



PLANNING & DEVELOPMENT COMMITTEE

13 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1060/10
(BJW)
APPLICANT: QCF DEVELOPMENTS LTD
DEVELOPMENT: Demolition of ruined chapel building and erection of 6 no. 2-bed flats, 1 no. 1 bed penthouse flat, car park, and relocation of many gravestones to perimeter walls to create lawn amenity area.

LOCATION: CAPEL Y TON, 3 HIGH STREET, TONYREFAIL
DATE REGISTERED: 05/11/2018
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve.

REASONS:

The application proposes the productive use of a currently derelict and redundant site, the removal of a ruinous building in potentially dangerous condition and the creation of new residential development within the area in a modern bespoke building.

The use of the site would be sympathetic and in keeping with surrounding land uses, which are predominantly residential, and would comply with the requirements of the Council's Supplementary Planning Guidance (SPG) for the creation of larger buildings and their use as flats.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, the amenities of nearby residential properties and the impact on the visual amenities of the area.

APPLICATION DETAILS

Full planning permission sought for demolition of an existing ruined chapel and the erection of a new build – 6 no., 2 bedroom flats, 1 no. 1 bed flat (penthouse), the creation of a car park and relocation of gravestones to the perimeter of the site to create a lawned amenity area at Capel y Ton, 3 High Street, Tonyrefail.

The proposal would consist of the following:

- Demolition of the remaining part of the Grade II Listed Building on the site (also subject of an application for Listed Building Consent (LBC)).
- Construction of a 2-3 storey, civic scale building, on the footprint of the existing property to provide 6 no., 2 bedroom flats and a single, one-bed, penthouse flat.
- Creation of a car park area.
- Relocation of existing gravestones to create an amenity area within the site.

The building would measure 12.2m in width by 14.2m in depth by 7.4m to the eaves and 11.3m in height to the apex of the roof. Materials proposed are render, yellow facing brick and artificial slate. The existing porch would be retained while the height and scale of the proposal would be similar to the demolished building.

Accommodation would be spread over the ground, first and second floor with an additional, one-bed, penthouse flat within the roof space. The 2 bed units would consist of a combined kitchen/dining/living area, a bathroom, a hall and two bedrooms (one with an en-suite shower room); the one bedroom penthouse flat would simply consist of one fewer bedroom.

Additionally, the application proposes the creation of a car parking area off School Street (to the east side of the property) to accommodate 6 cars off-road; the installation of cycle racks and the creation of a lawned amenity area for residents through the relocation of existing memorials to the side (east) and rear (north) of the site.

The application has been submitted alongside an application for Listed Building Consent (LBC) reference no 18/1072/12 that is also being considered later in the agenda. The issues relevant to the Listed status of the building will be fully assessed and considered as part of that application.

This application is accompanied with the following additional information:

- Design, access and planning statement;
- Coal mining risk assessment; and
- General structural appraisal.

SITE APPRAISAL

The site includes a substantially fire-damaged chapel and surrounding graveyard that faces High Street in Tonyrefail. The site is Grade II listed and borders the designated retail centre of Tonyrefail town centre. It is surrounded by a mix of uses including retail, a public house, a clinic, a library and residential dwellings. Within the site the

chapel is located towards the western boundary with the graveyard to the east of the building.

The chapel building has been substantially damaged and no roof or internal details remain. In addition the first floor of the front elevation has been lost. However, evidence of what is left and records indicate that the stone building was finished in light render and the front elevation contained some ornate detailing. The roof prior to the fire was finished in slate.

PLANNING HISTORY

18/1072	Capel y Ton, 3 High Street Tonyrefail	Demolition of ruined chapel building and erection of 6 no. 2-bed flats, 1 no. 1 bed flat (penthouse), car park, and relocation of many gravestones to perimeter walls to create lawn amenity area. (Application for Listed Building Consent)	Pending
08/1407	Capel y Ton, 3 High Street Tonyrefail	Change of use of former Chapel to residential property (listed building application)	Granted 7/02/09
08/0883	Capel y Ton, 3 High Street Tonyrefail	Change of use of former Chapel to residential property	Granted 17/02/09

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site, no responses have been received.

CONSULTATION

Transportation Section – no objection, subject to conditions to secure the access to the site, retain the parking provision and to ensure that surface water does not discharge onto the public highway.

