



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Kate Spence - Democratic Services (07747485566)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 4TH AUGUST, 2022** at **3.00 PM**.

It is the intention to live stream this meeting, details of which can be accessed [here](#).

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 2 AUGUST 2022, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

**AGENDA**

**1. DECLARATION OF INTEREST**

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

## **2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

To note, that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

## **3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **4. MINUTES 07.07.22**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 07.07.22

**5 - 10**

## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **5. APPLICATION NO: 21/1385**

Elevated timber decking. **36 BRONIESTYN TERRACE, TRECYNON, ABERDARE, CF44 8EG**

**11 - 18**

### **6. APPLICATION NO: 21/1602**

Demolition of existing buildings relating to the former school and erection of 5 detached dwellings together with associated works including engineering, drainage and landscaping. (Additional Plans received 04/03/22) **FORMER PORTH JUNIOR SCHOOL, PRIMROSE TERRACE, PORTH, CF39 9TH**

**19 - 32**

### **7. APPLICATION NO: 21/1661**

Addition of hard stand to front of bungalow. **17 GLENBROOK, MOUNTAIN ASH, CF45 3DH**

**33 - 40**

8. **APPLICATION NO: 22/0171**  
Variation of condition 2 (approved plans) of planning permission 20/1198/10 (re-submission). **PLOT 1, LAND AT 53 CENARTH DRIVE, CWMBACH, ABERDARE CF44 0NH** **41 - 50**
9. **APPLICATION NO: 22/0308**  
Variation of conditions 2 and 3 to extend the time to submit reserved matters  
(ref 13/0070/13) **LAND ADJACENT TO THE WEST OF ARDWYN TERRACE, TONYPANDY** **51 - 60**
10. **APPLICATION NO: 22/0347**  
Proposed change of use from a retail store (A1) to a fast-food pizza outlet (A3) including minor external alterations to doors and windows (amended description, plan and details received 10/06/2022). **56A JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6DD.** **61 - 72**
11. **APPLICATION NO: 22/0468**  
Proposed change of use of the of former Llwyn yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class). **LLWYN YR EOS CLINIC, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN** **73 - 86**
12. **APPLICATION NO: 22/0549**  
Removal of existing smoking shelter and extension of existing external drinking area. **LION HOTEL, BUTE STREET, TREORCHY, CF42 6AH** **87 - 92**
13. **APPLICATION NO: 22/0614**  
Change of use of A1 Retail Shop to A3 Fish and Chip Shop. **11 CLYDACH ROAD, CLYDACH, TONYPANDY, CF40 2BD** **93 - 102**

## **INFORMATION REPORT**

14. **INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

To inform Members of the following, for the period 11/07/2022 – 22/07/2022

Planning and Enforcement Appeals Decisions Received  
Delegated Decisions Approvals and Refusals with reasons.  
Overview of Enforcement Cases.  
Enforcement Delegated Decisions.

## **15. URGENT BUSINESS**

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

### **Service Director of Democratic Services & Communication**

#### **Circulation: -**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor W Lewis respectively)

County Borough Councillors: Councillor J Bonetto, Councillor D Grehan,  
Councillor G Hughes, Councillor C Middle, Councillor W Owen, Councillor J Smith,  
Councillor L A Tomkinson, Councillor D Williams and Councillor R Williams

Head of Planning  
Head of Legal Services  
Head of Major Development and Investment  
Senior Engineer



**RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT COMMITTEE**  
Minutes of the hybrid meeting of the Planning and Development Committee held on Thursday, 7  
July 2022 at 3.00 pm

**County Borough Councillors - Planning and Development Committee Members in attendance: -**

**Council Chamber**

Councillor S Rees (Chair)  
Councillor W Lewis    Councillor J Bonetto  
Councillor C Middle    Councillor G Hughes  
Councillor J Smith    Councillor L A Tomkinson  
Councillor D Williams    Councillor R Williams

**Zoom**

Councillor D Grehan    Councillor W Owen

**Officers in attendance: -**

**Council Chamber**

Mr J Bailey, Head of Planning  
Mr S Humphreys, Head of Legal Services  
Mr C Jones, Head of Major Development and Investment  
Mr A Rees, Senior Engineer

**Zoom**

Mr C Hanagan, Service Director of Democratic Services & Communication

**County Borough Councillors in attendance: -**

**Zoom**

Councillor C Lises    Councillor J Brencher  
Councillor R Bevan    Councillor J Edwards

**1        DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, the following declarations of interest were made:

Application No. 21/1478.

Councillor Loretta Ann Tomkinson, Personal, "I am a Pontypridd Town Councillor"

Application No. 22/0162

Councillor Danny Grehan, Personal, "I work for Heledd Fychan MS who is making the application"

Application No. 22/0349.

Councillor Danny Grehan, Personal and Prejudicial, "I am a secretary to the

group making the application”.

Application No. 22/0425.

Councillor Jill Bonetto, Personal and Prejudicial, “I am a sitting governor on Hawthorn High and a temporary governor on the 3-16 development”.

Application No. 22/0425.

Councillor Loretta Ann Tomkinson, Personal, “I am a temporary governor for Heol-Y-Celyn Primary School”.

## **2 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

## **3 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **4 MINUTES**

It was **RESOLVED** to approve as an accurate record, the minutes of the meetings of the Planning and Development Committee held on the 10th, 17th, and 24th March 2022, subject to the inclusion of County Borough Councillor W Lewis’ apologies for the meeting held on 24th March 2022.

## **5 CHANGE TO THE AGENDA**

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

## **6 APPLICATION NO. 21/1690**

**Proposed construction of new dwelling with attached garage (Resubmission of 21/1208/10) (Amended red line boundary received 10/03/2022), Land adjacent to Cartref Melys, Heol Llechau, Wattstown, Porth.**

Following consideration by Committee, it was **RESOLVED** to defer the application for a Site Inspection to be undertaken by the Planning and

Development Committee to visualise the lay of the land of the proposed development.

**7 APPLICATION NO. 22/0425**

**Provision of a new 3-16 'all through' school, demolition of some buildings and replacement, refurbishment of others, new staff car park, coach car park and pupil drop off, associated works, Hawthorn High School, School Lane, Rhydyfelin, Pontypridd.**

In accordance with adopted procedures, the Committee received Carl Thomas (Supporter) who was afforded five minutes to address Members on the above-mentioned proposal.

Local Member County Borough Councillor C Lises spoke on the application and put forward her concerns and objections in respect of the proposed development.

The Head of Major Development and Investment presented the application to Committee and recommended that the application be approved subject to an additional condition in respect of the boundary treatment. Following consideration and debate, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to the conditions set out within the report and to an additional condition as detailed below:

“Notwithstanding the details shown on the plans hereby approved, further details of the boundary treatments to be applied to the common boundary between the school and all properties at Hawthorn Villas shall be submitted to and agreed in writing by the Local Planning Authority prior to the creation of the pick up/drop off parking area. The agreed details shall be fully implemented prior to the pick up/drop off parking area being brought into beneficial use”.

Reason: In the interests of maintaining residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**(Note:** Having earlier declared a prejudicial interest in the above-mentioned application (Minute No.1), County Borough Councillor J Bonetto left the meeting for this item).

**8 APPLICATION NO. 21/1478**

**Change of use from office to 26no. student flats including part demolition of the existing building (Amended description and amended plan rec. 20/01/2022), The Old Courthouse, Court House Street, Graig, Pontypridd.**

In accordance with adopted procedures, Local Member County Borough Councillor J Brencher spoke on the above-mentioned proposal and application 21/1479 detailed at Minute 9 below, and put forward a number of concerns in respect of the proposed development.

The Head of Planning presented the application together with the related application 21/1479 detailed at Minute 9 below, to Committee and following lengthy consideration, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and

Development.

**9 APPLICATION NO. 21/1479**

**Conservation area request - change of use from office to 26no. student flats including part demolition of the existing building (amended description and amended plan rec. 20/01/22), The Old Courthouse, Court House Street, Graig, Pontypridd.**

The Head of Planning presented the application to Committee and following lengthy consideration, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**10 APPLICATION NO. 22/0030**

**Erection of a fence and gates 1.8 metres high weld mesh along the western boundary, to secure the site and prevent illegal fly tipping (Amended plans received 9th February 2022), Land to the east of Glynmynach Street, Ynysybwl, Pontypridd.**

The Head of Planning presented the application to Committee, clarifying the height of the proposed development as 2 metres, not 1.8 metres. Following consideration by Committee, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**(Note: County Borough Councillor G Hughes abstained from voting on this item as not present for the full debate).**

**11 APPLICATION NO. 22/0162**

**Change the ground floor use of the building from retail (Use Class A1) to a constituency office (Use Class A2), 2 High Street, Pontypridd.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**12 APPLICATION NO. 22/0349**

**Propose to site an outdoor gym with 10 pieces of equipment, site within Tynybryn Park, Tynybryn Road, Tonyrefail.**

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**(Note: Having earlier declared a prejudicial interest in the above-mentioned**



application (Minute No.1), County Borough Councillor D Grehan left the meeting for this item).

**13 APPLICATION NO. 22/0493**

**Installation of 90m high anemometer mast for a temporary period of up to 3 years - a single structure with supporting steel guy wire ropes connected to ground anchors at 25m and 50m from mast, Land at Mynydd Y Glyn, Trebanog, Porth.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**14 APPLICATION NO. 21/1237/10**

**Change of use from hotel, takeaway and bar/restaurant to C2 residential care home, with associated landscaping and access. (Air Quality Report received 10th January 2022) at Diamond Jubilee Hotel, East Road, Tylorstown, CF43 3HE.**

Local Member County Borough Councillors R Bevan and J Edwards spoke on the application in turn, and each put forward their objection in respect of the proposed development.

The Head of Major Development and Investment presented the application, which was originally reported to Committee on 17th March 2022, where Members were minded to refuse the application contrary to the officer recommendation of the Director, Prosperity and Development (Minute 232 refers).

Members gave consideration to the further report, highlighting the potential strengths and weaknesses of refusing contrary to officer recommendation and following discussions, it was **RESOLVED** to refuse the application contrary to the recommendation of the Director, Prosperity and Development for the following reasons:

The proposed development is unable to demonstrate provision of adequate off-street parking facilities for residents, staff and visitors commensurate with the scale and intensity of its use. Consequently, the creation of demand for on-street parking in the vicinity of the site would be harmful to highway safety, the free flow of traffic and the amenity of neighbouring occupiers.

Furthermore, the proposed accommodation would either be in close proximity to a busy highway or suffer from poor outlook, which together with limited facilities and external space, would create a poor quality living environment to the detriment of future residents of the proposed care home.

The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's

SPG for both Access, Circulation and Parking Requirements, and Design and Placemaking.

**15 APPLICATION NO. 18/1346/10**

**Proposed 120 unit residential development with associated landscaping and engineering works at the Former Blengwawr Comprehensive School, Club Street, Aberaman, Aberdare.**

Members were asked to consider the report to agree a deed of variation to the Section 106 agreement for the development, following the application's grant of permission at appeal on 8<sup>th</sup> January 2020.

The Head of Major Development and Investment presented the application to Committee and following consideration, Members agreed that the Section 106 agreement for the Former Blengwawr Comprehensive School be amended to remove the requirement for the provision of a locally equipped area for play for children up to 3 years, and its replacement with a requirement for a financial contribution of £10,000 towards play-areas in the area with the remaining terms of the Section 106 Agreement unamended.

**16 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 4/03/2022 – 24/06/2022.

**This meeting closed at 4.33 pm**

**CLLR S REES  
CHAIR.**

## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1385/10 (GRD)  
**APPLICANT:** Mr C Harries  
**DEVELOPMENT:** Elevated timber decking.  
**LOCATION:** 36 BRONIESTYN TERRACE, TRECYNON,  
ABERDARE, CF44 8EG  
**DATE REGISTERED:** 17/01/2022  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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#### RECOMMENDATION: GRANT, SUBJECT TO CONDITION

#### 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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#### REASON APPLICATION REPORTED TO COMMITTEE

- Letters of objection from three or more individuals have been received.

#### APPLICATION DETAILS

The application seeks consent for the retention and completion of raised decking and associated works to the rear of 36 Broniestyn Terrace, Trecynon. A decking structure is currently in situ at the site, however the submitted plans demonstrate an enhanced scheme compared to what has already been partly built.

The finished decking would protrude approx. 3.7m from the rear wall of the property and would measure approx. 4.4m in width. The decking itself would measure approx. 1.9m in height above prevailing ground levels. The decking would be accessed from the ground floor rear facing patio doors of 36 Broniestyn Terrace and by newly formed steps which lead from the rear garden of the property.

The works would also involve the installation of a glass balustrade to the front of the decking, with 1.8m high timber screens with obscure glass panels provided to each

side of the decking, measuring a maximum height of 3.7m from ground levels to the top of the screens.

The decking would be built atop a concrete blockwork wall, which would be rendered finish to match the existing finish of the host property. The decking would be of timber construction with timber screens and a glass balustrade.

Amended plans were received by the Local Planning Authority on 11/03/2021 which provided full plans of the proposal, along with proposed materials and the provision of screens to both sides of the decking.

### **SITE APPRAISAL**

The application property refers to a traditional mid-terraced dwelling located within a residential street in Trecynon, Aberdare.

The property benefits from a small forecourt to the front with a private enclosed garden to the rear, which is set at a lower ground level to the application property's ground floor level. The dwelling faces the adjacent highway north and is bounded by terraced properties and their rear amenity spaces to the east and west. An unadopted lane runs to the rear and south of the application site.

