

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
21 NOVEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.4
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 13/0389 - Change of fascia sign, 25 Mill Street, Tonyrefail, Porth.
2. Application No. 13/0490 - Erection of detached garage to rear of property, 48 Jubilee Road, Godreaman, Aberdare.
3. Application No. 13/0642 - Outline planning permission to build three new detached dwellings in the grounds of the adjacent properties, Maesycoed and Y-Wern off Llwydcoed Road, Nr. Aberdare with the matters for appearance, landscaping layout and scale reserved, Land In The Grounds Of Adjacent Properties, Maesycoed And Y Wern, Off Llwydcoed Road, Llwydcoed, Aberdare.
4. Application No. 13/0712 - Retention of deck within rear garden of Plot 3, Erw Hir, Plot 3, Erw Hir, Llantrisant, Pontyclun.
5. Application No. 13/0802 - Proposed erection of a detached dwelling, Land Adjacent To 44 Bransby Road, Penygraig, Tonypanyd.
6. Application No. 13/0843 - Installation of dust extraction plant, access steps and platform, The Wood Yard, Forest Road, Taffs Well, Cardiff.
7. Application No. 13/0891 - The siting of a temporary demountable classroom unit, Ty Gwyn Sen Centre, Cefn Lane, Glyncoch, Pontypridd.
8. Application No. 13/0905 - Construction of residential semi-detached dwellings, Plots 1 And 1a Park View, Abercynon.

9. Application No. 13/0910 - Alterations to and subdivision of existing Class A1 retail unit to provide up to five Class A1, A3 and mixed A1/A3 units, car park alterations and ancillary works, Comet Plc, Unit 1 Talbot Green Retail Park, Talbot Green, Pontyclun.
10. Application No. 13/0945 First floor extension to form a bedroom, shower room and toilet (Re-submission), 5 St John's Street, Cymmer, Porth.
11. Application No. 13/0971 - Installation of a 61.5m high wind monitoring mast, Bwlfa Farm, Pentre.
12. Application No. 13/0986 - Change of use of former chapel to dwelling house, Horeb Chapel, Horeb Terrace, Llwydcoed, Aberdare, Rhondda Cynon Taf.
13. Application No. 13/1001 - Sun room extension, Linsdale, Gwern Heulog, Tonyrefail, Porth.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 13/0389/01 (LE)
APPLICANT: Mouchak
DEVELOPMENT: Change of fascia sign.
LOCATION: 25 MILL STREET, TONYREFAIL, PORTH, CF39 8AB
DATE REGISTERED: 25/07/2013
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve

REASONS:

The proposed externally illuminated signage is considered to be visually acceptable and unlikely to pose any adverse risk to public or highway safety.

APPLICATION DETAILS

Advertisement consent is sought for the erection of a new sign at 'Mouchak', no. 25 Mill Street, Tonyrefail. The proposed fascia style advertisement would replace an existing, temporary banner advertisement at the premise. It would be positioned upon the existing front canopy of the property and measure 5.8 metres in length by 0.6 metre in height, with a 0.1 metre depth. It is detailed the sign would have a plastic/acrylic construction with light blue and silver finishing colours. The sign would carry the company name 'MOUCHAK' and would be illuminated by four, external 'swan neck' lighting fixtures.

SITE APPRAISAL

The application premise operates as an Indian restaurant, which is centrally located within the built up area of Tonyrefail. The application site is outside although opposite the defined retail area of Tonyrefail, which is reflected in the mixed use character of the locality. The premise is situated within a row of terraced properties that are predominantly residential in nature although directly opposite the site is a mixture of commercial, retail and residential premises. Several properties opposite the application site have shop style frontages with integrated signage schemes. Properties adjoining the application site are more traditional residential frontages that benefit from projecting bay windows and front canopies. The application premise has large display windows and an existing temporary style banner advertisement and projecting box sign.

PLANNING HISTORY (post 1974)

11/1136	25 Mill Street,	1 fascia sign (advert consent)	Refused
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	Tonyrefail		24/01/12
79/0809	25 Mill Street, Tonyrefail	Proprietary businessmen's club	Refused 19/12/79
77/0954	25 Mill Street, Tonyrefail	Alterations to existing shop front	Granted 25/10/77

PUBLICITY

The application has been advertised by means of direct neighbour notification and the erection of site notices. Two letters of representation have been received; one letter objecting to the proposal and one letter supporting the proposal.

The objection received is summarised as follows:

- Permission was previously refused for the erection of a sign at the site that the applicant was ordered to remove. This confirms the sign is disturbing the nearby resident with the bedroom of the objector's property previously being illuminated by a very strong blue light emanating from the sign, which made sleeping impossible. (Concern is also raised with the noise levels associated with the restaurant property, although such a concern is not considered material to the determination of the advertisement application under consideration).

The letter of support received is summarised as follows:

- The application is supported 100% as it is felt the more Tonyrefail has to offer in terms of looks and facilities the better for the community and the people who wish to visit the area.

CONSULTATION

Transportation Section - raise no objections.

Public Health and Protection - raise no objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and is unallocated (the properties situated opposite the application sites are located within the boundaries of the Tonyrefail Retail Centre).

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

Policy AW5 - sets out criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making. In the case of proposals for new and replacement signage, they should make a positive contribution to the street scene.

Planning Policy Wales

3.5.1 The statutory provisions enable local planning authorities to control the display of advertisements when justified in the interests of public safety and amenity.

REASONS FOR REACHING THE RECOMMENDATION

Part 1 (4.(1)) of the Town and Country Planning (Control of Advertisements) Regulations 1992 requires that in considering applications for the display of advertisements Local Planning Authorities shall exercise their powers only in the interests of amenity and public safety.

Therefore, in considering and determining applications of this nature, the primary considerations are the effect on the visual amenity of the area, taking account of any historic, architectural or cultural features and on public safety including, the safety of any person travelling by road, rail, on any waterway, or by air.

Visual Amenity

In terms of the visual impact of the sign, whilst acknowledging the planning history of the site highlights a proposal to erect an internally illuminated sign was previously refused, the proposal under consideration is considered acceptable. Following the refusal of the earlier scheme, a key amendment has been undertaken in terms of the proposed means of illumination for the advertisement. An external form of illumination through the provision of 'swan neck' lighting fixtures that would face directly down toward the sign is now being proposed. It is considered this method of lighting would significantly reduce the visual impact and prominence of the sign. Such a form of lighting, particularly in comparison to an internally illuminated sign, would significantly limit the brightness of the sign when viewed from more distant views of the site. It is further acknowledged that the premise historically benefited from a similar size sign to that being proposed, which was also illuminated through an external means of lighting (fluorescent light strip). The historic sign was removed from the site by the applicant and replaced with an unauthorised, internally illuminated advertisement, which was considered visually unacceptable and subsequently removed from the premise.

The applicant's need to advertise the business premise is also acknowledged in this instance and it is noted the existing, banner style signage to the front of the property is inappropriate and only of a temporary nature. When further considering there is

also a number of existing advertisement schemes positioned within close proximity to the application site, it is considered the scheme would not have such an adverse impact on the visual amenity of the locality to warrant a recommendation to refuse the scheme. A condition is however suggested to ensure the signage is only illuminated during the evening when the restaurant is open (as discussed with the applicant).

Public Safety

With regard to the potential impact on public and highway safety, it is not considered that a proposal of this nature would create a hazard or endanger people in the vicinity of the sign. The Transportation Section and Public Health and Protection Division have raised no objection against the proposal. The comments of the nearby resident that raise concerns with the illuminated nature of the sign, (particularly the internally illuminated sign previously erected) have been duly acknowledged. Nevertheless, the key change undertaken to the method of illumination of the sign, to that previously erected at the premise, would limit the impact of the illumination on the nearby resident. Overall, in terms of public safety it is not considered such a proposal would be so distracting or confusing that it would create a hazard or endanger people in the vicinity of the sign that are taking reasonable care of their own and others' safety.

Conclusion

The proposed externally illuminated sign is considered an acceptable form of advertisement for this business premise that accords with the key requirements of Local and National Planning Policy. Approval of the application is therefore recommended.

RECOMMENDATION: Grant

1. This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

2. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned

Regulations.

4. No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

6. The signage, hereby permitted, shall not be illuminated before 09:00 hours or after 22:30 hours between Sundays and Thursdays, and shall not be illuminated before 09:00 hours or after 23:00 hours on Fridays and Saturdays.

Reason: In the interests of visual amenity.

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APPLICATION NO: 13/0490/10 (GW)
APPLICANT: Mr L Kedward
DEVELOPMENT: Erection of detached garage to rear of property.
LOCATION: 48 JUBILEE ROAD, GODREAMAN, ABERDARE, CF44 6DD
DATE REGISTERED: 02/10/2013
ELECTORAL DIVISION: Aberaman North

RECOMMENDATION: Grant

REASONS:

The garage is acceptable in terms of its size, scale and design and would not have a significant detrimental impact on neighbouring amenity.

APPLICATION DETAILS

Planning permission is sought for a domestic garage at a dwelling on Jubilee Road in Godreaman. The garage would be accessed via a lane to the rear of the terrace and set back approximately 0.6m from the rear lane. It would measure 4.8m in

width, 6.6m in depth and with a maximum height of 3m. Its elevations would be finished with a render and the roof would be covered in grey coloured sheets. A vehicle and pedestrian access would be provided to the rear lane.

SITE APPRAISAL

The dwelling is a traditional mid terraced dwelling and benefits from a rear lane access. It has a small garden area, which is at a higher level to the dwelling. The properties either side benefit from garages accessed via the rear lane. These garages are set back from the rear boundaries by approximately 0.5m. The garage at number 49 has two windows on the side boundary facing towards the site. A telegraph pole is located immediately adjacent the boundary in the rear lane.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via direct neighbour. One letter has been received and its contents are summarised below:

- It would result in a loss of light to my workshop/garage windows.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues

Residential amenity

In terms of residential amenity, the main impact would be on the windows on the side elevation of the garage at number 49 Jubilee Road. An objection has been raised by the occupier; that it would result in a loss of sunlight to the workshop/garage. The side elevation of the garage would be constructed in close proximity to these windows (15cm away). Therefore, there would be a loss of sunlight to these windows. Whilst it is regrettable to the neighbour that this would be the resulting impact, the workshop/garage is not a habitable room. As such, the impact would therefore not be considered significant enough to warrant a refusal reason on this issue. In all other aspects the impact on neighbouring residents would be acceptable.

Visual impact

With regards the impact on the character and appearance of the area, the garage is relatively small in size, height and scale. It would be located between garages either side of a similar size and design. There are also other garages along the rear of this and the terrace behind and the garage would be finished in similar materials. Therefore it is considered the garage would not have a significant detrimental impact on the character of the area as a whole.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on amenities of nearby residential properties and visual impact, (AW5 and AW6).

RECOMMENDATION: Grant

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

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

2. The elevations of the garage hereby approved shall be finished with render and the roof covered in grey upvc sheets as detailed in the application,

unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO:	13/0642/13	(BJW)
APPLICANT:	Mr A Sheppard	
DEVELOPMENT:	Outline planning permission to build three new detached dwellings in the grounds of the adjacent properties, Maesycoed and Y-Wern off Llwydcoed Road, Nr. Aberdare with the matters for appearance, landscaping layout and scale reserved	
LOCATION:	LAND IN THE GROUNDS OF ADJACENT PROPERTIES, MAESYCOED AND Y WERN, OFF LLWYDCOED ROAD, LLWYDCOED, ABERDARE CF44 0UW	
DATE REGISTERED:	05/07/2013	
ELECTORAL DIVISION:	Aberdare West/Llwydcoed	

RECOMMENDATION: Approve.

REASONS:

The application is for the principle of the development of the land around two large existing houses with considerable garden curtilages. The means of access is the only matter of detail that is offered for consideration at the outline stage with all other matters reserved and this is considered to be acceptable, as is the principle of re-developing the large garden areas for additional dwellings.

