

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE**

18 SEPTEMBER 2014

**JOINT REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES
AND THE SERVICE DIRECTOR,
PLANNING**

Agenda Item No.5(a)

**SITE MEETING
APPLICATION NO. 14/0477 –
CONVERSION OF A SHOP AND FLAT
INTO TWO SELF CONTAINED FLATS
WITH A TWO STOREY EXTENSION AND
CAR PARKING AT THE REAR
(AMENDED PLANS RECEIVED
28/05/2014 AND 22/07/2014) – 72
DUNRAVEN STREET, TONYPANDY**

**Author: Mrs.Z.Maisey, Principal Officer – Committee Services
Mrs.S.Feist, Team Leader, Development Control**

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

3.1 In accordance with Minute No.55(2) (Development Control Committee, 21 August 2014) a site inspection was undertaken on Monday, 1 September 2014 to consider the impact of the proposal on the neighbouring properties.

3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B.McDonald and W. D.Weeks respectively) and Committee Members - County Borough Councillors (Mrs) L.De Vet, C.J.Middle, (Mrs) M.Tegg, (Mrs) J.S.Ward, P.Wasley and E.Webster.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors M.Griffiths, P.Jarman, R.Lewis, S.Rees and G.Stacey.
- 3.4 Members first viewed the application site from the front of No.72 Dunraven Street, Tonyrefail located on the main commercial street through Tonypandy and were informed by the Development Control Officer that full planning permission was being sought for the change of use of the vacant retail premises incorporating first floor living accommodation into two separate residential flats. It was noted that the application site was situated at the very edge of the Tonypandy Retail Centre and owing to the building being vacant in excess of 5 years and being in a poor state of repair, bringing it back into use would have a positive impact on the overall appearance of the locality.
- 3.5 Members then viewed the application site from the rear of the property and were informed that as part of the proposal, the existing single storey extension would be demolished and replaced by a part single and part two-storey extension. An off-street parking area to accommodate two vehicles would also be created to the rear of the site off the existing access lane.
- 3.6 Objections to the proposed development had been received from the occupiers of No.9 Bridge Street and the Manager of the Taliesin Residential Home for the Elderly. Further correspondence had also been received from Dr.Gwyndaf Williams on behalf of the occupier of No.9 Bridge Street. Members were advised of the nature of the objections and these are summarised in Appendix 1.
- 3.7 The Development Control Officer pointed out that the design of the extension, having regard to the likely impact on the neighbouring residential properties, had been amended by the applicant following the submission of an earlier scheme to erect a full width two-storey extension at the site which was withdrawn. No side windows were proposed within the rear extension.
- 3.8 Members noted that the properties along Bridge Street were already within sight and sound of the operations undertaken within the commercial premises situated along Dunraven Street and were somewhat overshadowed and overlooked by the rear of these commercial properties.
- 3.9 The Development Control Officer also pointed out that the proposed two off-street parking spaces at the rear of the application site would be accessed

via an existing narrow lane and it was not considered such access would give rise to any adverse amenity issues.

- 3.10 The Transportation Officer confirmed no objections to the proposal subject to the imposition of conditions ensuring the provision of the two off-street parking spaces to the rear together with the appropriate drainage of the site.
- 3.11 Members noted that suggested Condition No.4 stated that none of the residential units should be occupied until the drainage works had been completed and enquired whether a further condition could be imposed to ensure that the units were not occupied until the car parking spaces were provided. In response, the Development Control Officer stated that such a condition could be imposed.

4. UPDATED REPORT

- 4.1 Following on from the site inspection, Members are requested to consider imposing the following additional condition to those listed in Appendix 1 to the report, if minded to approve the application:

- 6. The development hereby permitted shall not be beneficially occupied until an area for the parking of 2 vehicles has been laid out in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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.

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APPENDIX 1

APPLICATION NO: 14/0477/10 (LE)
APPLICANT: Mr G Skinner
DEVELOPMENT: Conversion of a shop and flat into two self contained flats with a two storey extension and car parking at the rear (Amended plans received 28/05/2014 and 22/07/14)
LOCATION: 72 DUNRAVEN STREET, TONYPANDY, CF40 1AJ
DATE REGISTERED: 30/04/2014
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Approve

REASONS:

The proposed residential use, in the form of two separate flat units is considered to represent an appropriate and compatible use of the existing, vacant building. The proposed rear extension is not considered harmful to the existing levels of amenity enjoyed by neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a vacant commercial premise with first floor living accommodation into two separate residential flat units at 72 Dunraven Street, Tonypandy. As part of the proposal the existing single storey extension to the rear of the building would be demolished and replaced by a two-storey extension. An off street parking area to accommodate two vehicles would also be created to the very rear of the site.

