

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
3 DECEMBER 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 15/0885 - Change of use from D1 non residential institution to D2 Ladies only fitness suite, Tabor Congregational Chapel, side of car park to rear of 68 Tylacelyn Road, Penygraig, Porth.
2. Application No. 15/0985 - 4 no. pairs of semi-detached dwellings, land to the east of Salisbury Road, Abercynon.
3. Application No. 15/1072 - Change of use to hairdressers with related storage on first floor (Amended description received 16th November 2015), 47 Hannah Street, Porth
4. Application No. 15/1124 - Change of use of first floor to field sports shop for temporary period of a year and provision of external staircase, Old Iron Works, Laundry Road, Pwllgwaun, Pontypridd.
5. Application No. 15/1253 - Construction of a detached dwelling with garage, land adjoining Heulwen Deg, Rock Cottages, Graigwen, Pontypridd.

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APPLICATION NO: 15/0885/10 (BJW)
APPLICANT: Mrs Collins
DEVELOPMENT: Change of use from D1 non residential institution to D2 Ladies only fitness suite.
LOCATION: TABOR CONGREGATIONAL CHAPEL, SIDE OF CAR PARK TO REAR OF 68 TYLACELYN ROAD, PENYGRAIG, PORTH
DATE REGISTERED: 03/07/2015
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: Approve

REASONS:

The proposed change of use to a women's only fitness suite is considered to be acceptable in the existing area which, although primarily residential, is close to several commercial properties in the immediate vicinity. Additionally, it is considered that the operation of the use would not have a detrimental impact on the amenity of the closest residential properties or on highway safety considerations and would also provide a productive use of the existing property.

APPLICATION DETAILS

The application seeks consent for change of use from a former Kingdom Hall (use class D1) to a ladies only fitness suite (use class D2). The application proposes no external alterations to the building with the existing spaces being renovated internally to provide a reception area; an open plan fitness suite area; staff room and customer/staff W. C.'s.

The building has two points of access from Field Street and off the existing side lane. There is no existing off street parking facilities and none are proposed as part of the application. However, there are two large public car parks on Dinas Road close to the site.

The business would create 2 full time and 2 part time jobs and the proposed hours of operation of the business would be 07.00am to 21.00pm Monday to Saturday, and 09.00am to 18.00pm on Sundays and Bank Holidays.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposed development would provide a ladies only fitness suite focusing on fitness and wellbeing and not impact on or harm the amenity of nearby residents or other properties in the area and complies with the policies in the Local Development Plan.

SITE APPRAISAL

The application premises consists of a former Chapel building (Tabor Congregational Chapel) that has, over time, been extended with several, modern, lean-to extensions with a rendered finish.

The property is located to the rear of residential properties in Field Street and the rear of a lane access to properties backing onto Tylacelyn Road which are in a variety of commercial uses.

There are two points of access to the property of both Field Street (No. 10) and the lane to the rear of Tylacelyn Road that also serves several existing residential properties.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Three responses have been received, including a letter signed by 13 respondents, the main points of which are detailed below:

- Residents of Field Street are concerned about the impact of car parking to the proposed development. The existing streets are subject to residents only parking but this is rarely enforced and people often park in Field Street to use the existing businesses despite there being public car parks located nearby.
- Although there are no details as to what the operation would consist of residents are concerned that there could be loud music played at the premises. This would be unacceptable to those living nearby.
- Concerns that the rear lane could be used by patrons. This would block existing access to residences and commercial properties.

CONSULTATION

Transportation Section – no objection.

Public Health and Protection Division – response awaited, but would be reported orally at the meeting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary of Penygraig and is unallocated.

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 AW10 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including air, noise or water pollution and contamination.

National Guidance

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

Planning Policy Wales, Chapter 2 (development plans), Chapter 4 (planning for sustainability), Chapter 7 (economic development).

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

In terms of the change of use it is considered that the premises has been in a D1 use, as a non-residential institution, for many years. The immediate area is primarily characterised by residential properties however, the site backs onto the area of Tylacelyn Road which is a Local And Neighbourhood Retail Area and features many commercial properties. As such, there is generally a higher level of activity within the vicinity of the site than in an exclusively residential area.

It is considered that the principle of the re-use of the property for commercial purposes would be broadly supported subject to an assessment of the impact on amenity and highway safety later within the report. The proposal would also provide employment within the local area and maintain the premises within the immediate street scene.

Impact on neighbouring properties

The proposal would utilise an existing commercial premises that is located in close proximity to existing residential properties in an area of residential properties with nearby commercial uses.

While there is potential for disturbance to be caused to neighbouring residential properties it is considered that the previous use of the premises as a place of worship, as well as the number of other business uses within the area would have resulted in a generally higher level of activity than in a purely residential area.

The applicant has indicated that the premises would be a women only fitness suite that would feature early morning to late evening opening times throughout the week. Despite the relatively late opening hours there is an existing club premises within the street that opens later than the proposed use and it is not envisaged that there would be antisocial behaviour associated with the proposed use.

It is acknowledged that there have been concerns raised in respect of noise and disturbance generated by music being played at the premises to accompany the proposed activities. However, it is considered that the previous use as a place of worship could have generated similar musical activities at the site which would not have been subject to any restriction. It should also be noted that the generation of noise and its impact is also governed by the separate legislation where statutory nuisances can be dealt with.

Consequently, it is considered that the proposal would not, on balance, have a detrimental impact on the amenity of neighbouring properties and would be acceptable in this regard.

Effect on the visual amenity of the area

The application site is a large civic scale property that is attached to and in close proximity to several neighbouring residential properties.

The proposed development is for the change of use of the premises with no external alterations. It is considered that the proposal would have no discernible impact on the character and appearance of the building or the surrounding area. Consequently, the proposal is considered to be acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application. This view acknowledges that there is concern that the proposal does not provide for any off-street car parking facilities. However, taking into account that its previous use as a Chapel would have generated a similar demand and the sustainable location of the proposal with pedestrian links to public car parks, it is on balance that the proposal is acceptable.

