

## **PLANNING & DEVELOPMENT COMMITTEE**

**22 February 2024**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1281/10 (RP)  
**APPLICANT:** Mr Craig Thomas  
**DEVELOPMENT:** First floor extension to create extra office space  
(Amended plans received 14/12/2023).  
**LOCATION:** SBM CAR SALES, MAIN ROAD, TON-TEG,  
PONTYPRIDD, CF38 1PW  
**DATE REGISTERED:** 20/11/2023  
**ELECTORAL DIVISION:** Ton-teg

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**RECOMMENDATION:** Approve

#### **REASONS:**

The principle of constructing an extension to the existing sales office at what is a longstanding commercial site is acceptable.

Furthermore, it is not considered that the proposal would have a significant impact upon the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties or highway safety in the vicinity of the site.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 AW6 and AW10).

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

Three or more letters of objection have been received from occupiers of adjacent neighbouring properties.

#### **APPLICATION DETAILS**

Full planning consent is sought for the extension of an office building that is sited within the curtilage of an existing car sales forecourt at Main Road, Tonteg.

The additional office space sought by the applicant would be achieved via the introduction of a first-floor extension that would sit atop of the existing flat roofed

structure at the site. Thus, the extended office accommodation would measure approximately 8.35m in width by 8m in depth maximum. The application details that the extension would be of timber frame construction and would extend to 5.65m in height from the ground level of the forecourt, in comparison to the existing flat roofed building's height of 3.25m.

The application would allow for a further two offices to be developed at the site, in addition to a kitchen and W/C. To the north-eastern side of the extended office, a new external stairwell would allow access/egress to and from the new first floor accommodation.

Members will note that amended plans have been received during the course of the application, primarily in an attempt to overcome privacy concerns raised by those residents that live closest to the site, at Church Road.

## **SITE APPRAISAL**

The application site contains an existing car sales business, in addition a single storey office building and a number of other structures and paraphernalia in the form of canopies, a storage shed and various advertisements.

The site is located off the Main Road, (A473) upon its northern side and is a well-established commercial site that was previously put to use as a petrol filling station and still retains its steel framed pump canopy, part of which would be removed to facilitate the development.

The site adjoins residential development to the west, north and east whilst adjacent to the site, to the south and on the opposite side of the Main Road are semi-detached and detached units, some of which are in commercial use.

## **PLANNING HISTORY**

08/0915	Open canopy over existing car sales area.	Approved	27/08/08
03/2107	Change of use of Petrol Filling Station to Car Sales Area	Approved	30/04/04

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and the erection of site notices. Letters of objection have been received from four neighbouring residents and raise the following points.

1. Privacy concerns as a result of the first-floor construction;
2. Contend that the extended building would overshadow neighbouring gardens and residences;
3. State the building would become an eyesore and would de-value neighbouring properties;
4. Consider that the proposed extension would be overbearing and out of scale for a residential location;
5. State the use of the external stairwell could create additional noise and disturbance to local residents and could cause anti-social behavioural issues, given that the curtilage of the garage is not enclosed.

## **CONSULTATION**

- Highways and Transportation – No objection nor conditions suggested.
- Public Health and Pollution – No objection, conditions recommended.
- Dwr Cymru – No objection, advisory notes recommended.

## **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 lies within the settlement boundary for Tonteg but is not allocated for any specific purpose.

**Policy CS2** – places an emphasis on building sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW2** – provides support for development proposals 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** – states development proposals will not be permitted where they would cause or result in risk of unacceptable harm to health and/or local amenity because of noise pollution.

**Policy SSA13** - sets out criteria for development within settlement boundaries.

## **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 12 (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. Future Wales: The National Plan 2040 (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 – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP

Other relevant national policy guidance consulted:

- 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.

## **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 extension of an existing, single storey office building situated within the demise of a well-established car sales business that is located off the A473 (Main Road) at Tonteg.

Given that the site is located within settlement limits and has historically been put to commercial use, the proposal to create additional office space as an ancillary function to the car sales garage is considered to be acceptable in principle.

However, this would be subject to further consideration of the site-specific criteria set out below.

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

The scheme would involve the construction of a first floor atop of an existing single storey building to allow for additional office space to be developed at the site, without compromising on the external car sales area and circulation space available.

As a result of the location of the car sales business, it is acknowledged that the formation of what would be a two-storey building, with an external stairwell, would inevitably result in a visible feature when viewed from the A473 (Main Road) and the immediate area. However, the existing building is irregular in its footprint and is of a rather small scale (53m<sup>2</sup>) such that the increase in height of its flat roof, from 3.25m to 5.65m, is unlikely to create significant visual detriment to the street scene.

