

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
7 SEPTEMBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Agenda Item No.7
APPLICATIONS RECOMMENDED FOR REFUSAL

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No:17/0495 - Refurbishment of public house including retention of, and extension to roof of, two storey rear extension (accommodating extension of public house at ground floor level and 2 no. additional self-contained flats at first floor level, 3 no. in total). Also retention of retaining/engineering works in rear amenity area (accommodating garden area, access and parking arrangements), Royal Oak Inn, Morgan Row, Cwmbach, Aberdare.

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 17/0495/10 (MF)
APPLICANT: Mr A Turner
DEVELOPMENT: Refurbishment of public house including retention of, and extension to roof of, two storey rear extension (accommodating extension of public house at ground floor level and 2 no. additional self-contained flats at first floor level, 3 no. in total). Also retention of retaining/engineering works in rear amenity area (accommodating garden area, access and parking arrangements).
LOCATION: ROYAL OAK INN, MORGAN ROW, CWMBACH, ABERDARE, CF44 0DU
DATE REGISTERED: 22/06/2017
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Refuse

REASONS:

Whilst the development, in principle, is acceptable, the rear extension fails to complement or enhance the form and general character of the host property and appears alien in the wider street scene. It is considered that the roof design, being sited above the original eaves level, results in an awkward, complex and visually dominant roof form that overwhelms the simple, pitched roof of the original building. Additionally, the uncharacteristic fenestration arrangement and predominantly bland elevations of the extension are also considered to poorly relate to the design of the original traditional public house building. It is acknowledged the applicant has attempted to make some alterations to the previously refused scheme, but it is not considered the alterations proposed go any way to improving the additions visual impact and overcoming the Council's previous concerns or those detailed within the subsequent Inspectors report. As such the proposal is contrary to the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as one letter of objection, signed by 6 surrounding residents, and 6 separate letters of support and one further letter of support, signed by 8 local residents, were received following the consultation process.

APPLICATION DETAILS

Retrospective planning permission is sought for the extension and refurbishment of the Royal Oak Inn, Cwmbach. The proposal seeks the retention of a two storey extension to the rear of the property as well as a number of associated engineering/retaining works that have been/are to be undertaken at the site as part of the wider refurbishment scheme. The extension accommodates an extension to the public house at ground floor level and 2 no. self-contained flats at first floor level. It is noted however that 1 no. self-contained flat already existed at first floor level and therefore the development would result in 3 no. self-contained flats at the property in total.

This application has been submitted following the recent refusal of application ref. 16/0419/10 which proposed the same development at the site. The previous application was refused because it was considered 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. Members are also advised that a subsequent appeal (ref. APP/L6940/A/16/3164602) was dismissed by the Planning Inspectorate for the same reason.

In light of the previous refusal and appeal dismissal, the applicant has amended the scheme to include a small, false, pitched roof to the front of the extensions flat roof in order to reduce its visual impact. No other amendments to the previous scheme are proposed.

Therefore, with respect to this application and works to be retained/proposed, 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 that rises above 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 internal arrangement of the property which comprises a public house at ground floor level with 1 no. 3 bedroom, 1 no. 2 bedroom, and 1 no. 1 bedroom self-contained flats above. It is proposed the extension be finished in render to match the external appearance of the original building. Additionally, as detailed above, it is also proposed a small, false, pitched roof be located to the front of the extension's flat roof, 1.2m in depth, incorporating 2 no. dormer features, one above each entrance doorway.

Additionally, a new parking area accommodating 3 no. off-street car parking spaces has been created within the yard area to the rear of the property. It is accessed off the adjacent highway, Phillip Row, and has been created at street level through a number of engineering and retaining works. A separate pedestrian access to the site has been constructed off Morgan Row to the northern side of the parking area and

raised timber decking has been erected to the rear of the extension for first floor access. These elements of the development have been started but not yet been completed.

A number of general refurbishment and improvement works have also been/would be undertaken to the building's elevations in order to improve its previous/current visual appearance. Again these works have been started but not yet completed.

