



## **PLANNING & DEVELOPMENT COMMITTEE**

**8 NOVEMBER 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0704/10  
(MF)  
**APPLICANT:** C/O Agent  
**DEVELOPMENT:** Change of use of existing building from private members club to separate hot food takeaway/restaurant and public house at ground floor level with separate function room at first floor level for A3 use.  
**LOCATION:** ROYAL BRITISH LEGION CLUB, BETHANIA PLACE, CWMBACH, ABERDARE, CF44 0AB  
**DATE REGISTERED:** 16/08/2018  
**ELECTORAL DIVISION:** Cwmbach

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**RECOMMENDATION:** Approve

#### **REASONS:**

Whilst it is accepted the application site is located within a predominately residential area of the village where the proposed uses would inevitably result a degree of noise and disturbance to surrounding residents, the building has historically operated as a private members club which has many of the same characteristics as that of the proposed uses. It is therefore considered that any potential impact to surrounding residents would not be significantly different to that which currently occurs, or significant enough to warrant refusal of the application.

Furthermore, it is not considered the proposed uses would have a detrimental impact upon pedestrian or highway safety in the vicinity of the site.

The application is therefore considered to generally comply with the relevant policies of the Local Development Plan.

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

The application proposes the change of use of the property to a public house.

## **APPLICATION DETAILS**

Full planning permission is sought for the conversion and sub-division of the application property from a private members club (Sui Generis) to 3 no. separate Class A3 units. The conversion would involve the ground floor being split roughly down the middle to create 2 no. separate units, a hot food takeaway and public house, with the first floor forming a single independent unit for use as a function room for private parties etc.

The majority of conversion works would be undertaken through internal alterations only, however, it is noted that a ground floor window within the south-eastern side elevation of the building would be replaced with a doorway to provide access to the new takeaway unit, and an additional window would be installed within the north-eastern side elevation of the building at ground floor level to provide additional light to the new public house unit. The external elevations of the building would also be subject to some general refurbishment and decoration works in order to improve its current visual appearance. It is noted however that no details of any proposed extraction equipment associated with the proposed takeaway unit have been submitted with the application.

The applicant has detailed that each unit would operate as separate, independent businesses. The public house and function room would be open to members of the public between the hours of:

- 12:00pm to 23:00pm Sundays to Thursdays; and
- 12:00pm to 00:00am Fridays and Saturdays.

However the takeaway unit would be open between the hours of:

- 12:00pm to 22:00pm each day.

## **SITE APPRAISAL**

The application property forms a Royal British Legion private members club that is in a poor state of repair. The building is two-storey in nature and sits along the north-western boundary of the site having a car park area to the south-east. Primary access to the site is gained off Bethania Place to the south-east, however a number of pedestrian accesses are available from Pant Y Cerdin estate to the west. The site is located within a residential area of the village and is surrounded by residential properties at each side. It is noted however that the immediate property to the north is currently occupied as a hairdressing salon.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from occupiers of a neighbouring property, making the following comments (summarised):

- The current use of the building results in considerable noise and disturbance to surrounding residents from both patrons and vehicles. There are also anti-social behaviour and litter problems associated with the club. The proposed uses would exacerbate these issues.
- The proposed takeaway would result in odour nuisance to surrounding residents.
- The conversion would result in the value of surrounding properties being reduced.

## **CONSULTATION**

Transportation Section – no objection.

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

Flood Risk Management – 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 Cwmbach, 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 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 in the Northern Strategy Area.

## **Supplementary Planning Guidance**

- Design and Placemaking;
- Access, Circulation and Parking.

### **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), Chapter 10 (Retail and Commercial Development) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) 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 4: Retail and Commercial Development;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

### **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of the Proposed Development**

The application seeks full planning permission for the conversion and sub-division of the application property from a private members club (Sui Generis) to 3 no. separate Class A3 units, a public house, a hot food takeaway, and a private function room.

The application site is located within a predominately residential area of the village. Consequently the proposed uses would inevitably result a degree of noise and disturbance to surrounding residents, and some antisocial behaviour and other issues normally associated with such uses. However, the building has historically operated as a private members club which has many of the same characteristics as that of a public house and the proposed uses. Further, the applicant does not propose to operate any of the units outside of the hours currently permitted by the existing premises licence, although it is acknowledged that new, separate premises

licenses would be required for each unit from the Council. As such, whilst it is accepted that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by the occupiers of the nearest properties, it is not considered any potential impact would be significantly different to that which could currently occur. Additionally, the proposed development would result in a considerable improvement to the existing character and appearance of the building and wider site which is currently in a poor condition.

