



PLANNING & DEVELOPMENT COMMITTEE

16 AUGUST 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0663/10
(MF)
APPLICANT: **Services 360 Limited**
DEVELOPMENT: Two storey and single storey extension to rear of property, first floor to be converted to a two bedroom self contained flat (resubmission of 17/1319/10).
LOCATION: **5 LIONEL TERRACE, RHYDYFELIN, PONTYPRIDD, CF37 5HR**
DATE REGISTERED: 20/06/2018
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS: The principle of a mixed office/residential use at the property is acceptable. Further, whilst it is acknowledged the proposed extension will undoubtedly have a degree of impact upon the visual amenity and general residential amenity and privacy standards currently enjoyed by the immediate neighbours, on balance, the scheme is considered acceptable in these regards. Additionally, in light of the agreement between the applicant and the nearby Rhydyfelin Rugby Club to provide off-street parking for all vehicles associated with the office use, it is not considered the proposed would have a detrimental impact upon highway safety in the vicinity of the site.

In light of the above, the application is considered to generally comply with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

Three letters of objection have been received from occupiers of neighbouring properties following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the application property from an office unit (B1) at both ground and first floor level to an office (B1) at ground floor level with a separate, self-contained residential flat (C3) at first floor level. As well as a full internal renovation, the proposed conversion would also involve the construction of a two-storey extension to the rear of the building and the demolition and replacement of a detached garage at the rear of the site.

This application forms the resubmission of a previous application (ref. 17/1319/10) which also sought consent for the change of use of the existing office to an office at ground floor level with a separate, self-contained flat above, including a two-storey extension and replacement garage to the rear.

The previous application was refused on 15/02/18 as it was considered the proposed two-storey extension, as a result of its scale and depth, would have an unacceptable detrimental impact upon the visual amenity and levels of residential amenity and privacy currently enjoyed by the occupiers of the immediate neighbouring properties; and because the development would result in a detrimental impact upon highway safety in the vicinity of the site by introducing increased on-street car parking demand.

Following the previous decision, the applicant has amended the scheme whereby the depth of the proposed two-storey extension has been reduced from 5.4m to 3.4m, and a contract with the nearby Rhydyfelin Rugby Club has been agreed to allow staff and customer vehicles associated with the office use to be parked within the rugby club car park. Details of current scheme are set out below:

The proposed extension would adjoin the rear of an existing two-storey annex at the back of the property, projecting from it by 3.4m at both ground and first floor level. The addition would span the full width of the building and would incorporate both pitched and flat roof elements to a maximum height of 6.1m above ground level. A number of windows would be located within the rear and southern side elevations at both ground and first floor level.

The existing garage structure at the rear of the plot would be demolished and a new similar garage would be erected at the rear of the new two-storey extension. The proposed garage would measure 5.2m in width by 9.5m in depth, incorporating a flat roof design to 2.5m in height. The garage would accommodate 2 no. vehicles with access gained via the service lane to the rear of the site.

It is proposed both the extension and garage be finished in external materials to match that of the host property.

The ground floor office would be divided in to two separate rooms, one to the front and one to the rear of the building, although both would be occupied as one commercial unit. Access would be gained via the existing entrance at the front of the building.

The first floor flat would accommodate 2 no. bedrooms and various associated living space across the unit. Access to the flat would be gained via a separate access to the southern side of the property.

Other than the proposed garage, it is not proposed any additional off-street parking be provided at the site. However, a signed contract has been provided in support of the application that details the applicant has entered in to an agreement with the nearby Rhydyfelin Rugby Club who will allow staff and customer vehicles associated with the office use to be parked within the rugby club car park. The car park is located to the north of the application site, at the end of Lionel Terrace, approximately 50m from the application property.

