a poor standard, it is largely unfinished. Further information has been received from the applicant detailing the works required to finish the cabin and a condition will be added to the consent to ensure that these works are carried out within a suitable time period. Having taken this into consideration, the cabin is considered to be acceptable in terms of its scale, design and overall visual impact. The cabin has been constructed from timber cladding and whilst this is not ideal, it is not considered to have such a significant impact on the character and appearance of the area as to warrant the refusal of the application.

The pheasant enclosure is located at the rear of the existing garage and is enclosed by the existing boundary treatments at the site. As such, it is not a particularly visible feature within the development and it is not considered to have a detrimental impact on the character and appearance of the existing property or wider area.

The fence has been constructed within the garden curtilage to separate the garden level with the lower yard level. It is considered to be of an acceptable height measuring 1.8 metres from garden level with a cumulative height of 3.1 metres from the lower yard level. It is acknowledged that the fence has been constructed from various cuts of timber and whilst this is not ideal, it does not vary in height and has been painted of a standard colour throughout. As such, it is not considered to have such a significant impact on the character and appearance of the wider area as to warrant the refusal of the application.

### **Residential Amenity**

The works have been constructed to the western side of the application site in close proximity to the rear boundaries of properties in Heol Coroniad. The long, linear rear gardens of these properties are at a slightly higher level and are separated from the application site by an existing boundary wall measuring approximately 2 metres in height. As such, the works are not considered to have a significant impact on the residential amenity and privacy of these properties. The log cabin does not extend beyond the height of the existing boundary treatments and is not considered to have an overbearing or overshadowing impact on the rear amenity space of these properties. There are no windows proposed within the cabin and would not impose any further overlooking impact over that which currently occurs at the site.

The pheasant enclosure is of a limited height and positioned to the rear of the garage. It is almost invisible to the neighbouring properties along Heol Coroniad due to the existing boundary wall to the west and will have no impact upon the residential amenity and privacy of these properties.

The timber fence is visible from the rear of properties within Tan-y-Bryn however, there is a sufficient distance between the two to eliminate any overbearing or overshadowing impact on these properties.

### **Other**

It is acknowledged that the objector has raised concerns that the works have been carried out despite the previous consent for the garage and extension of garage curtilage having a condition to remove the permitted development rights of the property. The application has come in following Enforcement involvement and whilst the condition restricts the applicant's right to construct any outbuildings within the curtilage under normal permitted development rights, it does not prevent any further approval of planning permission.

## 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. Within 2 months of the date of this decision, the works shall be completed as detailed in additional information received by the Local Planning Authority on 4<sup>th</sup> March 2014.

Reason: To ensure that the works are in keeping with the surrounding area in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>14/0083/10</b>	<b>(MF)</b>
<b>APPLICANT:</b>	<b>Mr P Norris</b>	
<b>DEVELOPMENT:</b>	Two storey rear extension.	
<b>LOCATION:</b>	<b>50 WILLIAM STREET, CILFYNYDD, PONTYPRIDD, CF37 4EH</b>	
<b>DATE REGISTERED:</b>	<b>10/02/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Cilfynydd</b>	

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**RECOMMENDATION: Approve**

## REASONS:

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

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## APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey extension to the rear of 50 William Street, Cilfynydd.

The extension would be sited to the rear of the existing 3 storey annex measuring 3 metres in width by 3.2 metres in depth. The addition would incorporate a pitched roof



design 4.3 metres at its highest point sloping to 3.2 metres at its eaves. Due to a difference in ground levels between the dwelling and the rear amenity space, the first floor of the extension would be sited at the same level as the ground floor of the host dwelling. The addition would accommodate a sun room with basement storage below. It is proposed the extension be finished in external materials to match the existing dwelling.

The works would also involve the creation of a new set of access steps from the rear of the property to the garden area below.

## **SITE APPRAISAL**

The application property is a typical mid-terraced dwelling located within a residential area of Cilfynydd. The surrounding area is characterised by a series of linear arrangements of terraced dwellings all of a similar design and scale. The dwelling fronts the footway and has an enclosed terraced garden to the rear that falls away from the property. The property therefore appears as a three storey dwelling from the rear. External materials are of stone to the front, render to the rear, concrete roof tiles, and white uPVC windows and doors. An original three storey annex is sited to the rear of the dwelling. The street falls from south to north with the adjoining properties nos. 49 and 51 set at higher and lower ground levels respectively.

## **PLANNING HISTORY**

Planning applications submitted within the last 10 years include:

13/0370	50 William Street, Cilfynydd	Elevated conservatory to rear	Refused 14/06/13
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of the adjoining property, 51 William Street making the following comments (summarised):

- The proposed extension would overshadow the rear of no. 51 and its rear amenity space.
- The proposed extension would overlook the rear amenity space of no. 51.
- The proposed extension would be out of character with the surrounding locality.
- The existing boundary wall between nos. 50 and 51 has not been constructed on the boundary of the properties and is sited on land under the ownership of no. 51.

## **CONSULTATION**

Countryside, Landscape and Ecology – no objection.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Cilfynydd, 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 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other 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:**

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

The application relates to the extension of an existing residential property. The principle of the development is therefore acceptable, subject to the criteria identified below.

### **Visual Impact**

The extension would be sited to the rear of the dwelling with the principal elevation of the property remaining unchanged. The design of the proposed extension is considered to be in-keeping with the local area where there are a range of rear extension styles of varying scale and quality. Projecting by only 3.2 metres the addition would be sympathetic and subservient to the main dwelling and the use of a pitched roof design and external materials to match the original dwelling will ensure that the extension would compliment the original property. As such, the development is considered acceptable in terms of its scale, design and overall visual appearance.

### **Residential Amenity**

As detailed above a scheme was refused at the site in June 2013 because it was considered the proposed addition would have had a significant detrimental impact upon the residential amenity of the immediate neighbouring properties arising from overlooking and loss of privacy. The previous scheme proposed a conservatory be sited to the rear of the dwelling at first floor level with full height windows to the rear and both side elevations. In light of this, subsequent discussions have been undertaken with the applicant and the scheme amended whereby the conservatory has been replaced with a traditional first floor extension where the only windows would be sited in the rear elevation.

It is acknowledged that the proposed extension will still have a degree of overlooking to the rear gardens of the surrounding neighbouring properties due to the first floor window being projected 3.2 metres further forward than the previous window and with a door being sited in the northern side elevation. However, the proposed door would be finished with obscure glazing which can be controlled by a condition and given the nature of terraced properties there will always be a degree of overlooking into one another's rear gardens from first floor windows. Therefore, it is not considered the addition would increase the current levels of overlooking from the site to such an extent that would justify refusal of the application.

