



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: 17/0909/10

APPLICANT: Haveli Restaurant & Bar

DEVELOPMENT: Three storey extension and third floor extension to two storey hotel block and new facade.

LOCATION: HAVELI RESTAURANT & BAR, WOODHOUSE INN, COEDCAE LANE, TALBOT GREEN, PONTYCLUN, CF72 9HJ

DATE REGISTERED: 05/01/2018

ELECTORAL DIVISION: Llanharan

RECOMMENDATION: REFUSE

REASONS:

The planning application proposes highly vulnerable development (hotel) within a C2 flood zone. Technical Advice Note (TAN) 15: Development and Flood Risk details that such development should not be permitted.

The development would have a detrimental visual impact on the character of the area and on the amenity of nearby residents. Furthermore insufficient information has been provided to enable a full assessment of the impact on highways and parking and on the impact on protected species. An acceptable drainage system has not been proposed.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Service Director Planning (as the application is for new-build commercial development or an application to extend the same which exceeds 50% of its original size).

APPLICATION DETAILS

Full planning permission is sought for an extension to an existing hotel

/restaurant/bar complex. The extensions would incorporate and link the existing buildings on the site with a new partly glazed facade. Internally the hotel rooms would face into an internal courtyard/foyer. The resulting building would provide conference/business rooms, a new reception/foyer/office and the number of hotel bedrooms would be increased from 20 to 55.

Parking for 58 no. cars (including disabled spaces) would be provided.

The application is supported by a:

- Pre-Application Consultation Report.
- Design and Access Statement.
- Flood Consequence Assessment.
- Coal Report.

SITE APPRAISAL

The application premises comprise an existing restaurant/bar/hotel reception and a detached two-storey building (at the southern end of the site) that accommodates 20 no. bedrooms, similar in design and layout to a motel. The area to the front and around the buildings serves as car parking areas.

The application site is located adjacent to a large factory unit to the north, a pair of semi-detached houses to the south, and industrial premises to the rear and opposite.

PLANNING HISTORY (Relevant to application)

05/1029/10	Woodhouse Motel, Cambrian Industrial Estate, East Side, Coedcae Lane, Pontyclun	Additional 17 bedrooms, bar/reception area, conference room	Granted 24/11/05
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PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. One letter from Llanharan Community Council has been received at the time of writing this report. Their comments are summarised below:

- The Community Council supports the development as long as the level of parking is supported by RCT Highways. The applicants should also try to make the most of green technology.

CONSULTATION

Coal Authority – the site falls within the defined Development High Risk Area. The submitted Minor Development Risk Report concludes there is a risk and recommends a site investigation and gas assessment. This can be secured by a condition.

Countryside Section – the works to the roof would trigger the requirement of a bat

survey.

Dŵr Cymru/Welsh Water – objects. The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents.

- No improvements are planned within Dwr Cymru/Welsh Water's Capital Investment Programme.

The proposed development site is crossed by a public sewer and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Flood Risk Management – no objection. Consultation with Dŵr Cymru/Welsh Water should be sought for the acceptability of surface waters draining to the public sewer. Drainage details would be required by condition.

Natural Resources Wales – no objection.

The application site lies within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely.

Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government dated 9th January 2014 affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The decision as to whether a development is justified is entirely a matter for your authority. We have reviewed the FCA submitted in support of this application, produced by Marsden Associates, dated October 2017, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property.

The FCA shows that during the predicted 1% (1 in 100 year) flood event the site is shown to be flood free. The FCA proposes a Finished Floor Level (FFL) of 48.12mAOD for the building and therefore it is predicted to be flood free during 0.1% (1 in 1000 year) flood event. We note from the FCA that the site level is 48mAOD and that the predicted flood level for the 0.1% (1 in 1000 year) flood event is 48.03mAOD. This would give a predicted flood depth of 30mm on the site during this event. It is detailed these are in line with TAN 15.

The FCA has considered third party detriment as a result of raising the FFL of the building. The FCA concludes that the small volume of water that would be displaced because of the floor raising would have no effect on third parties.

It is recommended that other professional advisors are consulted on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Turning to protected species it is recommended that the advice of your in-house ecologist is sought to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site.

