

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
6 APRIL 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
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APPLICATION N0: 16/1319/10) - CONVERSION TO 8 FLATS AND SHOP ON GROUND FLOOR, EXTERNAL PARKING, AMENITY AREAS AND DEMOLITION OF REAR ANNEXE. CENTRAL HOTEL, CLYDACH ROAD, TONYPANDY.

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

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

3. BACKGROUND

This application was originally reported to the Development Control Committee on 2nd March 2017 with a recommendation of approval. A copy of that report is attached at **APPENDIX A**. At that meeting Members resolved to refuse the application contrary to the Officer's recommendation because they considered that the proposal was overdevelopment of the site and that insufficient parking was provided as part of the development. The matter should therefore be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (Minute No 143 refers).

Members are advised the site is a relatively large building, and as detailed in the original report, the number of units is considered acceptable. Whilst the flat development is a relatively high intensity form of residential development and noise and disturbance issues could be a concern, it is considered there would be less impact as compared to the existing public house use. Furthermore the conversion would help ensure the future condition of the building; which is considered to be of local historic and architectural value.

It is recognised the parking provision is low in ratio to the number of flats. However, the development would beneficially provide the maximum off-street parking possible in the limited space available on the site. Members are advised the Transportation Section detail, in their comments, that the proposal considerably reduces on-street parking demand as compared to the former public house use. The site is also located in close proximity to a bus stops and local shops.

If however Members are still minded to refuse the application; the refusal reasons below are suggested:

REASON

1 The development represents an over intensive form of residential development, resulting in noise and disturbance issues and increased parking demand that would have a significant detrimental impact on the amenity of surrounding residents. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance – Development of Flats (June 2015).

2 In the absence of adequate off-street parking facilities, the proposed development would generate additional on-street parking in an area where there is already considerable demand, causing hazards to the detriment of safety to all highway users and free flow of traffic. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance – Development of Flats (June 2015).

APPLICATION NO: 16/1319/10 (GW)
APPLICANT: Mr A Singh
DEVELOPMENT: Conversion to 8 flats and shop on ground floor, external parking, amenity areas and demolition of rear annexe.
LOCATION: CENTRAL HOTEL, CLYDACH ROAD, TONYPANDY
DATE REGISTERED: 20/01/2017
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: GRANT

REASONS: The site is a large vacant building and its former lawful public house use has ceased some time ago. Planning permission has been previously granted for the conversion of the building to 4 no. dwellings.

The re-development of the building for the proposed residential and shop use is considered would provide a beneficial active use for the building that would have a positive regeneration impact on the local area.

The proposal would not have a significant detrimental impact on residential amenity or on the character of the area.

Some beneficial off-street parking would be provided and it is sustainably located.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Service Director Planning as it is for over 5 dwellings.

APPLICATION DETAILS

The application seeks full planning permission for the conversion of the former public house to provide eight residential flats. This includes 1 x one bedroom flat, 6 x 2 bedroom flats and 1x studio flat. A shop would be provided on part of the ground floor. And the proposed opening hours are: 7am to 10pm Monday to Friday, 8am to 10pm Saturday and 8am to 9pm Sunday.

Five off street vehicle parking spaces (one within an existing garage) and cycle stands would be provided and accessed from an adopted lane to the rear of the building. A communal bin store would be provided adjacent to the parking areas.

SITE APPRAISAL

The application site consists of the Central Hotel Public House that is prominently located on the junction of Clydach Road and North Terrace, within the built up area of Clydach Vale. The large, three storey building (including the roof space) appears as a distinctive and characteristic building (of the late Victorian era) that acts as a counterpoint to the surrounding, traditional terraced properties of the locality. The

street fronted building has a noticeable red brick finish with slate tiled roof. To the rear, north of the site beyond a narrow access lane is the side elevation of an elevated, end of terrace property (number 1 North Terrace). The application site is set adjacent to the main road that is mainly residential in character with a limited number of intervening commercial premises.

