

## **PLANNING & DEVELOPMENT COMMITTEE**

**10 MARCH 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1677/10 (LJH)  
**APPLICANT:** Mr & Mrs Probyn  
**DEVELOPMENT:** Demolition of existing single storey rear and side lean to extensions. New rear extension (part single storey, part two storey) to form 2 no. shop units (Use Class A1) to ground floor, with 1 Bedroom Flat (Use Class C3) to first floor.  
**LOCATION:** PHYSIOTHERAPY CLINIC, 32 COWBRIDGE ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EE  
**DATE REGISTERED:** 03/02/2022  
**ELECTORAL DIVISION:** Pontyclun

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

**REASONS:** The proposal seeks to construct 2 no. modestly sized retail units and an additional residential unit which will make effective use of an existing commercial property within the Retail Centre of Pontyclun. The proposal will generate economic growth by providing a number of employment opportunities in the local area and will result in visual improvements to the site. Furthermore, the proposed development is acceptable in terms of impact upon residential amenity and highway safety in the vicinity of the site.

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

The proposal is not covered by determination powers delegated to the Service Director of Prosperity & Development because it constitutes new-build retail development.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 2 no. retail units and an additional residential unit through the extension of 32 Cowbridge Road, Pontyclun.

The part single-storey, part two-storey extension would be sited in place of the existing single storey side and rear extensions at the site. At ground floor level they would accommodate 2 no. new retail units providing 40 sq.m and 41 sq.m of A1 (retail) floor space respectively. A one bedroom flat with amenity space is proposed at first floor level. The flat would be accessed via an internal staircase within the extension which is accessed off the pavement at Heol Yr Orsaf. The extension also includes a single storey section on the north-east elevation of the original section of the property that

would provide an additional consultancy room for the existing Physiotherapy Clinic at the property, as well as an associated filing room and toilet facilities.

The extension would have an irregular shaped footprint following the boundary of the site, measuring a maximum of 18m in depth by 7.7m in width reducing to 4.7m in width at the narrowest point. A flat roof is proposed between the ground and first floors which would provide for outdoor amenity space for both the proposed one bedroom flat and the existing two bedroom flat. A pitched roof is proposed above the two storey section with a ridge height of 6.6m, falling to 5.1m at the eaves.

With regard to external finishes, the submitted details indicate the development would be finished in natural stone and white colour through render to the walls and grey concrete tiles to the roof. With regards to fenestration, the first floor openings would be white UPVC, and the shopfronts including doors would be white aluminium. The amenity space is proposed to be enclosed by glazed guarding to a height of 1.1 metres with a 1.7 metre high privacy screen separating the two areas.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement

## **SITE APPRAISAL**

The application site relates to a two-storey, end-terraced property located on the junction of Cowbridge Road with Heol Yr Orsaf in the Retail Centre of Pontyclun. The property is currently used as a physiotherapy clinic at ground floor level with a residential unit split between the rear of the ground floor and at first floor level. The property currently benefits from single storey side and rear extensions which are proposed to be demolished to accommodate the proposed development.

The site is located within the southern section of the Pontyclun Retail Centre and is therefore generally surrounded by commercial units. However, there are residential properties on the opposite side of Cowbridge Road, and also beyond the Community Centre to the north at Heol Yr Orsaf. The application site is bound by an Indian restaurant to the south-west, the highway at Heol Yr Orsaf to the north-east, and Cowbridge Road (A4222) to the south-east. A public car park is located to the rear.

## **PLANNING HISTORY**

There are no records of any recent planning applications associated with this site.

## **PUBLICITY**

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

No letters of objection or representation have been received as a result of this exercise.

## CONSULTATION

**Highways and Transportation:** No objection or conditions recommended.

**Public Health and Protection:** No objection subject to conditions relating to hours of operation during construction, noise, dust, waste, and contaminated land.

**Flood Risk Management:** No objection subject to condition.

No other consultation 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 LPD 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 LDP indicates that the site is within defined settlement limits and the Retail Centre of Pontyclun. The following policies are considered to be relevant in the determination of this application:

**Policy CS2** - The policy emphasis is on building strong, sustainable communities. This will be achieved by encouraging a strong, diverse economy which supports traditional employment uses and promotes the re-use of previously developed land and buildings.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity.

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

**Policy SSA16** – The policy supports proposals for retail development inside the defined boundaries which would maintain or enhance a centre’s position in the retail hierarchy.

## **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking  
Design in Town Centres  
Development of Flats  
Shopfront Design

## **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.

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 national policy guidance consulted:

PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Flooding;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
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:**

The application site lies within settlement limits and the Retail Centre of Pontyclun. The proposal seeks to develop 2 no. retail units with a residential flat above within the curtilage of an existing mixed commercial/residential property.

As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established commercial area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposal upon the character of the area and highway safety are further considerations.

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

The application site is located within the settlement boundary of Pontyclun where new development is generally acceptable subject to assessment against a number of policy constraints. Furthermore, it is located within the village's Retail Centre where new commercial development is supported, and such development is best placed.

It is considered that the addition of two new retail units and a residential unit within the Retail Centre would enhance and maintain the centre's position within the retail hierarchy as well as improving the vitality and viability of the centre. It is also noted that the surrounding properties are in a variety of uses, but mainly within the 'A' Use Class such as retail outlets, cafes, and restaurants. As such it is not considered the proposal would conflict with surrounding uses.

In light of the above, it is considered the application is acceptable in principle, subject to consideration of the other relevant material matters set out below.