Other issues

The issues regarding noise and parking generation have been addressed above in the report. The additional issue of potential obstruction of the lane is essentially a matter that would be the responsibility of the police to deal with.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the change of use, highway safety, the visual amenity or the area and the impact on existing neighbouring residential properties.

RECOMMENDATION: Grant

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

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

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

Existing/proposed floor plans, Drawing Number: hdw/ph/lc.001, dated 23/06/15

unless otherwise to be approved and superseded by details required by any

other condition attached to this consent.

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

3. The hours of operation for the business hereby approved shall be as follows:

- Monday – Saturdays 07.00 to 21.00 hours
- Sundays and Bank Holidays 09.00 to 18.00 hours

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/0985/10 (PB)
APPLICANT: Mr M Williams
DEVELOPMENT: 4 no. pairs of semi-detached dwellings. (8 dwellings)
LOCATION: LAND TO THE EAST OF SALISBURY ROAD,
ABERCYNON, CF45 4NU
DATE REGISTERED: 17/07/2015
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS:

The application site lies within settlement limits and benefits from previous planning permissions for residential development. The present scheme is for a more intensive development than the four large detached houses previously approved though the dwellings have been correspondingly reduced in scale and maintain adequate space between the pairs of dwellings to help to reduce their impact on the character and appearance of the area and on the amenity of neighbours. Adequate off-street parking is provided having regard to the sustainable location of the site in relation to public transport facilities and Abercynon Town centre.

APPLICATION DETAILS

Full planning permission is sought for the construction of 8 semi-detached three-bedroom houses on land at Salisbury Road, Abercynon. Owing to the sloping nature of the site the dwellings will be split-level, with a single storey elevation fronting Salisbury Road and a three-storey elevation facing rear of the properties in Aberdare

Road. Each house will measure 9.2m in depth, by 5.125m in width and 10.4m in height measured from ground level of the rear elevation to the ridge line of the roof. The houses will be set back from the back edge of the highway by a distance of 7.8m to allow for the formation of an 1.8m wide footway across the length of the whole site frontage. Two off-street parking spaces will be provided within the curtilage of each dwelling, with access gained via Salisbury Road. The parking will be laid in a tandem arrangement partly along the side elevation of each dwelling thereby helping to maintain significant space between the pairs of dwellings and allow the formation of landscaped forecourts. In addition each dwelling will have an a landscaped private rear garden.

The application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The site is a steeply sloping piece of land, covered in rough vegetation that has a boundary with the south-east side of Salisbury Road. The parcel of land, which forms the subject of this application is part of a wider development site, and is located at the south western extent of the site. The application site, which is referred to as plots 1 and 2 extends to approximately 24 metres in depth and 14 metres in width, covering an area of 336m². The upper (north western) boundary of the site is level with Salisbury Road, however the land falls steeply toward the level of Aberdare Road, to the south east. Salisbury Road has a relatively narrow carriageway width and the dwellings on the opposite side of the road occupy an elevated position. To the south west of the site is bounded by a pedestrian path (steps) which link Salisbury Road with Aberdare Road. To the rear (south east) of the site is a narrow lane which also serves the rear of dwellings that front Aberdare Road. These properties are at a substantially lower level than the uppermost point of the application site. The surrounding residential area is characterised by traditional terraced houses on the northern side of Salisbury Road and Aberdare Road; however a number of more modern detached properties have been developed on neighbouring plots.

PLANNING HISTORY

14/0920	Land between Salisbury Rd & Aberdare Rd, Abercynon	Construction of 1 pair of split level semi-detached dwellings with associated works including parking provision for 4 cars.	Refuse 24/09/14
13/0906	Plots 2 & 3, Land At Salisbury Road, Abercynon.	Construction of detached residential dwellings.	Granted with conditions 21/01/14
10/0939	Plot 1 & Plot 4, Land At Salisbury	Construction of 2 no. split level detached residential dwellings with	Granted with conditions

	Road, Abercynon	access and parking off Salisbury Road.	22/11/10
08/0045	Land At Salisbury Road, Abercynon	Outline application for residential development (Amended description)	Granted with conditions 16/04/08
95/160	Land at Salisbury Road, Abercynon	Residential development	Granted with conditions 23/05/90
90/178	Land at Salisbury Road, Abercynon	Residential development	Granted with conditions 23/05/90
85/358	Land at Salisbury Road, Abercynon	Proposed 4 no. dwellings	Granted with conditions 13/11/85 11/12/85
79/785	Land at Salisbury Road, Abercynon	Proposed retention of erection of sectional wooden buildings	Granted with conditions 12/11/80

PUBLICITY

The application has been publicised by direct neighbour notification and site notices.

One letter of objection received from a neighbouring resident on the following grounds:

- Development of 8 additional houses will exacerbate current on-street parking congestion and emergency vehicles access..
- Development will involve lots of excavation and infilling of materials due to sloping levels, which involve heavy construction vehicles and equipment accessing the site via Salisbury Road.
- Access to the rear lane is rear lane to lay drainage systems is inadequate and likely to cause damage to property.

CONSULTATION

Transportation Section – no highways objection, subject to conditions.

Land Reclamation and Engineering – drainage condition suggested that would require submission and approval of drainage details prior to commencement of development.

Dwr Cymru/Welsh Water – foul and surface water discharges will need to be drained separately from the site.

Public Health and Protection – no adverse comments; construction hours condition recommended.

Parks, Countryside and Ecology – no reply received as yet.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is within settlement boundaries and is unallocated.

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

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

Policy AW1 sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

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

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

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

Policy AW8 refers to the protection and enhancement of the natural environment.

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

Policy NSA12 – set out the criteria for development within and adjacent to settlement boundaries.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport), and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of Development and Planning History

The application plot is located inside the defined settlement limits and within an established residential area of Abercynon where residential development is normally allowed. Moreover, outline planning permission for residential development of the site was approved in April 2008 and subsequent approval granted for the first of four detached dwellings envisaged for the land was granted in November 2010. It is considered that the principle of the redevelopment of the site for residential purposes is favoured by Local Development Plan policy and these earlier planning approvals unless there are any other material considerations of sufficient weight to indicate to the contrary.