Properties within the street are primarily traditional terraced properties of a similar scale and style to the application property. Neighbouring properties have been visibly altered, with existing examples of elevated decking within the rear gardens of properties within the street.

### **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

### **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. A letter of objection from four individuals has been received, along with one letter of support for the proposal. The points raised have been summarised below.

Supporting Points:

- The works is considered sensitive to neighbours
- The works are compliant with planning policy
- The decking would reflect similar structures at other houses within the street

Objections:

- The hand drawn plans are incomplete, lacks finishing details and is not legible.

- The current structure is unfinished and is different to all other structures within the street
- Significant overlooking with loss of privacy to occupiers of neighbouring properties
- Objections with regard to disregard for planning regulations
- Design of the balcony is out of scale within the street, is overbearing and dominates neighbouring gardens.
- No precedence for grant of planning permission for a decking within the street
- Overshadowing and loss of light to neighbouring garden

## **CONSULTATION**

No consultation has been undertaken.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary of Aberdare.

**Policy CS1** – Development in the North of the County.

**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.

### **Supplementary Planning Guidance**

- A design guide for householder development

### **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 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

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 retention and completion of a raised decking and associated works within the curtilage of an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

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

The decking and associated works would be located to the rear of the property and as such would not be highly visible within the public realm. Due to its siting and existing pattern of development within the vicinity, the street scene would remain largely unaltered.

Concerning the design of the proposal. Similar decking in terms of style, scale and prominence have been erected to the rear of neighbouring properties along Broniestyn Terrace. Consequently, the provision of a raised decking at this location would not appear as an incongruous feature and would blend well with the existing built form within the street. Whilst a letter of objection notes that no records of planning permission have been granted for nearby decking structures, each planning application must nonetheless be assessed on its own merits, and the provision of decking at this location would not be considered to harm the appearance of the application site or wider area.

Objections have also been raised regarding the visual appearance of the development. However, the raised decking and associated works would nonetheless be subservient to the host property and would be of an acceptable scale and design which is consistent with its domestic setting. The materials proposed are considered acceptable, with the lower walls of the decking matching the host property's rendered finish and the timber decking and screens and glass balustrade forming a sympathetic addition to the application property.

As such, it is considered that the proposal would not detract from the character or appearance of the area and would be considered acceptable in this regard.

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

The application site is bounded on both sides to the east and west by neighbouring properties and their associated rear gardens. Concerns have been raised regarding loss of privacy to a neighbouring property. However, whilst these concerns are noted, the construction of decking of this scale at this location is not considered to significantly impact the privacy of neighbouring occupiers. The proposal includes the provision of 1.8m high timber screens with obscure glass panels to both sides of the decking, which is considered to provide sufficient privacy to both occupiers of the application property and neighbouring residents.

The proposed decking and associated works would be of a modest scale and would not be considered overbearing to neighbouring properties. Whilst the structure and timber screen would reach a maximum height of 3.7m when measured from neighbouring ground levels and protrude approx. 3.7m from the rear wall of the property, it would not be considered overtly overbearing and is considered acceptable in this respect. Neighbouring properties also benefit from modest gardens, which would lessen any feeling of enclosure caused by the proposal.

Some levels of overshadowing would likely be experienced by neighbouring rear gardens and objections have been received concerning loss of light and overshadowing; However, due to the scale and length of the decking, this would be minimal and would not be considered to significantly detriment the amenities of neighbours. Additionally, the provision of obscure glazing within the timber screen would likely limit losses of light, thus lessening any overshadowing impacts.

As such, taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

**Other Matters:**

Objections were raised by third parties regarding the original plans submitted, in that they were not legible and appeared incomplete lacking finishing details. Amended plans have since been submitted which provide full detailed plans of the proposal and which are considered acceptable for the purposes of this planning application.

Comments were also received concerning the developer's disregard for planning regulations and that the unfinished structure, which is currently in situ, was different to all other structures within the street. However, this planning application represents a regularisation of the development, and the final assessment and determination would be based on the plans and information submitted as part of this formal planning application process.

**Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

**Conclusion**

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

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plans no.'s
  - Existing. Drawing No. 212225.01
  - Proposals. Drawing No. 212225.02

and documents received by the Local Planning Authority on 15/12/2021 and 11/03/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.



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

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1602/10 (JE)  
**APPLICANT:** Primrose Home Developments Ltd  
**DEVELOPMENT:** Demolition of existing buildings relating to the former school and erection of 5 detached dwellings together with associated works including engineering, drainage and landscaping. (Additional Plans received 04/03/22)  
**LOCATION:** FORMER PORTH JUNIOR SCHOOL, PRIMROSE TERRACE, PORTH, CF39 9TH  
**DATE REGISTERED:** 02/12/2021  
**ELECTORAL DIVISION:** Porth

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#### RECOMMENDATION: APPROVE

#### REASONS:

The proposed five dwellings would be of an acceptable design, layout and scale, and would make use of this unallocated site within the settlement boundary. It is considered that the development would not unduly affect the amenity or privacy of the closest neighbouring occupiers and no harm has been identified to highway safety. Consequently, the application is considered to comply with the relevant policies of the Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received

#### APPLICATION DETAILS

Full planning permission is sought for the construction of 5 detached dwellings together with associated works including engineering, drainage and landscaping at Former Porth Junior School, Primrose Terrace, Porth. To accommodate the proposed

development the proposal would also see the demolition of the existing school buildings and associated structures which are currently in place at the site.

The layout of the site would see the 5no. dwellings located parallel to the existing properties at Primrose Terrace orientated roughly north east – south west. The dwellings would benefit from an area of off street parking to the front and a private amenity space at ground floor level to the rear. Access to the dwellings would be via an internal private drive that would utilise the existing vehicular access from Primrose Terrace.

The 5no. dwellings would be matching in design and scale and would appear as three storey on their front elevation and two storey to the rear. The proposed dwellings measure a width of 14.7 metres by a maximum depth of 11.5 metres taking into account a ground floor rear projection. The proposed dwellings would have a dual pitched roof design with gable ends on their side elevations measuring a maximum height of 8.5 metres sloping to 5 metres at the eaves on the rear elevation. On the front elevation the proposed dwellings would measure a maximum height of 11.3 metres sloping to 7.6 metres, this elevation would also include 2no. gable features.

The proposed dwellings would provide accommodation over three floors with a double garage on the lower ground floor, snug, office, wc and open plan kitchen/dining/living room on the ground floor and 4no. bedrooms and 2no. bathrooms on the first floor.

The application is supported by:

- Bat Survey
- Tree Survey

## **SITE APPRAISAL**

The application site relates to the former Porth Junior School which consists of a large 1960s building located at the northern end of Primrose Terrace, approximately 280m to the east of Porth Town Centre. Most of the surrounding development is residential.

The building is of steel and concrete construction and occupies the north-eastern end of the long site, which encompasses a surface area of approximately 0.52 hectares. Vehicular access is currently provided via a tarmac driveway, the site also benefits from a secondary pedestrian access from Penrhiwgwynt Road to the north.

The adjoining ground, formerly laid out as areas for play and sport, is mostly level, albeit that this has been achieved as the result of a large, long retaining wall and bank, necessary to manage the steep fall in level towards the south-west.

## **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notes displayed at the site.

6 letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Overlooking created by proposed dwellings
- Current arrangement at the site results in vegetation overhanging properties at The Parade
- Potential Impacts upon retaining wall along The Parade particularly during the construction period
- Drainage issues affecting properties along The Parade
- Concerns in relation to waste removal
- Lack of information with regard to drainage
- Safety concerns associated with drop from boundary of the site with properties along the Parade.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

**Countryside (Ecology):** No objection subject to conditions.

**Structural Engineer:** No objection subject to condition.

**Natural Resources Wales:** No objection as submitted but request that an informative is attached to any planning permission setting out the requirement for a bat licence.

**Public Health and Protection:** No objection although conditions suggested in relation to noise, dust, waste and lighting.

**Flood Risk Management (Drainage):** No objection raised although conditions suggested in relation to surface water drainage.

**Dwr Cymru/Welsh Water:** No objection subject to conditions.

**South Wales Fire & Rescue:** recommends that the developer incorporate measures in relation to water supplies and access for emergency vehicles.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Porth and isn't allocated for a specific purpose.

**Policy CS1** - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principle Towns and Key settlements.

**Policy AW1** - sets out the criteria with regard to new housing developments.

**Policy AW2** - seeks to ensure that development is in sustainable locations

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

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

**Policy AW8** - seeks to preserve and enhance the County Borough's natural environment and heritage. This include SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy NSA12** - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

#### Supplementary Planning Guidance

- Delivering Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- Nature Conservation

#### 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 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 5 – Nature Conservation and Planning  
PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 – Transport

## **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**

Full planning permission is sought for the demolition of the existing school buildings and construction of 5no. dwellings and associated works at the Former Porth Junior School, Porth. The site is located inside the defined settlement boundary, within the ward of Porth in the Northern Strategy Area. The site is unallocated brownfield land, the site of the Former Porth Junior School, with no other designations affecting the site.

National planning policy supports residential development within defined settlement boundaries and within/close to retail centres, where residents can utilise existing facilities. Local planning policy is also supportive of residential development inside defined settlement boundaries, in order to protect the culture and identity of communities.

In particular, Policy CS1 promotes the *reuse of under used and previously developed land and buildings*. Whilst the principle of residential development is considered to be acceptable within defined settlement boundaries, it is acknowledged that the contribution of five dwellings to the land supply is minimal but welcome within this area.

The site is within the defined settlement boundary and would be a short walking distance from the key services and facilities within the retail centre of Porth. From there the site would also be accessible by sustainable transport modes including bus, train, foot and bicycle, and in terms of Policy AW2 can be considered a sustainable location.

In principle therefore, the development would be considered acceptable, subject to justification in terms of density

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

The layout illustrates that the proposed dwellings would be arranged in a linear pattern, in line and parallel with the adjacent development at Primrose Terrace. This would reflect the nature of the surrounding dwellings, albeit that the new properties would be at a higher level than those to the along Primrose Terrace.

The proposed dwellings are large in scale in comparison to surrounding development. However, they would be set within reasonable sized plots with parking and turning facilities to the front and private amenity spaces to the rear and it is therefore considered that the site is physically large enough to accommodate the five dwellings of the scale proposed.

Although neighbouring properties are predominately Victorian terrace and semi detached dwellings there are a number of existing of similar developments of detached dwellings coexisting with traditional terraced properties throughout the surrounding



area. As such, it is not considered that they would appear out of keeping with the surrounding area.

Furthermore, the redevelopment of the site will result in a positive impact upon the character and appearance of the site which is currently vacant and is unkept in appearance. As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

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

The objectors raise concerns in relation to the loss of privacy of properties along The Parade created by overlooking from the proposed dwellings. Whilst this point is noted, when considering the separation distance between the properties with the distance between front and rear property lines varying between 21.2 metres and 30.1 metres, it is not considered that the proposal would result in any adverse impact upon the existing levels of privacy experienced by occupiers along The Parade. In addition, the development would see the construction of a boundary fence along this boundary that would provide additional screening to neighbouring residents and address safety concerns raised in relation to the change in levels.

With regard to properties along Penrhiwgwynt Road to the North, these properties are significantly elevated above the application site and largely screened by existing vegetation. As such, it is not considered that the proposal results in any adverse impact upon these properties.

When considering the impact upon the closest neighbouring property along Primrose Terrace No.1. Given its relationship with Plot 1 which is separated by approximately 17 metres and is location to the side of the dwelling and at an oblique angle, the development is not considered to result in any significant impact upon the amenity of the occupiers of this property.

Further to the above, whilst it is accepted a degree of noise/disturbance would inevitably occur from the proposed development, any potential impact would be typical of such a residential use and is considered to be a betterment to the previous use as a school.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety and Parking Provision**

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

Primrose Terrace which provides access to the site has a carriageway width of 7.8m with footways which vary in width between 1.6m-1.8m on the development side. However, there is high-on-street car parking demand narrowing the available carriageway width due to the nature of terraced dwellings with limited or no off-street car parking provision. There is also concern that there is no formal turning area on Primrose Terrace with the proposed development increasing vehicular movements by up-to 10 trips per dwelling (50) trips. However, taking into account the previous use which would have generated substantial vehicular movement at pick up and drop off time with the proposed resulting in minimal peak trips the proposed is acceptable.

There is existing road marking (School Keep Clear) in place along a number of streets surrounding the site which requires removing. It is developer's responsibility to bear the cost of removing the yellow bar markings to the satisfaction of the Council as Highway Authority.

The internal layout provides for a 4.5m carriageway with sufficient turning area as demonstrated with swept path analysis for HGV turning movements which is acceptable and accords with Rhondda Cynon Taff's Design Guide.

In accordance with the Council's SPG Access, Circulation & Parking the proposed 5no x 4 bed dwellings require up-to a maximum of 3 off-street car parking spaces with a minimum of 3 per dwelling provided on the driveway and under-croft garages.

Due to the location of the existing school and high on-street car parking demand at pick up and drop off a condition limiting HGV delivery and exit times from the site during construction has been suggested.

The proposed development of 5 dwellings accords with the council's SPG requirements with highway geometry in accordance with the Rhondda Cynon Taff Design Guide and therefore acceptable subject to a number of conditions.

The proposed will marginally increase peak trips along Primrose Terrace which is heavily congested with on street car parking. However, taking into account the previous use of the site which generated considerable amount of vehicular movements at peak times on-balance the proposed is acceptable.

## **Ecology**

Due to the demolition works involved, the application has been supported by a Bat Survey. This report sets out that the existing building has a small number of day roosting common pipistrelles and indicates that a European Protected Species licence will be required to conduct the works in addition to the granting of planning approval. No objection to the report or its findings has been raised by the Council's Ecologist or Natural Resources Wales following consultation.

