

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE  
7 AUGUST 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 6</b>
<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 14/0373 - Change of use to provide hot food takeaway (A3) on the ground floor, with internal extraction facilities and provide a flat at first floor level, with associated external elevational alterations including additional windows in side elevation, 89 Court Street, Tonypandy.
2. Application No. 14/0376 - Erection of a bungalow (amended plans received 04/07/2014), land adjacent to No. 14 Caemawr Terrace, Penrhiwfer, Tonyrefail.

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 14/0373/10 (SF)  
**APPLICANT:** Mr L Jones  
**DEVELOPMENT:** Change of use to provide hot food takeaway (A3) on the ground floor, with internal extraction facilities and provide a flat at first floor level, with associated external elevational alterations including additional windows in side elevation  
**LOCATION:** 89 COURT STREET, TONYPANDY, CF40 2RL  
**DATE REGISTERED:** 18/06/2014  
**ELECTORAL DIVISION:** Cwm Clydach

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**RECOMMENDATION:** Refuse

### REASONS:

**The proposed hot food takeaway is not considered acceptable in this location due to its likely harmful impact on the amenities of surrounding residential properties. Planning permission for a very similar proposal was refused in 2011 and subsequently dismissed on appeal by the Planning Inspectorate.**

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### APPLICATION DETAILS

Full planning permission is sought for the change of use of the ground floor to a hot food takeaway and the provision of a first floor flat at 89 Court Street, Clydach Vale. As part of the proposal, general external upgrades are also proposed to the fabric of the existing building. It is detailed a 'Pizza Take-away' would operate from the building with proposed hours of opening being from: 9:00 am to 10:00 pm from Monday to Saturday (no hours of opening have been detailed for Sundays and Bank Holidays). The proposed use would employ 2 full-time staff.

As part of the works, new uPVC windows and doors would be introduced to the building. A large ground floor window with shop style fascia and box roller shutter would be introduced to the front elevation. To the rear elevation, two entrance doors would provide a means of access to the first floor flat (one bedroom accommodation) and provide a point of access to the rear of the hot food takeaway for staff use. An additional window would also be created within the side and rear elevations of the building with the existing window openings also being retained. An external extraction flue, serving the proposed takeaway, would be erected to the roof of the rear annexe of the building. It would project approximately 1.1 metres with a 0.3-0.4

metre diameter. The majority of the extraction system would be housed internally within the building, but it will be visible from the south and west.

The application is supported by a Design and Access Statement.

## **SITE APPRAISAL**

The application site consists of an end of terrace property on the corner of Court Street and Bryn Terrace. It is indicated that the property historically operated as a shop and whilst planning permission was granted in 1993 to convert the premise to a dwelling and an attempt was made to undertake the conversion, the project was subsequently abandoned. The property has remained vacant and boarded up for some time.

The front elevation is constructed from stone at first floor level and the old shop front has been partially built up with block work. Its door and windows are boarded up. The side of the property and rear extension is finished with dash render. An outbuilding / garage is located at the rear of the site. A narrow access lane serves the rear of properties on this part of Court Street. There is a pedestrian crossing positioned to the east of the site, along Court Street.

The surrounding area is mainly characterised by traditional terraced residential dwellings, however there is a butchers shop immediately adjoining the site at number 88 and a takeaway restaurant at number 85. A hairdressers shop is located on the opposite side of Court Street further along at number 133 (site of a former betting office).

## **PLANNING HISTORY (post 1974)**

10/1309	89 Court Street, Tonypandy	Change of use to provide hot food takeaway (A3) on the ground floor and provide flat at first floor level. Alter front elevation to provide shop front and roller shutter and further alterations to side and rear elevations including installation of an extraction system and flue.	Refused 12/04/11  Appeal Dismissed 01/09/11
10/0108	89 Court Street, Tonypandy	Proposed domestic garage.	Granted 23/03/10
93/0623	89 Court Street, Tonypandy	Change of use from commercial to residential	Granted 23/11/93
92/0186	89 Court Street,	Change of use from shop to house	Withdrawn

	Tonypandy		26/10/92
83/1016	89 Court Street, Tonypandy	Store	Granted 17/10/83

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. The consultation process has generated letters of objection and support from the public (three letters of objection and four letters of support).