Character and Appearance

The current proposal represents a significant intensification of residential development compared with the most recently approved schemes that are for four large detached dwellings set within large plots on the whole site. Also, it is important to bear in mind the last application to subdivide one of these four plots and develop it as a pair of semi-detached houses was refused planning permission in September 2014 (app ref 14/0920) for reasons that it would amount to a over-intensive development that would be harmful to the character and appearance of the locality, especially if repeated across the other three plots.

Whilst the present proposal amounts to the subdivision of all of the four plots previously approved, the dwellings have been correspondingly reduced in scale such that an appropriate balance is achieved between the buildings and the spaces around them. This is demonstrated by the provision of tandem car parking alongside each dwelling which serves to maintain a significant space between the pairs of dwellings, whilst allowing for the provision of both forecourt and rear garden spaces. Viewed from Salisbury Road the development will present itself as a series of pairs of dwellings with a single-storey facade, though viewed from the rear they will be starkly different, presenting themselves as a series of pairs of imposing three-storey dwellings. Given the steeply sloping topography of the site it is difficult to envisage a residential development of this site without these very different opposing elevations. In any event, this kind of development is characteristic of neighbouring development in the immediate locality therefore the proposal will neither appear out of place with its surroundings nor will it conflict with policies AW5 and AW6 of the Local Development Plan.

Residential amenity

The site amounts to an in-fill plot located within an established residential area of Abercynon. As such, a number of existing residential dwellings are located in the vicinity of the application site. With regards to the properties to the north-west on Salisbury Road, these occupy an elevated position with their front elevations separated from those of the proposed dwellings by approximately 18.0 metres. As such, it is not considered that the levels of amenity or privacy that these residents enjoy would be unduly compromised.

It is acknowledged that the dwellings to the south east on Aberdare Road are situated at a lower ground level than the application site. However, consideration must be given to the fact that planning permission already exists to develop the site for residential purposes. Whilst the proposed dwellings would inevitably be elevated above the level of the properties on Aberdare Road, separation distances of at least 23 metres would be maintained between the rear elevations of the existing and proposed dwellings. It is also considered that given the height differences between the application site and the ground levels of dwellings fronting Aberdare Road, windows on the rear elevation would principally overlook the roofs of these dwellings. Overall, in light of the above, combined with the planning history of the site it is not considered that the resulting impacts upon the levels of amenity or privacy of neighbouring occupiers would be so great as to warrant planning permission being withheld.

Accessibility, parking and highway safety.

With regards to these issues, the Transportation Section has advised that there is some concern about the high demand for on-street parking along Salisbury Road narrowing the available width to single file traffic, which is reflected in the public representations received in response to the application. However, this concern is

balanced against the fact that the development maintains a 5.5m carriageway width along the site frontage. In addition the proposal provides for two off-street parking spaces per plot, which is considered acceptable having regard for the sustainable location close to public transport and within walking distance (800 metres) of Abercynon town centre. Taking these factors into consideration together with the previous planning permissions, the development is considered acceptable in terms of its consequences for accessibility, parking and highway safety.

Community Infrastructure Levy (CIL)

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application site lies within settlement limits and benefits from previous planning permissions for residential development. Whilst the present scheme is for a more intensive development than the four large detached houses previously approved, the dwellings have been correspondingly reduced in scale and maintain adequate space between the pairs of dwellings to help to reduce their impact on the character and appearance of the area and on the amenity of neighbours. Adequate off-street parking is provided having regard to the sustainable location of the site in relation to public transport facilities and Abercynon Town centre. The proposal is therefore recommended for approval subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:

Site Location Plan dated 15 July 2015
Site Layout Plan (drawing number 03) dated June 2015
Proposed Plans (drawing number 01) dated April 2015
Proposed Elevations (drawing number 02) dated April 2015
Site Section XX (drawing number SL.01) dated June 2015

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

3. 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 samples so approved.

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

4. Notwithstanding the details shown on the submitted plans, development shall not commence until full engineering design and details of the road widening to 5.5m, including tie in details, surface water drainage details, 1.8m footway and vehicular crossovers details, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

5. The boundary wall fronting the site shall be no more than 0.9m above ground level in height and shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into beneficial use.

Reason: To ensure that adequate visibility is provided in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. 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 in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interests of highway safety and to prevent overcapacity of

the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

- (i) Monday to Friday 0800 to 1800 hours
- (ii) Saturday 0800 to 1300 hours
- (iii) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1072/10 (GW)
APPLICANT: Mrs D Prosser
DEVELOPMENT: Change of use to hairdressers with related storage on first floor (Amended description received 16th November 2015)
LOCATION: 47 HANNAH STREET, PORTH, CF39 9RA
DATE REGISTERED: 16/11/2015
ELECTORAL DIVISION: Porth

RECOMMENDATION: Grant

REASONS:

The development is within the settlement boundary and within the main retail area of Porth. The building was formerly retail and residential before it became used as

offices and has become vacant recently. Returning an active retail use to the property would benefit the retail area.

APPLICATION DETAILS

Full planning permission is sought for the change of use of 47 Hannah Street to a hairdresser. Originally the application was detailed as being a hairdresser use on the ground floor and a flat on the first floor. Following an initial objection to the flat (from the Transportation Section) the applicant has amended the proposal. The hairdressers would be run on the ground floor and the first floor is detailed as being storage for that use.

The building was previously granted a change of use from a retail/residential to an office use in 2002 (02/0380). The applicant indicates that it was used by Training companies Called Dash training and ITEC training. This use has now ceased and the building is vacant.

The floor plans detail the ground floor would include a large shop area with a kitchen and toilet at the rear. A fire exit door accesses to the rear lane access and first floor. The first floor would be used for storage and includes a toilet as existing. Access is via an existing set of steps that are covered.

