

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
3 NOVEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 8
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APPLICATION NO: 16/0419 - REFURBISHMENT OF PUBLIC HOUSE FOR PROVISION OF TWO ADDITIONAL FLATS (RE- SUBMISSION), ROYAL OAK INN, MORGAN ROW, CWMBACH, ABERDARE.
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1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 15th September 2016 Development Control Committee meeting with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to refuse the application contrary to the officer recommendation. Members considered that the extension and conversion of the property to provide 3 no. self-contained flats at first floor level has had a significant detrimental impact upon the character and appearance of the surrounding street scene along Phillip Row.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The considerations regarding the visual impact of the works are outlined in the original report, however, a brief summary is provided below:

The application property forms a prominent feature at the junction of Cefnpennar Road and Cwmbach Road, however, a period of underuse and neglect has meant that it has fallen into a poor state of repair. The

application seeks to bring the building back into use by way of an extension and its refurbishment that would retain much of the properties original character. The external alterations are limited largely to repairs and maintenance which would undoubtedly improve the current appearance of the property. The only noticeable alteration would be the rear extension along Phillip Row which has been constructed but has not yet been finished externally.

The extension forms a considerable addition to the property, however, it is sited to the rear elevation where it is not visible from the main highway and has no impact upon the buildings principle elevation. It is acknowledged that it forms a visible feature from the adjacent dwellings along Phillip Row, but the structure is not considered to appear overly prominent or dominant in the street scene. Further, the extension has not yet been finished and it is considered that once the external finishes have been applied, its visual impact will be significantly reduced. It is however considered that a condition should be added to any consent requiring the finishing works be completed within 3 months of approval in order to ensure that this is the case.

Therefore, whilst the comments raised by the objectors in this regard are noted, the development is considered acceptable in respect of its impact upon the visual amenity of the area. The application is therefore recommended for approval, subject to the conditions set out in the original report (**APPENDIX A**).

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

1. The extension, by virtue of its siting, design and scale, is an inappropriate and unsympathetic addition that fails to complement or enhance the form and general character of the host property, resulting in an alien feature that has a significant adverse impact upon character and appearance of the street scene along Phillip Row. As such the development is considered contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 16/0419/10 (MF)
APPLICANT: Mr A Turner
DEVELOPMENT: Refurbishment of public house for provision of two additional flats (re-submission).
LOCATION: ROYAL OAK INN, MORGAN ROW, CWMBACH, ABERDARE, CF44 0DU
DATE REGISTERED: 04/07/2016
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve

REASONS: The principle of residential development at the site is acceptable. Further, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee by the request of Councillor Elliott in order to assess the impact of the proposed development upon the amenity of the surrounding neighbours and upon highway safety in the vicinity of the site. Further, one letter of objection was received that was signed by 11 surrounding residents following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the extension and refurbishment of the Royal Oak Inn, Cwmbach in order to provide 2 no. self-contained flats at first floor level in addition to the existing single self-contained flat that currently exists (3 no. flats in total). The majority of works would be facilitated by a number of internal alterations however a two-storey extension would also be erected to provide for improved facilities at the existing ground floor public house and additional space at first floor level in order to accommodate the 3 no. flats.

The extension has already been erected but has not yet been finished either internally or externally. It is sited to the rear of the property in-filling a gap between two original gable projections. The addition is two storeys in nature and incorporates a flat roof design to the properties original eave height. A number of windows and doors are sited within the rear elevation to provide light and access to the new arrangement which comprises a public house at ground floor level with 1 no. 3 bedroom, and 2 no. 1 bedroom self-contained flats above. Access to the site is provided off Morgan Row to the northern side. It is proposed the extension be finished in render to match the external appearance of the original building.

A new parking area accommodating 4 no. off-street car parking spaces would be created within the yard area to the rear of the property. It would be accessed off the adjacent highway, Phillip Row, and be created at street level. This element of the development has not yet been completed.