### Objections against the development

Three individual letters of objection have been received against the scheme from the occupiers of no's. 85 and 86 Court Street, and no. 9 Clydach Road. Concerns raised highlight:

- There are enough takeaways in this area following the recent opening of the nearby fish and chip shop. Any further outlets would make for an extremely difficult trading environment.
- The proposal will raise parking and traffic issues. Traffic will park hazardously and there is an existing pedestrian crossing near the site that will be affected by the scheme. This is already a concern for parents within Clydach Vale.
- The smell and odour of fast food will be a significant nuisance, following the opening of the fish shop residents cannot place clothes outside to dry. Another hot food takeaway will only compound this problem. This problem has been discussed with other residents who are also in agreement.
- Such a scheme would generate additional noise from traffic and users of this premises, creating a nuisance to residential premises.

### Support for the development

Four letters of support have been received from the occupiers/owners of no's. 88, 92 and 139 Court Street, and no. 101 Jones Street. Comments raised state:

- The owner of the adjoining Butchers supports the proposal and welcomes the reuse of the building which has now become an eye sore. The building was previously used as a shop, with the proposal representing a straightforward change of use. A fish and chip shop has recently opened at the other end of the street with no planning issues.
- A pizza shop would be a welcome addition to the community.
- Planning permission should be granted for the takeaway as planning permission was recently granted on the same street for a fish and chip shop. The Council has therefore set a precedent and should now grant permission.

- Having been approached by the developer and discussed the proposal, previous reservations about the proposal have now been dispelled. Issues around opening times and litter have now been discussed and local residents are satisfied that the proposal would not harm existing levels of amenity.
- The scheme would vastly improve the visual appearance of the building that gives a general feeling of depression for the area given its poor state of repair.
- The shop would add a much needed entrepreneurial lift to Clydach Vale.

## **CONSULTATION**

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

Public Health and Protection - raise no objection subject to the imposition of conditions in relation to hours of operation during construction, to ensure the installation of equipment to suppress and disperse odours/smells and ensure appropriate measures are introduced to prevent waste cooking oil etc entering the foul drainage system.

Transportation Section - raise no objection. It is detailed that there are parking restrictions on both sides of Court Street due to the nearby pelican crossing point. Although the take away would increase indiscriminate parking, it is envisaged most parking would take place on Bryn Terrace to the side of the application site. There are also bus stops in close proximity. The proposed takeaway would not increase the parking requirement for the building and there is a detached garage toward the rear of the site that could be used for domestic purposes (serving the flat accommodation). Subject to conditions, no highway safety objection is raised.

## **POLICY CONTEXT**

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

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

**Policy CS1** - In the Northern strategy area the emphasis will be on building strong, sustainable communities.

**Policy AW2** – seeks to ensure new development proposals are located in sustainable locations.

**Policy AW5** - sets out the appropriate amenity and accessibility for new development.

**Policy AW6** - supports and encourages a high level of design for new development.

**Policy AW10** - Environmental Protection and Public Health.

### **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) 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 site is within the settlement boundary as identified by the Rhondda Cynon Taf Local Development Plan and is not allocated. Policy AW2 states development on non-allocated sites must meet the criteria of this policy to ensure such development supports the objectives of the development plan. The site is within a predominantly residential area. However this building was previously used as a shop and the area has some existing commercial properties. It is also evident that a number of historic retail/business premises along the street have now been converted to residential properties. The area is not included as a retail area in the Rhondda Cynon Taf Local Development Plan. Notwithstanding this, it is recognised that local shops and such services can be a benefit in residential areas that are some distance from local retail areas and could therefore be acceptable in principle, subject to compliance with other policy considerations. A number of letters of support have been received from local residents pointing out that such a local facility would bring about benefits to the local community. However, Members are also advised that taking into account the fact the locality is a predominantly residential area, this location may not be a suitable location for a new takeaway restaurant in terms of Policy AW2 and AW5 and these are the most relevant policies against which the application should be assessed. The application also includes a flat at first floor level that in principle would however be acceptable.