While the other details are indicative only they demonstrate how the site could be developed. The application is therefore considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, the amenities of nearby residential properties and the impact on the visual amenities of the area.

APPLICATION DETAILS

Outline consent is sought for three dwellings within the garden curtilage areas of two existing properties, Maesycoed and Y-Wern, on Llwydcoed Road, Llwydcoed, Aberdare.

The application is for the principle of the development with the access to be considered at this stage while the appearance, landscaping, layout and scale to be reserved for future consideration.

The application indicates 3 plots within the application site with details as follows:

- Plot 1 to the north west of Maesycoed. Access off a modified existing entrance off Llwydcoed Road (B4276) to serve the existing and proposed dwelling. Maximum width of 19m, maximum depth 14m, maximum height 9m to ridge.
- Plot 2 to the north west of Y Wern. Access off a modified existing entrance off Llwydcoed Road (B4276) to serve the proposed dwelling. New access to serve the existing property off Lle Hyfryd to the east of Y Wern. Maximum width of 19m, maximum depth 14m, maximum height 9m to ridge.
- Plot 3 to the south west of Y Wern. New access off Lle Hyfryd to serve the proposed dwelling. Maximum width of 19m, maximum depth 14m, maximum height 9m to ridge.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposal would respect the character and appearance of the area and protect the amenities of existing neighbouring properties while making a more productive use of the land

SITE APPRAISAL

Plots 1 and 2 would provide large, linear housing plots that would be accessed directly off Llwydcoed Road (B4276) via existing, modified entrances.

They would effectively halve the frontage of the existing properties of Y Wern and Maesycoed onto Llwydcoed Road. The existing properties have a strongly defined and visually attractive tree lined edge that is also protected by a Tree Preservation Order (TPO) No. 1, 1959. There are also protected trees within the grounds to the rear of both properties that would fall within all three proposed plots.

Plot 3 would also provide a long linear plot off Lle Hyfryd with a new access point to the south west of the existing dwelling, Y Wern. Y Wern would then be served off a further new access off Lle Hyfryd.

All three plots have a shallow slope from north east to south west and the garden areas, particularly in Maesycoed, which is currently vacant being quite overgrown.

There is a Public Right of Way (PROW) - Llwydcoed 22, that runs along part of the rear south west boundaries of Maesycoed and Y Wern.

PLANNING HISTORY

06/1574	Land at side of Y Wern, Merthyr Road, Llwydcoed, Aberdare.	Renewal of Planning application ref - 00/4187 dwelling (outline)	Conditions 26/01/07
03/0689	Y Wern, Merthyr Road, Llwydcoed, Aberdare	Renewal of Outline Planning application C/00/4187/13 for a dwelling.	Conditions 07/07/03
00/4187	Land to side of Y Wern, Merthyr Road, Llwydcoed, Aberdare	Dwelling	Conditions 22/06/00
97/4157	Land to side of Y Wern, Merthyr Road, Llwydcoed, Aberdare	Detached dwelling house (outline)	Conditions 23/06/97
94/0109	Land to side of Y Wern, Merthyr Road, Llwydcoed, Aberdare	Detached dwelling house (outline)	Conditions 06/06/94
91/0127	Land to side of Y Wern, Merthyr Road, Llwydcoed, Aberdare	Detached dwelling house (outline)	Conditions 29/05/91
90/0001	Rear of Y Wern, Merthyr Road, Llwydcoed	Proposed dwelling house	Conditions 29/01/90

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site and the following comments have been received.

1. Plot 3 would overlook our garden area, which would be detrimental to our privacy and would require the removal of a very attractive rhododendron hedge.
2. There is an extensive infestation of Japanese Knotweed at the site of the proposed development. The infestation has not been treated or prevented from spreading since I purchased my property in 2011. It has spread into my garden for which I have taken the responsibility to treat myself. However I have grave concerns that development of this land without strict control measures will contribute significantly to the already out of control infestation.
3. Blanket spraying the Japanese Knotweed on this property is unsuitable due to the mature trees on the proposed property as well as my own garden having Tree Preservation Orders.
4. Under the Wildlife and Countryside Act 1981, the land owner is required by law to prevent the spread of Japanese Knotweed onto neighbouring land.
5. The unlicensed disposal of Japanese Knotweed is an offence under the Environmental Protection Regulations 1991.
6. Violation of all of the above can lead to criminal prosecution and third party litigation for damages and/or spread of invasive weed or contaminated soil onto adjoining land.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

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

Dwr Cymru Welsh Water – no objection.

Wales and West Utilities – no response received.

Western Power Distribution – no response received.

Countryside, Landscape and Ecology – due to the nature of the application being for the principle of development the impact on trees is considered acceptable at this stage. Careful consideration of siting and the impact on individual protected trees will be required at the reserved matters or full permission stage.

Bat surveys could be required should there be the felling of any trees or the demolition of garages and/or outbuildings at the site.

No works should impede the southern edge of the boundary of the site which is a Public Right of Way (PROW) – Llwydcoed 22.

The developer should be made aware of the potential for knotweed and their responsibilities under the Wildlife and Countryside Act should there be any knotweed at the site.

POLICY CONTEXT

The site is within the settlement boundary and unallocated. There is a Tree Preservation Order (No. 1, 1959) that affects the trees on the site and the southern edge of the boundary is a Public Right of Way (PROW) – Llwydcoed 22.

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth.

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 - only permits development where it would not cause harm to features of the natural environment.

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

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 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing), Planning Policy Wales Technical Advice Note 12 Design sets 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

The development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan and relevant material considerations. Additionally, there is a history of approvals for the principle of housing development within the grounds of Y Wern dating back as far as the early 1990's.

It is considered that in policy terms there has been little change in the direction of National or development plan policy since the initial planning approvals at the site. Previous consents, therefore, provide a compelling material consideration.

Additionally, the application is for the principle of development with the access alone being considered at this stage. In this regard it is considered that the access arrangements are acceptable subject to the imposition of conditions. Consequently, it is considered that the principle of the development for housing and the access arrangements to the proposed dwellings are acceptable.

Character and appearance of the area

The area is characterised by large dwellings in generous curtilages with a wide variety of designs and materials being present.

While the proposals would sub-divide the garden areas of existing properties, it is considered that they and the proposed new dwellings would still retain generous plots that would allow large dwellings. This arrangement would respect the existing character, appearance and layout of the surrounding area while making better use of the available land at and around existing dwellings.

Additionally, the appearance, landscaping, layout and scale of the scheme is reserved for future consideration and within the control of the Local Authority. This would therefore allow the Council to reject schemes that would have an adverse impact in these respects.

Impact on amenities of neighbouring properties

Matters of detail in terms of the layout and scale of the proposal have not been submitted for consideration at this stage. It is acknowledged that concerns have been raised by the adjacent dwelling, Llys Aman, in terms of the potential impact of Plot 3 on the privacy and amenity of their garden. However, it is considered that the submitted indicative details, in terms of the layout, demonstrates that the dwelling at

Plot 3 would not have a detrimental impact on the privacy and amenity of the neighbouring property.

It is acknowledged that the submitted details are for indicative purposes and it is considered that this issue can be given further careful consideration at the reserved matters stage, should the full details be significantly different from the current indicative scheme or highlight additional areas of concern.

Highway safety

The Transportation Section has raised no objection to the application. This view is conditional upon the submission of amended details for the access points along Llwydcoed Road that would require additional details for submission and approval.

It is considered that these arrangements will also have to have regard to existing protected trees in the vicinity of the access points and to ensure that a balanced approach is reached.

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

Protected Trees

Trees at the site are protected by virtue of Tree Preservation Order (No1. 1959). As such the development proposals clearly have significant potential to impact on the health and future of these trees.

It is acknowledged that the layout of the dwellings is to be considered as part of a subsequently submitted application where the impact on protected trees can be more fully assessed.

In terms of the proposed access arrangements the shared access to Maesycoed and Plot 1 does require some amendment that has been covered by a restrictive condition. However, the impact on protected trees is still an important consideration and any resultant amendment will need to balance these issues.

Consequently, it is considered that the principle of the development can be accommodated at the site without having a detrimental impact on the protected trees at the site, subject to conditions.

Japanese Knotweed

The points made by the neighbour are noted as is the responsibilities of the owner of any site where Japanese knotweed is present. These responsibilities are enforced under the Wildlife and Countryside Act 1981 which is separate to planning legislation.

However, it is considered that a standard condition could be included to ensure that any scheme to treat knotweed at the site can be examined and agreed by the Local Authority. This would address the concerns of the neighbouring property while also ensuring a degree of Local Authority scrutiny and control over the resultant scheme.

Therefore, it is considered that the applicant should be made aware of their responsibilities under the law in relation to the presence of Japanese knotweed by an informative note and the inclusion of a planning condition.

Ecology

The comments of the Council's Ecologist are acknowledged in respect of the potential for bat activity, particularly in the relation to tree felling and/or the demolition of existing outbuildings.

As the exact requirements of the development are not known at this stage it is considered that an informative note advising the developer of the need for this information to be provided would adequately address this issue.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above (and in accordance with Policies AW5, AW6, AW8 and AW10).

RECOMMENDATION: Grant

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

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

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

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

Reason: To comply with Section 92 of the Town and Country Planning Act

1990.

2. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any

trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

7. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

8. 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.

9. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

10. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

13. Notwithstanding the submitted plans, prior to the commencement of development, details of the revised access for plot 1 and Maesycloed shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and retained thereafter.

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

14. Prior to the development being brought into use, vehicular footway crossover shall be provided for plot 3 in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

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

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

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

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

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

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

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

18. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 198.

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APPLICATION NO: 13/0712/10 (KL)
APPLICANT: Mr G Trewartha
DEVELOPMENT: Retention of deck within rear garden of Plot 3, Erw Hir.
LOCATION: PLOT 3, ERW HIR, LLANTRISANT, PONTYCLUN, CF72 8BY
DATE REGISTERED: 03/10/2013
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Approve

REASONS:

The application is acceptable in principle and is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Retrospective planning permission is sought for the retention of decking within the enclosed rear garden of Plot 3, Erw Hir, Llantrisant.

The decking is located in an elevated position and has been erected due to the sloping nature of the original ground levels. The total decked area measures a maximum of 16.7 metres in width by a maximum of 4.9 metres in depth, however, the elevated element of the development measures only 8.9 metres in width by 2.2 metres in depth and is located to the right hand side of the garden in close proximity to the boundary with Llys Iago, the neighbouring property. The remaining decking is comparable with the existing ground levels at the site. The elevated element of the development stands at a height of 2.2 metres from the lowest ground level at the rear of the site and incorporates a wooden balustrade with steel ropes along the front. This measures a further 1.15 metres from the edge of the decking. In addition to the retention of the decking, a bamboo screen is proposed along the existing feather edge fencing on the south-east boundary facing the adjacent property which would measure 1.35 metres in height and extend the full length of the elevated element of the decking (2.2 metres).

SITE APPRAISAL

The application property is a newly built detached dwelling located within a residential area in Llantrisant. Sloping ground levels at the site mean that the property is situated in an elevated position with the ground floor element of the

property incorporating two integral garages. To the front of the property is a large driveway with a number of steps up to the main entrance of the property. There are also a number of steps to the side of the property which lead up to the side entrance of the rear garden. The large enclosed rear garden continues to slope upwards and has been organised into tiers (as approved under the original application for the house). As such, the decking has been erected to form a usable amenity space. There is a gravel yard area on a comparable level with the rear of the house and a number of wooden steps have been erected up to the next level of the garden. This section of the development incorporates a platform type area where another set of wooden steps have been created in order to access the decked area. The neighbouring property to the right is situated approximately 20 metres away with a large garden being situated between the two properties. A feather edge fence measuring approximately 1.8 metres in height has been erected along the boundary which corresponds to the existing ground levels at the site. The neighbouring property to the left is set back and at a slightly higher level to the application property. A low stone wall has been erected along this boundary.

