

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE  
17 JULY 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

Agenda Item No. 4
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No: 13/0920 - Demolish existing lean-to and construct single storey mono-pitch extension to front elevation and canopy roof over front entrance. Retention of increased rear boundary wall (Amended plans received 06/06/14), 119 Buarth-Y-Capel, Ynysybwl, Pontypridd.
2. Application No: 14/0349 - Residential Development of 14 Dwellings (Outline), St John's Churchyard, Llantrisant Road, Tonyrefail.
3. Application No: 14/0443 - Erection of proposed convenience store and new Post Office facility with associated car parking, retaining wall, fence, landscaping, cycle parking, access and other associated works (Amended plans and information received 03/06/14 and 05/06/14 - Proposed hours of operation amended to 7:00am to 11:00pm seven days per week), land at School Street, Maerdy Road, Maerdy, Ferndale.
4. Application No: 14/0633 - Change of use of ground and lower floors to premises serving cold food and alcoholic and non alcoholic drinks (permanent permission to operate existing wine bar), Old Council Offices, Llantrisant Road, Llantwit Fardre, Pontypridd.
5. Application No: 14/0754 - Part conversion of integral garage to form utility room, 11 Sovereign Gardens, Miskin, Pontyclun.

## **APPLICATIONS RECOMMENDED FOR APPROVAL**

**APPLICATION NO:** 13/0920/10 (MF)  
**APPLICANT:** Mr L Facey  
**DEVELOPMENT:** Demolish existing lean-to and construct single storey mono-pitch extension to front elevation and canopy roof over front entrance. Retention of increased rear boundary wall (amended plans received 06/06/14).  
**LOCATION:** 119 BUARTH-Y-CAPEL, YNYSYBWL, PONTYPRIDD, CF37 3PB  
**DATE REGISTERED:** 09/06/2014  
**ELECTORAL DIVISION:** Ynysybwyl

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**RECOMMENDATION:** Approve

**REASONS:**

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

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### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a single storey extension and for the extension of an existing boundary wall at 119 Buarth Y Capel, Ynysybwyl.

The existing lean-to annex at the front of the dwelling would be removed and replaced with a new single storey extension. The proposed extension would measure 2.8 metres in depth by 5.5 metres in width and would incorporate a mono-pitched roof design 3.5 metres at its highest point sloping to 2.6 metres at its eaves. The addition would accommodate a kitchen/diner and a shower room. A small canopy would be erected over the entrance doorway abutting the new extension measuring 2 metres in width, 0.7 metres in depth and 2.8 metres in height. It is proposed that both additions be finished in external materials to match the existing dwelling.

The block work boundary wall to the rear of the application site has been increased in height from 1.8 metres to 2 metres and finished in cement render. A wooden access gate is sited in the centre of wall.

The scheme originally proposed that the existing kennels within the rear garden be removed and replaced with a new larger kennel block. Following negotiation with the applicant, this element of the scheme has been removed from the application.

### **SITE APPRAISAL**

The application dwelling is a two storey, mid-link property situated within an established residential area of Ynysybwl. The dwelling has a small courtyard garden to the front where a lean-to annex is sited (to be demolished). A larger enclosed garden is sited to the rear that is arranged over two levels rising away from the dwelling. Two dog kennels have been constructed on the upper rear garden level adjacent to the rear south western site boundary. The property is bounded by the adjoining dwellings in the terrace to both the south east and north west, with neighbouring gardens being defined by a combination of block work walls and close board fencing. To the rear, the site is bounded by a pedestrian access lane beyond which are further residential properties. The site is enclosed from the lane by an existing 2 metre high block work boundary wall (the subject of this application).

## **PLANNING HISTORY**

Planning applications submitted within the last 10 years include:

11/0574	119 Buarth y Capel, Ynysybwl	Replacement rear block boundary wall and a block of dog kennels.	Granted 26/07/11
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## **PUBLICITY**

The application initially proposed the erection of dog kennels as well as the extension and boundary wall extension. It was advertised as such by means of direct neighbour notification on 12/11/13. Three letters of objection were received from the occupiers of the surrounding properties, making the following comments (summarised):

- The small rear garden sited within the centre of a residential estate is unsuitable for the keeping of a large number of dogs. The existing dog kennels are a source of nuisance due to the smell and noise of the significant number of animals currently kept within them. Any increase in the size of the kennels may lead to further dogs being housed at the site which would exacerbate the existing distress and disturbance issues encountered by the surrounding neighbours.

Amended plans were received on 18/02/2014 whereby the kennels were removed from the scheme. The application was subsequently re-advertised and one letter of objection was received from the residents of 116 Buarth Y Capel making the following comments (summarised):

- The previous concerns raised regarding the kennels remain.
- The boundary wall plans are inaccurate.
- The siting of a gate within the boundary wall opposite the front elevation of 116 Buarth Y Capel has a detrimental impact upon the amenity of the occupiers of that property.

Further amended plans were received on 08/05/2014 and the application was again re-advertised. One letter of objection was received from the residents of 116 Buarth Y Capel making the following comments (summarised):

- The previous concerns raised regarding the kennels and the siting of a gate within the boundary wall remain.
- The boundary wall plans are inaccurate as the works have already been completed.
- The applicant is currently undertaking works to extend the existing dog kennels.

Subsequent amended plans were received on 06/06/2014 to include the retrospective boundary wall works and the application was re-advertised. No representations have been received.

## **CONSULTATION**

Public Health and Protection – originally raised objections to the scheme regarding the current impact of the existing kennels and the potential impact any increase in size would have upon the amenity of the surrounding residents. Following the removal of the kennels from the scheme, the objections were removed.

Countryside, Landscape and Ecology – no objection.

## **POLICY CONTEXT**

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

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

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

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

### **National Guidance**

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability) 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.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the Proposed Development**

As detailed above, a number of objections were received from local residents and the Council's Public Health and Protection Division with regard to the proposal to erect a new dog kennel in the rear garden. Following these objections and consultation with the applicant, this element of the scheme has been removed from the application which now seeks consent for the works detailed above only, i.e. the construction of a single storey extension to the front of the property and the retention of extended boundary wall to the rear of the site. Subsequently the Public Health and Protection Division have no objection to the scheme. The principle of the development is therefore acceptable, subject to the criteria identified below.

It is acknowledged that complaints have been received regarding works that are currently being undertaken to the existing kennels by the applicant, however, these works are not part of this planning application and are subject of a separate enforcement investigation.

#### **Visual Impact**

Sited to the front of the dwelling, the proposed extension would be a noticeable alteration to the principle elevation of the property and would therefore form visible feature in the street scene. However, the extension represents a modest addition that would not be significantly larger than the existing annex it would replace. The extension is therefore considered to be subservient to the scale of the host property and is unlikely to dominate the existing character of the dwelling or the surrounding street scene to a degree that would warrant refusal of the application. The addition would also be finished in appropriate external materials to match the design of the original property which would further reduce any potential impact it may have. It is therefore considered that this aspect of the scheme is acceptable in terms of its scale, design and overall visual appearance.

It is acknowledged that the increase in height of the boundary wall is a visible feature from the adjacent footpath and the properties to the rear. However, by increasing the height of the existing wall by only 0.2 metres (a single block), forming an overall height of 2 metres from ground level, it is not considered the height of the wall has a significant affect on the character and appearance of the locality or the visual amenity of the adjacent neighbouring properties. It is however considered a condition should be added to any approval requesting the applicant paint the wall to minimise its visual impact on the surrounding locality.

### **Residential Amenity**

It is not considered that the proposed extension or increase in height of the existing boundary wall are likely to have a significant impact upon the residential amenity and privacy standards currently enjoyed by the neighbouring properties.

Whilst it is acknowledged that the extension would form a visible feature from the front of the immediate neighbouring properties, it would not have any significant overbearing or overshadowing impact on these properties given its minor scale and single storey nature. Two windows would be sited in the front elevation with a further window being sited in the southern side elevation. Given the ground floor nature of these windows, it is not considered the extension would lead to any further harmful loss of privacy at the site in comparison to that which currently exists. It is also noted that no objections have been raised with regard to the proposed extension following the neighbour consultation process.