The report also includes details of ecological mitigation and enhancement measures in Section 6. The Council's Ecologist requests that all measures set out in this section should be conditioned.

### **Structural Engineer**

During the consultation period, the objectors raised concerns with regard to the impact of the development upon the existing retaining wall along the boundary with The Parade. As such, consultation was undertaken with the Council's Structural Engineer. In their response to the proposals the Structural Engineer set out that a condition should be attached to any consent requiring the submission of sections through the existing wall with typical photos of the wall, proposed ground level profile and a statement from a suitability qualified engineer to justify the existing wall from any increased loads. In addition, this information should also take into account the imposed loads of construction traffic and plant working adjacent to the wall.

### **Drainage**

The objectors have raised a number of points in relation to drainage issues associated with the proposed development. Whilst these concerns are noted no objection has been raised during consultation with the Council's Flood Risk Management Team or Dwr Cymru. Whilst these consultees have requested conditions in relation to surface water drainage, it is considered that as this matter is controlled under separate SAB legislation an informative note have been included in their place.

### **Public Health and Protection**

The Council's Public Health and Protection Division suggested a number of conditions with regard to Hours of Construction, Dust, Waste and lighting. Whilst these comments are appreciated, it is considered that these matters could be dealt with more efficiently under separate legislation. As such, it is considered that an appropriate informative note would be sufficient instead.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. Furthermore, the development would benefit from acceptable highway access. The application is therefore considered to comply with Policies AW1, AW2, AW5, AW6, AW10 and NSA12 of the Local Development Plan.

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan numbers

- R598-01-A1 – 02/12/21
- R598-01-A4 – 02/12/21
- R598-02-A1 – 02/12/21
- R598-03 A1 – 04/03/22
- R598-04-A1 – 04/03/22
- R598-05-A1 – 04/03/22
- R598-09-A1 – 04/03/22

and documents received by the Local Planning Authority on 02/12/21 and 04/03/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted site plan R59B-03 REV A1 and approved by the Local Planning Authority. The private shared access and turning shall remain for use as a shared use for residents and visitors thereafter.

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

4. Notwithstanding the submitted plans, development shall not begin until design and details of the private shared access including its tie in with Primrose Terrace and surface-water drainage details have been submitted

to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

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

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

6. No lorries during construction shall access or leave the site between the hours of 08:15-09:15 am and 14:45-15:45pm on weekdays.

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

7. Prior to beneficial occupation of the new dwellings a scheme for the removal of zig zag 'School Keep Clear' road markings in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall take place until details of the existing retaining wall along the boundary with The Parade have been submitted to and approved in writing by the Local Planning Authority. This information shall include sections through the existing retaining wall with typical photos of the wall, a

proposed ground level profile and a statement from a suitability qualified engineer to justify that the existing wall is capable of accommodating any increased loads taking into account the all aspects of proposed development and any imposed loads of construction traffic and plant working adjacent to the wall.

Reason: In the interest of safety of neighbouring residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

10. 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.

11. The development hereby approved shall be carried out in accordance with the recommendations and enhancements set out in Section 6 of the BE Ecological, Bat Survey dated November 2021.

Reason: To create suitable habitat for protected species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence 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 dwelling is occupied. Development shall be carried out in accordance with the approved details.

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

13. Details, including samples, of the materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1661/10 (GRD)  
**APPLICANT:** Mrs Easley  
**DEVELOPMENT:** Addition of hard stand to front of bungalow.  
**LOCATION:** 17 GLENBROOK, MOUNTAIN ASH, CF45 3DH  
**DATE REGISTERED:** 25/01/2022  
**ELECTORAL DIVISION:** Mountain Ash

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASON:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and its impact upon pedestrian and highway safety.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Letters of objection from three or more individuals have been received.

#### **APPLICATION DETAILS:**

Full Planning consent is sought for the retention and completion of a hardstand for off street parking and vehicular crossing to 17 Glenbrook, Mountain Ash.

The hardstand parking area would be located to the front of the property and accessed via Glenbrook. The parking area would measure approx. 4.4m in width by 5.4m in length and is set at road level. The application dwelling is set at a lower ground level with a 2.4m high retaining wall having been erected as part of the development to support the parking area.

#### **SITE APPRAISAL:**

The application site is located within the residential street of Glenbrook in Mountain Ash.

The application dwelling is a semi-detached bungalow and is set back from the highway by a garden along with the now constructed parking area. The application

dwelling is set at a lower ground level to the adjacent highway with ground levels rising upwards to the estate road.

The immediate surrounding area is characterised by mainly semi-detached bungalows, many of which benefit from off-street parking spaces and drives to the front and side.

### **PLANNING HISTORY:**

**20/0668/10:** 17 Glenbrook, Mountain Ash, CF45 3DH. '*Single storey extension*'. Granted, 14/10/2020.

### **PUBLICITY:**

The application has been advertised by direct notification letter to neighbouring properties. Two letters of objection were received along with one letter from two individuals with comments in relation to the development. The objections raised can be summarised as follows:

- The development is an 'eyesore' and impacts the character of the street;
- Objections received relating to the number of cars parked at the site, creating congestion within the street and impacting parking along the street;
- Loss of value to neighbouring properties;
- Concerns with the construction of the hardstanding;
- Applicant may be running a business selling and buying vehicles;
- The applicant has a detached garage on the street, with objectors querying the need for additional off-street parking spaces.

### **CONSULTATION:**

Local Highway Authority

No objections, subject to conditions

### **POLICY CONTEXT:**

Rhondda Cynon Taf Local Development Plan:

The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the defined limits of development.

**Policy AW5 – New Development:** This policy sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 – Design and Placemaking:** This policy requires development to involve a high quality design and to make a positive contribution to place making.

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.

The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

Supplementary Planning Guidance:

**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 construction of a hardstand within the defined settlement boundary of Mountain Ash. The hardstand would be sited within the curtilage of an existing domestic property in association with no. 17 Glenbrook.

As such, the principle of the development is considered to be acceptable subject to an assessment of its impact upon the character and appearance of the surrounding area, the amenity and privacy of the neighbouring properties and highway safety.

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

The hardstand and parking area is sited within a residential street and is not highly visible within the wider surrounding area. Whilst a retaining wall has been built in order to construct the parking area, the wall would be sited below the adjacent highway at a lower ground level and would not form a highly visible feature within the street. The development is not considered to greatly alter the street scene at this location.

Other dwellings within the street have off-street hardstanding parking areas to the front and side; Consequently, the proposal does not appear as an incongruous feature within the street. Whilst objections have been raised with regards to the visual impact of the development, the proposal is considered domestic in scale and nature and does not appear out of place within the street.

Overall, the proposal is not considered to have a detrimental impact on the character and appearance of the existing dwelling, or the wider area and the application is therefore considered acceptable in this regard.

**Impact on residential amenity and privacy:**

The hardstand and vehicle parking area has been constructed directly in front of No. 17 Glenbrook. Whilst some loss of light will be experienced by the application property itself, due to the scale and siting of the development, it is not considered to result in any overbearing or overshadowing impacts to neighbouring properties.

Whilst the parking area provides additional off-road parking for the occupants of No. 17 Glenbrook, given the nature of the development, the proposal would not result in significant levels of overlooking of surrounding properties.

### **Highway Safety**

The property is served off Glenbrook which has no parking restriction and provides a turning area at its termination which is also utilised for on-street parking. Whilst no details of a vehicle crossover have been submitted, a condition will be issued ensuring details of such a crossover is submitted and implemented prior to beneficial use.

The proposal will provide a vehicle hardstanding to the front of the property to provide off-street parking facilities. The proposal is sufficient to accommodate one off-street parking space which increase off-street parking and reduces on-street parking demand in the interests of highway and pedestrian safety, which is considered acceptable.

Whilst objections were raised by neighbouring occupiers concerning congestion within the street and the impact on parking, including objections with regards to the number of cars parked at the property, the Local Highway Authority have raised no such objection to the proposal. The proposal provides additional off-street parking which is considered acceptable. The development is not considered to detriment highway safety and no objections were raised by the Local Highway Authority subject to conditions.

### **Other Matters:**

A letter of objection received concerned possible loss of value to a neighbouring property; however, negative effects on the value of neighbouring properties is not considered a material planning consideration.

Concerns were also raised that the applicants may be operating a business at the site, buying, and selling vehicles. However, the considerations and ultimate determination of this planning application would be solely for the construction of the hardstand car parking area at the site. Any changes of use at the site would require full planning permission.

Comments were received from third parties querying the need for the hardstanding, as the applicants have access to a garage within the street. However, the planning application must be determined on its own individual merits and the provision of an

off-street parking space at this location has been found to be acceptable in principle, with no objections received from the Local Highway Authority following consultation.

One objection received specifically related to the construction of the hardstanding itself and whether it was built correctly. An informative will be issued as part of any decision notice notifying the developer that the construction of some retaining walls must comply with Section 13 of the Mid Glamorgan County Council Act 1987.

### **Community Infrastructure Levy (CIL) Liability:**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion:**

The proposal is considered to have an acceptable impact upon the character and appearance of the locality as well as upon the residential amenities of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

### **RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
  - Proposed Plans & Elevations. Received by Local Planning Authority on 25/01/2022
  - Location Plan. Received by Local Planning Authority on 25/01/2022

And documents received by the Local Planning Authority on 15/12/2021 and 25/01/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Notwithstanding the details shown on the submitted plans, the design and details of the vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of highway and pedestrian safety

3. 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 LPA.

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

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0171/15 (RP)  
**APPLICANT:** Mr B Toland  
**DEVELOPMENT:** Variation of condition 2 (approved plans) of planning permission 20/1198/10 (re-submission).  
**LOCATION:** PLOT 1, LAND AT 53 CENARTH DRIVE, CWMBACH, ABERDARE CF44 0NH  
**DATE REGISTERED:** 11/02/2022  
**ELECTORAL DIVISION:** Cwmbach

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#### RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

#### REASONS:

The revisions to the dwelling are acceptable and neither detrimental to the character or appearance of the site and surrounding area, to the amenity of nearby residents, or highway safety.

The development would therefore be in accordance with Policies AW5, AW6 and AW10 of the Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

This application is made under Section 73 of the 1990 Planning Act and seeks the variation of condition 2 (approved plans) of planning permission 20/1198/10 which gained consent for the construction of a detached dormer bungalow and garage at land known as Plot 1, Land at 53 Cenarth Drive, Cwmbach.

The previous application was granted on the 26<sup>th</sup> January 2021, subject to a number of relevant conditions. Condition 2 reads as follows:

## **Condition 2**

*“The development hereby approved shall be carried out in accordance with the following approved plans:*

*Location Plan, Block Plan and Proposed Plans (Drawing No. 2762 NB), dated 27/10/2020;*

*and documents received by the Local Planning Authority (LPA) on 27/10/2020, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.*

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

The applicant now contends that the condition should be varied to account for a number of alterations, as follows:

1. Removal of window on side (south-east) elevation of garage.
2. Addition of door on side (south-east) elevation of garage.
3. Re-orientation of gable end roof above garage.
4. Removal of porch on side (north-west) elevation of dwelling.
5. Replacement of window with full height double doors on front (south-west) elevation of dwelling.
6. Increase size of kitchen window on side (south-east) elevation of dwelling by lowering the cill level.
7. Removal of conservatory window on side (south-east) elevation of dwelling.
8. Increase size of the conservatory windows on rear (north-east) elevation of dwelling.
9. Various alterations to brick detailing and finishing.

No other alterations to the original planning permission are proposed with the development scheme remaining as previously approved.

## **SITE APPRAISAL**

The application site is a rectangular plot of land located directly adjacent to existing residential dwellings, at the end of a cul-de-sac in a residential area of Cwmbach. The land was formerly part of the residential curtilage of an adjacent dwelling and now contains a newly constructed dormer bungalow, garage and associated parking and amenity areas.

The application site is located within the settlement boundary and the land to the immediate north of the site is designated as a Site of Importance for Nature

Conservation (SINC) and comprises the embankment of the former rail line linking Merthyr Tydfil with Hirwaun and the Vale of Neath.

## **PLANNING HISTORY**

21/1528/15	Variation of condition 2 (approved plans) of planning permission 20/1198/10.	Refuse	06/01/2022
21/1311/39	Non-Material Amendment to approved planning permission (20/1198/10) for a change to window details, materials and roof above the garage.	Refuse	03/11/2021
21/0607/38	Discharge of Condition 4 (Vehicular Footway Crossing) and Condition 6 (Biodiversity Enhancement) of Planning Permission 20/1198/10.	Approve	10/03/2022
20/1198/10	Detached dormer bungalow and garage.	Approve	26/01/2021
20/0271/13	Residential development (Outline for 8 dwellings). (CMRA received 3/4/20, Ecology Survey received 1/5/20)	Approve	04/06/2020
20/1451/16	Construction of dormer bungalow (Plot 5 of outline consent 20/0271/13).	Approve	10/02/2021

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and the erection of site notices.

Three letters of objection have been received as a result of this exercise and raise the following points:

- We object to the proposed planning application submitted for land on Plot 1, variation of condition 2 for privacy reasons.
- The screen that has been erected by the applicant does not suffice. Whilst it screens the oversized window that has been installed, it does not alleviate other privacy concerns we have, such as other areas of our garden being overlooked.

