



## **PLANNING & DEVELOPMENT COMMITTEE**

**7 OCTOBER 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **1. PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

Application No:	Change of use of vacant shop to self-contained flat, enlargement of rear dormer window and associated works (amended plans received 11/05/2021), 90 Queen Street, Treforest, Pontypridd
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#### **2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was reported to the 2<sup>nd</sup> September 2021 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members were minded to refuse the application against officer recommendation. Members considered that the proposed development would have a detrimental impact on car parking provision and would also result in a loss of amenity and overbearing impact to the occupiers of neighbouring properties. Members also voiced concern that the proposal would result in the overdevelopment of the site.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### **4. PLANNING ASSESSMENT**

In terms of the impact of the proposal on highway safety, it is noted that there is a shortfall in the number of off street car parking spaces proposed. The Council's Highways Department have raised no objections to the proposal on the basis that the site is located in a sustainable location with good access to public transport. In addition, in order to retain a degree of car parking associated with the site (in a

location where many properties do not benefit from off street parking provision), it is recommended to include a condition requiring the existing garages be used for purposes ancillary and incidental to the use of the proposed flats.

In terms of the impact of the proposal on loss of amenity, it is noted that, when compared to the existing property, there would be one additional side facing window at first floor level and the rear dormer window would be enlarged. In terms of the side facing first floor window, it would be obscurely glazed and serve a shower room. Furthermore, whilst it is noted that the dormer window would be enlarged, it would retain a separation distance of approximately 24 metres from the properties directly to the rear on King Street. There is already a flat contained at first floor level and within the loft space of the existing property and it is not considered that the proposed changes would create significant additional impacts upon residential amenity in a location characterised by a substantial degree of mutual overlooking. In terms of overbearing impact, the footprint of built development at the site would remain largely as existing and external works would not result in additional overshadowing. Furthermore, the new flat at ground floor level would reflect the predominately residential land use of the area.

Concerns regarding the overdevelopment of the site are noted, however the proposed external works are considered to be subservient to the host property, for example the dormer is set down from the main ridgeline and set away from the eaves. In addition, the property is already subdivided into two separate units, a shop at ground floor level and flat above. It is not considered that the use of the ground floor as a flat would significantly intensify the use of the site and lead to overdevelopment.

## **5. RECOMMENDATION**

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would be appropriate:

1. The proposed development would generate a greater intensity of indiscriminate parking to the detriment of highway safety in the vicinity of the site. It would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development would result in a loss of amenity and have an overbearing impact on nearby properties, contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.
3. The proposal would result in the overdevelopment of the site, to the detriment of the character and appearance of the area and contrary to Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**2 SEPTEMBER 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0335/10 (CA)  
**APPLICANT:** Mr D Budo  
**DEVELOPMENT:** Change of use of vacant shop to self-contained flat, enlargement of rear dormer window and associated works (amended plans received 11/05/2021)  
**LOCATION:** 90 QUEEN STREET, TREFOREST, PONTYPRIDD, CF37 1RN  
**DATE REGISTERED:** 05/03/2021  
**ELECTORAL DIVISION:** Treforest

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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 the principle of development, its visual impact, the impact it has upon the amenity and privacy of the neighbouring residential properties, and its impact upon highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Powderhill that the matter come to Committee to enable Members to consider the impact of the proposal on the character and appearance of the area and the impact of the proposal on the amenities of neighbouring residents, with particular concerns relating to the proposed dormer window.

**APPLICATION DETAILS**

This application seeks full planning permission for the change the use of a vacant shop to a ground floor flat at 90 Queen Street, Treforest.

The proposed flat would contain an open plan kitchen/living room and a shower room. The existing first floor flat would be refurbished and internal rooms rearranged, however it would remain as a two bedroom flat.