With regards to the boundary wall, it is acknowledged that the structure is sited only 4 metres from the front elevation of no. 116. However, with its highest element measuring only 2 metres above the lane ground level, 0.2 metres higher than the original boundary wall, it is not considered that the increase in height causes any greater impact upon the amenity standards previously enjoyed by surrounding neighbours.

It is acknowledged that the siting of a gate within the wall would increase pedestrian movements along the public footpath as residents of the application property can now enter and exit the site from the rear. However, a large proportion of other properties within the immediate locality have erected similar rear accesses onto the lane and it is considered a precedent for this type of development has been set in the area. Furthermore, the access would be used for domestic purposes in conjunction with the residential use of the site and the amount of trips generated would therefore be negligible.

Additionally, given the fact that once finished, the gate will be no higher than wall itself, it is not considered that it would cause any further undue impact upon the amenity standards currently enjoyed by residents of the surrounding properties.

It is therefore considered the development would not be unduly harmful to the occupants of the neighbouring properties and is acceptable in this regard.

## Other Issues

A SewBrec search has found that a bat roost has been sited in close proximity to the application site. Due to the nature and scale of the development no objections have been raised by the Countryside, Landscape and Ecology section. It is however advised an informative note be added to any consent highlighting this matter.

## Conclusion

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

### **RECOMMENDATION: Grant**

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

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

2. Within 56 days of the date of this consent, the boundary wall and associated gate shall be painted in a colour details of which shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this consent.

Reason: To reduce the visual impact they have within the surrounding street scene in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 14/0349/13 (HL)  
**APPLICANT:** The Representative Body of the Church In Wales.  
**DEVELOPMENT:** Residential Development of 14 Dwellings (Outline).  
**LOCATION:** ST JOHN'S CHURCHYARD, LLANTRISANT ROAD,  
TONYREFAIL.  
**DATE REGISTERED:** 04/04/2014  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION: Grant**

### **REASONS:**

**The proposed development is within the settlement boundary and in a**

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**sustainable location. The indicative plans detail a development could be provided that would not have a significant detrimental impact on the character of the area, residential amenity of those living closest to the site, highway safety or the ecological value of the site. The application is considered compliant with the relevant policies of the Local Development Plan and national guidance.**

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## **APPLICATION DETAILS**

The application seeks outline planning permission for the erection of 14 dwellings on the St John's Churchyard, Llantrisant Road, Tonyrefail. The application is made in outline with all matters, except access, reserved for future consideration.

In accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, information regarding the approximate location of buildings, routes, open spaces, height, width and length of each building have also been submitted as part of the Design and Access Statement and an indicative site layout plan.

The indicative details show the development of 7 sets of semi detached dwellings, all two storey in height, with a width range of 7.9m (min) to 8.05m (max), length range of 11.5m (min) to 11.6m (max) and height range of 8.1m (min) to 8.2m (max) per dwelling. Each dwelling would have a front and rear garden and off street parking.

The dwellings would generally front a 5.5m wide cul-de-sac highway, with a 2m wide footway provided along the northern side, which would adjoin with Llantrisant Road to the east of the site. 40m wide vision splays would be provided either side of the access.

The original St John's Church building, positioned in the north-eastern corner of the plot would be retained.

The application is accompanied by the following:

- Design and Access Statement;
- Bat Habitat Assessment and Ecological Appraisal;
- Archaeological Site Investigation report; and
- Tree Survey

## **SITE APPRAISAL**

The application site comprises a roughly rectangular shaped, disused graveyard with an area of approximately 0.4 Hectares, located within the defined settlement development limits of Tonyrefail. The site fronts Llantrisant Road and is bound by the rear lane behind Pretoria Road and a pedestrian thoroughfare linking Llantrisant Road with the east end of High Street. The church building, which is no longer used



as a place of worship, is located in the north-eastern corner of the graveyard and does not form part of the proposal. The building is currently used as a Scout Hall.

The surrounding area is predominantly residential, being characterised by mainly traditional terraces with some semi-detached and detached dwellings.

## PLANNING HISTORY

08/1602	St John the Baptist's Church, Llantrisant Road, Tonyrefail	Residential development (outline)	Granted 06/09/10
07/2195	As above	Residential development	Refused 30/06/08
03/0525	As above	Residential development (outline) - renewal	Granted 20/06/03
99/2204	As above	Residential development (outline application)	Refused 03/09/99
Appeal: APP/L6940/A/00/1038879			Allowed 31/05/00
85/1229	As above	14, 1 person flats and 4, 2 person flats	Granted 23/12/85

## PUBLICITY

The application has been advertised by direct neighbour notification letters the erection of site notices and publication of a press notice. Nine letters of objection have been received and are summarised as follows:

- Loss of privacy, light and increased noise disruption.
- Concerns that 14 dwellings on site is excessive.
- Lack of parking – Parking restrictions in Pretoria Road lead to a displacement of cars on Llantrisant Road. The development would remove some of the available parking. The existing parking problems already cause problems for the free flow of traffic, emergency vehicles and public transport.
- Congestion and highway safety concerns as a result of increased traffic movements to and from the site during construction and then by residents. Concerns that the additional traffic could have a detrimental impact on children walking to school. The old junction from High Street to Llantrisant Road closed due to traffic problems and accidents this development would provide a junction just yards to one closed for safety.
- In 1939, 38 graves were removed to provide a footpath from Capel Farm Estate. This development would take away that footpath.
- Loss of a historic area.

- The exhumation of human remains and removal of graves is immoral and would cause distress to families of those buried there.
- Detrimental impact on the use of the Scout Hall.
- Detrimental impact on ecology – slow worms and bats on site.
- Sewerage capacity and surface water.
- Japanese Knotweed evident at site.

## **CONSULTATION**

Transportation Section – no objections subject to conditions and the applicant entering into a Section 106 legal agreement to make a transport tariff contribution.

Land Reclamation and Engineering – no response received.

Public Health and Protection Section – raise no objection subject to conditions relating to hours of operation, noise, dust, waste and an informative with regards to exhumation of buried remains.

Education and Childrens Services - no response received.

Parks and Leisure - no response received.

Natural Resources Wales - the application is lacking any supporting ecological information. Recommend a standard Phase 1 survey be completed.

Urban Design – no objections to the general design approach. The amount and scale of development appears approximate to the site and its surroundings, however to achieve a suitable layout on the site, particularly in relation to the existing chapel and trees, it may be necessary to reduce the number of houses.

Dwr Cymru/Welsh Water – no objections subject to conditions relating to the disposal of foul and surface water from the site.

Electricity - no response received.

Gas – no response received.

Fire Service - no response received.

Welsh Government Highways - no response received.

Glamorgan Gwent Archaeological Trust – archaeological mitigation works will be required, conditions recommended.

Countryside, Landscape and Ecology – no objections subject to conditions. The advisory note in relation to bats should be attached to any consent.

Tonyrefail Community Council – object. Concerns in relation to highway safety, the sensitive nature of exhuming human remains and the loss of the burial ground as a historical site.

Housing Strategy - Social Rented housing need is relatively low in this area and is primarily for 1 bedroom units (walk up flats with no communal space), rather than two bedroom houses. Furthermore as this area isn't eligible for Social Housing Grant, there is likely to be significant issues with and Registered Social Landlord taking this scheme forward

Regeneration Section – the existing site does not appear to have any historical commercial use. As such there is no loss of existing commercial land. The proposal for further housing in an urban area, in close proximity to the high street would potentially benefit local business.

## **POLICY CONTEXT**

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

The site is within the settlement boundary of the Key Settlement of Tonyrefail as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

**Policy AW1** - defines the housing land supply, to be met partly by development of unallocated land in Key Settlements.

**Policy AW2** - promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Key Settlements. The locations should not unacceptably conflict with surrounding uses.

**Policy AW4** - lists community infrastructure and planning obligation contributions which the Council may seek in respect of new development.