Land Reclamation and Engineering (Drainage) – no objection, subject to a condition to require the details of the drainage arrangements for the development to be submitted and agreed by the LPA and installed in accordance with the agreed details.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development, a condition for a site investigation survey of the site for potentially contamination and standard informative notes in respect of noise, waste and dust associated with the proposed development.

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

Wales and West Utilities – no objection. Standard advice offered in relation to safe working practices in the proximity of Wales and West Utilities apparatus.

Western Power Distribution - no objection. The applicant should be aware that if they require a new connection, disconnection or service alteration that they should contact Western Power Distribution.

South Wales Fire and Rescue Service – no objection. Advice is offered in relation to adequate supplies of water for firefighting purposes and access for emergency firefighting appliances.

Countryside, Landscape and Ecology – no objection. Due to the derelict nature of the building, the bat potential is hugely reduced by the open structure, the lack of roosting areas and the impacts of light and weather. The roost potential is minimal and as such it would not be justified to request bat survey. However, as a precautionary measure the appropriate bat informative note should be included.

Coal Authority – The Coal Authority considers that the conclusions of the submitted Coal Mining Risk Assessment is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable from past coal mining issues. The Coal Authority has no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Tonyrefail Community Council – no response received.

POLICY CONTEXT

The site is within the settlement boundary and is unallocated. The site is immediately adjacent to the Tonyrefail Retail Centre (policies SSA16 and SSA17 refers).

Rhondda Cynon Taf Local Development Plan

The property is within the defined settlement boundary and is unallocated. The chapel building itself is a Grade II Listed Building.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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 – refers to the protection and enhancement of the built environment. This policy states that development which impacts upon sites of architectural and historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW10 – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

Policy SSA13 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing 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 and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 6 (distinctive and natural places)

Planning Policy Wales Technical Advice Note 12 Design.

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Provides guidance on how the planning system should consider the historic environment during development plan preparation and decision making on planning and listed building applications.

The above chapters and Technical Advice notes set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 site consists of the ruined remains of a listed chapel within an extensive graveyard to the north and east.

The site within the defined settlement boundary where development is considered to be acceptable, subject to compliance with other policies in the Local Development Plan. The land has been disused for a considerable period of time and the fire damage to the chapel occurred over 10 years ago as it is detailed in the previously approved application to renovate the property.

The implications of the loss of the remaining sections of the Listed Building will be fully considered in the accompanying LBC application, later within this agenda.

In terms of land-use planning considerations the site is within a sustainable location that has reasonable access to transport nodes, goods and services and is therefore in accordance with Policy AW2. The proposal would be sympathetic to surrounding land uses, many of which are residential, and would provide an alternative type of residential accommodation as well as securing a productive use for a currently disused site within the locality.

The principle of the development is therefore considered to accord with the provisions of the Local Development Plan, nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

Impact on amenities of neighbouring properties

The new residential units would be formed throughout the replacement building which is on the same location as the existing chapel. The building is over 25m from the closest neighbouring residential property.

Having regard to the location of proposed windows within the replacement building and the relationship with immediately adjacent neighbouring properties it is considered that the proposal would not have a detrimental impact on their amenities

It is also considered that the proposed dwelling would be of a similar scale and of an acceptable design and would not have an overbearing impact on neighbouring properties.

Furthermore, it is acknowledged that there have been no objections to the application from neighbouring properties in this regard.

Character and appearance of the area

The proposal would remove the ruinous remains of the existing chapel and in its place erect a modern building of a similar scale and height with some of its design cues from the previous structure.

It is considered that the proposal would retain the stature and scale of the previous building as well as the existing porch, which would be retained and create a key feature as the main entrance to the building.

The penthouse flat would also create some amenity space within the balcony area while benefiting from attractive and impressive views of the local area.

The proposal would create modern residential accommodation within the site that would be consistent with the existing pattern of development and of a scale, design and appearance that would be acceptable to the existing area.

It is considered that the proposed property would provide a good quality development at the site that would make a productive use of the former property. The site is within the town of Tonyrefail and is characterised, in its immediate surroundings, by a mixture of traditional terraced properties, commercial and civic buildings. It is considered that the proposed modern development would sit comfortably within this setting and that the proposal would have a positive effect on the character and appearance of the area.

The property would also provide acceptable levels of amenity space through the relocation of existing memorial in part of the graveyard and the balcony area of the penthouse flat.

It is considered that the scale and design would be acceptable with the existing development in the area. Therefore, the application is considered to be acceptable in this respect.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds. However, the following comments have been offered in relation to the issues of access and parking.

