



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 SEPTEMBER 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1212/10 (GH)  
**APPLICANT:** Mr Lee  
**DEVELOPMENT:** Change of use and external and internal alterations to provide 10 residential units including access, car parking and amenity space (revised plan for access and site layout received)  
**LOCATION:** SCOTTS HOTEL, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2LS  
**DATE REGISTERED:** 23/07/2019  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION: REFUSE**

#### **REASONS:**

By virtue of its location and site layout the proposed conversion of the property to provide ten residential units is considered to be unacceptable for the following reasons:

- The application property is not located in a sustainable location. In addition it has not been demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural and/or historical merit.
- The arrangement of the external amenity space does not relate successfully to the development, in particular that designated for the first floor flats
- There is no provision for cycle storage facilities or allocation of space for waste storage and collection.
- Furthermore the development would exacerbate overlooking and be detrimental to the privacy and amenity of neighbouring residents.

**Consequently, the development would not be in accordance with Policies AW2, AW5, AW6 and AW9 of the Rhondda Cynon Taf Local Development Plan or the Council's SPG for the Development of Flats.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Service Director Planning.

## **APPLICATION DETAILS**

Full planning consent is sought for a change of use and the provision of ten residential units, at Scotts Hotel, Llantrisant Road, Llantwit Fardre.

The proposed development would result in the hotel being reconfigured internally to provide a number of self-contained dwellings. These would comprise 6 x one-bedroom flats, 2 x two-bedroom flats and 2 x four-bedroom houses.

External alterations would be minimal and include the removal of a rear staircase and the introduction of new fenestration. Some of the rear ground floor windows, for example, would be replaced with French doors. The overall scale and form of the building would, however, be largely unchanged.

The plans accompanying the application demonstrate that the external hard-surfaced areas would be divided to provide off-street parking spaces, whilst that to the rear of the building and behind the petrol station would be used to provide individually demarcated and fenced garden/amenity spaces.

Following an objection from the Council's Highways and Transportation Section, an amended plan was submitted revising the parking and access layout. This would also result in the parking area for the existing retained takeaway and new flats being physically separated.

In accordance with the Council's requirement for affordable housing contributions a commuted sum, equivalent to the value of on-site provision, would be expected. The applicant has been advised of this and has confirmed his willingness to enter a Section 106 agreement, should consent be granted.

Lastly, a Design and Access Statement has been submitted with the application.

## **SITE APPRAISAL**

The application property comprises Scott's Hotel and Restaurant and the 'China Village' takeaway. The latter is situated in a separate building in front of the hotel and faces

towards Llantwit Road. The takeaway unit was subject to fire damage and was, until recently rebuilt, in a poor state of repair.

The main hotel building is a two-storey structure with external finishes of brick or white render, and a concrete tiled roof to the front of which there are a number of off-street parking spaces available. There are also a number of other structures on site including a caravan and inoperative vehicles which contribute to the site having an untidy appearance.

The site is on a level with Llantwit Road to the north-west although there is a steep embankment along the south-eastern boundary. This would have been constructed for the former Llantrisant and Taff Vale Junction railway, the alignment of which once crossed the site.

Beyond the embankment there are a number of residential dwellings, whilst to the east the site is bounded by a petrol station and convenience store. Woodland to the north, west and south-west covers the previously mentioned railway and its junction with the line to the Cwm Coking Works.

## **PLANNING HISTORY**

The most recent applications on record associated with this site are:

- 17/0680/15:** Variation of condition 1 of previously approved planning application 12/0343/10 to extend the time period. Decision: 22/09/2017, GTD
- 14/0572/10:** Amendment to planning application number 12/0343/10 to raise the roofline to accommodate a first floor storage facility and provide a two storey enclosure staircase to allow for takeaway kitchen enlargement. Decision: 11/07/2014, GTD
- 12/0343/10:** New residential care home with two resident staff apartments and new takeaway food outlet (amended plans received 16/05/12). Decision: 20/07/2012, GTD
- 11/5346/32:** Proposed development of Scott's Hotel. Decision: 20/05/2011, Raise Objections
- 10/5718/32:** Extension to create restaurant and alterations. Decision: 15/09/2010, Raise Objections
- 08/1263/10:** Retrospective planning application for use of part of former store as additional letting accommodation for hotel/possible accommodation for night porter. Decision: 29/01/2009, Granted
- 08/0724/10:** Retrospective application to convert part of existing store into a bed/sitting flat. Decision: 30/05/2008, Refused

**08/0332/10:** Erection of a cover to smoking area. Decision: 18/04/2008, Granted

**07/0189/10:** Retrospective planning application in relation to provision of concrete steps (amended plans received 30/04/07). Decision: 19/06/2007, Refused

## **PUBLICITY**

The application has been advertised by direct notification to twenty neighbouring properties and notices were erected on site. A reconsultation was undertaken following receipt of the revised access plan.

Objections from four neighbouring residents were received, raising the following issues:

- Overlooking and detriment to outlook
- Noise and disturbance
- Position of existing and proposed boundary fences
- Lack of screening
- Existing surface water run off
- A previous application stated that the hotel was not suitable for conversion due to significant structural defects
- Concerns regarding the tenants of any new housing
- Site in poor condition

These matters are considered within the body of the report below.