In addition to planning permission it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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

Transportation Section – objects as there is insufficient information to comprehensively assess the parking requirements. The proposed site plan indicates 58 parking spaces. However, there are numerous concerns with the layout of the proposed parking spaces, some of which lack sufficient width (i.e. a minimum of 2.4m), and others sufficient aisle width to facilitate access to and from the spaces (i.e. a minimum of 6m). Furthermore, whilst the information is insufficient to enable an accurate assessment, it is evident that the level of parking indicated on the submitted plan would be insufficient, with 55 spaces required for the number of bedrooms alone.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

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 CS2 - sets out criteria for achieving sustainable growth including: promoting the reuse of under used and previously developed land and buildings and providing opportunities for significant inward investment in sustainable locations that will benefit the economy of RCT and the Capital Region.

Policy AW2 - development proposals will only be supported in sustainable locations

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 SSA3 – The policy promotes development at Talbot Green which reinforces the role of Llantrisant / Talbot Green as a Principal Town, promotes tourism, and integrates positively with existing development.

Supplementary Planning Guidance

Access Circulation and Parking
Design and Placemaking
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 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) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets 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 5: Nature Conservation and Planning;

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; and
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the proposed development.

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. The proposed hotel extension would provide an improved hotel facility and employment opportunities that would benefit the area.

The hotel development would however be within a C2 flood risk zone. Whilst a previous extension (Ref 05/1029/10) has been allowed, national policy on this issue has been subsequently clarified, since that approval. Technical Advice Note 15 (TAN 15) states that all residential developments, including hotels, are categorised as 'highly vulnerable development' with regards to flooding. The policy advises that highly vulnerable development should not be considered within areas of floodplain without flood defence infrastructure (C2). It further advises that applications concerning the intensification of existing highly vulnerable developments within flood risk areas should not be considered. This is also confirmed in the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, affirms that highly vulnerable development should not be permitted in Zone C2.

As such, it is considered therefore that the principle of further hotel development of the site would not be acceptable.

Impact on the character and appearance of the area.

The site has a wide road frontage and contains a central building of traditional domestic appearance. This has been extended and is used as the restaurant/bar. The detached 'motel' style block is located to the southern side of the site. Both buildings are set back from the pavement (with a parking area in front) and are of a similar scale to adjacent buildings with pitched roofs and gables. In terms of the character of the area, whilst it is located within a mainly industrial area, the location and existing visual impact of the development site, on the main road and with the adjacent houses, sets it apart from the surrounding industrial character.

The extensions would result in a larger more modern looking building that fuses into the central more traditional looking building. It is considered the resulting visual impact of this would be an odd appearance. Furthermore, the plans submitted do not accurately or convincingly detail how the first and second floor of the facade would join with the front gable of the traditional part of the main building.

There would be large areas of blank rendered elevation, in particular on the rear elevation, although this is the least prominent elevation and faces towards the industrial estate behind. The side elevation facing towards the adjacent dwellings would be extended upwards resulting in a three storey elevation with a flat roof. As a result, it would be an elevation that would have a bland institutional look, with many small windows. Due to the additional height, this elevation would also be more visible from the adjacent residential dwellings and the main road.

Taking the above assessment into account, it is therefore considered the development would result in a building that would have a significant detrimental impact on the character of the site and the area as a whole.

Impact on residential amenity

The site is surrounded mainly by industrial development, however there are residential dwellings in close proximity to the south side of the site. Although no objections have been received from the occupiers of the dwellings, as a result of the public consultation exercise, there are some concerns on this issue which are

detailed below.

Firstly, there is concern with regard the impact from increased noise and disturbance. There would be increased coming and goings to and from the hotel entrance; including greater amounts of vehicular movement. However, due to the location of the access on the main road, where there are already significant traffic movements, it is considered this would not warrant a refusal reason. There would also be an increased impact, on the amenity of the occupiers of the dwellings adjacent, from the siting of more rooms above the existing hotel block. Whilst it is noted there could be existing noise and disturbance issues and that the windows on the elevation only serve bathrooms, the intensification of the hotel use, in such close proximity to the boundary of residential dwellings would however not be acceptable in these terms.

