



PLANNING & DEVELOPMENT COMMITTEE

22 JULY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0717/10 (GW)
APPLICANT: Mr N Gimson
DEVELOPMENT: Proposed part demolition of existing extension and construction of ground floor rear extension to shop and full width first floor extension to flat
LOCATION: 194 HIGH STREET, TREORCHY, CF42 6NU
DATE REGISTERED: 26/05/2021
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON

REASONS: The development would provide improved retail facilities in the retail zone of Treorchy. An objection has been received from a neighbouring property with regard to a loss of light. On balance, it is considered, the proposal would have a detrimental impact on residential amenity and also on the character of the area.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Webster that the application be brought to Committee for Members determination in order that they can consider the merits of bringing a vacant commercial building in the town back into use and to assess the potential impact upon the neighbouring property.

APPLICATION DETAILS

Full planning permission is sought for the part demolition of an existing rear extension and the construction of a new ground floor extension with a full width first floor element in its place. The ground floor would be used as an extension to the ground floor shop showroom and store. It is understood the property would be used to display gas fires for sale as part of a heating and plumbing business. The first floor extension would provide an additional bedroom for the first floor flat. From a site visit it was evident the ground floor extension and boundary wall had already been demolished.

SITE APPRAISAL

The application site is a mid-terraced building that fronts the main shopping street in Treorchy. It is on the edge of the retail area and it is noted this part of the shopping area does not have a continuous commercial character and is a mixture of residential and commercial.

The application building has a shop front at ground floor level fronting High Street. The first floor flat is accessed from a door to the side of the shop door. Either side of the property are terraced residential dwellings. The three end properties of the terrace are commercial properties, and on the opposite side of the road is a mix of commercial and residential properties.

At the rear of the building, the existing extension has already been demolished and the boundary walls with the adjoining residential dwellings have also been demolished. A rear lane provides access from a side road off the main street (Howard Street). This is at a slightly higher level than the ground around the rear of the building.

PLANNING HISTORY

01/6255/10: THE COMPUTER CLINIC, 194 HIGH STREET, TREORCHY, CF42 6NU

NEW SHOP FRONT

Decision: 30/08/2001, Granted

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One letter of objection has been received at the time of writing the report.

- The boundary wall has been knocked down without consent. This has damaged plants and left a mess.
- They should have temporarily replaced the wall as the situation has affected my privacy and safety.
- The extension will cut out light to the kitchen.

CONSULTATION

Dwr Cymru / Welsh Water – No objection subject to a condition that no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Advice on public sewers is provided.

RCT Flood Risk Management – No objection but recommended a condition in relation to surface water flood risk for this application as surface water runoff will

discharge off site, a discharge rate has not been provided or evidenced. I am satisfied that the development's surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

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

RCT Transportation Section – No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is within the retail area of the key settlement of Treorchy. It is also identified as being in the Rhondda Historic Landscape area as designated by Cadw and is an area of low risk from former coal mining works.

Policy CS1 – sets out criteria for achieving sustainable growth including: promoting the reuse of under used and previously developed land and buildings and providing opportunities for significant inward investment in sustainable locations that will benefit the economy of RCT and the Capital Region;

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

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

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

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

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

Policy NSA18 - Treorchy is a key settlement in the retail hierarchy. Proposals for retail development or changes of use to Class A retail uses inside the defined boundaries of retail centres, which would maintain or enhance a centre's position in the retail hierarchy will be permitted.

Policy NSA 19 – Provides criteria for retail development in Key Settlements.

Supplementary Planning Guidance:

Access Circulation and Parking.

Design and Placemaking.

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.

Future Wales: The National Plan 2040 (FW2040) and 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.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is also not 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.

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 relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Commercial Development;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development

Manual for Streets

Building Better Places: The Planning System Delivering Resilient and Brighter

Futures: Placemaking and the Covid-19 recovery; and

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) and is within the identified retail area of Treorchy. It is understood the commercial part of the property has been vacant for some time. This proposal would beneficially provide an enlarged commercial shop area and an active retail use in the retail area. Therefore, taking this into account, the principle of the proposed development would be acceptable subject to consideration of the material considerations below:

Impact on Neighbouring Amenity

The application site is flanked by traditional, terraced residential dwellings. The single storey storey element of the proposed extension would cover the whole rear yard area of the property and would most likely increase the commercial operation that could be carried out in close proximity to the gardens of the neighbouring dwellings. However, the rear yard could be used for storage and commercial activities without the need for this application and the extension would be mean the use would be enclosed. It is therefore not expected that the use of the ground floor extension would result in a significantly greater impact on neighbouring amenity as compared to the existing situation.

In relation to the two storey element of the proposed extension, this would enlarge the existing extension to one that is full width. The extension would be taken closer to the boundary with number 195. This property has a single storey extension to the boundary with 194 and the extension would be to the east of this property and would be of the same depth as the existing. As such, this part of the proposal would not result in a significant impact on the amenity of the occupiers of adjoining neighbours.

