

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
16 JANUARY 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Part 1	Agenda Item No. 5
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. 12/1059 - Change of use from registered club to public house, Treorchy Conservative Club, 144 Bute Street, Treorchy.
2. Application No. 13/0906 - Construction of detached residential dwellings, Plots 2 & 3, Land At Salisbury Road, Abercynon.
3. Application No. 13/0930 - Outline planning permission for residential development for 3 no 2 bedroom link houses, Old Salvation Army Hall, Woodland Street, Mountain Ash.
4. Application No. 13/0990 - Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and associated work. (Amended Site Plan Received 26/11/13), Blocks A And B Coed Y Lan Comprehensive School, Tyfica Road, Graigwen, Pontypridd.
5. Application No. 13/1077 - Change of use from office to A3 cafe (amended plans received 4th December 2013), The Coach Station, Llantrisant Road, Llantwit Fardre, Pontypridd.
6. Application No. 13/1107 - Demolition of existing building and construction of 10 no.1 bedroom apartments (Amended Plans Received 4th December 2013), Former Royal Hotel, 61 Brithweunydd Road, Trealaw, Tonypany.
7. Application No. 13/1114 - Change of use to A3 (Amended Description 12/12/13), 19a Commercial Street, Aberdare.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 12/1059/10 (LE)
APPLICANT: Mr T Bevan
DEVELOPMENT: Change of use from registered club to public house
LOCATION: TREORCHY CONSERVATIVE CLUB, 144 BUTE STREET, TREORCHY, CF42 6BN
DATE REGISTERED: 23/11/2012
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Approve

REASONS:

The application is considered to represent an appropriate change of use of the building that would have limited impact on the overall character and use of the existing club premises.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the Treorchy Conservative Club, 144 Bute Street, Treorchy from a registered club (private members club, planning use class – sui generis) to a public house (planning use class - A3). The application relates solely to the change of use of the premises and does not seek to make any physical alterations to either the scale or external appearance of the building.

There is no off-street car parking available at the site and the main pedestrian entrance to the building is directly from Cardiff Street that runs to the west of the application site. In planning terms, there is currently no restriction on hours of opening.

Supporting information submitted with the application highlights the public house 'Toms Tavern' would be run along the same lines as the old Conservative Club. It would aim to cater for families and older clientele (over 30's), and seek to provide a pleasant and safe environment for family entertainment. The planning application is also accompanied by an access statement.

SITE APPRAISAL

The application site consists of a large, two-storey corner building, which is prominently located on the junction of Bute Street and Cardiff Street on the main route through the built up area of Treorchy. The building is centrally located and falls within a defined retail centre of the Local Development Plan. The building appears as a distinctive and characteristic building with feature windows and small, front roof

spiral. A variety of differing uses are located within the immediate vicinity of the application site. Opposite the application site on the northern side of Bute Street is the Cardiff Arms Hotel. To the east is St Matthew's Church. To the west of the site are a small number of commercial premises and further to the east/southeast are numerous retail and commercial premises situated along Bute Street. Toward the rear, south of the site is a typical residential, terraced street that is offset from the application site by a narrow access lane.

PLANNING HISTORY

92/0051	Treorchy Conservative Club, 144 Bute Street, Treorchy	Conversion of living quarters to lounge	Granted 18/08/92
86/1120	Treorchy Conservative Club, 144 Bute Street, Treorchy	One off sign. Dim 46" x 32" projecting. Internally illuminated. Double sided sign with advertisement panels	Granted 05/12/86

PUBLICITY

The application was advertised by means of direct neighbour notification letters being sent to adjoining occupiers and the posting of site notices in the immediate area. No representations or objections have been raised against the planning application.

CONSULTATION

Transportation Section – raise no objection.

Public Health & Protection – raise no objection following the submission of an acoustic report by the applicant. A condition is suggested to ensure the recommendations of the acoustic report submitted by Hunter Acoustics (received 13/09/2013) are implemented at the site. This includes the installation of a noise limiter on music systems used within the building to ensure noise limits are not exceeded.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the settlement limits and within a defined retail centre.

Policy AW2 promotes development in sustainable locations.

Policy AW5 sets out the criteria for new development.

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

Policy AW10 states that proposals, which would result in an unacceptable risk of harm to health, will not be permitted. Such risks include loss of amenity due to air, light, and noise pollution.

Policy NSA 18 - Identifies the retail hierarchy with Treorchy being identified as a key settlement.

National Guidance

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

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

In terms of the principle of the development, as detailed, the application site consists of an historic club premises that is prominently located on the main road through the village of Treorchy. When considering the compatibility of such a use, due regard in this instance should be given to the existing status and function of the application building. The existing, permitted use of the club premises has broadly similar characteristics to the proposed use of the building as a public house. The proposal does not seek to significantly alter the way in which the existing facility operates but seeks to allow open access to all members of the community, primarily families and older clientele, not just registered members. It is further acknowledged the application site is situated within the defined retail/commercial area of Treorchy with planning policy seeking to focus such uses within commercial areas to maintain and enhance the viability of such localities. As such, the application is considered acceptable in principle.

Impact on the character and appearance of the locality

The planning application relates solely to the change of use of the premises and does not seek to make any physical alterations to either the scale or appearance of the external fabric of the building. The proposed change of use would ensure a viable and active use is retained for this prominent and attractive building with no changes required to the appearance and general layout of the existing building. As such, the visual impact of the building within the street scene would remain unaltered, with the proposed change of use causing no detrimental impact upon either the character or appearance of the building or its wider setting.

Impact on Residential Amenity

Under the provisions of the Use Classes Order, a private members club is regarded as a sui generis use, whereas a public house falls within the A3 use class, therefore the proposed change of use requires planning permission. It is considered that the key difference between the two uses relates to clientele, with the Conservative Club being open only to members and their guests, although the proposed public house would be open to serve any member of the public. However, whilst the two uses fall within different classes, it is considered that the way in which the businesses would function, would be broadly similar.

It is acknowledged that the premises, although sited within a mixed use locality, would also be sited in close proximity to a number of residential properties. As such, it is important to consider how any potential change of use may impact upon the amenities of the occupiers of these properties. The intended hours of operation of the premises, as permitted by the Premises Licence, are between 11:30 hours and 23:30 hours Monday to Saturday and 11:30 to 23:00 hours on a Sunday. Whilst these obviously represent evening and night time trading, it is however considered such opening times for the use proposed are not unreasonable, particularly in light of the historic use of the site and the fact that there are no restrictions on hours of opening (in planning terms). Overall, despite the change of use proposed, it is not envisaged that such a scheme would have an adverse impact on levels of residential amenity enjoyed within the locality. Furthermore, it also noted the applicant has submitted an appropriate noise breakout assessment for the site with Public Health and Protection and neighbouring residents raising no objection against the application.

Highway Safety Issues

Following consultation with the Council's Transportation Section, no objections have been raised against the planning application. It is detailed the site is located on Bute Street which is a bus route and on street car parking takes place along the adjacent Cardiff Street. Also, the proposed and existing use of the building have a like for like requirement for off-street car parking and although there is some concern with the lack of parking facilities, given that this is an existing situation with no increase in the parking requirement, and most patrons are likely to walk to the site, no highway objection is raised.

As such, it is not considered that the proposed change of use would result in a detrimental impact upon highway safety in the vicinity of the site.

CONCLUSION

Having taken account of all of the issues outlined above, the application is considered to represent an appropriate change of use of the building that would have limited impact on the overall character and use of the existing premises. The scheme is considered to comply with the key policy requirements of the Local Development Plan, in respect of its principle, impact on the visual amenities of the area, the amenities of nearby residential properties and highway safety. As such, approval of the 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. The use hereby permitted shall not operate other than during the following times:

- Monday to Saturday: 11:30 to 23:30 hours;
- Sundays and Bank or Public Holidays: 11:30 to 23:00 hours.

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.