There are no details of the opening hours detailed. And no external alterations are proposed.

The application is accompanied by the following:

- Design and Access Statement.
- Email from Hywel Anthony Estate agents dated 2nd November detailing that the property has been marketed with little interest and no offers until the hairdresser offer was made.

SITE APPRAISAL

47 Hannah Street is a commercial property located within the main shopping street of Porth. The property is located immediately onto the footway of Hannah Street with one way vehicular access along its length with a variety of parking areas and restricted parking areas (such as loading only bays and disabled provision). In close proximity is a kitchen shop, a baby/nursery children's shop, a job centre, estate agents, a carpet shop, cafe/clothes shop, a fruit and veg shop. There are also some hairdressers in relative close proximity. Access to the rear is via a narrow lane that can be accessed between numbers 43 and 44.

PLANNING HISTORY

02/0380	47 Hannah Street, Porth	Change of use from retail and residential to office.	Granted 29/04/02
00/6311	47 Hannah Street, Porth	Proposed change of use to A3 hot food takeaway.	Withdrawn 21/09/00
00/6173	47 Hannah Street, Porth	Change of use to hot food takeaway.	Refused 14/07/00
			Appeal Withdrawn

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. 152 letters of objection have been received, 41 letters of support, and a petition of support signed by 196 people.

Support:

- Another business is welcomed and encouraged. There are enough potential customers to justify another entrant in the market.
- The business would be a gentleman's barbering service and will offer services that may not be available in the area such as hot towel shaves, beard colouring and eyebrow waxing.
- Competition would be healthy for the town offering a variety of choice.
- It would bring back a premise that has been dormant.

Objections:

All the objection letters are the same pro-forma signed and addressed by different people and businesses. The comments are summarised below:

- There are 15 hairdresser/barber shops in Porth.
- It is fast becoming a place of only fast food outlets and hairdressers/barbers.
- More diversity is required to keep the interest and work in the town.
- Another hairdresser means others will potentially need to cut back on staff and their hours.

CONSULTATION

Countryside, Landscape and Ecology - a bat informative note is required if permission is to be granted.

Natural Resources Wales – no objection. The site is within zone C2. They recommend a Flood Consequence Assessment is carried out to ensure the risks and consequences are minimised.

Public Health and Protection – no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust, waste and advice is given with regards contaminated land.

Transportation Section – no objection subject to a condition restricting the first floor to storage and that it should not be converted to living accommodation with primary access from the rear.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is Porth retail centre.

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

encouraging a strong, diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors.

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 AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy AW11 – sets out criteria for development proposals promoting alternative uses for existing employment sites and retail units.

Policy NSA19 – provides criteria for retail development in the principal town and key settlements. Development proposals for Class A1, A2, A3 and other uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy will be permitted.

Supplementary Planning Guidance

Access, Circulation & Parking

Shop Front Design

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) 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 18: Transport;
PPW Technical Advice Note 23: Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

MAIN ISSUES:

Principle of the proposed development

The site is located within the main retail centre of Porth. The property is currently vacant and bringing it back into a beneficial use would increase footfall to the area and consequently it is considered would help support the vitality and viability of the retail centre as a whole. A retail use such as hairdressers/barbers (A1 retail use) would be in line with policies in the Local Development Plan that encourages retail uses into retail zones (NSA19).

Policies in the LDP also seek to protect employment type uses. The proposal would reduce the amount of employment space in the building; however it would retain employment space and would benefit the retail zone as detailed above. To be permitted, the loss of employment use is normally justified by marketing the property for an employment use over a year and that has been unsuccessful or a regeneration benefit would result in allowing the development. The applicant has provided evidence from an estate agents that it has been marketed recently with little interest until the offer from a hairdresser was made. Taking into account the above, the loss of employment space is not considered significant and the returning of a vacant building within the prime shopping area of Porth to a positive use is a regeneration benefit that complies with policies directly related to retail zones.

Turning to the objection with regard too many hairdressers being located in Porth and that there should be a diversity of uses within the shopping area. This is noted and appreciated; however it is considered that there is a reasonable diversity of shops and services within Hannah Street and the surrounding retail areas. The development of a further hairdresser/barbers shop would not have a detrimental impact on the retail zone in planning terms. As detailed above it would increase footfall to the shopping street that could benefit the retail area as a whole. The

argument from the objectors that it would result in the loss of employment from too many hairdressers has not been evidenced and as such is considered would carry little weight in the determination of this planning application.

Further to this and the content of the objection letters and support letters, Planning Policy Wales (sec 1.2.3) states "It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons." As such the demand for a further hairdresser shop is considered would be a matter of market forces. Members are advised that if the application is granted, permitted development rights would allow the change of use of the premise to other retail shop uses such as: a newsagent, food shop, travel agent, post office, dry cleaners etc and these uses would also be acceptable within Hannah Street.

Therefore in principle it is considered the proposed use would be acceptable subject to material planning considerations which are assessed below:

Impact on residential amenity and privacy

The provision of a shop within the premise would be acceptable use in terms of the impact on any adjoining residents. There would be no significant difference in terms of noise and disturbance to the previous use. Therefore taking the above into account, it is considered the application would be acceptable in these terms.

Access and highway safety

The proposed ground floor shop would be accessed directly from Hannah Street as other retail properties are. The first floor would either be accessed through the shop or via an existing rear access, which would have been utilised by the previous uses at the site. No objection has been raised by the Transportation Section subject to a condition that requires the first floor is not converted to living accommodation with a primary access from the rear lane.

Members are advised that if the application is granted, permitted development rights would allow the first floor to be converted to living accommodation with no control over the access. Members should note the Council's Supplementary Planning Guidance does recommend new flats should be accessed from the main highways and not from rear lanes. Furthermore, that the application has been amended by removing the proposed flat, to overcome an initial objection by the Transportation Section.