Given the scale and siting of the proposal, a degree of overbearing impact would occur upon both adjoining properties and a degree of overshadowing impact would occur during the afternoon upon no. 51. However, projecting by only 3.2 metres and being set in from the boundaries of the neighbouring properties, the degree of impact would not be considered significant enough to warrant the refusal of the application. Consequently, the application is considered acceptable in this regard.

### **Other Issues**

The objector has stated that the existing boundary wall between nos. 50 and 51 is not sited in the correct position and is actually sited within land under the ownership of no. 51. It is not proposed that any alterations to the existing boundary wall be undertaken during the extension works and it would remain as it currently stands. Furthermore, the applicant has included the land within the red line on the location plan and has signed the relevant ownership certificates stating that he is the sole owner. Land ownership is civil matter between two parties and seldom taken into consideration during the determination of the application.

A SewBrec search has found that a bat roost has been sited in close proximity to the application site. Due to the nature and scale of the development no objections have been raised by the Countryside, Landscape and Ecology section. It is however advised an informative note be added to any consent highlighting this matter.

## **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 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 external materials of the proposed extension shall match as near as possible the materials of the original dwelling house.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed without the prior express permission of the Local Planning Authority.

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

4. Prior to the extension, hereby permitted, being brought into use, the door within the northern 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 door 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:** 14/0095/10 (KL)  
**APPLICANT:** Mr Jenkins  
**DEVELOPMENT:** Extension to front, to create larger kitchen to existing property (Re-submission of 13/1210)(Amended Plans Received 11/02/2014 and 24/02/14).  
**LOCATION:** 71 WINDSOR DRIVE, MISKIN, PONTYCLUN, CF72 8SH  
**DATE REGISTERED:** 24/02/2014  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** Approve

**REASONS:**

**The application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties and overcomes concerns expressed regarding a previous scheme.**

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**APPLICATION DETAILS**

Full planning permission is sought for the construction of single storey extension to the front of 71 Windsor Drive, Miskin.

The proposed extension would be sited on the southern facing front elevation of the property and would measure 3.5 metres in width by 2.9 metres in depth. It would have a hipped roof design measuring a maximum of 3.8 metres in height from ground level sloping to 2.5 metres at its eaves. The new addition would accommodate an extension to the existing kitchen and would be finished with materials to match the existing property.

The application follows a previously refused application for a flat roof, cedar-clad extension to the front elevation. The proposal measured 3.4 metres in width by 3.5

metres in depth with a maximum height of 3.2 metres from ground level. It was refused under delegated powers as the design and overall visual appearance was considered to form an unsympathetic addition within the street scene, having a detrimental impact upon both the character and appearance of the dwelling as well as the wider area. This application also included a single storey extension to the rear elevation and whilst it was initially included in the plans for the current application, it was established that it could be built under permitted development rights providing that the materials used matched the materials of the original house and, as such, has been removed from the plans.

## **SITE APPRAISAL**

The application site is a detached dwelling located within a corner plot in a residential estate of Miskin, Pontyclun. It is accessed via a narrow private driveway which is shared with five other properties within a small and narrow cul-de-sac. The main dwelling is built from red facing brick with yellow brick detailing, concrete roof tiles and white uPVC windows and doors. There are two separate driveways to the front of the property, one which leads to the integral garage within the property and one which runs alongside the boundary with the opposite, western-facing property. There is a small grassed amenity area alongside the main driveway with a small, enclosed garden to the rear which is bound by the main road through the Cefn-yr-Hendy estate.

Neighbouring properties are all of a similar scale with several different house types present throughout the estate. External materials are a mixture of red and yellow facing brick with some examples of render within the vicinity. The neighbour to the west (no. 70) is identical in scale and design and is at a comparable level with the application site. The neighbour to the south (no. 72) is western-facing and at a slightly lower level. Properties to the east (no's. 1-3 Edwardian Way) face away from the application site and are at a slightly higher ground level. They are separated from the application site by their rear gardens measuring approximately 6-7 metres in length.

## **PLANNING HISTORY**

13/1210	71 Windsor Drive, Miskin, Pontyclun	Single storey extension to the front and rear of the property	Refused 19/12/13
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. One objection has been received from 72 Windsor Drive with comments being received from another resident. These are summarised as follows:

- The entrance to Windsor Drive is very restricted and leads to a cul-de-sac which is already congested with parked vehicles.
- Turning space is extremely limited and the proposed development will only exacerbate the situation.

- The application property is in an elevated position and directly faces the rear garden of no. 72 Windsor Drive. The extension will lead to loss of privacy with the occupants of no. 71 having direct views into the rear garden of no. 72.
- The proposed extension is over-bearing, out-of-scale and out of character in terms of its proportionality compared to existing structures in the vicinity
- There is already a density of housing and granting planning permission of a sizable extension should not be allowed as it would open the door for others to replicate – It is vitally important that the limited open space is preserved and protected. Alteration of the very limited open space would destroy the aesthetics of the area.
- Granting of planning permission would lead to impossible construction disturbance due to the narrowness of the cul-de-sac.
- The road is privately owned by the residents who have the responsibility of maintaining it – heavy vehicles and construction machinery could be detrimental to the road and the vehicles parked there.
- The road has only one entrance/exit which could lead to ‘blocking’ of residential cars.
- The current plans are a significant improvement on those previously submitted with the extension being more in-keeping with the existing architecture.
- The extension needs to tie in with the original structure and should be finished with materials to match the existing house – this would significantly improve the integration of the property.

A second objection letter from the occupier of a property in Edwardian Way specifically relates to the rear extension which has now been omitted from the application as it falls within the criteria for permitted development. It is acknowledged that the rear extension on the previous plans show materials of cedar cladding, however, the agent has been made aware that any extension constructed would need to be finished with materials to match the original house (as far as is practicable) for it to come within the permitted development rights.

## **CONSULTATION**

**Public Health and Protection** – The site is within 250 metres of a landfill site and it is considered that there is a potential for contamination to exist on site. If this were an application to build a new residential property at the site, then it would have been recommended that a site investigation should be undertaken as a condition of this permission. It should be noted that adverse ground conditions may exist on site which could affect the fabric of the building, and the applicant may wish to carry out such investigations in order to satisfy themselves that there would be no adverse impacts from the work being carried out. An appropriate note can be included in the event of consent being granted.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Pontyclun, 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:**

#### **Principle of the proposed development**

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

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

The current proposal is considered to be a significant improvement to the scheme proposed under the previous application. Whilst the extension would form a visible addition to the property, it would be of a limited scale measuring 3.5 metres in width by 2.9 metres in depth. This has been reduced by 0.6 metres in depth since the previous



application which is considered to be more acceptable in terms of its scale. The roof has also been changed from a flat roof to one with a hipped design which is more in-keeping with the original house and wider street scene. Whilst a gable roof would be a further improvement to the design of the extension, the current design is not considered to have such an adverse impact on the character and appearance of the existing dwelling as to warrant the refusal of the application. In addition, the proposal would be finished with materials to match the existing property to further ensure that it is not an overly prominent feature within the street scene.