PLANNING HISTORY

None since the construction of this property.

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of the neighbouring property, Llys Iago and is summarised as follows:

- There is no issue with the principle of the development, however;
- The proposed bamboo screen is considered to be wholly inadequate to prevent the unacceptable invasion of their privacy and amenity.
- The decking will allow views down into the previously most private parts of their garden.
- The height of the bamboo screen is only 1.35 metres from the level of the deck and is clearly not high enough to prevent overlooking by persons who are standing on the deck.
- The proposed bamboo screen is not an appropriate material for a screen which needs to prevent any see-through ability.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The Principle of the Proposed Development

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

Visual Impact

The development is considered to be acceptable in terms of its scale, height and design. The decking has been erected in the rear garden of the application property

and due to the enclosed nature of the garden, is not considered to be a prominent feature in the rear street scene. The decking measures a maximum of 2.2 metres in height from ground level at the rear of the property, with a wooden/steel balustrade along the front edge measuring a further 1.15 metres. Whilst the decking is in an elevated position, it is not considered to be excessive or dominant in terms of its scale and height. It is considered that the proposed bamboo screen would not have a detrimental visual impact on the neighbouring properties and the development as a whole does not have a significant impact on the character and appearance of the existing dwelling or the wider area.

Residential Amenity

In terms of residential amenity, it is acknowledged that there is some degree of overlooking on the amenity space of the neighbouring properties, however, this is not considered to be of such a significant impact that would warrant the refusal of the application. As previously stated, a letter of objection has been received from the neighbouring property with regards to issues of overlooking on the neighbour's amenity space, however, a bamboo screen measuring 1.35 metres from the decked level has been proposed along this boundary and is considered to be acceptable in reducing the impact of overlooking.

Conclusion

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

RECOMMENDATION: Grant

1. The bamboo screen, hereby permitted, as part of the current application shall be erected within 2 months of the date of this decision and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO:	13/0802/10	(BJW)
APPLICANT:	Windsor Properties Ltd	
DEVELOPMENT:	Proposed erection of a detached dwelling	
LOCATION:	LAND ADJACENT TO 44 BRANSBY ROAD, PENYGRAIG, TONYPANDY, CF40 1TH	
DATE REGISTERED:	29/09/2013	

ELECTORAL DIVISION: Penygraig

RECOMMENDATION: Approve.

REASONS:

The application proposes a modest dwelling on a limited site within a residential setting. The proposal would make productive use of a disused site that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area.

The application is therefore considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, and the amenities of nearby residential properties.

APPLICATION DETAILS

Full planning permission is sought for a two bedroom dwelling on land adjacent to 44 Bransby Road, Penygraig, Rhondda.

The dwelling would be located in the south corner of the site directly on the boundary with 44 Bransby Road. The proposed dwelling would measure 5.4m in width by 7m in depth by 5.35m in height to the eaves and 7.8m in height to the ridge of the roof.

Accommodation would consist of a hall way and open plan lounge/diner and kitchen at ground floor and 2 bedrooms and a bathroom at first floor. The property would be finished in a painted render finish with a concrete interlocking tile roof.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposal would respect the character and appearance of the area, offer a mix of housing along Bransby Road, protect the amenities of existing neighbouring properties while making a more productive use of the land

SITE APPRAISAL

The site is a triangular piece of land with boundaries onto Bransby Road and the lane to the rear of Aubrey Road.

The land is disused and has well established grown flora and is relatively flat. Bransby Road itself slopes from north east to south west although the land is at the same level as the immediately adjacent property, 44 Bransby Road.

The site is set above the rear garden areas of properties in Aubrey Road

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. One response has been received making the following comments:

1. The property will be directly behind our home and will affect our privacy and the light to our living room.
2. The site is elevated above our property and will tower over us.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

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

Dwr Cymru Welsh Water – no response received.

Countryside, Landscape and Ecology – no objection within the consultation period.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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 - only permits development where it would not cause harm to features of the natural environment.

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

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 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing) and Planning Policy Wales Technical Advice Note 12 Design sets 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

The development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan.

It is considered that the dwelling could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses.

Consequently, it is considered that the principle of the development for a dwelling is acceptable.

Character and Appearance of the area

The area is characterised by a mix of dwellings types and styles with properties along Bransby Road being semi detached with a common design while those on Aubrey Road being a traditional terraced row. It is considered that the site would represent an urban infill opportunity and it is considered that the design of the property clearly takes its influences from the modest terrace properties within the area. Given the limited dimensions of the site and its location within the area, it is considered that this is a reasonable and acceptable approach.

Therefore, it is considered that the proposal is sympathetic and acceptable in terms of the character and appearance of the area.

Impact on amenities of neighbouring properties

The site represents an infill plot that would have a close relationship with existing neighbouring properties due to the densely built up urban form of this area.

Having regard to the layout and design of the property and its relationship with surrounding dwellings, it is considered that the position of the rear and side facing windows would be at such an oblique angle that they would not cause significant overlooking that would be harmful to their privacy.

Additionally, the rear facing windows would serve a kitchen and first floor bathroom respectively. Neither of these rooms are considered habitable rooms and the bathroom to be fitted with obscure glazing, could be conditional should consent be granted.

Furthermore, it is acknowledged that the site is at a higher level than properties in Aubrey Road, however it is considered that the property is of a modest scale and height and sufficient distance (12m) from the closest property that it would not be either overbearing or cause a loss of daylight.

Consequently, it is considered that the proposal is acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application. These observations are made on condition that a second parking space is provided within the site. In coming to this view the Transportation Section have had regard to the high level of parking demand within the area. This is due to existing properties having no off street parking provision other than when they have erected garages or drives where possible.

It is acknowledged that there is some shortfall in the levels of parking required for this site. However, National Guidance states that maximum levels are no longer appropriate and that minimum standards should be applied in sustainable urban location. Additionally, it is considered that the situation of high demand and lack of parking facilities already exists and that this modest proposal would not add significantly to this demand. Finally, the provision of a single space would cater for some or arguably all of the parking requirements for the proposal.

Consequently, it is considered that the application is acceptable as it is presented and therefore the requirement for an additional parking space is not considered to be necessary.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above and in accordance with Policies AW5, AW6, AW8 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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

4. Notwithstanding the approved plans, the rear facing, first floor bathroom window shall be fitted with obscure glazing details of which shall be submitted to and approved by the Local Planning Authority. The window shall be fitted in accordance with the agreed details and retained as such in perpetuity.

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

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme 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.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

8. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

9. 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.

10. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

11. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with

policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

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

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

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

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APPLICATION NO:	13/0843/10	(EL)
APPLICANT:	Robert Price (Distribution) Ltd	
DEVELOPMENT:	Installation of dust extraction plant, access steps and platform.	
LOCATION:	THE WOOD YARD, FOREST ROAD, TAFFS WELL, CARDIFF, CF15 7RQ	
DATE REGISTERED:	19/08/2013	
ELECTORAL DIVISION:	Ffynon Taf	

Recommendation: Approve subject to conditions

Reasons:

The proposal is in keeping with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed extraction system and associated structures are acceptable in terms of scale, design; impact on residential amenity and highway safety.

APPLICATION DETAILS

Full planning permission is sought for Installation of dust extraction plant, access steps and platform at The Wood Yard, Forest Road, Taffs Well.

The proposed facility would be situated toward the south of the site, adjacent to the eastern elevation of a storage building and the northern elevation of a woodworking machinery building.

The dust extraction plant would be housed within a rectangular shaped unit extending to a maximum height of 6.0 metres, 3.0 metres in width and 1.3 metres in depth. The extraction system would collect sawdust generated in the woodworking machinery building. This would then be transported, via flexible hoses, to road containers sited within the yard area. The sawdust would be stored in these containers before being transported off-site.

In addition to the extraction equipment, a set of access steps and associated steel platform are also required as part of the development. These would be sited alongside the woodworking machinery building, with the platform extending to 3.0 metres in height. The supporting statement comments that this structure is required to enable staff to fix the flexible hoses from the extraction system to the road containers, and undertake maintenance to the equipment.

The applicant has indicated that, in an attempt to reduce waste, Robert Price are also considering the installation of a Briquetting Press at the site. This would be housed within an existing warehouse building and would enable the recycling of sawdust waste into (fuel) briquettes, for sale or use off site. As such, the dust extraction system has been sited in a position whereby, it could serve both the woodworking machinery building and an adjacent storage building.

The proposed system is intended to replace an existing cyclone operating system at the site; the noise levels of which now exceed acceptable levels.

SITE APPRAISAL

The application site is a large commercial timber yard with an operational site area of 1.5 ha. To the north of the site is a parking area and site office, with a number of large commercial warehouses located toward the central and southern extent of the site, these accommodate the production and storage of timber products. The units, which sit adjacent to one another, all have ridge roof constructions, with slight variations in their overall heights. The facility is currently served by a cyclone extraction system, which is located at the far south of the site, and extends above the height of the southern most building, which houses the woodworking machinery. The main point of vehicular access is located toward the north of the site, however secondary points of access also exist along Forest Road. To the far south, the site is bounded by the A470, with Forest Road defining the eastern perimeter of the site. A number of small residential cottages are located along Forest Road, to the south east of the site.

PLANNING HISTORY

11/0916	The Wood Yard, Forest Road, Taffs Well, Cardiff	Replace structurally unsound, partly demolished warehouse on same footprint, but raised to match height of adjacent building.	Conditions 01/11/11
94/121	The Wood Yard, Forest Road, Taffs Well, Cardiff	Erection of a single storey office building with ancillary over the counter retail sale facility (amended description 11.3.94)	Conditions 07/04/94
80/0831	The Wood Yard, Forest Road, Taffs Well, Cardiff	Erection of 3 warehouse units	Withdrawn 06/11/80
80/0724	The Wood Yard, Forest Road, Taffs Well, Cardiff	Nursery unit demolition. Retail unit garden centre	Withdrawn 29/07/80
80/0264	The Wood Yard, Forest Road, Taffs Well, Cardiff	Demolition of extension and redevelopment of site	Conditions 02/04/80
74/0432	The Wood Yard, Forest Road, Taffs Well, Cardiff	Erection of a show room for the sale of garden equipment	Refused 29/07/80

PUBLICITY

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

- It is suggested that, given the size of the facility, and the amount of sawdust waste produced, this could be removed by a bagging system with internal multi extraction system for specific machinery. It suggested that this system would not require the use of large road containers.
- It is also commented that an internal system would reduce the amount of noise emitted externally and to neighbouring residential properties.
- It is commented that the existing system for dust extraction uses cyclones and large road containers, which are delivered and removed by a North Wales company. It is commented that the new facility would used a similar system. It is also commented that the platform is only required to connect the hoses to the containers; this procedure in itself is liable to release dust particles into the air (as it does now).

- It is commented that a system, which would reduce the number of articulated lorries would be of benefit to the residents.
- It is commented that the cyclone that is currently in use has been a problem, in terms of noise and dust pollution, for a number of years and should have been replaced some time ago.
- It is also questioned whether the briquetting press is a new production unit.

CONSULTATION

Transportation Section – no objections raised.

Welsh Government Transport Section – no objections raised.

Public Health & Protection – no objections raised

Policy Context

Rhondda Cynon Taf Local Development Plan

The Proposals Map indicates that the site is outside settlement boundaries and in a limestone resources safeguarding area.

AW2 promotes development in sustainable locations.

AW5 sets out the criteria for new development.

AW10 refers to Environmental Protection and Public Health. Development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity, due to amongst other factors, noise or air pollution.

AW14 seeks to safeguard limestone resources from development.

National Guidance

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

Other relevant policy guidance consulted; PPW Technical Advice Note 11: Noise.