SITE APPRAISAL

The application property is sited at the centre of a residential street off the main highway through the village. It forms a traditional end of terrace dwelling that was converted to an office some time ago, with the traditional ground floor element of the front elevation being replaced with a more commercial, glazed shopfront design. The property is set back from the footway having a small courtyard to the front. An enclosed garden area is located to the rear where a two-storey annex and detached garage are sited. A pedestrian access is located to the southern side of the property that leads from the front to the back of the site. The property is bounded by residential dwellings at either side and a service lane to the rear, beyond which is the River Taff. A further residential dwelling, Rosedale, abuts the south-eastern corner of the site. Whilst the surrounding area is predominantly residential in nature, it is noted that three of the seven properties in the row are occupied by commercial uses and a number of further commercial uses are located nearby.

PLANNING HISTORY

Previous planning applications submitted at the site:

17/1319	ICU South Wales Branch Executive Club, 5 Lionel Terrace, Rhydyfelin	Ground floor – extend the ground floor to continue use of an office. First floor – conversion of first floor to a residential flat. Garden – demolition of current outbuilding, rebuild a new garage to end of garden	Refused 15/02/18
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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 occupiers of neighbouring properties along Lionel Terrace, making the following comments summarised:

- The proposed extension would be out of character with the scale and design of other extensions in the area.
- Given its scale and depth, the proposed two-storey extension would overshadow the rear of the neighbouring properties and their rear amenity space.

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- Surface water may runoff to the adjoining gardens.
- Concerns that the proposed garage would be used to store builder's materials and equipment, resulting in noise and disturbance.
- Lionel Terrace is already very busy with vehicles parked on the highway. The proposed use would exacerbate this issue.
- The use of the application property, and some of the neighbouring properties along Lionel Terrace, for commercial purposes has resulted in the value of the neighbouring residential properties being reduced.

CONSULTATION

Transportation Section – no objection, subject to condition.

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

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection.

Dwr Cymru/Welsh Water – no objection, subject to condition.

Natural Resources Wales – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Rhydyfelin, 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 – sets out the criteria for new housing proposals.

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 AW4 – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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.

Supplementary Planning Guidance

- Design and Placemaking;
- Planning Obligations;
- Access, Circulation and Parking;
- Development of flats.

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 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 10 (Retail and Commercial Development) 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: Retail and Commercial Development;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

Full planning permission is sought for the change of use of the application property from an office unit (B1) to an office (B1) at ground floor level with a separate, self-contained residential flat (C3) at first floor level, along with associated works.

As detailed above, this application forms the resubmission of a previous application (ref. 17/1319/10) which sought consent for a similar scheme at the site. The previous application was refused due to the potential impact the extension would have upon the visual amenity, residential amenity and privacy of the neighbouring properties; and also due to the lack of off-street parking proposed. In light of the previous refusal the applicant has amended the scheme whereby the depth of the proposed two-storey extension has been reduced and a contract with the nearby Rhydyfelin Rugby Club has been agreed to allow all staff and customer vehicles associated with the office to be parked within the rugby club car park.

The site is situated inside of the defined settlement limits and within an established residential area. However, the unit has historically operated as an office and it is noted that there are a number of commercial uses nearby with three of the seven properties in the row being commercial in nature and further commercial uses located in the immediate locality. It is therefore considered the proposed conversion would not significantly alter the way in which the unit currently operates or the character of the surrounding area. As such there is no objection to a mixed commercial/residential use at the site, in principle, subject to an assessment of the criteria identified below and the scheme being considered acceptable in respect of the relevant criteria.

Residential Amenity

The application property is located within an established residential area and is abutted by residential dwellings at either side. Therefore the use of the ground floor as an office will inevitably result in a degree of disturbance to the immediate neighbours. However, as detailed above, the property has historically been in use as an office over both floors and therefore no change of use would occur at ground floor level. As such it is not considered the continued office use at ground floor level would alter the way in which the property currently operates or result in any further noise/disturbance in comparison to that which already occurs. In fact, it is considered the loss of the commercial use at first floor level and the introduction of a residential use here would actually reduce any current disturbance to neighbouring residents.