- We have three children who have a right to privacy in their own garden, this is a safeguarding issue. We also have two large dogs which could easily access the applicant's property without adequate boundary height.
- As a result of our ongoing privacy concerns, we felt left with no other option other than to erect a fence our side of the brick boundary wall that has been built by the applicant. The applicant has subsequently demanded we remove the fence as he claims to own 10cm of land beyond the boundary wall that he built. We appreciate this would be a civil matter, but quite frankly if the ridiculous piece of screening that has been erected is allowed and the window size is kept (which is not what was originally applied for) and our fence is potentially removed via legal challenge our family's privacy would continue to be encroached upon. If the screen was the full length of our property and the brick boundary wall this would be far more effective for both parties.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

*The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.*

The application site is located within the Northern Strategy Area and lies within the settlement boundary of Cwmbach.

#### Core Policies:

Policy CS 1 – Development in the North

#### Area Wide Policies:

Policy AW 1 – Supply of New Housing

Policy AW 2 – Sustainable Locations

Policy AW4 – Community Infrastructure and Planning Obligations

Policy AW 5 – New Development

Policy AW 6 – Design and Placemaking

Policy AW 10 – Environmental Protection and Public Health

Northern Strategy Area:

Policy NSA 10 - Housing Density

Policy NSA 12 - Housing Development Within and Adjacent to Settlement Boundaries

Supplementary Planning Guidance (SPG):

Design and Placemaking

Access, Parking and Circulation

Planning Obligations

**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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow
2. Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
3. Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

Planning Policy Wales Technical Advice Note 12 – Design

Planning Policy Wales Technical Advice Note 18 – Transport

Manual for Streets

Welsh Office Circular 016/14: The Use of Planning Conditions for Development Management.

Paragraph 2.4 indicates that Section 73 of the Town and Country Planning Act 1990 provides for applications to be made to vary or remove conditions attached to existing planning permissions.

Paragraph 3 states that conditions should only be imposed on planning permissions if the conditions meet the six tests, these being:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

## **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**

Planning permission (reference 20/1198/10) has previously been granted for the construction of a detached dormer bungalow and garage at land known as Plot 1, 53 Cenarth Drive, Cwmbach.

This application seeks consent for the variation of condition 2 (approved plans) and proposes a number of changes to the fenestration and detailing of the dwelling, as well as an alteration to the orientation of the garage roof.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary or remove conditions, it can: -

1. Grant consent either with or without conditions; or,
2. Refuse.

The key consideration in the determination of this application is whether the alterations proposed remain compatible with planning policy considerations. These matters are discussed further below.

### **Planning Considerations**

The area in which the bungalow and garage have been constructed is residential in character, comprising of a range of dwellings, which include a mix of larger, mostly post-war and later 20<sup>th</sup> century detached houses and bungalows. Consequently, the street scene is varied in appearance and plot and property sizes, however there is still some commonality of design and external finishes typical of the era.

The dwelling is located at the end of the cul-de-sac and is not highly visible from the wider locality. The submitted plan that accompanies the application indicates that the overall scale of the development is unaffected and that the alterations proposed relate to the finishing and detailing of the development, most notably to the fenestration proposed, whilst the orientation of the garage roof has also been amended.

Consequently, it is considered that the layout, scale and appearance of the dwelling would continue to blend in with the existing dwellings within the local area, would integrate well with the existing street scene and would therefore not be detrimental to the visual amenity of the surrounding area.

In this case, the main issue is the effect of the proposed variations upon the amenity and privacy of neighbouring residents, most notably from the proposed change to the fenestration on the south-eastern side elevation of the bungalow.

The plans that accompany the application and the subsequent site visit show that an amendment to the kitchen window on the south-east facing side elevation of the dwelling has taken place via an alteration to its dimensions from what was originally proposed to be a 600mm deep, high-level window to a casement window that measures 1.050m deep. The neighbouring residents contend that the amendment has increased the potential for direct overlooking of their private amenity space owing to the proximity of the bungalow to their curtilage and this has previously been acknowledged by the Council via the refusal of the two most recent applications that have been submitted for Plot 1, being 21/1528/15 and 21/1311/39.

Ordinarily, the impact of a kitchen window would be limited. However, in this case, the room in question is open plan and also serves as a dining room and sitting area. As such, owing to their ongoing privacy concerns the neighbouring residents have erected their own close boarded fence under what they considered to be the permitted development rights allowable to them. In addition, and as a result of the two previously refused applications for Plot 1, the applicant has erected a screen across the full length of the kitchen window in an attempt to overcome the privacy concerns shown.

Therefore, and as a consequence of the amendments that have been conducted by the applicant and the adjacent residents of 52 Cenarth Drive, it is considered that the as built development would not have an unacceptable effect on the living conditions of the occupants of the adjacent dwelling in relation to privacy. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Members are advised that the issue surrounding the brick boundary wall, the fence that has been erected parallel to it by the neighbouring residents and any encroachment that may have taken place is a civil matter between the residents and the developer. Lastly, should the neighbouring residents have to remove the section of fence they have erected due to any potential legal challenge, it could be re-sited under cover of permitted development.

## **Conditions**

Planning Practical Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged.

In this regard the planning history of the site, specifically application 21/0607/38, indicates that all pre-commencement conditions have been discharged. Furthermore, as the development has already commenced and the amendments sought implemented, there is no need for a condition setting a time limit for commencement.



A condition identifying the approved plans is however necessary for the sake of certainty.

## **Conclusion**

Having taken account of all of the issues outlined above, and in light of the works that have been undertaken by the neighbouring residents, it is not considered the amendments sought would have any further impact upon the character and appearance of the surrounding area or the amenities and privacy of surrounding neighbours than that which would have occurred if the scheme was developed in accordance with previously approved plans.

The development would therefore be in accordance with Policies AW5, AW6 and AW10 of the Local Development Plan.

## **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore, no CIL would be payable.

## **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plan:

Drawing no. 2762 NB (Proposed Detached Dormer Bungalow, Plot 1, Land at 53 Cenarth Drive, Cwmbach)

and documents received by the Local Planning Authority on 11/02/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0308/15 (JE)  
**APPLICANT:** Ardwyn Developments LTD  
**DEVELOPMENT:** Variation of conditions 2 and 3 to extend the time to submit reserved matters (ref 13/0070/13)  
**LOCATION:** LAND ADJACENT TO THE WEST OF ARDWYN TERRACE, TONYPANDY  
**DATE REGISTERED:** 11/03/2022  
**ELECTORAL DIVISION:** Tonypandy

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#### RECOMMENDATION: APPROVE

#### REASONS:

Outline planning permission has been previously granted for dwellings on the site and no significant changes in policy or material considerations have occurred since the original permission was granted to warrant a refusal.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received

#### APPLICATION DETAILS

A variation of condition is proposed to extend the time period to submit reserved matters and commence development for two dwellings on land adjacent to Ardwyn Terrace in Tonypandy. Outline planning permission (Reference 13/0070/13) was originally granted at appeal by the Planning Inspectorate on 16<sup>th</sup> January 2014 and was subsequently extended (Reference 19/0053/15) on the 1<sup>st</sup> April 2019.

Members should note that the timeframe for submitting reserved matters on the existing permission expired on the 1<sup>st</sup> April 2022 and that local residents (as detailed in the 'Publicity' section below) have pointed to this issue as a reason not determine

the current application. Whilst their reasoning is appreciated, the application was however received by the Local Planning Authority on the 10<sup>th</sup> March 2022, i.e. before the permission expired.

In terms of the application details, all matters have been reserved for future consideration and therefore it is just the principle of residential development that is being determined. However, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 a number of illustrative plans accompany the current submission. These show the potential siting of the two dwellings and access to the site. They also indicate engineering works would be required to create level areas and that this would require retaining structures.

In addition, whilst details of the scale and appearance of the dwelling are both matters reserved for future consideration it has been indicated that each dwelling would have:

Minimum - maximum width of 8 metres - 10.5 metres.

Minimum - maximum depth of 8 metres - 11 metres.

Minimum - maximum height of 7.5 metres - 8.5 metres.

## **SITE APPRAISAL**

This site is a sloping area of rough ground that extends to approximately 0.2 hectares in size. The site is located on the western side of Ardwyn Terrace and slopes steeply from west to east, with a stone retaining wall along its eastern boundary separating it from the carriageway on Ardwyn Terrace. To the east and north of the site are the residential streets of Ardwyn Terrace and Gilfach Road which are mostly characterised by traditional terraced properties. To the west is the A4119 and to the south of the site is an area of allotments.

## **PLANNING HISTORY**

The most recent planning applications on record associated with this site are:

**08/0262/13:** LAND ADJACENT ARDWYN TERRACE, TONYPANDY

Outline application for residential development

Decision: 22/04/2008, Withdrawn by Applicant

**10/0158/13:** LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY.

Outline planning application for the construction of 3 detached dwellings.

Decision: 27/04/2010, Refuse

**10/0948/13:** LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY.

3 new detached houses (resubmission).

Decision: 19/10/2010, Refuse

**11/5879/32:** LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY  
Residential Development  
Decision: 05/12/2011, Raise Objections

**13/0070/13:** VACANT LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY  
Two new detached houses (outline application).  
Decision: 27/06/2013, Refuse

**19/0053/15:** VACANT LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY.  
Variation of conditions 2 and 3 to extend the time to submit reserved matters and to commence development of outline planning permission for the erection of two detached houses (ref 13/0070/13).  
Decision: 01/04/2019, Grant

**22/0405/16:** LAND ADJACENT TO THE WEST OF ARDWYN TERRACE, TONYPANDY  
Approval of reserved matters (appearance, layout, scale, means of access and landscaping) for the erection of 2 detached dwelling houses together with associated works against the extant outline permission (19/0053/15)  
Decision: (Under determination at the time of writing this report)

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notes displayed at the site.

3 letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- The time has run out to extend the development and there has been no development at the site.
- It is a high piece of land and our privacy would be affected.
- The entrance is narrow and would cause access issues.
- The buildings will look incongruous
- They will block out light to neighbouring properties
- The street is peaceful and this will be disrupted.
- Trees have been taken down at the site.

## **CONSULTATION**

**Transportation Section:** No objection subject to the re-imposition of previous planning conditions.

**Public Health and Protection:** No comments in relation to the variation of conditions 2. It is requested that the Public Health Comments submitted under 19/0053/15 should still stand

**Flood Risk Management (Drainage):** No comments to the variation of condition application.

**Dwr Cymru/Welsh Water:** No objection to the Variation of Conditions, and we ask that any drainage Conditions on the original consent are brought forward

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonypany and isn't allocated for a specific purpose.

**Policy CS1** - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principle Towns and Key settlements.

**Policy AW1** - sets out the criteria with regard to new housing developments.

**Policy AW2** - seeks to ensure that development is in sustainable locations

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

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

**Policy AW8** - seeks to preserve and enhance the County Borough's natural environment and heritage. This include SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy NSA12** - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without

adversely affecting the highway network or provision of car parking in the surrounding area.

#### Supplementary Planning Guidance

- Delivering Design and Place-making
- Access, Circulation and Parking Requirements

#### 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 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 – Transport

#### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

## **Main Issues:**

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

In this instance, the applicants are seeking to extend the period of time within which reserved matters can be submitted for the consideration of this Authority. In such circumstances, it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

The Local Development Plan (LDP) remains the key policy consideration in this application however, national policy has changed with the publication of PPW11 and Future Wales – The National Plan 2040. Whilst this is a change since the approval of the previous application, there is still a clear emphasis for residential development in sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Tonypandy. It is therefore still considered to be a highly sustainable location and the proposal is still considered to be acceptable in principle. Furthermore, the extant outline consent for 2no. dwellings is considered to carry significant weight and, when balanced against the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which reserved matters may be submitted.

It is appreciated that objectors have raised matters with regard traffic, access, loss of sunlight, loss of privacy, loss of trees and with regard the visual impact. However, these matters and other material planning considerations were assessed in the appeal for the original outline application that was approved. Members are advised that since the previous permission (13/0070/13) and renewal (19/0053/15) there have been no significant material changes in planning circumstances that are considered to affect that decision.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.



However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

## **Conclusion**

Overall, there is no significant difference in planning circumstances since the previous application was approved at the site to prevent the renewal of the existing consent. It is therefore considered reasonable and appropriate to renew the previous consent for a further standard period of time.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. Approval of the details of the appearance, layout and scale of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and such development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 670-01B, 670-02C, 670-04F, 670-06I, 670-07B, 670-08C and 670/10.

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

5. Details, including samples, of the materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which 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 in 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.

7. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the 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

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of boundary treatment and a timetable for its implementation. The approved scheme shall be carried out in accordance with the approved timetable.

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.

9. No development shall take place until details of the arrangements for foul and surface water drainage have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved works have been completed.

Reason: To ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall begin until full details of the private shared access, including arrangements for the turning of emergency, service and delivery vehicles, have been submitted to and approved by the Local Planning Authority. The access shall be at a gradient not steeper than 5% (1 in 20) for the first 10m and 12.5% (1 in 8) thereafter. No dwelling shall be occupied until the access has been completed in accordance with the approved details.

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

11. No development shall begin until construction details of all retaining walls and details of their finished appearance, including design calculations certified by a professional engineer, have been submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be completed in accordance with the approved scheme prior to the first occupation of either of the dwellings.

Reason: In the interests of visual amenity and safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

12. Prior to the commencement of development, a scheme for the management of construction traffic and for the provision of wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

13. Prior to the first occupation of any of the dwellings, a 2m wide footway and vehicle crossover shall be provided along the site frontage in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

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

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site.

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

15. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 14) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

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

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

## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0347/10 (RP)  
**APPLICANT:** Mrs Peters  
**DEVELOPMENT:** Proposed change of use from a retail store (A1) to a fast-food pizza outlet (A3) including minor external alterations to doors and windows (amended description, plan and details received 10/06/2022).  
**LOCATION:** 56A JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6DD  
**DATE REGISTERED:** 21/03/2022  
**ELECTORAL DIVISION:** Aberaman

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**RECOMMENDATION:** Approve, subject to conditions.