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

As identified within the policy section above, the site falls outside of the defined settlement limits, set out by the Local Development Plan; however, the site forms part of a long established business use at this location, on land adjacent to the A470. The current application does not seek to change the use of the land or extend its established curtilage, or operational area. The current application seeks only to provide a new dust extraction system (and associated structures) to serve the existing facility. As such, it is considered that in principle, the proposal is acceptable, subject to assessment of the following criteria;

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

Character and Appearance

The facility is currently served by an existing cyclone extraction system, which is located at the far south of the site. However, following investigations by the Council's Public Health & Protection Section, it was established that when operational, this exceeded permitted noise levels. As such, the current application proposes the installation of a new system, which would be more efficient and generate less noise. The new facility would be located in a different position to that currently on site, being moved to the south eastern extent of the site. The applicant has indicated that the proposed siting of the plant equipment would provide operational benefits for the business, allowing the system to be connected to two buildings and freeing up space within the southern yard, which would in turn provide additional outside storage space.

It is acknowledged that the proposed facility is a substantial structure, extending to a maximum height of 6.0 metres. Therefore, it is inevitable that the addition would form a visible feature within the site and would also be partially visible from points on Forest Road. However, it must be noted that the design, scale and siting of the structure, is primarily driven by functional requirements. As such, there is limited scope to require an alternative design. Similarly, the access platform forms an associated part of the facility, being necessary to enable the road containers (which collect and store the waste saw dust) to be connected to the extraction system and

the fans to be cleaned. Therefore, whilst the installation would form a visible addition, it would be read as part of the fabric of the site, being located within the setting of the established commercial site. As such, it is not considered that the structures would appear out of keeping with the character of the site. Similarly, it must be noted that the plant equipment would not exceed the highest point of the adjacent storage building and would be less prominent than the two existing cyclones, which extend far above the ridge line of the woodworking machinery building.

Overall it is not considered that the proposal would result in significant harm to the character and appearance of the area.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response raises no objections to the planning application. It is noted that the proposed extraction system would continue to operate in a manner that is similar to the existing; whereby sawdust waste is collected in road containers and transported from the site. Whilst the current application proposes to re-locate this system, it would remain within the curtilage of the site and the existing means of access to and from the Wood Yard would be retained. As such, it is not considered that the installation of a new extraction system would adversely impact upon highway safety in the vicinity of the site.

Residential amenity

As set out above, whilst the Wood Yard forms part of an established operational commercial site, it is noted that a number of residential cottages are located in close proximity to the site, on Forest Road. It is understood that the operation of the existing cyclones prompted complaints by residents to the Council's Public Health & Protection Section. Following an investigation by the Council's Public Health & Protection Section, and with a view to reducing the potential noise impact upon neighbouring residents, the current application has been submitted. The proposed dust extraction plant is a more modern and efficient system, which should not only benefit the operation of the business, but also reduce the amount noise generated; thereby reducing the impacts upon those residents closest to the site.

In order to aid in the assessment of this element of the proposal, consultation has been undertaken with the Council's Public Health & Protection Section. Their response raises no objections to the application, confirming that the current proposal represents an improvement to the existing extraction system.

It is noted that in their letter of representation, a neighbouring resident enquires whether it would be possible for the applicant to develop and install an extraction system that is located within the building. Whilst this point is noted, the agent has

indicated that such a system would not be viable at the site in question, as the scale of the system must be related to the size of the business operation, and it would not be possible house such a system internally in this case. Furthermore, the Council may only consider the scheme which is currently presented, with no alternatives having been provided.

Notwithstanding this point, it is worthwhile noting that statutory nuisance legislation exists to deal with matters of serious nuisance. Therefore, should the operation of the new system result in noise or pollution nuisance to nearby residents, then the Council's Public Health and Protection Section would still be able to investigate and deal with this matter, under separate legislation in a process that is distinct from the planning system.

As such, on the basis that no objections have been raised by the Council's Public Health and Protection Section, the submission is considered acceptable in terms of potential impacts upon residential amenity. Nevertheless, in order to ensure that, following the installation of the new equipment, the existing cyclones are not used, and with a view to limiting the potential noise impacts upon neighbouring residents; a condition is recommended that would require their removal within a given time period.

OTHER ISSUES

Associated uses

It is noted that the plans, which accompany the application, also illustrate the provision of a Briquetting Press, within an existing storage building (adjacent to the main woodworking machinery building). Having visited the site, it is apparent that this facility is not currently on site; however the applicant has indicated that it is a feature they are considering installing, in an attempt to reduce waste. The provision of this press would enable the recycling of sawdust waste (collected by the extraction system) into (solid fuel) briquettes, for sale or use off site.

This would present an opportunity to deal with sawdust waste on site, and would potentially reduce the number of traffic movement associated with the delivery and removal of the road containers (used to store sawdust) to and from the site. Having assessed the current operations that are undertaken on site, it is considered that the proposed production of briquette solid fuel, is an activity that would be ancillary to the main operations at the site and would not constitute a change of use in its own right. Nevertheless, it is noted that the operation of this type of activity may be regulated under separate Public Health & Protection legislation; as such, an informative note, drawing the applicant's attention to this matter is recommended.

Conclusion

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

RECOMMENDATION: Grant

1. The 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. Within 2 months of the installation of the extraction plant equipment, hereby approved, the existing cyclone operated extraction system shall cease operation and shall be removed from the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of residential amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Building operations shall not be commenced until details/ colour of the external finishes proposed to be used for the plant equipment have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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APPLICATION NO: 13/0891/08 (MF)
APPLICANT: Rhondda Cynon Taf C B C
DEVELOPMENT: The siting of a temporary demountable classroom unit.
LOCATION: TY GWYN SEN CENTRE, CEFN LANE, GLYNCOCH, PONTYPRIDD. CF37 3BP
DATE REGISTERED: 02/09/2013
ELECTORAL DIVISION: Glyncoch

RECOMMENDATION: Approve

REASONS: The application is considered to comply with the relevant policies

of the Local Development Plan in respect of the principle of development, its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the siting of a temporary demountable classroom at Ty Gwyn SEN Centre, Glyncoch. The proposed demountable classroom would be positioned to the north of the application site on the existing yard area adjacent to the main school building. It would measure 19.5 metres in length by 7 metres in width and would have a flat roof construction, extending to a maximum height of 3.2 metres. Internally the building would be divided to form two classrooms and two toilets. The building would be accessed via a ramped access to the front elevation.

The Design and Access Statement which accompanies the planning application stipulates that the pupil numbers at the school are increasing and the demands on the school by the curriculum to provide an ever increasing range of subjects means that there is currently a lack of teaching space at the existing site. Therefore, in the short term, in order to meet the required standards for class sizes and the curriculum, it is proposed that the additional demountable classrooms be provided.

The application is accompanied by the following:

- Design and Access Statement.

This application has been reported to Committee on the request of Councillor Williams to discuss the impact of the scheme upon the amenity of residents in the surrounding locality.

SITE APPRAISAL

Ty Gwyn SEN Centre occupies a large site that is located off the main highway through Glyncoch. The site is bounded by the main highway Ynysybwl Road to the north, Craig yr Hesg Primary School to the south east and playing fields to the west. The surrounding area is predominantly residential in nature with a few commercial uses in the locality. The school itself occupies a 0.99 hectare site comprising one main school building and a number yard areas and playing fields.

PLANNING HISTORY

Planning applications submitted within the last 10 years include:

08/1034	Ty Gwyn School, Cefn	New skills centre, area of approx. 105 square metres, comprising of workshop,	GTD 01/09/08
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Lane, classroom and WC.
Glyncoch

PUBLICITY

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

CONSULTATION

Transportation Section – no objection.

Public Health and Protection – no objection.

Land Reclamation and Engineering – no objection.

Dwr Cymru/ Welsh Water – no objection.

Wales and West Utilities – 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 AW5 – sets out criteria for new development in relation to amenity and accessibility.

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

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the Proposed Development

The application site lies within settlement limits and within the grounds of the existing school site. The proposal seeks to install a demountable classroom unit to provide two additional classrooms at the school due to increasing pupil numbers. As a result of its scale and location it is considered that in principle, the proposal is acceptable, subject to an assessment of the following criteria.

Impact on the Character and Appearance of the Area

It is considered that the general scale of the structure is acceptable. Extending to a maximum height of 3.2 metres and with the proposed classrooms being sited in relatively close proximity to the main school building, the structure would read as part of the of existing building. Furthermore, given its proposed siting to the north of the school site it would not be overly prominent from any public vantage points outside the school perimeter. It is therefore considered that the siting of the classroom would not result in any harmful impact upon the general character of the area. As such, it is not considered that the classroom structure would form an overly prominent feature within the context of the school grounds or result in a detrimental impact upon the character of the immediate area. The application is therefore considered acceptable in this regard.

Impact on Residential Amenity and Privacy

Whilst the application site is located in area where the majority of adjacent properties are residential in character, being sited over 70 metres from the nearest residential property, it is not considered that the addition of the demountable classroom unit to the existing school site would compromise the amenity or privacy of the surrounding residents in any way. The application is therefore considered acceptable in this regard.

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.

Access and Highway Safety

Following consultation, no objections have been raised by the Transportation Section. Therefore, it is considered the development does not have any adverse impact in regards to pedestrian and highway safety.

Public Health and Protection

Following consultation, no objections have been raised by the Public Health and Protection Division. Therefore, it is considered the development does not have any adverse impact in this regard.

Dwr Cymru/Welsh Water

Dwr Cymru/ Welsh Water have commented that a public sewer crosses the application site. No objections have been raised, but it is requested an informative note highlighting this point to be added to any consent.

Conclusion

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

RECOMMENDATION: Grant

1. The demountable building hereby approved shall be removed from the site on or before 5 years of the date of this decision unless an application for its retention is submitted to and approved by the Local Planning Authority prior to that date.

Reason: To define and limit the extent of the permission and to protect the visual amenity of the site and surrounding area in accordance with policy AW5 of the Rhondda Cynon Taff Local Development Plan.

2. 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.

3.

The demountable classroom unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

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APPLICATION NO: 13/0905/10 (EL)
APPLICANT: P & C Properties
DEVELOPMENT: Construction of residential semi-detached dwellings.
LOCATION: PLOTS 1 AND 1A PARK VIEW, ABERCYNON, CF45 4TP.
DATE REGISTERED: 04/09/2013
ELECTORAL DIVISION: Abercynon

Recommendation: Approve subject to conditions

Reasons:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the development of the site for residential purposes is compatible with the area and the design of the properties is acceptable in terms of scale, appearance. The impact on residential amenity and highway safety is also considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the construction of two residential properties, (one pair of semi detached dwellings) on a parcel of land identified as plots 1 and 1A Park View, Abercynon.

Each of the dwellings would measure 5.3 metres in width and extend to a maximum of 9.1 metres in length, this includes a projection to incorporate a small entrance porch. They would have a ridge roof construction extending to 8.6 metres at their ridge and 4.9 metres at their eaves. Accommodation would be arranged over three floors, making use of the roof space, with 3no. bedrooms in total.

Each dwelling would also benefit from an attached garage, constructed to the side of each property. These would measure 3.0 metres in width and 5.5 metres in length. They would have a mono pitch roof construction, extending to 4.3 metres at its highest point, sloping to 2.5 metres at its eaves.

The properties would be a blockwork construction, with rendered finishes to side and rear elevations and the use of a pennant stone cladding to the front elevations. They would have a tiled roof construction.

The properties would be orientated to front the highway (Park View) with parking space being provided to the side of the properties. Enclosed private garden areas would be located to the rear of the properties. As a result of changes in level across the site, the scheme involves retaining works to create useable garden space. Two gabion retaining walls are proposed to the rear of the property. The lower of the two, would extend to 3.0 metres in height and would appear as a continuation of an existing retaining structure on the adjoining plots. The upper retaining wall would extend to 1.5 metres in height.