Policy AW2 states that to be permitted the use must be compatible with surrounding land uses. Policy AW5 points out that any development should not result in a significant impact upon the amenities of neighbouring occupiers. The area is

predominantly residential in character and objections have been submitted with regard to the impact of the proposed takeaway on residential amenity levels currently enjoyed. The most relevant planning objections raised by residents relate to increased levels of noise, subsequent nuisance and the general adverse impact on amenity likely to be experienced. Concerns are also raised in relation to highway safety. The letters of support for the application broadly indicate that such issues would not be a matter of concern, particularly with reference to the recent opening of a nearby fish and chip shop adjacent to no. 111 Court Street however as seen in the Publicity section above, some comments received do indicate that odour has caused a nuisance for some nearby residents. These issues and the visual impact of the development are further assessed below.

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

With regard to residential amenity, the main impact would be from the takeaway use, traffic, potential noise and disturbance. Hot food takeaways are considered to have a different trading pattern to shops in general for example and have a propensity to generate considerable levels of activity, especially well into the evenings. This activity can generate noise and disturbance arising from the comings and goings of customers, including raised voices, slamming car doors, starting engines and playing car radio, as well as general anti-social behaviour in and around the premises. As stated above, a concern raised from the public consultation exercise is the likely impact of the scheme on existing residential properties in terms of general nuisance and noise disturbance. The proposal would effectively represent a second hot food takeaway close to a number of dwellings in a predominantly residential street. It is acknowledged that a new fish and chip shop has recently opened at the former plot of 112 Court Street with both negative and positive comments being raised about this new facility (within the letters of correspondence submitted in regard to the planning application now under consideration). Members are advised however that no objections were raised by the public in relation to the planning application for this development at 112 Court Street (planning ref no: 13/0743/10), although three objections have been raised against the proposal now under consideration and should therefore be given due regard in determining the application.

Members are also advised about the recent planning history of the application site whereby in 2011, the Council previously refused a similar planning application for the provision of a hot food takeaway at the site (ref no: 10/1309/10). This decision was subsequently appealed by the applicant although the Inspector concluded such a hot food takeaway would: 'likely result in the occupiers of neighbouring dwellings experiencing additional and excessive levels of late evening noise and disturbance which would cause significant harm to their living conditions'. The Appeal was dismissed in August 2011.

It is noted that the current proposal only proposes to operate the takeaway use up until 10.00 pm in comparison to the earlier refused scheme which proposed opening hours up until 11:30 pm from Monday to Saturday and until 10:30 pm on Sundays.

However, given the concerns outlined, the public objections raised and the characteristics of the site whereby it is clear that numerous residential premises are in sight and sound of the application site, it is considered that such a hot food take away of the hours of operation proposed (09:00am to 10:00pm) would be likely to have a negative impact on existing levels of residential amenity currently enjoyed in the area. The slight reduction in opening hours is not considered sufficient to overcome the concerns previously raised which have been supported on appeal and which have been raised again in relation to this application.

### **Access and highway safety**

With regard to highway safety, whilst acknowledging residents comments, the scheme is considered acceptable in this regard. Court Street is a relatively busy road and parking is restricted in front of the site and on the opposite side of the street. However, on street parking is available and does take place within close proximity to the site. It is recognised that some indiscriminate parking within restricted areas may occur as a result of the development; however, this is most likely already happening due to existing commercial businesses in close proximity. Due to the small scale of the development being proposed, it is not considered this type of parking would increase significantly. Furthermore no objection has been raised by the Transportation Section. Therefore in these terms, the application would be acceptable.

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

In terms of visual amenity the main alterations are the changes to the front elevation and the proposed rear extraction flue. The main changes to the front elevation would be the new frontage that would have somewhat of a commercial nature. The building is currently in a relatively poor condition and generally it is recognised its redevelopment would improve the character and appearance of the building. The proposed flue, whilst not ideal in visual terms, has been significantly reduced in scale in comparison to the earlier refused proposal at the site when a substantially larger structure was proposed (which raised substantial visual concerns). Subject to an appropriate finishing paint colour being applied to the flue, the current proposal would not raise such adverse visual concerns to warrant refusal of the scheme in this regard. The siting of the flue on the roof of the building coupled with no objections being raised against the scheme by the Public Health and Protection Division would also suggest such a flue addition would not cause unacceptable levels of odour pollution to residents of neighbouring properties.

