



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 DECEMBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0986/10 (LJH)  
**APPLICANT:** D & S Properties  
**DEVELOPMENT:** Conversion of the first and second floors of a Public House from one flat, function and ancillary accommodation to two flats and one maisonette.  
**LOCATION:** BOARS HEAD PUBLIC HOUSE, HIGH STREET, TONYREFAIL, PORTH, CF39 8PG  
**DATE REGISTERED:** 28/08/2018  
**ELECTORAL DIVISION:** Tonyrefail East

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

#### **REASONS:**

The development would enable the beneficial re-use of redundant space within an existing building in a sustainable location, both close to the services and amenities at Tonyrefail town centre and wider public transport links. Furthermore, the refurbishment of the building would provide a mix of additional housing units in town.

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

A request has been received from Councillor Owen-Jones in order to consider the potential impact upon the neighbouring Savoy Theatre.

#### **APPLICATION DETAILS**

Full planning permission is sought to convert the first and second floors of the Boars Head Public House, Tonyrefail to provide two flats and one maisonette. The ground floor would remain in use as a public house.

The internal accommodation would be reconfigured to subdivide the first and second floors into separate units as follows:



- Unit 1 – a three-bedroom self-contained flat.
- Unit 2 – a two bedroom self-contained maisonette arranged over two floors.
- Unit 3 – a one bedroom self-contained flat.

Externally the building would largely remain the same apart from the addition of a new enclosed access staircase to the rear, between the existing ground floor kitchen and female toilets. The new staircase would provide internal access from the ground to first floor and would be enclosed by a flat-roofed extension the width and depth of the new staircase.

Off-street parking for 4 vehicles is proposed to the rear, which would be accessible from Collenna Road.

## **SITE APPRAISAL**

The application property is a large, detached, commercial building located towards the north of Tonyrefail Retail Centre. The ground floor of the property is in use as public house, the upper floors have most recently been used as ancillary accommodation and a function room.

Positioned on the junction between the main highways through Tonyrefail (Collenna Road-Mill Street & High Street-Waunrhydd Road) the site is enclosed by The Savoy Theatre to the north, a commercial property to the east, and highways to the south and west. The building occupies most of the plot and has a small courtyard to the rear beyond which is an area of land under the ownership of the neighbouring Savoy Theatre. The owner/occupier of the public house has a legal right of access over this land confirmation of which has been submitted with the application. Primary access is currently gained from High Street to the front, however access to the proposed residential units will be from Collenna Road via the aforementioned area of land under the ownership of the neighbouring building.

The area surrounding the site contains a mix of commercial/residential uses, comprising traditional two-storey terraced dwellings and larger, two/three-storey commercial properties.

## **PLANNING HISTORY**

There are no applications on record associated with this site within the last ten years.

## **PUBLICITY**

The application has been advertised by direct notification to twenty-one neighbouring properties and notices were erected around the site.

Two letters have been received, one from the Savoy Theatre and one from Tonyrefail Community Council. They are summarised as follows:



- With regard to the floors to private objection.
- Concerns are raised regarding land ownership and rights of access issues.
- Should the application be approved, it should not be to the detriment of the Savoy Theatre in respect of the impact and operation of the theatre business, as the Savoy Theatre was granted consent for the parking of 6 vehicles and the loading/unloading of vehicles.

conversion of the upper accommodation, we have no

## **CONSULTATION**

Highways and Transportation - no objection subject to conditions.

Public Health and Protection - conditions are recommended in respect of noise from construction, dust, waste, demolition and hours of operation, and for a scheme to protect future occupiers from noise. With the exception of the latter issue, it is considered that the other matters can best be dealt with by an informative note.

Dwr Cymru Welsh Water - no objections subject to a condition and informative note.

Land Drainage - no objection.

Western Power Distribution - a new connection or service diversion will require consent from WPD.

Wales & West Utilities - no objection.

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 Tonyrefail and the town's retail centre.

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

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

**Policy AW2** - identifies locations considered as sustainable locations.

**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 AW10** - supports developments which do not cause harm to public health

developments which do not or amenity.

**Policy AW11** – supports developments for alternative uses for existing employment/retail units.

**Policy SSA4** – sets out the criteria for residential, commercial and community development within the Key Settlement of Tonyrefail.

**Policy SSA16** – identifies the retail hierarchy for the Southern Strategy Area with Tonyrefail being classed as a Key Settlement.

**Policy SSA13** - supports housing development within settlement boundaries.

#### Supplementary Planning Guidance

- Delivering Design and Placemaking
- Design in Town Centres
- Planning Obligations
- Access, Circulation and Parking Requirements
- 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.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Well-being of Future Generations (Wales) Act into planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is 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 proposed:

- Chapter 1 managing new development.
- Chapter 3 strategic and spatial choices.
- Chapter 4 active and social places
- Chapter 5 productive and enterprising places
- Chapter 6 distinctive and natural places.

Other policy guidance considered:

PPW Technical Advice Note 11 - Noise

## **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 seeks permission to convert the first and second floors of the public house from a flat, function room and storage space to 3 self-contained flats. The site is located within the Key Settlement of Tonyrefail's retail centre. The main issues for consideration are what impacts this change of use would have on the vitality and viability of the retail centre and the impact this will have on the centres position in the retail hierarchy.

Policy AW11 seeks to ensure that retail sites are retained for retail purposes, and any proposals promoting an alternative use for a retail site should be accompanied with proof that the site has been marketed for retail purposes for a minimum of 12 months. However as the proposal concerns the first and second floor of the building which are in use ancillary to the ground floor A3 use, marketing is not necessary in this instance.