It is noted that a number of concerns have been raised by surrounding residents with respect to the proposed extension, commenting that the addition would overshadow and overlook the adjacent properties and their rear gardens. Whilst these comments are acknowledged and it is accepted that the two-storey extension would inevitably result in a degree of both overshadowing and overbearing impact to the immediate neighbouring properties, the depth of the extension has been considerably reduced since the previous application to a point where it would project no further than a single storey addition to the rear of a two-storey annex at the adjoining property, no. 4 Lionel Terrace. As such the degree of both overshadowing and overbearing impact upon this property would be significantly reduced from that which would have occurred under the previous scheme, being limited to the early morning only and to the roof the adjoining single storey extension. As such it is not considered any potential overshadowing/overbearing impact upon no. 4 would be significant enough to warrant refusal of the application.

Additionally, whilst it is acknowledged that a degree of overbearing impact would occur to the adjacent property, no. 6 Lionel Terrace, given the separation distance between the proposed extension and no. 6 and projecting by only 3.4m, it is not considered any overbearing impact would be significant enough to warrant refusal of the application. Further, with no. 6 sited to the south-east of the application site, it is not considered any undue overshadowing would occur to this property. As such it is not considered any potential overshadowing/overbearing impact upon no. 6 would be significant enough to warrant refusal of the application.

With regard to privacy, given the terraced nature of the street the proposed extension will inevitably have a degree of overlooking to the rear gardens of the neighbouring properties due to the first floor windows being projected further in to the garden area than the previous windows. However, given the nature of terraced properties there will always be a degree of overlooking into one another's rear gardens from rear windows. Therefore it is not considered the windows in the rear elevation of the proposed extension would increase the current levels of overlooking from the site to such an extent that would justify refusal of the application. Further, it is proposed one of the two existing windows in the southern side elevation of the building be removed and the second window be replaced with an obscured glazed window to serve a bathroom. As such it is considered this element of the proposal would reduce the current level of overlooking to the adjacent property, no 6.

Finally, whilst it is acknowledged the garage will form a considerable addition to the site, given its single storey nature, it is not considered it would result in any undue overshadowing or overbearing impact to the adjacent neighbours. Further, whilst it is noted an objector has commented that garage could be used as a builders store resulting in noise and disturbance to surrounding neighbours, the applicant has detailed that the proposed use of the site would be for an office and residential flat only, therefore the granting of planning permission for that purpose would not allow use of the garage as builder's store and if such a use was implemented by the occupiers in future, enforcement action could be taken. It is also noted that there is already a similar garage at the site which can be used in association with the existing office and therefore it is not considered a replacement structure for use by the proposed office/flat would result in any further impact than that which already occurs. It is considered however that a condition should be added to any consent restriction the hours of operation to that detailed by the applicant, i.e. 8am to 4.30pm Monday to Friday, in order to ensure any impact is minimised.

As such, whilst the comments raised by the objectors are noted and it is acknowledged the extension will undoubtedly have a degree of impact upon the amenity and privacy standards currently enjoyed by the immediate neighbours, on balance, the application is considered acceptable in respect of its potential impact upon the amenities of surrounding residents.

Highway Safety

As detailed above, the previous application was refused as it was considered the proposed development would result in the creation of increased on-street parking demand in the vicinity of the site, to the detriment of highway safety and the free flow of traffic. In light of this and in order to overcome the on-street parking issue, the

applicant has come to an agreement with the neighbouring Rhydyfelin Rugby Club whereby staff and customer vehicles associated with the office use can be parked within the rugby club car park. Evidence of this agreement has been submitted with the application in the form a signed contract between the two parties and car parking policy document that all staff would need to comply with. Subsequently the Council's Transportation Section no longer raise objection to the proposed development.

