

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE**

3 DECEMBER 2015

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.5

**SITE MEETING
APPLICATION NO. 15/0740 – PROPOSED
CHANGE OF USE FROM LOCAL
AUTHORITY OFFICES TO STUDENT
ACCOMMODATION – OFFICE, LLWYN
CASTAN, LIBRARY ROAD, PONTYPRIDD**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the applicant first entering into a Section 106 agreement to ensure that for a period of 2 years, the applicant purchases a season parking ticket (entitling the holder the use a Council owned and operated designated long stay facility in Pontypridd) for occupiers of the accommodation that own a car.

3. BACKGROUND

- 3.1 In accordance with Minute No. 90 (Development Control Committee, 5 November 2015), a site inspection was undertaken on Tuesday, 17 November 2015 to consider issues concerning location and highways matters.
- 3.2 The meeting was attended by the Chair of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Members - County Borough Councillors P.Jarman, (Mrs) S.J.Jones, R.Lewis, S.Powderhill, S.Rees, G.Smith, G.P.Thomas and E.Webster.

Non-Committee/Local Member – County Borough Councillor S.L.Carter was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, (Mrs) J.S.Ward and M.J.Watts.
- 3.4 Members met outside Llwyn Castan in Library Road which is surrounded by a mix of residential dwellings, flats and office businesses. Members were advised by the Development Control Officer that full planning permission was being sought for the conversion of the former office building into student accommodation comprising 29 units over four floor levels. The character and appearance of the existing building would be retained although the ground floor windows would be adapted to suit the new proposal and amended plans now showed the existing open patio at first floor level was to be enclosed with a solid wall extension over the patio which would match the remainder of the building.
- 3.5 Members noted that Llwyn Castan was a narrow triangular building which occupied the entire footprint of the site with no parking associated with its previous use of the use now proposed. Parking restrictions operate on the highways outside the site in Library Road and Gelliwastad Grove which severely limits opportunities for on-street parking associated with any use of Llwyn Castan and to a large extent, other neighbouring properties.
- 3.6 The Transportation Officer was asked to comment on the proposal and he informed Members that the parking requirement for the previous office use was between 24 and 33 car parking spaces, with none provided. In comparison, the proposed change of use to 29 units of student accommodation required only 1 space, with none provided. The proposal provided 10 cycle spaces within the ground floor area although there was potential to provide additional cycle storage spaces within the site which would help mitigate the absence of vehicular parking provision. Should planning permission be granted, a condition to this effect was suggested. It was acknowledged that the proposal would introduce cars into the area, especially during the evening and at weekends and it would not be possible to prevent a student from owning a car and parking along any of the residential streets in the area, the majority of which already suffered from significant on-street parking problems. In this regard, the Transportation Officer stated that the applicant had indicated a willingness, for a period of 2 years, to purchase a season parking ticket for any student occupier of the proposed development who owned a car which would entitle the occupier to use a Council owned and operated designated long-stay parking facility in Pontypridd.

- 3.7 Members were advised that the proposed development did lack off-road parking but given the former use which had a much higher parking demand, coupled with the provision for cycle store, the sustainable town centre location and the applicant entering into a planning obligation to provide a seasonal parking ticket for any occupier that owns a car, the proposal was considered acceptable in parking and highways terms.
- 3.8 Non-Committee/Local Member – County Borough Councillor S.L.Carter – addressed Members on his concerns about the proposed change of use from former offices to student accommodation at this location which would be privately managed with no formal links to the University of South Wales. He highlighted the existing parking problems in the vicinity of the site which would be exacerbated by occupiers of the building and visitors wishing to park close by. He also stated that it was inevitable that there would be disturbance and nuisance caused to neighbours arising from continuous use and occupation of the building compared with the previous office use with risks of incidences of anti-social behaviour possible.

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APPENDIX 1

APPLICATION NO: 15/0740/10 (PB)
APPLICANT: Elite Accommodation and Facilities
DEVELOPMENT: Proposed change of use from Local Authority Offices to student accommodation.
LOCATION: OFFICE, LLWYN CASTAN, LIBRARY ROAD, PONTYPRIDD, CF37 2YA
DATE REGISTERED: 22/06/2015
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS:

The conversion and extension of these vacant former local authority offices to residential use is acceptable as a matter of principle. The proposal, albeit for an intensive residential use, will neither significantly affect the character and appearance of the building nor the wider area and Conservation Area. There is an absence of car parking at the site. However, the requirement for parking for the proposed use is significantly less than for the previous office use and given the sustainable location the development is considered to be acceptable in parking and highway safety terms. The proposed extension has been modified to reduce the potential for overlooking and loss of privacy to neighbouring dwellings.