**Policy AW5** - lists amenity and accessibility criteria that will be supported in new development proposals.

**Policy AW6** - outlines design and placemaking criteria that will be supported in new development proposals.

**Policy AW7** - specifies that development proposals which impact upon sites of architectural and/ or historical merit and site of archaeological importance will only be permitted where it can be demonstrated that the proposal will preserve or enhance the character and appearance of the site.

**Policy AW8** - seeks to ensure that the area's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW10** - seeks to ensure that development proposals will not be permitted where they would result in a risk of unacceptable harm to health or local amenity.

**Policy SSA4** - supports development in the Key Settlement of Tonyrefail which support and reinforces the role of the centre, is of a high standard of design and integrates positively with existing development.

**Policy SSA11** - seeks a minimum housing density of 35 dwelling per Hectare and gives criteria for accepting lower densities.

**Policy SSA12** - seeks the provision of 20% affordable housing on residential development of 5 dwellings or more.

**Policy SSA13** - gives further criteria for suitable housing development within settlement boundaries.

### **National Guidance**

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

Planning Policy Wales (Edition 6 Feb 2014) Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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.

Therefore, in considering and determining applications of this nature, the primary considerations are the impact of the proposal on the character and visual amenity of the area, the residential amenity of those living closest to the site, highway safety, ecological implications and any implications of any historic, architectural or cultural features.

### **Main Issues:**

### **Principle of the proposed development.**

The application seeks outline planning permission for the erection of 14 dwellings on St John's Churchyard, Llantrisant Road, Tonyrefail. The application site is unallocated and is positioned within the settlement development limits of the Key Settlement of Tonyrefail as defined by the Rhondda Cynon Taf Local Development Plan. The site is sustainably located in the settlement being accessible to the town centre with its retail, employment and leisure facilities and is also very close to the local primary school. The site has previously benefited from outline planning permission for residential development until as recently as 6<sup>th</sup> September 2010. As such the principal of developing the site for residential purposes is considered acceptable unless material considerations indicate otherwise.

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

Although the application is in outline, as specified above, in accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, an indicative site layout has been submitted showing the development of 14, two storey dwellings. Each dwelling would contain two double bedrooms. It is considered that the site is of a size sufficient to accommodate a development of the scale and layout indicated, and dwellings would be designed for the site that would be capable of being sensitive to the context of the surroundings.

Although the density of the development proposed at 34.1 dwelling per hectare is slightly less than that advocated by policy SSA11 (35 dwellings per hectare) in this instance it is considered that the proposal would still make efficient use of the site and would remain in keeping with the overall context of the area.

With regard to the concerns raised regarding the scale of the proposed dwellings, it is considered that the maximum and minimum dimensions proposed are acceptable and could result in an appropriately scaled detailed scheme should an application for reserved matters be submitted.

On the basis of the above, the application is considered compliant with the relevant requirements of policies AW1, AW2, AW5, AW6, SSA4, SSA11 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

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

Following consultation members of the public have expressed concerns that the development would cause loss of light and privacy to neighbouring dwellings. Whilst this is a matter more appropriately considered at the reserved matters stage, the indicative site layout plan submitted indicates that the land is capable of accommodating a residential development without unduly encroaching and compromising the privacy and amenity of neighbours.

Furthermore a condition restricting the hours of construction could be imposed on any grant of consent to reduce the impact upon the amenity of neighbouring residential properties, during construction.

On the basis of the above the application is considered compliant with the requirements of policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

Access would be formed off Llantrisant Road, which passes through the eastern fringe of Tonyrefail and is often used as an alternative route by traffic travelling between Rhondda and the Llantrisant Area. Llantrisant Road has a wide carriageway; is subject to a 30mph speed restriction and has footways on both sides. An access formed at this location would be capable of providing acceptable visibility for vehicles in both direction and provide adequate separation from the junction of Pretoria Road to the south. Although the Llantrisant Road is used as a pedestrian and vehicular route to a nearby primary school, the site is some 200 metres away and beyond the area where traffic and parking congestions associated with the school normally occurs. It is considered that the traffic generated by the proposed development would represent only a modest addition to the local traffic on Llantrisant Road, and given the standard of the access to the site and the off street parking that could be provided, it is considered that the proposal would not materially prejudice highway safety. This perspective is reinforced by the views of the Transportation Section, who have raised no objection to the proposal subject to the imposition of conditions.

A number of the objectors have highlighted that parking restrictions in the wider area result in many residents parking on the highway outside the site. Whilst the development proposed would cause further displacement of the on street parking, it is considered that the proposal would not add to the existing demand for on street parking and as such does not warrant refusal on such grounds.

On the basis of the above and subject to the imposition of conditions it is considered that the development is in keeping with the provisions of Policies AW2, AW4 and AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

### **Ecology**

Members of the public have raised concern that the development would have a detrimental impact on the ecology of the site primarily relating to the suspected presence of bats and reptiles at the site. The suspected presence of bats is primarily linked to the likelihood of them inhabiting the roof space of the neighbouring former chapel, which as specified above is not included as part of the current application. The possible presence of reptiles has been highlighted as an issue since the time of the 1999 application and subsequent appeal proposal for housing at this site, and remains a concern for local residents. The applicant has undertaken an Ecological Assessment of the site in which it is concluded that the development is likely to have only a minimal impact on the wildlife value of the local area. The report recommends that risk avoidance measures for reptiles be implemented as part of the development; the stone wall surrounding the church building be removed by hand between the months of April and September; any trees be removed outside of bird nesting season; mature trees along the border being retained to provide screening;

and the provision of six bird boxes of varying design throughout the development. All these matters could be satisfactorily dealt with by condition.

Following consultation the Authority's Ecology team have raised no objection to the application subject to the imposition of conditions relating to the mitigation measures mentioned above. Following consultation, Natural Resources Wales have requested a structural Phase 1 Ecological Survey be conducted. A copy of the Ecological Assessment has been submitted to NRW for consideration. Any revised observations will be reported orally. On the basis of the above, it is considered that the development would not have a significantly detrimental impact on the ecology of the area and the application is considered compliant with the relevant criteria of policies AW5 and policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Archaeology**

The previous planning applications on the site have highlighted that the area has an archaeological restraint that required further investigation and reporting upon, together with mitigation measures if appropriate prior to the determination of the application. As part of the current application an archaeological survey report has submitted in support of the application. As part of their investigation the archaeological team have dug five test pits, targeting the area considered most likely to yield evidence of a medieval chapel. No archaeological features or artefacts were discovered. The report concludes that if a former chapel existed, it is most likely to have been within the footprint of the existing chapel and that the area proposed as part of the planning application has comprehensively disturbed by post-medieval burials.

Following consultation, Glamorgan Gwent Archaeological Trust has provided the following response:

*"The proposed construction will likely involve the disturbance of a large number of historic burials. These burials provide important information of the historical demography and health of this part of Wales, which is unobtainable from other sources due to the absence of extant historical records. Best practice guidance recommends that exhumations of interments greater than 100 years old be conducted by an archaeologist. In addition, the Disused Burial Grounds (Amendments) Act 1981 requires the recording of any tombstones or memorials, including a copy of its inscription and a record of the place to which it will be transferred, to be deposited with an appropriate institution.*

*Whilst we do not object to the granting of planning permission for this development...we strongly recommend that two conditions be attached to any grant of consent, ensuring that appropriate measures are in place to mitigate the negative impact to the archaeological resource prior to the commencement of development. The first condition seeks to ensure that evidential value of the burial is preserved by record, by requiring the applicant to employ a professional archaeological contractor, to conduct a programme of archaeological investigation to exhumate, record and analyse any inhumations that will be affected by the proposed ground work, in advance of any construction. The second conditions seeks to ensure that the*

*evidential value of the memorials are suitably recorded by means of a drawn and photographic record prior to the commencement of works on site, with the completed record deposited in a suitable repository such as the Glamorgan County Record Office or the Historic Environment Records."*

On the basis of the above consultation response and subject to the imposition of conditions recommended, it is considered that the development is compliant with the requirements of policy AW7 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues**

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

#### **Drainage**

In addition to those issues covered in the assessment above, members of the public have expressed concerns that the development would give rise to surface water drainage problems and overload the public sewers. In response it is noted that the drainage consultees have offered no adverse comments subject to the imposition of appropriately worded conditions relating to the disposal of foul and surface water from the site on any grant of consent. It is therefore considered the application remains compliant with the relevant criteria of policy AW2 of the Rhondda Cynon Taf Local Development Plan.

