

**PLANNING & DEVELOPMENT COMMITTEE**

**20 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1229/10  
**(MF)**  
**APPLICANT:** Cynon Taf Community Housing Group  
**DEVELOPMENT:** Proposed change of use of existing buildings to provide 7 no. walk-up apartments for learning disabilities independent living scheme, and 1 no. apartment for staff accommodation, and associated works.  
**LOCATION:** 1-4 OXFORD BUILDINGS, OXFORD STREET, MOUNTAIN ASH  
**DATE REGISTERED:** 29/10/2018  
**ELECTORAL DIVISION:** Mountain Ash West

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**RECOMMENDATION:** Approve

**REASONS:**

The proposed conversion would bring a vacant, derelict and unsightly building in a prominent location within the town centre back in to use, and would greatly improve its current visual appearance. This would in turn result in a significant regeneration benefit to the wider town centre as a whole, adding vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy, which could help to support existing businesses.

Additionally, whilst the loss of 2 no. retail units within the Retail Centre of the town is regrettable, it is not considered the redevelopment of the site for residential use will result in the loss of retail units in real terms as the property has not operated under a retail use for at least 9 years, and there has been no interest in reinstating a retail use at the premises during its vacancy.

Furthermore, it is not considered the use of the building for residential purposes would result in a significant impact upon the amenities and privacy of the surrounding properties, or upon highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

This application is reported to Committee as the proposal is not covered by determination powers delegated to the Service Director Planning.

## **APPLICATION DETAILS**

Full planning permission is sought for the change of use of the application property from 2 no. retail stores (Class A1) at ground floor level with a dance studio above (Class D2), to 8 no. self-contained apartments, 7 no. of which would be occupied by adults with learning difficulties, with the final apartment occupied by associated support staff, i.e. forming a residential 'step-down' facility (Class C3). The facility would be managed by a local housing association.

The works would involve the existing shop fronts within the properties front elevation being removed and built up to a more residential appearance; a new glazed walkway erected at first floor level along the buildings rear elevation to provide access to each of the first floor units; and a number of windows and doors installed to both the front and rear elevations to provide light/access to each of the new units. The conversion would result in 4 no. one bedroom units at ground floor level, 3 no. occupied as self-contained apartments and 1 no. occupied by the associated support staff (Unit 4), and 3 no. one bedroom and 1 no. two bedroom self-contained apartments at first floor level. Each of the units would comply with the relevant Welsh Government Development Quality Requirements (DQR).

A number of further minor external works would be undertaken at the property in order to accommodate the new units such as the blocking up of unused windows/doors and replacement of rainwater goods and windows etc. and some general refurbishment works to the building's elevations improve its current character and appearance. It also noted that the existing boundary wall along the southern boundary of the plot would be removed and replaced and the existing retaining wall to the rear of the site repaired. The rear yard would then be landscaped to provide a communal amenity area.

Access to the ground floor units would be directly off Oxford Street to the front, however, each of the ground floor units would also have a direct access to the rear amenity area. Access to each of the first floor units would be via the new walkway to the rear elevation with access gained off Darran Road to the northern side. No off-street parking is proposed at the site.

The applicant has detailed that the new facility would provide independent living accommodation for 7 no. adults with learning difficulties to promote and encourage wellbeing within the community, with targeted care and support provided to all occupiers to enhance their independence and quality of life. Further, there would be 6 no. carers employed to provide 24 hour care for the independent living adults, working on separate shifts to ensure there is always at least 1 no. carer on site at all times. As such the facility would allow occupiers to 'step-down' in to their own self-contained living accommodation, with the aid of support staff if necessary.

## **SITE APPRAISAL**

The application property forms a large, two-storey, commercial building located at the junction of Oxford Street and Darran Road, Mountain Ash. As such it is sited within a corner plot and fronts the footways along both streets, having an enclosed yard area to the rear and no off-street parking. The front elevation is attractive in nature comprising traditional timber shop fronts at ground floor level with decorative windows at first floor level. The property was last occupied by 2 no. retail units at ground floor level and a dance studio at first floor level but is currently vacant and has been since 2006. Consequently it is in a poor state of repair and appears derelict/unsightly.

