



## **PLANNING & DEVELOPMENT COMMITTEE**

**1 MARCH 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

Members are asked to determine the planning application outlined below

**APPLICATION NO:** 17/1376/10

**APPLICANT:** **TEDS Construction Limited**

**DEVELOPMENT:** Refurbishment and conversion of the Black Lion Hotel, Aberdare, including change of use of the upper floors to residential use to provide 11 affordable flats; commercial unit (Class A3 and Class A1) on ground floor; and associated internal and external alterations.

**LOCATION:** **BLACK LION HOTEL, 104 WIND STREET, ABERDARE, CF44 7LL**

**DATE REGISTERED:** 27/12/2017

**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Approve

#### **REASONS:**

The proposed development presents an opportunity to bring this prominent listed building back into beneficial use thereby improving its appearance and that of the conservation area within which it sits. Furthermore, the proposed development offers the opportunity to reinstate commercial use on the ground floor of the property and provide much needed social housing.

The principle of the proposed development is considered acceptable in planning policy terms and the proposals are compliant with regard to all other material planning considerations.

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

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

- Three or more letters of objection have been received.

## APPLICATION DETAILS

The proposed development seeks the refurbishment of the Black Lion Hotel converting its upper floors to residential use (1no. 2 bedroom unit and 10no. 1 bedroom units) and retaining commercial use on the ground floor in the form of an A1/A3 retail unit (the ground floor was last used as a public house which would place it in the A3 use class). In total the proposed works will comprise the following –

- All existing sliding sash windows will be replaced (including 3no. bay windows on the ground floor front elevation and the reinstatement of 6no. ground floor side elevation lower panes).
- Repair and refurbishment of render to 1<sup>st</sup> and 2<sup>nd</sup> floors and rustication and vermiculated quoins to ground floor (all to be cleaned and repaired where necessary).
- Localised repair and refurbishment to chimney stacks.
- Repair of cast-iron guttering and down pipes where required in front and side elevations.
- Replacement of pilasters to main entrance to match the existing (in light of significant rot).
- Refurbishment of main entrance door.
- Clean and repaint existing railings.
- Creation of new door opening on the western side of the front elevation to create a residents entrance and lobby (including lowering of existing opening and installation of panelled doors to match main entrance with fanlight over).
- Reinstatement of dormer windows to front elevation.
- Demolition of single storey toilet block (this is not an original feature of the building).
- New steel stairway and walkway to serve the rear mezzanine flats in the building annexe (this will also serve as an access to the residents bin store).
- New render stairwell extension with flat roof over (over the existing single storey flat roof at the rear of the main black Lion building).

The application is accompanied by the following:

- Application forms and accompanying ownership certificates.
- Existing and proposed plans and elevations along with perspective drawings

and context elevations.

- Heritage impact assessment.
- Planning statement
- Coal mining risk assessment.

## **SITE APPRAISAL**

The Black Lion hotel is located on the junction of Wind Street and Monk Street in Aberdare town centre at the northern end of Victoria Square. The front of the building faces north east affording views down Victoria Square towards the war memorial. The site occupies a relatively elevated part of the town centre which adds to the relative prominence of the application property

The application site lies within but at the edge of the town centre with the area to the north, east and south of the property being commercial in nature containing a mixture of shops pubs offices and institutional buildings while the area to the east of the application property is predominantly residential in character consisting of for the most part traditionally built residential terraced properties.

The site has frontage on to both Wind Street and Monk Street both of which given the town centre location are heavily trafficked, (particularly Monk Street as it is also the principal road linking Aberdare with Rhondda Fach).

## **PLANNING HISTORY**

17/1391	Refurbishment and conversion with change of use of upper floors to provide 11no. affordable flats, commercial unit (use class A3/A1) on the ground floor and associated internal and external alterations.(Listed Building Consent)	Not yet determined
11/1227	Internal & external repairs & alterations (Listed Building Consent)	Approved 29/12/11
11/1199	Internal & external repairs & alterations	Approved 29/12/11
94/0471	Exterior lighting and signs	Approved 06/95
93/0440	Internal and external refurbishment of public house and hotel	Approved 24/02/94
93/0430	Internal and external refurbishment of public house and hotel (Listed Building Consent)	Approved 24/02/94

93/0017	Alterations & extension to provide family restaurant, children's room and staff accommodation	Approved 21/07/93
93/0010	Alterations & extension to provide family restaurant, children's room and staff accommodation (Listed Building Consent)	Approved 25/06/93

## **PUBLICITY**

The proposed development has been advertised by means of press notice site notices and neighbour notification letters.

Five letters of objection have been received raising the following issues.