#### REASONS:

The property is in a sustainable location and is close to many residential properties that it would serve. The established and permitted use of the premise as an A1 use would generate similar traffic and trips to the site, would not be subject to restrictions in terms of parking and opening hours and would have similar impacts upon highway safety and the amenities of neighbouring residents.

Furthermore, the proposal would bring a currently vacant unit back into beneficial use which would be of benefit to the street scene. Consequently, the proposal would accord with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

## **APPLICATION DETAILS**

Full planning consent is sought to change the use of an existing retail unit (A1) to a hot food takeaway (A3) at 56 Jubilee Road, Aberaman.

The plans and details accompanying the application specify that the premise would be used as a pizza outlet and would also allow for the sale of a range of hot and cold drinks and cakes.

The plans demonstrate that the ground floor layout would be altered internally so that a food preparation area and servery are formed, whilst externally the primary entrance to the building, on its south-eastern side elevation would be blocked up and a new entrance formed on its south-western side. An existing doorway at the rear of the premise would connect to a separate toilet and external area where waste bins could be stored.

The new use would provide employment for one full time and two part time members of staff.

The following opening hours are proposed:

Monday to Sunday – 08:00 to 22:00 hours

The application is supported by the following documents:

- Odour Impact Assessment
- Electric Pizza Oven Specification
- Maxi Ventilation System Specification
- Menu

## **SITE APPRAISAL**

The application site consists of a single storey commercial unit that is located on Jubilee Road, Aberaman, Aberdare. The premise is currently vacant and the frontage to Jubilee Road contains both an access door and large display window/roller shutter that is connected with its last use as a family butcher.

The surrounding area is almost wholly residential in character, however there are a range of properties in commercial use nearby which include hairdressing salons, a number of convenience stores, coffee shop and bakery and other hot food takeaways.

The nearest residential receptors to the application site are located approximately 4m to the north, 12.8m to the east and 19.8m to the south. The site is bound to the south-west by the former Bethany Chapel, now converted to 4no. flats.

## **PLANNING HISTORY**

There are no recent applications on record that are associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and the erection of site notices.

Five letters of representation have been received as a result of this exercise, three of which object to the development and two of which support it.

### Object

- I object to this planning application due to the lack of parking facilities for the proposed business. It is a residential street with limited parking available to residents let alone the patrons and workers of the proposed business. The parking would therefore create disruption and inconvenience for the residents around the area of the proposed business and would have a negative impact for the streets of Jubilee Road, Clarence Street and Brynheulog Terrace
- The proposal will cause more disruption to those who live in this street. Between the two current hair salons, parking for residents is already a major struggle. I am also concerned about the possibility of people hanging around outside the proposed shop and any littering that may occur.
- The property is on a dangerous corner and parking is already a problem in this area. Also, I feel that there could be nuisance caused, especially in the evening and also litter would be problematic.

### Support

- This property has been boarded up for a long time and it would be great to see it brought back into use. It would be ideal to have more food options as there are not many shops in this area. The current owners have brightened up this corner by painting the premises, we shall definitely support this business.
- I live locally and this building has been vacant for years. I think it's a great idea for the area and it's nice to see local people investing in the community.

## **CONSULTATION**

- Highways and Transportation – No objection subject to conditions.
- Dwr Cymru – No objection, conditions recommended.

- Public Health and Protection – No objection subject to conditions

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside the defined settlement boundary for Aberaman. The following policies are considered to be relevant in the determination of this application:

**Policy CS1** - sets out the criteria for development in the Northern Strategy Area

**Policy AW2** - supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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

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

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment.

### **Supplementary Planning Guidance**

1. Design and Placemaking
2. Access, Circulation and Parking

### **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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow;
2. Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking;
3. Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Other policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

PPW Technical Advice Note 11 – Noise

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 – Transport

**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**

This application seeks approval for the change of use of a currently vacant commercial premise (Use Class A1) to a hot food takeaway (Use Class A3) and associated works at 56A Jubilee Road, Aberaman.

Since the site is located within the settlement boundary but not a defined retail or town centre zone, the main issues for consideration, are whether the A3 use would be compatible with the surrounding, mostly residential, development; and if the physical changes to the building are acceptable. The impact of the development upon highway safety in the vicinity of the site are a further consideration.

Whilst there is no objection in principle to the development, these material matters are considered below.

### **Impact on the visual amenity of the area**

The change of use proposes no extensions to the existing footprint of the property and the alterations proposed to the door and window openings are considered to be minor. It is also noted that an electric pizza oven and self-contained ventilation system would be utilised by the business and therefore, no external flue or extraction equipment would be installed that may have a prejudicial impact upon the character of the area.

Furthermore, in the context of the street scene, it is considered that the proposal would represent an improvement in the appearance of the site by being returned to beneficial use, and would also, therefore, contribute positively to the surrounding public realm.

Consequently, in terms of the impact of the development upon the character and appearance of the area, no objections are raised.

### **Impact on residential amenity**

The building previously operated as family butcher for a number of years and the lawful use of the premise therefore falls within Use Class A1 (Retail) and is a valid fall-back position. This would enable the applicant to operate a Class A1 use from the premise that would not be subject to any restrictions. Therefore, a convenience store or a shop that offered the sale of cold food for consumption off premise could result in patrons coming and going for similar, if not longer hours that those proposed by the applicant.

Notwithstanding the previous commercial use of the premise, a takeaway use has the potential to cause adverse impacts on the living conditions of the occupiers of nearby residential properties and the objectors have referred to issues such as patrons hanging around outside the proposed building and any littering that may occur. Whilst the objectors' concerns are acknowledged in this respect, it is considered similar impacts could occur should the premise operate under a Class A1 use.

In addition, the layout of the property and external alterations proposed means that customers of the business would access/egress the premise upon its south-eastern side, whilst the nearest terraced house to the application site, on Jubilee Road, would be separated from the development by an existing commercial unit that is currently in use as a hairdressing salon.

Furthermore, the nearest other dwelling to the proposal, at 22 Clarence Street, is separated from the application site by Jubilee Road itself and has a large gable wall that faces the premise, whilst it is considered that the occupants of the flats at the former Bethany Chapel would be accustomed to some form of adverse impact from the convenience store sited opposite.

Consequently, given the historic and permitted use of the site, it is not considered that the introduction of an A3 use would necessarily result in a degree of disturbance that would be significantly detrimental to the amenity of neighbouring occupiers. The application would therefore be in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

### **Public Health**

The Council's Public Health and Protection Department have reviewed the details submitted with the application and have raised no objections to the scheme. It is noted that the proposal would include the use of an electric pizza oven rather than a wood fired type and that a self-contained kitchen ventilation system, that would need no direct ductwork to the atmosphere, would be installed.

Subsequently, as no mechanical extraction equipment would be needed to serve the development, a noise impact assessment has not been requested. In addition, the application is accompanied by an Odour Impact Assessment that concludes there should not be a loss of amenity to existing residential receptors as long as the ventless extraction system is properly maintained. Furthermore, should there be a change of equipment at the premises for the preparation of pizza as specified on the menu provided, or any other hot food that required the use of grills, a separate planning application would be required for the installation of any external flue and/or extraction equipment.

Lastly, no objections to the opening hours proposed by the applicant have been raised within the response from Public Health colleagues. Consequently, based on the above, it is not considered the development would result in harm to the living conditions of nearby residents arising from noise, odour or disturbance.

### **Impact on highway safety**

Whilst it is acknowledged that concerns have been raised by residents in respect of parking and highway safety, the Highways and Transportation Section raise no objection to the scheme subject to relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

#### Access

The property is served off Jubilee Road on a bend adjacent to its junction with Clarence Terrace. Jubilee Road provides continuous footways on both sides of the carriageway with public transport nearby.

Jubilee Road has high on-street parking demand which restricts traffic flow to one-way, near a bend with limited forward vision which raises concern. There is concern that A3 takeaways by their nature generate short term indiscriminate on-street car parking. By parking as close as possible to the property, on a bend with restricted forward visibility would force vehicles into the running width of vehicles coming in the opposite direction to the detriment of safety of all highway users.

There is potential to overcome this concern by the implementation of double yellow lines fronting the site, along Jubilee Road in the vicinity of the road bend to maintain forward vision and free flow of traffic in the interests of safety of all highway users.

#### Parking

The existing use of the premise has a parking requirement of 1 operational commercial space and 1 space per 60 square metres in accordance with SPG: Access, Circulation & Parking Requirements (2011) with none provided.

The proposal has a parking requirement of 1 operational commercial space and applicants must demonstrate that customers can park in the vicinity without detriment to highway safety and free flow of traffic. Taking into account the location of the proposal, on a bend with limited forward vision customer parking would impact on the free flow of traffic and impact on highway safety. On this basis, a condition has been suggested for the implementation of a Traffic Regulation Order (TRO) to prevent on-street car parking on the bend.

## **Highways Summary**

Whilst it is acknowledged the Highways and Transportation Section raise concern to the proposal, on the basis it may cause indiscriminate parking on or near the bend, the suggestion for a condition for a Traffic Regulation Order for double yellow lines to be implemented prior to the commencement of the development needs to be balanced against the previous and permitted use of the application site, as well as the six tests any condition would be judged against.

Whilst it is noted there are no such parking restrictions at present, the previous use of the premise would have also led to short term parking at or near to the site and it is acknowledged some on-street parking on or near to the bend and junction with Clarence Street already occurs as a direct result of the hairdressing salons and convenience store that are located close to the application site.

Furthermore, and as alluded to in the preceding sections of this report, the permitted use of the site under an A1 class use could result in similar indiscriminate parking from taking place, for similar or longer hours than that proposed and would not be subject to any restrictions.

The premise is also relatively small, being 30m<sup>2</sup> in floor area, and given the sites sustainable location, close to a bus stop and within a predominantly residential area it is likely that local residents would walk rather than drive to the premise. Similarly, owing to the nature of the business, via providing fast-food, it is unlikely that patrons would park in the vicinity of the site for a long period of time and would promote a quick turnaround.

However, and noting Highway officers' concerns in relation to the location of the application premise, on a bend, adjacent to a junction and the high parking demand in the area it is therefore recommended to Member's that the condition is applied.

Members are also advised that the delivery of the Traffic Regulation Order would be uncertain as it would be dependent on a separate legal process and consultation exercise with residents and other parties such as South Wales Police and the Emergency Services. If the legal process is not completed any parking restrictions at the site could not be secured nor condition discharged, it is therefore unlikely that the development could proceed unless all planning stakeholders accept the risk that the intended highway works may not be delivered. It should be noted that all costs associated with the TRO would be reasonably born by the applicant (circa £4,000).

## **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

The principle of the proposed change of use is considered to be acceptable and in accordance with the requirements of the policies set out within the Local Development Plan, since it would bring vacant retail premises back into beneficial use.

Furthermore, the proposed use would neither have an unacceptable impact upon the amenity of neighbouring occupants nor highway safety in the vicinity of the site.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:

- Drawing no. 04/2022/PL/001 (Existing Survey)
- Drawing no. 04/2022/PL/003A (Proposed Drawings)

and documents received by the Local Planning Authority on the 21/03/2022 and 10/06/2022 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Customers are not permitted on the premises outside the hours of 08:00 to 22:00 Mondays to Sundays.

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

4. The Britannia Refresh Maxi Recirculation Unit hereby approved shall be installed at the site prior to the commencement of the approved use and shall be effectively operated for as long as the use of the premises as an A3 pizza outlet continues. The equipment shall be installed and maintained in accordance with the recommendations contained within the Odour Impact Assessment received by the Local Planning Authority on the 10<sup>th</sup> June 2022.

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

5. The use hereby approved shall not commence until a grease trap has been fitted in accordance with the details received by the Local Planning Authority on 8<sup>th</sup> April 2022. The grease trap shall be retained in perpetuity for as long as the A3 use continues.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No occupation or use of the development hereby permitted shall take place until a Traffic Regulation Order (TRO) that restricts on-street parking along Jubilee Road has been implemented or an alternative scheme that prevents on-street parking on Jubilee Road, which has first been submitted to and approved in writing by the Local Planning Authority, is in place.

Reason: To ensure deliverability of Traffic Management Measures and restrictions, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0468/10 (RP)  
**APPLICANT:** NHS Wales Shared Services  
**DEVELOPMENT:** Proposed change of use of the of former Llwyn yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class).  
**LOCATION:** LLWYN YR EOS CLINIC, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN  
**DATE REGISTERED:** 20/04/2022  
**ELECTORAL DIVISION:** Church Village

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**RECOMMENDATION:** Approve

**REASONS:** The conversion of the application property to residential use is considered to be acceptable in principle. The site is situated within a highly sustainable location and the proposal would make an effective use of the building, whilst its location and its proximity to other dwellings would mean the proposal would not conflict with the surrounding land use.

Furthermore, both local and national planning policy is supportive of developments that result in the re-use of previously developed land and buildings, whilst the proposal would ensure that the building does not fall into a state of disrepair.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is therefore recommended for approval, subject to conditions.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning consent is sought to change the use of the former surgery (D1 Use Class) at Llwyn yr Eos Clinic, Main Road, Church Village to a residential dwelling (C3 Use Class).

The floor plans that accompany the proposal show that minor internal works are proposed to the property and relate to the removal of a number of ground floor internal walls which will allow the property the look and feel of a conventional house rather than a health clinic.