#### **Exhumation**

A number of concerns have also been raised in relation to the disturbance of human remains and the moving of graves. Whilst the distress of those who have relatives buried in the churchyard is perfectly understandable, the moral issue of the exhumation and re-interment of remains elsewhere is not material to the issue of planning permission for the proposed development. The procedural aspects of such matters are covered by other legislation that the developer would have to abide by.

#### **Affordable Housing**

Details provided on the application form specify that all the dwellings would be of social rented tenure. The Agent has confirmed that as this time, the applicants are not working in association with a Registered Social Landlord (RSL). Following consultation The Authority's Affordable Housing Officer has provided the following information:

*"Social rented housing need is relatively low in the area and is primarily for 1 bedroom units (walk up flats with no communal spaces) with a sufficient supply of 2 bedroom houses for social rent in the area."*

*Policy SSA12 of the adopted LDP requires 20% affordable housing on site of 5 units or more in this area. On a development of this scale it would normally be requested that three units be made available as low cost home ownership to be sold at 70% of market value to first time buyers from the Homestep Register."*



Irrespective of the lack of a RSL partnership, it would be possible for the Authority to secure the tenure of the dwellings as social rented in perpetuity, by way of a Section 106 legal agreement. Furthermore, in light of the comments received by the Authority's Affordable Housing Officer, it is considered appropriate to secure three of the units as low cost home ownership, again via a Section 106 agreement in compliance with policies AW1, AW4 and SSA12 of the Rhondda Cynon Taf Local Development Plan.

### **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.

### **Section 106 Contributions/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.

In this case the developer will be required to enter into a Section 106 agreement to ensure that 11 of the units are secured as Social Rented Tenure and 3 units are provided as Low Cost Home Ownership to be sold at 70% of market value to first time buyers from the Homestep Register.

It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

### **Conclusion**

The application is considered to comply with the relevant national and local development plan policies in respect of the principle of development, impact on the character and appearance of the area, the residential amenity and privacy, access and highway safety, ecology, archaeology and drainage. As such the application is recommended for approval subject to the following conditions.

**RECOMMENDATION: Grant**

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

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

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

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

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

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

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

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

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

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

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

5. 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.

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

6. 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: In order to ensure the eradication/control of Japanese Knotweed within the curtilage of the application site in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To exhume, record and analyse any inhumations that will be affected by the proposed ground works, in order to mitigate the impact of the works on the archaeological resource, in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

8. No site works shall be undertaken until the implementations of an appropriate programme of recording and analysis has been agreed in

writing by 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: As the gravestones are of historic significance the specified records are required to mitigate impact in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

9. During the construction phase of the development works shall be restricted to the following:

Monday to Friday	08:00 to 18:00 hours
Saturday	08:00 to 18:00 hours
Sunday and Bank Holidays	Not at all

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.

10. 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.

11. 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.

12. Notwithstanding the details of the submitted plans, development shall not commence until full engineering design and details of the road layout including sections; street lighting details and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

13. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4 x 40 metre vision splays with no obstruction or planting above 0.9m in height.

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.

14. The street furniture affected by the proposal shall be relocated in a position to be agreed in writing by the Local Planning Authority and Statutory Undertakers, prior to any works commencing on site.

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

15. 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.

16. No lorries shall access or leave the site between the hours of 08:30 am to 09:30 am and 15:00 pm to 16:00 pm on weekdays .

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

17. A phased vegetation cut must be completed prior to works commencing on the development. All vegetations on site, apart from trees will be hand trimmed to 150mm high. The site will be left for 48 hours and the remaining vegetation will be handtrimmed to a height of 50mm. Once cut the vegetation must remain at or below 50mm.

Reason: To naturally encourage any reptiles present to move away from the development area, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. The stone wall surrounding the church building shall be removed by hand, between April and September. Any material removed from the wall must be removed from site or stored in a skip to prevent any reptiles seeking shelter within newly created areas.

Reason: To naturally encourage any reptiles present to move away from the development area, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the commencement of development details of six bird boxes of varying design to be included as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed prior to the first beneficial occupation of the dwellings.

Reason: In the interests of the biodiversity value of the site, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>14/0443/10 (LE)</b>
<b>APPLICANT:</b>	<b>Blakemore Retail Ltd</b>
<b>DEVELOPMENT:</b>	Erection of proposed convenience store and new Post Office facility with associated car parking, retaining wall, fence, landscaping, cycle parking, access and other associated works (Amended plans and information received 03/06/14 and 05/06/14 - Proposed hours of operation amended to 7:00am to 11:00pm seven days per week)
<b>LOCATION:</b>	<b>LAND AT SCHOOL STREET, MAERDY ROAD, MAERDY, FERNDAL, CF43 4BA</b>
<b>DATE REGISTERED:</b>	<b>14/04/2014</b>
<b>ELECTORAL DIVISION:</b>	<b>Maerdy</b>

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**RECOMMENDATION: APPROVE**

**REASONS:**

The application represents a compatible and appropriate redevelopment of this vacant and underused site that occupies a key position in the centre of Maerdy. The two letters of objection raising concerns with the proposed hours of operation of the premise and vehicle access concerns are not considered a reason to refuse the proposal especially when balanced against the significant planning merits of the scheme.

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**APPLICATION DETAILS**

Full planning permission is sought for the erection of a convenience store and new post office facility with associated car parking space at the site of the former Maerdy Hotel (Public House), at the junction of School Street and Maerdy Road.

The application proposes the re-development of the vacant site in the form of a detached, single-storey retail unit (A1 planning use class). The new building would have a gross floor area of 313 square metres (231 square metres comprising the sales area) and an associated car parking and turning area to accommodate 16 off-

street parking spaces, including 2 disabled bays. The retail premise would operate as a 'Spar' convenience store and also internally accommodate a typical post office facility. The convenience store would be erected toward the southern part of the plot approximately 2.5 metres from the side elevation of no. 50 Maerdy Road with a 1.5 metres set back from the pedestrian pavement fronting the site. The associated car parking area would be created alongside the new building within the more northern aspect of the existing plot.

The proposed rectangular shaped building would have overall dimensions measuring 17.0 metres by 19.4 metres. It would have a sloping, monopitched roof design that at its highest point, facing front towards Maerdy Road, would extend to a height of 4.5 metres from ground level and fall to a height of 3.2 metres at the rear of the building. The front elevation of the building facing direct onto Maerdy Road would comprise the main shop front and means of customer access into the building. The key front elevation would comprise large aluminium glazed shop front windows with automatic, bi-parting entrance doors with internally fitted roller shutters. Grey cladding panels would be positioned above the shop front with the remaining finishes for the building comprising a lower stone plinth and finishing face brick above. The north facing elevation of the building, facing toward the car park would also accommodate a glazed shop style frontage with ATM (Automated Teller Machine).

The proposed car park would be created immediately to the north of the building with 8 spaces being created toward the front of the site and 8 spaces, including 2 disabled parking bays being created toward the rear boundary of the site; manoeuvring and turning space being retained between the two rows of car parking spaces.

As part of the proposal a retaining wall structure would be created along the rear boundary of the site, set below the level of the adjoining rear highway and embankment. It would range in height between 3.4 and 0.9 metres and have a concrete panel design. It is detailed a timber boundary fence and vehicle barrier for safety purposes would be erected above the retaining wall along the western boundary of the site. Low boundary planters to a height of 0.6 metres with a brick finish would be erected along the front and northern perimeter of the site, whilst retaining a new junction access to the site of School Street and a secondary vehicle access point of Maerdy Road that is only to be utilised by delivery vehicles to the site (HGV's). A row of telescopic boundary bollards would control the use of this secondary access point to the site. Plant and general storage areas would be created immediately to the rear and southern side of the building with small sections of 2.2 metre high fencing enclosing this space. As part of the proposal an existing bus shelter that fronts the site would be relocated further south along Maerdy Road to allow pedestrian access to the building. A small cycle stand to accommodate 4 cycles would also be created to the front of the building.