- The proposals have been inadequately advertised by the Council particularly as some residents in Wind Street did not receive letters advising them of the proposals for the Black Lion.
- The Black Lion is a listed building and should be restored as a hotel.
- Concerns are expressed with regard to the lack of car parking provision made to support the proposed development particularly given the competitive nature of resident parking in the locality.
- Additionally, the area is substantially over parked and the traffic regulation in the area regularly flouted by motorists particularly when there are no wardens in the area.
- Each new flat should be provided with two parking spaces. The old church was refused planning permission because they could not provide two new parking spaces per unit.
- More people would place more demands on local doctors' surgeries and it is impossible to get an appointment as things currently are.
- Central Aberdare already has flats on Cannon Street and on the site of the Little Theatre.
- Will extra provision be made for sewage water and street lighting?
- Street lighting in the area is progressively dimmed through the night and this has led to some residents installing their own external lighting.

## **CONSULTATION**

Highways – no objection subject to a condition requiring the provision of cycle

parking facilities.

Public Health & Protection – no objections subject to conditions

Drainage – no objections.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objection to the proposed development and provide information with regard to the location of their apparatus in the vicinity of the site and safe working practices to be adopted when working in proximity to it.

The Coal Authority – no objections.

Glamorgan Gwent Archaeological Trust – no objection subject to the imposition of a condition to secure a programme of historic building recording and analysis prior to works commencing.

Countryside Section (ecology) - no objections to the revised proposals.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS1** – places an emphasis on building strong sustainable communities in the northern strategy area.

**Policy AW1** – outlines strategies used to meet housing land requirements which include the provision of affordable housing and the conversion of suitable structures to provide housing.

**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** – protects sites of architectural or historic merit from inappropriate development.

**Policy AW11** – sets out criteria for the consideration of alternative uses for employment sites.

**Policy NSA1** – allows proposals for commercial development within the defined town centre of Aberdare where the development reinforces the role of Aberdare as a principal town, is of a high standard of design and integrates positively with existing development.

**Policy NSA12** – requires housing developments within settlement limits to be accessible to local services by a range of sustainable transport nodes without adversely affecting the highway network.

**Policy NSA13** – encourages the conversion of large buildings to residential use where they are within settlement limits, make a valuable contribution to the townscape of the settlement and have no other economically viable alternative use

for the building.

**Policy NSA18** – outlines the hierarchy of retail centres in the northern strategy area listing the town centre of Aberdare at the top of the hierarchy.

### **Supplementary Planning Guidance**

1 Design and Placemaking

2 The Historic Built Environment

3 Design in Town Centres

5 Affordable Housing

7 Planning Obligations

8 Access, Circulation & Car parking

10 Development of Flats

11 Employment Skills training

### **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.

Chapter 2 (Development Plans),

Chapter 3 (Making and Enforcing Planning Decisions),

Chapter 4 (Planning for Sustainability),

Chapter 6 (Conserving the Historic Environment),

Chapter 7 (Economic Development),

Chapter 8 (Transport),

Chapter 9 (Housing),

Chapter 10 (Planning for Retail and Town Centres),

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 2: Planning and Affordable Housing;

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23. Economic Development.

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:**

The main issues in the consideration of this planning application are the principle of the proposed development in planning policy terms, the impact that the proposed development will have and the character and appearance of the conservation area and town centre. The impact of the proposals on the appearance of the building is also a material planning consideration in the determination of this proposal, this though is also an issue that will impact primarily on the accompanying application for Listed Building Consent. Finally the impact of the proposals on the highway network and car parking are also serious considerations in this case.

### **Principle of the proposed development**

Whether or not the proposed development is acceptable in principle turns mainly on the issue of compliance with planning policy. The re establishment of retail use of the ground floor is welcomed as is the use of the upper floors for residential purposes as the consequence of the proposed use would be to add to the vitality and viability of Aberdare as a principal town and shopping destination. This positive impact is also magnified by the fact that residential use of the upper floors will add to retail footfall locally improving the viability of the local retail offer. Furthermore, bringing this long vacant building back into appropriate use would also have clear beneficial consequences for the conservation area as it would markedly improve the outward appearance of one of the most prominent listed buildings within it.

Subject to the proposals being satisfactory in terms of the other key determining factors identified above and the proposals reflecting favourably in terms of the planning policies that affect these key issues there is no objection in principle to the proposed development.

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

In this instance, the impact of the proposals on the character and appearance of the town centre and conservation area are key considerations and the outcomes are almost entirely positive in this regard. The intention is to restore the building in a sympathetic manner using appropriate materials in terms of its general appearance. The increase in the number of dormers from two to five will have the greatest visual impact however their placement over established window openings is acceptable as it maintains the rhythm of the front elevation generally. The proposal does involve the introduction of a number of rooflights in the roofscape of the building these though are largely confined to rear facing and internal roof slopes and the use of a conservation roof light will be secured through the accompanying listed building consent application. Additionally the restoration of commercial use on the ground floor of the premises will also contribute to and enhance the vibrancy and viability of Aberdare town centre as a whole adding to its character. Consequently the proposed development is compliant with the aspects of local development plan policies AW5, AW6, AW7, NSA1 and NSA13 that are relevant to the consideration of this issue.