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 is 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 at ground floor level with a residential flat above. A modern 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:

16/0419	The Royal Oak Inn, Morgan Row, Cwmbach	Refurbishment of public house for provision of two additional flats (re-submission)	Refused 08/11/16 Subsequent Appeal Dismissed 30.03.17
15/1160		Refurbishment of public house and provision of rear extension to provide 3 no. self contained flats	Refused 01/12/15
12/0804		External works and improvements including external	Granted 19/11/12

porch

82/0361 Proposed improvements to forecourt Granted 22/09/82

82/0008 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 6 residents of Phillip Row (directly to the rear), 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 the streets 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 property or the surrounding locality.
- The windows within the extension directly overlook the adjacent properties along Phillip Row.
- The re-opening of the public house and introduction of flats may lead to noise and disturbance and encourage anti-social behaviour in the area.
- The access to/from the site on to Phillip Row is not suitable and may hinder emergency/refuse vehicle access along the street.

- Construction traffic associated with the development that has already been undertaken at the site inconvenienced surrounding residents, therefore any further works at the site are also likely to disturb the surrounding neighbours.
- The extension has been completed prior to the applicant applying for planning permission.

Six separate letters of support and one further letter of support signed by 8 residents of Pond Place (adjacent street) were also received, making the following comments (summarised):

- The building was in a poor state of repair prior to the applicant owning it. Since purchasing the property the applicant has considerably improved its character and appearance.
- The addition of flats at the property would improve the housing stock in the village.
- The reopening of the public house is a welcome addition to the village.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

Land Reclamation and Engineering – no objection.

Structural Engineer – 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.

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 (Local 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 for the extension and conversion of this commercial property, along with associated works, in order to provide an extension to the ground floor public house and 2 no. additional self contained flats (3 no. in total) at first floor level.

This application is a resubmission of the previous scheme (ref. 16/0419/10) which was refused due to the inappropriate and unsympathetic design of the rear extension and its resulting impact upon the adjacent street scene; and following the dismissal of the subsequent appeal for the same reason.

Following the previous refusal, the applicant has amended the design of the rear extension (as detailed above) in order to try and overcome the previous concerns. Whilst the extension has been constructed, Members are advised that the proposed alterations to the roof have not yet been undertaken.

With respect to the principle of the development, the application site is situated inside of the defined settlement limits of Aberdare and within an established residential area of Cwmbach. Further, the site is located along the main highway through the village having good access to various forms of public transport and local facilities. It is subsequently considered that the proposal would be compatible with the surrounding land uses and there would be no objection to this kind of development, in principle, subject to compliance with the other relevant policies within the Local Development Plan and the relevant material considerations detailed below.

Visual Impact

The property forms a two storey public house fronting onto the junction of Cefnpennar Road and Cwmbach Road, the main highways through the village. It is situated on a plot which rises from the site frontage up towards Phillip Row to the rear. An annexe accommodating a hairdressing salon adjoins the application property at its northern extent, and a modern detached dormer bungalow lies immediately to the south. Otherwise, the immediate context of the locality is that of traditional stone terraced dwellings of pitched roofed design. It is acknowledged however that some of the surrounding properties have been modified in various ways, but most retain their original appearance and contribute positively to the character of this part of Cwmbach.

The appeal building incorporates two rear projecting, asymmetrical gable elements, the void between which features an existing two storey extension (the subject of this application). As a consequence of the change in ground levels, when viewed from Phillip Row the building appears substantially set down from street level, with the ground floor element of the extension largely concealed by the built up ground to the rear (also subject of this application).

It is considered the two storey extension, especially at first floor level, wholly in-filling the void between the two gable projections and incorporating a large flat roof design significantly alters the appearance of the building's rear elevation. The flat roof, elevated well above the height of the existing eaves, and sloping up towards the ridge of the main roof, creates an awkward, complex and visually dominant roof form that overwhelms the simple, pitched roof of the original building. Further, in projecting beyond the rear elevation of the northern annex, the first floor extension appears as an incongruously bulky addition to the existing building rather than a subsidiary element to it, further increasing its visual prominence from Phillip Row. This view was also taken by the Welsh Governments Inspector in the recent appeal.

It is acknowledged that the applicant has amended the previously refused scheme to try and overcome both the Council's and Inspector's refusal reasons by proposing a small, false, pitched roof be located to the front of the extension's flat roof. However, it is not considered that this alteration goes any way to overcoming the awkward, complex and visually dominant roof form that overwhelms the simple, pitched roof of the original building and the concerns raised previously.

Planning policy, particularly Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan require that extensions shall have regard to the scale and style of the original building and to the character and appearance of the surrounding locality. Technical Advice Note 12 further aims to encourage and promote the importance of good design and clearly emphasises planning permission should be rejected on grounds of poor design.