On the side boundary with number 195, the proposed single storey extension would be 3.3m in height. This dwelling benefits from a single storey extension and a garage which would negate some of the impact of the extension. The extension would also only impact on sunlight for a small time in the morning, due to its location to the east of the dwelling. Therefore, it is considered this issue would not warrant a refusal reason.

Turning to the dwelling on the opposite side, the extension would be 3.1m in height along the whole of the side boundary with number 193. This property has a window and door inside the 'L' of the single storey rear projection that would be affected. In addition, the rear projection has a window on its rear elevation. It is considered this would not be significantly affected by the proposal, as this faces approximately southwards. It is unclear if this window serves the same room as the other window mentioned above. Notwithstanding this, due to the length of the rear projection, it is

not considered this window, on its own, would provide adequate light for the whole of the rear projection.

An objection has been received as a consequence of the public consultation exercise, detailing that the boundary wall was taken down without consent, has caused a mess, hasn't been replaced and the replacement structure proposed would result in a loss of sunlight to their kitchen.

The taking down of the wall, the mess created and when it is replaced is however a civil matter for the landowners and would not be a matter that would warrant a refusal reason of the planning application. The applicant has also stated that the taking down of the wall was agreed at the time with the neighbour.

In relation to the impact on the amenity of the occupiers of number 193, the boundary with the application site is approximately to the west, so there will be some impact on light particularly in the mid/late afternoon and evening. It is noted the previous flat roof extension (2.5m in height) and boundary wall would have also had some similar impact, however these have been demolished and the replacement structure would be higher and would have a greater impact on loss of light and also overbearing.

Members are advised that in a wholly residential context there would be potential to build a relatively large structure on 50% of the garden area under permitted development rights. A single storey extension 4m in depth with an eaves level of 3m and a maximum height of 4m could be constructed. However, it would be difficult to build an outbuilding of a similar size and scale on the boundary as this could only be a maximum height of 2.5m, or 1.5m in height if within 2m of the dwelling. As such a significant extension could be built, in a completely residential context, that would have a similar or more significant impact on light reaching the affected windows of the neighbouring dwelling.

However, an extension under permitted development rights would not be 3.1m in height for the whole length of the side boundary, it would only be 4m in depth maximum. In the context of a terraced residential dwelling with a narrow garden area, it is considered this height along the whole boundary would feel oppressive to the occupiers of the dwelling and it would result in an unacceptable level of overbearing impact and loss of light.

Therefore, it is considered, on balance, the proposed height of the extension along the whole length of the common boundary would result in a loss of sunlight and an overbearing impact to the detriment of the amenities of the occupiers of the neighbouring property.

Impact on the character and appearance of the area

In relation to the visual impact of the proposed extension, as detailed above, a relatively large single storey extension or outbuilding could be created in a wholly residential context that would cover 50% of the rear open area. This proposal would be a flat roof extension over the whole of the curtilage. Such an extension of the height, design and scale proposed, is considered, would result visually in a more commercial type structure. It is also noted that the site and wider area of this part of the retail zone, currently, mainly has the character of a residential setting. Therefore, on balance, it is considered the height of the extension combined with its length and design, in the context of this residential setting, would not be visually acceptable and would have a detrimental impact on the character of the area.

Access and Parking

The Council's Transportation Section state, *"The existing shop requires up-to a maximum of 1 space in accordance with the SPG Access, Circulation & Parking 2011. The shop extension increases the car parking demand by 1 space taking the total for the shop to 2, with none provided.*

The residential 1 and proposed 2 bed flat requires up-to a maximum of 2 spaces, therefore there is no increase in the car parking demand for the proposed flat.

Conclusion

There is concern that there are no off-street car parking spaces provided. However, taking into account the slight increase of one parking space only, the sustainable location of the proposed in the retail area of Treorchy and the close proximity to both bus and rail stops with less reliance placed on the private motor vehicle, the proposed is acceptable".

Subsequently there is no highway objection to the proposal and the application is therefore considered to be in compliance with Policy AW5 of the LDP in regard of these matters.

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

No objection is raised by the Council's Flood Risk Management subject to a condition with regard to surface water discharge rates. They also state the development's surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

The condition suggested by Dŵr Cymru/Welsh Water that no surface water should go to the public sewer is not considered necessary as it can be controlled by other legislation. An informative note with regard this issue and their further advice can be added if permission is granted.

Public Health Comments

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

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 not considered the application complies with the relevant policies of the Local Development Plan in respect of the impact on the character of the area and the impact on residential amenity (policies AW5 and AW6).

RECOMMENDATION: Refuse

1. The proposal by virtue of its size and scale would have a detrimental impact on the amenity of the residents of a neighbouring property from overbearing and loss of sunlight. As such the proposal would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposal by virtue of its size, scale and design would have a detrimental visual impact on the character of the dwelling and the area as a whole. As such the proposal would be contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.