The applicant's supporting information highlights the proposal would provide a positive use for the existing vacant site. The application seeks the relocation of the existing Spar store (at 4-5 Ceridwen Street) to improve and enhance the local shopping facilities for the residents of Maerdy. The application would allow the

existing spar store to be re-let to another retail/town centre use. The existing 11 employees of the nearby store would be transferred to the new location and an additional 11 jobs would be created (4 full time and 7 part time jobs). It is detailed the opening hours sought by this application are 7.00 am to 11.00pm, each day of the week.

The planning application is accompanied by a Design and Access Statement, Planning and Retail Statement and a Vegetation (Japanese Knotweed) Management Plan for the site.

## **SITE APPRAISAL**

The application site consists of the site of the former Maerdy Hotel (Public House), and whilst small remnants of the former public house are visible along the rear boundary of the site, it is now a predominantly vacant plot that is located on the junction of Maerdy Road and School Street on the main route through the built up area of Maerdy. The broadly rectangular plot has a generally flat level and is slowly becoming overgrown with vegetation. The site covers an area of approximately 0.1 ha. The very rear of the site is defined by a more steeply sloping embankment and historic retaining walls with an area of Japanese Knotweed existing toward the rear south-western corner of the site. The rear of the site is flanked by a vehicle highway (leading to Wilson Place) beyond which are the elevated rear gardens of properties along Pentre Road and the blank gable end of no. 1 School Street. The vehicular highway of School Street runs along the northern boundary of the site and rises steadily from east to west. An end of terrace property, no. 50 Maerdy Road and its associated rear garden flanks the south of the application site.

Generally there are a variety of differing uses located within the immediate vicinity of the application site. Whilst residential properties are sited toward the south and rear of the site, there is a public house/wine bar situated to the north of the site. Opposite the application site is a mixture of commercial and residential properties including a convenience store and hot food takeaway. Further north of the site is the main commercial area of Maerdy, along Ceridwen Street.

## **PLANNING HISTORY (most relevant)**

98/6016	Site of former Maerdy Public House, Maerdy Road, Maerdy.	Proposed Retail Development (Use Class A1 and A3) on Ground Floor with Residential Accommodation (Flats) Over	Granted 07/04/1998
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## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and the posting of site notices in the immediate area. Two letters of representation have been received against the planning application. The concerns raised are summarised as follows:



- The objection relates to the proposed hours of opening of the store. Given the objectors property is situated opposite the site the opening hours would have an adverse impact on the quality of life of their family due to increased nuisance and disturbance from traffic and pedestrian movements to the store.
- The existing Spar shop and other convenience stores in Maerdy, and the wider Rhondda Fach Valley, do not open at 06.00 am. The opening hours should be re-considered to reflect other premises i.e. 08.00 – 23.00 hours with a 22.30 closing time on a Sunday. No deliveries should be made before the hours of opening.
- The relocated bus shelter would also be sited closer (opposite my property) and its use would also cause more nuisance.
- Access and highway safety concerns are raised against the development and a new vehicle access onto Maerdy Road should not be allowed on what is already a busy and dangerous section of road. This is a dangerous, impractical proposal and it must not be allowed to go ahead.

## **CONSULTATIONS**

Transportation Section - raise no objection. It is commented the submitted scheme provides satisfactory means of access, turning and parking for both large delivery vehicles and customers. Subject to conditions the scheme is therefore considered acceptable in highway safety terms. The developer should also be advised they will be required to enter into legally binding agreements with the Highways Authority (under the Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highways. It is also requested the developer makes a financial contribution of £5000 to upgrade existing public transport infrastructure (nearby bus stops) in the immediate vicinity of the application site, although such a request is not considered reasonable in this instance.

Land Reclamation and Engineering - no adverse comments raised, conditions are suggested to ensure the satisfactory drainage of the development (the application site is not located in a known flood risk area as defined by the TAN 15 Development Advice Maps).

Countryside Landscape, Ecology - raise no objections, whilst a method statement for the removal of the Japanese Knotweed on the site has been submitted, discussions remain ongoing with the applicant and the Council's Landscape Officer. A condition is therefore suggested accordingly. It is also highlighted there are no relevant SewBrec Records of Statutory Protected Species from the immediate vicinity of the application site and a landscaping condition should be attached to any approved consent to ensure the boundaries of the site in particular, incorporate appropriate landscaping measures.

Public Health & Protection - raise no objections, subject to a condition controlling the hours of operation for the construction phase of the development.

## **POLICY CONTEXT**

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

The application site is within the settlement boundary and unallocated, although is sited immediately adjacent to and opposite the boundaries of the Maerdy Retail Centre.

**Policy CS1** - aims to create strong, sustainable communities within the Northern Strategy Area by means that include promoting re-use of under-used and previously developed land and buildings.

**Policy AW2** - seeks to support development proposals which are in sustainable locations.

**Policy AW5** - specifies criteria for new development.

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

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

**Policy NSA18** - defines the hierarchy of retail centres in the Northern Strategy Area with Maerdy being identified as a Local and Neighbourhood Centre.

## **Planning Policy Wales**

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 12: Design;

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 Development**

The application seeks consent for the provision of a new convenience store with associated post office facilities at a prominent site that is centrally located within the village of Maerdy.

The application site is situated within the defined settlement boundary and lies immediately adjacent to the designated retail centre of Maerdy (as defined by the Local Development Plan). Whilst noting the position of the application site in relation to the defined retail centre, both local and national planning policy aims to promote the beneficial use of underused and previously developed land within sustainable locations as such proposals can often assist regeneration and at the same time relieve pressure for development on greenfield sites. The application site is within a very prominent and accessible position within the village and following the loss of the former A3 use of the site (public house) it appears as a derelict and unsightly plot. The proposed use would be compatible with surrounding land uses and should the former A3 use of the site not have ceased, the site would have potentially been included within the designated retail centre.

The proposal would have significant regeneration benefits and the scale of the development (92 square metres of retail space of the existing 'Spar' being increased to 231 square metres of retail space within the new store) would complement and enhance the existing local and neighbourhood centre it adjoins; the scale of the retail development is below that requiring an assessment of its likely impact on the existing or nearby retail centres. In addition, given the lack of available development sites within the defined retail centre and the position of the application site directly adjacent to the retail centre, the scheme is also broadly compliant to a sequential approach to the siting of new retail development. The proposal would also create employment opportunities, information submitted indicating the scheme would provide employment for 22 employees (both on a full and part time basis).

Overall, the proposal is considered a sustainable and positive re-use of land whilst representing a compatible and complementary use to the existing function and role of the Maerdy retail centre. The planning application is therefore considered acceptable in principle.

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

In terms of visual appearance, it is considered the development can be accommodated on the site without significantly harming the existing character and appearance of the locality. Inevitably any new building on such a plot would result in a prominent and highly visible structure, although the proposal would arguably mark a significant improvement on the existing appearance of the site that currently offers limited opportunity for use and has no significant visual value. Careful consideration of the scheme, following extensive pre-application work, discussions with the Council's Urban Designer and the submission of amended plans have resulted in a scheme that is considered acceptable in visual terms.

The proposed building would incorporate a mixture of finishes from both traditional stone to more modern cladding and face brick that provides for a development that reflects both the historic fabric of the area whilst giving the building a more appealing modern feel to likely users of the site. The key front elevation of the building fronting Maerdy Road and the prominent side elevation of the building facing toward the proposed parking area would incorporate shop style frontages and large glazed areas. Such features would give the building positive and active features to its most visible elevations. The rear and southern side elevations of the building would have limited fenestration and a standard face brick finish although these elevations would not be readily visible from public view points. The bulk and mass of the building is not overly excessive, being single storey in nature to a height that is below the level of the two-storey properties that flank the site (the public house building that previously occupied the site was a two-storey building that consumed the majority of the plot). The proposed building would be slightly recessed behind the building line of the adjacent terraced properties and would not lead to overdevelopment or an over intensive use of the plot. Alongside the building and accessed via School Street, a car parking facility that would accommodate 16 spaces would be created. Low boundary planters along the front and side perimeters of the site would shield and provide a pleasing visual buffer to the boundaries of the car parking space.