In assessing this issue and the need for the condition, other properties in this mainly retail area have the same permitted development rights which allow the first floor to be converted to a flat with no need to submit a planning application and no control over the access. It is also evident that some first floor flats on Hannah Street are accessed from the rear lanes. If the applicant were to convert the first floor to a flat

at a future point and a separate access from the front was required, the developer would have to carry out some significant works at their expense. It would also result in the narrowing of the shop front, which is considered could have a visual impact on the shopping street. Therefore it is considered it would not be reasonable to restrict access in this individual case when others could do the same without any control. As such Members are advised the suggested condition is not needed.

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:

Impact on the character and appearance of the area

No external alterations are proposed as part of the application and there would be no change as a result of the proposed development. Therefore, in these terms, the proposal would be acceptable.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, access and highway safety and the impact on residential amenity (Policies CS2, AW2, AW5 and NSA19).

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no Proposed Floor plans received 17th November 2015, and documents received by the Local Planning Authority on 4th and 24th August, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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APPLICATION NO: 15/1124/10 (GW)
APPLICANT: Merlin Engineering (Pontypridd) Ltd
DEVELOPMENT: Change of use of first floor to field sports shop for temporary period of a year and provision of external staircase.
LOCATION: OLD IRON WORKS, LAUNDRY ROAD, PWLLGWAUN, PONTYPRIDD,
DATE REGISTERED: 06/10/2015
ELECTORAL DIVISION: Rhondda

RECOMMENDATION: Grant

REASONS:

The site is within the settlement boundary and would provide a beneficial commercial use. The objections with regard the selling of firearms is noted, however the planning application should be determined on the suitability of a retail use within the premise. As such, the issue of the selling of firearms and safety is a matter for licensing from the Police Authority and the management of the shop. It is also understood that only a license to sell low powered air rifles has been applied for.

Whilst the premise is not in a retail area the proposed retail use is small in scale and would not have a significant detrimental impact on nearby retail areas.

There would be no significant detrimental impact on the amenity of neighbours, the character of the area, flooding and the impact on highway safety would be acceptable.

APPLICATION DETAILS

Full planning permission is sought for the change of use of part of the first floor of the premise to a field sports shop as a temporary one year consent. The shop would sell outdoor clothing and equipment to enable users to enjoy outdoor leisure pursuits of various forms and styles. Members are advised this would include air rifles, however the applicant has stated this would not form the main component of goods for sale. An area of approximately 36m² of the first floor would be used for the sales area of the shop. It is detailed in the DAS that this area was previously used for storage of fireplaces (manufactured at the premise) before being sold and that

currently the space is underused as part of the existing light manufacturing use of the building.

The applicant has clarified, *"the shop would stock some low powered air guns of a muzzle velocity of no more than 12 ftlbs for rifles and 6 ftlbs for pistols. These would only be sold to customers who are eighteen years of age or above (identification always to be produced if there should be any doubt of the customers age) and under strict license, with registers kept of all sales and purchases. The relevant license is issued by south wales police only after due examination of the proposed premises, security arrangements and the applicant, who must show proficient knowledge of the firearms (amendment) act 1997 and the violent crime reduction act 2006. whilst on display the air pistols would be stored in locked reinforced glass cabinets and the air rifles attached to the fabric of the building with high tensile steel cable. During periods of storage both would be stored in steel cabinets in line with the violent crime reduction act 2006. The premises would be fitted with a monitored and maintained grade 2 alarm system that would be monitored by three members of staff at all times and a 24 hour recorded high definition Infra-red CCTV system (which in case of alarm could be accessed by any of the three members of staff from anywhere in the world via the internet) with a daytime and night-time range of 30m. This CCTV system would also be used to monitor visitors before admitting them to the shop using an electronic door release system. All of these measures comply with or exceed the requirements set out by the violent crime reduction act 2006. Upon their own inspection, should south Wales police find any fault with any aspect of the application, especially safety and security then no license would be issued and we would be unable to trade in the goods. I would also like to say that these air guns would only constitute a small percentage of our stock. The majority being clothing and general outdoor accessories."*

An external painted metal staircase would be provided on the front of the building to access the first floor via a former access that is disused.

A total of ten parking spaces (4 additional to the existing) are indicated and would be provided for both uses.

The proposed opening hours would be 09:00 to 19:30 Monday to Fridays and 09:00 to 17:30 on Saturdays.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site is located at the end of Laundry Road in Pwllgwaun. It is a former Iron Works building used by Merlin Engineering for a light manufacturing industrial use.

To the north and west of the site are terraced residential properties on Lee Street and Station Place. To the east of the site is the River Rhondda.

PLANNING HISTORY

None relevant.

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Four letters of objection have been received at the time of writing this report, including one from the Headteacher of Ysgol Gyfyn Gymraeg Evan James. The contents are summarised below:

- Change of use is unsuitable and would have a detrimental effect on the area.
- A gun shop should not be allowed so close to a school. Ysgol Gyfyn Gymraeg Evan James is a short walk away.
- It is a long standing quiet area.

CONSULTATION

Countryside, Landscape and Ecology - a bat informative note would be required.

Natural Resources Wales – no objection subject to developer being made aware and being provided with guidance on flood warnings.

Public Health and Protection – no objections subject to conditions on hours of operation, noise and waste.

Police Authority - An application was submitted to the Firearms Licensing Department by Mr. Tapp some time ago. I have visited the site to inspect the proposed security arrangements for the storage of air weapons. Mr. Tapp will comply with the requirement for satisfactory safe storage before a 'dealers' licence can be issued. This licence will be issued under the Violent Crime Reduction Act 2006. Only persons 18 years of age or over will be permitted to enter the retail area of the premises and proof of age will be required before a sale can take place. Records of person/s purchasing air weapons will be maintained in a register, which will be inspect on an annual basis. All air weapons on display will be tethered with high tensile steel cables. Only air weapons deemed to be low powered (12fp or less muzzle energy) will be sold from the premises. Air weapons with a higher muzzle energy become Section 1 Firearms and can only be sold through a Registered Firearms Dealer.