The resulting dwelling would comprise an entrance lobby, hall, kitchen, living room, utility room, study, a toilet and boiler room at the ground floor, whilst the first floor of the property would comprise 5no. bedrooms, 2no. bathrooms and a dressing room. No external alterations to the existing elevations of the property are proposed.

In terms of parking, 2no parking spaces would be provided within the curtilage of the site and in this respect, the application is accompanied by a swept path plan that indicates that two cars would be able to park and enter and exit the site in forward gear. It is also noted that some works have already taken place at the site to facilitate the new parking arrangement proposed, with a bus shelter that was set into the curtilage of the site being removed. A new bus stop has been installed outside the site, however its associated shelter has yet to be erected.

The applicant has confirmed that the site is now surplus to the requirements of the NHS and, as such, they wish to dispose of the asset.

## **SITE APPRAISAL**

The application site relates to an existing detached property known as Llwyn-yr-Eos, which is located on the Main Road through the village of Church Village. The property is currently vacant, however, was most recently used as a surgery/clinic by the Cwm Taf Health Board.

The property is set within a rectangular shaped plot with the north-west facing front elevation being set back from the highway by an enclosed courtyard. An amenity space is situated to the rear of the building with access to this area running along both side elevations of the building.

The bay fronted property is of a two-storey scale with a traditional design featuring elevations of stone with brickwork quoins and a slate tiled roof. A two-storey extension is sited on the rear elevation along with a steel staircase which allows access/egress to the first floor.

The property is flanked by buildings of a similar scale which, together with the surrounding area, form the retail centre of the village. There are a wide mix of retail and other commercial uses in the centre, many of which have residential units within

the upper floors. There are also traditional terraced and detached residential dwellings fronting the Main Road near the site.

## **PLANNING HISTORY**

There are no recent applications on record that are associated with this site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site.

Three letters of objection have been received as a result of this exercise and raise the following points:

- It is somewhat unclear from the notices posted in the local area, which category of C3 use is intended for this property as C3 has three parts. With this in mind, I would hereby like to express my objection and concern regarding the possible uses of this property for use in the C3(b) and C3(c) classes.
- Llwyn Yr Eos Clinic is within walking distance to three primary schools (Ysgol Gynradd Gymraeg Garth Olwg, Llanulltudd Fardre Primary and Tonteg Primary) as well as the local Welsh Secondary School (Garth Olwg). Also within walking distance is the Tiny Tumblers Activity Centre and at least three play parks. Therefore, I feel the location of an establishment in the class of C3(b) or C3(c) in this location would be wholly inappropriate and unacceptable and would possibly put the local children at risk of witnessing possible unsavoury behaviour, at best and possible physical harm, at worst. There are also three public houses within walking distance of this address which would give any resident of this establishment easy access to alcohol and would likely increase public nuisance in the locality.
- I have no concerns or objections to the use of the property in the C3(a) class.
- Whilst we have no objection to the property being utilised under the C3(a) use class, we would wish to raise our concerns if the property was utilised under C3(b). There is potential for problems arising from vehicular access and parking especially with a bus stop directly outside the property. Vehicles gaining access to the parking spaces will inevitably have to pass very close to pedestrians waiting for buses whilst delivery vehicles will park on the pavement close by, thereby obstructing pedestrians, buses and other traffic. The servicing of a C3(b) facility will likely add to further traffic problems and pollution.

## CONSULTATION

- **Countryside, Ecology and Landscape:** No objection or survey requested.
- **Flood Risk Management:** No objection or condition recommended.
- **Highways and Transportation:** No objection, subject to a number of conditions.
- **Public Health and Protection:** No objection. Comments received in relation to hours of operation, noise, dust and waste.
- **Dwr Cymru:** No objection, subject to condition and advisory notes.

No other responses have been received.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

*Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.*

The application site is located inside the defined settlement boundary for Church Village. The following policies are considered to be relevant in the determination of this application:

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

**Policy AW1** – states that the supply of new housing will be met by the conversion of suitable structures to provide housing.

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

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

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

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

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

**Policy SSA13** - permits development within the defined settlement boundary where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Planning Obligations
- Access Circulation and Parking
- Manual for Streets

### **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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow;
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking;
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport

## **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**

This application proposes the change of use of a detached building that is located on Main Road, Church Village, from a surgery (D1) to a residential dwelling (C3).

The property is located within the defined settlement boundary and sits on the fringe of the retail centre of Church Village, which is classified as a Local and Neighbourhood Centre in the retail hierarchy as defined within the Rhondda Cynon Taf Local Development Plan.

The property is presently vacant and the submitted details indicate that a single, five-bedroom dwelling is proposed, whilst two parking spaces would also be developed within the front courtyard.

It is noted that whilst the building is located within close proximity to the retail centre of Church Village, the planning application would not be subject to policy constraints relating to existing employment and retail uses (Policy AW11) as the site sits just outside of the defined retail centre.

Consequently, as the application site is located within the defined settlement boundary, is adjacent to existing residential development and is sited within what is considered to be a sustainable location, Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan would provide support for the provision of new housing development in this location.

The principle of the proposal is therefore considered acceptable; however, this would be subject to a number of site-specific criteria as highlighted below.

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

The plans provided with the application detail the proposed works to convert the property would be undertaken within the fabric of the existing building only. Very few adaptations to its form are proposed, by way of the internal division of the space to create the living accommodation proposed.

The external appearance of the property would remain unaltered with the existing pattern of fenestration being retained and utilised, along with the main entrance to the property, which addresses the main road, that being Main Road. It is noted that, to establish the off-street parking proposed, some alteration would be required via the addition of dropped kerbs and removal of the front boundary wall, hedge and disabled access ramp to the building. However, it is not considered these alterations would prejudice that character of the site as the new arrangement would be similar in appearance to other neighbouring properties that address the Main Road.

Overall, the appearance of the building would be largely unaltered by its conversion, ensuring that the development continues to be in keeping with the character and proportions of the neighbouring buildings and the wider street scene.

Furthermore, it is acknowledged that bringing the building back into use, whether in commercial or residential form, would represent an opportunity to prevent the site falling into a state of disrepair.

Consequently, it is not considered that the proposed conversion of the site to a residential use would adversely affect either the character or appearance of the existing property or wider street scene.

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

The conversion would be undertaken largely within the fabric of the existing property, whilst the plans that accompany the application indicate no extensions to provide additional accommodation are proposed. Furthermore, the existing pattern of fenestration would be retained with windows serving habitable rooms contained to the front and rear elevations. As such, it is not considered that the proposal to convert the building to one residential unit would result in either an adverse impact upon amenity or a loss of privacy to existing neighbouring occupiers.

Some concern is raised that the amenity of future occupiers could be compromised due to the location of the building next to the retail centre, which has a vibrant daytime and evening economy. However, it is not considered this concern carries significant material weight due to the existing residential development bordering the site to the north and east, the occupants of which would already be accustomed to some degree of noise and disturbance from the mixed character of the area.

Consequently, it is considered the proposal would not conflict with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

Whilst it is acknowledged that concerns have been raised by residents in respect of highway safety, the Highways and Transportation Section raise no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

#### Access

Primary access to the proposal will be as existing, being served off Main Road. The proposal requires the removal of an existing bus shelter to provide a new vehicular access for two off-street car parking spaces with access / egress in forward gear and these works have already been conducted at the site. There is some concern that the proposal will provide a vehicular access in close proximity to the new bus stop proposed. However, taking into account the limited vehicular movements associated with a single residential unit with access / egress for vehicles in forward gear being achievable the proposal is acceptable.

The bus service fronting the site provides for a service vehicle approximately every 20 minutes. Therefore, taking into account the limited additional movements by 2 vehicles only, and the short duration that a bus would be present at the bus stop the risk of both vehicles exiting at the same time is minimal.

It is noted that there are a number of existing driveways within the vicinity of the site with no turning facilities resulting in reversing manoeuvres to and from Main Road. However, the proposal provides satisfactory space within the front forecourt area to enable access / egress in forward gear which is acceptable.

#### Parking

The existing clinic, with 5 consulting rooms and an office on the second floor requires in the region of 25 off-street car parking spaces with none provided. This in turn would result in overspill on-street car parking in the surrounding streets, narrowing the available width to the detriment of highway safety.

The proposed 5-bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the Council's SPG Access, Circulation & Parking Requirements (2011) with 2 provided. Taking into account the sustainable location of the proposal and that there is no potential to provide the third space without blocking off the 2 proposed spaces the off-street parking provision is considered acceptable.

#### Bus Stop / Shelter.



The bus shelter that was accommodated within the curtilage of the site has been removed and bus border kerbing installed to the northern boundary of the plot on Main Road. To date, no shelter has been provided to compensate for the loss of the previous shelter as part of the proposal. It is suggested that the bus shelter be cantilevered with panels installed to the rear of the footway to maximise vision from the proposed vehicular access. Therefore, a condition requiring design and detail of the new shelter has been suggested. The shelter shall be provided at the applicants cost.

### Highways Summary

There is slight concern with regards the location of the proposed vehicular access, being served off Main Road in close proximity to the bus stop. However, taking into account the limited vehicular movements associated with a single residential dwelling and that the car parking spaces would be accessed / egressed in forward gear, together with the limited frequency of the bus service any anticipated conflict would be considered to be minimal.

In light of the comments received from the Council's Transportation Section, it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

#### Class C3 of the Use Classes Order

The application seeks planning consent for the change of use of the building for the occupation and operation of the property as a Dwellinghouse (Use Class C3).

It is important to note that The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C3 as:

*Class C3 Dwellinghouses - Use as a dwellinghouse (whether or not as a sole or main residence) by:*

- a) A single person or by people living together as a family;*
- b) Not more than 6 residents living together as a single household (including a household where care is provided for residents); or*
- c) Not more than 6 residents living together where no care is provided to residents (other than a use within Class C4)."*

Consequently, whilst the residents concern as to the use of the property under Class C3(b) or C3(c) are acknowledged, the applicant does not need to specify within the description of the development whether the intended use of the property would be for C3(a), (b) or (c) use inasmuch as they are all residential uses which are not materially different for planning purposes.

Notwithstanding the above, it is noted that under the Town and Country (Use Classes) Order 1987, changes within any individual use class (such as C3) do not constitute development and do not require planning permission, unless the benefits of the Use Classes Order are restricted by a planning condition.

The Welsh Government's 'The Use of Planning Conditions for Development Management' document, paragraph 5.101 states the following:

*"It is possible to impose conditions to restrict further development or a change of use that would normally be permitted development. Conditions can also be used to restrict changes that would not be regarded as development at all, whether because the change is not a "material" change within the terms of section 55 (1) of the Act, or by reason of section 55 (2) and the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). It should be noted that any conditions restricting permitted development rights, only come into effect once that permission is implemented."*

However, and having regard to the six tests, to impose a restrictive condition for C3(a) use only would only prove reasonable if there was evidence that the use of the property under a C3(b) or C3(c) class use would present a serious adverse effect on amenity and the environment more so than if the property was restricted to a C3(a) use.

Whilst the residents' concerns are acknowledged in this respect, to restrict the application to C3(a) use could be unreasonable and unenforceable as the planning considerations for the use of the property as a 5-bedroom family home under C3(a), up to 6 people living together with support under C3(b) or up to 6 people living together as one household under C3(c) are the same, inasmuch as they are all residential uses as defined within the aforementioned use classes order.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Facilitating Accessible and Healthy Environments:** The application site is located on a bus route and benefits from many services and facilities within walking distance, being located on the fringe of the neighbourhood centre of Church Village. Future residents would therefore not have to be car dependent.
- **Making Best Use of Resources:** The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

#### **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 Council's Flood Risk Management team have not raised any objection to the proposal or recommended any condition in relation to land drainage. The response received indicates that the development does not appear to propose any construction works that will result in a change in the structure's external footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and do not offer any objections.

#### **Ecology**

The proposal would not result in any works to the roof or roof space and the Council's Ecologist has not requested any bat or ecological surveys.

#### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon

Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £28,243.83

## **Conclusion**

The application property is located within the settlement boundary and therefore the principle of residential development would be supported by Policies CS2, AW1, AW2 and SSA13 of the Local Development Plan. The development would also be in general accordance with the National Sustainable Placemaking Outcomes set out in PPW11.

In respect of other material matters, the building occupies a prominent position within the street scene and its re-use would therefore be of visual benefit, whilst the residential use proposed would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or ecology have arisen; therefore, the recommendation to Members is that the development is acceptable.

## **RECOMMENDATION: Approve, subject to the conditions below.**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:
  - Drawing no. 0495\_P01 (Existing Ground and First Floor Plans)
  - Drawing no. 0495\_P02 (Proposed Ground and First Floor Plans)
  - Drawing no. C80\_01S1 (Site Location Plan)
  - Project 2021-653 Sheet AP502 (Vehicle Swept Path Plan)

and documents received by the Local Planning Authority on 14/04/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of the proposed bus stop to be upgraded (shelter) 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 occupation of the dwelling.

Reason: To promote sustainable modes of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

5. 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 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0549/10 (JE)  
**APPLICANT:** Stonegate PLC  
**DEVELOPMENT:** Removal of existing smoking shelter and extension of existing external drinking area.  
**LOCATION:** LION HOTEL, BUTE STREET, TREORCHY, CF42 6AH  
**DATE REGISTERED:** 04/05/2022  
**ELECTORAL DIVISION:** Treorchy

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#### **RECOMMENDATION: APPROVE**

#### **REASONS:**

The works would improve an existing commercial property within the retail centre for Treorchy, which will generate footfall both during the day and evening. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and impact upon residential amenity.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to Committee as it proposes works to a public house. As such, the proposal is not covered by determination powers delegated to the Director of Prosperity & Development

#### **APPLICATION DETAILS**

Full planning permission is sought for the extension of an existing external drinking area at the Lion Hotel, Bute Street, Treorchy. The extension to the drinking area would be located within the beer garden to the rear of the property and would see the existing smoking shelter located towards the eastern boundary removed and replaced by the proposal.