3. The development shall be carried out in accordance with the recommendations contained in the Hunter Acoustics Report received 13/09/2013, which shall include the submission and approval of details to the Local Planning Authority of the noise limiter to be used at the site, prior to the beneficial use of the property commencing. The development shall thereafter be implemented in accordance with the approved scheme.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Public House hereby permitted) shall be operated from the site without the prior express permission of the

Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0906/13	(GW)
APPLICANT:	Mr D Williams	
DEVELOPMENT:	Construction of detached residential dwellings.	
LOCATION:	PLOTS 2 & 3, LAND AT SALISBURY ROAD, ABERCYNON.	
DATE REGISTERED:	30/10/2013	
ELECTORAL DIVISION:	Abercynon	

RECOMMENDATION: Grant

REASONS:

The development is within the settlement boundary and previously outline planning permission (08/0045) has been granted on a larger site for residential development, which has now expired. Plots 1 and 4 have gained full planning permission (10/0939) and the indicative plans for this application detail the dwellings can be provided inline with those, therefore, this would be an acceptable development.

APPLICATION DETAILS

Outline planning permission is sought for the erection of two dwellings on plots 2 and 3 of a larger site at land at Salisbury Road in Abercynon. Planning permission was previously gained for outline permission for residential development (08/0045), but has now expired. Plots 1 and 4 however have full permission for dwellings granted under permission (10/0939).

The indicative plans detail the dwellings could be in line with those approved for plots 1 and 4. The indicative cross sections detail the ridge height of the dwellings could step down with the topography of the site from plot 1 down to plot 4. The indicative cross section through the site indicates the dwellings could be single storey facing Salisbury Road and two storeys at the rear and could have a similar rear gable projection as granted on plots 1 and 4 elevations. The minimum and maximum parameters submitted are: a width of between 9.5m and 10m and a depth of between 8.25m and 10.75m. The plans indicate the maximum height of the dwellings indicated would be 9.8m at the rear. A parking area would be provided on the forecourt to the front of the dwellings, similar to plots 1 and 4.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site is a steeply sloping piece of land, covered in rough vegetation that has a boundary with the south-east side of Salisbury Road. Plots 2 and 3 are located in the middle of the site adjacent to each other and each measure approximately 14m in width and 24m in depth. Salisbury Road has a relatively narrow carriageway width and the dwellings on the opposite side of the road and at a higher level. Adjacent to plot 1 (of the larger site area) is a pedestrian path (steps) which links Salisbury Road with Aberdare Road. To the rear of the site is a narrow lane to the rear of dwellings on Aberdare Road. These are at a lower level to the site. The surrounding residential area is characterised by rows of older terraced houses on the northern side of Salisbury Road and Aberdare Road and modern detached houses in the area between.

PLANNING HISTORY (Relevant to application)

10/0939	Plot 1 and plot 4, land at Salisbury Road,	Construction of 2 no. split level detached residential dwellings with access and parking off Salisbury Road.	Granted 22/11/10
08/0045	Land at Salisbury Road, Abercynon.	Outline application for residential development (Amended description)	Granted 16/04/08

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One letter of objection has been received. The contents are summarised below:

- Japanese knotweed is established on the site. The previous permissions on the site did not have conditions requiring its removal. This should be treated as part of the application.

CONSULTATION

Countryside, Landscape and Ecology - Japanese knotweed is evident near to plot 4 of the larger site area. A condition requiring knotweed is treated would be required as its presence, albeit outside the site area, could in this instance blight all the properties.

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

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

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions on the provision of details of the footway, the boundary wall fronting the site to be no more than 0.9m, off street parking to be in accordance with RCT Supplementary Planning Guidance on Parking, the covering of parking areas with permanent materials, surface water not to discharge on to the public highway and details of traffic management.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy AW1 - supports new housing inside the settlement boundaries and allocated sites.

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

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

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

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

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

Policy NSA12 – details criteria for development within and adjacent to settlement boundaries.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 22: Sustainable Buildings;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. Previously outline planning permission (08/0045) has been granted for residential development of the wider site area. The two plots either side (of the application site) have also gained full planning permission (10/0939). Construction works has however not begun on these two dwellings. Nevertheless, the principle of residential development is acceptable subject to material planning considerations, which are assessed below:

Impact on the character and appearance of the area

The indicative plans detail the dwellings could be sited in line with the adjacent dwellings (plots 1 and 4) that have gained full planning permission (10/0939). They also detail the proposed dwellings could be of similar size, scale and design to those on plots 1 and 4. A condition requiring the ridge levels (of the proposed dwellings) to be as detailed on the indicative cross section would be prudent, so that the proposed dwellings would compliment the height and size of those already granted. Therefore it is considered the proposed scheme would have an acceptable visual impact on the character of the area.

Impact on residential amenity and privacy

With regard to the impact on residential amenity, the dwellings would be sited in line with and between the dwellings that have gained full planning permission (10/0939). It is considered this arrangement and a similar size and design of dwelling would not have a significant detrimental impact on the amenity of occupiers of adjacent plots or other surrounding dwellings.

Access and highway safety

The indicative plan details parking could be arranged similar to plots 1 and 4 that already have planning permission. No objection has been raised by the Transportation Section and the issue would be acceptable. As such details of parking could be obtained during a reserved matters 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:

Public Health

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

Ecology

An objection has been raised from the public consultation exercise with regard to Japanese Knotweed being present at the site. It is also detailed that this wasn't dealt with in previous applications at the site; however Members are advised that this issue was not raised in the previous applications. The Council's Landscape Officer has visited the site and has identified some Japanese Knotweed outside but adjacent to the site area (i.e. in plot 4). He has further stated its presence, even adjacent the site, could result in a blight on all of the properties being developed and that a condition requiring the site is cleared of Japanese Knotweed prior to development commencing should be attached to this permission. Members are advised whilst this issue would not warrant a refusal reason for the application, it is considered a condition as suggested, would be prudent.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on residential amenity and privacy, the impact on access and highway safety and ecology (Policies AW1, AW2, AW5, AW6, AW8 and NSA12).

RECOMMENDATION: Grant

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

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

(c) Applications for the approval of reserved matters shall be made before

the expiration of three years from the date of this permission.

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

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

2. The ridge height of the dwellings hereby approved shall be in accordance with the details submitted on Drawing Number GA2 received on the 4th September 2013 unless otherwise agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until there has been submitted to and approved 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 prior to occupation of the dwellings hereby approved. Development shall be carried out in accordance with the approved details.

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

4. 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 1981.

5. 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 Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. 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 Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Notwithstanding the submitted details, the proposed 1.8m wide footway fronting the site and access to each dwelling shall be in accordance with full engineering design and details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation.

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

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

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

10. No dwelling shall be occupied until parking areas for each dwelling have been laid out, drained and surfaced in accordance with the details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the parking of vehicles ancillary and incidental to the dwellings hereby approved.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. 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.

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

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

13. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings 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.

14. Prior to the occupation of the dwellings 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.

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

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

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

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APPLICATION NO: 13/0930/13 (GW)
APPLICANT: Mr P Door
DEVELOPMENT: Outline planning permission for residential development for 3 no 2 bedroom link houses.
LOCATION: OLD SALVATION ARMY HALL, WOODLAND STREET, MOUNTAIN ASH, CF45 3RR.
DATE REGISTERED: 24/10/2013
ELECTORAL DIVISION: Mountain Ash West

RECOMMENDATION: Grant

REASONS:

The development is within the settlement boundary and previously outline planning permission has been granted on site for residential development. There would be no significant impact on neighbours and the visual impact would be acceptable. No parking would be provided and an objection has been raised by the Transportation Section. However taking into account the sites close proximity to the centre of Mountain Ash, the traditional terraced street layout with on street parking and that providing parking on site (for three dwellings) would result in a detrimental visual impact on the street pattern this situation is, on balance, considered acceptable.

APPLICATION DETAILS

Outline planning permission is sought for the erection of three 2 bedroom link houses. Previously outline permission was approved for demolition of the old Salvation Army building and the development of the site for residential purposes

(07/2252). The former building has been demolished and the previous permission has now expired.

Since the previous outline application was permitted, Members will appreciate that additional information is now statutorily required for this type of application. Originally the indicative plans and information submitted detailed three link properties in a row in the middle of the site with a total of 6 car parking spaces. It was considered that this situation would have resulted in a detrimental impact on the amenity of occupiers of High Street and on the character and appearance of the area. Following discussions with the applicant, an amended indicative site plan was submitted detailing the dwellings at the front of the site in line with the adjacent terraces. No off street parking is detailed.

