

APPLICATION NO: 14/1119/10 (BJW)
APPLICANT: Mr Rhys Williams
DEVELOPMENT: Change of use from chapel building to one residential unit and funeral home (amended layout plan received 09/10/2014 and bat report received 15/10/2014).
LOCATION: TRINITY CHAPEL, TRINITY ROAD, TONYPANDY, CF40 1DQ.
DATE REGISTERED: 15/10/2014
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Approve.

REASONS:

The proposal would make productive use of disused buildings that would be in keeping with surrounding land uses and would be sympathetic to the character and appearance of the area.

Additionally, the relationship between the building and existing neighbouring properties is such that development is not considered to cause detriment to their amenities.

APPLICATION DETAILS

Full planning permission is sought for the conversion of Trinity Chapel, Trinity Road, Tonypandy to a single residential dwelling and a funeral home.

The property consists of an upper chapel building and a lower, attached hall. The proposal is to convert the upper chapel building into a single residential dwelling whilst the ground and first floor elements of the lower hall are proposed to be converted into a funeral directors. The remaining part of the lower hall would be converted to a walled, private garden area for the proposed dwelling as well as parking for three vehicles, two for the dwelling and one as a space for the funeral director's operational requirements.

The dwelling would be created within the existing building envelope, with the only external alteration being proposed as part of the conversion consisting of a new doorway opening from the upper chapel building into the proposed walled garden area.

Accommodation would consist of an entry porch, open plan living area, 2 bedrooms, kitchen, bathroom and W.C. within the ground floor level of the upper chapel building. Access would be gained from the existing main access from Trinity Road.

The proposed funeral directors would be located on the lower ground floor (of the attached hall building) and the first floor of the hall and would be laid out as follows:

Lower ground floor – funeral home, 2 rooms serving as a chapel of rest
Ground floor – funeral home.

The funeral home would have two points of access, one from the side entrance off Dunraven Street and the other from the walled garden area also off Dunraven Street.

The application is accompanied by a Design and Access Statement (DAS) which states that the proposal would make productive use of the church building which was no longer required to be used as a place of worship into a family dwelling and funeral home. The appearance of the building, which would be largely unchanged, would be in keeping with the surrounding area.

Due to the age, nature and means of construction of the building, a licensed bat worker was engaged to assess the potential impact of the works on statutory protected species. This assessment was included with the application, necessitating its re-validation, and forms part of the details submitted in support of the application. The report concludes that the works would be unlikely to have an adverse impact on bats however, it was not possible to survey all parts of the roof.

SITE APPRAISAL

The site is a roughly rectangular shaped piece of land measuring 672 square metres (0.06 hectares) with a site frontage of 22 metres onto Trinity Road. The site slopes from south west to north east along Trinity Road.

The site contains a former chapel building, Trinity Chapel, and an attached lower hall which was used as a classroom associated with the chapel. Both buildings cover the entirety of the site apart from a side alley entrance off Dunraven Street.

The Church is a large, civic scale building of 3 plus storeys as viewed from Trinity Road with a height of 14.5 to the highest part of the roof. Due to the sloping nature of the site the building, which includes a lower attached hall building, would have a height of 17.4m in height to its highest point as viewed from Dunraven Street.

The chapel and lower hall are attractive stone built buildings with contrasting brick details to door and window openings and a slate roof.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Two responses have been received from neighbouring properties raising the following concerns and objections to the proposal:

- Parking problems in the area would be worsened by the proposed change of use particularly during the construction process.
- There is already a funeral home in the area and therefore another is not required.
- Works have already started at the site despite the applicant stating that they have not.
- Where would the funeral cars for the business, mourners and the dwelling be parked?
- Construction traffic could travel the wrong way up the one-way system due to unfamiliarity with the area.
- The business use could cause issues with access to and from existing garages in Adare Terrace.

Another letter of response has been received from an anonymous source raising the following concerns and objections:

- The applicant has not stated that his mother is an employee of the Council.
- How will waste from the business be disposed of?
- Questions whether the business could operate as indicated in the submitted details with undisclosed hours of operation (the respondent feels that 24 hour opening is required, 7 days a week). Also only 2 staff are indicated but surely more would be required.
- Works have clearly begun within the property as can be seen from the pictures attached to the bat survey works.

CONSULTATION

Transportation Section – initially raised an objection to the application due to highways safety concerns over the lack of parking facilities and the increased intensity of long term parking that the proposal would cause. However, following the amendments to the plans indicating off street parking provision for the dwelling element of the proposal, now raises no objection, subject to conditions relating to the implementation of the parking area; a vehicular footway crossing; the restriction of times for heavy goods vehicles visiting the site and surface water run-off being restricted from discharging onto the highway.