The proposal would adjoin the existing structure on its western side and would measure a width of 5.1 metres and would protrude outwards to a depth of 3.5 metres.

The proposed extension would have a flat roof design to tie into the existing drinking area measuring a height of 3 metres.

## **SITE APPRAISAL**

The application site relates to a Public House known as the Lion Hotel within the town centre of Treorchy. The property is located on the main high street and highway through Treorchy and occupies a prominent location on the corner of Glynoli Road. To the front, the site benefits from an enclosed outside area with a larger beer garden to the rear. Within the rear beer garden, the property benefits from an existing covered drinking area and smoking shelter with the remainder of the area beyond accommodating various seating.

The area surrounding the site consists of commercial properties along Bute Street and High Street with areas to the north and east residential in nature and characterised by traditional terraced properties.

## **PLANNING HISTORY**

There are no planning applications on record associated with the application site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

No letters of objection have been received following consultation.

## **CONSULTATION**

**Public Health and Protection:** No objection although conditions suggested in relation to hours of construction, noise, dust and waste.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members



are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary and is also located within retail centre for Treorchy.

**Policy CS1** - sets out criteria for achieving sustainable growth in the Northern Strategy Area.

**Policy AW2** – supports development in sustainable location

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

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

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

**Policy NSA2** - sets out that proposals for commercial development within the key settlement of Treorchy will be supported where the development supports and reinforces the role of the centre.

**Policy NSA18** – identifies the retail hierarchy for the Northern Strategy Area with Treorchy being classed as a Key Settlement.

**Policy NSA19** – states that new and improved retail facilities and other appropriate uses will be permitted in Principal town centre subject to certain criteria.

#### Supplementary Planning Guidance

- Design and Placemaking
- Design in Town Centres

#### 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 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 23 – Economic Development

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to an extension to an existing covered drinking area at an established public house within the settlement boundary and retail centre for Treorchy. As such, the principle of development is therefore acceptable subject to the criteria set out below.

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

By virtue of its design and scale, the proposed extension is considered to form an attractive and sympathetic addition to the public house. The extension would be similar in scale to the existing covered drinking area to which it would adjoin, and it is therefore unlikely to result in a dominant feature within the surrounding area. In addition, it is considered that the replacement of the smoking shelter with the proposed structure would result in a positive impact upon the appearance of the property.

Whilst some views of the proposal would be possible from surrounding properties and the highway at Glyncoli Close. Members are advised that the existing boundary treatments along the eastern boundary of the beer garden screen the majority the structure from view. As such, it is not considered the proposed extension, given its siting and dimensions, would form a feature that would be widely visible from outside of the immediate vicinity.

As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

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

With the extension to the existing drinking area being located at the site of an existing smoking shelter within the beer garden, it is not considered that the proposal would see any increase in noise and disturbance experienced by neighbouring occupiers with no enlargement or increase in the footprint of the beer garden.

With regard to the scale and siting of the structure taking into account its height of 3 metres and the relationship with neighbouring properties separated by a minimum of 10 metres to the east and north, it is not considered that the proposed structure would result in any adverse overbearing impact.

It is also noted that no letters of objecting were received following consultation with surrounding residents. As such, the application is considered acceptable in this regard.

### **Public Health and Protection**

No objections have been received from the Council's Public Health and Protection Division following consultation. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The works would improve an existing commercial property within the retail centre for Treorchy, which will generate footfall both during the day and evening. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and impact upon residential amenity.

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan

- Drawing No. 221

and documents received by the Local Planning Authority on 04/05/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0614/10 (LJH)  
**APPLICANT:** S Simra  
**DEVELOPMENT:** Change of use of A1 Retail Shop to A3 Fish and Chip Shop.  
**LOCATION:** 11 CLYDACH ROAD, CLYDACH, TONYPANDY, CF40 2BD  
**DATE REGISTERED:** 20/05/2022  
**ELECTORAL DIVISION:** Cwm Clydach

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#### RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

#### REASONS:

The principle of the change of use is acceptable and it is not considered that the proposed use would have a significant impact upon the amenity of the neighbouring properties or highway safety in the vicinity of the site.

Whilst a number of objections have been received it is not considered that the issues raised would justify refusing the application and the proposal will be beneficial in bringing a vacant unit back into use.

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#### REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee as three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for the change of use of the ground floor of 11 Clydach Road, Clydach, Tonypany from a currently vacant A1 retail unit (previously a Newsagents and off-licence) to a Fish and Chip Shop (Use class A3). The existing residential unit within the first floor of the property is to remain unchanged and is to only be rented in connection with the commercial premises so that it is not let to any one unconnected with the operation of the business.

The applicant has indicated that the takeaway would be open to members of the public between the hours of 12pm to 9pm Monday to Sunday including Bank Holidays.

The location of the proposed extraction equipment has been shown on the proposed plans however no detailed specification has been submitted with the application. This could be secured through a planning condition attached to any permission granted.

## **SITE APPRAISAL**

The application property is a mid-terraced two storey commercial building located on the principle thoroughfare through Clydach. It was previously occupied by a Newsagent and Off -licence but has been vacant for some time. The property benefits from a glazed shop front at ground floor level (a residential unit is sited at first floor level). As it is not in a town centre location the property sits within a predominantly residential area however a similar Class A3 chip shop is located approximately 65 metres away to the south-east (Cambrian Chippy) and two convenience stores are located approximately 30 metres to the east (Nisa) and 40 metres to the north-west (Clydach Stores) respectively.

## **PLANNING HISTORY**

There are no records of any planning applications that have been submitted at the site in the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. Seven (7) letters of objection have been received in total; they are summarised below:

- Insufficient parking space on an already congested street.
- There is already a takeaway in close proximity to this area therefore it is not something that is needed.
- Loss of customers to Cambrian Chippy could affect their business and cause them to close down.
- The works to convert the property will disturb those who work from home.
- Late night noise nuisance.
- Extra litter in and around the area.
- Cooking smells entering nearby homes.
- Will the owner have insurance in case of fire?
- The value of the properties to either side will be negatively impacted.

## **CONSULTATION**

Transportation Section – No objection is raised, or conditions suggested.

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

Flood Risk Management – No objection.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced.

The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020.

Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

The application site lies within the settlement boundary for Cwm Clydach and is unallocated.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW2** – states that development on non-allocated sites will only be supported in sustainable locations.

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

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

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

## **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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments. It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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



## **Principle of the Proposed Development**

This application seeks the change of use of an existing commercial premise from A1 to a hot food takeaway (A3). The applicant is seeking a change of use as the unit is presently vacant and thus presents an opportunity to bring a unit back into effective use and attract further custom to this area of Clydach.

There is currently an A3 use in the immediate vicinity (a fish & chip shop). Even with the existing A3 use present within the vicinity, it is considered that it would be more appropriate to encourage this type of use than to have an additional vacant unit and thus potential decline.

It is not considered the proposed change of use would lead to an overconcentration of A3 uses in the town, and it would in fact make a valuable contribution to the local area, complying with the objectives of Policy CS1 which seeks to promote sustainable growth within the Northern Strategy Area, particularly by reusing vacant and under used buildings.

It is also noted that the property is located within a sustainable location being well served by public transport, medium and high frequency bus services run through the area. As such it is considered that the proposal is also compliant with the requirements of Policy AW2.

It is therefore considered that the change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is acceptable, in principle. As the property is not located within a retail zone, the main considerations for this application are Policies AW5, AW6, and AW10, which are included within the assessment set out below.

## **Visual Impact**

The application site is situated on the main thoroughfare through Clydach. As a result of the buildings siting and the lack of proposed alterations it is not considered that the change of use would form a visible feature in the street scene. The application is therefore considered to comply with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Residential Amenity**

The proposal will utilise an existing commercial unit that is located within a predominantly residential area. As such, the majority of surrounding properties are residential in nature. It is therefore considered that any potential impact in respect of amenity would mainly occur upon residential premises; however, it is not considered there would be a significant impact in this respect for the following reasons:

As is a concern of the objectors, it is not considered the proposal to operate an A3 use in this setting will significantly alter the current level of disturbance with customer comings and goings being similar in number to that which already exists at the commercial properties to the north-west, east, and south-east, being two convenience stores and a chip shop, and what would have previously existed when the application property operated as a newsagents and off-licence, and prior to this 'Bargain Booze'. As such, it is not considered that the proposed change of use would have any further impact upon the amenity of the surrounding properties or would encourage any further anti-social behaviour in the area in comparison to that which already occurs which is a further concern of the objectors. It is also considered that within areas with retail units there is a general level of activity that is greater than that in solely residential areas and residents residing in such areas accept that this is a consequence of living in such a location. Further, it is also noted that following consultation, no adverse comments were received from the Councils Public Health and Protection Division in this respect.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the additional A3 use, on balance, it is not considered that the proposed operation of the unit under Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is however considered a condition should be added to any consent to restrict the opening hours to that suggested by the applicant to ensure this is the case. The application is therefore considered acceptable in this regard and compliant with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan subject to the condition detailed below.

### **Highway Safety**

Following consultation, the Council's Transportation Section commented that there is concern that A3 hot food takeaways generate indiscriminate on-street car parking for short durations of time as close to the property as possible which would potentially be opposite on the double yellow lines impacting on the free flow of traffic. However, taking into account the proposed and existing uses have similar car parking requirements in accordance with SPG and both would generate a degree of short term on street car parking with space for vehicular movement if parking takes place on both sides, on-balance, the proposed is acceptable.

It is also anticipated that a number of trips to and from the A3 takeaway would be undertaken on foot with a number of residential dwellings within easy walking distance of the proposed. Therefore, whilst no off-street parking is proposed, the scheme is acceptable in this respect.

It is therefore considered that the development would not have any undue impact upon pedestrian or highway safety in the vicinity of the site and no highway objections have been raised or conditions suggested. In light of these comments, the application is considered to comply with the requirements of Policy AW5 of the Rhondda Cynon Taf

Local Development Plan and the highways concerns raised by the objectors have been addressed.

### **Public Health**

Given the proposed use, the Councils Public Health and Protection Division have noted that there is a potential for issues to arise in respect of noise, smell and waste disturbances however, limited details have been submitted with the application in this respect. It is advised however that these issues can be overcome through the installation of specialist extraction equipment and therefore no objections have been raised subject to conditions to be added to any consent to control odour and food waste. It is therefore considered that the application would comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues**

The issues raised by objectors of the need for the takeaway and the impact upon the existing takeaway are not material considerations that can be taken into account in this instance and each case must be dealt with on its own merits.

Similarly, the concern that the change of use will de-value nearby properties is also not a material planning consideration that can be taken into account.

Two objectors query whether the premises will be properly insured to cover the application property itself and the adjoining properties should anything happen i.e. a fire. It is the responsibility of the property owner to ensure that it has appropriate insurance cover, and this concern is neither a material planning consideration.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The application represents an appropriate change of use of an existing commercial premise. It is not considered the proposed use would have such an impact upon the amenity of the surrounding properties or upon highway safety in the vicinity of the property that would warrant refusal of the application. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans: hdw/ph/ss.01, hdw/ph/ss.02, hdw/ph/ss.03, hdw/ph/ss.04, and documents received by the Local Planning Authority on 18/05/2022 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Prior to commencement of any development on site, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority. If there are inhabited premises in close proximity to the intended discharge point of the extraction system a noise impact assessment must be carried out by a competent person and must be submitted to and approved in writing by the Local Planning Authority prior to the installation of the extraction system.

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

4. Prior to commencement of any development on site, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Polices AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The A3 unit hereby approved shall only be open to the public between the following hours:

(i) Monday to Sunday: 12:00 midday – 21:00 hours.