Indicative elevations and floor plans have been submitted detailing the dwellings would have a dormer window at the front and the back. The minimum and maximum parameters submitted are: a width of between 4.5m and 6m, a depth of between 7.2m and 9m, an eaves height of between 4.5m and 5.5m and a ridge height of between 7m and 8m.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site formerly contained a Salvation Army hall building which has now been demolished. It is a roughly rectangular area of land located in Woodland Street, Mountain Ash and measuring approximately 15.5m by 19.9m. The site is on sloping land that rises in the south-west and falls towards the north east. Behind the site are the rears of properties on High Street at a lower level. To the side of the site is a pedestrian lane linking Woodland Street and High Street. The area is mainly characterised by traditional terrace dwellings.

PLANNING HISTORY (Relevant to application)

07/2252	Old Salvation Army Hall, Woodland Street	Outline planning permission for residential development for 3 no. 2 bedroom link houses	Granted 16/9/08
79/49	Former Salvation Army Hall, Woodland Street	Proposed change of use from light industrial to warehousing	Granted 21/03/79

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. No letters of correspondence have been received.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

Glamorgan Gwent Archaeological Trust – no objection. Information in the Historic Environment Record shows a building dating from the latter part of the 19th Century is located on the site. As this building has already been demolished advice is given that they should be contacted if any further archaeological evidence is found during construction.

Land Reclamation and Engineering – the applicant needs to submit details to demonstrate soakaways are acceptable for the site. Drainage conditions are advised if permission were to be granted.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust and waste and site contamination.

Transportation Section – no objection was originally detailed taking in to account the plans that detailed 6no. car parking spaces. Following amended indicative plans being submitted, the Transportation Section now object as they consider the proposal would result in additional on-street parking on sub-standard local highway network where there is already substantial demand and that it would generate reversing movements to the detriment of highway safety.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries of Mountain Ash defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

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

Policy AW1 - supports new housing inside the settlement boundaries and allocated sites.

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

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

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

Policy AW7- covers the protection and enhancement of the built environment.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

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

Policy NSA12 – details criteria for development within and adjacent to settlement boundaries.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. Previously outline planning permission (07/2252) has been granted for residential development of the site. Therefore the principle of residential development is acceptable subject to material planning considerations.

Impact on the character and appearance of the area

The application is for outline permission for three dwellings. The indicative plans detail the dwellings could be sited in line with the adjacent terraced dwellings and could have a similar design to traditional terraced dwellings.

Therefore it is considered the proposed scheme would not result in detrimental visual impact on the character of the area as a whole.

Impact on residential amenity and privacy

With regard to the impact on residential amenity, the dwellings would be sited in line with the dwellings either side and therefore would not have a significant impact on these. They would however be raised above the dwellings to the rear. Notwithstanding this a larger building formerly stood on the site, which would have had a greater impact than the dwellings proposed and the impact would not be significantly different from the impact of existing dwellings on Woodland Street to the dwellings on High Street. Therefore it is considered the impact of the proposed dwellings on the amenity of occupiers of surrounding dwellings would be acceptable.

Access and highway safety

The Transportation Section object as no off-street parking is to be provided. Woodland Street is relatively narrow, has a high demand for parking and on-street parking reduces its width requiring cars coming towards each other to wait or potentially reverse so that cars could pass. It is considered providing parking off-street, for this development, could somewhat reduce on-street parking in the area. It should be noted that providing 6 off-street spaces (which may not always be used or be full) would remove approximately 2 on-street parking spaces for other surrounding residents. Furthermore it is considered providing some off-street parking for this proposal would not alleviate the situation as a whole as it is an existing problem and due to the traditional terraced layout of the area it is envisaged this situation will remain.

Members are advised the application site was formerly a Salvation Army Hall and subsequently described as a factory. There was limited off-road parking and the site could have also resulted in significant demand for on-street parking in the area. The three houses being proposed on the site could on the contrary result in a reduced demand for parking over the previous use. The proposed dwellings would be relatively small (the indicative plans detail 2 bedrooms for each). The site is also located close (less than 200m) to the main shopping streets of Mountain Ash and some public transport links. It is also approximately 400m from Mountain Ash railway station. Therefore car parking may not be required by occupiers due to its sustainable location.

Members should also note that providing parking on site, as originally detailed, would result in a detrimental impact on the amenity of the occupiers of dwellings on High Street and a detrimental impact on the character of the area. These proposed dwellings would have to be built up at the rear due to the slope of the site and would be in close proximity to the rear of dwellings on High Street resulting in overbearing and loss of privacy. In terms of the impact on the character of the area this proposal would result in dwellings significantly behind the existing building line and a large area of car parking to the front, which would be out of character with the surroundings.

In assessing this situation, Members are advised; residential development of the site has previously been agreed and is in principle acceptable. It is considered the judgement comes down to the benefits of providing some off-street parking or having a development that would not significantly affect the amenity of surrounding residents or the character of the area. Whilst it is recognised that not providing off-street parking could make worse an existing sub-standard parking and highway situation, the proposal is just for three dwellings, on a street of a significantly greater amount of dwellings, mainly without any off-street parking; and therefore it is considered the impact would not significantly worsen the existing situation. On the other hand, providing parking would result in a poor siting of the proposed dwellings, resulting in significant amenity issues and a significant detrimental impact on the character of the area as described above. Therefore, on balance, it is considered protecting the amenity of surrounding residents and the character of the area would outweigh the merits of providing parking in this instance.

Other Issues

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

Public Health

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

Drainage

The Council's Land Reclamation and Engineering Section have requested additional information with regard to infiltration and the potential use of soakaways. No objection has been raised by Dwr Cymru Welsh Water subject to drainage conditions and no surface drainage entering the public sewer system. Whilst the request to defer determination for further information is appreciated, residential permission has previously been granted on the site (07/2252) and it is considered this information can be obtained by condition if permission were to be granted. Furthermore the previous building on the site would have had a drainage system itself which could be utilised. Therefore, it is considered this information would not be required prior to determination of the application.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of impact on the character and appearance of the area, the impact on residential amenity and privacy and the impact on access and highway safety (Policies AW1, AW2, AW5, AW6 and NSA12).

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the

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

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

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

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

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

2. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 2) have been implemented and a suitable validation report of the proposed scheme has been

submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

7. 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 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 Policies AW5 and 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 Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

11. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings 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 the dwellings 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) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

APPLICATION NO: 13/0990/10 (MJ)
APPLICANT: DS Properties Ltd
DEVELOPMENT: Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and associated work. (Amended Site Plan Received 26/11/13)
LOCATION: BLOCKS A AND B COED Y LAN COMPREHENSIVE SCHOOL, TYFICA ROAD, GRAIGWEN, PONTYPRIDD, CF37 2DF
DATE REGISTERED: 16/10/2013
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS:

The proposed development is considered acceptable and in keeping with the relevant policies of the Local Development Plan and national guidance with regard to the impact on residential amenity, highway safety and the character and appearance of the area. The scheme is also considered to be a positive contribution to the area by bringing these vacant, and damaged Listed buildings back into use, securing their future in the long term. As a result, the application is recommended for approval.

APPLICATION DETAILS

Full planning permission is sought for the conversion of Blocks A and B on the site of the Former Coed y Lan Lower Comprehensive School at Tyfica Road, Pontypridd for residential use to accommodate 16 self-contained flats. The proposal also includes the use of a section of Block D to a concierge office and self contained accommodation for the concierge.

The existing buildings are next to each other, adjacent to the car park where a parking scheme for Block D has been approved. Block A (original hall and gym) will be converted to 12 flats (11 of which will be 2 bed and 1 will be 1 bed). Block B (science block) will be converted to four 2 bed flats.

Block A is the larger of the two buildings and the works proposed include the replacement of the existing timber framed windows with new timber frames, painted white; the repair and re-roofing of the building in natural slate; the roughcast render to be made good and painted; the insertion of new hardwood timber framed doors; and the introduction of four roof-lights in the south eastern elevation of the building.