Land Reclamation and Engineering – no objection.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during construction and standard informative notes.

Wales and West Utilities – no objection. Standard advice is offered in relation to safe working practices in the vicinity of Wales and West Utilities' apparatus.

Western Power Distribution – no response received.

Countryside, Landscape and Ecology – no objection. The bat survey report is a thorough and competent assessment by a very experienced bat surveyor. The assessment has included emergence/activity works and (where access was possible) building inspections. The building itself is clearly a difficult one to fully assess, but significant efforts have been made to do so.

Based on the findings of the report, and acknowledging the problems identified, no objection is raised subject to a precautionary condition that requires a further investigation for bats in the chapel roof, to take when the minimum amount of slate has been removed to enable an assessment to be made. The condition would be subject to confirmation from Natural Resources Wales (NRW) that they would be in agreement with this approach and condition.

Natural Resources Wales – no objection. NRW are satisfied with the precautionary approach and condition suggested by the Council's Ecologist.

Glamorgan/Gwent Archaeological Trust - It is clear that currently the proposed works will result in altering the interior of the existing building and therefore it is our opinion that a photographic record of the interior and exterior should be made prior to the commencement of the development. We do not have any objection to the positive determination of the current application, but recommend that a condition ensuring that a photographic record is made, which will ensure the building's preservation by record to mitigate the negative impact of the development, should be attached to any planning consent that is granted.

Royal Commission on the Ancient and Historical Monuments of Wales - given the historic and architectural interest of this chapel, we would be grateful if we were granted a period of access for recording purposes if planning consent is granted.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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 AW8 - only permits development where it would not cause harm to features of the natural environment.

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

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 7 (economic development), Chapter 9 (housing) and Chapter 10 (planning for retail and town centres).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan. The site is adjacent to the retail area of a Key Settlement (Tonypanyd, Policy NSA18.2 refers). The site is a disused

chapel and attached lower hall which are showing external signs of vandalism and disuse.

The principle of the reuse of the building as a dwelling, albeit a substantial dwelling, would be in keeping with surrounding land uses which are predominantly residential in nature. The conversion would also retain the character and appearance of the street scene in this area by keeping this attractive community style building in a largely unaltered external form. In terms of the commercial use as a funeral home it is considered that this would be in keeping with the adjacent retail area of the town centre of Tonypany.

The issues of the impact of the development on neighbouring properties, the visual amenity of the area, highway safety and other issues are addressed below in the report.

However, it is considered that the principle of using the site for residential and commercial purposes, as proposed, would be acceptable.

Character and Appearance of the area

The area is characterised by traditional terraced housing, the occasional larger house and several commercial and community buildings at the edge of the main town centre. It is considered that the conversion of the property would not have a detrimental impact on the character and appearance of the area as the majority of the works would be carried out within the internal envelope of the property.

In terms of the external alterations it is considered that the majority of these are relatively minor in nature. The main external alteration would be the removal of the roof on the lower hall to create a private walled garden area and parking provision for the dwelling and a coffin entrance for the funeral home. It is considered that this alteration has been handled with care and sensitivity to the built form of the resultant building and would provide visual interest within the street scene that would be appropriate to the immediate context of the area.

Therefore, it is considered that the proposal would be respectful, sympathetic and acceptable in terms of the character and appearance of the area.

Impact on amenities of neighbouring properties

The site represents an existing community building that already has a fairly close relationship with existing neighbouring properties due to the densely built-up urban form of this area.

However, it is considered that the property is located in an area of Tonypany where the usually dense urban form is more dispersed. The property is separated from dwellings to the rear of the site, in Adare Terrace, by the

vehicular carriageway and a distance of 22m. The closest property, Evesden Cottage, is immediately adjacent to the site and could be overlooked by rear facing windows to habitable rooms of the dwelling or from the commercial property. However, it is considered that a suitably worded condition requiring details of the means of fenestration and adequate levels of obscurity to prevent overlooking would address any potential amenity issues.

In terms of the use of part of the property as a funeral directors, it is acknowledged that such a use would be likely to operate at potentially unsociable hours. It is considered prudent to require the hours of operation to be agreed and to limit the access to the business to the entrance through the walled garden area where any disturbance would be far more limited.

Consequently, having regard to the issues above and subject to the conditions suggested, it is considered that the proposal is acceptable.

Highway safety

The Transportation Section has raised no objection to the application. This view acknowledges that the previous use as a chapel with attached hall would have required in the region of 61 off-street spaces and the proposal would require a maximum of 33 spaces (3 for the dwelling and 30 for the funeral home).

Taking into account the close proximity of the public car park and the traffic regulation orders in place preventing on-street car parking the customers for the funeral home would use the public car park opposite which is acceptable.