Transportation Section – no objection subject to condition requiring an amended layout plan detailing parking, circulation and access and a segregated pedestrian access.

POLICY CONTEXT

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan.

Policy CS2 - sets out criteria for achieving sustainable growth including focusing development within defined settlement boundaries.

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

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

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

Policy AW7 - sets out criteria for the protection and enhancement of the natural environment. Development would only be permitted if it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity (including flooding).

Supplementary Planning Guidance

Access, Circulation & Parking
Design and Placemaking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 10 (Planning for Retail and Town Centres) 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 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 23: Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

MAIN ISSUES:

Principle of the proposed development

The site is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan.

Firstly, as raised by the objectors, the proposed field sports shop could potentially sell firearms such as air rifles. Members should note this type of shop could be provided in any vacant retail premise in the area without the need for planning permission. As such in these circumstances issues around the type of goods that may be sold i.e. firearms would not be taken into account. However, Members are advised to sell firearms a license from the Police Authority would be required.

In terms of this application and the selling of firearms, it is recognised this would be a new class A1 retail use in close proximity to dwellings and also to a local school. Whilst it is appreciated this may cause some concerns there is no evidence to show that selling firearms at the premise would lead to a significant detriment to the health and safety of residents. It would be a matter for the management of the premise to operate in a safe and responsible manner and comply with license regulations. Members are advised it is understood the applicants have applied for a licence to sell firearms from the Policy Authority. The Policy Authority have advised that only air rifles deemed to be low powered would be sold at the premise. Furthermore the applicants have also stated that safe storage would be a prime consideration as detailed above in the Application Details section.

In planning policy terms the proposed retail use would be on a small scale and would sell niche goods. As such the benefit of locating this type of shop in a retail zone may not benefit footfall significantly. It is likely people going to this type of shop would be making a journey just to visit that shop. Therefore any impact on nearby retail zones would be less significant. The applicant details some retail use has previously taken place at the property with the sale of fireplaces that were manufactured there. In addition it is detailed the first floor space is currently underused and its use as the shop would result in a more beneficial use. The proposal is for a temporary period and whilst there may not be an objection to a permanent permission this may be beneficial for gauging any response to the long term potential of the shop at this premise. It is therefore considered there would be no objection to using part of the site for the proposed retail use.

Therefore in principle the proposed use would be acceptable subject to material planning considerations which are assessed below:

Impact on residential amenity and privacy

The retail use would be within the existing building and as such this would not result in any significant noise and disturbance issues. There would be some increase in comings and goings of customers to and from the shop. And the use of the external steps would make the coming and goings more visible. However, due to the small scale of the proposal, it is considered there would not be such a significant impact to warrant a refusal on this issue.

On another issue, it is considered the external steps would increase opportunities to overlook the rear of properties on Lee Street. The entrance door would be approximately 11m from the rear boundaries of the dwellings. One of the dwellings that would be mainly affected is however indicated as being owned by the applicant. It is also noted there is a window on the side of the building that is closer to the affected dwellings and potentially already overlooks them. This is detailed as serving an office and would be retained as such. It is considered that the resulting overlooking impact would however not be significant enough to warrant a refusal reason.

Therefore taking the above into account, it is considered the application would be acceptable in these terms.

Impact on the character and appearance of the area

The main impact would be from the proposed external steps located on the front of the building. This is the primary elevation and the most prominent. The steps would be visible from roads and dwellings surrounding the site. Notwithstanding this, the building has already been altered with a large steel roller shutter door on the front elevation and the site also contains other minor features from the existing light manufacturing use that is considered already impacts on the character of the site. The steps would be relatively small in scale and therefore would not result in a significant detrimental visual impact to the building and area as a whole.

Access and highway safety

The site would be accessed through the residential streets of Pwllgwaun. Parking and turning space would be available within the site. No objection has been raised by the Transportation Section subject to a condition requiring the provision of a separate pedestrian gate to the vehicle access.

Flooding

The site is located close to the river Rhondda and Council records detail it is within a C2 flood zone. Technical Advice Note 15 (TAN15) regards retail development as being less vulnerable development. In assessing whether the development is acceptable in these terms, the shop would be on the first floor of an existing building and would somewhat aid regeneration in the area. No objection has been raised from Natural Resources Wales (NRW) subject to the developer being made aware of the situation and that NRW should be contacted to advise further on issues such as flood warnings and mitigation measures that could be taken. Therefore in these terms it is considered the application would be acceptable.

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 and Protection Section

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

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on the character of the area, the impact on highway safety and flooding (Policies CS2, AW2, AW5, AW6 and AW10).

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 use hereby permitted shall be discontinued no later than one year from the first use hereby permitted, of which the Local Planning Authority shall be informed in writing.

Reason: To define and limit the extent of the permission in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. The development hereby approved shall be carried out in accordance with the approved plan no CWPL01 Site Location Plan and Proposed Layouts received on 19th June 2015 and documents received by the Local Planning Authority on 19th June 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

4. Prior to the first beneficial use hereby permitted the access, parking and turning facilities shall be laid out in accordance with the submitted layout plan, Drawing No. 2996/2 REV A received on the 23rd November 2015. The parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate access, turning and parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1253/10 (MF)
APPLICANT: Mr C May
DEVELOPMENT: Construction of a detached dwelling with garage.
LOCATION: LAND ADJOINING HEULWEN DEG, ROCK COTTAGES, GRAIGWEN, PONTYPRIDD, CF37 2EF
DATE REGISTERED: 11/09/2015
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS:

The principle of residential development at the site is acceptable. Furthermore, the proposed dwelling is considered acceptable in respect of its visual impact and its potential impact upon the amenity and privacy of the neighbouring properties and

highway safety.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling within the residential curtilage of Heulwen Deg, Graigwen Road. The proposed dwelling would be sited on a parcel of land immediately to the north of the existing property that is currently used as garden space.