The works proposed to Block B involve the replacement of the existing timber framed windows with new timber frames, painted white; the repair and re-roofing of the building in natural slate; the roughcast render to be made good and painted; the insertion of new hardwood timber framed doors. The proposal also involves the introduction of four new window openings on the north western and south eastern elevations at ground floor level, and the introduction of eight conservation roof-lights in each of the front and rear elevations of the building. The building will be split into twelve units which will extend into the roof space of the existing building which was previously the school hall.

Materials proposed are timber casement windows, natural slate roof tiles, rough cast render (made good and painted), the existing doors and the existing stone will be made good.

Car parking for the conversion is proposed within the site to the rear of Coed y Lan Primary School, and to the area behind Blocks A and B totalling 39 spaces. 17 off-street parking spaces will be allocated for the current proposal (12 spaces for Block A, 4 spaces for Block B and 1 space for the concierge). It is noted that the applicant is also in ownership of block D which is situated in front of Blocks A and B and has recently had consent for its conversion to 22 flats and 22 off-street parking spaces. A remaining 11 off-street car parking spaces are being made for the use of the wider site (excluding Block A, B and D). Access to the site will be obtained by utilising the existing access to the school.

The application is accompanied by the following:

- Design and Access Statement
- A Bat and Bird Survey
- Conservation based Research & Analysis report; (CoBRA)

- Viability Assessment

SITE APPRAISAL

The site is within the settlement boundary of Pontypridd and is unallocated. The site forms a prominent feature in the landscape of Pontypridd and can be seen from a distance from the lower levels of the valley. The site is bounded to the west by the existing primary school and to the east by the vacant school buildings and the housing along Tyfica Road. Above and to the north of the school buildings site is a wooded area. Vehicular access to the site is obtained from Lanpark Road, via Tyfica Road.

The application site forms part of land that is the curtilage of the former school. The site is currently laid out in a series of plateaux of various shapes and sizes with steep rises in levels usually supported by retaining walls in between. The site rises generally to the North West. The site can be generally subdivided into two distinct areas, where the upper flat plateau comprising the old playground areas and car parking forms one; and a heavily sloping lower area which contains the existing school buildings. The areas are divided by a strong tree belt slope that forms a visual and physical barrier between the two areas. Blocks A and B are situated on the lower plateau to the rear of Block D with access directly from the internal access road within the site.

The lower parts of the site are occupied by the institutional buildings that formed the school which consists of 8 buildings of which several are listed including Blocks A and B. The main school building is finished in local stone and has a slate roof. Parts of the roof are missing slate/tiles and the building has suffered some damage from water penetration.

The school was built in 1893-4 by Arthur O Evans, architect of Pontypridd and opened in 1896 as the County School. It was designed for both boys and girls, who had separate entrances. Additions were made to the school almost as soon as it was open, of which the present science block and gymnasium were built in 1910. It became the Intermediate School in 1911 and in 1913 the girls left for a separate school at Glyntaff (also by A O Evans). After 1945 it was the Pontypridd Boys Grammar School, until 1973 when it became a comprehensive school. The buildings have been listed as an early County school retaining considerable architectural character in a prominent position.

PLANNING HISTORY

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

13/0991	Blocks A and B Coed y Lan Comprehensive School, Tyfica Road, Graigwen, Pontypridd	Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and associated works (listed building consent)	Resolved to grant - 19/12/13 (currently referred to Cadw)
12/1317	Block D, Coed-Y- Lan Comprehensive School, Graigwen, Pontypridd	Change of Use and conversion of former school building into 22 Self Contained Units comprising internal and external alterations, and associated works.	Granted 05/09/13
12/1316	Block D, Coed-Y- Lan Comprehensive School, Graigwen, Pontypridd	Change of Use and conversion of former school building into 22 Self Contained Units comprising internal and external alterations, and associated works.	Granted (listed building consent) 05/09/13
10/1294	Coedylan Comprehensive Lower School, Tyfica Road, Pontypridd	Redevelopment for housing, comprising the alteration and conversion of existing listed buildings and the erection of a new building. (Listed Building Consent)	Withdrawn 29/06/12
10/1253	Coedylan Comprehensive Lower School, Tyfica Road, Pontypridd	Redevelopment for housing, comprising the alteration and conversion of existing listed buildings and the erection of a new building (reserved matters application).	Withdrawn 29/06/12
06/2157	Coedylan Comprehensive Lower School, Tyfica Road, Pontypridd	Redevelopment for housing, comprising the alteration and conversion of existing listed buildings and the erection of new building.	Approved with Conditions 09/12/10
00/2774	P.A.C.E. Building,	Roof and rainwater goods alterations.	Approved with Conditions

Coedylan,
Tyfica Road,
Pontypridd

15/12/00

94/0275 Coedylan
Comprehensive
(Lower School)
Tyfica Road,
Pontypridd

Additional car parking area.

Approved with
Conditions
14/12/94

CONSULTATIONS

Transportation Section – no objections subject to conditions.

Public Health & Protection Section - raise no objections subject to conditions.

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

Land Reclamation & Engineering Section – no objections subject to recommended drainage conditions.

Education and Life Long Learning – no objections have been received.

Housing Strategy Section – no objections subject to a financial contribution in relation to affordable housing to the equivalent of 2 x 1 bedroom flats and 1 x 2 bedroom house for Low Cost Home Ownership.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been recorded on the site.

The Council's Ecologist has confirmed that the bat survey dated October 2011 is a detailed and comprehensive assessment which confirms that there are bat roosts in four buildings on the site, and that there is a requirement for a European Protected Species Licence for works.

Natural Resources Wales – no response has been received at the time of writing the report, however, no objections were raised in relation to application 12/1317 (Block D) subject to a condition requiring the submission of a method statement for bats prior to development commencing. This condition will be added to this consent as the same bat survey has been submitted.

Wales and West Utilities – no objections.

South Wales Fire & Rescue Service - raise no objection to the proposed development and advise that any developer should give early consideration to the need for the provision of adequate water supplies for fire fighting purposes and access for emergency fire fighting vehicles.

The Glamorgan Gwent Archaeological Trust – have indicated in the past that there is no known archaeological resource buried within the application site area and that therefore they have no objection to the positive determination of the application. However the proposed conversion of the present buildings will undoubtedly remove and/or obscure details of the original fabric and architectural features. Therefore before any development works commence, the existing structures should be recorded by a qualified architectural historian, both by the means of a drawn and a photographic record as was attached to the previously approved application for the conversion of Block D (ref: 12/1316 and 12/1317).

PUBLICITY

The application has been advertised by direct neighbour notification, site notices and a press notice. One letter has been received which refers to this application and the application for listed building consent (ref: 13/0991) which is summarised as follows:

- Concerns are raised regarding the proposed number of off-street parking spaces available for the development.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

The application site lies within defined settlement limits and is not allocated for any specific use.

Policy CS2 – Development in the South – emphasises sustainable growth that promotes residential development with a sense of place, respects character and context, protects culture and identity.

Policy AW1 – Supply of New Housing.

Policy AW2 – states that development will only be permitted in sustainable locations.

Policy AW4 – Community infrastructure and planning obligations.

Policy AW5 – New Development – 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 AW7 – Protection and enhancement of the built environment – development will only be permitted where it can be demonstrated that the proposal will preserve or enhance the character and appearance of the site.

Policy SSA1 – Development in the Principal Town of Pontypridd – Proposals that reinforce the role of Pontypridd as a principal town, respects culture and heritage, is of a high design standard, integrates positively and promotes sustainable transport modes will be permitted.

Policy SSA13 – Housing development within settlement boundaries.

Planning Policy Wales

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

The following chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

- Chapter 4 (Planning for Sustainability)
- Chapter 5 (Conserving and Improving Natural Heritage and the Coast)
- Chapter 6 (Conserving the Historic Environment)
- Chapter 7 (Economic Development)
- Chapter 8 (Transport)
- Chapter 9 (Housing)

Other relevant policy guidance consulted:

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

Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

Section 12 of the Circular states that new uses may be key to the preservation of a building and controls over land use, density, plot ratio, day lighting and other planning matters should be exercised sympathetically where this would enable an historic building to be given a new lease of life.

