

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
3 NOVEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.9
<p>APPLICATION NO: 16/0853/10 CONVERSION OF FORMER LICENSED PREMISES INTO 9 FLATS. RE-SUBMISSION OF 15/1288/10, 50 YSTRAD ROAD, PENTRE</p>	

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Planning Permission be granted in accordance with the recommendation as set out in the report attached as **APPENDIX A**.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 6th October 2016 with a recommendation of approval. A copy of that report is attached at **APPENDIX A**. At that meeting Members deferred determination to enable a further period of public consultation to take place. There were concerns that some residents, who had had objected to the previous application for the same development at the site (Reference 15/1288), were not aware of the current application and hadn't had the chance to make any comments.

Members should note a new site notice has been displayed on Pleasant View and direct neighbour letters were sent to the objectors of the previous application and additional properties on Pleasant View. This additional consultation period ends on 26th October 2016. At the time of writing this report, no letters of correspondence have been received. Members are advised any further correspondence would be orally reported to Members at the Development Control Committee meeting.

In assessing the determination of the current application Members are advised the previous application (15/1288) was reported to Development Control Committee on 21st January 2016. In respect of that application one letter of objection and a petition (signed by 18 people) was received objecting on issues including a lack of parking, the proposed fire escape

resulting in increased crime and the lack of storage of rubbish. This report is included as **APPENDIX B**. Members are further advised the issues raised by objectors were assessed in that report to Committee and that the only reason for refusing the application at that time was for a lack of information with regard to bats. As detailed in **APPENDIX A** this has now been overcome with the additional bat survey submitted.

APPENDIX A

APPLICATION NO: 16/0853/10 (GW)
APPLICANT: Mr Philip Bromwell
DEVELOPMENT: Conversion of former licensed premises into 9 flats. Re-submission of 15/1288/10.
LOCATION: 50 YSTRAD ROAD, PENTRE, CF41 7PH
DATE REGISTERED: 02/08/2016
ELECTORAL DIVISION: Pentre

RECOMMENDATION: Approve, subject to a S.106 Agreement

REASONS: The application has previously been reported to Development Control Committee and was refused only on the lack of information with regard to the impact on bats.

A bat survey has been submitted by the applicant, which details no evidence of bats was found at the building. The Council's Ecologist considers this acceptable and as such this refusal reason has been overcome.

The submitted plans are the same as previously assessed and as such, in relation to other material planning considerations, are considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;

APPLICATION DETAILS

The application seeks full planning permission for the conversion and extension of the former licensed 'Thirsty Pelican'/ Ton Pentre Conservative Club at 50 Ystrad Road, Ton Pentre to provide nine residential properties. Members are advised this is a resubmission of a previous application (15/1288) which was reported to Development Control Committee on 21st January 2016 and was refused for the following reason:

1 Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building or curtilage contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Members are advised this application is accompanied by a bat survey and that this concludes that no evidence to suggest bats had recently used the building for roosting.

The plans submitted are the same for the previous application. These detail the provision of three, one bedroom units at ground floor level, each with their own

front door in the south-western (front) elevation; with two No. two-bedroom units and a one No one-bedroom unit provided on both first floor and second level. Access to the proposed first and second floor level accommodation would be via a communal access in the south-western (front) elevation and central stairwell. A secondary means of access would be provided via an external steel staircase that would adjoin the north-eastern (rear) elevation.

The second floor accommodation would be partially provided within a new extension that would be developed above an existing lean-to extension that adjoins the south-eastern (side) elevation of the main building. The proposed extension would measure 5.6m wide and 9m deep. The extension would be finished with rendered elevations and a hip roof finished with reconstituted slate, to match the north-western end of the building with a maximum height of 12.7m (when measured from pavement level) falling to 9.4m at eaves level.

Due to the constrained nature of the site there would be a small area of communal amenity space provided to the north-east (rear) of the building. However, there is no potential to provide any off street parking to serve the development.

SITE APPRAISAL

The application site comprises a large, semi-detached, three storey building, with associated two storey lean to extension. As a whole the building measures 21.7m wide, 9.3m deep with a maximum height of 12.7m falling to 6.5m, positioned on the north-eastern side of Ystrad Road. The building is street fronted and is located opposite the petrol and train stations on Ystrad Road.

The application site and surrounding area is positioned on a slope that falls gently from north-west to south-east and more steeply from north-east to south-west. As a result the property is significantly below the level of the residential properties in Pleasant View to the rear (north-east), is below the internal floor level of the flats and dwelling to the south-east and is slightly raised relative to the finished floor level of 53-54 Ystrad Road to the south-east.

