

## **PLANNING & DEVELOPMENT COMMITTEE**

**05 October 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1261/10 (GH)  
**APPLICANT:** Mr J Groves  
**DEVELOPMENT:** Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/22)  
**LOCATION:** WEST CAERLAN, SCHOOL STREET, LLANTRISANT, PONTYCLUN, CF72 8EN  
**DATE REGISTERED:** 17/08/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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#### **RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON:**

**REASONS:** By virtue of the absence of any external amenity space for both the proposed and existing dwellings, the development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.

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

A request has been received from Councillor Sarah-Jane Davies for the matter to come to Committee.

#### **APPLICATION DETAILS**

Full planning consent is sought for the conversion of a storage building and former cow shed at West Caerlan, School Street, Llantrisant, into a dwelling.

The existing building, which has an attached garage to its northern elevation, is currently a single void. The application proposes internal works to create a ground floor living room, kitchen and bathroom, with two bedrooms to the first floor.

Externally, there would be very few changes, relating mainly to openings, in that the two small windows within the western elevation would be enlarged and two rooflights installed in the west-facing roof plane.

Following clarification with the Applicant's Agent a revised site location plan was received, demonstrating that the existing attached garage would provide one off-street parking space for the new dwelling.

Similarly, a further single garage on the opposite side of School Street to West Caerlan, but on land also owned by the Applicant, would provide a single off-street space for the existing dwelling.

In addition to the plans and elevation drawings accompanying the application a Preliminary Bat Roost Assessment and Bat Emergence and Re-entry Survey have been submitted.

## **SITE APPRAISAL**

The application property comprises a storage building and garage which is attached to the northern side of an existing two storey dwelling known as West Caerlan and is located towards the south-western part of Llantrisant and within the defined Conservation Area.

The building is currently within the curtilage of the dwelling and there is no garden space associated with either West Caerlan or the application property, both of which are bounded by the public highway on the northern and western sides, and by the burial space of Llantrisant Parish Church.

Further to the above, it is noted that the land on the opposite side of School Street is also within the ownership of the Applicant. However, with the exception of the single garage referred to in the preceding section, the rest of this land has recently received outline planning consent for a single dwelling (ref: 23/0417/13) and is not included within the scope of this application.

Other than for the Church and its Hall, the latter facing on to the junction of School Street and Swan Street, most of the closest other properties are residential.

## **PLANNING HISTORY**

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

**93/0333/10:** Garage. Decision: 06/04/1994, Granted.

## **PUBLICITY**

The application has been advertised by direct notification to four neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection, subject to a condition that the garage identified for the use of the dwelling is maintained for the purposes of parking.

### Flood Risk Management

Natural Resources Wales Surface Water Flood Risk maps have been used to review surface water flood risk. The review concluded that the site does not fall within an area of surface water flood risk.

However, the Applicant has not outlined how surface water would be disposed of and a condition is recommended for the submission of details for approval.

### Dwr Cymru Welsh Water

No objection, subject to informative notes regarding sewer and mains water connections.

### National Grid

A new connection or service alteration will require a separate application to be made to the National Grid.

### Public Health and Protection

Conditions are recommended relating to demolition, hours of operation, noise, dust and waste.

However, given the small scale of the development it is considered that these matters could be addressed within the scope of powers conferred by existing public health legislation and highlighted by an informative note to any planning permission.

### Countryside – Ecologist

No objection. However, any planning permission would require a condition to secure biodiversity mitigation and enhancement measures, per the submitted ecology reports.

### The Coal Authority

In this case, a Coal Mining Risk Assessment (CMRA) would not be required.

No other consultation responses have been received within the statutory period.

## **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 LDP 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 and Conservation Area for Llantrisant.

**Policy CS2** - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

**Policy CS4** - identifies the housing requirement figure for the plan period.

**Policy AW1** - outlines how the housing land requirement will be met and includes the development of unallocated sites within the defined settlement boundaries.

