



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 JULY 2018**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0515/10 (GH)  
**APPLICANT:** Mr Chris Subramaniam  
**DEVELOPMENT:** Proposed alterations to first floor existing office and residential flat into 3 x 1 bedroom residential flats.  
**LOCATION:** LEWIS AND WIGLEY OPTOMETRISTS, 16 OXFORD STREET, MOUNTAIN ASH, CF45 3PL  
**DATE REGISTERED:** 14/05/2018  
**ELECTORAL DIVISION:** Mountain Ash West

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

#### **REASONS:**

The proposed development would enable the beneficial re-use of a redundant large-scale building, currently in a poor state of repair. The site would retain a moderately sized retail unit and three small flats, which would contribute positively to the vitality of the town centre and appearance of the street scene.

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

A request has been received from Councillor Andrew Morgan for the matter to be determined by Committee, due to concerns about residential amenity and compatibility with the adjoining land uses.

#### **APPLICATION DETAILS**

Full planning consent is sought for the conversion of the first floor of 16 Oxford Street, Mountain Ash, to provide three one-bedrooms flats.

The application is a resubmission of an earlier scheme (17/0670/10), which was withdrawn on the basis of advice given by the case officer. Consequently, this revised scheme proposes no changes to the ground floor, the extent of which would remain in its current form and retain its established A1 retail use.

To the first floor the front-facing former accountancy office is proposed to be converted to a one bedroom flat, whilst the additional accommodation to the rear would be subdivided to provide a further two one-bedroom flats.

Other than some minor modification to the position of existing windows to either side, the external elevations would remain largely unchanged. Access to the three flats would be via an existing, separate entrance within the ground floor shop front.

## **SITE APPRAISAL**

The application property is a two storey Victorian building located in a prominent position within the town centre of Mountain Ash, and within the designated retail zone.

In a state of disrepair the property previously accommodated an optometrists retail premises to the ground floor, whilst the first floor office to the front was last used by an accountancy business and shared an access with what is described on the plans, as an existing flat to the rear. Neither business has operated from the site for some time so other than for some temporary retail uses, the building has been unoccupied.

Neighbouring properties are primarily two and three storey buildings with retail uses to the ground floor, although in addition to other flats there are some terraced dwellings located in close proximity on Chancery Lane to the south west. The property immediately to the south is the Clubhouse for Mountain Ash RFC.

## **PLANNING HISTORY**

There most recent applications on record associated with this site are:

17/0670	Retention of existing retail shop, retention of existing residential apartment, change of use from office space to residential apartment and separation of residential unit into 2 residential units. Existing Uses. 1 retail unit, 1 Office, 2 Residential Units. Proposed Uses. 1 Retail unit, 4 Residential Units (Amended site location plan received 22/09/17).	Withdrawn 22/11/17
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## **PUBLICITY**

The application has been advertised by direct notification to nine neighbouring properties and notices have been erected on site.

An objection was received from the neighbour at no.12 Chancery Lane, on the basis that an access to the side of her property, leading to Chancery Lane, would be used as a walkway by the residents of the flats.

However this access, which is the fire escape route from the Mountain Ash RFC premises, would not be accessible from the first floor flats which, as noted above, would have a direct access onto Oxford Street.

A further objection was received from Mountain Ash RFC highlighting concerns about the proposed residential use not being compatible with the area and Club; that

the conversion would cause disturbance and nuisance, and that the work would affect the Club's viability and ability to trade.

These matters are considered further below.

## **CONSULTATION**

Highways - no highway objection is raised or condition is suggested

Land Drainage - as there is no increase with the size of the building footprint, there is no comment from a flood risk perspective.

Dwr Cymru/Welsh Water - no objections, but conditions in respect of surface water and sewerage are requested.

Public Health and Protection - conditions in respect of demolition, hours of operation, noise, dust and waste are recommended. However, given the nature of the development it is considered that most of these issues can be best captured by an informative note.

South Wales Fire Authority - no objection, but an informative note is recommended to advise the developer in respect of water supplies and access for emergency appliances.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Mountain Ash

**Policy AW1** - The policy outlines how the housing land requirement will be met, including the conversion of suitable structures to provide housing.

**Policy AW2** - supports development proposals within 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 AW10** - Permits development proposals where there is no unacceptable harm to health or amenity.

**Policy AW11** - permits alternative uses for existing units within retail centres, subject to criteria.

**Policy NSA2** - supports residential and commercial development in key settlements.

**Policy NSA12** - identifies opportunities for housing development within settlement boundaries.

**Policy NSA18** - sets out the retail hierarchy in the Northern Strategy Area.

### **Supplementary Planning Guidance:**

- Development of Flats - Conversions and New Build.

- Access, Circulation and Parking Requirements
- Design and Place Making

### **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 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 9 (Housing) and Chapter 10 (Retail and Commercial Development) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 11 - Noise  
PPW Technical Advice Note 12 - Design

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

#### **Main Issues:**

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

The application property is an established building, with a history of commercial activity, located within settlement limits and the retail zone. The proposal seeks to change the use of the front part of the first floor of the building from an office to a residential flat, with a sub-division of the remaining first floor flat into two further-one-bedroom units.