Section 68 of the Circular states that the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 70 highlights the issues generally relevant to the consideration of all listed building consent applications which include, the importance of the building; the physical features of the building; the building's setting and contribution to the local scene and the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area of the enhancement of its environment (including other listed buildings).

REASONS FOR REACHING THE RECOMMENDATION

The key considerations in this case are whether the proposed development will have an acceptable impact on the character and appearance of the surrounding area, the character and setting of the listed buildings on the site, residential amenity, highway safety and whether the development will have an acceptable impact on the ecology of the site.

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

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

The application for the conversion of the building is considered to be in keeping with national guidance which encourages the preservation of listed buildings. It is considered that bringing the building back into use will have a positive impact on the surrounding school site which will encourage the further redevelopment of the site as well as bringing community benefits as a key site of regeneration in the Pontypridd area offering good quality residential development. The existing buildings on the site have deteriorated rapidly in recent years and it is considered that the proposed development will be of benefit to the further development of the wider site and the prevention of further deterioration to these prominent listed buildings.

Character and Appearance of the Area

In terms of the principle of the proposed development and its impact on the character and appearance of the area, residential development has been established as an appropriate use for the site through the approval of outline consent on the 9 December 2010 (ref: 06/2157) and a more recent consent for the conversion of Block D to 22 residential units (ref: 12/1316 and 12/1317). The site is located within a predominantly residential area, therefore residential development on the site is considered to be in keeping with the character of the surrounding area.

Blocks A and B are considered large enough to accommodate 12 and 4 residential units respectively without having a detrimental impact on the character of the wider school site and surrounding area in terms of density and appearance.

In terms of the scale of the proposed development, although the locality is characterised by larger residential properties it is not considered that the flats within the conversion will detract from the existing character of this area of Pontypridd. The proposed conversion of blocks A and B is considered to represent a sympathetic and attractive layout which makes the most of the existing features of the buildings without damaging the character or setting of the listed buildings or the wider site.

In respect of the design of the conversion, the external works to the building are fairly minimal and are considered acceptable. Where windows need replacing a condition will ensure that new windows will be replaced with appropriate materials.

The alterations proposed to the grounds of the school are also considered acceptable. Adequate parking is provided which also allows for a landscaping scheme to be implemented so that new and existing greenery can mitigate the impact of the parking provision.

The proposal represents a positive opportunity to improve the appearance of existing buildings within the site as well as bringing the buildings back into beneficial use without having a detrimental effect on the character or appearance of the area. It is also considered that the regeneration of Blocks A and B has the potential to encourage the development of the remainder of the site, particularly having regard to the fact that Block D is currently being renovated.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on listed buildings and their setting

The proposed conversion and alterations to the building are considered acceptable in that minimal changes are proposed to the exteriors of the building. As with any residential conversion of buildings such as these, internal divisions on a large scale are to be expected. The proposed conversion of the building makes effective use of existing openings within each building and new openings are limited to the addition of some smaller windows in non-principal elevations. Although it is regrettable that the roof of the building cannot be preserved in its original state, it is not considered that the introduction of conservation roof lights will detract from the character of the listed buildings so much that it would warrant the refusal of the application. The details submitted show that the conservation roof lights would not project beyond the plane of the roof, preserving its character. On balance, it is considered that as the balance of the elevation will be retained and the building brought back into beneficial use, this aspect of the alterations does not warrant the refusal of the application.

Finishing materials proposed will match the existing traditional materials on the site and are therefore considered acceptable and natural slate (re-use where possible). Conditions are recommended below to ensure that samples are submitted to the Council for approval.

The proposed development seeks to preserve the school building on the site through its conversion. The proposal allows the building to be repaired and improved where necessary and also ensures its long-term viability. It is also considered that given that the site is now privately owned by several different individuals, and is therefore being developed piecemeal, the current proposal represents a positive step towards enabling the redevelopment of the wider site. It is considered that the general character of the site will be preserved and enhanced as a result of the proposal.

This will ensure that the layout of the educational buildings on the site can be preserved and the architectural history of the site can be understood in the future.

It is considered that the proposed development will preserve and enhance the existing character and appearance of the site and is acceptable in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

In terms of the impact of the proposed development on the residential amenity of nearby properties, it is considered that due to the enclosed nature and steep topography of the site, the impact will be kept to a minimum.

No alterations are proposed to the footprint of any buildings that would significantly increase their impact in terms of scale. It is therefore considered that the scale of the proposed development will not have a detrimental impact on the levels of amenity currently enjoyed by surrounding residential properties. The distances between the building and existing properties along Tyfica Road far exceed 21m which is considered to be sufficient distance to ensure that overlooking is not to such a degree that is harmful to the amenity of neighbouring residential properties.

It is not considered that the location of the buildings to be converted in close proximity to the existing primary school will lead to any issues of conflict between the uses due to the daytime use of the school and the positions of most primary windows within the conversion facing Tyfica Road.

The proposed development is therefore considered to be in keeping with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in terms of the effect on residential amenity.

Highway Safety

TAN18 - Transportation in advising on accessible housing development promotes housing development at locations with good access to physical and social infrastructure including public transport, that development should achieve higher densities in places with good public transport, accessibility and capacity. Given the location of the application site and the fact that it is to be redeveloped it would satisfy these key transportation policy objectives.

In respect of the impact of the proposal on the highway network and objections raised, it is considered that adequate parking is being provided. The surrounding highway network is narrow in parts and concerns have been raised by local residents in respect of parking and the impact of any increase in traffic. Undoubtedly there will be an increase in the level of traffic using the site compared to now as the site is vacant. However, the site was previously used as a school and it is considered that at peak times the impact on the highway network is likely to have been worse in respect of congestion than what is likely to be the result of this application for residential development. It is therefore considered that the application is acceptable

in this respect and it is not considered that the impact of the application on the highway is so detrimental to highway safety that it would warrant a refusal of the application.

The existing lawful use of the building as a school would have generated a significantly higher level of traffic than the proposed use of the building for 17 flats (as well as the 22 units previously approved under application ref: 12/1317). The Transport Tariff does not apply in respect of this application as the daily trip rate for the school would have been greater than that for the proposed development of the site for residential use.

The proposal provides 17 off-street parking spaces per residential unit proposed in Blocks A and B, 22 off-street spaces for Block D, and the other spaces on the site (11) will be made available for the use of the wider school site. It is not physically possible for the applicant to provide any further off-street parking spaces within the site itself on the land within their ownership.

It is acknowledged that there could be a shortfall in the future of off-street parking that could be provided for the remainder of the Coed y Lan School site (excluding Blocks A, B and D) due to the fact that the site has been sold off in piecemeal. However, any future applications will be assessed on their own merits and the level of parking considered depending on what is being proposed. In conclusion, it is considered that the current application provides sufficient off-street parking for Blocks A and B and is considered acceptable.

The proposal is therefore considered to be in keeping with policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan in that it is not considered that the development will have a detrimental effect on highway safety and the site is situated within a sustainable location.

Other Issues

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

The applicant has submitted a bat survey which was also submitted with the previous application on the site, ref: 10/1253. The bat survey identified that there are bat roosts in four of the buildings on the site and several trees were determined to have high bat habitat potential. There is therefore a requirement for a European Protected Species Licence for any works on the buildings within the site. Natural Resources Wales has considered the contents of the bat survey and has raised no objections to the proposal subject to a condition requiring the submission of a method statement for bats prior to development commencing on the site. The condition is recommended below should Members be minded to approve the application.

The Housing Strategy Section has requested that the applicant makes a financial contribution towards affordable housing off-site. The applicant has submitted a viability report which concludes that making a contribution would render the scheme unviable. The conclusions of the applicant's viability report are considered acceptable and it is considered that the viability of being able to develop this prominent site with listed buildings outweighs the requirements of affordable housing in this case.

Conclusion

In summary, and notwithstanding the objections that have been received, the proposed development is considered acceptable and in keeping with the relevant policies of the Local Development Plan and national guidance. As a result, the application is recommended for approval subject to the following conditions.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised received by the Local Planning Authority on 18 December 2013.

