



**PLANNING & DEVELOPMENT COMMITTEE**

**24 JANUARY 2019**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1205/10  
(MF)  
**APPLICANT:** Trivallis  
**DEVELOPMENT:** Demolition of existing building and the erection of 8 no. affordable residential dwellings over three storeys, car parking and associated works.  
**LOCATION:** **FORMER PENTRE HOTEL, LLEWELLYN STREET, PENTRE**  
**DATE REGISTERED:** 24/10/2018  
**ELECTORAL DIVISION:** Pentre

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**RECOMMENDATION:** Approve

**REASONS:**

The proposed development would make effective use of previously developed land and would remove what has become a derelict and unsightly building in the street scene. The principle of demolishing the existing building and developing 8 no. self-contained flats in its place is therefore considered acceptable.

Additionally, it is considered the proposed building would be acceptable in terms of its scale, design and overall visual appearance, and would not result in an unaccepted impact upon the amenity and privacy standards currently enjoyed by surrounding residents or the operation of the adjacent business premises.

Furthermore, it is not considered the proposed development would have any undue impact upon pedestrian or highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

This application is reported to Committee as the proposal is not covered by determination powers delegated to the Service Director Planning.

## **APPLICATION DETAILS**

Full planning permission is sought for the demolition of the existing, former Pentre Hotel public house building and its replacement with a block of 8 no. self-contained flats.

Following the demolition of the existing building, a new three-storey building would be sited in its place, fronting the footway along Llewellyn Street. The new building would be of a similar footprint to the existing, forming a 'L' shape measuring 13m in width at its widest point by 19m in depth at its deepest point, incorporating an undercroft for access to an amenity/parking area at the rear. The building would be finished in mix of natural stone and cladding to the front and render to the rear to match the external appearance of neighbouring properties. The new building would accommodate 7 no. one bedroom and 1 no. two bedroom self-contained apartments to be occupied as affordable housing under the management of a housing association. It is detailed that each of the units would comply with the relevant Welsh Government Development Quality Requirements (DQR). Access to each of the units would be via a communal entrance at the southern side of the building.

A rear yard area would be created behind the new building which would accommodate 8 no. off-street parking spaces, a communal bin store, and a communal amenity area for the drying of clothes etc. Access to this area would be off Llewellyn Street via the undercroft.

## **SITE APPRAISAL**

The application site is located along Llewellyn Street (A4058) which forms the main highway through the village. It is roughly rectangular in shape, amounting to approximately 350m<sup>2</sup>, and is currently occupied by the former Pentre Hotel and its associated amenity space. The site is level throughout with the public house building located along the western (front) boundary of the site abutting the footway. An enclosed yard area is located to the rear, beyond which is a service lane that is sited at a higher ground level. No access to the site is available from the adjacent lane.

The building itself is two-storey in nature and is of a traditional design and finishing materials, including natural stone, slate roof tiles, and timber windows and doors. Access is gained off Llewellyn Street. The building was last in use as a public house but has been vacant for many years and is now in a poor state of repair and appears derelict in the street scene. A bus stop is located directly to the front of the site.

The surrounding area is predominately residential in nature with most of the immediate neighbouring buildings, including the adjoining property to the south, being blocks of self-contained flats. The wider locality is generally comprised of rows of traditional terraced dwellings. It is noted however that a number of commercial

uses are sited in the locality, including the adjoining property to the north, which currently operates as a car repair garage.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

10/1312	Demolition of existing rear building. Retention of front elevation and erection of 3 no. dwellings	Granted 05/05/11
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. No representations have been received.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

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

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection, subject to condition.

The Coal Authority – no objection.

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

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

South Wales Police – no objection, subject to conditions.

South Wales Fire and Rescue Service – no objections, subject to conditions.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

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

**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 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 AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**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;
- Affordable Housing;
- Nature Conservation;
- Planning Obligations;
- 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.

Welsh Government published Planning Policy Wales (Edition 10) on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act (2015) into town and country planning and sets out the Welsh Government's policy on planning issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act and the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;

- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport.

## **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 demolition of the existing, former public house building and its replacement with a block of 8 no. self-contained flats to be occupied as affordable homes.

Policy AW1 supports residential development on unallocated land within the settlement boundary, while Policy AW2 requires development be situated within settlement boundaries and sustainable locations. In this instance the site is situated inside of the defined settlement limits of the village and is unallocated. Further, it is located near the Retail Centre of the village and a number of public transport links, being sited on a main bus route and in close proximity of Ton Pentre railway station. Furthermore, Treorchy Retail Centre is located nearby which provides a number of services and facilities. As such it is considered the site is located within a sustainable location and therefore complies with the objectives of Policies AW1 and AW2 of the Local Development Plan. Additionally, the site, in its current state, appears worn and derelict and does not make a positive contribution to the surrounding street scene. Therefore its redevelopment would ensure the removal of dereliction by making beneficial re-use of the site, which is promoted by Policy CS1.