SITE APPRAISAL

The application site is a parcel of land, measuring approximately 450m² and located within the settlement of Abercynon. The plot lies within a predominantly residential area, with neighbouring dwellings being link properties, laid out in groups of four. To the far north east is Ysgol Gynradd Gymraeg Abercynon; however this occupies an elevated position, above the application site. To the north west, the site is bounded by a footpath, with a highway bounding the south of the site. There is a change in level across the site, with the land falling from north east to south west. The land to the south east of the application has also recently been developed by the construction of semi-detached properties, which are similar to those currently proposed (the neighbouring scheme was approved under application reference 13/0422/10).

PLANNING HISTORY

04/1233	Land at Park View, Abercynon	Residential development of 7 no. houses	Granted with conditions 14/01/05
02/1793	Land at Park View, Abercynon	Residential development	Granted with conditions 6/06/03

PUBLICITY

The application was advertised by direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Transportation Section – no objections raised, subject to conditions.

Public Health & Protection – no objections raised.

Land Reclamation & Drainage - no objections raised, conditions recommended.

Dwr Cymru - no objections raised, conditions recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is adjacent to the line of the settlement limit.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

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

NSA12 sets out the criteria for development within and adjacent to settlement boundaries.

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

Principle of development

As identified above, the site shares three of its boundaries with the line of the settlement limit. Since, the plot is positioned within an area, which is characterised by existing residential development, it is considered that the development of two dwellings on the site would be compatible with the surrounding land uses. Similarly, local planning policy states that residential development on unallocated land in the Northern Strategy Area, which is bounded on at least one side by the defined settlement boundary should be supported, subject to criteria. These include ensuring that the proposal is well related to existing pattern of development in terms of scale, layout, design, use of materials and general character of the surrounding area. As such, the principle of the development is considered acceptable, subject to an assessment of the impact of the proposed development upon the character and appearance of the surrounding area; the impact of the development on the residential amenities of neighbouring properties; and the impact of the proposal on highway safety.

Character and appearance

The scheme proposes the construction of two semi-detached dwellings, to be developed upon a vacant plot within an established street scene. It is noted that the land immediately to the south east of the application site has recently been developed in a similar manner. The proposed dwellings would be similar, in terms of their scale and appearance to those properties on the adjacent plots; being relatively modest two storey dwellings. They would also be orientated in order that they address the highway, which fronts the site, ensuring an active frontage onto the road.

Similarly, the palette of materials proposed is also considered acceptable. The side and rear elevations of the properties would be finished with a smooth render, however interest would be added by the use of pennant stone to the front elevation. This combination would ensure that the properties would be in keeping with both those of the established residential estate and the recently developed plots to the south east. As such, it is considered that the scale and design of the proposed dwellings is appropriate, with the development appearing as a continuation of the units constructed on the adjacent plots. Therefore, the development is considered to be in keeping with the character and appearance of the surrounding area, and therefore, is in accordance with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As set out above, the property is located within an established residential area, therefore, it is important that the privacy and amenity of existing neighbouring residents is safeguarded.

Whilst the plots to the south east, north west and south west are all occupied by residential properties, it is considered that the siting, scale and orientation of the proposed dwellings limits any impacts to a point that is considered acceptable in planning terms. The proposed units would respect the building line, established by the neighbouring units to the south east (which are nearing completion); as such, there would be no loss of privacy to the future occupiers of these units. Similarly, they would be off-set from the neighbouring property to the north west by an existing pedestrian footpath that separates the two plots.

Whilst it is acknowledged that there are variations in level across the site, the proposed dwellings would be situated at the lower point of the site. As such, with separation distances in region of 21.0 metres, between the rear of the existing properties (no.'s 85-86 Park View) and the front elevations of the proposed units, it is considered that any impacts would be adequately managed and no loss of privacy would result.

Overall, it is not considered that the proposal would result in such an impact upon the levels of amenity currently enjoyed by neighbouring occupiers, that would warrant the refusal of the planning application.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that the scheme provides an appropriate level of off-street car parking, with 2 no. spaces per unit. It is also commented that the means of access to the site is acceptable, with the carriageway fronting the site being of sufficient width to accommodate some on-street parking, without compromising highway safety. A number of conditions are recommended however, which require the implementation of the parking layout and the installation of vehicle cross-overs. Overall, it is considered that the proposal is considered acceptable in terms of its potential impacts upon highway safety in the vicinity of the site.

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.

Land Drainage

With reference to matters of land drainage, the Council's Land Reclamation and Engineering Section have been consulted. Their response raises no objections to the proposal; however, a condition requiring the submission of a full scheme of drainage arrangements for the development is recommended.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses, impact upon the amenities of existing residents and its potential impact upon highway safety. Therefore the proposal is 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. Prior to the development being brought into use, the existing footway shall be reinstated in full flexible footway construction to include 2.no vehicular crossovers in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety.

3. No dwelling shall be occupied until space has been laid out within the site for 2 cars to be parked in accordance with the submitted plan number GA2 and approved by the Local Planning Authority. Thereafter, these areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking facilities are provided within the curtilage of the site.

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

5. 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.

6. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

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

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

8. Building operations shall not be commenced until samples of the construction materials, including render colour, stone and roof tiles 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.

9. Prior to development commencing, design calculations for the associated retaining structures hereby approved 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 and retained as such thereafter.

Reason: To ensure the safety of the development hereby approved.

10. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The

development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

13. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO: 13/0910/10 (LE)
APPLICANT: Trustees of the Talbot Green Shopping Park Unit Trust
DEVELOPMENT: Alterations to and subdivision of existing Class A1 retail unit to provide up to five Class A1, A3 and mixed A1/A3 units, car park alterations and ancillary works
LOCATION: COMET PLC, UNIT 1 TALBOT GREEN RETAIL PARK, TALBOT GREEN, PONTYCLUN, CF72 8LW
DATE REGISTERED: 06/09/2013
ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: APPROVE

REASONS: The application is considered to represent a suitable conversion of an existing vacant premise to appropriate commercial use within a well used retail centre. The scheme accords with the principle requirements of planning policy and is unlikely to have a harmful impact on the existing character and appearance of the area or the residential amenity of those living closest to the site.

APPLICATION DETAILS

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

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

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

- The over-cladding and general upgrade of the existing building envelope with white, smooth metal panelling.
- The introduction of a more glazed front elevation and access doors to serve the five separate units, with associated fascia style signage above (subject to separate advertisement applications where necessary).

- The provision of a 3.0 metre deep canopy to the front elevation that would extend around the side elevations of the building for approximately 8.0 metres.
- The provision of a 3.0 metre high timber acoustic barrier to the rear of the building.
- The erection of a timber canopy to the rear and eastern side of the building to provide shelter for delivery vehicles and an external bin store. The bin store would also be enclosed by 2.0 metre high timber fencing.
- Replacement and renewal of the roof finishes.
- The insertion of three delivery doorways to the rear of the building.
- The introduction of two external seating areas toward the south eastern and south western corners of the building.
- New access steps and defined walkways to the front of the building.

As part of the proposal, the existing car parking area to the immediate front of the building would be slightly reconfigured but would retain a total of 66 car parking spaces including four disabled parking bays. Toward the eastern side of the building, an additional seven car parking spaces for staff members would be created.

The applicant's supporting information highlights the premise was vacated by the previous occupiers 'Comet' in December 2012, and despite marketing efforts has remained vacant. Whilst other units within the park have been updated and refurbished over recent years, unit 11 remains as the only building that has not been updated or benefitted from improvements. In reviewing options for the premise and securing new tenants, the applicants have found there is a strong demand for food and drink uses within the retail park, to complement the existing uses and serve the large volume of customers who visit Talbot Green. The application therefore proposes alterations and change of use of the unit to accommodate such occupiers. It is detailed the opening hours sought by this application are 7.00 am to 11.00pm.

The planning application is accompanied by a:

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

SITE APPRAISAL

The application site consists of the vacant Unit 11, Talbot Green Retail Park, that was formerly occupied by 'Comet'. The relatively flat site consists of an area of approximately 1.23 Acres and is currently occupied by the stand alone, detached building, associated car parking and delivery area, and surrounding landscaping. The existing building has a floor area of approximately 1876 square metres (including a 478 square metres internal mezzanine). It has red/brown brick elevations, glazed front access point and large fascia style signage. The unit is situated toward the northern most corner of the retail park and unlike other units is

self contained with a separate access and car park. The existing site has provision for 66 car parking spaces. Wider access to the site is gained from Talbot Road to the northwest and the A4119 that runs toward the rear, northeast of the site. Beyond Talbot Road to the northwest are a number of residential properties that face toward the application site. The wider retail park comprises numerous, large commercial properties with Talbot Road also having a strong commercial character, albeit smaller and more historic properties.

PLANNING HISTORY (most relevant)

07/0735	Talbot Green Shopping Park, Talbot Green	Advertisement application. Sheet advertisement display panels.	Refused 05/07/07
05/2095	Land outside Pizza Hut, Talbot Green Retail Park, Talbot Green, Pontyclun	A 12.5m high Streetworks column with integrated antenna together with equipment cabinet and additional associated ancillary equipment.	Refused 06/01/06
05/0198	Units 11 - 14 Talbot Green Shopping Park	External improvements to existing retail units, together with car park alterations and ancillary works.	Granted 28/04/05
05/0192	Units 11 - 14 Talbot Green Shopping Centre, Talbot Green, Pontyclun.	Proposed extension to existing retail unit to provide additional 572 metre sq. sales area (ground floor and mezzanine), external alterations to existing units, car park alterations and ancillary works.	Granted 10/06/05
03/1809	Former Tesco	Demolish existing building and construction of up to 10,498sq. m. Class A1 retail floor space and associated A3 uses, with car parking and associated works	Granted 19.12.03
94/0082	Newpark, Talbot Green	Retail Development Food and Non-Food	Granted 18/05/94

PUBLICITY

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

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

CONSULTATIONS

Transportation Section - raise no objection. It is commented that site access, internal access and general circulation would remain unaffected by the proposal. In comparison to the permitted A1 use of the existing building (including use of the building as a food store for example), a proposal to convert the unit to five A3 units generates a lesser parking requirement. As such no objections are raised.

Spatial Planning – raise no objection. It is commented the proposal to increase the number of A3 units is not considered to undermine the centre's position in the retail hierarchy. A3 food and drink uses are often located within such centres and bring benefits to and expand the retail experience being offered.

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

Public Health & Protection – no adverse comments raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

Policy AW5 - sets out criteria for new development.

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

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

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

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

Planning Policy Wales

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

Planning Policy Wales Chapters 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), and Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 12: Design;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the Development

The application seeks consent for the subdivision of a single large A1 retail unit into 5 separate units, to allow the creation of a food style quarter within the Talbot Green Retail Park. As part of the proposal a series of upgrade and improvement works to the appearance of the existing building are also proposed.

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

Furthermore, the proposal would result in the positive re-use of a vacant building whilst also creating a significant number of employment opportunities (information submitted indicating the proposed Frankie and Benny's Restaurant alone could create up to 40 new full time jobs). In this instance, the proposed use is considered compatible and complementary to the existing function and role of the retail centre and is an acceptable form of development in principle.

Impact on the character and appearance of the area

In terms of visual appearance, the upgrade and improvement works proposed to the external elevations of the building are considered acceptable. The external changes including the modernisation and improvement of the somewhat dated and bland, predominantly brick frontage of the building is welcomed within this modern retail park. The proposed contemporary appearance of the building has been designed to integrate and complement the remainder of the retail park, with adjacent units, including the recently refurbished Argos and JD Sports benefiting from similar cladding and glazed frontages to that being proposed. Improvements to the pedestrian walkways surrounding the building and the introduction of external seating areas are considered appropriate, with external seating facilities being a feature of retail and commercial parks of this nature. Whilst the proposal includes the provision of a large timber fence (acoustic barrier) to the rear of the building, the existing predominantly blank brick elevation of the building has no significant visual merit. Furthermore, existing landscaping that would be appropriately retained and improved where necessary, adds a degree of screening to the rear aspect of the site, and would limit the visual impact of such fencing on the wider locality. Therefore, it is not considered such a feature would introduce an incongruous or overly harmful structure to warrant refusal of the planning application. Should Members however be minded to grant planning permission, recommended conditions would ensure

satisfactory finishes are utilised for the rear acoustic barrier and proposed canopy structures, and an appropriate scheme of boundary landscaping is retained and enhanced where necessary at the site.