PPW TAN 4 also highlights the positive impacts non-ground floor residential use can have on the vitality of retail centres. As such, it is considered that the proposed change of use would not impact on the centre's position in the retail hierarchy in accordance with policy SSA16.

The principle of an A3 unit on the ground floor with C3 dwellings on floors above would be compatible with surrounding uses within the defined retail centre, in keeping with policies AW2 and AW 5.1. The site also has very good access to key services and facilities due to its position within the retail centre, and is also accessible by a range of sustainable transport options including foot, bicycle and bus, in keeping with policies AW 2 and SSA13. The site can therefore be considered a sustainable location for such a proposal.

Finally, the proposed floor plans illustrate that the flats would have reasonable natural light and outlook, access fronting Collenna Road and a well overlooked car park. The proposal therefore generally complies with the principles of the Council's adopted Supplementary Planning Guidance: Development of Flats. It is noted however that the site layout does not illustrate a bin storage area. However it is considered there is sufficient space within the site, fronting Collenna Road, where a suitable bin store



could be sited to allow easy such a condition to this

access for collection. As effect is suggested below.

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

The main external changes relate to the small extension on the rear elevation which would accommodate the access staircase. This would not be considered to be detrimental to the appearance of the building as it would be sited to the rear and would not be highly visible from the street.

The overall mass and scale of the building would be unaffected by its conversion to flats and a maisonette, and the principal elevation would remain unchanged.

Therefore the development would not be detrimental to the appearance of the building as a whole or to the street scene.

### **Impact on neighbouring occupiers**

The property is located in an area comprising a mix of land uses, although it has been operating as a public house for a considerable period. Consequently the historic and permitted use would have resulted in some noise and disturbance to local residents and the development would therefore represent an improvement and reduction of intrusion to amenity.

With regard to the impact on the privacy of neighbouring occupiers, the external changes would not alter the overall form or position of the building and therefore would not add to any existing opportunities for overlooking. The additional fenestration to the rear would overlook the premises of commercial businesses.

As a result it is considered that the development would not have a significant detrimental impact on the amenity of neighbouring occupiers and is acceptable in these terms.

### **Amenity of future residents**

The ground floor of the premises is likely to continue operation as a public house which is a concern as this use may have an impact upon any future residents of the units above in terms of noise disturbance. It is considered however that an appropriate soundproofing scheme could be installed that would overcome these concerns, but no such information has been submitted with the application. On this basis, the Council's Public Health and Protection Section have recommended a condition for a scheme to mitigate noise disturbance.

### **Highways and accessibility**

The Boars Head public house fronts onto High Street, Tonyrefail at the traffic signal control junction between High Street, Waunrhydd Road, Mill Street and Collenna Road. Access to the proposed dwellings would be via the existing pedestrian access off Collenna Road. The submitted proposed layout plan indicates that an additional flight of steps is to be constructed internally within the plot to gain access to the first



floor level. Access to the rear of the property is via an Collenna Road which also Savoy Theatre. The proposed development is considered acceptable in terms of access.

proposed parking area to the existing vehicular access off serves the neighbouring

The Council's SPG for Access, Circulation and Parking Requirements determines that 1 – 2 bedroom dwellings have an off-street parking requirement of 2 spaces plus 1 space per 5 dwellings for visitors. As such, the proposed development has a total requirement of 7 spaces.

The additional information submitted indicates that 4 off-street spaces are to be provided to the rear of the property, served off Collenna Road. This results in a shortfall of 3 spaces, which gives cause for concern. However, when considering the Council's SPG advises that residents of flats often have lower car ownership rates than other types of household and the sustainable location of the proposed development, the concern is not significant to warrant highway objection.

Nonetheless, the location of the site would be considered sustainable due to its proximity to public transport and Tonyrefail Retail Centre. Taking the above into account the proposal, on balance, is considered acceptable.

### **Neighbour comments**

Whilst the comments received from the Local Member, Community Council, and the Savoy Theatre with regards to land ownership are acknowledged, the Applicant has since provided a letter written by the Savoy Theatre which confirms that they have a right of access across the land which is under the ownership of the Theatre.

### **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, however as the proposed development involves the change of use of the existing building the amount due in this case is £0.

### **Conclusion**

The development would enable the beneficial re-use of an existing building in a sustainable location, both close to the key services and shops at Tonyrefail Retail Centre and wider public transport links. Furthermore, in addition to its contribution to the regeneration of Tonyrefail, the development would provide a mix of additional housing units in the town.

**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 plan nos:

Site Location Plan, 1004/P.01 Rev B, 1004/P.04 Rev A, 1004/P.05 Rev A, 1004/P.07, 1004/P.08,

and documents received by the Local Planning Authority on 28/08/2018, 05/11/2018, 10/10/2019 and 16/10/2019, 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 commence onsite until a scheme for protecting future occupiers of the flats hereby approved from noise, caused by the use of the ground floor as a public house, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the noise mitigation scheme shall be completed before beneficial occupation and shall be retained as such thereafter.

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

4. No development shall commence until a scheme for the storage of waste from the flats hereby approved has been submitted to and approved in writing by the Local Planning Authority. The provision of the waste storage shall be completed before beneficial occupation and shall be retained as such thereafter.

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

5. The parking spaces indicated on submitted drawing no. "1004/P.01 Rev B" shall be constructed in permanent materials and 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.





6. 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.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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