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

3. 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.

4. No works shall commence on-site until full engineering design and details of the improvements to the junction of the site access with Lan Park Road including the access into the site as shown on Drawing No. 20 Rev. C including street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and

approved in writing by the Local Planning Authority and implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of any of the units within Blocks A, B and D.

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

5. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the remainder of the internal access, circulation and parking have been submitted to and approved in writing by the Local Planning Authority prior to works commencing on-site. The highway works shall be fully implemented in accordance with the approved engineering details to the satisfaction of the Local Planning Authority prior to beneficial occupation unless otherwise agreed in writing by the Local Planning Authority.

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

6. The off-street parking spaces shall be retained for the purposes of parking unless otherwise agreed in writing with the Local Planning Authority.

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

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) haulage routes to and from the site,
 - c) the parking of vehicles of site operatives and visitors,
 - d) the management of vehicular and pedestrian traffic,
 - e) wheel cleansing facilities,
 - f) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

8. No construction lorries shall access or leave the site between the hours of 08:30 – 09:30 am and 14:50 – 15:50 pm on weekdays.

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

9. Off-street parking spaces 40 to 50 as shown on the approved layout plan

(No. AS 01 Revision 8) shall not be used to serve the development hereby approved and shall be retained for use by the future occupiers of other buildings on the site.

Reason: To maintain parking facilities for the wider site and to safeguard the future of the listed buildings on the site.

10. 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.

11. 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 building is 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.

12. 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.

13. No residential 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.

14. No site works shall commence 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 brief and specification.

Reason: The building is of significance and the specified records are

necessary to mitigate the impact of the proposed development to ensure that the development is in accordance with the requirements of policy AW7 of the Rhondda Cynon Taf Local Development Plan.

15. A method statement for bats, including measures to ensure bats are conserved during the development; a schedule of works; details of any replacement roosting provisions including numbers, dimensions and locations of access points; action to be taken in the event that bats are encountered, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing (including any demolition). The method statement for bats shall be implemented as approved.

Reason: To afford protection to bats in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/1077/10	(GW)
APPLICANT:	Mr A Allen	
DEVELOPMENT:	Change of use from office to A3 cafe (amended plans received 4th December 2013).	
LOCATION:	THE COACH STATION, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD.	
DATE REGISTERED:	07/11/2013	
ELECTORAL DIVISION:	Llantwit Fardre	

RECOMMENDATION: Grant

REASONS:

A café would provide a local service and bring part of a vacant commercial building back to an active economic use. The café would not provide hot food takeaway and its opening hours would be 08:00 hrs to 20:00 hrs which would be reasonable for the location. The proposed flue, located on the rear of the building, reduces its visual impact from the street scene and would not result in significant impact on the amenity of nearby residents. Customer parking would most likely be on the main road, however it is envisaged that many customers would be local and would walk. There is also a bus stop in close proximity.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a former ticket office serving a coach station to a café (A3 use). The application relates to the ground

floor only of the building fronting Llantrisant Road. No hot food takeaway is proposed. The floor plan details a dining area of 9 tables, a kitchen area toilets and storage. An external flue is proposed. Following an objection from a local resident the flue's position has been amended and it would now be located to the rear of the building.

The opening hours are proposed to be 08:00 to 20:00 Monday to Saturday. No opening hours are proposed for Sundays or bank holidays.

Four parking spaces are located in a yard to the rear of the site which is an existing parking area for another business. A letter from the owner (Barrie Williams Developments Ltd) has been provided detailing permission to use the spaces.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The site is a two storey building fronting Llantrisant Road in Llantwit Fardre, which was a former ticket office for a coach station. The application relates to the ground floor only. The first floor has a separate access via some steps to the side of the building.

On one side of the site is a residential property, with further dwellings (on both sides of Llantrisant Road) to the north east. On the other side of the site is a Public House, with another Public House located on the opposite side of the street. Both these have off-road parking facilities.

A bus stop and pull in area is located directly outside the premise. The four parking spaces being provided as part of the application are located in a yard behind the site. This can be accessed from a road (Ty Gwyn) off Llantrisant Road that serves Newtown Industrial Estate.

PLANNING HISTORY (Most recent and relevant to application)

09/1110	The Coach Station, Llantrisant Road, Llantwit Fardre, Pontypridd,	Change of use from current licensed Transport Depot Use to Plant Hire Storage and Maintenance, Transport Depot and Maintenance Workshop/Light Industrial and Office and Retail Unit.	Granted 30/11/10
93/0187	The Coach Station, Old Station Yard, Off Llantrisant Road, Llantwit Fardre,	Extension of existing office facility	Granted 03/08/93

Pontypridd

PUBLICITY

Initially the application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection have been received and their comments are summarised below:

- No car parking facilities are to be provided. Customers of other establishments use our car park (Bush Inn) and another business would further add to parking problems at the business.
- There is a fear that large vans and lorries will use this café and cause bedlam along a busy road, which is used by school children and elderly people.
- There are plans to put double yellow lines along the main road, which will further restrict parking in the area.
- Other concerns include litter, smell and noise disturbance. A café opening early mornings for breakfast could affect my sleep.
- The flue and extraction fan will directly affect my property and the ability to open windows for ventilation of the lounge. It should be located on the rear of the property away from my windows.
- I would not give permission to access my land in connection with the proposal.

Following amended plans being submitted detailing the flue at the rear of the building, the application was re-advertised. No further correspondence has been received.

CONSULTATION

Dwr Cymru / Welsh Water – no objection subject to drainage conditions.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation, hours of deliveries, provision of extraction flue, provision of a grease trap, noise, dust, waste. Advice is given with regard to the provision of any required smoking shelters.

Transportation Section – no objection subject to condition requiring the parking area is not used for any other purpose other than parking.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is identified as a Site of Importance for Nature Conservation.

Policy CS2 - sets out criteria for achieving sustainable growth including, providing opportunities for inward investment, in sustainable locations, that will benefit the economy.

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

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

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

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of noise pollution, air pollution or any other identified risk to the environment, local amenity and public health and safety.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development) and Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is within the settlement boundary as identified in the proposals map of the Rhondda Cynon Taf Local Development Plan and is not allocated. The site is a vacant commercial unit and its re-use would bring back an economic use to the site. It is also recognised that this type of proposal, can be a benefit in residential areas in terms of a local service and for investment. The site is also some distance from nearby allocated retail areas and therefore would not have significant impact on their viability or vitality. In addition the site is in a sustainable location close to residential areas and has public transport links in close proximity and as such could be accessed via a range of transport modes. Therefore taking the above factors into account, in principle the use is acceptable, subject to other material planning considerations that are assessed below.

Impact on residential amenity

The main impact would be from potential noise and disturbance from customers coming and going from the premise and smells and odours. Noise and disturbance could be produced as a result of the comings and goings of customers particularly by cars. This is however a main route through the area which is relatively busy and contains some existing businesses which already result in customers coming and going and parking on the surrounding streets. The proposed development is in a local residential area and is relatively small in scale and therefore it is considered, on its own, would not significantly increase car usage on this route. Furthermore no hot food takeaway is proposed which could result in a greater impact and the proposed opening hours of 08:00 in the morning to 20:00 in the evening are considered reasonable and would not result in significant amenity issues at unsociable hours. An objection has been raised from the consultation exercise with regard early morning disturbance affecting the objector's sleep. It is considered starting at 08:00 is not unreasonable and delivery times could also be controlled. The Public Health and Protection Section have suggested a condition requiring deliveries be restricted to 07:30 to 18:00 on Mondays and Fridays and 08:30 to 13:00 on Saturdays. Notwithstanding this it is considered 07:30 to 18:00 on Monday to Saturday would be acceptable to coincide with the proposed opening hours.