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

Concern has been raised by the occupier of no. 72 Windsor Drive regarding the position of the proposed extension and the possible views which would be created into the rear amenity space of no. 72. Whilst it is acknowledged that the application property is at a slightly higher ground level to no. 72, the proposed extension would be approximately 6.7 metres away with a 2 metre high boundary fence along the perimeter which would reduce the amount of overlooking on the neighbouring property. As such, it is not considered that the amount of overlooking would be significantly increased over that which currently occurs at the site.

Concern was also raised over the scale of the proposed extension and the overbearing impact it would have on the vicinity. As mentioned previously, the proposed extension is considered to be of a limited scale, measuring a maximum of 3.8 metres in height. As such, it is not considered that the proposed extension would have such a significant overbearing or overshadowing impact on the rear elevations or rear amenity spaces of surrounding properties as to warrant the refusal of the application.

### **Other**

The objector highlights concern over the restrictive and congestive nature of the cul-de-sac. It is acknowledged that the cul-de-sac is fairly restrictive in terms of turning facilities however, the proposed extension does not impact on the number of parking spaces currently available at the site and will not increase the number of cars travelling through or parking at the cul-de-sac following the completion of the extension.

Whilst it is acknowledged that the cul-de-sac is privately owned by the residents, this is not a material planning consideration in the determination of the planning application. Any issues arising during the construction of the extension are a private matter between the applicant and residents.

With regards to the amount of ground space available within the estate, the proposed extension is of a limited scale and has been reduced since the refusal of the previous application. This would ensure that some green space, along with an existing tree, within the front garden is retained.

## 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 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 external materials of the proposed extension shall match as near as possible the materials of the original dwelling house.

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

3. The development hereby approved shall be carried out in accordance with the amended/revised plans received by the Local Planning Authority on 24/02/14.

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

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<b>APPLICATION NO:</b>	<b>14/0127/10 (LE)</b>
<b>APPLICANT:</b>	<b>Pontyclun Chiropractic Clinic</b>
<b>DEVELOPMENT:</b>	Change of use from A1 retail to D1 use for a chiropractic clinic (retrospective)
<b>LOCATION:</b>	<b>REAR GROUND FLOOR OFFICE, 15 LLANTRISANT ROAD, PONTYCLUN, CF72 9DP</b>
<b>DATE REGISTERED:</b>	<b>25/02/2014</b>
<b>ELECTORAL DIVISION:</b>	<b>Pontyclun</b>

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### **RECOMMENDATION: Approve**

**REASONS: The chiropractic clinic represents an acceptable use of the building which is situated within the main commercial area of Pontyclun. Concerns raised by a local resident about the high levels of on-street parking**

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**within the area and the retrospective nature of the application are not justified to warrant a refusal of the planning application.**

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## **APPLICATION DETAILS**

Retrospective planning permission is sought for a chiropractic clinic at 15 Llantrisant Road, Pontyclun. The clinic has been created within the rear ground floor aspect of the building, which was previously used as office/storage space associated with the main retail use of the building. From August 2013 the chiropractic clinic has operated from the rear of the building and consists of a single consultation and treatment room, small waiting room and small wash room. Pedestrian access to the clinic is available direct from School Street that flanks the northern side of the building and via a further access door positioned toward the rear of the building. The clinic has a total floor area of approximately 31 square metres. No external works or substantial alterations have been undertaken to the fabric of the building to accommodate the chiropractic clinic. Whilst there are three off-street parking bays sited toward the rear of the building (associated with the use of the first floor flats within the building), no designated off street parking facilities are provided as part of the scheme. On street parking takes place within the locality.

Supporting information submitted with the application highlights the clinic is solely staffed by the applicant on a part time basis (as the applicant also practices at a different clinic in Cardiff). The clinic is currently open during the following hours:

- Monday & Thursday - 4:00 - 20:00 hours
- Wednesday & Sunday - Closed
- Tuesday & Friday - 08:00 - 13:00 hours
- Saturday - 09:00 - 13:00 hours

Only one patient at a time can be treated in the clinic with the aim being to help members of the local community who suffer with musculoskeletal health problems. It is further detailed no other chiropractor operates within the village and the applicant was originally unaware planning permission was required for such a change of use. The planning application is also accompanied by an Access Statement.

## **SITE APPRAISAL**

The application site forms part of a large, corner plot building that is situated on the junction of Llantrisant Road and School Street, Pontyclun. The site is situated within the boundary of the identified retail centre of Pontyclun, as defined by the Rhondda Cynon Taf Local Development Plan. The front of the building consists of a former coffee and gift shop, although at the time of the site visit the front of the building appeared vacant and unused. Residential flats are situated on the first floor of the building. The small chiropractic clinic has been created within the rear, ground floor of the building with a sign advertising the business positioned on the side elevation. To

the rear and northern side of the application building are predominantly residential properties with commercial properties situated toward the south of the site. There are larger detached and semi-detached residential properties situated opposite the site beyond Llantrisant Road.

## PLANNING HISTORY

06/1024/01	15 Llantrisant Road, Pontyclun	New shop signage.	Granted 20/07/06
06/0401	The Old Bank, 15 Llantrisant Road, Pontyclun	Proposed change of use from former bank to coffee shop with external seating area.	Granted 12/05/06
94/0682	15 Llantrisant Road Pontyclun	Change of use of front ground floor from Use Class A2 to Use Class A3, with ancillary living accommodation at rear.	Refused 07/11/94  Appeal Dismissed 15/02/95
93/0689		Ground and first floor Change of use from A2 to B1 (offices)	Granted 02/12/93
75/0922		Erection of a sign	Granted 12/11/75

## PUBLICITY

The application has been advertised by means of direct neighbour notification and the posting of site notices within the vicinity of the application site. One letter of objection has been received against the planning application (from the occupier of no. 3 School Street). The letter is summarised as follows:

- The application represents a planning breach and should be subject to enforcement action. The applicant has undertaken the change of use and operated for over six months without planning permission.
- Retrospective applications should not be considered by the Planning Committee.
- The main objection is vehicle parking issues and congestion. School Street is used by numerous people for parking purposes, including users of the surgery, trade vehicles, builders, shoppers, commuters and residents. Vehicles are often parked over pavements when the street is congested with vehicles forcing pedestrians onto the busy road.

(A number of photographs are also provided with the letter, showing the level of on street parking that typically takes place within the area).

## **CONSULTATION**

Transportation Section - raise no objection.

Public Health and Protection - raise no objection.

Countryside Landscape, Ecology - raise no adverse comments advising there are 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 limits and is situated within a defined retail centre.