The application site is unallocated and within the settlement boundary of Ton Pentre.

PLANNING HISTORY (Relevant to application)

15/1288	50 Ystrad Road, Ton Pentre, Rhondda	Extension and conversion of former licensed premises into 9 no. flats.	Refused 28/01/16
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PUBLICITY

The application has been advertised via the erection of site notice and by direct neighbour notification. No correspondence has been received at the time of writing this report.

CONSULTATION

Countryside Section – the bat survey assessment is a thorough and appropriate survey/assessment (based on site investigations and emergence work) which has found no evidence of a bat roost in the building. As such no specific mitigation or Bat Licence is required. If this one gains planning permission we should still append the appropriate bat advisory note to any permission.

Dwr Cymru/Welsh Water – no objection subject to conditions requiring drainage details. Advisory notes are provided.

Flood Risk Management – no objection.

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

Transportation Section – no objection. There is concern with regards the shortfall in the off-street car parking provision for residents who are more likely to require long term parking than patrons. However, a contribution of £5,000 has been requested to provide an upgrade to an existing bus stop and as well as a condition for cycle parking to promote sustainable modes of travel and on this basis on balance the proposal is acceptable.

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 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

As detailed above, the application proposes the conversion and extension of a former licensed premise to create 9 flats (five No. one-bedroom and four No two-bed units).

Members should note a similar application for the conversion of the building to flats (15/1288) has previously been reported to Development Control Committee in January 2016. This was refused only due to the lack of information regarding the impact on bats. As such this is in essence an application to overcome that refusal reason.

The Council's Supplementary Planning Guidance on the conversion of flats generally supports development which makes a positive contribution to housing choice, result in a sustainable form of development, and which is well designed.

The building is currently vacant and is located within the settlement development limits of Pentre. As such its conversion to flats would provide beneficial residential accommodation and would visually improve its appearance through the buildings re-use. The property is located approximately 300 metres from the shops, facilities, and public transport options of Pentre. In light of the above, the site is considered to be sustainably located.

The key considerations with regards to the application have been determined as the impact on ecology (bats); the proposal on the character and appearance on the area; the residential amenity of those living closest to the site and highway safety.

Therefore, it is considered the principle of a residential use of this building would be acceptable subject to the following material planning considerations.

Ecology (bats)

A bat survey carried out by The Countryman: Wildlife Consultancy has been submitted with the application. This concludes that no evidence of bats was found at the building. The Council's Ecologist considers the survey thorough and an appropriate assessment. As such no specific mitigation or Bat License is required. A bat informative note should however be appended if permission is granted.

In light of the above it is considered that the previous refusal reason has been overcome and the issue is acceptable.

Character and appearance of the area

Whilst the application proposes a second floor extension above the existing lean-to which would accommodate one, two-bedroom unit, the works of conversion would largely take place within the fabric of the building and would utilise material in keeping with the existing building. It is considered that the design and external finish of the proposal in association with the density of development would not have a significantly detrimental impact on the overall character and appearance of the area. In contrast, it is considered that the active reuse of such a visually prominent building could have a beneficial impact on the overall vitality and viability of the street scene. As such the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity

Further to a site visit it has been determined that there are a number of residential properties immediately adjacent to the site: Flats within The Hayloft (49-50 Ystrad Road) and a detached dwelling known as Lisworney to the north-west; terraced dwellings within Pleasant View to the north-east and flats within 53-54 Ystrad Road to the south-east. The proposed floor plans submitted indicate that all habitable room windows would be either south-westerly or south-easterly facing, overlooking Ystrad Road or the blank elevation of 53-54 Ystrad Road. The development would make use of existing openings in the north-easterly (rear) elevation however these would predominantly serve kitchens or hallways.

Although the plans submitted indicate the provision of a new fire escape adjoining the north-eastern elevation, this would not be large enough to provide an external seating area. Being mindful of the existing topography of the area, which falls down towards the site, conversion within the existing fabric of the building and the reuse of existing openings and internal arrangement proposed, it is considered that the proposal would not generate an increased level of overlooking or loss of privacy significantly detrimental to the residential amenity of those living closest to the site. It is also considered that the orientation of the site, size of the principle building and position of the proposed extension would prevent the development from generating any increased overshadowing or loss of light.