It is also noted that the RCT Joint Housing Land Availability Study (2018) calculates the current supply to be 1.4 years, a deficit of 3.6 years against the minimum required by national policy. As such the proposed development would go some way to increasing the Authority's housing land supply. Additionally, the proposal will entail 100% affordable housing which would provide a form of accommodation to local people who live and want to remain in Pentre with greater variety in their housing options.

Finally, as detailed above, the site has a history of planning permission for residential development dating back to 2010. It is therefore considered that the principle of residential development at the site has already been established.

Therefore, in light of the above, the demolition the existing derelict building and its replacement with 8 no. self-contained flats is considered acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

## **Visual Impact**

The application site is considered capable of accommodating a building of the scale and footprint proposed, along with its associated parking and amenity areas, without leading to overdevelopment of the plot. Additionally, the proposed building would be of a comparable design, scale and height as that of the adjoining property and those sited opposite and nearby, and would therefore be in-keeping with the general character and appearance of its surroundings. Further, whilst the loss of the existing traditional building is regrettable, it is in a poor state of repair, appearing derelict, and it is considered its replacement would significantly benefit the current character and appearance of the site and the surrounding street scene. Finally, it is considered the finishing materials proposed are appropriate in the local context and would ensure the proposed building forms an attractive feature in the locality that would complement and enhance the visual appearance of the surrounding area.

It is therefore considered that the proposed building would appear as an appropriate infill between the two adjacent properties and is consequently considered to be in accordance with the relevant local planning policy in respect of its potential impact upon the visual amenity of the surrounding area.

## **Residential Amenity**

The existing building historically operated as a public house which would have likely resulted in a degree of noise and disturbance to surrounding residents, often late in to the evenings. It is therefore considered that the introduction of a residential use at the site, whilst intensive in respect of the number of units and which would inevitably result in a number of comings and goings and some general noise and disturbance normally associated with residential use, would be considerably less disruptive than that which would have previously occurred. As such it is not considered the introduction of 8 no. self-contained flats at the site would result in an unacceptable impact upon the amenities of the surrounding residents in these terms.

With respect to the building itself and any potential impact it may have upon the amenities of the neighbouring properties, the proposed building would adjoin a building of a similar design and scale to the south. As such no undue overshadowing or overbearing impacts would occur upon this property. Further, whilst it is acknowledged the proposed building would be considerably larger in scale than the adjacent building to the north, Pentre Motors, this unit currently operates as a vehicle repair garage and occupies the majority of the neighbouring plot. Therefore whilst a degree of both overbearing and overshadowing impact would occur to this property, it is not considered any potential impact would be detrimental to the operations of the commercial garage.

With respect to any potential impact upon the privacy of surrounding properties, the proposed layout details that windows would be sited in only the front and rear elevations of the new building. Therefore, whilst a degree of overlooking to neighbouring properties would inevitably occur, the relationship would be no different to that which already occurs to/from the existing properties in the area.

It is also noted that no objections have been received from surrounding neighbours or from the Council's Public Health and Protection Division following consultation.

Therefore, in light of the above, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

### **Highway Safety**

The Council's Transportation Section raised no objections to the scheme following consultation, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that Llewellyn Street is acceptable for primary access to the building and all vehicles will be able to access/egress the site in forward gear which is also acceptable. However, there is some concern regarding the existing cellar doors which previously served the public house and a potential trip hazard caused by the existing undercroft access to the rear yard. Therefore a condition is suggested requiring the cellar opening be reinstated in full footway construction and the reinstatement of the footway at the existing vehicular access to be abandoned.

Some concern was also expressed with regard to the location of the existing bus stop outside of the site which could prevent access/egress to/from the rear car parking area and may restrict visibility for vehicles exiting the site. However, it was commented that there is potential to relocate the bus stop, at the developers own cost, which would overcome this issue. As such a condition to affect is detailed below.

With respect to parking, the Transportation Section commented that the proposed apartment block requires up-to a maximum of 16 no. off-street vehicle spaces for residents and 2 no. for visitors, taking the total requirement to 18 no. with only 8 no. provided. However, taking into account the sustainable location of the site in close proximity to public transport links and local amenities, and the fact the proposed flats would be occupied as affordable homes which generally equate to a lesser car ownership than privately owned dwellings, it is considered that 1 no. space per unit with short term visitor parking taking place on-street, is acceptable in this instance.

Consequently, in light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety and car parking provision in the vicinity of the site, subject to the conditions detailed below. However, it is also considered a further condition should be added to any consent requiring a scheme for the provision of affordable housing to be submitted to and approved by the Local Planning Authority prior to any works starting on site to ensure the flats are occupied as affordable housing units as the number of off-street parking spaces proposed would not be acceptable if the units were to be occupied privately. As such a condition to this affect is also suggested below.