It is acknowledged there is a significant change of level between the rear of the site and Wilson Place to west that necessitates the erection of a significant retaining wall toward the rear of the site. The largest section of the retaining wall would however be screened behind the new convenience store building. Although sections of the retaining wall would clearly be visible from the proposed car parking area, given the existing appearance of the site and remnants of old walls at the rear of the site that the new wall would effectively replace, this is not considered a reason to warrant objections against the redevelopment scheme in visual terms. A means of boundary fencing would also need to be erected above the retaining wall structure to ensure the security and safety of the site. Should Members be minded to grant planning permission, recommended conditions would ensure acceptable forms of boundary treatment and an appropriate landscaping scheme are introduced in the vicinity of the retaining wall structure.

In summary, it is therefore considered the proposed re-development of the site in the form and nature being proposed, would not have a detrimental impact on the character or appearance of the existing locality.

### **Impact on residential amenity and privacy of neighbouring residential properties**

It is not considered the re-use of this existing vacant plot (historically the Maerdy Hotel Public House) on the boundary of the retail centre in a mixed use locality, would unduly compromise the amenities of nearby residents. Representations received from one local resident, (the occupier of no. 56 Maerdy Road positioned opposite the application site) has raised concerns in relation to general disturbance, and nuisance that may result given the hours of operation of the proposed retail

store. Whilst acknowledging the concerns and following further discussion with the applicant in relation to this matter, the proposed hours of operation of the retail premise have been amended, and consent is now sought to open the new shop from 7.00 am to 11.00pm each day of the week. Whilst these still differ from the existing Spar premise that opens between 8.00 am and 11.00 pm each day of the week with the exception of Sundays when the shop closes at 10.30 pm, the applicants have highlighted:

*'7.00am - 11.00pm are considered reasonable hours of operation. The new store will provide an important local facility to residents and the store needs to provide additional and improved consumer choice for local residents including the morning when residents are travelling to work etc'*

Furthermore, when considering the fact that the site previously accommodated a public house, the proximity of the site to other commercial units including an existing public house and the current levels of amenity experienced within this mixed used area, it is not considered the hours of opening are unreasonable in this instance. Recommended conditions, should Members be minded to approve the scheme would limit the times of deliveries to the premise (to coincide with the hours of opening) and ensure an appropriate means of securing/preventing vehicle entrance to the car parking area when the unit is closed, and thereby safeguard levels of amenity when the building is not in use. The repositioning of an existing bus shelter to allow more appropriate pedestrian and vehicle access (occasional delivery vehicles) further south along Maerdy Road is also not considered to raise significant amenity concerns.

In terms of general overlooking, overbearing and overshadowing impact such a scheme is not considered to give rise to any adverse effects. The proposed building would be offset from the blank gable end of the adjoining terraced property by 2.5 metres with Maerdy Road offsetting the front of the site from the commercial and residential properties situated opposite the development site. Residential properties positioned toward the rear of the site are also elevated and appropriately offset from the application site.

Overall, in terms of amenity and when further considering the positive regeneration benefits of the scheme, it is not considered the development would have such an adverse impact on the residential amenity of nearby residential properties to warrant a recommendation to refuse the planning application.

### **Highway safety issues**

In terms of highway safety and whilst noting the concerns raised following the public consultation exercise that primarily relate to the creation of a new access onto Maerdy Road (raised by the owner of no: 53-54 Maerdy Road), the scheme is considered acceptable in this regard. Following consultation with the Council's Transportation Section, which has also been involved with pre-application discussions with the applicant, no objections to the proposal have been raised. It is highlighted the proposal requires the provision of two new vehicular access points.

Vehicular access for car parking and everyday users of the new premise would be via School Street and larger delivery vehicle access (less frequently) would be via Maerdy Road, where by retractable bollards would control the entrance of delivery vehicles over a small number of car parking spaces on a temporary basis. Large vehicles would then leave the site via School Street (with a swept path analysis being submitted to this effect). The proposed HGV and vehicle access would require the re-siting of the existing bus stop toward the front of the site and a lamp column to the north of the site and as such, conditions are suggested accordingly. Further conditions are also suggested to control the hours of delivery of large construction vehicles, the drainage of the site and ensure the introduction of traffic management and wheel washing facilities during the construction phase.

In addition, an appropriate level of off-street car parking is being provided within the boundaries of the site and the site is also readily accessible on foot, bicycle and by nearby public transport links. Such a convenience store and post office facility would aim to provide benefits to the local population and it is not considered the proposal would have such a harmful impact upon highway safety that would be so adverse to warrant refusal of the planning application.

### **Other Issues**

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

#### **Drainage**

The application site is not positioned within an area known to experience flood risk issues and the Council's Drainage section has raised no objections against the proposal, subject to the imposition of standard drainage conditions.

#### **Ecology**

The scheme would have no adverse impact in this regard and a methodology for the control of Japanese Knotweed on the site has been submitted which would be further monitored in liaison with the Council's Landscape Officer by means of planning condition.

### **CONCLUSION**

The determination of this application requires careful judgement of each of the issues that the case raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Representation has been received against the application from a local resident that primarily raises concern with the hours of operation of the new premise. The applicant has considered the concerns of the resident and amended the proposed hours of operation to a more reasonable time frame. Concerns relating to the creation of a new access onto Maerdy Road have also been noted although this access point

would be used by delivery vehicles only and the scheme is considered acceptable in highway safety terms. When further considering the significant merits of the scheme, which would bring about the positive re-use of a prominent yet vacant plot, whilst also complementing the local retail provision within the village of Maerdy, the scheme is considered acceptable.

Approval of the planning application is therefore recommended.

**RECOMMENDATION: Grant**

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

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

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies 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 by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

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

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

6. The building shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

7. The use hereby permitted shall not be open to customers between 23:00 hours and 07:00 hours on any one day.

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

8. Hours of deliveries and collections from the site shall be restricted to the hours of 07.00 hours and 23.00 hours on any given day of the week.

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.

9. Prior to the commencement of development, full details (including proposed external finishes) and design calculations of the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out in accordance with the approved details.

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

10. Notwithstanding the submitted plans, no development shall take place, until there has been submitted to and approved by the Local Planning Authority a scheme for boundary walls and fencing for the development. The approved scheme shall be implemented prior to the use hereby permitted being brought into beneficial use.

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



11. Notwithstanding the submitted plans, no development shall take place, until there has been submitted to and approved by the Local Planning Authority details of an appropriate means of securing the vehicle access to the site from School Street when the premise is not open. The approved scheme shall be implemented prior to the use hereby permitted being brought into beneficial use.

Reason: To prevent late night access and use of the car parking space when the premise is closed and thereby safeguard levels of neighbouring residential amenity currently enjoyed in the locality in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Notwithstanding the details shown on the submitted plans, development shall not commence until full design details, including details of the exact siting of the bus stop to be relocated at the front of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use.

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

13. The retail unit shall not be brought into beneficial use until space has been laid out within the site for 16 vehicles to be parked in accordance with the submitted plan 1676/03 received 03/06/2014 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

15. 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.

16. The street lamp column and directional signage affected by the proposed development shall be relocated in a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

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

17. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the 2no. vehicular access points including sections and tie in with the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

18. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica 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 beneficial use.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and the Environment Protection Act 1990.

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

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

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

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

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in

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

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<b>APPLICATION NO:</b>	<b>14/0633/10</b>	<b>(EL)</b>
<b>APPLICANT:</b>	<b>Mr I Bird</b>	
<b>DEVELOPMENT:</b>	Change of use of ground and lower floors to premises serving cold food and alcoholic and non alcoholic drinks (permanent permission to operate existing wine bar).	
<b>LOCATION:</b>	<b>OLD COUNCIL OFFICES, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2HA</b>	
<b>DATE REGISTERED:</b>	<b>30/05/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Llantwit Fardre</b>	

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**RECOMMENDATION: Approve subject to conditions**

**REASONS:**

The operation of the business over the period of the 12-month temporary consent has demonstrated that the proposed use, as a Class A3 wine bar, may be operated without resulting in an adverse impact upon the residential amenity of neighbouring occupiers or highway safety in the vicinity of the site.