A number of general refurbishment and improvement works would also be undertaken to the buildings elevations in order to improve its current visual appearance. These works have also not yet been undertaken.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The Royal Oak Inn is a large public house located on the main road through the village of Cwmbach. The property sits within a plot of approximately 450m², fronting the footway and having an enclosed courtyard area to the rear. The building is two storeys in nature and finished in render, slate roof tiles and uPVC windows and doors. It is currently occupied by a public house at ground floor level with a single residential flat above, however, it is in the process of the being extended and converted in order to provide additional space within the ground floor public house and two additional flats at first level (the subject of this application). An adjoining annex is located to the northern side of the premise that is occupied by a hairdressing salon. A detached bungalow is located to the southern side. Phillip Row, a traditional terraced street comprising 10 no. dwellings, bounds the site to the rear but is sited at a higher ground level.

PLANNING HISTORY

Previous planning applications submitted at the application site:

15/1160	The Royal Oak Inn, Morgan Row, Cwmbach	Refurbishment of public house and provision of rear extension to provide 3 no. self contained flats.	Refused 01/12/15
12/0804	The Royal Oak Inn, Morgan Row, Cwmbach	External works and improvements including external porch.	Granted 19/11/12
82/0361	The Royal Oak Inn, Morgan Row, Cwmbach	Proposed improvements to forecourt.	Granted 22/09/82
82/0008	The Royal Oak Inn, Morgan Row, Cwmbach	Proposed conversion of 13 Morgan Row to provide extension to public house	Granted 17/02/82

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received which has been signed by 11 residents of Phillip Row, making the following comments (summarised):

- Phillip Row is a narrow residential street which already has significant parking issues due to the number of vehicles in the street. Further, the adjacent streets, Morgan Row to the north and Cefnpennar Road to the south, are also often overcrowded due to the hairdressing salon and the parking restrictions respectively. The proposed flats would exacerbate these issues.
- The parked cars along the adjacent streets restrict the views out of Philip Row. The proposed flats would exacerbate these issues.
- A number of streets in the locality do not have footways and people regularly park on the footways in the streets that do as they are so narrow. As such pedestrians are often forced to walk in the highway. The main road is a bus route and this situation is not safe for pedestrians. The proposed flats would exacerbate this issue.
- The extension does not relate well to the character and appearance of the surrounding locality.
- The windows within the extension directly overlook the adjacent properties along Phillip Row.
- The re-opening of the public house may lead to noise and disturbance and encourage anti-social behaviour in the area.
- The access into the site is not suitable and may hinder emergency vehicle access along Phillip Row.
- The extension has been completed prior to the applicant applying for planning permission.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare, but is not allocated for any specific purpose.

Policy CS1 – outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

Policy AW1 – focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary and the conversion of suitable existing buildings.

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

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

Supplementary Planning Guidance

- Design and Placemaking;
- 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.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 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

Full planning permission is sought the extension and conversion of this commercial property to provide 2 no. additional self contained flats (3 in total) at first floor level. This application is a resubmission of the previous scheme ref. 15/1160/10 which was refused due to its potential impact upon highway safety in the vicinity of the site. Following the previous refusal, the applicant entered discussions with the Council in order to try and overcome the highway safety issues. In light of those discussions, this application has been submitted whereby a number of amendments to the access and parking area have been made which are detailed below.

The building is situated inside of the defined settlement limits of Aberdare and within an established residential area of Cwmbach. It is therefore considered that the development would be compatible with the surrounding land uses and the proposed scheme, in principle, is acceptable, subject to an assessment of the following criteria.

Visual Impact

The application property forms a prominent feature at the junction of Cefnpennar Road and Cwmbach Road, however, a period of underuse and neglect has meant that it has fallen into a poor state of repair. The application seeks to bring the building back into use by way of an extension and its refurbishment that would retain much of the properties original character. The external alterations are limited largely to repairs and maintenance which would undoubtedly improve the current appearance of the property. The only noticeable alteration would be the rear extension.

The extension forms a considerable addition to the property, however, it is sited to the rear elevation where it is not visible from the main highway and has no impact upon the buildings principle elevation. It is acknowledged that it forms a visible feature from the dwellings along Phillip Row, but the flat roof has been erected at the original eaves height, below that of the original gable projections and therefore the structure is not considered to appear overly prominent or dominant in the street scene. Further, the extension has not yet been finished and it is considered that once the external finishes have been applied, its visual impact will be significantly reduced. It is however considered that a condition should be added to any consent requiring the finishing works be completed within 3 months of approval in order to ensure that this is the case.

In light of the above, whilst the comments raised by the objectors in this regard are noted, the development is considered acceptable in respect of its impact upon the visual amenity of the area.