**Policy CS2** - advises that in the Southern Strategy Area the emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole

**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 SSA16** - supports retail uses that maintain or enhance a centre's position within the retail hierarchy (Pontyclun is identified as a Local and Neighbourhood Centre).

### **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), Chapter 8 (Transport), and Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

## **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**

The retrospective application seeks permission for the conversion of part of a former retail premise (coffee and gift shop) to a chiropractic clinic. The application site is situated inside the settlement boundary and within the boundary of the Pontyclun Retail Centre. As depicted by local and national planning policy the underlying aim within town centres such as Pontyclun is to retain retail and commercial activity, and also encourage a diversity of uses that would sustain or enhance the vitality and viability of the retail centre. As such, the chiropractic use is considered an appropriate and compatible use with the town centre location, offering a further service that would encourage footfall within the retail centre. The change of use also only applies to a small area of the building with the retail use remaining for the front of the building. In summary, the proposal would actively support the role of Pontyclun as prescribed by the Local Development Plan and is therefore considered acceptable in principle.

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

The submitted plans and supporting information indicates no physical alterations to the external fabric of the building have been undertaken or are necessary to accommodate the chiropractic clinic. As such, it is therefore considered the change of use has no harmful impact on the appearance or general visual amenity of the application building or wider street scene.

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

The conversion of part of a retail premise to a small scale chiropractic clinic is considered compatible with the mixed use nature of the locality and not considered to pose any harm to levels of amenity enjoyed within the locality. The clinic is limited in both its scale and hours of operation, providing a service to one patient at any one time given the applicant is the only chiropractor operating from the site. Whilst the building is sited within a defined retail centre, the proximity of the application property to residential properties is acknowledged in this instance. However, given the very nature of the scale and type of use permission is sought, the chiropractic clinic does not pose a harmful risk to levels of amenity and privacy enjoyed within the locality. A condition is suggested to limit the hours of opening of the clinic, should Members be minded to approve consent, to completely limit any impact on neighbouring residential properties.

Comments raised by a local resident, as earlier detailed, in relation to the retrospective nature of the application are also acknowledged, although as Members are aware, this is not a justified reason to warrant a refusal of the planning application. It is not unlawful to undertake development without the relevant planning permission, it is classified as unauthorised development. The planning legislation enables applicants to submit a retrospective application in order to overcome any breach, hence the submission of the current planning application.

## **Highway Safety**

As earlier detailed a local resident has raised objection against the retrospective proposal on the basis of parking problems and congestion experienced within the area. Whilst noting the comments, it is considered the scale and level of activity associated with such a use, including the movement of traffic to and from the site, would not significantly exacerbate parking or traffic levels within the locality. The Transportation Section has examined the proposal and has offered no objection against the scheme. It is commented there appears to be high demand for on-street car parking space along School Street and there is some concern with regards to the lack of off-street car parking available. However, the practice has only 1 treatment room and the number of patients present at the site at any one time would be limited (should only be 1 practitioner and 1 patient at any one time). When also considering the site is situated within a sustainable location with good public transport links, on balance, no highway objections are raised against the scheme.

## **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 Public Health and Protection Division no adverse comments have been raised against the scheme. A condition is suggested to limit the hours of operation during the construction phase of the development, although given the retrospective nature of the application such a condition is unnecessary.

## **CONCLUSION**

It is concluded that the application represents an appropriate use of a building that is situated within a retail centre. The scheme is acceptable in principle, has no negative impact on either visual or residential amenity and raises no adverse highways concerns. As such, the scheme is considered to accord with the requirements of planning policy and therefore recommended for approval.

**RECOMMENDATION: Grant**

1. The use hereby approved shall not be carried on other than between the hours of 08:00 and 20:00 hours Monday to Friday, between 08:00 and 16:00 hours on a Saturday, between 11:00 and 16:00 hours on a Sunday and shall not be carried on at all on Public or Bank Holidays.

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

2. The development hereby approved shall be used as a chiropractic clinic (Use Class D1) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order).

Reason: To allow the Local Planning Authority to retain control over the future use of the premises and for the avoidance of doubt as to the extent of this consent.

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**APPLICATION NO:** 14/0152/10 (BJW)  
**APPLICANT:** Mr D Carter  
**DEVELOPMENT:** Conversion of former music shop to ground floor shop with self contained flats over.  
**LOCATION:** 6 CHURCH ROAD, TON PENTRE, PENTRE, CF41 7EF  
**DATE REGISTERED:** 06/02/2014  
**ELECTORAL DIVISION:** Pentre

**RECOMMENDATION: Approve**

**REASONS:**

The existing retail use (Class A1) and shopfront would be retained as part of the development and the 4 residential units created would add to the vitality and viability of the local and neighbourhood retail area and not have an adverse impact on the visual amenities of the area, highway safety or the amenities of nearby residential properties.

**APPLICATION DETAILS**



The application seeks consent for the conversion of the existing music shop with a music studio above into a new shop within the A1 retail use and the extension and conversion of the rear and upper floors into 4 no. residential, 1-bedroom flats.

The extension to the rear of the property would measure 2.4m in depth by 4.2m in width by 5.5m in height and would be finished in render with a flat roof.

The layout of the property would consist of the following:

### **Ground floor**

Shop area with staff room/store and W.C. accessed from the front.

Flat 1 – accessed by a communal double door and internal doorway with access to rear yard area. Consists of a living room/kitchen, bedroom, utility room and bathroom.

### **First floor**

Flats 2 & 3 accessed off the communal accessed stairwell. Each flat consists of living room/kitchen, bedroom, utility room and bathroom. Consists of a living room/kitchen, bedroom and bathroom.

### **Loft area**

Flat 4 accessed off the communal accessed stairwell. This flat is lit by 4 rooflights, 2 in the front and rear roof and a porthole window within the existing front gable feature.

In terms of external alterations these would consist of the first floor extension at the rear of the property; the 4 no. roof lights (2 within the front and rear roof respectively); a round “porthole” type window within the top of the existing gable feature at the front of the property and the alteration of the first floor window from a 6 pane window to 2 no. 4 pane windows with a central partition.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposed development would promote commercial development within the Ton Pentre retail area while re-using a currently vacant unit and not causing any detriment to the amenities of existing residents.

## **SITE APPRAISAL**

The property is a mid terrace, two storey, commercial scale premises located within the Ton Pentre, local and neighbourhood retail area and in an area of predominantly commercial premises, although the site is flanked on both sides by residential dwellings.

The property is located immediately adjacent to the footway and vehicular highway and is the same level as other commercial properties and dwellings within the area.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site however, no comments have been received.