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

As mentioned in the introduction, existing residential development lies overwhelmingly to the south west of the application site and this combines with the general arrangement and layout of the building both existing and proposed to make the impact of the re use of the building minimal in terms of the impact on privacy. The only minimal change would be in the relationship with the hot food takeaway property on the opposite side of the junction with Victoria Square where windows already directly face each other where what would otherwise be a hotel room windows would become the windows to the habitable rooms of a flat. In terms of the impact on general amenity are concerned, the positive impacts outlined in respect of the improvements to the character and appearance of the area are also reflected in the improvement to the amenity of the locality generally inasmuch as the refurbishment of the key building in the town centre will substantially improve its visual appearance with vacancy and dereliction being replaced with an appropriately restored listed building. The proposed development is therefore compliant with key elements of local development plan policies AW5, AW6, and NSA13 insofar as they relate to this issue..

## **Access and highway safety**

The proposed development requires careful consideration of issues relating to access and highway safety of particular relevance in this case are site location access and car parking provision. Indeed the lack of car parking is a key concern of local residents opposing the current application. For highway purposes the application site is located within Aberdare zone 1 and the property would principally be accessed from Wind Street for commercial purposes and Monk Street and Wind Street for servicing and residential access. Both streets are subject of traffic regulation orders preventing on street parking and highway widths and footway widths on both streets are variable. Whilst the parking requirements of existing and proposed uses are broadly comparable in terms of the overall numbers they might



generate, the nature of use or how car parking might be used is not, with permanent residents far more likely to seek out available on street parking for longer periods of time. This though needs to be balanced against the fact that residents of affordable housing are far less likely to own a private motor vehicle and this coupled with the sustainable location on balance makes the lack of any car parking provision acceptable in this case.

### **Other Issues:**

The following concerns have been taken into account in considering the application, though they are not the key determining factors in reaching the recommendation.

One of the objectors has raised the issue of the capacity of utility services to cope with the additional loading that allowing this development could bring however the statutory consultees have not raised any concerns in this regard.

Similarly it is not considered that the numbers involved would significantly impact on the provision of health services in the town.

The fact that the Council has a policy of dimming its street lights is not a material planning consideration.

The only substantive ecological issue that might affect the refurbishment of the property and its return to beneficial use is the extent to which the building might be affected or used by bats. To that end the applicants provided an initial bat assessment that concludes that while the building has the potential to host bats there is no evidence of their actual usage of the building, though certain parts of the site proved difficult to survey and thus there was a certain amount of doubt. The applicants have subsequently revised their proposals such that no works affecting these areas will take place and as such the proposals are now considered acceptable in terms of any potential impact in terms of bats as a European Protected Species.

### **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.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the conversion and re use of empty buildings for residential purposes and with the policies that relate to the promotion of the Aberdare town centre and the protection of its associated conservation area. Despite the concerns expressed with regard to parking provision the proposed development

is acceptable with regard to all other material planning considerations and as such the application is recommended the support of Members.

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The consent hereby granted relates to the following plans:

- Site location plan drawing no.662-A110
- Existing floor plan drawing no. 662-A111
- Existing elevations drawing no.662-A112
- Proposed ground and first floor plan drawing no.662-A113 (rev A)
- Proposed second and third floor plan drawing no.662-A114
- Proposed roof plan drawing no. 662-A115 (rev A)
- Proposed elevations drawing no. 662-A116 (rev A)
- Sections drawing no. 662-A118.(rev A)

Reason: For the avoidance of doubt as to the approved plans.

3. The residential units provided in accordance with the approved scheme shall meet the definition of affordable housing in annexe B of TAN2 or any future guidance that replaces it.

Reason: To define the nature and extent of the consent hereby granted in so far as it relates to the provision of residential units.

4. Building operations shall not be commenced until samples of the external finishes 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.

5. Prior to the use, hereby permitted, commencing a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

Development Plan.

- 6. Details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 7. Construction works on the development shall not take place other than during the following times:
  - i) Monday to Friday 0800 to 1800 hours;
  - ii) Saturday 0800 to 1300 hours;
  - iii) Not 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

- 8. The residential element of the development hereby approved shall not be occupied until space has been laid out within the site for secure cycle spaces in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall not thereafter be used for any purpose other than the secure storage of cycles.

Reason: To promote sustainable modes of travel in the interests of highway safety.

- 9. No works to which this consent 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: As the building is of architectural and cultural significance the specified records are required to mitigate the impact of the proposed development.

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