Residential Amenity

It is noted that the residents of Phillip Row have a number of concerns in respect of the impact of the development upon the residential amenity and privacy standards they currently enjoy. However, the properties along Phillip Row are sited at a higher ground level than the application site and therefore given the difference in ground

levels and the separation distance of roughly 14 metres between the two, it is not considered the extension has caused any overbearing or overshadowing impact. Further, whilst it is noted that a number of additional windows and doors have been sited within the rear elevation facing the properties along Phillip Row and a degree of overlooking will inevitably occur, again, given the difference in ground levels and the separation distance, it is not considered any potential impact would be significant enough to warrant refusal of the application.

It is acknowledged that the accommodation of two additional flats at the premise will increase the comings and goings to and from the property, but it is not considered that these movements would result in significantly more noise and disturbance in comparison to that which could currently occur and would therefore warrant refusal of the application.

It is also noted that the objectors have commented that the re-opening of the public house use at the premise would lead to additional noise and disturbance and may possibly encourage anti-social behaviour in the area. However, whilst it is acknowledged the public house has been closed for some time, the properties current lawful use is that of a public house with a flat above and therefore this use could be reinstated at any time without the need for planning permission. As such, this application simply seeks consent for the additional first floor flats and associated works and these concerns cannot be taken into account during the determination of the application.

Subsequently, having considered the relationship between the proposed flats and the existing properties, whilst it is acknowledged a degree of impact will inevitably occur, on balance, the application is considered acceptable in this respect.

Highway Safety

As detailed above, the previous application ref. 15/1160/10 was refused due to its potential impact upon highway safety in the vicinity of the site. It was considered that Phillip Row is sub-standard as a primary means of access and that the proposed development would increase on-street car parking in the area to the detriment of safety of all highway users. Following the previous refusal, the applicant entered discussion with the Council in order to overcome these concerns. As such a number of amendments have been made and the current scheme now proposes primary access off Cwmbach Road/ Morgan Row, 4 no. off-street parking spaces within the curtilage of the site, and a number works to the adjacent highway that will improve safety for all users.

Therefore with regard to the potential impact of the current scheme upon highway safety, whilst it is acknowledged that concerns have been raised by local residents in this respect, following consultation, the Council's Transportation Section raised no objections to the proposal, subject to a number of conditions.

The Transportation Section commented that the application site is surrounded by adopted highway with primary access for the public house served off Cwmbach Road, as existing, and primary access for the flats served off Morgan Row which is acceptable.

With respect to Phillip Row, it was commented that the street has a carriageway width of 4.1 - 4.2m with a 1.6m wide footway on the opposite side to the proposed flats and the footway at either end of Phillip Row is elevated meaning that pedestrians are forced to share the same surface as moving vehicles at the junctions of Phillip Row which is of concern. Further, there is considerable parking on Phillip Row due to the nature of terraced dwellings, having no off-street car parking. This in turn narrows the available width to single file traffic to the detriment of safety of all highway users and free flow of traffic. However, taking into account that Phillip Row will be used as secondary access only for off-street car parking with primary access for deliveries off Morgan Row, on balance, the proposal is acceptable in this respect. Additionally, the applicant has proposed to widen a section of carriageway at the vehicular access/egress point by 1m taking the total carriageway at this section to 5.1m which is acceptable, subject to detailed design.

In terms of visibility, the Transportation Section commented that visibility from Phillip Row onto the junction of Morgan Row is sub-standard to the left being 2.4m x 12m, which is of concern, but is satisfactory to the right being 2.4m x 40m+ which is in accordance with TAN 18 for a 30 mph speed limit. However, by widening the carriageway at this point the visibility at the junction would be significantly improved which is acceptable. At the opposite end of the street visibility from Phillip Row to Cefnpennar Road is also sub-standard in both directions, 2.4m x 12m left and 2.4m x 36m right, which is also of concern, however, taking into account the limited extra traffic that would be generated by two additional flats, on balance, the proposal is also acceptable in this respect.