### **Other Issues**

The public consultation exercise has raised an objection from a nearby local business that the development should not be permitted as there is already a number of existing takeaways existing within the locality. It is however not the function of the planning system to interfere with or inhibit competition between users of and

investors in land or to regulate development other than for land use planning reasons. It is therefore considered that this issue would not warrant a refusal reason. Comments of the relevant drainage bodies also raise no objection against the scheme.

## **CONCLUSION**

In conclusion, the application site is situated in a locality that is mainly residential in nature and not allocated in the Rhondda Cynon Taf Local Development Plan as a retail centre. There are a few existing commercial properties in close proximity to the site including a butchers and existing hot food takeaway, although the predominant land use of the locality is residential. There have been a number of letters of support for the facility and a number of letters objecting to the proposal. The Council has also previously refused planning permission for a similar proposal to convert the premises to a hot food takeaway, which has been dismissed on appeal.

Careful consideration of all the matters the proposal raises must be made in this instance. However, when balancing the merits of the scheme against the subsequent harm such a use would pose to the amenity and general living conditions currently enjoyed at established residential properties that surround the site, particularly into the evening hours, the scheme cannot be supported. The location is not considered an acceptable location for a hot food takeaway in terms of Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan and as a result, the planning application is recommended for refusal.

## **RECOMMENDATION: Refuse**

1. The proposed take away restaurant would be detrimental to the amenities of nearby residential properties by reasons of increased late night noise and disturbance. As such it is contrary to Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>14/0376/13</b>	<b>(LE)</b>
<b>APPLICANT:</b>	<b>Mr A Taylor</b>	
<b>DEVELOPMENT:</b>	Erection of a bungalow (amended plans received 04/07/2014)	
<b>LOCATION:</b>	<b>LAND ADJACENT TO NO. 14 CAEMAWR TERRACE, PENRHIWFER, TONYREFAIL.</b>	
<b>DATE REGISTERED:</b>	<b>04/07/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Tonyrefail West</b>	

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**RECOMMENDATION: Refuse**

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## **REASONS:**

**The application cannot be supported in principle as the proposed dwelling would be outside the settlement boundary. The loss of the green space and level of engineering likely to be required to accommodate a dwelling on the site also raises visual concerns and limited information has been submitted to determine the likely implications of the proposal on the ecological value of the site.**

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## **APPLICATION DETAILS**

Outline planning permission is sought for the construction of a detached bungalow on a plot of land situated adjacent to no. 14 Caemawr Terrace, Penrhiwfer. All matters have been reserved for future consideration (access, appearance, landscaping, layout and scale).

In accordance with the requirements of the General Permitted Development (Amendment) Order a number of illustrative plans accompany the current submission. The submitted layout and elevation plans illustrate a single storey dwelling would be positioned broadly within the centre of the sloping plot. It is also indicated retaining wall structures would be required given the sloping topography of the site, although no detailed topographical survey or proposed sections have been provided with the outline planning application. It is indicated the dwelling would accommodate three bedrooms and associated living accommodation. An off street parking area would be created alongside the southern side of the dwelling with vehicle access to the site being achieved off Caemawr Terrace.

Whilst details of the scale and appearance of the dwelling are both matters reserved for future consideration, it has been indicated that the dwelling would have a:

Minimum - maximum length of 12.5 metres - 16.0 metres

Minimum - maximum depth of 10.0 metres - 11.0 metres

Minimum - maximum height of 5.0 metres - 6.5 metres.

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

The application is reported to the Development Control Committee at the request of Councillor Eudine Hanagan to consider the relationship of the application site to the settlement boundary.