**Policy AW2** - ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

**Policy AW5** - sets out 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. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

**Policy AW7** - developments which impact upon sites of architectural or historical importance will only be supported where the proposal demonstrates that it will either enhance or preserve the character and appearance of the site.

**Policy AW8** - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

**Policy AW10** - development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, flooding, pollution or any other identified risk

to local amenity and public health would not be supported.

**Policy SSA13** - settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- Nature Conservation
- The Historic Built Environment

### **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 24th 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), WG's current position on planning policy at regional and national level.

Although the proposed development would be consistent with some of the key principles and requirements for placemaking set out in PPW and the Well-being of Future Generations (Wales) Act's sustainable development principles, the harm to the living conditions of future occupiers, as identified further below, would not align well with national planning policy aims.

Other relevant national policy guidance consulted:

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

PPW Technical Advice Note 24: The Historic Environment;

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**

This application comprises the subdivision of an existing single residential planning unit to create two separate dwellings independent of each other.

The application site is located within the defined settlement boundary where national and local planning policy seeks to direct new development and creates a presumption in favour, subject to other material planning matters.

On account of its position within settlement limits and given that the majority of the existing properties around the site are either residential, or would be compatible with a residential use, the property would be considered to be in a sustainable location and accord with LDP policies CS2, AW2 and SSA13. There would therefore be no objection to the development in principle.

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

The application property is located within the Llantrisant Conservation Area. Consequently, in addition to the general considerations relating to design and visual amenity outlined by LDP policies AW5 and AW6, any development will be required to evidence, per policy AW7, that it would either preserve or enhance the character and appearance of the designation.

In this case, the physical alterations to the external shell of the storage building would be minimal. The property is not proposed to be extended and its scale and form would therefore be maintained.

Furthermore, whilst the existing ground floor openings to the elevation facing School Street would be enlarged, the only additional openings would comprise two small roof lights within the western-facing roof plane.

In light of the above and the low-intervention approach to the conversion of the storage building, the development would be considered to be acceptable in terms of its visual impact on the public realm and Conservation Area.

### **Impact on neighbouring and future occupiers**

No objections were raised by neighbouring occupiers as a result of the consultation exercise and since the development proposes the conversion of an existing structure, which is neither immediately adjacent to other dwellings other than for West Caerlan nor would enable direct overlooking, it is unlikely that occupation of the building as a new dwelling would affect the amenity or privacy of existing residents.

However, there is a concern regarding the absence of any external amenity space for future residents of the new dwelling since In this regard Policy AW6 and the Council's SPG for Design and Placemaking are relevant and paragraph 3.6.3 of the latter states: "Dwellings should provide adequate space for peoples living needs, both inside and outside".

It is appreciated that the existing property is already constrained by its location and absence of external space. However, it does have the flexibility of the space provided by the former cow shed and garage, in terms of storage, parking and a very small frontage where, for example, waste and recycling bins might be placed for collection.

The proposed development would remove that flexibility and would result in two dwellings with no private space and whose built footprints would almost represent the entirety of their plots.

Furthermore, the new dwelling would have limited windows and unlike West Caerlan would have none to the rear elevation. Outlook from the ground floor windows would be directly onto the highway, with no defensible space between the dwelling and the highway.

It is also recognised that the land opposite has outline planning permission for a single dwellings, which means that any outlook from ground floor windows, should that development take place, would be severely restricted and could affect natural light. Although this matter might be considered in greater detail at a later point, it highlights the constraints of the location.

Returning to the issue of external amenity space, the outcome of a recent appeal at Station Road, Tonypany, is noted (ref: CAS-02475-B8L1H1). Like the current application, the appeal development concerned a proposal for the subdivision of a planning unit and the creation of a new two-storey dwelling.