A flue is proposed to disperse smells and odours. Originally the flue was proposed on the side wall next to the adjacent residential dwelling (The Old Post Office). This is considered would have had a detrimental impact on the occupier's amenity and an objection has also been raised by the resident as a result of the public consultation exercise. The proposal has however been amended and the flue has been re-located to the rear elevation, which the objector indicated in their objection would be preferable. The application has been re-advertised and no further objections in relation to this matter have been received. No objection has been raised by the

Public Health and Protection Section subject to a condition requiring the details of the flue and extractor are submitted. Therefore it is considered this issue would not have significant impact on the amenity of surrounding residents.

Taking account of the above assessment there would not be a significant detrimental impact on the amenity of neighbouring residents as a result of the proposal.

Impact on the character and appearance of the area

With regards the impact on the character and appearance of the area, the main impact would be from the proposed external flue. No other external alterations are proposed. This would now be located on the rear of the building and the impact on the main street scene would be insignificant. It would not protrude significantly above the roof line and the applicant has proposed to paint it to help it blend in to the building. The rear of the building is raised above the surrounding area and visible from a wide area. However views would mainly be from a significant distance, due to the yard to the rear of the building, and the building already contains a flue for a central heating system. Therefore, from the above assessment, in terms of the impact on the character and appearance of the area, the proposal would be acceptable.

Access and highway safety

Four off road parking spaces are proposed at the rear of the building, however these are outside the site area and not controlled by the applicant. These would most likely be used by staff due to their location. An agreement from the landowner for their use, has been submitted with the application, however it is considered this could not be guaranteed. Notwithstanding this, it would however be a benefit if they are used.

It is considered if customers and staff come by car they would park on Llantrisant Road or on surrounding side streets. However, due to the location of the site close to residential areas and near a bus stop, there is potential many customers and staff may not come by car. It is also envisaged that visits to the proposed café could be made in conjunction to visiting other commercial premises nearby providing a benefit to other businesses.

Two objections have been received with regard a potential increase in traffic along the road and the potential for lorries and vans to be parked on the street causing a highway safety issue. Further objections have been raised with regard an increase in restricted parking along Llantrisant Road.

Members are advised double yellow lines are proposed in front of the residential dwellings to the north-west and on three junctions near to the site. Whilst this could restrict some areas of on-street parking there would still be areas of parking available. Members are advised no objections have been raised by the Transportation Section as parking would be away from the junctions and crossings near to the site and that traffic on this road has been substantially reduced by the Church Village by pass. It is considered the proposal would therefore not result in significant highway safety issues.

Finally another objection received from the public consultation exercise details customers of the proposed café would park in off-street parking areas of other nearby businesses, which is an existing issue. Members are advised that whilst this would be unfortunate this would not warrant a refusal reason for this application and as such would be an issue for the management of those businesses.

OTHER ISSUES

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

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. With regard the flue and grease trap, these details could be obtained with suitably worded conditions.

Public Consultation objections.

With regard other issues from the public consultation exercise: any litter would be an issue for the management of the business and as a hot food takeaway is not being proposed this is unlikely to be a significant issue. In terms of neighbours granting access to carry out works, the position of the flue has been moved from the side boundary to the rear of the building. Notwithstanding this access for maintenance is controlled by other legislation (i.e. the Party Wall Act).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, the impact amenities of nearby residential properties, the impact on the character and appearance of the area and highway safety (Policies AW2, AW5, AW6 and AW10).

RECOMMENDATION: Grant

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

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

2. The premises shall be used as café (with no hot food takeaway) and for no other purpose; including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interest of the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The café hereby permitted shall not be open to the public between the hours of 20:00 hours and 08:00 hours on Monday to Saturdays.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Hours of deliveries and collections, to and from the site shall be restricted to 07:30 to 18:00 hours Mondays to Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

5. Notwithstanding the submitted plans and prior to the commencement of development, a scheme of odour/effluvia/fume control (including colour of the flue) shall be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the public sewerage system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1107/10 (MJ)
APPLICANT: Weston Contractors
DEVELOPMENT: Demolition of existing building and construction of 10 no.1 bedroom apartments (Amended Plans Received 4th December 2013)
LOCATION: FORMER ROYAL HOTEL, 61 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2UD
DATE REGISTERED: 14/11/2013
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: Approve

REASONS

The proposal is considered acceptable in principle.

The proposal is in keeping with policies AW1, AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of the principle of residential development on the site and its impact on the residential amenity of surrounding properties as well as highway safety. The proposed development will also deliver much needed social housing in the locality.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing vacant public house and the erection of 10, 1 bedroom apartments on land occupied by the Royal Hotel, Brithweunydd Road, Trealaw.

The proposed building will be L-shaped wrapping around the corner of Brithweunydd Road and Royal Terrace, similar to the existing building. The proposed building will measure 18.5m across its frontage with Brithweunydd Road by 22.1m depth along its frontage with Royal Terrace. The proposed building will be two storey in the front elevation with a habitable roof space served by two extended gables and two dormer windows. The front elevation will have an overall height of 9.6m to the ridge. The side elevation fronting Royal Terrace will be two stories with a height of between approximately 8.5m and 9m.

Materials proposed include dark grey roof tiles, off-white render and random coursed re-constituted stone walls.

Access to the site will be from Brithweunydd Road in a similar position to the existing access to the rear yard. 10 off-street parking spaces are proposed as well as a cycle storage area.

The application is accompanied by:

- A bat survey;
- A drainage statement; and
- A design and access statement.

SITE APPRAISAL

The application site houses a large vacant public house occupying a square plot on the corner of Brithweunydd Road and Royal Terrace. The public house is a dominant 19th century building in the locality and has a variety of outbuildings in the yard area. The site is generally surrounded by 19th century residential development except to the east of the site there is a large 1980s building that houses Maes yr Haf Community Centre.

The site is 0.08ha and is bounded on all aspects by residential development with a post office opposite the site. The existing building is three stories with a hipped roof and gables along Brithweunydd Road.

PLANNING HISTORY

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

07/0950/10	Timber constructed smoking shelter (Retention of).	Granted 30/07/2007
98/6353	Informal Enquiry for alteration to existing Car Park	PNR 18/06/98
90/949	Advertisement sign	Granted 08/02/91
89/207	Form opening between song and pool room	Granted 22/03/89
84/1000	New public lounge area	Granted No date
75/766	Convert existing front room into ladies toilet	No decision

PUBLICITY

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

- Concerns are raised regarding the potential loss of privacy and overlooking caused by the proposed development to the rear gardens of neighbouring properties.

CONSULTATION

Transportation Section – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions and informative notes relating to hours of construction, dust suppression measures, disposal of waste, etc.

Land Reclamation & Drainage – no objections subject to a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity.

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

Housing Strategy – no objections subject to the provision of 10% affordable housing in accordance with the Local Development Plan. This should be achieved by making one of the units on site available for sale as Low Cost Home Ownership.

Glamorgan Gwent Archaeological Trust – no objections subject to a condition requiring a photographic survey of the building prior to demolition.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Trealaw and is unallocated.

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

Policy CS4 – Housing Requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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

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

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

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.

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),
Chapter 8 (Transport),
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

The application site lies within settlement limits and in a predominantly residential area. As such, the principle of residential development is considered acceptable.

The key considerations in this case are whether the proposed redevelopment of the site for residential development will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

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

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

Principle of development

The application site consists of a vacant public house which forms part of the village of Trealaw. Under the provisions of the Local development Plan, the site is within

settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its location on the main road through Trealaw local centre where there is a bus service and a few shops.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS1, which seeks to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area; it is considered that the use of the site for residential development will be in keeping with the existing residential character of the area.

The proposed scheme is for a total of 10 one bedroom flats, arranged over three floors in a relatively simply designed building. The scheme takes account of the site's characteristics (including the existing public house) and context and as a result, it is considered that the layout is successful in creating a frontage along Brithweunydd Road and following the established building line around the corner with Royal Terrace. The materials proposed which include render, natural stone and grey roof covering are also compatible with other development in the area and it is considered that the proposed development will have an acceptable impact within the street scene.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With regards to the impact on neighbouring residential amenity, concerns have been raised that include loss of privacy by overlooking to the rear gardens of neighbouring properties. The proposed building will be sited in a position to ensure that it will not have an overbearing impact on neighbouring residential properties which follows the building pattern of the existing building. The proposed building will be of a lesser height than the existing public house building and it is considered that the proposed layout and scale of the building is acceptable.