It was also noted that the junction of Phillip Row with Cefnpennar Road is sub-standard and at an acute angle which also causes concern. However, the applicant has proposed to overcome these concerns by using Phillip Row for off-street car parking only with primary access off Morgan Row and therefore, given the limited traffic generated by two additional flats, on balance, the proposal is also acceptable in this respect

With respect to the access to each flat, it is noted that the applicant proposes to create a pedestrian access off Morgan Row and then access to each flat would be via the buildings rear elevation. Whilst an access via the front of the building would be preferable, in this instance, the extension has already been erected and the accesses are already in place. Further, it is not considered that an appropriate access could be introduced through the ground floor public house unit which may be closed during the daytime. Further, given the arrangement of the property and its curtilage, the rear of the site fronts Phillip Row and therefore has a relationship with a residential street. It is also noted the Transportation Section commented that the primary access off Morgan Row is acceptable. Consequently, whilst it is acknowledged that SPG Development of Flats advises that accesses to new flats should be via the front elevations wherever possible, the primary access to the site off Morgan Row and existing rear access to each flat are considered the most appropriate option in this instance and are therefore acceptable.

With respect to parking provision, there is concern that the existing public house and two bedroom flat requires up-to a maximum of 42 off-street car parking spaces with

none provided which results in vehicles indiscriminately parking in the surrounding residential streets, narrowing the available width to single file traffic to the detriment of safety of all highway users. Therefore with the addition of two more flats at the property this problem could be exacerbated as they require 1 space per bedroom in accordance with the SPG Access, Circulation & Parking and therefore the maximum required for the residential element of the scheme is 5 spaces (2 x 1 bedroom flats and 1 x 3 bedroom flat) taking the total including public house to 45 spaces. However, the submitted layout plan proposes 4 no. off-street car parking spaces within the curtilage, which given the sustainable location of the application site, close to local amenities and public transport, on balance, is acceptable.

Therefore, in conclusion, whilst the comments received from local residents in respect of highway safety are acknowledged and there is some concern in this respect, the proposal provides for acceptable access and parking provision and would also provide carriageway widening along the vehicular access/egress point onto Phillip Row which will improve access for all residents of Phillip Row and visibility at the junction. Consequently, the proposal is considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site, subject to the conditions detailed below.

Public Health

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

Other Issues

It is noted that consultation has also been undertaken with the Council's Land Reclamation and Engineering and Countryside, Landscape and Ecology Sections with a view to assessing any potential impacts upon drainage and ecology respectively. Their responses raised no objection to the planning application subject to standard conditions and advice. Further, no adverse comments have been raised by Dwr Cymru Welsh Water.

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 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

Whilst it is acknowledged that some impact will inevitably occur, it is not considered the proposed development would have a significant enough impact upon the character and appearance of the locality or the amenity and privacy standards currently enjoyed by the surrounding properties to warrant refusal of the application. Furthermore, following consultation with the Council's Transportation Section, it is not considered the creation of two additional residential units at the property would adversely impact upon highway safety in the vicinity of the application site subject to the works detailed in the conditions below being carried out prior to beneficial occupation. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan, Existing/Proposed Ground, Existing First, Proposed First Floor, Existing/Proposed Right Side, Existing/Proposed Left Side, Existing/Proposed Front, Proposed Rear, Existing Side, Existing Rear, Site Plan, Side Elevation and Revised Site and Access Plan and documents received by the Local Planning Authority on 19/04/16, 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.

2. Notwithstanding the approved plans, no further development shall take place until full engineering design and details of the road widening along Phillip Row including tie in details with Morgan Row and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. No further development shall take place until details of traffic management and wheel washing facilities have been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

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

4. Within 56 days of the date of this consent, the rear extension shall be finished in materials and a colour details of which shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the

date of this consent.

Reason: To reduce the visual impact it has within the surrounding locality in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

5. The electricity pole / street lamp column affected by the proposed access shall be relocated in a position to be agreed in writing by the Local Planning Authority and statutory undertakers prior to any further works commencing on site.

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

6. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out and in accordance with the submitted site plan dated 19th April 2016 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. HGV's used as part of the construction shall be restricted to 09:30am to 15:30pm weekdays, 09:00am to 13:00pm Saturdays, with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 NOVEMBER 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO:16/0419 -
REFURBISHMENT OF PUBLIC
HOUSE FOR PROVISION OF TWO
ADDITIONAL FLATS (RE-
SUBMISSION), ROYAL OAK INN,
MORGAN ROW, CWMBACH,
ABERDARE.**

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See Relevant Application File

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