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**APPLICATION DETAILS**

The current application seeks full planning permission to operate the ground and lower floors of the Old Council Offices, Llantrisant Road, Llantwit Fardre as a Class A3 wine bar on a permanent basis.

Following consideration of an earlier planning application (12/0789/10), which sought planning permission for the 'change of use of ground and lower floors to premises serving cold food and alcoholic and non alcoholic drinks', Members resolved to approve a 12 month temporary consent for the use. The intention being that this 12-month period of operation would allow the proposed use to be 'tested' in order to accurately establish whether it would adversely impact upon either the levels of amenity, which neighbouring occupiers currently enjoy or highway safety in the vicinity of the site.

The use was implemented on 19<sup>th</sup> July 2013; therefore the 12-month temporary consent is due to expire in July 2014. As such, the applicant is now applying to continue operation of the use on a permanent basis.

The layout of the building provides undercroft parking, a store room, rest room and w.c. at basement / lower ground floor level. At ground floor level is a lounge area, bar and w.c. An office is to be retained at first floor level. No further external alterations to the building are proposed.

It is proposed that the bar would operate between the following hours:

Monday – Thursday: 12.00- 23.00

Friday – Saturday: 12.00 – 00.00 (midnight)

Sunday: 12.00 – 22.00

## **SITE APPRAISAL**

The application property is an existing building located on a plot which extends to approximately 250m<sup>2</sup>. The site has a sloping side vehicular access that leads to a pedestrian pathway to the south west of the plot but is otherwise almost wholly occupied by the building. To its front elevation, the building addresses Llantrisant Road, which is the main road through the village of Llantwit Fardre. Pedestrian access (for customers) is gained via an entrance door to the front elevation, although the property does not benefit from a conventional shop/ bar frontage. The original building is constructed from facing brick and bounds highway. The extension has a render finish with both buildings featuring a concrete tiled roof. The surrounding area is characterised by predominantly residential properties, however a number of commercial premises are located in the immediate locality, these include two public houses, a takeaway and hair dressing salon. The site area is extended to include a parcel of land within the Newtown Industrial Estate. The supporting Design and Access Statement indicates that this area provides off-street parking for the premises (although this is shared with Edwards Coaches offices). The parking areas are linked to the application premises via the pedestrian footway of the main Llantrisant Road.

## **Planning History**

12/0789	The Old Council Offices, Main Road, Llantwit Fardre, Pontypridd	Change of use of ground and lower floors to premises serving hot and cold food and alcoholic and non alcoholic drinks (Temporary twelve months consent with opening times 8am and 11pm ). (amended boundary plan received 28/08/12).	Granted with conditions 12 month temporary consent 19/11/12
10/0935	The Old Council Offices, Main Road, Llantwit Fardre, Pontypridd	Temporary (twelve month) change of use of ground and lower floors to wine bar	Refused 01/11/10 Appeal:

			Dismissed 22/03/11
09/0601	The Old Council Stores, Main Road, Llantwit Fardre, Pontypridd	Re-submission of application for change of use of ground and lower floors to wine bar.	Refused 18/08/09
09/0300	Old Council Store & Yard, Main Road, Llantwit Fardre	Change of use of ground and lower ground floors to wine bar and retention of roof extension and basement fenestration (amended description 23/04/09).	Withdrawn 15/05/09
08/0226	Old Council Stores Yard, Main Road, Llantwit Fardre, Pontypridd	Refurbishment of existing building and office extensions (amended plans received 29/04/08)	Granted with conditions 04/06/08

## PUBLICITY

The application was advertised by direct neighbour notification, site notices and press notice. A total of 49 letters of representation have been received, which include 48 letters of support and 1 letter of objection. These are summarised as follows:

The main points made in favour of the proposal are:

- That on visiting the premises visitors have found the premises to have been well managed by the applicant Mr Bird.
- That the door management policy of the applicant leads to the property only being used by a selective clientele who are unlikely to be the source of disruption to local residents.
- That the wine bar has a relaxed and peaceful atmosphere that presents a welcome alternative to the other public houses in the locality.
- Visitors to the premises generally walk or use taxis or public transport. For those that do use cars, the parking area is used without there being any problem.
- The proposed development has created jobs and offers a small boost to the local economy.
- Edwards Coaches have confirmed that they are supportive of the development and are amenable to the clients of the proposed development using the car parking available at their premises on the Newtown Industrial Estate within their prescribed hours.

Points raised against the proposed development are:

- An objection is raised on the basis that residents have enough litter left on the roads and gardens from the existing food and beverage outlets, without there being another.

## CONSULTATION

Transportation Section – no objections raised, subject to condition.

Public Health & Protection – no objections raised.

Licensing Section – no objections raised. It is commented that the Licensing Section have received no complaints from members of the public in relation to the operation of the bar over the last 12 months.

Spatial Plans - no objections raised.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

**Policy AW2** - promotes development in sustainable locations.

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

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

**Policy AW10** - mitigates against proposals that would prove harmful to amenity through amongst other things, air pollution and noise pollution.

**Policy AW11** - requires that alternative proposals for existing employment sites need to be fully explored and that before the existing use is given up there should be a marketing exercise for 12 months to establish that the existing use is no longer viable.

**Policy SSA13** - sets out the criteria for development within and adjacent to settlement boundaries.

### National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 7 (Economic Development), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres.

PPW Technical Advice Note 11: Noise.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

The current application seeks full planning permission to operate the ground and lower floors of the Old Council Offices, Llantrisant Road, Llantwit Fardre as a Class A3 wine bar on a permanent basis.

As set out above, following consideration of an earlier planning application (12/0789/10), which sought planning permission for the 'change of use of ground and lower floors to premises serving cold food and alcoholic and non alcoholic drinks', Members resolved to approve a 12 month temporary consent for the use. The intention being that this 12-month period of operation would allow the proposed use to be 'tested' in order to accurately establish whether the proposed use would adversely impact upon either the levels of amenity, which neighbouring occupiers currently enjoy or highway safety in the vicinity of the site.

The use is due to expire in July 2014. As such, the applicant is now applying to continue operation of the use on a permanent basis. Therefore, the key considerations in the determination of this application are the impacts of the use upon the levels of amenity, which nearby residents enjoy and upon highway safety in the vicinity of the site.

### **Residential amenity**

When assessing applications for the introduction of new Class A3 (food and drink) uses, it is important to consider the potential impacts of such schemes upon the existing neighbouring properties. In this instance, whilst a number of commercial uses are located in the vicinity of the application site, many residential properties are also situated in close proximity. It is noted that the publicity of the earlier planning application (12/0789/10) generated a number of representations from local residents. Whilst a number of these expressed some support for the proposal, a number of residents, closest to site, raised objections to the proposal. Their objections were based on a number of grounds, but focussed largely on the potential disturbance, which may be caused by the operation of another bar on Llantrisant Road.

As noted above, the wine bar has now been operational for a period of almost 12 months, during which time it has traded on a daily basis, with their permission

permitting them to operate until 11pm. It is considered that the operation of the business over the last 12 months is a reflection of what could be expected, should a permanent permission be granted. The current application has also been advertised via direct neighbour notification, site and press notice. Whilst a number of objections were received from residents of Hill Drive (opposite) and the occupier of The Hollies (immediately to the south west of the site) in connection with the earlier application; in this instance only one letter of objection has been received in connection with the application for a permanent permission. This letter was received from a resident located approximately 100 metres south west of the application site and does not comment on any impacts resulting from noise or disturbance. Rather, the letter focuses on the potential for another Class A3 use to generate litter in the vicinity of the site.

It is also worthwhile noting that to date, a total of 48 letters of support have been received in connection with the proposal. Whilst many of these letters have been received from members of the public in the wider area, a number of have come from occupiers of properties on Llantrisant Road. In particular, the occupier of number 17 Hill Drive, which is located directly opposite the site, writes in support of the proposal, commenting that over the past 12 month period, they have not had cause to complain about any noise, disturbance or parking problems generated by the premises. Similarly, the neighbouring occupier to the south west (The Hollies) also writes in support of the proposal. In their letter they acknowledge that they raised an objection to the earlier 2012 application, but comment that they have no objections to the current application and commend the applicant's management of the premises.