PLANNING HISTORY (Relevant to application)

12/0102	Central Hotel, Clydach Road, Clydach	Conversion from a public house to 4 no. houses with a change of use to class C3	Granted 10/04/12
80/0554	The Central Hotel Public House, Clydach Vale	Proposed alterations to lounge bar	Not development 03/09/80
75/0911	“ “	Ladies and gents toilets	Permitted Development 10/03/76

PUBLICITY

The application has been advertised via the erection of site notice and by direct neighbour notification. At the time of writing this report one letter of objection has been received and the comments are summarised below:

- The development would result in a loss of privacy to my property behind the public house.
- Coming and going to and from the flats would result in noise and disturbance.
- There is a major issue of parking in the area and we find it difficult to park outside our house. There is insufficient space for the number of cars that would result.
- Access to the lane has poor visibility, insufficient lighting and the road surface is poor.
- Traffic has almost doubled since the shop started trading.
- There are existing security cameras on the property. They may be recording video of us in our home.
- The Central is a listed building and how can its appearance be changed so dramatically.
- We commented on the shop licensing application to sell alcohol and have concerns about public disorder/drunkenness and how this will impact on our children.
- My son has autism and suffers from anxiety attacks. The works to the building, increased noise, increased parking outside our house will have a detrimental impact on his health.

CONSULTATION

Countryside Section – if works are not proposed in the roof spaces and the layout is as existing a bat survey would most likely not be required. A bat informative note should be appended to any planning permission.

Dwr Cymru/Welsh Water – no objection subject to condition requiring that any increase in the roof area of the building/or impermeable surfaces within the curtilage shall not be allowed to drain directly or indirectly to the public sewerage system. Advisory notes are provided.

Flood Risk Management – no objection as the applicant has not proposed an increase in the hard standing area.

Public Health and Protection – no objection subject to conditions on demolition of existing dwellings, hours of operation during construction, noise, dust, waste and temporary lighting.

Transportation Section – no objection subject to conditions. There are some concerns with only 5 vehicle parking spaces provided. However, taking into account there is space for overspill car parking to take place on North Terrace, the provision of cycle parking and the location of a bus stop in close proximity the proposal is acceptable.

Wales & West Utilities – pipes are located within the locality of the site. Should the application be approved the developer must contact them to discuss their requirements. Advisory notes for the protection of their apparatus are also provided. No construction works would be allowed over or enclosing their apparatus.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the

amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

Policy AW7 - covers the protection and enhancement of the built environment.

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 NSA12 – details criteria for housing development within and adjacent to settlement boundaries.

Policy NSA13 – Conversion of large buildings for residential purposes will be permitted provided: the site is within the settlement boundaries, the building is of historic or architectural importance and makes a valuable contribution to the townscape and there is no economically viable alternative use.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Development of Flats

Nature Conservation

Planning Obligations

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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

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; 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.

Principle of the proposed development

The application proposes the conversion of a former public house that already has planning permission to be converted into 4 dwellings (12/0102). Whilst this permission has not been developed; it should be noted a new or alternative economic use has also not carried on at the building and it is considered this would be less likely due to its physical condition and location out of the town centre. As such, the inclusion of a shop on the ground floor, in conjunction with the proposed residential accommodation, is considered a beneficial scheme in establishing a new use for the building and regenerating and supporting the local area.

The Council's supplementary planning guidance on the development of flats generally supports schemes which make a positive contribution to housing choice, results in a sustainable form of development and which is well designed. Its conversion to flats of the size being proposed would provide beneficial residential accommodation and the building's appearance would be improved through its re-use.

The property is located in the main residential area of Clydach with some local shops in close proximity. A bus stop is located immediately outside the front of the building. In light of this the site is considered to be sustainably located.

Therefore, it is considered the principle of the proposal would be acceptable subject to the following material planning considerations, which are discussed below.