## **CONSULTATION**

Transportation Section – there is concern that the proposal provides for no off-street car parking facilities leading to potential on-street car parking. However, given the sustainable location in close proximity to local amenities and public transport coupled with the existing Traffic Regulation Orders in place along Church Road preventing indiscriminate on-street car parking, on balance the proposal is acceptable. Therefore, no objection is raised.

Land Reclamation and Engineering (Drainage) – no objection.

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

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary of Ton Pentre and is within a Local and Neighbourhood Centre (Policy NSA18.3 refers).

**Policy CS1** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW2** - supports development in sustainable locations.

**Policy AW5** - lists amenity and accessibility criteria that will be supported in new development proposals.

**Policy AW6** - lists design and place making criteria that will be supported in new development proposals.

**Policy NSA 18.3** - designates the area as a retail centre for a Local and Neighbourhood Centre (Ton Pentre) and supports development that would maintain or enhance a centre's position in the retail hierarchy.

### **National Guidance**

Chapter 7 – Economic Development.

Para. 10.1.1 promotes settlement centres as the most appropriate location for retail and complementary uses.

Para. 10.3.1 gives 10 criteria for retail and other uses best located in a town centre, including the sequential approach to site selection and accessibility by a variety of modes of travel.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main issues:**

#### **Principle of the proposed development**

It is considered that the principle of maintaining both the retail use and the shop front at the property would be acceptable in terms of the provisions of the Local Development Plan.

In terms of the conversion of the other areas of the property to residential flats it should be noted that the conversion of the upper floor to a single flat would be permitted development and would not require consent.

The conversion of the rear area and upper floors to four number flats is considered to be a productive use of this otherwise under utilised area. It is considered that residential use would be in keeping with existing land uses, would be in a sustainable location in terms of access to amenities and public transport modes and would provide additional levels of activity within the locality when the shop unit would be closed.

Consequently, having regard to the above, it is considered that the principle of the development is acceptable.

#### **Impact on the retail centre of a Local and Neighbourhood Centre (Ton Pentre)**

The site is within a retail centre of a Local and Neighbourhood Area, the village of Ton Pentre. As such developments for retail units should enhance or maintain the centre's position within the retail hierarchy.

It is considered that retention of the retail use and shop front would preserve the commercial potential of the shop and would maintain the centre's position within the

retail hierarchy. Consequently, it is considered that the proposal would meet the requirements of the policy for the retail centre.

The use of the rear and upper floor areas of the premises for residential purposes is one that is in common use in town and city centres across the country. It is considered that uses such as this are compatible with existing centres, are sustainable and create and maintain levels of activity within the area at times when the retail use has ceased. Therefore, it is considered that the proposed residential use of the rear and upper floor areas would add vitality and viability to the area and would therefore be acceptable.

### **Impact on neighbouring properties**

The proposal affects only minor alterations to the rear elevation of the property that are considered to be of an acceptable scale and design and that would not adversely impact on the amenities of neighbouring properties.

The existing, adequate privacy distances between the windows of neighbouring properties would be maintained and it is further acknowledged that there have been no adverse responses from neighbours as part of the consultation process.

### **Effect on the visual amenity of the area**

As stated above, the proposal would effect only relatively minor external alterations to the existing property. These alterations are considered to be of an acceptable design and scale that would be in keeping with the character and appearance of the existing property and the surrounding area.

### **Highway safety**

The Transportation Section has raised no objection to the application. This view states that there is concern that the proposal provides for no off-street car parking facilities leading to potential on-street car parking. However, given the sustainable location in close proximity to local amenities and public transport coupled with the existing Traffic Regulation Orders in place along Church Road preventing indiscriminate on-street car parking, on balance the proposal is considered to be acceptable.

Consequently, it is considered that the application is acceptable in this respect.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, highway safety and the impact on an existing retail centres of a Local and Neighbourhood Centre (Policies AW5, AW6 and NSA18.3).

**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 plan(s) received by the Local Planning Authority on 25/03/2014.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

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

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

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

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<b>APPLICATION NO:</b>	<b>14/0163/10</b>	<b>(KL)</b>
<b>APPLICANT:</b>	<b>Mr A Tann</b>	
<b>DEVELOPMENT:</b>	Detached single garage.	
<b>LOCATION:</b>	<b>REAR OF LLOYD STREET GELLI, PENTRE, CF41 7NQ</b>	
<b>DATE REGISTERED:</b>	<b>18/02/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Ystrad</b>	

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**RECOMMENDATION: Approve**

## **REASONS:**

**The application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties and overcomes concerns expressed regarding a previous scheme.**

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## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached garage on land at the rear of Lloyd Street, Gelli.

The proposed garage would measure 5 metres in width by 5.9 metres in depth and would have a flat roof design measuring 2.8 metres in height from ground level. It would be constructed from concrete block with a fibreglass roof. It would have a vehicular access door within the front elevation with a single pedestrian access door within the rear elevation. The proposed garage would be used for domestic purposes, providing private parking for a single car as well as domestic storage.

The application constitutes the resubmission of a previously refused planning application for a similar detached garage at the site. The application was refused as it was considered that by virtue of its siting and position, the proposed garage would have resulted in un-controlled vehicular reversing movements onto the adopted rear lane with restricted visibility. This would have had a detrimental impact upon the safety of all highway users. The applicant was advised that by repositioning the proposal to be set at a right angle to the adopted lane with a 6 metre set back from the rear garden walls of the properties in Smith Street, a more sympathetic view would be taken. The applicant has taken these points into consideration in the submission of the current application.

The application is accompanied by the following:

- Design and Access Statement

## **SITE APPRAISAL**

The application site is set within a large triangular plot of land to the rear of Lloyd Street and Smith Street in a residential area of Gelli. The land is accessed via an adopted lane which runs adjacent to the rear gardens of properties in Smith Street. There are two access points, one to the north of the site adjacent to no. 13 Smith Street and one to the south adjacent to no. 23 Smith Street. The Rhondda River runs adjacent to the east of the site and is separated by a wall measuring approximately 1.8 metres in height. The land is currently enclosed with a metal-link fence around the

perimeter. There is an existing garage on land to the south of the application site which is of a slightly smaller scale to that proposed within the current application.

## **PLANNING HISTORY**

13/0849	Rear of Lloyd Street, Gelli, Pentre	Small detached single storey garage	Refused 10/01/14
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification as well as a number of site notices at the site. A number of objections have been received from occupiers of no's. 13, 18 and 20 Smith Street and can be summarised as follows:

- There is concern that the garage and surrounding area will be used to repair and service cars and minibuses in relation to a taxi business owned by the applicant.
- There would be an increase in the number of cars travelling through Smith Street at all hours as well as an increase in the noise and smell associated with the activities.
- The lane adjacent to no. 13 Smith Street would be affected and there is concern that the lane is collapsing over the main sewer.
- Children will not be able to play in the area which they have done for generations.
- The privacy of the occupiers of no. 13 will be deeply affected and the garage would cause a nuisance.
- A raised concrete strip restricts the width of the lane and there are safety concerns with regards to emergency vehicles accessing the site.
- The garage is at the rear of Smith Street, not Lloyd Street.