In dismissing the appeal, the Inspector noted:

*“In developing a two-bed, two storey detached dwelling, occupiers would reasonably expect to be equipped with adequate private outdoor space, for the drying of washing, storage of items such as cycles or refuse bins, and outdoor seating for relaxation. However, the proposed house and parking spaces would occupy a significant part of the plot, leaving only a small and restricted area of private outdoor amenity space of minimal depth and width...these constraints would significantly restrict the functionality of this space and compromise its ability to provide a meaningful and useable private outdoor garden for future occupants”.*

and

*“Although calculations are provided to show that the percentage of the footprint area relative to site area for the host dwelling and new dwelling would be 40.1% and 33.1% respectively, it is not clear whether this includes the private parking areas which would not be suitable as outdoor amenity space. Having regard to the layout and size of the outdoor space for the proposed dwelling in particular, I find that the proposal would not meet the living needs of its occupants, resulting in a cramped and poor quality living environment”.*

The scenario for West Caerlan and the new dwelling is significantly worse than the context of the appeal property, having virtually no external space.

On the basis of the foregoing it is considered that the proposed development would be harmful to the amenity of future occupants, contrary to LDP Policy AW6 and the Council’s SPG for Design and Placemaking.

### **Access and highway safety**

#### **Access**

The access leading to the site is sub-standard in terms of carriageway width, horizontal and vertical geometry and lacks continuous segregated footway facilities.

There is concern, due to the existing high on-street car parking demand, that the extent of the carriageway is reduced, which increases potential highway hazards to the detriment of safety of all highway users.

#### ***Parking - SPG Access, Circulation & Parking 2011***

The proposed conversion of the property to create a two bed dwelling would, according to the Council’s SPG, require a maximum of 2 off-street car parking spaces with 1 provided. Nonetheless, taking into account the small scale of the proposed the one off-street space is deemed acceptable.

The extent of the red line boundary of the submitted site location plan includes the dwelling West Caerlan, for which the proposal would result in the loss of its existing off-street car parking provision, which raises cause for concern.

However, the Applicant has submitted additional information indicating that West Caerlan would have use of the detached garage located on the opposite side of School Street, which is also in the Applicant's ownership. On this basis no highway objection has been raised.

### *Summary*

There is a concern with regard to the sub-standard highway network in and around Llantrisant leading to the site. However, taking into account the limited additional vehicular and pedestrian movement generated by the small scale of a two bed dwelling, the development is considered to be acceptable on balance.

### **Public Health and Coal Mining Legacy**

The Coal Authority has identified that the application site falls within the defined Development High Risk Area and a coal seam outcrops beyond the southern site boundary, dipping in a northerly direction beneath the site. This seam may have been worked in the past and such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the Applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, in this instance it appears that the proposal would entail the change of use of the existing building to a dwelling without the need to construct any new foundations or to undertake any earthworks. On this basis, the Coal Authority does not consider that requiring a CMRA would be proportionate to nature of the development proposed in this particular case and does not object to this planning application.

### **Ecology**

The Council's Ecologist has advised that the July 2023 Wildwood Preliminary Roost Assessment assessed the building as having moderate suitability for bats and therefore recommended that at least two bat activity surveys were undertaken. This report also found that the building had low suitability for nesting birds.

The activity surveys were then undertaken by Arbtech as detailed in the August 2023 Bat Emergence and Re-Entry survey report. Two dusk emergence surveys were

undertaken in July/August in which no bat emergences were seen. The report also found no evidence of nesting birds.

Therefore, an EPS licence would not be needed but the development would need to secure the recommendations and biodiversity enhancement measures set out in Table 4 of the report.

### **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**

In most material planning respects the proposed new dwelling is considered to be an acceptable form of development that would be sustainably located and have minimal impact on its historic setting.

However, both this and the modest contribution to local housing supply are considered to be outweighed by the harm to the amenity of future residents caused by the absence of any external amenity space. Instead of one constrained dwelling, albeit currently with the flexibility of the former cow shed and garage area, the development would result in an intensification of use and two constrained dwellings in its place.

Therefore, it is considered that the proposed development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.

### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. By virtue of the absence of any external amenity space for both the proposed and existing dwellings, the development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.