Subsequently, whilst it is acknowledged the extension benefits from a frontage with the adjacent highway which will help the flats integrate with the street, it is considered that the design, scale and overall mass of the extension results in an unsympathetic addition that does not reflect or harmonise with the existing character and appearance of the host building or wider street scene. Further, it is not considered the proposed alterations would improve this situation to a degree that would be considered visually acceptable. The scheme is therefore contrary to the design and visual amenity objectives of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan, as well as those set out in national guidance. Subsequently the application is considered unacceptable in respect of visual impact.

Residential Amenity

It is noted that the residents of Phillip Row have a number of concerns in respect of the impact the development would have upon the 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 of the extension 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 noted that the objectors have commented that the re-opening of the public house use and the introduction of two additional flats 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 that the accommodation of two additional flats at the premise will increase the comings and goings to and from the property and the public house has been closed for some time, the property's 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. Further, it is not considered that the additional movements associated with two flats would result in significantly more noise and disturbance in comparison to that which could currently occur. Therefore it is not considered that any impact in this respect would be significant enough to warrant refusal of the application.

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

Highway Safety

It is acknowledged that a number of concerns have been received from the objectors in respect of the potential impact the development would have upon highway safety in the vicinity of the site. However, following consultation, the Council's Transportation Section has raised no objection to the scheme, subject to a number of conditions being attached to any consent.

The Transportation Section commented that the site is surrounded by adopted highways with primary access to the public house off Bridge Road/Cwmbach Road (as existing), and primary access for the flats severed off Morgan Row, which are both acceptable.

With respect to Phillip Row, the Transportation Section 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 on-street 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.

It was also noted that the applicant proposes to widen a section of carriageway at the vehicular access/egress point by 1m taking the total carriageway at this section to 5.1m to improve the current situation. However, the extent of the widening is inadequate and would result in difficulty accessing/egressing the parking spaces and therefore would need to be extended accordingly. It was also noted however that there is space within the plot for the widening works and therefore a condition ensuring these works are carried out is suggested. Additionally a further condition is suggested requiring the tie-in details with Phillip Row be submitted to and approved by the LPA.

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.

Additionally, it was commented 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 individual access to each flat, it is noted that the applicant has created a pedestrian access off Morgan Row and then access to each flat would be via raised timber decking along 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 6 spaces (1 x bedroom flat, 1 x 2 bedroom flat, and 1 x 3 bedroom flat) taking the total including public house to 46 spaces. However, the submitted layout plan proposes 3 no. off-street car parking spaces within the curtilage, one for each flat within the application building which given the sustainable location of the application site, close to local amenities and public transport, on balance, is acceptable.

Finally, it is acknowledged that the objectors have expressed some concern with regard to the additional use of Phillip Row by construction traffic, commenting that the vehicles associated with the development of the property has already, and will continue to cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time only. Furthermore, it is considered a condition could be added to any consent seeking to reduce this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. Therefore, it is not considered that the movement of additional traffic generated by the conversion, along the existing adopted highways in the vicinity, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the application.

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 would improve access for all residents of Phillip Row and visibility at the junction. Consequently, the proposal would be considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site, subject to a number of additional works being undertaken at the site.

Land stability

It is noted that a number of engineering and retaining works have been undertaken to the rear of the site, along the boundary with Phillip Row. As such relevant design details and calculations have been submitted with the application for assessment. Following consideration of the submitted details, the Council's Structural Engineer has commented that the details are an appropriate representation of what has been constructed on site and are acceptable.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust.

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 or Wales and West Utilities.

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 would be payable.

Conclusion

Whilst the development, in principle, is acceptable, the rear extension fails to complement or enhance the form and general character of the host property and appears alien in the wider street scene. It is considered that the roof design, being sited above the original eaves level, results in an awkward, complex and visually dominant roof form that overwhelms the simple, pitched roof of the original building. Additionally, the uncharacteristic fenestration arrangement and predominantly bland elevations of the extension are also considered to poorly relate to the design of the original traditional public house building. It is acknowledged the applicant has attempted to make some alterations to the previously refused scheme, but it is not considered the alterations proposed go any way to overcoming the Council's previous concerns or those detailed within the subsequent Inspectors report. As

such the proposal is contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in respect of its visual impact and is recommended for refusal.

RECOMMENDATION: Refuse

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 host property and the street scene along Phillip Row. Further, the proposed alterations would not improve this situation to a degree that would be considered visually acceptable. As such the development is considered contrary to Policies AW5 and AW6 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

PLANNING & DEVELOPMENT COMMITTEE

7 SEPTEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File

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