Access

The proposed development is located on High Street, Tonyrefail. In the vicinity of the site High Street has a carriageway width sufficient for 2-way traffic flow, continuous segregated pedestrian footway facilities on both sides of the carriageway. There is a limited waiting on-street parking bay opposite the proposed development, limited to 1 hour waiting with no return within 1 hour between the hours of 0800 and 1800 from Monday to Saturday.

The submitted plans indicate that the primary means of access to the dwellings will be via the existing gated entrance off High Street. The use of the existing access gives no undue cause for concern and is considered acceptable.

There will also be a secondary pedestrian access to the first floor level off School street. A section of the existing stone wall would be removed to facilitate the access and a gate installed that opens away from the public highway, which is considered acceptable.

There is also a secondary means of access to a proposed parking area off the un-named road off School Street. In principle this access is considered acceptable; however, the submitted plans indicate an opening of 3.4m. This should be increased to 4.5m to facilitate 2-way flow to and from the parking area. This issue could be overcome by means of a suitably worded planning condition.

Parking

The proposed development is for 6 no. 2 bedroom and 1 no. 1 bedroom residential dwellings within Parking Zone 3. In accordance with the Council's adopted SPG, 1-2 bedroom dwelling have a requirement of 2 spaces and 1 space per 5 dwellings for visitors. As such, the proposed development has a total requirement of 15 spaces.

The submitted plans indicate that 6 no. parking spaces will be provided in a courtyard arrangement off the un-named road off School Street. As such, the proposed development has an off-street parking shortfall of 9 spaces, which gives cause for concern. However, when considering the council's SPG advices that residents of flats often have lower car ownership rates than other types of household, the sustainable location of the proposed development and the proposed of cycle storage, the concern is not significant to warrant highway objection.

Nevertheless, a suitably worded condition is suggested to ensure that the proposed off-street parking spaces and cycle storage remain in perpetuity.

Consequently, the proposed development is considered acceptable in terms of access subject to a condition requiring the widening of the proposed vehicular access to the parking area to 4.5m

Additionally, while there is concern with the development's shortfall in off-street parking provision. However, when considering the sustainable location of the proposed development the concern is not significant enough to warrant highway objection.

Other Issues

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the relocation of existing memorials within the graveyard of the site, it is acknowledged that this is an emotive issues for those with relatives remains interred at the site, although this has not been commented on by any interested parties as part of the consultation exercise for the application.

However, Members are advised that this is a matter for the developer to deal with in consultation with the graves commission, the relevant authorities and the families of those whose graves it is proposed to disturb to resolve this issue. It is not a land use planning consideration and could not therefore form a reason for refusal that could be defended should the application be refused and the applicant proceed to appeal.

It is clear that this issue will need to be dealt with some sensitivity and to allow the development to proceed as it is currently presented.

It is acknowledged that the applicant has displayed notices in the local area detailing their intentions to relocate memorials and have provided contact details for objectors to their proposals.

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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £32,469.29.

Conclusion

The proposed development scheme is considered to be a productive use of land for a sympathetic and conforming use that would be of an acceptable scale and design, would not have a harmful impact on neighbouring properties, the visual amenity of the area or highway safety considerations. Consequently, the proposal is considered to be acceptable.

RECOMMENDATION: Approve, subject to positive determination of the associated Listed Building Consent (LBC) and favourable referral to Cadw.

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

Site location plan, Drawing No. 1705.SLP
Proposed site plan, Drawing No. 1705.PL04
Proposed plans, Drawing No. 1705.PL01

Proposed Elevations (North and west) and Section A-A, Drawing No. 1705.PL02

Proposed Elevations (South and East), Drawing No. 1705.PL02

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 shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Building operations shall not be commenced until samples of the materials 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.

7. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of 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.

10. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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.

11. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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.

12. Notwithstanding the submitted plans, development shall not commence until details of a 4.5m wide vehicular access to the proposed parking area and associated vehicular footway crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial.

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

13. The parking spaces and cycle storage indicated on submitted drawing no. "1705.PL01" shall be retained for the purpose of the parking of vehicles and cycles only.

Reason: To ensure that vehicles are parked off the public highway, in the interests of highway safety, and to encourage sustainable modes of travel in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system.

Reason: To prevent hydraulic overload of the highway drainage system, and in the interests of highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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