## **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however note that a search of their records relating to potentially contaminating past land uses has shown that potential hazards associated with land contamination may exist on site given that a brewery and garage formerly occupied the plot. As such a condition is suggested requiring site investigations be undertaken at the site and the results be submitted to and approved by the Council prior to any development works being undertaken.

The Public Health and Protection Division also suggested 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.

## **Ecology**

As the development proposes the demolition of the existing building an ecology survey has been undertaken at the property to ensure that protected species are not present. The survey detailed that there were no protected species (bats) present and that building has negligible bat roost potential. However, it identified a number of precautionary and enhancement bat mitigation measures that should be implemented on site. The Council's Ecologist has assessed the ecology report and commented that it has been undertaken to appropriate standards and the conclusions that no further survey works are necessary is reasonable. As such no objections are raised but a condition is suggested requiring the mitigation identified be implemented on site prior to beneficial occupation of the new units.

## **Historic Coal Mining Activity**

The application site falls within the defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Coal Mining Risk Assessment (CMRA) report was submitted with the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that the site may have been subject to historic unrecorded coal mining works at shallow depth associated with a thick coal outcrop to the west of the site, and the site also lies within a Surface Coal Resource Zone. However, as the CMRA details, the it is unlikely the coal seam would be present directly beneath the application site and as such as such no objections are raised or conditions suggested.

## **Land Drainage and Flood Risk**

No objections have been raised by the Council's Flood Risk Management Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided any surface water drainage details with the application



and consequently it is difficult to assess the potential impact of the development in respect of flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition being added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were raised by Dwr Cymru/Welsh Water, subject to standard conditions and advice.

### **Other Issues**

It is also noted that no objections were received from Wales and West Utilities, Western Power Distribution, South Wales Police, or South Wales Fire and Rescue Service, subject to standard conditions and 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 liable for a charge under the CIL Regulations 2010 as amended however the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones and proposes 100% affordable housing where a £nil charge is applicable. Therefore no CIL is payable.

### **Conclusion**

The proposed development would make effective use of previously developed land and would remove what has become a derelict and unsightly building in the street scene. Therefore the principle of demolishing the existing building and developing 8 no. self-contained flats in its place is considered acceptable.

Further, it is considered the proposed building would be acceptable in terms of its scale, design and overall visual appearance, and its potential impact upon the amenity and privacy standards currently enjoyed by surrounding residents and the operation of the adjacent business premises.

Furthermore, it is not considered the proposed development would have any undue impact upon highway safety in the vicinity of the site, subject to the works detailed in the conditions below being carried out.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions set out below.

### **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.

A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112 and documents received by the Local Planning Authority on 23/10/18, 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. No development works shall commence on site until a scheme for the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it.

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

4. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation until the drainage works have been completed in accordance with the approved plans.

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

5. No development works shall commence on site, including demolition and site clearance, until full details of the proposed precautionary and enhancement bat mitigation measures set out in the submitted Bat Report (Richard Watkins, October 2018) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to any development works commencing on site, including demolition and site clearance, notwithstanding the submitted layout plan, the design and construction details of the proposed cellar opening and existing vehicular access to be reinstated in full footway construction shall be

submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the new residential units hereby approved.

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

7. Prior to any development works commencing on site, including demolition and site clearance, notwithstanding the submitted layout plan, design and construction details of the bus stop to be relocated including bus stop markings, flag, pole and kerbs in a position to be agreed shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the new residential units hereby approved.

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

8. No development shall commence on site, including any demolition works or site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
  - a. the means of access into the site for all construction traffic;
  - b. the parking of vehicles of site operatives and visitors;
  - c. the management of vehicular and pedestrian traffic;
  - d. loading and unloading of plant and materials;
  - e. storage of plant and materials used in constructing the development;
  - f. wheel cleansing facilities;
  - g. the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a conceptual site model.

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

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The residential units hereby approved shall not be brought in to beneficial occupation until the measures approved in the scheme referred to in Condition 9 have been implemented and a suitable validation report of the proposed scheme is submitted and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Before the residential units hereby approved are brought into beneficial occupation, the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan A103 and approved in writing by the Local Planning Authority. The car parking and turning facilities shall remain thereafter for the parking and turning of vehicles only.

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

14. Prior to the residential units hereby approved being brought into beneficial occupation, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

15. All demolition, site clearance and development works shall be undertaken in accordance with recommendations, method statements and mitigation proposals set out in the submitted Bat Report (Richard Watkins, October 2018). If any protected species are encountered during development works then all development works shall cease and shall not recommence until a European Protected Species License has been obtained from Natural Resources Wales.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

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