## **SITE APPRAISAL**

The application site consists of a sloping parcel of land situated on the western side of Penrhiwfer Road, Penrhiwfer. The irregular shaped application plot covers an area of approximately 1130 square metres with a maximum length of 75 metres and maximum depth of 33 metres. The plot sits at the bottom of the relatively undeveloped mountain side (Mynydd Penygraig) and benefits from various planting and vegetation cover. The 'green space' rises significantly from the level of the vehicular highway positioned to the front of the site. A small strip of land, immediately adjacent to the pavement fronting the site is owned by the Council and falls outside the boundaries of the application site. Toward the northern side of the site is a small culvert and water channel. An informal parking space adjoins the very northeastern corner of the site directly abutting the highway. A narrow highway runs toward the southern boundary of the site, giving access to the rear of properties along Caemawr Terrace.

### **PLANNING HISTORY (most recent)**

92/0835	Land off Penrhiwfer Rd, between Caemawr Terrace and Mericks Cottages, Penrhiwfer, Tonypany	One dwelling	Refused 15/01/93
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### **PUBLICITY**

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

### **CONSULTATION**

Land Reclamation and Engineering - raise no objection, it is advised there is a watercourse within the boundaries of the site and as such several drainage conditions are suggested to ensure the appropriate drainage of the site and ensure the development does not increase flood risk.

Dwr Cymru/Welsh Water - raise no objection, subject to the imposition of conditions regarding the drainage of the development.

Public Health and Protection - raise no objection, subject to a condition controlling the hours of operation during the construction.

Structural Engineer - highlights any approved consent should be conditioned to ensure the submission of retaining wall details/structural calculations and the submission of a ground investigations report to cover past mine workings that may affect the site.

Transportation Section - raise no objection, subject to conditions.

Corporate Estates - advise a small area of land to the front of the site is owned by the Council (the red line boundary of the application site does not include this area).

Natural Resources Wales - recommend the undertaking of an ecological survey of the development site, given the sizeable application site contains areas of semi natural habitat, is well connected to the wider landscape beyond and as a result could support habitats and species of ecological value. The current submission is lacking any supporting ecological information.

Countryside Landscape Ecology - highlights the need for the applicant to undertake specific ecological survey work given the characteristics of the site.

## **POLICY CONTEXT**

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

The application site is situated within the Southern strategy area and is, in the main, situated outside the defined settlement boundary. A broadly linear strip to the front of the site is positioned within the settlement boundary although the proposed siting of the dwelling is outside the settlement boundary.

**Policy CS2** – the emphasis in the Southern Strategy Area will be on sustainable growth that benefits the Borough as a whole. This will be achieved (amongst others) by protecting the culture and identity of communities by focusing development within defined settlement boundaries.

**Policy AW1** - defines the housing land supply, to be met from sources that do not include unallocated land outside settlement boundaries.

**Policy AW2** - seeks to ensure that proposals on non-allocated sites are developed in sustainable locations; sustainable locations being defined (amongst others) as sites within the defined settlement boundary in the Southern Strategy Area.

**Policy AW5** - sets out the appropriate amenity and accessibility for new development.

**Policy AW6** - supports and encourages a high level of design for new development.

**Policy AW8** - advises that RCT's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW10** - Environmental Protection and Public Health.

**Policy SSA13** - Permits housing development within settlement boundaries.

### **Planning Policy Wales**

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

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

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main issues:**

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

Outline permission is sought for the erection of a detached single dwelling on the western side of Penrhiwfer Road, Penrhiwfer.

The majority of the application site, including where the dwelling would be sited, is outside the defined settlement boundary and as such the proposal represents development that is contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan that seeks to ensure new development is sited within sustainable locations; sustainable locations being identified as sites within the defined settlement boundary (within the Southern Strategy Area).

It is noted a portion of the front of the site, in the form of a broadly linear strip ranging between 1 - 7 metres, is inside the settlement boundary. Nevertheless, on the basis of the details submitted the dwelling would be sited outside the settlement boundary and given the potential practical difficulties of siting a dwelling, associated access, parking and amenity space within the area of land sited within the settlement boundary, the proposal does raise an in principle policy objection.

It is further acknowledged that the site is positioned within the Southern Strategy Area as defined by the Local Development Plan where residential development that is outside the settlement boundary although adjoining the settlement boundary is not supported (unlike in the Northern Strategy Area where such a proposal would not raise a policy objection).