On the basis of these representations, it appears that over the 12 month period of trade any potential adverse impacts, resulting from the operation of the business have been adequately managed, thereby limiting any direct impacts upon the residents of those properties closest to the site. It is considered however, that this is at least in part, due to the appropriate management of the bar and the applicant employing a series of good practice management measures at the site. These include the use of a door entry system and register, limiting the numbers of patrons, the installation of CCTV cameras and regular litter picking. With a view to ensuring that these good practice measures continue, the current application is accompanied by a Management Plan for the business, which formally sets out the above-mentioned measures. Should Members be minded to approve planning permission, it is recommended that an appropriately worded condition be attached to the permission, which would require the business and use to be operated in accordance with these measures.

It is acknowledged that the physical characteristics of the site have not altered since the 2012 application, in that a number of residential properties are still located in close proximity to the use. Furthermore, it is accepted that, despite good practice in management, it is not possible to control the behaviour of patrons once they have left the premises. However, it is considered that the level and type of representations received in connection with the application, presents a picture of the impacts that have resulted from the operation of the use over the last 12 months. In this regard, it is noted that the vast majority of representations are in support of the



proposal. Furthermore, the Council's Licensing Section have confirmed that they have received no complaints regarding the operation of the premises, since the premises licence was issued on 19<sup>th</sup> July 2013. As such, in this instance, it is considered that the applicant has demonstrated that it is possible to operate a Class A3 use from the site, without unduly compromising the levels of amenity, which nearby residents currently enjoy.

### Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. The major area of concern, raised in relation to the earlier planning application (12/0789) was the lack of an appropriate level of car parking provision within the curtilage of the site, and the potential impacts of this upon highway safety in the vicinity of the application site.

It is acknowledged that both the previous and current applications illustrate that off-street parking would be available on a parcel of land within Newtown Industrial Estate. However the Council's Transportation Section express some concern that these spaces are too remote from the application site to be convenient for use by patrons. In turn, some concern remains that the patrons of the bar may be inclined to park on-street, in the vicinity of the application property, where existing parking restrictions and high demand, mean that supply is limited. Furthermore, it is considered that this may increase the incidence of unsafe or obstructive parking, which can both affect pedestrian safety and the free-flow of vehicular traffic.

However, their response also acknowledges that, as stated above, the operation of the use over the past 12 months has allowed the impacts of the use upon highway safety to be tested. During this period it is commented that the Transportation Section have received no direct complaints regarding parking generated by the operation of the bar. Their response also makes reference to the fact that, as part of the management of the premises, the applicant maintains a door register, which records information about the patrons and the method of transport which they have used to attend the site. Whilst it is noted that this is not a formal requirement of the premises license, copies of the door register, which have been provided in connection with the planning application, indicate that the vast majority of customers attend the site, either on foot or by taxi. This view is also re-iterated in the letters of support received in connection with the application, which are predominantly from residents who live within walking distance of the premises.

Overall, on the basis that some off-street parking is available, albeit off-site, and in the absence of any reported objections or complaints on highway safety grounds from members of the public (in connection with the application) over the preceding 12 month period, having assessed the scheme, the Transportation Section's comments conclude by raising no objections to the application. A condition is recommended however, which requires the parking area, as illustrated on the attached plan, shall be made available in conjunction with the approved use.

### **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.

During the consideration of the 2012 planning application (12/0789) it was identified that the requirements of policy AW11 of the Local Development Plan would also need to be addressed. This policy aims to protect existing employment land and floorspace; as such, where an alternative use is proposed, evidence of appropriate marketing for a minimum of a twelve-month period is required. At the time of the submission of the 2012 application the authorised use for planning purposes was considered to be B1 light industrial/office use. Whilst this application was accompanied by an assessment of the policy (prepared by the agent) attempting to support the proposal, no marketing evidence was provided. Whilst this policy still remains relevant, it is considered that it carries less weight in the assessment of the current application, on the basis that Members have previously approved a 12 month temporary consent for a Class A3 use on the site. As such, in this instance, it is not considered that the absence of marketing evidence carries sufficient weight to warrant the refusal of the application on policy grounds.

### Conclusion

Having taken account of all of the issues outlined above, it is considered that the applicant has demonstrated over the course of the 12 month temporary consent that it is possible to operate a Class A3 bar from the site, without unduly compromising either highway safety or the residential amenity of nearby residents. Therefore, in the absence of any objections from statutory consultees, the proposal is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) & Design & Access Statement received by the Local Planning Authority on 06/06/2014.

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

3. The premises shall be used for the sale of cold food, alcoholic and non alcoholic drinks for consumption on the premises, and for no other purpose including any use within Use Class A3 of the Schedule to the Town & 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: To define the extent of the consent hereby granted.

4. The use of the premises hereby approved only be open to the public (including for private functions) for business between the hours of:

Monday - Thursday 12.00 – 23.00  
Friday – Saturday 12.00 – 00.00 (midnight)  
Sunday 12.00 – 22.00

Reason: To protect the amenities of the occupiers of adjacent and nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The use shall at all times be operated strictly in accordance with the requirements set out in the Management Plan submitted in connection with the planning application dated 24/06/14.

Reason: To protect the amenities of the occupiers of adjacent and nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. There shall be no outside storage whatsoever at the premises.

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

7. The off-street parking areas, as shown on drawing Plan 1 in the submitted Design & Access Statement, shall be made available for use in conjunction with the approved development for the duration of its operation and shall be retained for the purposes of parking only, unless otherwise agreed in writing with the Local Planning Authority.

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

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<b>APPLICATION NO:</b>	<b>14/0754/10</b>	<b>(KL)</b>
<b>APPLICANT:</b>	<b>Mr C John</b>	
<b>DEVELOPMENT:</b>	Part conversion of integral garage to form utility room	
<b>LOCATION:</b>	<b>11 SOVEREIGN GARDENS, MISKIN, PONTYCLUN, CF72 8SZ</b>	
<b>DATE REGISTERED:</b>	<b>05/06/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Pontyclun</b>	

**RECOMMENDATION: Approve**

**REASONS:**

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

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**APPLICATION DETAILS**

Full planning permission is sought for a part garage conversion at 11 Sovereign Gardens, Miskin. Permitted development rights to convert the garage have been removed.

There would be no changes to the external appearance of the property with the existing garage door being retained. The internal space of the garage would be reduced in size to incorporate a new utility room which would be accessed off the existing hallway. The part conversion of the garage would result in one existing parking space being lost at the site, however an additional space is proposed to the front of the property adjacent to the existing driveway.

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

**SITE APPRAISAL**

The application site is a two-storey, detached property located within a residential area of Miskin. External materials are of red facing brick, concrete roof tiles and white uPVC windows and doors. Neighbouring properties are of a varied design and scale with various different house types evident within vicinity. The application property is set back off a private driveway by a small landscaped area and driveway accommodating two parking spaces to the front. There is an existing integral garage located within the front elevation, providing an additional parking space.

**PLANNING HISTORY**

No previous planning applications have been submitted at the application site within the last 10 years.

**PUBLICITY**

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

**CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Pontyclun and is not allocated for any specific purpose.

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

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

### **National Guidance**

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

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

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

There would be no external alterations to the property and the proposal is therefore not considered to have any impact on the character and appearance of the existing property or wider area. Whilst the removal of the existing landscaped area to provide an additional parking space is not considered to be ideal, it is not considered to have such a significant impact as to warrant the refusal of the application.

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

As mentioned previously, there would be no external alterations to the dwelling and the proposal is therefore not considered to have any detrimental impact on the residential amenity or privacy standards currently enjoyed by occupiers of surrounding properties. The additional driveway would be sited to the front of the existing property and it is not considered to have any impact on the nearest neighbouring property to the south (no. 10).

### **Conclusion**

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

### **RECOMMENDATION: Grant**

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

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

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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**

**17 JULY 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**