Proposed changes to the front elevation of the building involve the re-organisation of the existing commercial frontage of the building to a more typical residential appearance, with the window openings being re-designed to better match the existing first floor windows of the property.

The proposed two-storey, rear extension would have a reduced width at first floor level with its ground floor dimensions measuring 7.45 metres in width with a projection of 4.8 metres. At first floor level the extension would have a width of 4.2 metres with a projection of 4.8 metres. The two-storey aspect of the extension would have a pitched roof design with a maximum height of 7.0 metres falling to 6.0 metres at eaves level. The larger aspect of the ground floor addition would have a monopitched roof design, rising from 3.5 metres in height at eaves level to a maximum height of 4.9 metres from ground level. A small roof light would be created within the roof pitch of the two-storey extension although no

windows would be positioned within the side elevations of the extension. The proposed, rear kitchen windows would utilise obscure glazing in part, with a small projecting design. The extension would have a rendered finish with roof tiles to match the existing building.

Proposed internal alterations to the existing, disused building following the erection of the new extension, involve the conversion of the former ground floor shop area (former music shop) into a two bedroom flat unit and the reorganisation of the existing accommodation at first floor level to form a single bedroom flat unit. Pedestrian access to both flat units would be from the front of the building, off Dunraven Street. The first floor unit would be accessed via replacement external steps positioned to the north-western side of the building. The replacement of the existing concrete set of steps to the side of the building with a more open, set of steel steps would allow a new window to be positioned within the side of the main building (facing toward the blank elevation of the neighbouring commercial property). This access would be securely defined by a new access door positioned alongside the main front elevation of the building.

The planning application is accompanied by a Design and Access Statement that highlights the premise has not been used as a shop for a number of years following fire damage.

SITE APPRAISAL

The application site comprises a two-storey property set on the main commercial street through the built up area of Tonypanyd. The property is street fronted and benefits from a 'shop style' frontage with associated roller shutters at ground floor level. At first floor level the building has a simple cement rendered finish.

To the rear of the building is a small single storey extension beyond which is a relatively large, linear external amenity area. The amenity area gradually falls away from the level of the building. The application building as viewed from Dunraven Street, is adjoined by a hot foot takeaway 'Munchies' and 'Dunraven Court' a small residential block comprising six flat units. Dunraven Court extends beyond the rear, eastern side of the application building in the form of a large two-storey annexe. A narrow link then provides access to a further building that accommodates residential units with windows facing back toward the application site. The rear of the site, to the northwest, is abutted by the rear gardens of residential properties sited along Bridge Street, which runs perpendicular to Dunraven Street. The rear boundary of number 9 Bridge Street that is defined by a small outbuilding is situated alongside the rear of the application site where the proposed rear extension would be erected. Taliesin Residential Home for the Elderly is positioned beyond the rear access lane that runs toward the very rear, north-east of the site.

PLANNING HISTORY (most recent)

13/0395	72 Dunraven Street, Tonypany	Two storey full width extension to shop and flat	Withdrawn 17/06/13
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. Objections have been raised against the planning application by the occupiers of no. 9 Bridge Street and the manager of Taliesin Residential Home for the Elderly. A further letter of correspondence has been written on behalf of the occupier of no. 9 Bridge Street by Dr. Gwyndaf Williams of Tonypany Health Centre.

The objections and comments raised are summarised below:

- If the development was to go ahead it would take away all the light being received in the objector's garden and block the house in (no. 9 Bridge Street).
- There is already noise nuisance, disturbance, and unpleasant smell experienced in the area as a result of the hot food take away operations (undertaken at 'Munchies'), and this proposal would further destroy the objector's health.
- The objector (no. 9 Bridge Street) suffers from agoraphobia, a medical condition which results in anxiety in situations where escape might be difficult. The garden area is currently used by the objector, but if the proposal goes ahead the objector would be house bound.
- Taliesin Residential Home for the Elderly is occupied by vulnerable adults in the age range of 75 to 95 years and the disruption caused by the construction work would have an adverse impact on the residents both during and after work is complete. Construction noise would be unacceptable for residents.
- The extension would result in a loss of privacy to the care home, overlooking windows and associated living areas served by windows in the side elevation of the care home building.
- Further use of the side access lane for parking purposes would raise highway safety concerns. The associated use of the rear car parking space would also give rise to unacceptable noise issues for residents particularly at night.