The consultation period was yet to expire at the time of writing the report. Any further comments shall be presented orally at the Committee.

## **CONSULTATION**

Highways – no objection subject to a number of conditions being added to the consent.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Ystrad, 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:**

#### **Principle of the proposed development**

The application relates to the construction of a domestic garage on vacant land within the settlement boundary and the principle of development is therefore acceptable subject to the criteria set out below.

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

The proposed garage is considered to be acceptable in terms of its scale, design and overall visual appearance. Being sited on land to the rear of Smith Street, the proposed garage would not be a visible feature from the street. It would be of a limited scale, measuring 5 metres in width, by 5.9 metres in depth with a flat roof design measuring 2.8 metres in height and would be constructed from appropriate external materials. As such the proposal would be in-keeping with the existing garage to the



south of the site and it is not considered to have a detrimental impact on the character and appearance of the wider area.

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

The proposed garage would be of a limited scale and would be sited away from the nearest neighbouring properties at Smith Street. As such, it is not considered that the proposal would have an overbearing, overshadowing or overlooking impact on these properties. An objection has been raised with regards to issues of privacy for the occupiers of no. 13 Smith Street, however the proposed garage would be sited to the rear of 18 and 20 Smith Street and due to the domestic nature of the proposal, it is not considered to significantly increase the level of overlooking on the rear elevations and amenity spaces of properties along Smith Street. Whilst it is acknowledged that the proposed garage could be accessed via the lane adjacent to no. 13, it is not considered that the level of vehicles travelling through would be significantly increased as to warrant the refusal of the application. Existing boundary treatments at no.13 would also ensure that no further overlooking would occur on entry/exit of the site.

### **Access and Highway Safety**

The proposed garage would be served off an adopted rear lane measuring 2.6 to 2.8 metres in width which is considered to be satisfactory for access for standard vehicles only. It would be positioned at a right angle to the adopted lane with a 6 metre set back from the rear boundaries of properties in Smith Street which is considered acceptable in providing a safe access to the garage. The Council's Highways Department raise no objection to the proposal subject to a number of conditions being added to the consent.

### **Other**

There have been a number of concerns with regards to the use of the proposed garage and surrounding area in that it could be used as part of the taxi business owned by the applicant. The garage is proposed to be domestic in nature, providing private parking for a single vehicle. As such, it is not considered that there would be a significant increase in the number of vehicles travelling through Smith Street as to warrant the refusal of the application. If Members are minded to approve the application, a condition will be added to the consent to ensure that the proposal be used for domestic purposes only.

Concern has also been raised with regards to the condition of the existing lane in that it is believed to be collapsing into the sewer below. No objection has been received from the relevant departments to confirm these issues and the proposal is considered to be acceptable in this regard.

With regards to children not being able to play in the area, the applicant has confirmed that he is the landowner and as such, is entitled to fence off the parcel of land to

prevent any public access. A fence measuring approximately 2 metres in height has already been erected along the perimeter.

Whilst it is acknowledged that the access lane adjacent to no. 13 Smith Street is somewhat restricted by a raised concrete strip, there is an alternative access to the south of the site adjacent to no. 23 Smith Street.

Whilst the proposed garage would be positioned closer to the rear of properties in Smith Street, the land on which it would be constructed is to the rear of both Lloyd Street and Smith Street. An existing garage on land adjacent to the application site restricts the possibility of an alternative position closer to Lloyd Street.

## **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 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 details of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users.

4. Before the garage is brought into use, details of the garage apron tie in with the adopted lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the

satisfaction of the Local Planning Authority prior to beneficial use.

Reason: To prevent damage to the public highway, in the interests of highway safety.

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**APPLICATION NO:** 14/0214/10 (LE)  
**APPLICANT:** Trustees of the Talbot Green Shopping Park Unit Trust  
**DEVELOPMENT:** Alterations to and subdivision of existing Class A1 retail unit to provide up to five Class A1, A3 and mixed A1/A3 units, car park alterations and ancillary works.  
**LOCATION:** COMET PLC, TALBOT GREEN RETAIL PARK, TALBOT GREEN, PONTYCLUN, CF72 8LW  
**DATE REGISTERED:** 20/02/2014  
**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION: APPROVE**

**REASONS:**

The application is considered to represent a suitable conversion of an existing vacant premise to appropriate commercial use within a well used retail centre. Planning permission was also recently granted for a similar proposal at the site (ref no: 13/0910/10), with only a small number of minor variations existing between the schemes.

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#### **APPLICATION DETAILS**

Full planning permission is sought for the subdivision of the vacant Unit 11, Talbot Green Retail Park (former Comet site) to form up to five separate units for A3, mixed A3 and A1, and A1 planning uses (food and drink uses); to effectively create a 'food quarter' within the existing retail park.

Discussions are ongoing with the applicant and a number of prospective operators for the units, although 'Frankie & Benny's' are the proposed occupier of unit 11a (A3 restaurant use) and Costa Coffee is also proposing to occupy a unit (requiring a mixed A1 and A3 planning use). To allow flexibility in on-going negotiations with other potential operators the application has been submitted with an indicative internal layout (although four different tenants are likely) and consent is sought for A3, mixed A3 and A1, and A1 planning uses.

A number of external alterations to the existing building are being proposed, which include:

- The over-cladding and general upgrade of the existing building envelope with white, smooth metal panelling.
- The introduction of a more glazed front elevation and access doors to serve four separate units, with associated fascia style signage above (subject to separate advertisement applications where necessary).
- The provision of glazed, aluminium framed window areas to the side elevations of the building (toward the front facade).
- The provision of a 2.0 metres deep canopy to the front elevation that would extend around the side elevations of the building for approximately 8.0 metres.
- The provision of a 3.0 metres high timber acoustic barrier to the rear of the building.
- The erection of a timber canopy to the rear and eastern side of the building to provide shelter for delivery vehicles and an external bin store. The bin store would be enclosed by 2.0 metres high timber fencing and this area would be used to enclose any necessary external plant equipment. A number of metal louvre panels would also be introduced toward the eastern side of the building.
- Replacement and renewal of the roof finishes.
- The insertion of two delivery doorways to the rear of the building.
- The insertion of an entry door to the western elevation of the building.
- The introduction of two external seating areas toward the south eastern and south western corners of the building.
- New access steps, and defined walkways to the front of the building.

As part of the proposal, the existing car parking area to the immediate front of the building would be slightly reconfigured to provide a total of 65 car parking spaces including four disabled parking bays. Toward the eastern side of the building, an additional 7 car parking spaces for staff members would be created.