Given the location of the site at the edge of the town centre, the surrounding area is mixed in terms of character and uses. The site is bounded by a vacant plot to the south-eastern side, beyond which is the former Nixon's Workmen's Club, with residential dwellings located to the rear (south-west), and commercial properties sited to the north-western side and opposite (north-east). The neighbouring town centre is comprised by a number of various commercial uses.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from an occupier of a neighbouring commercial unit along Oxford Street, making the following comments (summarised):

- Mountain Ash town centre is struggling commercially with many vacant shop units. The loss of further retail units in the town centre would exacerbate this problem and could set a precedent for further commercial units being lost. Further, there are many vacant buildings outside of the town centre that would be better suited to this proposed residential use. Therefore residential use should not be permitted at the site and commercial uses should be encouraged instead which would help to regenerate the town centre.

## **CONSULTATION**

Transportation Section – no objection.

Public Health and Protection – no objection, subject to conditions.

Land Reclamation and Engineering – no objection.

Countryside, Landscape and Ecology – no objection.

Dwr Cymru/Welsh Water – no objection, subject to conditions.

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

South Wales Fire and Rescue Service – no objection, subject to conditions.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Mountain Ash and within the Retail Centre of the town.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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 AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy AW11** – provides criteria for alternative uses at existing employment sites.

**Policy NSA2** – sets out criteria for both residential and commercial development within the Key Settlements.

**Policy NSA12** – identifies the criteria for assessment of residential development proposals within and adjacent to settlement boundaries.

**Policy NSA13** – identifies the criteria for assessment of redevelopment or re-use of disused and under used buildings for residential purposes in the Northern Strategy Area.

**Policy NSA18** – identifies the retail hierarchy for the Northern Strategy Area with Mountain Ash being classed as a Key Settlement.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Design in Town Centres;
- Affordable Housing;
- Nature Conservation;
- Access, Circulation and Parking;
- Development of Flats.

### **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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

It is considered that this proposal meets the seven Well-Being of Future Generations goals, inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working. It is considered that the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); and Chapter 4 (Active and Social Places). It is also considered the proposed development is consistent with the following chapters, inasmuch as they relate to the development:

- Chapter 5 (Productive and Enterprising Places);
- Chapter 6 (Distinctive and Natural Places).

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 4: Retail and Commercial Development;
- 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.

## **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 application seeks full planning permission for the change of use of the building from 2 no. retail units (Class A1) at ground floor level with a dance studio above

(Class D2), to a residential 'step-down' facility (Class C3) comprising 8 no. self-contained apartments, 7 no. of which would be occupied by adults with learning difficulties and 1 no. occupied by associated support staff.

The key consideration in the determination of this application is the principle of allowing the change of use of Class A1 retail units to a Class C3 residential use in the Retail Centre of the town.

With the above in mind, Policy AW11 seeks to protect retail uses within defined Retail Centres unless it can be demonstrated that they are surplus to requirement. Therefore, under normal circumstances, the Council would require evidence that at least 12 months marketing for the appropriate use, i.e. retail, has been undertaken at reasonable market rates without success. However, the policy does allow changes of use without marketing evidence where the redevelopment of derelict, unsightly, underused and vacant land/premises for alternative uses will have significant regeneration benefits for the area.

In this case no marketing evidence has been submitted with the application, however, the Council's own retail surveys illustrate that the properties are currently vacant and have been since the records began in 2009. Further, information submitted with the application identifies that they have actually been vacant for longer, since at least 2006. This evidence clearly demonstrates that the properties have stood vacant for at least 9 years, possibly 12 years or more, and there has been no interest in redeveloping the building for retail use in that time. It is also noted that the building has fallen in to poor state of repair due to the long period of vacancy and is in need of substantial refurbishment. It is therefore considered that bringing a prominent and attractive building in the town centre which has been vacant for many years back into a beneficial use, including its general refurbishment and the improvement of its current visual appearance, would result in a significant regeneration benefit to the wider town centre, complying with the broader aims of Policy AW11, and overriding the necessity for marketing evidence to be required in this instance.