Following public consultation no objections have been received. It is however noted that concerns were raised, in the previous application, regarding the position and use of the proposed fire-escape on the privacy and amenity of existing residents, particularly those within Pleasant View to the rear of the site. Whilst it is appreciated that the fire-escape would allow an elevated access to the rear yard and the streets to the rear, it is considered that the size of this aspect of the development in association with the topography of the area would prevent it from being so significantly detrimental to residential amenity to warrant refusal of the application on such grounds. Being mindful that the steps and doors in the north-eastern (rear) elevation are to be used as fire-escape there is the potential that it would be fitted with an alarm system to discourage residents using it as a principle access.

In terms of the occupiers of the dwellings the proposed flats are considered of sufficient size. There is some amenity space to the rear of the building, which would provide some space to store bins off the pavements. Details of which can be obtained by a condition if permission is granted. The accesses are from the main road 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.

It is therefore considered that the development would not have a significant detrimental impact on the amenity of the occupiers of the proposed dwellings and on surrounding residents. The application is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

Following consultation, The Authority's Transportation Team has provided the following summarised response:

"The proposed is served off Ystrad Road, A4058 which has a carriageway width of 7.5m with double yellow lines on both carriageway lanes. Pedestrian access is via a continuous pedestrian links which are satisfactory to serve the proposed development.

To the rear is a terrace street, Pleasant View, which is a residential cul-de-sac with no turning area. There is a secondary pedestrian access/ fire escape which exists onto the terrace street which is acceptable for safe pedestrian access.

In accordance with the SPG, the area and use of the ground and first floor of the premise as a public house/ club with third floor residential accommodation would require up to a maximum of 71 car spaces with 1 commercial space with none provided. The proposed use requires up-to a maximum of 13 spaces in accordance with the SPG Flats and Conversions, with none provided. There are traffic regulation orders in place preventing on-street car parking along the A4058.

There is a parking lay-by located to the north of traffic lights with some potential to accommodate parking during the day, this is likely to be used by existing residents during the evening and at weekends.

There is concern with regards the lack of off-street car parking proposed with the development, There is potential to mitigate against the impact of the proposal on highway safety by promoting the use of sustainable modes of transport such as bus, rail and cycling, There is a bus stop on Ton Pentre railway bridge which is in need of upgrading with raised border kerbing and new shelter at a cost of £5,000 which would promote the use of sustainable transport by able and less able bodied pedestrians. There is also some potential to provide secure cycle-parking to the rear of the building (by way of condition) which could mitigate the impact of the proposal. In light of these requirements, on balance, the proposal is acceptable.

The lack of parking proposed for the development was a significant concern for local residents in the previous application (15/1288). However, Members are advised to be mindful of the parking demand that would have been generated by the extant use relative to the proposal, the lack of opportunity to provide any off street parking, the proximity of the site to both the railway station and bus route and the potential to provide secure on site cycle parking by way of condition. Members should also note the applicant has agreed to enter into a Section 106 legal agreement to provide £5,000 towards the upgrading of a bus stop on Ton Pentre rail bridge. Whilst there are bus stops on Ystrad Road, a similar distance to the site; the bus stop in question is covered and would be more likely to be used when shelter from the weather is required. As such, this would encourage, the residents of the property to use the public transport facilities in the immediate vicinity.

Therefore, on balance, it is considered that the development would not generate an increased level of highway safety concerns to warrant refusal of the application. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

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. Whilst their comments are appreciated the extension is of a small scale 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 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.

Section 106 Contributions / 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 S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. 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 requirements in this case

1. The developer would be expected to enter into a legally binding agreement (S.106 of the Town and Country Planning Act) to make a financial contribution in the sum of £5000 towards improving a bus stop in the vicinity of the site which would be used by residents of the proposed development.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, ecology, the impact on the character and appearance of the area, the impact on residential amenity and parking and highway safety and ecology (Policies AW1, AW2, AW5, AW6, 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 11th March 2016
 - Drawing no. 2441C02 Proposed ground floor plan, first floor plan and front elevation received 2nd August 2016.
 - Drawing no. 2441C03 Proposed rear and side elevations, second floor

plan and block plan received 2nd August 2016.

and documents received by the Local Planning Authority on 2nd August 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 development shall not be brought into use until space has been laid out within the site for secure cycle parking in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason: In the interests of road safety and to promote the use of sustainable mode of transport in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall not be brought into use until space has been laid out within the site for the storage of bins in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

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

5. The external materials of the proposed extension shall match as near as possible the materials of the existing building.

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 commencement of development details of the fire escape doors shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to occupation of any of the dwellings hereby permitted.