The side elevation facing towards the adjacent dwellings would be extended upwards to three storeys with additional windows. Whilst there is a tall hedge, between the adjacent dwellings and the hotel block, the additional storey would result in windows in close proximity and looking towards the rear of the adjacent dwellings and down onto their outside amenity areas. These windows would only serve bathrooms in the hotel, could be obscurely glazed and would be small. However, due to the position of the windows at a high level on the elevation, it is considered the perceived sense of being overlooked would still result in a detrimental impact on the amenity of the occupiers of the neighbouring properties.

This side elevation would be 7.5m high as opposed to the existing which is 5m to the eaves level. The increase in height would also be in close proximity to the side and rear of the adjacent dwelling. Whilst to the north of the property, and wouldn't affect sunlight significantly, it would result in an overbearing impact on the amenity of the occupiers of the adjacent dwelling.

Therefore, taking the above assessment into account, it is considered the proposal would result in a significant detrimental impact on the amenity of the neighbours from overbearing, overlooking and noise and disturbance.

Access and highway safety

The access and egress would be via the existing access from Coedcae lane. The car park would be extended from 29 spaces to 58 spaces. The Council's Transportation Section detail there are insufficient spaces and that some of the spaces are undersized or may not be usable. They also detail that the lack of clarity with the information submitted on staff makes it difficult to fully assess the details. Therefore, the development would not be acceptable in these terms.

Ecology

The development involves the removal of the existing roof of the detached 'motel' type structure and works to the roof of the main part of restaurant/hotel reception. The Council's Ecologist considers this may impact on protected species such as bats and a survey would be required to demonstrate whether the impact would be acceptable or not. No survey has been submitted with the application and none has been requested due to the other issues with the application. It is therefore considered that insufficient information has been submitted to fully assess the

application on this issue.

Drainage

An objection has been raised by Dŵr Cymru/Welsh Water that the proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. They also detail that no improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Therefore without an acceptable drainage system it is considered the development would not be acceptable.

Risk from former coal mining works

The application site falls within the defined Development High Risk Area. The applicant has submitted a Coal Mining Risk Assessment. The Coal Authority considers that this adequately addresses the impact of coal mining legacy on the proposed development and the Coal Authority requires a condition for a site investigation and gas assessment should permission be granted.

Other issues

Flooding

Further to the principle of building within the C2 Flood Zone it is noted a Flood Consequence Assessment has been submitted and Natural Resources Wales (NRW) doesn't object subject to the Local Planning Authority finding the development acceptable. Notwithstanding this, it is noted that a recent appeal decision (for application 15/1295/13) and subsequent call in procedure for a decision by the Welsh Ministers has clarified that whilst justification tests can be applied to less vulnerable development, these should not be taken into account when highly vulnerable development is proposed in or partially within a C2 Flood Risk Zone. TAN 15 clarifies hotels are considered highly vulnerable development.

Public Health and Protection Comments

With regard to the issues raised by the Public Health and Protection Section it is considered the matters raised can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning the 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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The proposal is for highly vulnerable development (hotel) within a C2 flood zone and would not be considered acceptable development. It would result in a detrimental impact on the character of the area and the amenity of nearby residents. The parking proposed is not acceptable and insufficient information has been submitted with regard to protected species. The development would also overload the public

sewerage system (Policies AW2, AW5, AW6 and AW10 and TAN15 – Development and Flood Risk).

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. The planning application proposes highly vulnerable development (hotel premises) within Zone C2 of the Development Advice Map contained in Technical Advice Note (TAN) 15: Development and Flood Risk. Section 6.2 of TAN 15 affirms that highly vulnerable development should not be permitted in Zone C2. As such the development would be contrary to Technical Advice Note (TAN) 15: Development and Flood Risk and Policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.
2. The proposal by reason of its size, scale and design would have a detrimental impact on the character of the site and the area as a whole. As such the development would be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
3. The size, scale and design of the proposal would have a detrimental effect on the amenity of nearby residents by virtue of noise and disturbance and an overlooking and overbearing impact. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The submitted information is insufficient to undertake a comprehensive assessment of the development's existing and proposed parking requirements. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
5. Insufficient information has been submitted to fully assess the impact of the development on protected species. As such the development would be contrary to Policy AW8 of the Rhondda Cynon Taf Local Development Plan.
6. The proposed development would hydraulically overload the existing public sewerage system leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. As such the development would be contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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