The representation received from Dr. Gwyndaf Williams, of Tonypany Health Centre, states:

'This letter is to confirm that Mrs Hinkin (of 9 Bridge Street, Tonypany) suffers from agoraphobia. Her husband tells me that she can manage going into the garden. They feel that the buildings proposed to be built next to their property would prevent her from going into the garden therefore being detrimental to her wellbeing'.

CONSULTATION

Public Health and Protection - no objection raised, subject to the imposition of a condition restricting the hours of operation during the construction phase of the development.

Transportation Section - no objection raised, subject to the imposition of conditions ensuring the provision of two-off street car parking spaces to the rear of the site (as indicated on the submitted plans) and to ensure the appropriate drainage of the site.

Countryside Landscape, Ecology - no objection raised.

Dwr Cymru/Welsh Water - no objection raised, conditions advised to control the drainage arrangements for the development.

Land Reclamation and Engineering - no objection raised, conditions advised to control the drainage arrangements for the development.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and is within a defined retail centre.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

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

Policy AW5 - specifies criteria for new development.

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

Policy NSA18 - defines the retail hierarchy of the Northern Strategy Area with Tonypany being identified as a key settlement.

Policy NSA19 - supports retail and other uses that are appropriate in the town 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 8 (Transport), Chapter 9 (Housing) and Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the development

The application seeks full planning permission for the conversion of a vacant, former retail premise (with associated living accommodation) to solely residential use in the form of two separate flat units. The application site is situated within the settlement boundary within a central area of Tonypany. It is acknowledged the site lies within the boundaries of the defined Tonypany Retail Centre, although it has been detailed the building has been vacant in excess of 5 years following a fire at the property, with the building entering a poor state of repair. As such, and due to the location of the building on the very edge of the defined retail centre, coupled with the positive benefits of bringing such a building back into use, there is no in-principle objection raised against the scheme.

Impact on the character and appearance of the area

In visual terms, the submitted plans indicate the replacement of the existing commercial frontage with a more traditional residential frontage (at ground floor level) would be sympathetically undertaken with materials to match the existing first floor elevation (cement render). The proposed fenestration arrangement, facing front, would also have a well balanced and symmetrical layout. This area of Dunraven Street also has a degree of variety in the design and appearance of the building frontages with a number of residential properties situated further to the south-east.

In terms of the proposed rear extension, the design and overall appearance of the extension is considered acceptable and subservient to the main building it would relate. The extension would replace a single storey addition at the property, incorporate a reduced width at first floor level to reduce its mass and bulk, and have a relatively low roof pitch, set below the ridge height of the main building. The extension appropriately relates to the character and scale of the existing property and would utilise finishing materials that are in-keeping with the existing rear street scene, a rear street-scene that given the predominantly commercial nature of the locality, hosts a number of rear additions with a variety of designs. The introduction of replacement access steps to the side of the building would have limited impact on the overall appearance of the building, with such a structure being relatively well screened given the proposed siting in between the application property and the neighbouring building. Generally, the re-use of the vacant building in the nature being proposed would also have a positive impact on the character and appearance of the locality in terms of both improved visual appearance and positive reuse of a vacant building.

In summary, the proposed works would have no adverse impact on the existing character and appearance of the surrounding locality.

Impact on residential amenity and privacy

As earlier detailed a number of concerns have been raised against the planning application in terms of the likely impact of the proposed works, primarily the erection of the rear two-storey extension on the existing levels of amenity and privacy currently enjoyed by the residents of no.9 Bridge Street and the nearby care home facility. The proposed conversion and use of the existing vacant building for residential purposes is considered a compatible and appropriate use for the building with no objections being raised against the scheme in this respect.

In terms of the proposed rear extension, to the south-east the extension would be erected alongside an existing rear annexe (no. 73). Although this annexe has a

small, high level window positioned within its side elevation, likely to be non-habitable, the proposed extension would be marginally offset from this building and would have limited impact upon the residential units it accommodates. Whilst there are a number of windows positioned within a two-storey building positioned toward the rear of this neighbouring plot, serving further flat units, they would not experience any undue overlooking as a result of the development. The applicant has also amended the design of the kitchen windows positioned within the rear of the proposed extension, to incorporate a degree of obscurity with an angled design, and thereby limit any potential overlooking between the buildings.

Careful regard in this instance has been given to the representations received against the scheme from the occupiers of no. 9 Bridge Street that is the property most likely to be affected by the scheme. This residential property is situated to the north-west of the rear of the application site, and set perpendicular to the proposed siting of the new extension. The representation received raises strong objections against the scheme and a doctor's letter has been provided highlighting the objector does suffer with health issues. Whilst the particular concerns that have been highlighted by this resident are fully acknowledged, given the existing site context and acceptable design of the proposed rear extension on balance, the scheme is considered acceptable in terms of its impact on the amenities of neighbouring occupiers.