Reason: To ensure the rear entrance is a fire escape and not a primary means of access in the interest of residential amenity 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

3 NOVEMBER 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 16/0853/10
CONVERSION OF FORMER
LICENSED PREMISES INTO 9
FLATS. RE-SUBMISSION OF
15/1288/10, 50 YSTRAD ROAD,
PENTRE**

OFFICER TO CONTACT

**MR G WATKINS
(Tel. No. 01443 494754)**

See Relevant Application File

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APPENDIX B

2. The proposed single wind turbine would interfere with ground based control radar and have a detrimental impact on the air traffic control operations at Cardiff Airport.
3. Insufficient information has been submitted to accompany the application to determine whether the proposed development would have a detrimental impact on features of importance to nature conservation and is therefore contrary to the provisions of Policies AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1288/10 (HL)

APPLICANT: Mr & Mrs Philip Bromwell and Alex Louise Brown

DEVELOPMENT: Extension and conversion of former licensed premises into 9 no. flats. (Internal inspection report for bats received 30/11/15)

LOCATION: 50 YSTRAD ROAD, TON PENTRE, RHONDDA, CF41 7PH

DATE REGISTERED: 30/11/2015

ELECTORAL DIVISION: Pentre

RECOMMENDATION: Refuse

REASONS: Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

The application seeks full planning permission for the conversion and extension of the former licensed 'Thirsty Pelican'/ Ton Pentre Conservative Club at 50 Ystrad Road, Ton Pentre to provide nine residential properties.

The plans submitted indicate the provision of three, one bedroom units at ground floor level, each with their own front door in the south-western (front) elevation; with two No. two-bedroom units and a one No one-bedroom unit provided on both first floor and second level. Access to the proposed first and second floor level accommodation would be via a communal access in the south-western (front) elevation and central stairwell. A secondary means of access would be provided via an external steel staircase that would adjoin the north-eastern (rear) elevation.

The second floor accommodation would be partially provided within a new extension that would be developed above an existing lean-to extension that adjoins the south-eastern (side) elevation of the main building. The proposed extension would measure 5.6m wide, 9m deep. The extension would be finished with rendered elevations and a hip roof finished with reconstituted slate, to match the north-western end of the building with a maximum height of 12.7m (when measured from pavement level) falling to 9.4m at eaves level.

Due to the constrained nature of the site there would be a small area of communal amenity space provided to the north-east (rear) of the building. However, there is no potential to provide any off street parking to serve the development.

SITE APPRAISAL

The application site comprises a large, semi-detached, three storey building, with associated two storey lean to extension. As a whole the building measures 21.7m wide, 9.3m deep with a maximum height of 12.7m falling to 6.5m, positioned on the north-eastern side of Ystrad Road. The building is street fronted and is located in close proximity to the petrol and train station.

The application site and surrounding area is positioned on a slope that falls gently from north-west to south-east and more steeply from north-east to south-west. As a result the property is significantly below the level of the residential properties in Pleasant View to the rear (north-east), is below the internal floor level of the flats and dwelling to the south-east and is slightly raised relative to the finished floor level of 53-54 Ystrad Road to the south-east.

The application site is unallocated and within the settlement boundary of Ton Pentre.

PLANNING HISTORY

There is no relevant planning history for the site.

PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. One letter of objection and a petition in opposition to the scheme containing 18 signatures have been received and are summarised as follows:

Material Consideration:

- The scheme makes no provision for parking with existing parking restrictions to the front of the site. Pleasant View to the rear of the building is a single track road leading to a dead end which is already overrun with cars from residents of the street and from the flats already provided on Ystrad Road. Any new development would make it impossible to park on our street.
- The proposed fire escape will be installed a few feet from our front gates which leads into nearby woods. This would be an ideal opportunity for anybody with criminal intent in mind. There would be less of an objection if the fire exit is re-sited onto Ystrad Road.
- No provision has been made for the storage of tenants rubbish and waste.

Non Material:

- There is a clause on the original building which restricts the use of the premise to that of a 'Club'
- Clarification is requested with regard to the address of the property

CONSULTATION

Highways - no objections subject to conditions.

Land Reclamation and Engineering - no objections subject to conditions

Dwr Cymru/ Welsh Water - Conditions recommended with regard to the disposal of foul and surface water from the site.

Wales and West Utilities (Gas) - advice provided regarding the location of apparatus.

Ecology - There are no SewBrec Records for the near vicinity however altering the roof and soffits will require a Bat Survey to be submitted prior to determination.