Reason: To protect the amenities of occupiers of surrounding properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

### INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

#### UNDER DELEGATED POWERS

#### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 11/07/2022 – 22/07/2022

Planning Appeals Decisions Received.  
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**4 AUGUST 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

**INFORMATION FOR MEMBERS,  
PERTAINING TO ACTION TAKEN  
UNDER DELEGATED POWERS**

**OFFICER TO CONTACT**

**Mr. J. Bailey  
(Tel: 01443 281132)**

**See Relevant Application File**



## **APPEALS RECEIVED**

**APPLICATION NO:** 20/1365  
**APPEAL REF:** CAS-01809-H1W8X5  
**APPLICANT:** Mr P Caddy  
**DEVELOPMENT:** 3 no. Detached 4 bed dwellings each with off road parking for 3 cars. (Resubmission of application 19/0449/10) (Ecology Report received 5th December 2020. Revised plans, reducing extent of site boundary and repositioning proposed dwellings, received 5th January 2021. Revised plan, introducing biodiversity/ecology strip received 14th April 2021).  
**LOCATION:** LAND ADJACENT TO BRYNLLAN, TREBANOG ROAD, TREBANOG, PORTH, CF39 9DU  
**APPEAL RECEIVED:** 16/03/2022  
**APPEAL START DATE:** 11/07/2022

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**Report for Development Control Planning Committee**

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**Tonypandy**

**22/0405/16**

Decision Date: 22/07/2022

**Proposal:** Approval of reserved matters (appearance, layout, scale, means of access and landscaping) for the erection of 2 detached dwellinghouses together with associated works against the extant outline permission

**Location:** LAND ADJACENT TO THE WEST OF ARDWYN TERRACE, TONYPANDY

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**Tylorstown**

**22/0197/10**

Decision Date: 12/07/2022

**Proposal:** Refurbishment of four existing residential units and conversion of former arts centre to four additional residential units

**Location:** 1 CANOLFAN RHYS, HEOL DYFED, PEN-RHYS, FERNDALE, CF43 3PT

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**Aberaman**

**22/0674/10**

Decision Date: 12/07/2022

**Proposal:** First floor rear extension.

**Location:** 5 CLUB STREET, ABERAMAN, ABERDARE, CF44 6TN

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**Abercynon**

**22/0399/10**

Decision Date: 14/07/2022

**Proposal:** Construction of a dog kennel (retrospective).

**Location:** LAND TO REAR OF 23 AVONDALE STREET, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YU

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**22/0630/10**

Decision Date: 12/07/2022

**Proposal:** Proposed ground floor extension.

**Location:** 4 WALTER STREET, ABERCYNON, MOUNTAIN ASH, CF45 4RD

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**Aberdare West and Llwydcoed**

**22/0606/10**

Decision Date: 12/07/2022

**Proposal:** Two storey extension.

**Location:** CARTREF, 117 THE RIDINGS, CWMDARE, ABERDARE, CF44 8AZ

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**Report for Development Control Planning Committee**

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**Beddau and Tyn-y-nant**

**21/1483/10** Decision Date: 21/07/2022  
**Proposal:** Change of use from integral garage into a multi purpose room / hair salon.  
**Location:** 6 BRYNTEG GREEN, BEDDAU, PONTYPRIDD, CF38 2PT

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**22/0615/10** Decision Date: 11/07/2022  
**Proposal:** Construction of outbuilding for use as a granny annexe and associated works.  
**Location:** 25 FAIRVIEW, BEDDAU, PONTYPRIDD, CF38 2DE

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**Brynna and Llanharan**

**22/0602/10** Decision Date: 12/07/2022  
**Proposal:** First floor side extension.  
**Location:** 67 FFORDD-Y-DOLAU, LLANHARAN, PONTYCLUN, CF72 9ZD

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**Church Village**

**22/0580/10** Decision Date: 19/07/2022  
**Proposal:** Construction of horse menage.  
**Location:** THE WARREN, HEOL-Y-CAWL, TON-TEG, PONTYPRIDD, CF38 1SR

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**22/0613/10** Decision Date: 14/07/2022  
**Proposal:** Proposed two storey rear extension  
**Location:** 230 DYFFRYN Y COED, CHURCH VILLAGE, PONTYPRIDD, CF38 1QA

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**22/0651/10** Decision Date: 14/07/2022  
**Proposal:** Extension of ground floor and addition of one storey above.  
**Location:** 22 THE PADDOCKS, CHURCH VILLAGE, PONTYPRIDD, CF38 1TL

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**Cwm Clydach**

**22/0657/10** Decision Date: 20/07/2022  
**Proposal:** Proposed rear decking area.  
**Location:** 3 JONES STREET, CLYDACH, TONYPANDY, CF40 2BZ

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**Report for Development Control Planning Committee**

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**Cwmbach**

**22/0677/10** Decision Date: 12/07/2022  
**Proposal:** Single storey side extension.  
**Location:** 2 WINDERMERE CLOSE, CWM-BACH, ABERDARE, CF44 0HU

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**22/0687/10** Decision Date: 12/07/2022  
**Proposal:** Construction of front porch and rear, single storey extension.  
**Location:** 10 RHODFA'R AFON, CWM-BACH, ABERDARE, CF44 0DZ

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**Gilfach-goch**

**22/0401/10** Decision Date: 12/07/2022  
**Proposal:** Single storey extension.  
**Location:** COMMUNITY COUNCIL OFFICES, HIGH STREET, GILFACH-GOCH, PORTH, CF39 8SU

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**Glyn-coch**

**22/0497/10** Decision Date: 12/07/2022  
**Proposal:** Two storey extension to side & single storey extension to the front of existing dwelling.  
**Location:** SPRINGFIELD HOUSE, GROVERS CLOSE, GLYN-COCH, PONTYPRIDD, CF37 3DF

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**Hirwaun, Penderyn and Rhigos**

**22/0637/10** Decision Date: 18/07/2022  
**Proposal:** Change of use from first floor storage area to self contained flat.  
**Location:** J B WILLIAMS AND SON NEWSAGENTS, 72 HIGH STREET, HIRWAUN, ABERDARE, CF44 9SW

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**Llantwit Fardre**

**22/0675/10** Decision Date: 14/07/2022  
**Proposal:** Ground floor extension to rear of property and first floor extension over garage.  
**Location:** 9 CLOS CEFN GLAS, LLANTWIT FARDRE, PONTYPRIDD, CF38 2BS

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**Mountain Ash**

**22/0649/10** Decision Date: 21/07/2022  
**Proposal:** Conversion of first floor flat into 2no flats  
**Location:** 8B FFRWD CRESCENT, MOUNTAIN ASH, CF45 4AB

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**Report for Development Control Planning Committee**

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**Pen-y-graig**

**22/0316/10** Decision Date: 15/07/2022  
**Proposal:** Single storey rear and side extension (resubmission)  
**Location:** 5 VICARAGE ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1HN

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**Pen-y-waun**

**22/0625/08** Decision Date: 19/07/2022  
**Proposal:** 2 no. individual lettering signage.  
**Location:** YSGOL GYFUN RHYDYWAUN, MANGOED, PEN-Y-WAUN, HIRWAUN, ABERDARE, CF44 9ES

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**22/0628/10** Decision Date: 12/07/2022  
**Proposal:** Proposed ground floor extension.  
**Location:** 26 ERW LAS, PEN-Y-WAUN, ABERDARE, CF44 9BG

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**Pontyclun East**

**22/0681/01** Decision Date: 22/07/2022  
**Proposal:** Fixed page LED signage board.  
**Location:** CORNER PARK GARAGE, SCHOOL ROAD, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8PG

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**Porth**

**22/0652/10** Decision Date: 14/07/2022  
**Proposal:** Two storey side extension  
**Location:** 11 HEATHER WAY, PORTH, CF39 9TL

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**22/0680/10** Decision Date: 13/07/2022  
**Proposal:** Garden level to be the same as the second tier of the garden made out of timber, completed with decking boards on the top and a privacy fence around the perimeter.  
**Location:** 3 HOLLYBUSH GROVE, PORTH, CF39 9UG

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**Rhydfelen Central**

**22/0591/10** Decision Date: 12/07/2022  
**Proposal:** Single storey rear extension and front porch  
**Location:** 2 LABURNUM TERRACE, RHYDYFELIN, PONTYPRIDD, CF37 5LY

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**Report for Development Control Planning Committee**

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**Tonyrefail East**

**22/0717/10** Decision Date: 12/07/2022  
**Proposal:** Two storey side extension incorporating additional rear window at first floor level. Extension to be finished in timber cladding.  
**Location:** TYLCHA ISAF, TYN-Y-WERN, TONYREFAIL, PORTH, CF39 8AW

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**Trealaw**

**22/0663/10** Decision Date: 22/07/2022  
**Proposal:** First floor side extension.  
**Location:** 7 PINWOOD DRIVE, TREALAW, TONYPANDY, CF40 2PY

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**Treherbert**

**22/0667/08** Decision Date: 21/07/2022  
**Proposal:** Replacement roof and external wall cladding, removal of 2 no. doors to north east elevation, removal of 1 no. window to south west elevation and replace with external door, and removal of canopy.  
**Location:** BLAENRHONDDA BOWLS CLUB, BLAENRHONDDA PARK, BRYN HENLLAN, BLAENRHONDDA, TREORCHY, CF42 5SY

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**Tylorstown and Ynyshir**

**22/0601/10** Decision Date: 11/07/2022  
**Proposal:** Create a new flight of steps to the front of property  
**Location:** 26 GYNOR PLACE, YNYS-HIR, PORTH, CF39 0NR

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**Ystrad**

**22/0578/10** Decision Date: 12/07/2022  
**Proposal:** Retain elevated decking (Retrospective)  
**Location:** 7 BWLLFA COTTAGES, GELLI, PENTRE, CF41 7NZ

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**22/0584/15** Decision Date: 13/07/2022  
**Proposal:** A variation of condition 2 (approved plans) of planning permission 21/1526/10 to include rear dormer.  
**Location:** ISCOED HOUSE, VICTORIA STREET, YSTRAD, PENTRE

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**Town (Pontypridd)**

**21/1411/10** Decision Date: 18/07/2022  
**Proposal:** Conversion of three storey offices into two separate residential apartments. Installation of new shop front and external improvements to appearance and commercial premises.  
**Location:** COMPUTING WALES, 19 MARKET STREET, PONTYPRIDD, CF37 2ST

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**Report for Development Control Planning Committee**

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**Llantwit Fardre**

**22/0118/10** Decision Date: 15/07/2022

**Proposal:** Garden office.

**Location:** 23 REDWOOD DRIVE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2PG

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**22/0439/10** Decision Date: 20/07/2022

**Proposal:** Proposed two storey side extension.

**Location:** 38 PARC NANT CELYN, EFAILISAF, PONTYPRIDD, CF38 1AJ

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**Talbot Green**

**22/0471/10** Decision Date: 15/07/2022

**Proposal:** Single storey first floor extension to provide additional office space and meeting rooms to the existing office.

**Location:** HIGHADMIT PROJECTS LTD, HEOL-Y-GYFRAITH, TALBOT GREEN, PONTYCLUN, CF72 8AJ

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Total Number of Delegated decisions is 37



**Report for Development Control Planning Committee**

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**Cymer**

**22/0636/10** Decision Date: 14/07/2022

**Proposal:** Proposed single garage.

**Location:** 5 TREM-Y-GLYN, TREBANOG, PORTH, CF39 9AJ

**Reason: 1** The location of the garage would represent a jarring and incongruous feature within the street-scene, inconsistent with the established building-line, contrary to the existing pattern of development and therefore detrimental to the visual amenity of the area.

The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan, and the Council's SPG for Householder Development

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**Hawthorn and Lower Rhydfelen**

**22/0678/10** Decision Date: 11/07/2022

**Proposal:** Two storey rear extension, alterations to main roof, construction of a loft conversion and single storey porch.

**Location:** 31 HAWTHORN CRESCENT, RHYDYFELIN, PONTYPRIDD, CF37 5AY

**Reason: 1** The proposed development, in terms of its design and resulting scale, would constitute an unsympathetic development, which would be poorly related to the character and proportions of the original semi-detached building and street scene. As such the proposal conflicts with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

**Reason: 2** The proposed extension, in terms of its siting and scale would result in an overbearing impact upon the adjoining semi-detached dwelling. As such, the proposal would result in a detrimental impact upon the levels of residential amenity currently enjoyed by those occupiers. Accordingly, the proposal is contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

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Report for Development Control Planning Committee

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Llwyn-y-pia

22/0669/10 Decision Date: 22/07/2022

**Proposal:** Garage to side, rear extension.

**Location:** 18 LLEWELLYN TERRACE, LLWYNYPIA, TONYPANDY, CF40 2HF

**Reason: 1** The application proposes a two-storey rear extension to provide additional living, bedrooms, and garage at the property. Whilst the principle of a two-storey extension may be considered acceptable. The development would introduce an unsympathetic addition as a result of its scale, design, and siting, which would detract from the character and appearance of the existing dwelling and wider street scene. As such, the proposal is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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Pontyclun East

22/0647/10 Decision Date: 19/07/2022

**Proposal:** Restoration and conversion of barn for use as a detached dwelling (Re-submission of 21/1160/10).

**Location:** MAENDY FARM, LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NJ

**Reason: 1** It has not been demonstrated that there are any viable alternative uses and there is no overriding architectural or historic merit that would warrant the buildings retention. As such the proposal conflicts with Policy AW 9 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 2** The access leading to the proposed is sub-standard in terms of width for safe two-way vehicular movement, visibility with Llantrisant Road (A4119), sub-standard forward vision, lack of segregated footway facilities, sub-standard surface water drainage, no street lighting to serve the increase in vehicular and pedestrian traffic generated by the proposed development. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 3** The proposed development is not compliant with the sustainable transport hierarchy set out in Planning Policy Wales edition 11 & Active Travel (Wales) Act 2013 as it would be heavily reliant on the use of private motor vehicles, contrary to Local and National Policy.

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**Trealaw**

**22/0608/10** Decision Date: 12/07/2022

**Proposal:** Construction of rear dormer & extend ridge. (Resubmission of 21/0682/10)

**Location:** 4 SYCAMORE DRIVE, TREALAW, TONYPANDY, CF40 2PZ

**Reason: 1** The proposed dormer extension would represent a visually incongruous form of development which would have a detrimental impact on the character and appearance of the surrounding area. This is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's adopted Supplementary Planning Guidance (SPG): A Design Guide for Householder Development.

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**Treforest**

**22/0402/10** Decision Date: 12/07/2022

**Proposal:** Conversion to 2 flats with ground floor and two storey rear extension

**Location:** 13 QUEEN STREET, TREFOREST, PONTYPRIDD, CF37 1RW

**Reason: 1** The proposal would constitute overdevelopment of the site, in that the proposed flats would fail to provide an acceptable quality of living accommodation for their future occupiers, which would be at odds with the principles of general amenity. The development is, therefore, contrary to the Council's Supplementary Planning Guidance: Development of Flats - Conversion and New Build and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 2** The formation and configuration of the proposed first floor flat would result in an adverse impact upon the levels of amenity currently enjoyed by neighbouring occupiers by way of noise and disturbance between neighbours. As such, the proposal is contrary to the Council's Supplementary Planning Guidance: Development of Flats - Conversion and New Build and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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Total Number of Delegated decisions is 6

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