In addition to the change of use, an existing dormer window on the rear elevation of the property is to be enlarged and the following works associated with the application are also proposed:

- Infilling of shopfront and addition of one window and one door on the front elevation of the property to provide access into the proposed ground floor flat.
- Rearrangement of internal rooms.
- Insert ground floor window on the building's northern elevation to serve a kitchen/living room.
- Insert first floor window on the southern elevation of the existing flat roof two storey extension to serve a shower room.

It is noted that some of the works have already been carried out and therefore the application is part retrospective.

### **SITE APPRAISAL**

The application site consists of a mid-terraced property which directly fronts Queen Street, Treforest. The application property benefits from a small rear garden area as well as a detached garage, which is accessed via Duke Street.

The property is situated in a primarily residential area of Treforest, and a significant number of residential dwellings are in use as Houses in Multiple Occupation (HMO), predominantly occupied by students of the University of South Wales, Treforest campus.

### **PLANNING HISTORY**

06/1259/10	To turn shop back to residential accommodation.	Granted 30/10/2006
98/2695/10	Proposed change of use to a snack bar.	Granted 27/11/1998

### **PUBLICITY**

The application has been advertised by direct notification letter to neighbouring properties and a site notice was displayed.

One letter of objection was received which makes the following points:

1. The enlarged dormer window looks directly into the properties to the west which it faces.
2. A whole new floor to the property has been created.
3. The Applicant is evading the need for a HMO Licence by splitting the property into two.
4. The proposal would put additional pressure on off street car parking in a location which already cannot cope with the number of cars.

## CONSULTATION

Highways - No objections and no conditions recommended.

Drainage - No objections and no conditions recommended.

Public Health and Protection - No objections, conditions recommended.

Pontypridd Town Council - No response received.

## POLICY CONTEXT

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

The application site lies within the Southern Strategy Area and is defined limits of development.

**Policy CS 2 – Development in the South:** Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW 1 – Supply of New Housing:** Provides criteria against which applications for new housing will be considered.

**Policy AW 2 – Sustainable Locations:** Provides criteria to determine whether a site is located in a sustainable location.

**Policy AW 5 – New Development:** This policy sets out criteria for new development in relation to amenity and accessibility.

**Policy AW 6 – Design and Placemaking:** This policy requires development to involve a high quality design and to make a positive contribution to place making.

**Policy AW 10 – Environmental Protection and Public Health:** Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA 13 – Housing Development Within Settlement Boundaries:** Provides support for proposals within the defined settlement boundaries subject to a number of criteria.

### 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.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 12 – Design

PPW TAN 18 – Transport

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

## **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 proposed development seeks permission to change the use of the ground floor of the building from a vacant shop to a two bedroom flat. An existing two bedroom flat located in the upper floors of the property would remain. In addition, an existing dormer window would be enlarged and various associated works as described above would be undertaken.

The application site is located within the defined limits of development within a residential location whereby the principle of the proposal is regarded as acceptable, subject to the criteria below.

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

The character of the area is residential and predominantly made up of accommodation within Use Classes C3 (single dwellings/flats) and C4 (HMO's). The proposed use of the property would therefore reflect the prevailing land use of the area.

The existing shop is currently vacant with the shopfront being in a poor state of repair. The majority of the works proposed would be to the inside of the building and those to the exterior are generally minor in nature.

The proposed dormer window would be located on the rear (western) roof plane and would measure approximately 4.15 metres in width, 1.8 metres in height and a maximum of 2.5 metres in depth. It would be set down from the main ridgeline by approximately 400mm and set away from the eaves by approximately 700mm. Whilst it would be a visible addition, it would be subservient to the host property and not an uncommon addition in a residential location.

Consequently, it is not considered that the proposed change of use and associated works would result in any undue impact upon the character and appearance of the property or the surrounding area. On the contrary, it is considered that the removal of the shopfront and general refurbishment of the property would enhance the physical appearance of the site, to the overall benefit of the street scene.

### **Impact on Amenity:**

The SPG relating to the development of flats provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. It is not considered that the creation of an additional flat within the property would result in the over intensification of the residential use of the property.