The dwelling would be sited centrally within the plot, measuring 12.6 metres in width by 12 metres in depth. It would be of a modern design incorporating a pitched roof to 9.6 metres in height and a gable feature to the left of the front elevation. The dwelling would be orientated towards the street with gardens areas at the rear and northern side. Access, turning and parking would be sited to the front and southern side. A detached double garage would be located at the north-east corner of the site measuring 6 metres in width by 6 metres in depth with a pitched roof design to 4.5 metres in height. It is proposed that both aspects of the scheme be finished in render, slate roof tiles and uPVC.

Access into the site would be gained from the turning head at Heol Y Deri to the east of the plot. In order to provide the access, a small parcel of land which currently forms part of the residential curtilage of number 5 Heol Y Deri will be incorporated within the development plot.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site is an irregular parcel of land, measuring approximately 700m². It currently forms part the residential curtilage of the dwelling of Heulwen Deg, being sited immediately to the north of the existing property. There is a slight variation in level across the site with a fall in the land from north east to south west. The north western and north eastern boundaries are defined by a stone work wall. A large mature tree is located at the north east corner. The south western extent of the site is defined by a low level post and wire fence, beyond this boundary is a steep bank which falls to an area of land below identified as a Site of Importance for Nature Conservation (SINC). Far reaching cross valley views exist in a westerly aspect from the site. To the south east is the main dwelling 'Heulwen Deg', this is a large two storey property served by a single track private drive from Graigwen Road to the south. To the north east, the site is bounded by the residential dwellings which front Heol-Y-Deri and Llanwonno Close. These occupy an elevated position above the

application site. It is noted that pedestrian access from the western extent of Heol Y Deri already exists to serve Heulwen Deg and the application site.

PLANNING HISTORY

Previous planning applications submitted at the site:

12/0318	Land adjoining Heulwen Deg, Graigwen Road, Pontypridd	Outline planning for 1 dwelling and parking	Granted 25/09/12
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Three letters of objection have been received from residents of neighbouring properties, making the following comments (summarised):

- The proposed dwelling would be out of keeping with the surrounding locality.
- The proposed dwelling would have an overbearing impact upon the surrounding properties.
- The proposed dwelling will be orientated towards 4 Heol Y Deri and would therefore directly overlook it and its amenity space.
- The proposed dwelling would overshadow 4 Heol Y Deri and its amenity space.
- The first floor bathroom window in the northern side of the dwelling would face 5 Llanwonno Close to the north. Occupiers of this property would like assurance that the window will be of obscure glazing.
- Concerns in respect of the proposed access off the turning head in Heol Y Deri. The development will restrict access to other properties in the street and could cause issues if the turning head is blocked for any reason.
- The access from Heol y Deri on to Graigwen Road only just copes with existing traffic levels. It is suggested that the development would increase traffic in the street by 40%.
- Visitors and deliveries to the property will obstruct the street.

- The Fire Brigade often use the hydrant in the cul-de-sac to deal with fires on the slopes below the site. Access for emergency services vehicles will be difficult.
- The applicant has already cleared the site and regularly burns waste on site.
- There is a colony of newts on the site and these are a protected species.
- A number of trees on the site have been felled and there are concerns that the remaining tree will also be removed.
- Concerns that any engineering works at the plot may destabilise the bank along the western boundary of the site having implications for the adjacent properties.
- The proposed dwelling would result in a loss of views for surrounding residents.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

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

Countryside, Landscape and Ecology – no objection.

Dwr Cymru/Welsh Water – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 – outlines how the emphasis on building strong, sustainable communities will be achieved in the Southern Strategy Area.

Policy AW1 – focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA13 – sets out the criteria for the consideration of development proposals within the settlement boundaries.

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

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.

Principle of the Proposed Development

Full planning permission is sought for the erection of a detached dwelling on this 'rounding-off' site that forms a proportion of the residential curtilage of an existing dwelling. The site is unallocated, situated inside of the defined settlement limits and within an established residential area of Pontypridd. As such, it is considered that the development of a further dwelling on the site would be compatible with the surrounding land uses. It is also noted that outline planning permission for a single

dwelling has recently been approved at the site and subsequently, the principle of residential development has already been established. As such, the proposed scheme, in principle, is acceptable, subject to an assessment of the following criteria.

Visual Impact

As noted above, the application site is located to the north of Heulwen Deg with the north eastern extent of the site being bounded by the existing residential properties, 4 Heol Y Deri and 5 Llanwonno Close. Given the position of the site within the street, it is considered that the plot appears as the close of the existing residential cul-de-sac, with access being proposed from the existing adopted highway. The dwelling would be positioned within the centre of the plot with adequate space being retained for amenity and parking areas. Therefore, it is considered that the proposal would not lead to an over intensive form of development and will also allow for a degree of landscaping to be retained around the new building. Further, the new dwelling would broadly follow the building line and general pattern of development of the adjacent properties, albeit having to be orientated eastwards to face the street where the adjacent property faces south.

With respect to the dwelling itself, whilst the proposed would be slightly larger than the surrounding properties along Heol Y Deri, it is considered to be of an attractive, modern design and scale with its mass and proportions having a limited potential impact upon the character and appearance of the locality. It is acknowledged that the south western extent of the plot has an open aspect which means that a proportion of the site has a visually exposed position, being visible from areas of Pantygraigwen and Hopkinstown to the far south west, however, it is considered that the combination of appropriate external finishes will ensure the dwelling is generally in-keeping with the character of the area and not overly prominent in locality.

It is noted that an objector has commented that the site has already been cleared and that the final tree on site should remain in place. Whilst it is regrettable that the majority of trees have been removed and the applicant propose to remove the last tree on site, the majority of clearance works have already been undertaken and it is not considered the removal of the final tree would have any additional impact in visual terms. It is also noted that following consultation with the Council's Countryside, Landscape and Ecology Section, no objections have been raised in this respect.