In respect of the local and national policy context, paragraph 10.3.7 of PPW and TAN 4 both encourage the introduction of residential uses on non-ground level floors within retail centres as it can have a positive effect on the retail centre's vitality and vibrancy. However paragraph 9.2.6 suggests that this should only be followed if a return to commercial use is considered unlikely.

Policy AW11 of the LDP stipulates that the possibility of retention of employment/retail sites for employment purposes must be fully explored by way of marketing for a minimum period of 12 months. If the 12 month marketing period fails

to attract interest in the site for employment purposes, the notion of an alternative use can then be considered.

Therefore the applicant would normally be expected to provide evidence which demonstrates that the first floor accountancy office has undergone marketing in an attempt to retain the employment/retail usage.

However, criterion 3 of Policy AW11 recognises that alternative uses for derelict, underused and vacant premises can bring regeneration benefits. The Council's annual retail surveys show that the premises has been vacant since 2010 whilst it has also been noted that marketing boards have previously been placed on the property.

As a consequence and given the circumstances and prolonged vacancy problems the property has had, and the associated benefits the residential units above the retail unit would bring, it is considered that further evidence of marketing does not need to be provided by the applicant.

Lastly, the applicant's fall-back positioned needs to be considered as this is germane to the development and the matters of amenity raised by Mountain Ash RFC; which are discussed further below.

Specifically, Part 3, Class F(a) of The Town and Country Planning (General Permitted Development) Order 1995, enables a permitted change of use for the first floor above Class A1 or A2 retail units to be used as a single flat, i.e. without the need for planning consent. The conditions of Class F note that the single flat should be used as a dwelling "by a single person or by people living together as a family" or "by not more than six residents living together as a single household."

Therefore, on the basis of the above there are no objections to the principle of the change of use, subject to consideration of the material planning matters below.

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

As set out above, the scheme involves changes to the interior of the property with no alterations required to the exterior, other than a minor repositioning of existing windows to the side.

Furthermore, no increase in the footprint of the building is proposed and externally, the existing pattern of fenestration to the principal elevation would be retained. As such, it is considered that by virtue of its re-use and refurbishment, the proposal would make a positive contribution to the street scene.

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

Flats above retail units in town centres are both common and encouraged, and in this case, notwithstanding the proximity of the Rugby Club, there are no neighbouring occupiers or land uses that would be likely to be incompatible with residential use.

Noting that the rear of the building already has windows to the first floor side elevations, the development would not exacerbate any existing opportunities for overlooking either inwards or outwards, thus in terms of the privacy of neighbouring occupiers, the application is considered to be acceptable.

The objections of the Club are recognised and it is appreciated that any physical development at the site is likely to cause a short-term period of disturbance to neighbouring occupiers. Nonetheless this is neither a material matter nor one that couldn't be dealt with by a condition, since no planning permission is required to undertake remodelling works to the interior of the property, or repairs/maintenance to the exterior.

However, the key amenity issue is one of compatibility. That the flats would be so very close to the Club, and in particular its function room, raises concerns about the quality of living that new residents might enjoy.

The argument that someone choosing to move to a town centre dwelling or near any source of likely noise, ought to expect a degree of disturbance, might sound sensible; although this contention holds little weight since the new residents would have the same protection under environmental health legislation as anyone else. Therefore, the Club's concern that income from events and functions could be affected by any complaints is understood.

Whilst this might suggest it would be reasonable to consider a recommendation of refusal, the reality of the permitted change of use given by the GPDO is a consideration of significant material weight. As noted further above, a single flat could house up to six residents without the need for planning consent, whilst the three flats, each with a double bedroom could accommodate the same number.

In acknowledgement of both issues and an attempt to find a suitable compromise to address them, it is suggested, on balance, that the application would be acceptable, subject to a condition requiring the submission and approval of a noise reduction/insulation scheme for the proposed flats.

## **Highways**

The application property is located on Oxford Street in the centre of Mountain Ash, which has a carriageway width of 6.1m with two way traffic. There is a loading bay to the front for the retail unit and double yellow lines on both carriageway lanes preventing on-street car parking.

Similarly Chancery Lane, which has a carriageway width of 4.1m, also provides for two way traffic and double yellow lines on both sides of the carriageway, preventing on-street parking. However the pedestrian access is gained from Oxford Street via 1.6m wide continuous footways.

With regard to off-street parking requirements the Council's SPG for Access, Circulation & Parking would currently require six spaces for the first floor office use and one space for retail, taking the maximum requirement to seven spaces, but with none provided.

The proposed use would require one space for the ground floor retail unit and three spaces for the residential use, giving a maximum total requirement of four spaces.

However, the sustainable location of the premises in Zone 2 - Mountain Ash Town Centre means it is close to free car parks and public transport, whilst traffic regulations surrounding the site prevent on-street car parking taking place. With this in mind and since the parking requirement is less than that of the existing use, highways officers are of the view that the proposal is acceptable.

### **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**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

### **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 development hereby approved shall be carried out in accordance with the approved drawing number OXS/2018/002 and documents received by the Local Planning Authority on 14th May 2018 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. A scheme to provide sound attenuation for the three flats against external noise, with windows shut and other means of ventilation provided, shall be submitted to the Local Planning Authority for approval. The sound attenuation works shall be completed before the use of the building begins and thereafter retained in perpetuity.

Reason: in the interests of residential amenity, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.