The Transportation Section commented that the proposed development will result in an office with a floor area of 62m² and a two bedroom, self-contained flat which, in accordance with the Council's adopted SPG: Access, Circulation and Parking, has a total requirement of 5 – 6 no. off-street parking spaces, with only 2 no. provided. However, evidence has been submitted with the application which indicates that the applicant has use of Rhydyfelin Rugby Club car park for employees/visitors throughout the week and as such, the level of on-street parking demand generated by the proposed development would therefore be negligible. Consequently the proposed development is considered acceptable in terms of parking provision and no highway objections are raised. The Transportation Section did however suggest a condition be added to any consent restricting use of the garage to that of the first floor flat only, to ensure that all vehicles associated with the property would be parked off the highway.

Therefore, in light of the above highways assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site, subject to the condition detailed below.

Visual Impact

The site is physically large enough to accommodate the proposed works whilst leaving some amenity space for the new flat. It is also noted that all external works proposed would be undertaken to the rear of the property where they would not be visible from any public vantage points or would have any undue impact upon the current visual appearance of the surrounding street scene. Whilst it is accepted the proposed extension would form a sizeable addition to the property, especially when viewed with the two-storey annex it would adjoin, projecting by only 3.4m and being set below the height of the existing ridge, it is considered the extension would form a subservient addition to the host property and would not dominate the rear elevation. Further, although the garage would form a considerable addition to the site, it would replace a structure of a similar design and scale and given its single storey height would not be overly prominent from outside of the site. Therefore the proposed extension and garage are considered to be acceptable in terms of their general scale, design and overall visual appearance.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, given the nature and scale of the proposed development, it is considered the

conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Drainage and Flood Risk

Natural Resources Wales (NRW) noted that the application site lies within Zone C2 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (July 2004), confirming that the site is located within the 0.1% (1 in a 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. However, given the nature and scale of the proposal, NRW consider the risk is acceptable subject to the developer being made aware of the potential flood risks.

It is noted that an objector has raised concerns with regard to land drainage, commenting that surface water run-off from the application site may impact upon the adjacent properties. Whilst these comments are acknowledged, following consultation, no objections have been raised by the Council's Flood Risk Management Section. It was noted that the applicant has not provided any surface water drainage details and consequently it is difficult to assess the potential impact of the development in respect of flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority prior to any works starting on site. Further, it is noted that no adverse comments have been raised by Dwr Cymru Welsh Water subject to standard advice.

In light of the above advice from NRW and the Council's Flood Risk Management Section, the development is considered acceptable in this regard, subject to the condition detailed below.

Other Issues

It is noted that consultation has been undertaken with the Council's Ecology Section with a view to assessing any potential impact upon ecology on and around the site. Their response raised no objection to the planning application subject to standard advice.

With regard to the issue raised by an objector in respect of property values adjacent to the site being reduced, this is not a material planning consideration and cannot be taken into account during the determination of the application.

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 site lies within Zone 2 of Rhondda

Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £2311.53.

Conclusion

The principle of a mixed office/residential use at the property is acceptable. Further, whilst it is acknowledged the proposed extension will undoubtedly have a degree of impact upon the visual amenity and general residential amenity and privacy standards currently enjoyed by the immediate neighbours, on balance, the scheme is considered acceptable in these regards. Additionally, in light of the agreement between the applicant and the nearby Rhydyfelin Rugby Club to provide off-street parking for all vehicles associated with the office use, it is not considered the proposed would have a detrimental impact upon highway safety in the vicinity of the site.

In light of the above, the application is considered to generally comply with the relevant local and national planning policies and is considered acceptable.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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. 7170-01, 7170-02, 7170-04 and documents received by the Local Planning Authority on 11/06/18, 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. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The extension/garage shall not be brought in to beneficial use until the drainage works have been completed in accordance with the approved plans.

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

4. The garage hereby approved shall remain for the purpose of off-street parking in connection with the first floor flat only unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The office hereby approved shall only be open to the public between the following hours:

- 08:00 to 17:00 Mondays to Fridays;
- 08:00 to 14:00 on Saturdays;
- Not at all on Sundays or Bank Holidays.

Reason: In the interests of neighbour amenity, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf local Development plan.

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