The proposal does not involve any physical alterations to the footprint of the building, as such it is not considered that the change of use would result in any additional overshadowing or be physically overbearing. Furthermore, the proposed works to facilitate the development are of a minor nature. It is however recommended that the additional first floor window on the southern elevation of the existing flat roof two storey extension be obscurely glazed to protect the privacy of the adjoining property.

The objections regarding the dormer window are noted, however it is not considered that this addition would significantly alter current levels of privacy enjoyed by surrounding neighbours, particularly in an area where high levels of mutual overlooking are well established due to the close proximity at which properties are positioned from each other. It is noted that the previous dormer window served a shower room, however a separation distance well in excess of 24 metres would be present between the dormer window and the property directly to the rear on King Street.

The SPG relating to the development of flats provides support where a high quality of accommodation and amenity can be provided for residents. It is considered that the property is of a sufficient scale to provide its occupiers with an acceptable standard of accommodation whereby there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook.

Overall, in terms of the impact on the amenity and privacy of neighbouring residents, as well as the suitability of the proposed flat for its occupiers, the application is considered to be acceptable as it would not result in an undue loss of light or privacy or have any overbearing impacts.

### **Impact on Highway Safety:**

The Council's Highways Department have been consulted on the proposal noting that the vacant shop was accessed off Queen Street, which is a one-way street. Fronting the property and along the side are double yellow lines. Queen Street also has a waiting limit, limited to 2 hours and a return is prohibited within 4 hours unless in possession of a Resident's Parking Permit.

The existing first floor flat access is served off Duke Street which also has double yellow lines.

In terms of car parking, the concerns raised in the objection are noted. The parking requirement for the existing ground floor shop is one commercial vehicle parking space and one off-street car parking space in accordance with this Council's SPG: Access, Circulation & Parking Requirements 2011. The existing first floor flat has a parking requirement of two off-street car parking spaces in accordance with the previously mentioned SPG.

The property provides two off-street car parking spaces within the garages to the rear of the property which results in a shortfall of one off-street car parking space.

The proposal for a two bedroom flat on the ground floor of the property has a parking requirement of two off-street car parking spaces in accordance with the previously mentioned SPG with none proposed. This would result in a shortfall of two off-street car parking spaces, increasing the on street parking demand in an area with high on-street parking demand to the detriment of highway and pedestrian safety.

However, taking into consideration that there is no means to provide further off-street car parking spaces, the sustainable location of Treforest, nearby public transport and the removal of one commercial vehicle space, the proposal is considered acceptable. In order to retain the car parking spaces within the existing garage, it is suggested that a condition be imposed which would ensure the garages are used for purposes ancillary and incidental to the use of the flats and that they are not converted to a room or living accommodation.

Based on the above and in the absence of any objections from the Council's Highways Department, the proposal is considered to have an acceptable impact upon highway safety.

### **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 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development, however as the proposed development involves the change of use of the existing building the amount due in this case is £0.

**Conclusion:**

The application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety. Accordingly, the proposal is considered to be in compliance with Local Development Plan Policy.

**RECOMMENDATION: Grant**

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

- Location Plan, dated 04/03/2021;
- Proposed Elevations, dated 11/05/2021;
- Proposed Floor Plans and Elevations, dated 25/05/2021

and documents received by the Local Planning Authority on 04/03/2021 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. Prior to the flat, hereby permitted, being brought into occupation, the first floor shower room window in the southern side elevation shall be fitted with obscure glazing to an industry standard of privacy level three or above, and maintained in perpetuity as such.

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

3. The existing garage shall be used as a garage for purposes ancillary and incidental to the use of the flats known as 90 Queen Street, Treforest, Pontypridd and at no time shall it be converted to a room or living accommodation to be enjoyed as part of, or independent to, the use of the flats.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of residential amenity and the safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