The applicant's supporting information highlights the premise was vacated by the previous occupiers 'Comet' in December 2012, and despite marketing efforts has remained vacant. Whilst other units within the park have been updated and refurbished over recent years, the application unit remains the only building that has not been updated or benefitted from improvements. In reviewing options for the premise and securing new tenants, the applicants have found there is a strong demand for food and drink uses within the retail park, to complement the existing uses and serve the large volume of customers who visit Talbot Green. The application therefore proposes alterations and change of use of the unit to accommodate such occupiers. The applicant's have clarified the opening hours sought by this application are 8.00 am to 11.00pm.

The planning history of the site reveals that planning permission was recently granted for a very similar proposal at the site, although a number of changes are proposed to the approved scheme to better accommodate the needs of the likely occupiers/tenants

of the units (hence the submission of the new planning application). Key changes include:

- The removal of one entrance to the front of the building, and the creation of four rather than five shop style frontages (with four rather than five units likely to be created within the existing building).
- The repositioning of an entrance door at the front and rear of the building.
- The addition of a side entrance door to the western side of the building.
- Additional space marked out for outdoor seating to the front of the unit.
- Extending the enclosed rear area and associated acoustic barrier the length of the building.

The planning application is accompanied by a:

- Planning and Retail Statement;
- Design and Access Statement and Transport Statement.

## **SITE APPRAISAL**

The application site consists of the vacant, former 'Comet' building situated on the Talbot Green Retail Park, Talbot Green. The relatively flat site consists of an area of approximately 1.23 acres and is currently occupied by the stand alone, detached building, associated car parking and delivery area, and surrounding landscaping. The existing building has a floor area of approximately 1876 square metres (including a 478 square metres internal mezzanine). It has red/brown brick elevations, glazed front access point and large fascia style signage. The unit is situated toward the northern most corner of the retail park and unlike other units is self contained with a separate access and car park. The existing site has provision for 66 car parking spaces. Wider access to the site is gained from Talbot Road to the northwest and the A4119 that runs toward the rear, northeast of the site. Beyond Talbot Road to the northwest are a number of residential properties that face toward the application site. The wider retail park comprises numerous, large commercial properties with Talbot Road also having a strong commercial character, albeit smaller and more historic properties.

## **PLANNING HISTORY (most relevant)**

13/0910	Comet Plc, Talbot Green, Retail Park.	Alterations to and subdivision of existing Class A1 retail unit to provide up to five Class A1, A3 and mixed A1/A3 units, car park alterations and ancillary works	Granted 28/11/13
07/0735	Talbot Green Shopping Park, Talbot Green	Advertisement application. Sheet advertisement display panels.	Refused 05/07/07

05/2095	Land outside Pizza Hut, Talbot Green Retail Park, Talbot Green, Pontyclun	A 12.5m high Streetworks column with integrated antenna together with equipment cabinet and additional associated ancillary equipment.	Refused 06/01/06
05/0198	Units 11-14 Talbot Green Shopping Park	External improvements to existing retail units, together with car park alterations and ancillary works.	Granted 28/04/05
05/0192	Units 11 - 14 Talbot Green Shopping Centre, Talbot Green, Pontyclun.	Proposed extension to existing retail unit to provide additional 572metre sq. sales area (ground floor and mezzanine), external alterations to existing units, car park alterations and ancillary works.	Granted 10/06/05
03/1809	Former Tesco	Demolish existing building and construction of up to 10,498sq. m. Class A1 retail floor space and associated A3 uses, with car parking and associated works	Granted 19.12.03
94/0082	Newpark, Talbot Green	Retail Development Food and Non-Food	Granted 18/05/94

## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and the posting of site notices in the immediate area. A letter of objection signed by three residents has been received against the planning application. The concerns raised are summarised as follows:

- The scheme would result in noise pollution being generated from people leaving and entering the site.
- Class A3 use is not suitable for the residential character of this end of the village, and would only add late night disruption, noise and nuisance to residents.
- The site has previously been closed by 8.00pm to allow residents to have less noise nuisance after this time; any later disturbance would not be welcomed.
- There is no need to operate late into the evening when the shopping complex closes at 8.00pm.
- There are already several restaurants and takeaway facilities in the village although these are sited away from residential properties and already seem to adequately serve the area.
- Previous planning consents prevent signage being placed on the rear and side of the building facing Talbot Road to prevent any illumination affecting residential properties.

- The illuminated signage would cause light pollution and appear obtrusive and visible from residential properties.

## **CONSULTATIONS**

Transportation Section - raise no objection. It is commented site access, internal access and general circulation would remain unaffected by the proposal. In comparison to the permitted A1 use of the existing building (including use of the building as a food store for example), a proposal to convert the unit to five A3 units generates a lesser parking requirement. Some concerns are raised about the level of off street car parking availability, although on balance, no objections are raised against the proposal.

Land Reclamation and Engineering - raise no objection, subject to the imposition of conditions regarding the detailed drainage of the development.

Public Health & Protection - raise no objection. It is commented the use of the site as a food venue could have the potential to negatively impact on residential amenity although limiting the hours of operation would help limit this impact. Further controls are likely to also be placed on the site as a result of licensing applications. It is also requested information be submitted in relation to the control of waste/drainage and cooking odours (which could be appropriately addressed through recommended conditions should planning permission be granted).

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The application site is within the settlement boundary and within the principal retail centre of Talbot Green.

**Policy CS1** - promotes sustainable growth in the Southern Strategy Area.

**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 SSA3** - sets out criteria for development in the Principal Town of Talbot Green, including that which reinforces the role of the town and which integrates positively with existing development.

**Policy SSA16** - supports retail uses that maintain or enhance a centre's position within the retail hierarchy.

**Policy SSA17** - sets out criteria for appropriate retail development in the retail centres of Principal Towns.

### 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), Chapter 7 (Economic Development), Chapter 8 (Transport), and Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 23: Economic Development.

## **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**

The application seeks consent for the subdivision of a single large A1 retail unit into a number of separate units, to allow the creation of a food style quarter within the Talbot Green Retail Park. As part of the proposal a series of upgrade and improvement works to the appearance of the existing building are also proposed.

The application site is prominently located within the Principal Town Centre of Talbot Green where planning policy seeks to support proposals that maintain or enhance the centres position within the retail hierarchy. The emphasis within such principal centres is to provide a good balance between food and non-food facilities whilst ensuring proposed uses provide direct service to visiting members of the public. The Talbot Green Town Centre, particularly the modern retail park is an extremely busy and well used facility that not only meets the needs and requirements of the surrounding localities of Llantrisant and Talbot Green but also draws significant footfall from a far wider geographical area. The proposed use and general aim to provide 'a food



quarter' to provide customers with a wider range of services and enhanced retail experience would accord with the key requirements of planning policy and enhance the areas position as a principal retail centre.