APPLICATION DETAILS

Full planning permission is sought for the conversion of former local authority offices into 'luxury' student accommodation at Llwyn Castan, Library Road, Pontypridd. The proposed conversion would comprise 29 units of accommodation and take place over the building's four floor levels comprising of the following:

Lower Ground Floor: 6 student accommodation units, plus hub kitchen, bike store, gymnasium, laundry room, plant room and bin store.

Upper Ground Floor: 10 student accommodation units, common/dining room and hub kitchen.

First Floor: 10 student accommodation units and lounge/dining room and games room.

Second Floor: 3 student accommodation units.

Each of the student accommodation units would be complete with its own en-suite bathroom and WC facilities.

The proposal is to retain the character and appearance of the existing building and retain all current materials in-situ in general. The lower ground floor fenestration is to be adapted to suit the new proposal and will match the general size and shape of pre-existing adjacent opening. The existing patio at first floor level is to be enclosed with an extension consisting of matching wall construction and windows and a cut roof formed to complement the existing roof profile and finished in matching fibre cement slates. This supersedes an earlier proposal to enclose the patio with a glazed conservatory. The existing roof and roof lights on the remainder of the building would remain unchanged apart from the introduction of a single additional roof light along the line of the existing openings to the western facing roof face.

The application is accompanied by a Design and Access Statement.

SITE APPRAISAL

Llwyn Castan comprises a vacant building located in close proximity to Pontypridd Library and St Catherine's Church, and is surrounded by a mix of residential dwellings, flats and office businesses. The building was last used as local authority offices though that ceased in March 2015 following its disposal and sale by the Council.

Llwyn Castan comprises a narrow triangular building constructed over three floors with an additional floor in the roof space. The building has two main elevations facing east onto Library Road and west onto Gelliwastad Grove. The building also has a northerly facing elevation that abuts a single storey garage at Library Road level, and a southerly facing elevation that sits at the narrow point of the site and comprises a limited number of window openings and an open patio balcony at first floor level. All elevations are a combination of rendered stonework at lower levels and cladding panels at upper levels, with powder coated aluminium windows throughout. The main access points of the building at lower and upper ground floor levels comprise glazed aluminium coated doors.

The building at Llwyn Castan occupies the entire site therefore has no parking and loading facilities. On-street parking on the highway outside the building in Gelliwastad Grove is limited and subject to restrictions.

Llwyn Castan is situated in the Pontypridd Town Centre Conservation Area. Also, in close proximity there is St Catherine's Church, which is Grade II* Listed, and St David's Church and Hall which is Grade II Listed.

PLANNING HISTORY

No recent relevant planning history for the site.

PUBLICITY

Neighbours notified and site notices displayed. A total of 10 emails/letters of representation received from members of the public summarised as follows:

- Use of building as multiple residential accommodation is out of character in Conservation Area.
- Disturbance and nuisance to neighbours from continuous use and occupation of the building compared with previous office use.
- Loss of privacy from overlooking windows and glazed conservatory in building.
- Parking problems as some students likely to own cars.
- Concern over management of building as accommodation facility would be privately run and have no affiliation to the University of South Wales.
- Concern whether the facility could be occupied by non-students.
- Concerns about anti-social behaviour by occupants of the accommodation.
- Lack of adequate bin storage, which could cause outside refuse storage to occur.

CONSULTATION

Transportation Section - no objection.

Flood Risk Management - no adverse comment.

Public Health and Protection - no objection. Offers comments and recommendations in respect of hours of construction operations, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported 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 AW7 – permits development only where it can be demonstrated that the proposal would preserve or enhance the architectural and/or historical merit of the site.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA1 – sets out criteria for permissible residential development within the town centre of Pontypridd.