It is consequently considered that the proposed uses at the site would not result in a considerable alteration to its current use or degree of disturbance to surrounding residents that would be significantly different to that which could currently occur. The proposed change of use is therefore generally considered acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

### **Residential Amenity**

The application property is located within an established residential area and is bounded by residential properties at each side. Therefore the use of the building as three separate Class A3 units will inevitably result in a degree of noise and disturbance to the immediate neighbours, and some antisocial behaviour and other issues normally associated with these types of use. However, as highlighted above, the property has historically been in use as a private members club which has many of the same characteristics as that of a public house and the proposed uses. As such it is not considered the use of the of building for Class A3 use, albeit 3 no. separate units instead of the existing single unit, would significantly alter the current character of the site or result in considerably more noise and disturbance to surrounding residents or additional antisocial behaviour issues etc. than that which could currently occur. It is also noted that the applicant has detailed that the units would not operate outside of the hours currently permitted by the existing premises licence. This should ensure any potential additional disturbance in comparison to that which already occurs is minimal. Further, the proposed units would be subject to separate licensing applications to the Council which will ensure a person who is fit to run establishments of this nature will manage the units.

It is noted that no details of any proposed extraction equipment have been submitted with the application and that the proposed takeaway unit will inevitably require some form of flue/chimney. However, many takeaway units of the scale and use proposed are situated in similar residential areas and each incorporate such apparatus which must comply with the relevant public health noise/odour specifications. As such it is considered that a suitable flue could be erected at the property that would not unduly impact upon the amenity standards currently enjoyed by surrounding residents. This view is shared by the Council's Public Health and Protection Division who raised no objection to the scheme following consultation. As such a condition is suggested below requiring the full details any proposed extraction equipment be submitted to and approved by the Council prior to any works starting on site.

Consequently, whilst the concerns raised by the objector in this respect are acknowledged and it is accepted that there will undoubtedly be a degree of impact upon the amenity and privacy standards currently enjoyed by the immediate neighbours, it is not considered any potential impact would be significantly worse

than that which currently occurs. It is considered however that a condition restricting the hours of operation to that detailed by the applicant should be added to any consent to ensure any potential impact is minimised. As such a condition to the effect is suggested below.

### **Highway Safety**

No objections have been raised by the Council's Transportation Section following consultation. In their assessment of the scheme the Transportation Section commented that the vehicle access off Bethania Place and pedestrian accesses throughout the site are acceptable for the proposed uses. Further, whilst the proposed uses would require a maximum of 94 no. off-street parking spaces in accordance with SPG: Access, Circulation and Parking with only 30 no. available, the existing private members club would require a maximum of 147 no. spaces with only 30 no. available. Therefore, whilst there is some concern that the off-street parking provision is below that set out in the SPG, taking in to account the proposed uses require a lesser car parking requirement than the existing use, and the fact the majority of trips would be undertaken on foot given the very nature of the proposed uses, on balance, no highway objection is raised or conditions suggested.

Therefore, in light of the above highways assessment, on balance, the proposal is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the locality.

### **Visual Impact**

The scheme does not propose any increase to the footprint of the property or any external alterations to the building or wider curtilage other than the replacement of window with a door, the introduction of a further window within a side elevation, and the general refurbishment of the existing elevations. Therefore it is not considered the proposed conversion would result in any undue impact upon the character and appearance of the property or the surrounding area. The proposed works would actually greatly improve the current visual appearance of the building and wider site. The application is therefore considered acceptable in this regard.

### **Public Health**

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

### **Other Issues**

It is noted that the objector commented that the proposed change of use would result in property values adjacent to the site being reduced. This is not a material planning

consideration and cannot be taken into account during the determination of the application.

It is also noted that consultation has been undertaken with the Council's Flood Risk Management Section and Dwr Cymru Welsh Water with a view to assessing any potential impacts upon site drainage. Their responses raise no objection to the planning application subject to standard advice.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

Whilst it is accepted the application site is located within a predominately residential area of the village where the proposed uses would inevitably result a degree of noise and disturbance to surrounding residents, the building has historically operated as a private members club which has many of the same characteristics as that of a public house and the proposed uses. It is therefore considered any potential impact to surrounding residents would not be significantly different to that which could currently occur. It is consequently considered the proposed uses at the site would be compatible with the surrounding residential area and would not result in a degree of disturbance to surrounding residents that would be significant enough to warrant refusal of the application.

Additionally, whilst there is some concern that the off-street parking provision is below that set out in the SPG, taking in to account the proposed uses require a lesser car parking requirement than the existing use, and the fact that the majority of trips would be undertaken on foot, on balance, the proposal is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the locality.

The application is therefore considered to generally comply with the relevant policies of the Local Development Plan.

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. 1817 P01, 1817 P02, 1817 PO3, 1817 SK 1A and documents received by the Local Planning Authority on 20/06/18, 23/08/18 and 18/09/18, 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. Prior to commencement of any development on site, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the units and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of surrounding properties in accordance with Polices AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to commencement of any development on site, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the units and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Polices AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The public house and function room units hereby approved shall only be open to the public between the following hours:
  - 12:00pm to 23:00pm Sundays to Thursdays; and
  - 12:00pm to 00:00am Fridays and Saturdays.

Reason: In the interests of neighbour amenity and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf local Development plan.

6. The hot food takeaway unit hereby approved shall only be open to the public between the following hours:
  - 12:00pm to 22:00pm each day.

Reason: In the interests of neighbour amenity and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf local Development plan.

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