Impact on residential amenity

Members should note the previous use of the building was as a public house with the potential of related noise and disturbance particularly in the evenings. The pub would potentially have also included some residential aspect on the upper floors. Whilst the concerns of the objector are noted and appreciated, the impact of the proposed use would be similar to the previous use of the building and what is typical in residential areas where commercial buildings are in close proximity. In terms of the proposed shop, its entrance would be located facing the main road and the opening hours would be acceptable. It is therefore considered the proposed use would not have a significantly greater impact than the previous use.

In terms of the occupiers of the dwellings the proposed flats are considered of sufficient size for the number of bedrooms. There is some amenity space to the rear of the building for the ground floor flats and some space for the upstairs flats to store bins off the pavements. The accesses are from the main roads and well overlooked. As such, in these terms, it is considered the proposal would accord with guidance within the Council's Supplementary Planning Guidance for flat development.

Character and appearance of the area:

The building is considered to have some local historical character and the proposed plans indicate this would be largely retained. The building is currently vacant and has some windows that are damaged or boarded up. It is considered that the proposed conversion of such a visually prominent building in the street scene could have a beneficial impact on the character of the area.

Access and highway safety

The building currently only has one off-street parking space (within a garage) and customers of the former pub would have parked on the surrounding streets if going to the premises by car. This is generally the same situation for existing shops/food takeaways in close proximity to the site. The proposed development would beneficially provide 4no. off-street vehicle parking spaces and cycle stands. And Members are also advised, a bus stop is located in close proximity to the front of the building. No objection has been raised by the Transportation Section. It is therefore considered that the development would be acceptable in these terms.

Ecology (bats)

The Council's Ecologist considers if no new works to roof spaces are proposed a bat survey would not be required. The submitted plans do not detail works to the roof. Furthermore planning permission exists for the conversion of the building to dwellings (reference 12/0102). It is therefore considered that bat informative should be appended if permission is granted to advise the developer if bats are found during construction.

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:

Public Health Section Comments

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered demolition, noise, dust, waste and lighting matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission regarding these issues.

Drainage

Dwr Cymru/Welsh Water require that surface water should not drain to the public sewerage system. The Council's Flood Risk Section considers there would be no increase in hard surfaced area and therefore do not object. Whilst Welsh Water's comments are appreciated the conversion is to an existing building that has existing drainage. It is considered an appropriate drainage system can be controlled through Building Regulations.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for residential development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

With regard the Class A1 retail development this does not include over 100 sqm of new floor space and therefore the development is of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on residential amenity, parking and highway safety and ecology (Policies AW1, AW2, AW5, AW6, AW7 AW8, NSA12 and NSA13).

RECOMMENDATION: Grant

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)

- Location plan received 2nd December 2016
- Site Plan received 21st December 2016
- Drawing no. BAA9/5 - Proposed ground floor plans received 20th January 2017.
- Drawing no. BAA9/6 - Proposed first floor plans received 20th January 2017.
- Drawing no. BAA9/7 Rev a - Proposed second floor plans received 20th January 2017.
- Proposed front and side elevation received 20th January 2017.
- Proposed rear and side elevation received 20th January 2017

and documents received by the Local Planning Authority on 21st December 2016, 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 shop shall only be open to the public between the hours of 7am to 10pm (Monday to Friday), 8am to 10pm (on Saturdays) and 8am to 9pm (on Sundays).

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted ground floor plan BAA9/5. The spaces shall be retained for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Development shall not commence until details of the tie in with the rear lane have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the tie in has been constructed in accordance with the approved details.

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

6. No development shall take place until full engineering design and details of a scheme for blocking off and making good the pavement following the removal of the cellar doors on North Terrace have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In interest of highway and pedestrian Safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

6 APRIL 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION N0: 16/1319/10) -
CONVERSION TO 8 FLATS AND
SHOP ON GROUND FLOOR,
EXTERNAL PARKING, AMENITY
AREAS AND DEMOLITION OF
REAR ANNEXE. CENTRAL
HOTEL, CLYDACH ROAD,
TONYPANDY.**

OFFICER TO CONTACT

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See Relevant Application File

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