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

Impact on residential amenity and privacy of neighbouring residential properties

It is not considered the re-use of an existing vacant retail premise (A1 use) as five separate units for A3 and mixed A1 and A3 purposes, in the form of a complementary food quarter within a defined retail centre, would unduly compromise the amenities of nearby residents. Representations received from local residents, as earlier detailed, raise concerns in relation to likely litter, general disturbance, and nuisance that may be caused by the proposed uses particularly during the evening when the retail park is closed. The residential properties sited in closest proximity to the application site are situated to the northwest, beyond Talbot Road and a landscaped embankment positioned to the northwest of the application building. The residential properties are positioned approximately 40 - 50 metres from the side elevation of the application building, with the front elevation being orientated away from the nearest residential properties (and those residents who have raised concerns with the scheme). When coupled with the presence of the landscaped embankment and the four/five lane carriageway of Talbot Road at this point, it is considered the residential properties are adequately offset from the application site and unlikely to experience any undue loss of amenity. The site would have historically generated significant visiting vehicle and pedestrian movements when occupied by 'Comet', with the surrounding retail park already being a heavily used, within a vibrant and busy centre that generates substantial levels of activity. It is accepted the proposed operating hours of such A3 uses would be predominantly later than the majority of the nearby A1 retail premises, which generally open up until 8:00pm, (although the nearby Pizza Hut opens until 9:30 pm and 10:00 pm on Fridays and Saturdays). However, given the appropriate offset from the nearest residential properties, this is not considered a reason to warrant refusal of the scheme particularly when balanced against the planning merits of the proposal. Concerns raised against the position of illuminated advertisements on the building are also acknowledged although the erection of any illuminated applications at the site would require separate Advertisement Consent and subsequently assessed on individual planning merits at that stage.

Highway safety issues

It is relevant to consider the potential impacts of the development upon highway safety in the vicinity of the site, with consideration to the comments raised by local residents in this regard. Following consultation with the Council's Transportation

Section, who have reviewed the Transport Statement submitted, no objections to the proposal have been raised. Their assessment has taken into account the existing permitted use of the premises as an A1 retail premise and the parking requirements and traffic movements that such a use has and could potentially generate (particularly should an A1 food store operate from the site). It is concluded that the impacts resulting from the existing use, or any other A1 use to which the existing building could revert, would be greater than that of the proposed subdivision of the building.

When further considering the intention is to create a complementary food quarter to support the retail park, a significant percentage of the customers visiting the new food and drink units are therefore likely to be linked with trips to the wider retail park. The site is also readily accessible on foot, bicycle and by nearby public transport links with no material change to the layout and means of access to the site being proposed. Overall, it is not considered the proposal would have such a harmful impact upon highway safety that would be so adverse to warrant refusal of the planning application.

Other Issues

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

Drainage

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

CONCLUSION

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

Having taken account of all of the issues outlined above, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, its impact on visual and residential amenity and highway safety issues. Approval of the planning application is therefore recommended.

RECOMMENDATION: Grant

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

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

2. Building operations shall not be commenced until details of the type, materials and colour of all external finishes to be used for the development (including the canopy structures and acoustic barrier) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the details(s) so approved.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Prior to the commencement of development, details of equipment to prevent waste cooking oil, fats, solid wastes and food debris from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and be in full working order prior to the commencement of use and shall be effectively operated for so long as the use continues.

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

6. Prior to the commencement of development, details of equipment to suppress and disperse fumes and/or smell produced by cooking and food preparation shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and be in full working order prior to the commencement of use and shall be effectively operated for so long as the use continues.

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

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

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with Policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with Policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The use hereby permitted shall not be open to customers between 23:00 hours and 08:00 hours on any one day.

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

10. The proposed access, circulation and parking shall be laid out as shown on

the submitted layout plan, Drawing No. AP05/D prior to beneficial occupation of the use hereby permitted and the parking areas shall be retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

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

11. Construction works on the development shall not take place other than during the following times:
1. Monday to Friday 0800 to 1800 hours;
 2. Saturday 0800 to 1300 hours;
 3. Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO:	13/0945/10	(KL)
APPLICANT:	Mr A Williams	
DEVELOPMENT:	First floor extension to form a bedroom, shower room and toilet (Re-submission)	
LOCATION:	5 ST JOHN'S STREET, CYMMER, PORTH, CF39 9LA	
DATE REGISTERED:	25/09/2013	
ELECTORAL DIVISION:	Cymmer	

RECOMMENDATION: Approve

REASONS:

The application is acceptable in principle and is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of a first floor extension to the rear of 5 St. John's Street, Porth.

The extension would measure 3.1 metres in width by 4.5 metres in depth. Its pitched roof would have a maximum height of 6.3 metres from ground level, sloping down to 5.3 metres at its eaves. The extension would accommodate a bedroom and a shower room at first floor. It is proposed that the extension would have a rendered finish with concrete roof tiles to match the existing dwelling.

The application constitutes the resubmission of a similar first floor extension measuring 3.4 metres in width by 6.6 metres in depth, which was recently dismissed at appeal. Since that decision, the applicant has met officers on site to discuss an alternative scheme in order to overcome the inspector's concerns, particularly in respect of the impact on number 6 St. John's Street.

SITE APPRAISAL

The application site is a two-storey middle of terrace dwelling situated within the residential area of Cymmer, Porth. The property has a small garden area to the front and an enclosed garden to the rear which faces a narrow access lane. Its original back wall has been extended with a long, single storey extension. The roof of this extension overhangs the boundary with number 6 St. John's Street. This neighbouring property (no. 6) has been extended with a two-storey and single storey extension. It has a secondary bedroom window facing the boundary of the application site and a principal bedroom window in the main back wall. Number 4 St. John's Street has a similar single storey extension to that in situ at the application property.

PLANNING HISTORY

12/1307	First floor extension to form a shower room and bedroom	Refused 25/01/13	Dismissed at Appeal 29/04/13
12/0826	First floor extension to form a shower room and bedroom	Refused 20/09/12	

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received and is summarised as follows:

- The extension will overshadow the neighbouring single storey extension.
- The extension will affect light into the neighbouring property at first floor.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The Principle of the Proposed Development

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

As mentioned earlier, planning permission was refused for a first floor extension to the rear of 5 St. John's Street under planning application 12/1307. The application was refused as it was considered the siting, design and scale of the proposed extension would have an adverse impact upon both the character and appearance of the property and also the amenity of number 6 St. John's Street. This decision was upheld at appeal, however, the inspector concluded that the main issue was the effect of the proposal on the occupants of number 6 St. John's Street and in particular, the proximity of the wall of the extension to the bedroom window of this property.

Visual Impact

In terms of visual impact, the proposed extension would measure 3.1 metres in width by 4.5 metres in depth. It would measure 6.3 metres at its highest point from ground level and incorporate a pitched roof design which slopes down to 5.3 metres at its eaves. This has been reduced in size from the plans submitted under the previously refused scheme, which measured 3.4 metres in width by 6.6 metres in depth with a maximum height of 6.5 metres from ground level. The reduced scale of the proposed extension is now considered to be acceptable and the design and overall appearance would be in-keeping with similar additions in the area. Furthermore, the extension would be finished in appropriate matching external materials that will ensure it is not overly prominent within the rear street scene and it is considered the proposal would have no adverse impact on the character and appearance of the existing property or surrounding locality.

Residential Amenity

In terms of residential amenity, the proposed extension would be set in by 500mm (approx 20 inches) from the edge of the single storey extension. This was proposed to be only 200mm (approx 8 inches) under the previously refused scheme and this, along with the proposed 6.6 metre projection, was considered by the inspector to result in an oppressive and un-neighbourly form of development and cause unacceptable harm to the living conditions of the occupiers of number 6 St. John's Street.

It is acknowledged that the extension now proposed would cause some overshadowing on number 6 during the morning, however, it is considered that the reduction in its scale would limit this. Given the reduced scale of the proposal is 4.5 metres in depth and the increased distance from the neighbouring property, it is therefore considered that the current scheme now overcomes the reasons for refusal under the previous scheme and the inspector's concerns regarding loss of natural light and the extension having an oppressive effect.

Additionally, with extensions of a similar scale to that of the proposal, it is considered that a precedent of this type of development has been set in the locality and therefore, its impact is not considered to be significant enough to warrant the refusal of the application.

Conclusion

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

RECOMMENDATION: Grant

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

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

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

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

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APPLICATION NO:	13/0971/10	(DB)
APPLICANT:	Mrs Farr	
DEVELOPMENT:	Installation of a 61.5m high wind monitoring mast.	
LOCATION:	BWLLFA FARM, PENTRE, CF41 7NY	
DATE REGISTERED:	26/09/2013	
ELECTORAL DIVISION:	Ystrad	

RECOMMENDATION: Approve

REASONS: The principle of the development is considered acceptable and is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on nature conservation and existing landscape features, visual amenity, highway safety and Rights of Way.

APPLICATION DETAILS

The application seeks permission to erect a 61.5 metre high anemometer mast to measure wind and weather on land at Bwllfa Farm, at GR 296189, 193573. The permission sought is for a temporary period of a maximum of 24 months in order to collect up to date wind data in connection with a potential future wind energy generation scheme in this location.

The proposed development consists of a 61.5 metre high monopole slim column structure, of 15 - 25 cm diameter galvanised steel tubing with anemometers and wind vanes positioned at various heights along the mast. Bird diverters would be attached at regular intervals along each outer guy wire. The mast would be supported by 4 sets of 5 high tensile guy wires each of 5mm in diameter, secured to the ground at four anchor points bolted to the ground at 4 opposing corners around the mast, at between 35 – 42m from the base of the mast.

The mast would include meteorological equipment which would be battery operated.

The type of monopole mast has been chosen, rather than an alternative lattice style mast in order to minimise its visual intrusion.

The applicant advises that no new access tracks, parking areas or other infrastructure would be required for vehicular movements on site as use would be made of the existing tracks of the former Forestry Commission, by a single four wheel drive vehicle. No specialist vehicles would be needed to install the mast, as the column is modular and would be delivered in sections which are assembled on site. The erection of the anemometer would take less than one week and once installed visits would be carried four times a year, associated with routine maintenance.

The applicant has advised that no trees or hedges would be affected by the proposed development.

A Design and Access Statement accompanies the planning application.

SITE APPRAISAL

The application site is located on an land at Bwllfa Farm, and lies approximately 1,110 m south west of the farm buildings and 1,350m north west of the nearest residential properties in Clydach Vale. The site lies at a height of approximately 471m A.O.D., and is located in the countryside, and forms part of a small grassland plateau which is part of the 450 acre farm at Bwllfa Farm.

The proposed access to the site of the mast would be along an existing forestry track which enters the public highway at Bwlch Y Clawdd, along the A4061 above

Cwmparc. The access crosses one Public Right of Way, known as YST/ /23/1. For installation purposes, the mast would be carried from the forestry track by hand to the installation point.

The site and parts of the proposed access route are located within the Site of Importance for Nature Conservation known as Ton Pentre Slopes (SINC 183), as defined in the Rhondda Cynon Taf Local Development Plan. A part of the access route is located within the Special Landscape Area known as Rhondda Fawr Northern Cwm and Slopes as defined in the Rhondda Cynon Taf Local Development Plan. The site is also located within the Rhondda Historical Landscape as designated by Cadw.

PLANNING HISTORY

There is no planning history on the site.