With regard to concerns referring to overlooking, the windows facing the rear of the site, which would face the gardens of Royal Terrace will be bathroom and kitchen windows which do not constitute habitable rooms. Nevertheless, it is considered that there is sufficient distance between the windows and the rear gardens of the

properties of Royal Terrace to ensure that the impact is kept to a minimum. It is also noted that no properties to the north, west and east of the site directly front the application site which also ensures that there will be no unacceptable overlooking in these directions.

There are properties opposite the site along Brithweunydd Road which will be directly overlooked by the proposed development, however it is not considered that this would be to an unacceptable degree. The distance between the properties is considered to be sufficient to ensure that there is no unacceptable loss of privacy and the relationship is reflective of the terraced streets surrounding the site.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however a number of conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have also been raised, as such a condition to restrict the hours during which construction operations may be undertaken is also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and it is considered that the development would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions.

The proposed car parking area is satisfactory for access and egress in a forward gear, which is considered to mitigate the impact of the proposed development on the junction with Station Road. A vehicular crossover should be provided to give pedestrians right of way along Brithweunydd Road which will be required via condition should Members wish to support the scheme. The number of off-street parking spaces proposed is 10 and this is considered acceptable and sufficient to serve this development, particularly having regard to its sustainable location in proximity to local amenities.

Having regard to the above, the application is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

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.

No SewBrec records of statutory protected species have been found for the area surrounding the site. The Council's Ecologist has reviewed the information submitted with the application and has concluded that there is a limited potential for bat activity in the building.

PLANNING OBLIGATIONS

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

It is noted that through the course of the application, consultation with a number of statutory consultees has generated requests for the applicant to enter into a Section 106 agreement. It is suggested that the financial contributions requested would potentially enhance the quality of the development and off-set any potential detrimental impact upon local facilities and the environment. The terms of the agreement and the commuted sums required are set out below.

1. Provision of 10% affordable housing units
2. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

It is considered that this requirement meets all of the aforementioned tests and is compliant with the relevant legislation. The applicant is yet to agree all contribution requests and it is requested that Members grant delegated powers to officers to discuss the requirements with the applicant, in consultation with the Local Members should they wish to approve the application.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

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

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

3. Before the development is brought into use the means of access, together with the parking for 10 vehicles and turning facilities, shall be laid out in accordance with submitted plan 013 approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety.

4. Prior to the development being brought into use, a vehicular footway crossing shall be provided fronting the car park entrance along

Brithweunydd Road 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.

5. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads and footways adjacent to the site (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety.

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

Reason: To ensure that the new development will be 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.

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. No development shall take place until drainage arrangements (including highway surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. 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.

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

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

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

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

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

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

12. The development shall be fully implemented in accordance with the recommendations (section 5.0) set out in the submitted bat survey report, 'Royal Hotel and Public House – Bat Survey' (Acer Ecology October 2013).

Reason: To afford protection to bats in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1114/09 (GW)
APPLICANT: The Upper Room
DEVELOPMENT: Change of use to A3 (Amended Description 12/12/13)
LOCATION: 19A COMMERCIAL STREET, ABERDARE, CF44 7RW
DATE REGISTERED: 12/12/2013
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Grant

REASONS:

The site is located within Aberdare retail zone and is currently vacant. A change of use to a café operating within the day time and evening opening hours would add to footfall in the area and as a result the vitality of the retail area. There are no physical changes and no impact on Aberdare town centre Conservation Area.

APPLICATION DETAILS

This application seeks a change of use to an A3 cafe use. Opening hours would be 9:30hrs to 18:00hrs on Monday to Fridays and 09:00 to 15:00 on Saturdays. No physical alterations are proposed to the shop front. The floor plan details a serving counter with a number of tables, chairs and sofas on the ground floor. On the first floor will be located a storage area and toilets.

It is detailed they will be selling hot drinks (tea and coffee etc) and cold drinks (bottles of pop and smoothies etc). Cold snacks including muffins, biscuits, cookies and cakes would also be sold. These would be brought from suppliers and no food would be prepared on site. No kitchen or food preparation area is required. No hot food takeaway is to be provided and therefore no flue or extraction system is required.

The application is accompanied by the following:

A Design and Access Statement

SITE APPRAISAL

The site is a small shop unit fronting on to Commercial Street, which is the main pedestrianised shopping street in the town. The site is also within the Aberdare Conservation Area which covers a large part of the town centre.

The unit itself is within a relatively modern block which contains other shops at the ground floor level. A sign above the shop details the previous use as an Opticians.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection has been received from the owners of nearby businesses. The contents are summarised below:

- Over recent years the number of food and card outlets have increased. This has had a dramatic affect on trade. A number of food outlets are closed and another one is not required.

CONSULTATION

Natural Resources Wales - no objection. The developer should however be informed the site is within a flood risk area.

Public Health and Protection - no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust, waste and food hygiene.

Transportation Section - no objection.

POLICY CONTEXT

Policy CS1 - sets out criteria for achieving strong sustainable communities.

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

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

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

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

Policy NSA 1 – provides criteria on development in Aberdare.

Policy NSA 18 – identifies Aberdare as the principal town in the retail hierarchy in the north of Rhondda Cynon Taf.

Policy NSA 19 – sets out criteria for retail development in principal towns.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), 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 11: Noise;
PPW Technical Advice Note 15: Development and Flood Risk;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The site is a vacant shop in the main retail area of Aberdare. Policies in the Local Plan generally protect A1 retail shops from changes of uses. An objection has been received from two local businesses that there are many closed food outlets in the town and a further one would result in a reduction in trade and is not needed. Members are advised that, on the other side of the argument, the proposed café use operating during the day and evening would return an active use to a vacant property and could also add to the vitality of the town by attracting customers and footfall. Members should also note that whilst the comments of the objectors are appreciated, section 1.2.3 of Planning Policy Wales states that, "It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons." Therefore with regard the objection, issues around competition between businesses, would not warrant a refusal reason.

Furthermore, to the principle of development, the change of use would increase the number of A3 units in Aberdare town centre, however A1 retail shops would still be the dominant use. Therefore it is considered there would not be an over-concentration of A3 uses as a result of this proposal.

In summing up, although the proposal would result in a loss of an A1 unit the proposed use would return a vacant premise to a commercial use that is considered could have a positive impact on the vitality of the town centre. It is therefore considered the principle of the change of use would be acceptable.

Impact on the character and appearance of the area

The site is located within Aberdare town centre Conservation Area. No external alterations are proposed to the shop front. Therefore there would be no significant impact on the character and appearance of the area.

Impact on residential amenity and privacy

The site is within a retail area where the type of coming and going of customers are expected. The proposed café use in this location would therefore not result in a significant impact on the amenity of any surrounding residents. The opening hours proposed are also considered acceptable. Notwithstanding this it is not considered a condition restricting the opening hours to those proposed would be necessary due to the town centre location. However if a condition is required it is suggested 08:00am to 20:00pm (on Mondays to Sundays) would be reasonable and would allow flexibility for the proposed use.

Access and highway safety

The site is located within a pedestrianised street within the retail centre of Aberdare and close to public transport links. There would be no significant impact on access or highway safety from the proposed use as compared to the existing use. Therefore this issue would be acceptable.

Other Issues

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

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues if permission were to be granted. With regard the hours of construction condition it is not considered this would be necessary as the works proposed are internal and the site is within a retail area.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, the impact on the character and appearance of the area, the impact on the amenities of nearby residential properties and the impact on access and highway safety (Policies AW2, AW5, AW6, AW8, NSA1 and NSA19).

RECOMMENDATION: Grant

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

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

2. The premises shall only be used for a café (as detailed in the application) and for no other purpose within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The site may not appropriate for other uses within Class A3, in the interest of visual amenity and the impact on the retail area in accordance with Policies AW5, AW7 and NSA19 of the Rhondda Cynon Taf Local Development Plan.

3. The cafe shall not be open to the public between the hours of 20:00 hours and 08:00 hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of any surrounding residential properties in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

16 JANUARY 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File