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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
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 development

Llwyn Castan comprises a fairly large building situated on the edge of Pontypridd town centre though the immediate surrounding environment is one primarily characterised by residential development. Although last used as local authority offices and clearly capable of being adapted for a similar business activity, the site is not allocated or designated by any policies in the Local Development Plan that might preclude its use for purposes other than appropriate commercial and

business activities. Indeed, given the close proximity of Llwyn Castan to neighbouring residential properties its conversion to some kind of residential use is considered to be the most appropriate alternative use for the premises. Support for this view is found at a general level in Policy SSA2 of the LDP which favours residential development in the town centre subject to specific criteria being met. Therefore, as a matter of principle the conversion of Llwyn Castan to residential use considered acceptable subject to there being no other material considerations to outweigh that presumption in favour. The remainder of this assessment deals in turn with the other material considerations in this case.

Consequences for character and appearance of the general area and the Conservation Area

The proposed conversion will have little consequence for the character and appearance of Llwyn Castan itself as the external appearance of the building will largely remain unaltered, save for the addition of modest extension over the existing patio area at first floor level and some minor changes to the fenestration pattern. Although the extension is located at first level and will add extra bulk to the building, it would not be out of character with the remainder of the building and would have the significant advantage of enclosing the existing balcony patio area within the building. The proposed extension and other minor changes to the building are sympathetic to the Conservation Area and do not adversely affect the setting of the adjacent Listed Buildings at St Catherine's Church and St David's Church and Hall. The Council's Conservation Officer is content with the scheme in this regard.

In terms of the consequence of the development for the character of the wider area it is evident that this aspect of the proposal has provoked a significant reaction from members of the public. The concern expressed is that the use of the building for an intensive residential purpose would be out of character with the character of the Conservation Area and would introduce a significant element of a night-time and weekend activity that characteristically did not occur when Llwyn Castan was used as local authority offices. It is acknowledged that the use of the building for residential purposes would be as more continuous compared with its previous weekday office use. However, given the character of the area surrounding Llwyn Castan is a mix of residential properties plus commercial businesses and intensively used public buildings, including the adjacent public library and nearby churches, the case for adverse impact on the character and appearance of the Conservation Area is decidedly difficult to sustain. Indeed, as stated earlier it is arguable that residential use of Llwyn Castan, albeit an intensive one for occupation by one social group (students), is the most appropriate alternative to its continued business / commercial use given the close predominance of residential property in the Conservation Area. Accordingly, it is considered that the proposal does not conflict with Policy AW7 which seeks to protect Conservation Areas from potentially harmful development.

Parking and highway safety

The building at Llwyn Castan occupies the entire footprint of the site, there was no off-street parking associated with its previous use and none is associated with the proposed development. Moreover, parking restrictions operate on the highways outside the site in Library Road and Gelliwastad Grove, which severely limit opportunities for on-street parking associated with any use of Llwyn Castan and to a large extent other neighbouring properties. The understandable concern expressed by neighbouring residents is that the introduction of an intensive residential use of Llwyn Castan is only likely to exacerbate existing on-street parking problems and their associated highway safety consequences in an area where parking is at a considerable premium especially during evenings and at weekends.

In accordance with the Council's adopted SPG the parking requirement for the previous use of Llwyn Castan as offices was between 24 and 33 car parking spaces with none provided. The proposed change of use to 29 bedroom student accommodation would require only 1 space in accordance with the same SPG (on the basis of 1 space per 25 beds for servicing, wardens and drop off areas and nil requirement for visitors) with none provided. However, it is recognised that Llwyn Castan is within walking distance of public transport; secondly, a variety of pay and display car parks within close proximity are available; thirdly, traffic regulations in the form of parking time and double yellow lines prevent illegal parking within the vicinity of the site. The proposed development provides 10 cycle spaces within a ground floor storage area, which is below the 1 space per 2 bedrooms stated in the adopted SPG. There is potential to provide additional cycle storage spaces within the site which also will help mitigate for the absence of vehicular parking provision, and in the event of planning permission being granted a condition to this effect is suggested.

Notwithstanding the required parking provision it is possible that the proposal could introduce cars into the area, especially during the evening and at weekends. Parking of these cars, and the additional competition for spaces in the area may result in congestion and possible hazard to other road users. Although students without cars may be attracted to the proposal because of its accessibility, it would not be possible to prevent a student from owning a car and parking along any of the residential streets in the area, the majority of which already suffer from significant on street parking problems.