Consequently, it is considered that since the site would have a connection with Heol Y Deri, the proposed dwelling would be read in the context of the existing settlement and its scale and design would not adversely affect the character or appearance of the immediate site or its wider setting, particularly given the variation in building styles and house types which characterise the area.

Residential Amenity

The proposed dwelling would be orientated towards the gable end of the adjacent property, 4 Heol Y Deri. There are two windows within the side elevation of the adjacent property, one at ground and one first floor level, however, they appear to be small, non-habitable windows serving a hallway and staircase. As such, given that the proposed dwelling would be off set and separated from the adjacent neighbor by approximately 12 metres in order to provide an adequate parking and turning area within the site, and the fact that 4 Heol Y Deri is sited at higher ground level than the application site, it is not considered that a harmful loss of light or significant overbearing impact would likely arise as a result of the scheme. Additionally, given the nature of the site and its relationship with the surrounding locality, the proposed development is also unlikely to result in any adverse overlooking of the adjacent premises.

It is noted that the occupiers of 5 Llanwonno Close to the rear of the site have commented that a bathroom window in the northern side elevation of the dwelling may overlook their property if the window is not obscured. Whilst the plans do not detail the nature of the window, given that it will serve a bathroom, it is not considered there would be any harmful loss of privacy. It is however considered a condition should be added to any consent to ensure the window is obscured and remains as such thereafter.

Whilst it is acknowledged that the adjoining residents' loss of view across the existing undeveloped site is regrettable, this factor does not represent a material planning consideration and as such cannot be taken into account in the determination of the planning application.

Subsequently, having considered the relationship between the proposed dwelling and the existing properties, the development is considered acceptable in this regard.

Highway Safety

Following consultation with the Council's Transportation Section, no objections have been raised to the proposal subject to conditions as the scheme indicates the provision of adequate parking and turning facilities within the curtilage of the site.

Access to the site would be formed directly off Heol Y Deri. This is an adopted highway that serves (and fronts) a number of existing residential properties to the north east of the site. A pedestrian point of access to the site already exists in this position. It is proposed that a small proportion of the curtilage of number 5 Heol Y Deri be incorporated within the development plot with vehicular access being formed off the existing turning head at the top of the street. It is commented that this arrangement could be achieved without the loss of any off street parking to no.5. Furthermore, it has been demonstrated that sufficient parking and turning facilities can be accommodated within the application site. It is noted that there is a slight variation in level between the adopted highway and Heulwen Deg, however the

difference in levels is not significant. As such, it is not considered that the physical works required to enable the formation of this access would adversely impact upon the character and appearance of the street scene from Heol Y Deri.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of the road to serve a new dwelling, commenting that the development will cause nuisance and disturbance to neighbours and will increase traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements, resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, a condition has been suggested by the Council's Transportation Section, which would seek to reduce this impact; by controlling the days and hours during which deliveries associated with the construction may attend the site thereby avoiding disturbance during the evenings and peak traffic times.

A similar condition, which restricts the hours of construction work on the site is also suggested by the Council's Public Health and Protection Section. Consequently, it is not considered that the movement of additional traffic generated by the construction of one dwelling, along the existing adopted highway of Heol Y Deri, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the planning application.

Therefore, given that no objections have been raised by the Council's Transportation Section, subject to condition, it is not considered that the formation of the proposed access to serve one additional dwelling would adversely impact upon highway safety in the vicinity of the application site.

Ecology

Whilst it is acknowledged that the land to the south west of the application site is identified as being a SINC, having consulted with the Council's Countryside Section, no objections have been raised to the proposal. Although the site bounds the SINC, it does not encroach upon this area as the topography of the site, with a steep embankment defining its south western boundary, marks a clear distinction between the development plot and the neighbouring land.

It is noted that a neighbour has made reference to the fact that a colony of newts is known in the area and that these are afforded certain protections. In light of these comments consultation has been undertaken with the Council's Ecologist. His response details that the current proposal affects an existing garden area where no pond or similar is lost or affected. As such, there is no evidence that the proposed scheme would directly impact upon a newt (of any species) breeding pond. Further, following a search of the South East Wales Biodiversity Records, there are no records of any great crested newt colonies in this area.

Consequently, it is not considered that the proposed development would result in an adverse impact upon biodiversity in the immediate vicinity of the site.

Other Issues

It is noted that concerns have been expressed in respect of the potential implications any engineering works at the plot may have upon the stability of the surrounding properties. The applicants have detailed that a 900mm high retaining wall would be erected along the western boundary of the site which would be sufficient to support the proposed dwelling and plot. Whilst the full design and calculations of the wall have not been submitted with the application, no objections have been raised by the Council's Structural Engineer. It is however suggested that the full details and calculations be submitted to and approved by the Local Planning Authority prior to any works starting on site and that a condition to this effect should be added to any consent.

It is also noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impact upon land drainage. Their response raises no objection to the planning application subject to standard conditions and advice. Further, no adverse comments have been raised by either Dwr Cymru/Welsh Water or Natural Resources Wales.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL charge (including indexation) for this development is expected to be £12,853.56.

Conclusion

It is not considered the proposed dwelling would have a significant impact upon the character and appearance of the locality or the amenity and privacy standards currently enjoyed by the surrounding properties. Furthermore, following consultation with the Council's Transportation Section, it has been established that it would be possible to form a vehicular access to the plot from Heol Y Deri without resulting in an adverse impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan and HDW/PH/MAY.001 and documents received by the Local Planning Authority on 11/09/15, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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 is occupied. Development shall be carried out in accordance with the approved details.

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

5. Building operations shall not be commenced until samples of the construction 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. 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 disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

8. Notwithstanding the submitted details, prior to the commencement of development, full details (including external finishes, heights and exact siting) and design/structural calculations of any proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety, and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

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

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

11. Prior to the dwelling, hereby permitted, being brought into occupation, the first floor bathroom window in 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 window 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.

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

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

13. Surface water run-off from the proposed parking area, turning area and driveway shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

15. 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
 - Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a

source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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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

3 DECEMBER 2015

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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