### **Access and highway safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking:

Primary access to the existing shop unit is from Cowbridge Road with primary access to the existing 3 bedroom residential unit available from the side road of Heol Yr Orsaf. The submitted floor plans indicate that access to the existing commercial unit would

remain from Cowbridge Road only and that primary access to both new commercial units and both flats would be from Heol Yr Orsaf – being a publicly maintained highway. Both are considered adequate to serve as access to the proposed development.

The proposal requires up-to a maximum of 10 car parking spaces with none provided, which raises cause for concern. However, the SPG advises that “the level of parking to be provided may depart from the guidelines by providing less parking, where it can be demonstrated that there would be no unacceptable impacts on highway safety, free flow of traffic or amenity”. This being considered, the development is in an inherently sustainable location, and as such would result in residents generally having lower rates of car ownership than those occupying elsewhere. It is also noted that the application site is in close proximity to both bus and rail stops; a public car park is sited to the rear; and a loading bay is located at the front of the property at Cowbridge Road so deliveries would not cause any issues with regards to the free flow of traffic.

Further to this, the surrounding streets are heavily controlled in terms of on street parking, with double yellow lines and enforced short stay parking limits in place. This would mean that it would be unlikely that any motor vehicles that would be required by those within the flats would result in an overspill on to the local highway network.

In light of the above, the proposal is considered to be acceptable in terms of the potential impact on highway safety.

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

The application site is located on Cowbridge Road (A4222), the main route through Pontyclun. Therefore, any development at the site will form a visible feature in locality. However, the site is also located within the Pontyclun Retail Centre and is generally surrounded by a mix of retail premises in the immediate locality.

Subsequently, whilst it is acknowledged that the proposed development will be visually prominent with the two new retail units fronting Heol Yr Orsaf, it is not considered that the introduction of these new retail facilities will detract from the character or appearance of the area.

Further, the layout of the scheme is considered acceptable given the constraints of the site and the scheme is considered to be an appropriate development here. The retail units and one bedroom flat proposed are also considered to be of an appropriate design and appearance and whilst modern in appearance, it is considered that the external finish of the building in render with reconstituted stone features and a pitched roof will be appropriate in this location.

The external amenity areas serving the existing and additional residential units are also considered acceptable, being enclosed by modern glazed guarding, similar to that at the property opposite the site.

Therefore, in conclusion, it is considered that the proposed scheme will enable the redevelopment of the plot for modern retail and residential facilities and the design of

the scheme is considered to complement the existing street scene, resulting in an overall improvement to the appearance of the area.

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

The site is located within the Retail Centre of the village and is therefore generally surrounded by commercial properties, most of which are within A1/A2/A3 Use Classes and each of which trade throughout the day and evening, attracting business from visiting members of the public. Therefore, it is not considered that the proposed development will result in any undue impact to the amenities of these properties.

It is noted however that there are residential units in the vicinity, the closest being at the opposite side of Cowbridge Road and some first floor flats above commercial units. But as the neighbouring residential properties are located within the Retail Centre and the site already accommodates a commercial use, as do most other properties in the vicinity, many operating into the evening, nearby residents would already experience some noise and activity associated with this type of use and would be accustomed to a degree of disturbance. Further, it is not considered 2 no. small scale A1 units would result in significantly more noise/disturbance in the Retail Centre than that which already occurs. As such it is not considered the amenities of the nearest residents would be significantly impacted.

In addition, there is no permitted change from A1 other than between uses falling within that use class. As such any use other than those within Use Class A1 would require further consent which would restrict the use of the units as hot food takeaways etc.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing neighbouring properties and the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

### **Other Issues:**

#### **Drainage**

The Flood Risk Management Section suggested a condition to evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15, however, as the development requires separate SuDS approval which would ensure an appropriate scheme is implemented on site, it is not considered necessary to append the recommended condition.

#### **Public Health**

The Council's Public Health & Protection Section have raised no objections to the proposal; however, a number of conditions have been suggested in relation to hours of operation, noise, waste, dust and possible land contamination. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation. The condition in respect of land contamination is however considered necessary and is suggested below.

## **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 per sqm for residential development and £100 per sqm for retail development, however, as the proposed development involves demolition of part of the existing building the CIL (including indexation) for the residential development is expected to be £3,676.52 and the retail development is expected to be £0 as the GIA is under 100sqm.

## **Conclusion**

The proposal represents the construction of retail units (Use Class A1) and an additional residential unit within the confines of Pontyclun Retail Centre. Whilst it is acknowledged that some residential properties are located near to the site, it is not considered that there would be any undue impact resulting from the development.

Furthermore, the proposal is considered acceptable in terms of its impact upon the character and appearance of the area and highway safety, and therefore accords with the requirements of the Local Development Plan. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

## **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 and drawings:

- Drawing no. 21/0347/001 Rev. A Site Location & Existing Block Plan
- Drawing no. 21/0347/011 Rev. A Proposed Floor Plans
- Drawing no. 21/0347/012 Proposed Elevations

and documents received by the Local Planning Authority on 17/12/2021, 17/01/2022 and 03/02/2022, 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.

3. 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 the Local Planning Authority dispenses with any such requirement specifically and in writing.

- i. A desk-top study carried out by a competent person 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.
- ii. A site investigation shall be carried out by a competent person 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 completed satisfying the requirements of paragraph (i) above.
- iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

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

4. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 3) 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. Any validation report shall be carried out by a competent person.

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

5. If during development works any contamination should be 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 and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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