TAN 18 states that planning obligations will have a role to play in ensuring residents do not own cars and cites purpose-built student accommodation as an example where such agreements can be effective. This has been discussed with the applicant who has indicated a willingness to purchase a season parking ticket for any student occupier of proposal who owns a car. This would entitle the holder to occupier a use a Council-owned and operated designated long-stay parking facility in Pontypridd. This will require the submission of a planning

obligation as this is not something that can be done by condition. It is suggested that the operation of a scheme of this kind initially is limited to a period of two years to establish its effectiveness in catering for student parking demand arising from the proposal.

In summary, the proposed development lacks off road parking but given the existing (previous) use has a much higher parking demand and coupled with the provision for cycle storage, the sustainable location and the applicant entering into a planning obligation to provide a seasonal parking ticket for any occupier that owns a car, the proposal is considered acceptable in parking and highway terms. There is no objection from the Highway Authority.

Privacy and residential amenity

Representations have been made by neighbouring residents concerned that the proposed use would cause overlooking and loss of privacy, in particular from a proposed glazed conservatory to be erected over the existing patio at first floor level. In this regard the applicant has responded by amending the proposal to substitute the conservatory with a solid wall extension over the patio which would match the remainder of the building. Not only is the amendment acceptable from a visual amenity perspective but it also will significantly reduce the risk of overlooking from the Llwyn Castan to neighbouring properties compared with an open patio or glazed conservatory.

Other issues

Turning to other issues raised in this case, members of the public have expressed concern that the proposed student accommodation has no formal links with and management by the University of South Wales and may be occupied by non-students, and could give rise to anti-social behaviour by occupants. In response to these concerns it is acknowledged the proposal is for privately run and managed student accommodation that has no formal links to the University, though similar such facilities exist and operate successfully elsewhere in south Wales. Although there is no guarantee that the facility will be exclusively reserved for occupation by students it is evident from the proposed internal layout and facilities that the facility is designed for occupation in the same manner as are student halls of residence on campus.

In terms of the risk of incidences of anti-social behaviour this is essentially the responsibility of the occupants and the owner/manager of the premises to ensure such incidents do not occur.

PLANNING OBLIGATIONS

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require

operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions) to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under Section 106) may only legally constitute a reason for granting planning permission if it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirement in this case

The submission of a planning obligation whereby the applicant for a period of 2 years purchases a season parking ticket (entitling the holder to use a Council owned and operated designated long stay facility in Pontypridd) for occupiers of the accommodation that own a car.

It is considered that this requirement meets all of the aforementioned tests and is compliant with the relevant legislation.

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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The conversion and extension of Llwyn Castan to residential use is acceptable as a matter of principle. The proposal, albeit for an intensive residential use, will neither significantly affect the character and appearance of the building nor the

wider area and Conservation Area. The absence of car parking is a concern albeit the proposal will have less parking demand than the previous office use. But given the sustainable location and on-street parking restrictions, coupled with a planning obligation that caters for any parking demand arising from the proposal, the development is on balance acceptable in parking and highway safety terms. The proposed extension has been modified to reduce the potential for overlooking and loss of privacy to neighbouring dwellings. The development therefore does not conflict with prevailing LDP policies and is recommended for approval subject to the conditions specified below and the applicant, and any other interested parties, first entering into a planning obligation.

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 shall be carried out in accordance with the following approved plans:
 - Site Location Plans (Drawing No: 001/PL)
 - Proposed Lower Ground Floor Plan (Drawing no: 020/PL)
 - Proposed Upper Ground Floor Plan (Drawing no: 021/PL)
 - Proposed First Floor Plan (Drawing no: 022/PL)
 - Proposed second floor plan (Drawing no: 023/PL)
 - Proposed Sections (Drawing no: 031/PL)
 - Proposed Elevations (Drawing no: 030/PL01)

and documents received by the Local Planning Authority 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 clearly define the scope of the permission.

3. Notwithstanding the submitted plans details for provision of 15 cycle parking spaces shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Cycle parking shall be provided in accordance with the approved details prior to the commencement of beneficial occupation of the building.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

4. Building operations shall not be commenced until samples of the external materials proposed to be used as finishes to the extension over the patio 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.

5. Works of construction and conversion on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours
- Saturday 0800 to 1300 hours
- Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 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

3 DECEMBER 2015

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

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**APPLICATION NO. 15/0740 – PROPOSED CHANGE OF USE FROM LOCAL
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CASTAN, LIBRARY ROAD, PONTYPRIDD**

Minute No.90 (Development Control Committee, 5 November 2015)

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