Housing Strategy - The Local Housing Market Assessment 2014/15 identified a need for 5 additional 1 bedroom flats per annum within Pentre from 2014/15 to 2019/20 is 25 units over the next five years. There is a shortfall of smaller units within the social housing stock

Public Health and Protection – no objections subject to advice regarding demolition; hours of operation; noise; dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The relevant policies in the Local Development Plan are as follows:

Policy CS1 sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy CS4 defines the housing land requirements.

Policy CS5 requires provision of affordable housing.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land within settlement boundaries.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Principal Towns and Small Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW5 lists amenity and accessibility criteria that will be supported in new development proposals, giving particular attentions to neighbouring land uses and occupiers. Existing site features of natural environmental value should be retained where appropriate.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 specifies that the Authority's natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

The following SPG's are also relevant to this proposal:

- Design and Placemaking;
- Delivering Design and Placemaking - Access Circulation and Parking Requirements;

- Planning Obligations and
- Development of Flats - Conversions and New Build
- Nature Conservation

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 8 January 2016), Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport) and 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

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- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;

PLANNING CONSIDERATIONS

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 Development

As detailed above, the application proposes the conversion and extension of a former licensed premise to create 9 flats (five No. one-bedroom and four No two-bed units). The building is currently vacant and is located within the settlement development limits of Pentre. The property is located approximately 300 metres from the shops, facilities, and public transport options of Pentre. In light of the above, the site is considered to be sustainably located and as such the principle of residential development is acceptable.

The key considerations with regards to the application have been determined as the impact on the proposal on the character and appearance on the area; the residential amenity of those living closest to the site; highway safety and impact on the ecology of the area.

Character and Appearance

As specified above, the application proposes the conversion and extension of the building to provide a mix of one and two bedroom units set over three floors of the

building. Whilst the application proposes a second floor extension above the existing lean-to which would accommodate one, two-bedroom unit, the works of conversion would largely take place within the fabric of the building and would utilise material in keeping with the existing building. It is considered that the design and external finish of the proposal in association with the density of development would not have a significantly detrimental impact on the overall character and appearance of the area. In contrast, it is considered that the active reuse of such a visually prominent building could have a beneficial impact of the overall vitality and viability of the street scene. As such the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

Further to a site visit it has been determined that there are a number of residential properties immediately adjacent to the site: Flats within The Hayloft (49-50 Ystrad Road) and a detached dwelling known as Lisworney to the north-west; terraced dwellings within Pleasant View to the north-east and flats within 53-54 Ystrad Road to the south-east. The proposed floor plans submitted indicate that all habitable room windows would be either south-westerly or south-easterly facing, overlooking Ystrad Road or the blank elevation of 53-54 Ystrad Road. The development would make use of existing openings in the north-easterly (rear) elevation however these would predominantly serve kitchens or hallways.

Although the plans submitted indicate the provision of a new fire escape adjoining the north-eastern elevation, this would not be large enough to provide an external seating area. Being mindful of the existing topography of the area, which falls down towards the site, conversion within the existing fabric of the building and the reuse of existing openings and internal arrangement proposed, it is considered that the proposal would not generate an increased level of overlooking or loss of privacy significantly detrimental to the residential amenity of those living closest to the site. It is also considered that the orientation of the site, size of the principle building and position of the proposed extension would prevent the development from generating any increased overshadowing or loss of light.

Following public consultation, concerns have been raised regarding the position and use of the proposed fire-escape on the privacy and amenity of existing residents, particularly those within Pleasant View to the rear of the site. Whilst it is appreciated that the fire-escape would allow an elevated access to the rear yard and the streets to the rear, it is considered that the size of this aspect of the development in association with the topography of the area would prevent it from being so significantly detrimental to residential amenity to warrant refusal of the application on such grounds. Being mindful that the steps and doors in the north-eastern (rear) elevation are to be used as fire-escape there is the potential that it would be fitted with an alarm system to discourage residents using it as a principle access.

In light of the above, the application is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

Following consultation, The Authority's Transportation Team have provided the following response:

"The proposed is served off Ystrad Road, A4058 which has a carriageway width of 7.5m with double yellow lines on both carriageway lanes. Pedestrian access is via a continuous pedestrian links which are satisfactory to serve the proposed development.

To the rear is a terrace street, Pleasant View, which is a residential cul-de-sac with no turning area. There is a secondary pedestrian access/ fire escape which exists onto the terrace street which is acceptable for safe pedestrian access.