It is also noted that Policy NSA19 allows for Class A1, A2 and A3 uses, and 'other uses', that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy. Therefore, whilst the loss of retail units in the town centre is regrettable, the introduction of a residential use at the site will increase footfall in the town centre and could help to support existing businesses, generally complying with aims of Policy NSA19. Additionally, the vacancy rate in the town centre is currently 21.5% which is higher than both the Welsh and UK average, 11.7% and 9.3% respectively. Therefore the proposal will reduce the number of vacant properties in the town centre which will help to improve the viability and vitality of the town. Furthermore, the Council's latest retail survey (2018) illustrates that Class A1 units make up 47% of the total number of units in the Retail Centre of the town (44 of 94), with Class C3 units making up less than 1% (1 of 94), and the remaining 49 units (52%) being a mix of all other uses. Therefore following the proposed change use Class A1 would remain the dominant use within the Retail Centre and it is not considered the loss of 2 no. retail units would result in a detrimental impact to its vitality or viability. Additionally, it is not considered the redevelopment of the site for residential use will result in the loss of retail units in real

terms as the property hasn't operated under Class A1 use for at least 9 years, and given the property's location on the edge of the retail zone, its change of use will not segregate or divide the existing retail properties along the primary retail frontage of Oxford Street which is sited further north of the site.

With respect to sustainability, given the sites town centre location, it is accessible by a range of sustainable transport options including bus, rail, foot and bicycle; and it also has good access to key service and facilities. Therefore the needs of residents of such a facility, who often do not have access to a private motor vehicle, would be well catered for. The site can therefore be considered a sustainable location for residential purposes, in accordance with Policies CS1 and AW2.

Finally, the very nature of the proposed use would benefit local residents, introducing a beneficial facility to the town. As such the proposed 'step down facility' would support the roles and functions of the Key Settlement and its residents, in accordance with Policy NSA12; and would also comply with the well begin goals of the Well Being of Future Generations (Wales) Act 2015 which actively seeks to ensure that all communities have sufficient good quality housing for their needs, including affordable housing for special needs where appropriate.

In light of the above, whilst the loss of retail units in the Retail Centre of the town is regrettable, it is considered that bringing a prominent and attractive building which has been vacant for many years back into a beneficial use and into a better visual state of repair will result in significant regeneration benefits for the wider town as a whole, which could help to support existing businesses. Furthermore, the proposed use will provide a valuable facility within the town which will benefit local residents. Consequently the proposed development is considered acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

### **Residential Amenity**

It is noted that there are a number of residential dwellings to the rear of the site and consequently the proposed development has the potential to impact upon the amenity and privacy standards currently enjoyed by the occupiers of these properties. As such it is important to consider the potential impacts of the proposal in this respect.

In order to assist in the assessment of the proposal the applicant has provided clarification with regard to the way in which the facility would operate. It is detailed that the 'step down facility' would be occupied by adults with learning difficulties who are generally able to live without the aid of support, but do sometimes require some general assistance with everyday tasks. As such, whilst 24 hour care will be available to occupiers of the apartments, the facility will not form a care home or secure unit, but a facility that will simply enable its occupiers to live independently in their local community, with the aid of carers if necessary. It is noted that there is no typical length of stay for residents as care is delivered on a bespoke client needs basis, however, it is usually long term.

In light of the above information submitted by the applicant, it is considered that, in many respects, the way in which the proposed apartments would be occupied would

be comparable to that of conventional domestic properties. Therefore, with the existing units historically operating under commercial uses which would have resulted in a degree of noise and disturbance to surrounding residents, often late in to the evenings, it is considered that the introduction of a residential use at the site, whilst large in scale and resulting in a number of comings and goings and some general noise and disturbance normally associated with residential use, would be considerably less intensive than that which would have previously occurred. As such it is not considered that the general use of the building as 8 no. self-contained apartments, albeit operating as a 'step down facility', would result in an unacceptable impact upon the amenities of the surrounding residents.

With respect to any potential impact upon the privacy of the surrounding properties, the proposed layout details that additional windows and a glazed walkway would be sited to the rear elevation of the building at first floor level, directly facing the existing dwellings to the rear of the site. Therefore a degree of overlooking would inevitably occur to the adjacent properties. However, the existing dwellings to the rear of the site are located at a considerably higher ground level than the application site and are orientated in manner where the rear elevation of the application property would face the blank side elevations of the adjacent dwellings which will ensure any impact is minimal. Further, given the density of nearby housing and existing levels of overlooking that already occurs in the area, it is not considered the conversion would result in significantly more overlooking in the area than that which already occurs, or a degree of overlooking that would warrant refusal of the application.