In addition, the proposal would result in the positive re-use of a vacant building whilst also creating a significant number of employment opportunities (information submitted indicating the proposed Frankie and Benny's Restaurant alone could potentially create up to 40 new full time jobs). It is also acknowledged planning permission for a similar proposal was recently granted at the site. As such, the scheme is considered compatible and complementary to the existing function and role of the retail centre and is acceptable in principle.

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

In terms of visual appearance, the upgrade and improvement works proposed to the external elevations of the building are considered acceptable. The external changes including the modernisation and improvement of the somewhat dated and bland, predominantly brick frontage of the building is welcomed within this modern retail park. The proposed contemporary appearance of the building has been designed to integrate and complement the remainder of the retail park, with adjacent units, including the recently refurbished Argos and JD Sports benefitting from similar cladding and glazed frontages to that being proposed. Improvements to the pedestrian walkways surrounding the building and the introduction of external seating areas are considered appropriate, with external seating facilities being a feature of retail and commercial parks of this nature.

Whilst the proposal includes the provision of a large timber fence (acoustic barrier) to the rear of the building, the existing predominantly blank elevation of the building has no significant visual merit. Furthermore, existing landscaping that would be appropriately retained and improved where necessary, adds a degree of screening to the rear aspect of the site, and would limit the visual impact of such fencing on the wider locality. Therefore, it is not considered such a feature would introduce an incongruous or overly harmful structure to warrant refusal of the planning application. Should Members however be minded to grant planning permission, recommended conditions would ensure satisfactory finishes are utilised for the rear acoustic barrier and proposed canopy structures, and an appropriate scheme of boundary landscaping is retained and enhanced where necessary at the site.

In summary, it is therefore considered the proposed upgrade and refurbishment works associated with the proposed sub-division of the building would have no unacceptable impact on the character or appearance of the locality.

### **Impact on residential amenity and privacy of neighbouring residential properties**

It is not considered the re-use of an existing vacant retail premise (A1 use) as separate units for A3 and mixed A1 and A3 purposes, in the form of a complementary

food quarter within a defined retail centre, would unduly compromise the amenities of nearby residents. Representations received from local residents, as earlier detailed, raise concerns in relation to likely noise, general disturbance, and nuisance that may be caused by the proposed uses particularly during the evening when the retail park is closed. The residential properties sited in closest proximity to the application site are situated to the northwest, beyond Talbot Road and a landscaped embankment positioned to the northwest of the application building. The residential properties are positioned approximately 40 - 50 metres from the side elevation of the application building, with the front elevation being orientated away from the nearest residential properties (and those residents who have raised concerns with the scheme). When coupled with the presence of the landscaped embankment and the four/five lane carriageway of Talbot Road at this point, it is considered the residential properties are adequately offset from the application site and unlikely to experience any undue loss of amenity.

The site would have historically generated significant visiting vehicle and pedestrian movements when occupied by 'Comet', with the surrounding retail park already being a heavily used, vibrant and busy centre that generates substantial levels of activity. It is accepted the proposed operating hours of such A3 uses would be predominantly later than the majority of the nearby A1 retail premises, which generally open up until 8:00pm, (although the nearby Pizza Hut opens until 9:30 pm and 10:00 pm on Fridays and Saturdays). However, given the appropriate offset from the nearest residential properties this is not considered a reason to warrant refusal of the scheme particularly when balanced against the planning merits of the proposal. Concerns raised against the position of illuminated advertisements on the building are also acknowledged although the erection of any illuminated applications at the site would require separate Advertisement Consent and subsequently assessed on individual planning merits at that stage.

### **Highway safety issues**

It is relevant to consider the potential impacts of the development upon highway safety in the vicinity of the site, with consideration to the comments raised by local residents in this regard. Following consultation with the Council's Transportation Section, who have reviewed the Transport Statement submitted, no objections to the proposal have been raised. Their assessment has taken into account the existing permitted use of the premises as an A1 retail premise and the parking requirements and traffic movements that such a use has and could potentially generate (particularly should an A1 food store operate from the site). It is concluded that the impacts resulting from the existing use, or any other A1 use to which the existing building could revert, would be greater than that of the proposed subdivision of the building.

When further considering the intention is to create a complementary food quarter to support the retail park, a significant percentage of the customers visiting the new food and drink units are therefore likely to be linked with trips to the wider retail park. The site is also readily accessible on foot, bicycle and by nearby public transport links with

no material change to the layout and means of access to the site being proposed. Overall, it is not considered the proposal would have such a harmful impact upon highway safety that would be so adverse to warrant refusal of the planning application.

### **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 subdivision of an existing established building with the erection of small scale canopies and associated structures is not considered to give rise to any adverse drainage issues. The Councils Drainage section has raised no objections against the proposal.

### **CONCLUSION**

The determination of this application requires careful judgement of each of the issues that the case raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Representations have been received against the application from local residents with a key material concern being the likely impact such a proposal would have on general amenity levels enjoyed within the locality. Nevertheless, due regard must be given to the historic use of the site and the wider site context, with the application site forming part of a busy and well used retail park that already generates substantial levels of activity in the form of vehicle and pedestrian movements. When also considering the planning history of the site and the broader merits of the scheme, which would bring about the re-use of a prominent yet vacant building whilst retaining a complementary use for the retail centre, and providing employment opportunities, the scheme is considered acceptable.

Having taken account of all of the issues outlined above, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, its impact on visual and residential amenity and highway safety issues. 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 details of the type, materials and colour of all external finishes to be used for the development (including the canopy structures and acoustic barrier) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the details(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. Details of equipment to prevent waste cooking oils, fats, solid wastes and food debris from entering the foul drainage system shall be submitted to and approved by in writing by the Local Planning Authority, prior to its installation. The equipment shall be installed and in full working order prior to the beneficial occupation of the units and shall be effectively operated for so long as the use continues.

Reason: In the interests of the drainage system within the area and to protect pollution of the environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to its installation, details of equipment to be suppress and disperse fumes and/or smell produced by cooking and food preparation shall be

submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and be in full working order prior to the beneficial occupation of the units and shall be effectively operated for so long as the use continues.

Reason: To suppress and disperse fumes and odour produced by cooking and food preparation in the interests of the residential amenity of those living closest site and in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. 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 policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No unit shall 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 policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The use hereby permitted shall only be open to customers between the hours of 08.00 and 23.00 on any day of the week.

Reason: To minimise the effects of the development upon neighbouring residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The proposed access, circulation and parking shall be laid out as shown on the submitted layout plan, Drawing No. AP05/G prior to beneficial occupation of the use hereby permitted and the parking areas shall be retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

- Monday to Friday 0800 to 1800 hours;

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

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



**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**

**17 APRIL 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**

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