In line with the SPG, the area and use of the ground and first floor of the premise as a public house/ club with third floor residential accommodation would require up to a maximum of 71 car spaces with 1 commercial space with none provided. The proposed use requires up-to a maximum of 13 spaces in accordance with the SPG Flats and Conversions, with none provided. There are traffic regulation orders in place preventing on-street car parking along the A4058. However, the ground floor could potentially be used for disabled residents and as a result this could lead to potential parking on-street to the front of the building on the A4058 to the detriment of safety of all highway users.

Whilst there is a parking lay-by located to the north of traffic lights with some potential to accommodate parking during the day, this is likely to be used by existing residents during the evening and at weekends.

There is concern with regards the lack of off-street car parking proposed with the development, There is potential to mitigate against the impact of the proposal on highway safety by promoting the use of sustainable modes of transport such as bus, rail and cycling, There is a bus stop on Ton Pentre railway bridge which is in need of upgrading with raised border kerbing and new shelter at a cost of £5,000 which would promote the use of sustainable transport by able and less able bodied pedestrians. There is also some potential to provide secure cycle-parking to the rear of the building (by way of condition) which could mitigate the impact of the proposal. In light of these requirements, on balance, the proposal is acceptable.

The lack of parking proposed for the development is a significant concern for local residents who have raised objection with regard to such matters. However being mindful of the parking demand that would have been generated by the extant use relative to the proposal, the lack of opportunity to provide any off street parking, the proximity of the site to both the railway station and bus route and the potential to provide secure on site cycle parking by way of condition, it is considered, subject to the applicant entering into a Section 106 legal agreement to provide £5,000 towards the upgrading of the bus stop, on balance, it is considered that the development would not generate an increased level of highway safety concerns to warrant refusal of the application. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

Other Considerations

Ecology

As specified above, the application proposes the development of a third floor extension, above the existing lean-to extension that would adjoin the principle roof of the main building. Following an examination of the building by an Ecologist the following information has been provided:

"We examined the exterior of the building finding no evidence of bats or bat use. The roof appears to be in fair condition with slates and ridges fairly tight allowing little opportunity for bats to enter. However, the barge boards and fascias might allow bats to access underneath in order to roost... We found no evidence of bats: no bat droppings, marks or odours which suggest that bats are or have recently been present. On the balance of probability we feel the likelihood of bat use is low. (However) The potential for bat use is medium given the possibilities within the roof spaces, under the fascias and bargeboards and the scrub and ivy covered walls to the rear which bats are prone to use during the summer. The intended works will be likely to disturb any bats which may be present in or in the upper part of the building which it was impractical to thoroughly check whilst carrying out an assessment as there was no means of access. As such, although we found no evidence of bat use and the likelihood of bat use is low (the vast majority of building examined do not have bats) nevertheless the conditions we found require further work i.e. a summer survey.

In light of the report received by the Ecologist, it is considered that insufficient information has been submitted to prove that the development would not have a detrimental impact on any protected species that might be using the building or wider area contrary to the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

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

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 site of the proposed dwellings lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Should the application be approved, the developer will be required to enter into a Section 106 Legal Agreement to provide a contribution of £5,000 to upgrade an

existing bus stop in close proximity to the site. It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

Conclusion

Based on the above, it is considered that whilst the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or highway safety, insufficient information has been submitted to prove that the development would not have a detrimental impact on any potential protected species using the building. The application is therefore considered contrary to the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan and recommended for refusal for the following reason:

RECOMMENDATION: Refuse

1. Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building or curtilage contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1334/13 (GD)
APPLICANT: Persimmon Homes East Wales
DEVELOPMENT: Outline application for residential development of the land together with the provision of open space, access, landscaping and parking arrangements
LOCATION: LAND SOUTH OF LLANHARRY ROAD, BRYNSADLER, PONTYCLUN, CF72 9DB
DATE REGISTERED: 22/10/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Refuse

REASONS:

The principle of the proposed development is unacceptable as the proposal would lead to development outside of settlement limits, within a green wedge and special landscape area and on higher grade agricultural land. This outweighs any justification on the basis of a housing land supply shortage.

APPLICATION DETAILS

This application seeks outline planning permission for a residential development of up to 200 dwellings with means of access not reserved, (i.e. details of the access point to serve the development is to be agreed at this stage). It is intended that the development will comprise a mixture of detached, semi detached and terraced properties of two or two and a half storey height and the applicants indicate that the development would deliver up to 40 affordable dwellings in accordance with current policy requirements.