Subsequently, having considered the relationship between the proposed building and the existing properties in the locality, it is considered that the proposed development is generally acceptable in this regard.

### **Visual Impact**

The property is a large, attractive building situated along the main highway through the town centre. As such it forms a prominent feature in the locality and within the wider street scene along Oxford Street. However, given its long vacancy and lack of upkeep, it is currently in a poor condition and in need of considerable repair works, appearing derelict and unsightly. Therefore, whilst it is acknowledged the conversion would result in the removal of the existing attractive timber shop fronts from the front elevation and their replacement with residential features, the materials proposed would match that of the existing building and it is considered the proposed works would significantly improve the buildings current visual appearance. Further, the attractive windows at first floor level would be retained and refurbished, which would ensure the historic character of the building is partially retained and its overall visual appearance greatly improved.

It is accepted the works to the rear of the building would result in considerable alterations to this aspect to the property, however, given the enclosed nature of the rear yard area, these works would only be visible from within the site itself. Consequently it is not considered these development works would have any undue impact upon the character and appearance of the area, and again, given the property's current condition, would actually greatly improve its current visual appearance.



Consequently, whilst it is acknowledged the proposed conversion works will inevitably result in a considerable alteration to the building's current character and appearance, it is not considered the works would result in an unacceptable impact in visual terms.

### **Highway Safety**

No objections have been raised by the Council's Transportation Section following consultation. Further, no conditions have been suggested should Members be minded to approve the application.

In their assessment of the scheme the Transportation Section commented that the footways leading to the site are acceptable for pedestrian access. Further, whilst no off-street parking is proposed, the existing commercial use would require 18 no. off-street spaces with none available and the proposed 8 no. apartments would require only 4 no. off-street spaces with none proposed. Therefore, whilst there is some concern that no off-street will be provided at the site, taking in to account the proposed use would require significantly less off-street parking spaces than the existing use and the highly sustainable location of the site in the town centre, on balance, the scheme is considered acceptable in this respect.

In light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Other Issues**

Consultation has been undertaken with the Council's Flood Risk Management and Countryside, Landscape and Ecology Sections with a view to assessing any potential impacts upon site drainage and ecology respectively. Their responses raised no objection to the planning application subject to standard conditions and advice.

It is also noted that no objections were received from Wales and West Utilities, Western Power Distribution, Dwr Cymru Welsh Water and South Wales Fire and Rescue Service, subject to standard conditions and advice.

### **Community Infrastructure Levy 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 site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones and proposes 100% affordable housing where a £nil charge is applicable. Therefore no CIL is payable.

## **Conclusion**

The proposed conversion would bring a vacant, derelict and unsightly building in a prominent location within the town centre back in to use, and would greatly improve its current visual appearance. This would in turn result in a significant regeneration benefit to the wider town centre as a whole, adding vitality and viability to the Retail Centre by attracting footfall that benefits the daytime and evening economy, which could help to support existing businesses.

Furthermore, whilst the loss of 2 no. retail units within the Retail Centre of the town is regrettable, it is not considered the redevelopment of the site for residential use will result in the loss of retail units in real terms as the property has not operated under a retail use for at least 9 years, and there has been no interest in reinstating a retail use at the premises during its vacancy.

Finally, it is not considered the use of the building for residential purposes would result in a significant impact upon the amenities and privacy of the surrounding properties, or upon highway safety in the vicinity of the site.

The application is therefore considered to comply with the relevant policies of the Local Development Plan and is recommended for approval, subject to the conditions detailed below.

## **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 plans ref:

Site Location Plan, 01, 02

and documents received by the Local Planning Authority on 30/10/2018 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. No development works shall commence on site until a detailed Ecological Method Statement, as set out in the submitted Bat Scoping Survey (Neil Griffiths, October 2018), has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be produced by a suitably qualified ecologist and all future development works on site shall comply with the details set out in the approved method statement thereafter.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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