PUBLICITY

The application has been advertised by means of site notices. No responses have been received at the time of writing the report.

CONSULTATION

Countryside Section – raises no objections subject to conditions to secure precautions for the Public Rights of Way, existing nature conservation and landscape features and secure restoration details. No relevant SewBrec records of Statutory Protected Species from immediate vicinity.

NRW - awaited at the time of writing the report.

Transportation Section – raises no highway objections.

Glamorgan Gwent Archaeological Trust - (GGAT) raises no objection to the positive determination of the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The application site is situated in the open countryside, within Strategic Search Area F (SSA F), within the Ton Pentre Slopes Site of Importance for Nature Conservation (SINC 183) (Policy AW8.183) and Sandstone Resource Area (Policy AW14.2) as defined in the LDP.

The proposed access route lies within the Ton Pentre Slopes Site of Importance for Nature Conservation (SINC 183) (Policy AW8.183) and the Rhondda Fawr Northern

Cwm and Slopes Special Landscape Area (Policy NSA 25.7) as defined in the Rhondda Cynon Taf Local Development Plan.

Policy AW8 seeks to protect SINC's, and features of the natural environment from inappropriate development.

Policy AW12 supports development proposals which promote the provision of renewable energy where it can be demonstrated there is no unacceptable effects.

Policy AW14.2 safeguards resources of sandstone from development which would unnecessarily sterilise them or hinder their extraction.

Policy NSA25 requires development within Special Landscape Areas to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

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 Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), and Chapter 12 (Infrastructure and Services) 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's (TAN) 5 (Nature Conservation and Planning) and 8 (Planning for Renewable Energy). The site is located inside of TAN 8 Strategic Search Area F, but any wind farm development of up to 25 MW is not required to lie within the SSA F boundary but needs to ensure that it would not constrain the generating capacity of the refined strategic search area.

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, impact on nature conservation, landscape features, Public Rights of Way and impacts on visual amenity.

Principle of the proposed development

The proposal involves the provision of an anemometer mast, 61.5 metres high, over a 24 month period, for the testing of wind speed and direction, which is a precursor to a potential wind energy scheme. Renewable energy schemes are supported by policy in principle for economic reasons and for their contribution to meeting the challenges of climate change, by both national and local planning policy, subject to criteria.

It is therefore considered that the principle of the proposed development is acceptable.

Impact on nature conservation and landscape features

The proposed mast would be located on marshy/acid grassland and upland heath which is considered to be of high local value, being part of Ton Pentre SINC 183. Due to the method to be used in securing the mast, and the extremely small footprint involved with the proposed development, it is considered that there should be minimal impact on the existing vegetation. However, conditions would be necessary to secure an ecological mitigation scheme to reduce impacts on the habitat and any bird, bat or other species on the site.

Access to the site would be by a single four wheel drive vehicle on the existing forestry access track, which would not need to be altered to facilitate access and therefore no additional impacts on the adjacent SINC's would be involved.

There would be no impacts on any adjacent landscape features, such as trees and hedges adjacent to the site.

The Council's Ecologist has raised no objection subject to conditions to secure precautions for the existing nature conservation features on the site and to secure restoration details.

It is therefore considered that in view of the small scale nature of the proposed development, and subject to the imposition of conditions as recommended by the Council's Ecologist, the proposal would comply with national and local planning policies in respect of its impact on existing nature conservation and landscape features.

Highway safety and Public Rights of Way

The site would be served by an existing forestry track, which in the applicant's view is suitable to serve the proposal. The applicant states that the installation does not require the use of specialist vehicles as the mast would be transported in small sections by one vehicle for assembly on site. Once installed the proposed

meteorological mast would generate little additional traffic, as this would only be required for the purposes of the collection of data and maintenance. It is considered therefore that in view of the scale of this temporary development, in terms of the type and volume of traffic generated, the scheme is acceptable in highway terms. No highway objection is raised or conditions proposed by the Transportation Section.

The access track crosses a public footpath, known as YST/23/1. However, it is considered that in view of the limited time scale and limited traffic likely to be generated by the proposal, a condition to require a method statement for construction of the mast should be sufficient to minimise the potential effects on the public safety of users of the Public Rights of Way.

Impact on visual amenity

The application site is located on an upland position, at 470m AOD. within the upper farmland of Bwllfa Farm. It is considered that the introduction of a man-made structure, 61.5m high in galvanised steel, in such an elevated location, would inevitably have an impact on the visual appearance of area, and is likely to be seen within Treherbert, Pentre, Ystrad, Penrhys, Dinas and Ton Pentre although some of these local views would be obscured by existing conifer and other vegetation. It would also be clearly visible from nearby Public Rights of Way. Whilst such an installation would inevitably detract to a certain extent from the character of the countryside, which is located within the Rhondda Historic Landscape, such impact is mitigated by the slenderness of the mast and guys and its temporary nature. The greatest impact would undoubtedly be from short distance views but the effect would significantly diminish when seen from distant vantage points.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on visual amenity.

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:

Archaeological Resource

72 archaeological sites have previously been recorded within the vicinity of the proposed project area. These include three Scheduled Ancient Monuments, consisting of the Iron Age Hillfort of Maendy Camp, the Mynydd Ton Cairns, and the Hendre Gelli Cairn. Furthermore, the site lies within the Rhondda Uplands (Mynydd Ton – Mynydd Penygraig) Historic Landscape Character Area of the Rhondda Historic Landscape. As a result, it is possible that significant archaeological material exists within the project area. However, as the proposed development will include only minor ground disturbing activities, GGAT have advised that the works are unlikely to cause an adverse impact to the historic environment as it is not expected

that significant archaeological remains will be discovered during the development and have raised no objection to the positive determination of this application. It is therefore considered the proposal would not conflict with the purpose of LDP Policy AW7.

Sandstone Resource

The access to the site is located within a Sandstone Resource area, which is safeguarded from development which would unnecessarily sterilise or hinder its extraction by Policy AW14.2 of the LDP. However, given the abundance of the Sandstone resource in Rhondda Cynon Taf, the very limited footprint of the mast, and its temporary nature, it is considered the proposal would not conflict with the purpose of the LDP policy.

Conclusion

In conclusion, given national planning guidance and that the proposal is a slim, lightweight temporary structure and would thus not result in a significant adverse visual impact to the landscape, or to the nature conservation value of the site, or pose an unacceptable risk to the safety of users of the highway, and Public Rights of Way, the application is recommended for a temporary permission.

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 removed from the site no later than 24 months from the date of the commencement of the development and the site restored in accordance with the details and a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Written notification of the date of commencement of the development shall be submitted to the Local Planning Authority not less than 14 days before the development commences.

Reason: The development is of a temporary nature and not suitable for retention on a permanent basis in this location; and to secure the proper decommissioning of the development proposal.

3. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a scheme for the timing and protection of the nearby landscape features and Public Rights of Way, and include the following matters:-

i) Measures to ensure that the Public Rights of Way are maintained with no

obstruction to use and public safety,

ii) Measures to prevent any damage to Public Rights of Way from constructional activity at the site,

iii) A scheme to show how the existing ecological features (habitats and species) will be avoided,

iv) Details of any soil storage and re-use and the provision of any means of temporary site illumination,

All construction activities and the development shall be carried out in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the application site in accordance with policies AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/0986/10 (EL)
APPLICANT: Christopher Cousins
DEVELOPMENT: Change of use of former chapel to dwelling house
LOCATION: HOREB CHAPEL, HOREB TERRACE, LLWYDCOED, ABERDARE, RHONDDA CYNON TAF, CF44 0UU.
DATE REGISTERED: 30/09/2013
ELECTORAL DIVISION: Aberdare West/Llwydcoed

Recommendation: Approve subject to conditions

Reasons:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the use of the site for residential purposes is compatible with the area and the conversion would bring back into use a prominent building with historic value. The design of the conversion, the impact on residential amenity and potential impact on highway safety are also considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the conversion of Horeb Chapel, Horeb Terrace, Llwydcoed, from a place of worship to a 3-bedroom residential dwelling.

The building is formed in two parts, the main chapel, which fronts Horeb Terrace and a vestry building to the rear of this. It is proposed that the existing vestry building be demolished and a replacement single storey extension (with a smaller footprint) be constructed in its place.

It is proposed that, internally, the chapel be divided horizontally, in order to create a first floor level. At ground floor, the space would be divided up to form bedrooms, bathrooms and study, the layout however, would retain features such as the pulpit. At first floor level, living accommodation and kitchen space would be provided over one open plan space. The proposed extension to the rear would measure 6.5 metres in length and 5.1 metres in width, with a mono-pitch roof construction extending to a maximum height of 5.8 metres. The removal of the vestry and the construction of a smaller addition in its place would allow for the formation of a small area of amenity space to the rear of the chapel.

Externally it is proposed that the main chapel building be retained largely in its current form, with the conversion utilising the existing pattern of fenestration. A structural report, which accompanies the application, identifies small areas of damage to the fabric of the building, the most noticeable being minor 'bulging' of the front elevation and areas of cracking in the external walls between window openings. However, the report concludes that these defects are not sufficient to prejudice the overall stability of the building and may be repaired, without the need for re-building.

To the front of the building is a small courtyard area, which separates the chapel from the highway. The current scheme proposes the removal of this enclosure and the provision of two parking bays, parallel with the highway, to the front of the chapel.

The application is accompanied by a

- Design and Access Statement
- Structural Inspection Report, prepared by G.A. Spacey & Associates Ltd.
- Bat Activity Survey, prepared by Merlin Bio-Surveys dated August 2013

SITE APPRAISAL

The application site is a prominent chapel, known as 'Horeb Chapel' located on a side street in the village of Llwydcoed. The chapel forms is a significant building, giving it's name to the terrace within which it is located. The chapel is located at the south eastern end of the terrace, with a row of residential cottages extending to the north west. The primary elevation addresses the terrace, with fenestration being symmetrical in its appearance, with a central entrance door and first floor tripartite window directly above this. Further fenestration is arranged along both side elevations (north west and south east) with openings at both ground and first floor level. The building has a slate tiled hipped roof and rendered elevations, a chapel name plaque is located above the entrance door. To the rear of the main chapel

building is the vestry, this is a single storey building with vaulted ceiling. The vestry may also be accessed via a separate point of access, along a narrow pedestrian walkway, at the north western elevation of the building. Within the chapel the pulpit occupies a position against the north eastern wall of the chapel, directly opposite the entrance doors. Pews are arranged in three groups across the ground floor of the chapel, with further pews in the galleries, which bound the side and south western (front) elevation of the chapel. Decorative features such as cornicing and ceiling roses are still visible, although in areas these have suffered significant damage, resulting from water ingress through roof leaks. Externally, to the front of the building is a small courtyard area, which separates the chapel from the highway. The site is served via an access lane that connects with Merthyr Road, to the south east. Neighbouring properties on Horeb Terrace are residential in character.

PLANNING HISTORY

12/0370	Horeb Chapel, Horeb Terrace, Llwydcoed	Change of use and building works to convert chapel to dwelling.	Withdrawn
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PUBLICITY

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

- One resident comments that they have no objection to the conversion of the chapel and would welcome the improvement of the building. However, they comment that the means of access to Horeb Terrace should be open at all times and should not be obstructed during the course of the conversion by deliveries of building materials and trades vehicles.
- The second letter expresses concern with regard to the impact of the development on parking provision within the street.
- Concern is expressed that access to the street could be restricted, should residents choose to park directly outside the chapel.
- It is commented that there is already a shortage of car parking in the terrace.
- It is suggested that garage space be developed within the chapel.

CONSULTATION

Structural Engineer – no objections are raised to the conversion.

Transportation Section – no objections raised, subject to conditions.

Public Health & Protection – no objections raised.

Land Reclamation & Drainage - no objections raised, conditions recommended.

Dwr Cymru - no objections raised, conditions recommended.