The proposal provides for two off-street car parking spaces served off Dunraven Street through a new double access gate with access / egress in forward gear which is acceptable.

Therefore, subject to conditions to regulate the proposal, no highway objection has been raised.

Consequently, the proposal is considered to be acceptable in this regard.

Potential impact on statutory protected species

The applicant commissioned a bat survey of the building based on requirements of the proposal to facilitate the use of the property as a dwelling, funeral home and walled garden.

The assessment has included emergence/activity works and (where access was possible) building inspections. The building itself was clearly a difficult one to fully assess, but significant efforts have been made to do so.

In essence the Report concludes that *“with the surveying carried out, although not in ideal situation, we are of the opinion that it is unlikely that bats use the buildings for roosting.”* The report does identify that it was not possible to enter or look into the former church roof space or two small hall roof spaces, and the conclusion suggests that *“it may be possible to use scaffolding rather than mobile access equipment to look into the church roof space at the time the roof is removed in which case if evidence of bats should be found then works would cease whilst an NRW licence is applied for.”*

The report states that RCT's and NRW's agreement would be needed for any planning permission which included such a proviso. The Council's Ecologist has examined the details and considers that should consent be granted a precautionary condition is required that requires a further investigation for bats in the chapel roof, to take place when the minimum amount of slate has been removed and to enable an assessment to be made. That would only be acceptable as a precautionary measure based on the survey conclusion that *'it is unlikely that bats use the buildings for roosting'*.

The Council's Ecologist advises that the views of NRW are sought to ensure that they are agreeable to such an approach. NRW have been consulted and are in full agreement with the suggested approach by the Council's Ecologist.

Consequently, it is considered that a precautionary condition, of the type suggested, would adequately address this issue.

Other issues

There have been several issues raised by neighbouring properties and through an anonymous respondent regarding the proposal. The following comments are offered in relation to the points raised:

In relation to parking and other issues, the chapel building and hall has a parking requirement greater than the existing proposal and it is therefore considered that the existing highway network, traffic regulation orders, proposed parking spaces and public car parks would facilitate the proposal without additional detriment to highway safety or on street parking.

Funeral cars could be parked off site in public car parks or other facilities as required. This is an operational issue for the business and not a material planning consideration. Familiarity with the road layout for construction traffic is an issue that will be dealt with by the developer and/or the contractors appointed. Any obstruction to the existing garages in the area would be a Police matter.

The need for another funeral home is a matter for market forces and not a material planning consideration.

While the applicant has not stated that their parent is an employee of the Council it is not considered that this has an impact on the determination of the proposal. In any event, this application is due to be determined by Committee.

The business operation will be required to comply with all of the necessary regulations including the disposal of waste materials generated by the business.

Clarification of the business hours and means of operation can be required by condition. Both of these requirements will aim to ensure that the business operation does not have an adverse impact on the amenity of neighbouring properties.

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 however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable.

Conclusion

The application represents an acceptable alternative use of a historically and architecturally important community building. It is considered that the resultant development would be visually acceptable and sympathetic to its surroundings and would not be detrimental to the amenity of existing residents, highway safety or biodiversity issues.

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above (and in accordance with Policies AW5, AW6, AW8 and AW10).

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) - Site location plan, received 04/09/2014, Proposed floor plans and elevations Drawing Number: hdw/ph/tc.001 received 08/08/2014, 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. Notwithstanding the approved plans, and before works of any description commence at the site a further investigation for bats within the chapel roof shall take place. The works shall proceed with the minimum amount of slate to be removed to enable an assessment to be made and the findings submitted to the Local Planning Authority for evaluation. No works shall proceed without the formal written approval of the Local Planning Authority.

Reason: To afford protection to statutory protected species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The building is of significance and therefore the specified records are necessary to mitigate the impact of the proposed development in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

5. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the beneficial use of the of the development, the window openings in the south east elevation, that is facing – 84 Dunraven Street, shall be glazed with obscure glass to a height of 1.8 metres above internal finished floor levels and fitted with top hung openings only, the detail of which shall have first been submitted to and agreed in writing by the Local Planning Authority. The windows shall thereafter be retained in their approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy

AW5 of the Rhondda Cynon Taf Local Development Plan.

- 7. Before any work is commenced on site, the hours of opening of the funeral home, including deliveries and collections to and from the site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of adjoining residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

- 8. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan hdw/ph/tc.001 and approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the development.

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

- 9. Prior to the development being brought into use, a vehicular footway crossing to match existing footway slabs and kerbs shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety.

- 10. Heavy Goods Vehicles used as part of the development shall be restricted to 09:30am to 15:30pm weekdays, with no Heavy Goods Vehicles on weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with policy AW5 of the Rhondda Cynon Taff Local Development Plan.

- 11. 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 policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

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