A key concern of the neighbouring resident is the impact of the scheme on levels of light being received within their garden area. Whilst the single storey aspect of the proposed rear extension would be sited within close proximity of the rear boundary wall and garden shed of the objector's property (approximately 1.5 metres at its nearest point) the larger two-storey aspect of the extension would be set away from the objector's garden area given the design of the extension. Such a reduced width design at first floor level reduces the impact of the extension on the neighbouring residential property. The extension also has a relatively low ridge height that would be set below the ridge height of the large two-storey annexe that already exists to the rear of no. 73 Dunraven Street. As such, the proposal is unlikely to have a significant overbearing impact or harmful effect on levels of light currently being received within neighbouring garden areas.

The design of the extension, with due regard to the likely impact on the neighbouring residential properties, has been amended by the applicant following the submission of an earlier scheme to erect a full width two-storey extension at the site (that was eventually withdrawn) and no side windows are proposed within the rear extension. A sky roof light is proposed within the extension although is unlikely to cause harmful overlooking of any neighbouring property. The rear windows serving the kitchen areas within the proposed flat units would project slightly although such a design feature, utilised to safeguard privacy within the existing windows serving the residential accommodation at no. 73,

would not harmfully impact on the neighbouring garden spaces along Bridge Street. Suggested conditions, should Members be minded to approve the scheme, would also ensure a light coloured rendered finish is used as the finishing colour for the extension and no windows are inserted within the side elevations of the extension.

It is further acknowledged that properties along Bridge Street are already within sight and sound of the operations undertaken within the commercial premises along Dunraven Street and are somewhat overshadowed/overlooked by the rear of these commercial properties. Nevertheless, and whilst careful consideration must be given to the objectors comments, the proposed two-storey extension is not likely to have a harmful impact on existing levels of residential amenity currently enjoyed in the area.

Concerns raised on behalf of the residents of Taliesin Care Home are also acknowledged although the siting of the extension, over 21 metres from this building, is not likely to give rise to any adverse overlooking or overshadowing impact. The use of two-off street car parking areas at the rear of the site, accessed via an existing narrow lane would also not give rise to any adverse amenity issues. The replacement of the side access steps and insertion of a side window directly facing the blank side elevation of the hot food takeaway building is also considered acceptable in amenity terms. Inevitably, like most development projects a degree of disturbance to local residents is likely during the construction phase of the development, although this is normally only of a temporary nature. It is acknowledged however that controlling the hours of operation during the construction phase of the development would help safeguard levels of residential amenity enjoyed within the area during the construction phase.

Access and highway safety

With reference to highway safety issues and noting the representations received, the Transportation Section has raised no objections against the proposal. It is commented that two off-street car parking spaces would be created for the residential units at the rear of the site which is considered satisfactory, particularly given the application site is situated within a sustainable location.

In terms of highway safety, such a proposal is therefore considered acceptable.

Other Issues

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

Public Health

It is acknowledged that following consultation with the Council's Public Health and Protection Division no adverse comments have been raised against the scheme. A condition is suggested to control the hours of operation during the construction phase of the development.

Drainage

Following consultation with the relevant drainage bodies, no adverse conditions are raised against the scheme. It is noted a drainage pipe has been exposed at the rear of the site, although subject to recommended conditions ensuring the appropriate drainage of the site, the scheme is considered acceptable in this regard. The application site is not positioned in a flood risk area.

CONCLUSION

The application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan, representing an appropriate change of use of a vacant and disused building to a compatible form of residential use. Whilst the scheme has raised significant objection from neighbouring residents, particularly the occupiers of no. 9 Bridge Street, on balance, it is considered the scheme is unlikely to give rise to such harmful or significant impact on the amenities of neighbouring residential occupiers to warrant a recommendation to refuse the scheme.

Approval of the planning application is 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 samples/brochure details of the external finishes proposed to be used for the development (including full details of the external render colour for the extension) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the 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. 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

4. None of the residential units shall be occupied until drainage works have been completed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority.

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

5. Notwithstanding the submitted details, no additional windows shall be inserted within the side elevations of the extension hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of the neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

18 SEPTEMBER 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

APPLICATION NO. 14/0477 – CONVERSION OF A SHOP AND FLAT INTO TWO SELF CONTAINED FLATS WITH A TWO STOREY EXTENSION AND CAR PARKING AT THE REAR (AMENDED PLANS RECEIVED 28/05/2014 AND 22/07/2014) – 72 DUNRAVEN STREET, TONYPANDY

Minute No. 55(2) (Development Control Committee,
21 August 2014)

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