Countryside Section – no objections raised; however consultation with Natural Resources Wales is recommended. The bat activity survey indicates activity at the site and the presence of a summer day roost; as such, the applicant will be required to apply for a European Protected Species License. The bat activity survey also sets out a number of mitigation recommendations, to avoid harm to the protected species.

Natural Resources Wales – no objections raised, subject to a condition, requiring the development be undertaken in accordance with the requirements and mitigation measures set out in the accompanying bat survey.

Glamorgan Gwent Archaeological Trust – no objections are raised on archaeological grounds, however, it is commented that mitigation will be required, in the form of a historic building recording being undertaken. A condition to this effect is recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

AW1 sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.5 refers directly to the conversion of suitable structures to provide housing.

AW2 promotes development in sustainable locations.

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

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

AW7 requires development proposals that impact upon sites of architectural or historic merit to preserve or enhance the character and appearance of the site.

NSA12 sets out the criteria for development within and adjacent to settlement boundaries.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 6 (Conserving the Historic Environment), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

Principle of development

Horeb Chapel is a prominent building located within settlement limits and within the village of Llwydcoed, with the area that immediately adjoins the site, being predominantly residential in character. Given its location and the fact that the building layout lends itself to conversion, without significant external alterations, it is considered that the proposed re-use of the building for residential purposes would be compatible with surrounding land uses and therefore acceptable in principle; subject to an assessment of the impact of the development upon the character and appearance of the surrounding area; the residential amenities of neighbouring properties; and highway safety.

Character and appearance

It must first be noted that, whilst the building is not listed and does not benefit from any formal designation, it represents an important and prominent feature in the street scene. Therefore, the current scheme, which seeks to convert the chapel, presents an opportunity to retain this building and some of the historic character and value that is associated with it.

The full schedule of works is set out above, however, the scheme involves the replacement of the vestry building to rear of the chapel, with a smaller single storey structure; and the division of the main chapel along its horizontal axis to form a first floor accommodation. With regard to the loss of the vestry, whilst the removal of this element of the building is regrettable, it is located to the rear of the main chapel and is not visible from either Horeb Terrace or Merthyr Road. Furthermore, externally, this element of the building offers limited architectural interest. In place of the vestry it is proposed that single storey building with a simple mono-pitch roof construction be developed. This would provide a degree of living space at ground floor level, but also presents the opportunity to create a degree of amenity space, as at present the chapel and vestry occupy the entire curtilage of the site.

With reference to the works to the chapel itself, it is acknowledged that the proposal to create a first floor level within the building will obviously alter the aspect of the internal space, with the loss of the full height space in the main worship area.

However, it is noted that the scheme does involve the retention of internal features such as the pulpit. Whilst the ground floor space would be divided up to form bedroom and bathroom space, a hall-way would be retained through the centre of the chapel, creating a clear visual link from the entrance door at the front of the building to the pulpit at the rear. It is accepted that the conversion of the main chapel would inevitably alter the internal aspect of the chapel, however, it is noted that the external appearance of the main chapel would be retained. In particular, the scheme seeks to retain and utilise the existing pattern of fenestration and entrance point. It appears that building has been subject to various structural movement damage, occurring over a number of years and has been vacant now for a period in excess of 18 months. The result is that the building appears to be in a poor state of repair, it is considered that the current scheme will prevent its further decline and secure its long-term future.

Therefore, whilst it is accepted that the internal conversion works would result in the loss of some character, the external envelope of the main chapel would be retained and the building repaired and renovated; thereby ensuring the retention of the chapel within the terrace, which shares its name. Therefore, the development is considered to be in keeping with the character and appearance of the surrounding area, and, is in accordance with the requirements of policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As set out above, the property is located within an established residential area, therefore, it is important that the privacy and amenity of existing neighbouring residents is safeguarded.

As set out above, the most significant adaptation to the building relates to the demolition of the vestry and construction of a replacement single storey addition. At present the building occupies the entire plot, extending close to the side and rear of the adjacent property on Horeb Terrace (number 8). It is considered that the removal of the vestry and its replacement with a smaller single storey addition, that would be off-set from the north western boundary, would improve the relationship with the closest neighbouring property.

Similarly, the proposed conversion seeks to utilise the existing pattern of fenestration, as such, it is not necessary to create any additional openings. Nevertheless, whilst the scheme seeks to utilise existing openings, many of these are located in the side elevations and therefore adjoin the boundaries of neighbouring residential properties. As such, some concern is expressed that the use of some of these openings, to serve habitable rooms, may result in some potential for overlooking to neighbouring gardens and properties. Therefore, it is considered necessary to require the lower sections of certain first floor windows to be obscured glaze, in order to protect the levels of privacy enjoyed by neighbouring residents. It is not considered that this would unduly compromise the levels of amenity enjoyed by future occupiers of the chapel, as the first floor layout comprises

one large open-plan space, with 5 no. openings to the front elevation of the building which would not need to be obscured, providing views across the open countryside to the south west.

Overall, it is not considered that the proposal would result in such an impact upon the levels of amenity currently enjoyed by neighbouring occupiers that would warrant the refusal of the planning application.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that the chapel and neighbouring terrace is served by a lane, which is substandard in terms of width and therefore cannot accommodate two-way vehicular movements. Furthermore, it is acknowledged that the terrace also lacks a formal turning area. However, it must be noted that the current scheme seeks to establish a new use for an existing building, which when operational as a place of worship, would have generated a far greater number of traffic and pedestrian movements than that of a single residential unit.

Similarly, a further material planning consideration, which also carries considerable weight, relates to the possible alternative uses, which may be implemented at the building without the need for planning permission. *The Guide to Use Classes Order* sets out a series of Classes, which categorise various land uses, with places of worship and church halls being defined as *Class D1 – non-residential institutions*. Since there are no restrictive planning conditions attached to Horeb Chapel, there are a vast number alternative uses which may be applied to the building in question, without the need for planning permission or any assessment by the Council's Transportation Section. Whilst the full list of uses is extensive, such alternatives could include, the conversion of the chapel to a crèche, day nursery, health centre, clinic or non-residential education and training centre.

Therefore, whilst the highway safety concerns expressed by residents are noted, having assessed the possible alternatives, which constitute permitted development, it is considered that the potential impacts upon highway safety resulting from any of these uses would potentially be far greater than that of the residential dwelling currently proposed.

It is also important to note that the applicant has made efforts to provide a degree of off-street parking, by proposing the removal of the front boundary wall and the provision of two parallel parking spaces along the chapel frontage. As such, no objections have been raised by the Council's Transportation Section and it is not considered that the proposed conversion would result in an adverse impact upon highway safety in the vicinity of the site.

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.

Ecology

As set out above, in order to aid in the assessment of the proposed works upon protected species, the planning application is accompanied by a Bat Activity Survey.

The Bat Activity Survey indicates that a small number of bats, probably male and non-breeders are using Horeb Chapel, at the very least, a summer day roost. It also comments that at certain times of the season, bat species, usually common pipistrelle, commute over and alongside the building to reach good foraging areas to the immediate north east and south west of the property.

The Report concludes by confirming that the applicant will need to apply and secure a European Protected Species License from Natural Resources Wales before any development may commence and also sets out mitigation recommendations, which would form part of any license application. The mitigation measures include the provision of bat boxes within the fabric of the building.

The Council's Ecologist has confirmed that the mitigation strategy appears appropriate and has therefore raised no objection to the planning application. Furthermore, consultation with Natural Resources Wales has also confirmed that the assessment is acceptable and that no objections are raised, subject to the imposition of a condition, which requires the development be undertaken in accordance with the recommendations of the bat survey. It is also recommended that an informative note be attached to any permission granted, which draws the applicant's attention to the need to apply for European Protected Species License.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses, impact upon the amenities of existing residents and its potential impact upon highway safety. Therefore the proposal is 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. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with submitted plan 2371 R and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

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

3. No heavy goods vehicle HGV deliveries vehicles shall access or park on Horeb Terrace between the hours of 7:30am-09:30am and 15:00 - 17:00 pm, unless agreed otherwise in writing by the Local Planning Authority.

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

4. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written specification, unless agreed otherwise in writing.

Reason: To maintain adequate records of features which contribute to the special architectural or historic interest of the building in accordance with Policy AW7 Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans, prior to commencement of development the design, details and materials of the proposed window openings/casements and main entrance door shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and to protect the historic value of the buildings, in the interests of visual amenity in accordance with Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of works, a glazing schedule for the first floor windows to the north west side and south east side elevations, identifying areas of obscuring glazing (to a height of 1.75 metres above internal finished floor levels) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details, prior to beneficial occupation and 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby approved shall be undertaken in accordance with the recommendations and mitigation measures set out in the Bat Activity Survey, undertaken by Merlin Bio-Surveys, dated August 2013, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to minimise the adverse impacts to wildlife features and protected species in the interests of biodiversity in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO: 13/1001/10 (KL)
APPLICANT: Councillor Paul Wasley
DEVELOPMENT: Sun room extension.
LOCATION: LINDSDALE, GWERN HEULOG, TONYREFAIL, PORTH,
CF39 8BJ
DATE REGISTERED: 03/10/2013
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve

REASONS:

The application is acceptable in principle and is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single storey extension to the rear of Linsdale, Gwern Heulog, Tonyrefail.

The extension would measure 7.2 metres in width by 4.1 metres in depth. It would measure a maximum of 3.8 metres to the ridge of its hipped roof design, sloping to 2.4 metres at its eaves. The extension would project beyond the side elevation of the property by 2.6 metres and would be finished in yellow facing brick, concrete roof tiles and white uPVC windows and doors to match the existing property.

The application is reported to the Development Control Committee as the applicant is a serving Member of the Council.

SITE APPRAISAL

The application site is a large, detached property situated within a residential area of Tonyrefail. The property is situated at the end of a row of semi-detached and detached dwellings and has a garden area to the front with a driveway providing off-street parking for approximately 4 cars. There is a large garden to the rear comprising a patio area at a comparable level with the house with a small number of steps up to a large grassed area situated at a higher level. The rear garden extends down along both sides of the property to the front garden and driveway.

Neighbouring properties are of various scales, with a mixture of semi-detached and detached properties, however, most incorporate a similar design to that of the application site. The neighbouring property to the left (number 12) is situated at a

slightly higher level than the application site. There are 3 detached properties alongside the rear/side garden of the application site, which are also situated at a slightly higher level. There are a number of examples of extensions of varying design and scale within the surrounding local area.

PLANNING HISTORY

None since the construction of this property.

PUBLICITY

The application has been advertised by means of direct neighbour notification. No letters of objection or representation have been received.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The Principle of the Proposed Development

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

Visual Impact

The proposed extension is considered to be acceptable in terms of its scale, design and overall visual appearance. It would measure 7.2 metres in width by 4.1 metres in depth and would incorporate a hipped roof design measuring a maximum of 3.8 metres from ground level. The extension would be visible from the street scene, however, this would only be 2.6 metres of its total width and is not considered to have a significant impact on the character and appearance of the existing dwelling. As such, it is considered that the proposed extension would be sympathetic and subservient to the main dwelling. Furthermore, the use of appropriate matching materials will ensure the extension is not overly prominent within the surrounding area.

Residential Amenity

With regard to residential amenity, the proposed extension would be of a limited scale and situated on the rear elevation of the property. It would also be situated at a lower level than the neighbouring properties and as such, it is not considered the proposal would have an overbearing or overshadowing impact. There is one set of glass double doors proposed in the south-eastern facing side elevation, however, due to the proposed extension being situated approximately 20 metres away from the nearest neighbour facing this elevation, it is not considered that it would lead to any loss of privacy in comparison to the existing arrangement at the site. In addition, no letters of objection have been received from occupiers of neighbouring properties following the consultation process and the proposal is therefore considered to be acceptable in this regard.

Conclusion

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

RECOMMENDATION: Grant

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

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

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

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

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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

21 NOVEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File