The surrounding area also has a mixed character and other commercial buildings can be seen nearby, such as the Tesco Express store that is sited within close proximity to the A473, which is in the order of 6m in height, whilst there are already dominant structures visible at the application site in the form of the aforementioned pump canopy and open canopies that cover the car sales area, with these extending to 4m and 4.3m in height respectively.

Consequently, it is not considered that the proposed development would cause sufficient detriment to the character and appearance of the area to a degree that warrants refusal of the application.

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

The proposed extension is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

In terms of overlooking, members will note that amended plans have been received which show that the window opening that would serve Office No. 2 has been re-located to face south-west (instead of north-west) and therefore residents at Church Road would not be directly overlooked as a result of the development. Further, by virtue of distance, it is not considered that the re-located window opening would compromise upon the existing levels of privacy that the occupants of The Laurels currently enjoy.

In addition, the applicant has removed a casement window from the north-western elevation of the extension, which would serve a kitchen, and has replaced this with a high-level opening via an increase in its eave height, whilst the landing area of the stairwell would be enclosed with a 1.8m privacy screen.

It is noted that the objectors to the scheme have raised concern as the impact of the development upon their existing levels of sunlight and daylight and consider the extended building would be overbearing. Whilst the neighbouring resident's concerns are appreciated in this regard, it is not considered that any such impacts would be unacceptable or would cause sufficient detriment for the application to be refused on these grounds alone. The rear gardens of properties at Church Road already experience a degree of enclosure from the boundary wall with the application site and some residents have capped the wall with fencing or have established hedging, it is assumed to mitigate against any detriment from the existing operation of the car sales business and the ancillary valeting operation that takes place on the northern boundary of the site. Further, the existing canopies at the site have an enclosing effect.

The neighbouring residents are understandably concerned about the loss of light, particularly to their respective gardens. However, the rear elevations of dwellings located at Church Road are south facing. Subsequently, whilst there may possibly be some loss of sunlight to the rear gardens in the winter months, there would still be adequate daylight and sunlight at all times of the year, particularly considering the southerly orientation, the flat roofed nature of the office building and that it is set in from its north-western boundary (with No. 5 Church Road) by approximately 5.6m and northern boundary by 7.3m.

Taking the above into account, whilst acknowledging that the proposed extension would be a highly legible form of development to the neighbouring occupants, it is not considered that any detriment that may be caused via overshadowing or overbearing

impacts would be significant. Consequently, the application is considered to be acceptable in terms of its impact on the amenity and privacy of neighbouring residents.

## **Highways and Accessibility**

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 the location of the site and parking.

### Location

The application site is served off the A473 (Main Road) which provides continuous footway links on either side of the carriageway, a bus stop fronting the site and double yellow lines on either side of the carriageway.

### Parking

The existing operation provides 53m<sup>2</sup> of ancillary office space which has a parking requirement of 2 spaces in accordance with SPG: Access, Circulation & Parking Requirements (March 2011).

The proposal will increase the office space provided to a total of 106m<sup>2</sup> which has a parking requirement of 4 spaces in accordance with SPG: Access, Circulation & Parking Requirements (March 2011).

### Highways Summary

The site provides ample space internally to cater for the increase in parking requirements. Therefore, taking into consideration that staffing levels at the site would not increase and that double yellow lines along Main Road prevent indiscriminate on-street parking, the proposal is not envisaged to have any adverse impact on highway or pedestrian safety and therefore, is considered acceptable.

## **Neighbouring Consultation Responses**

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

The objectors have tendered objections regarding the potential for additional noise and disturbance to be created as a result of the construction of the stairwell, which would be the main point of access to and from the first floor of the building. However, considering that the application would be limited to the creation of a further two offices at the site only (four in total) and that staffing levels would not increase nor operating hours alter, it is not considered the use of the stairwell by employees or customers of the business would be significant, whilst separate mechanisms exist outside of the planning process should any anti-social behaviour occur, for example from third parties loitering on the stairwell.

Lastly, it is a well-established planning principle that the de-valuation of properties, as a result of any new development, is not a material matter and cannot be taken into consideration when appraising this planning application.

### **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 constructing an extension to the existing sales office at what is a longstanding commercial site is acceptable. Furthermore, it is not considered that the proposal would have a significant impact upon the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties or highway safety in the vicinity of the site.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 AW6 and AW10).

### **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(s) no(s) and documents received by the Local Planning Authority on <insert date>, 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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