In summary, the principle of the development in this instance is not supported by the provisions of the Local Development Plan.

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

In terms of visual appearance, whilst noting the outline nature of the application, the submitted plans indicate it is intended to construct a single storey dwelling of a significant footprint with associated retaining wall structures. The application site, although positioned alongside Penrhiwfer Road, appears to form part of the open hillside that surrounds the built form of Penrhiwfer and has a positive visual value.

The proposal to extensively develop and intrude into the existing hillside to accommodate a dwelling of the dimensions and design detailed would mark an unwelcome and intrusive form of development that would significantly alter the existing character and appearance of the site. Whilst limited cross sections/level surveys have been submitted with the outline proposal the obvious rising topography of the site would result in a prominent and overly contrived form of development given the need to engineer and construct retaining walls across the site to accommodate a dwelling. The development would effectively result in an unacceptable intrusion into the valley slope that currently forms a pleasant visual backdrop to the built form of the area.

In summary, the proposal is considered to represent an insensitive form of development that would look out of place and appear visually harmful to the existing character and appearance of the site.

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

Turning to the impact of the proposal on the existing levels of residential amenity and privacy currently enjoyed by neighbouring properties, there are no objections raised against the scheme in this regard. On the basis of the submitted site layout plan it is considered a dwelling could be accommodated on the plot whilst retaining an appropriate offset from the nearest neighbouring properties. Given the offset between the proposed siting of the dwelling and the principal elevations of the nearby terraced properties to the south and Cae Mawr cottages to the north, it is not likely to have any direct overbearing or overshadowing impact. Furthermore, no objections against the scheme have been raised following the neighbour consultation process. It is therefore considered the site could potentially accommodate a dwelling without causing undue harm to existing levels of residential amenity enjoyed in the area.

### **Access and highway safety**

The Transportation Section has raised no objection against the proposal. It is commented that access to the site is off Caemawr Terrace (via Penrhiwfer Road). No pedestrian footway exists along the section of Caemawr Terrace leading to the application site from Penrhiwfer Road, and as such pedestrians would have to share the same surface as moving motor vehicles which is of some concern. A condition would therefore need to be attached to any approved consent to ensure a 2.0 metres

wide footway and associated vehicle crossing is provided along the southern boundary of the site. Further conditions to ensure an appropriate level of off-street parking, the provision of wheel washing facilities and restrictions on delivery times for large construction vehicles are also suggested, should planning permission be granted.

### **Ecology**

Comments raised by both the Councils Ecologist and Natural Resources Wales highlight the ecological potential of the site and further information should be submitted to determine the full importance of the application site and the likely effects of the scheme in this regard. At this stage, insufficient information has been submitted with the application to determine the likely ecological implications of such a scheme.

### **Other Issues**

Following consultation with the Council's Public Health and Protection Division and the Councils Structural Engineer no adverse comments have been raised against the scheme. Comments of the relevant drainage bodies also raise no objection against the scheme. Whilst the position of a water course on the northern fringes of the site has been acknowledged, standard drainage conditions are suggested, should planning permission be granted, that would ensure the satisfactory drainage of the development and ensure the scheme raises no flood risk issues.

### **CONCLUSION**

The application fails to accord with the key requirements of planning policy representing a proposal that cannot be supported in principle given its siting outside the defined settlement boundary. Although submitted in outline with all matters reserved, the information submitted indicates the development of the site would also give rise to visual amenity concerns. The application also lacks sufficient information to determine the ecological implications of such a development proposal.

Refusal of the planning application is therefore recommended.

### **RECOMMENDATION: Refuse**

1. The proposed development represents unjustified development outside the settlement boundary and is therefore contrary to policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development, arising from its siting, scale and design, would constitute insensitive development that would be inappropriate and harmful to the existing character and appearance of the area. As such the proposed development is contrary to policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

3. Insufficient information has been submitted with the planning application to determine the likely impact of the development proposal on protected or priority species. As such, the scheme fails to accord with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**7 AUGUST 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**