## **CONSULTATION**

### Highways and Transportation

No objection, subject to conditions in respect of highway and site access engineering details, and the provision of a pedestrian crossing.

### Public Health and Protection

Conditions are recommended in respect of demolition, noise, dust, waste and hours of operation

### Dwr Cymru Welsh Water

A condition regarding surface water and an advisory note in respect of sewerage connections are recommended

### Wales and West Utilities

Have provided a list of general conditions and a plan of underground assets for the benefit of the applicant

#### Western Power Distribution

A new service connection or diversion would require consent from WPD

#### Housing Strategy

A commuted sum for affordable housing, equivalent to the value of on-site provision, will be required

#### Land Drainage

No objection and no conditions are suggested

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

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

The application site lies outside the settlement boundary for Llantwit Fardre and is located within land designated as Green Wedge between Beddau/Tyn-y-Nant and Llantwit Fardre and Church Village.

**Policy CS2** – sets out the strategy for the southern area of the County Borough. The policy emphasises that in this area the focus will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. The policy includes reference to protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

**Policy AW1** – sets out the housing requirement figure for the plan period and how this will be achieved.

**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** – identifies planning obligations in relation to development proposals

**Policy AW5** – seeks to ensure that development proposals are acceptable in terms of accessibility and amenity issues. These include the amenity of neighbouring occupiers, and being accessible to the local and wider community by a range of sustainable modes of transport.

**Policy AW6** – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW9** – allows alternations, renovation or conversion of existing buildings outside of the settlement boundaries for residential development proposals subject to criteria. These criteria include in the case of residential uses that it can be demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural and/or historical merit.

**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 SSA11** – sets a minimum density of 35 dwellings per hectare. The policy states that lower density may be permitted where it can be justified.

**Policy SSA12** – the provision of 20% affordable housing will be sought on sites of 5 units or more.

**Policy SSA22** – identifies green wedges which are used to prevent coalescence between and within settlements. This includes SSA22.6- Land between Beddau/Ty-y-Nant and Llantwit Fardre (Crown Hill)/ Church Village

### **Supplementary Planning Guidance**

- Design and Placemaking
- Development of Flats
- Access, Circulation and Parking
- Affordable Housing
- Planning Obligations

### **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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

It is considered that although the site has been brought forward in a manner consistent with the five ways of working, this proposal does not accord with the seven wellbeing of future generations goals which relate to the quality and sustainability of the proposed development and a detrimental impact upon amenity and privacy.

Therefore it is considered that the proposed development is not consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is not completely consistent with the following inasmuch as they relate to the development.

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

## Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

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

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

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

#### **Main Issues:**

##### **Principle of the proposed development**

The site is located in the LDP Southern Strategy Area and is outside of the settlement boundary. The site is also within a green wedge and a minerals safeguarding area for sandstone. Therefore the main policy considerations relating to this application concern the principle of permitting a change of use from Use Class C1 to C3 use class in the context of its location outside of the settlement boundary and within a green wedge.

The site benefits from an extant planning permission for the construction of a new care home with two resident staff apartments, and also includes a new take away food outlet to replace the existing fire-damaged one. The consent was renewed in September 2017 via a variation of condition application, but would result in the demolishing of the hotel buildings rather than a change of use.

The purpose of a green wedge is to prevent the coalescence of settlements and to protect their identity and this means that the Council would normally resist development within such a designation. However, in this instance the application seeks the conversion of the building, and since the footprint and mass of the buildings would remain at their current extent there would be no further intrusion into the green wedge. Therefore there is no objection on this basis.

The settlement boundary in the Southern Strategy Area is fixed. Under normal circumstances development in this location, or further expansion outside the settlement boundary, would not be supported. However, as the application property is an existing building the main material consideration is the suitability of the proposed new use.

The application seeks to convert the current building and therefore it is technically, by definition, in the 'countryside'. This means that where the alteration, renovation or conversion of existing buildings outside the settlement boundaries for residential, employment, community or tourism uses is sought Policy AW9 must be considered and applied.

The policy supports such developments where:

- *The existing building is structurally sound or is capable of being made so without substantial major external alteration or construction*
- *In the case of residential use, it can be demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural and/ or historical merit.*

Regarding the first point of structural soundness; the application does not propose to reconstruct the building or to undertake major alternations. This would normally suggest that the applicant considers that the building in its current form is structurally sound and capable of being converted, although no survey has been submitted.

Nonetheless, the Design and Access Statement accompanying the previous care home application, referenced above (12/0343/10), stated that the hotel building has suffered significant structural defects and repair would appear to be expensive and uneconomical. Consequently the care home proposal would have resulted in the hotel being demolished.

There is therefore considerable doubt whether the hotel building could be converted without substantial construction and there is no evidence of any repair work having taken place to address the 'significant structural defects'.

The second point makes specific reference to residential use. To meet this criteria the applicant would have to demonstrate that there are no viable alternative uses to secure the retention of the building, such as implementing the extant permission or continuing its existing use as a hotel. In addition the policy also requires that the building is of architectural and/or historic merit.

No evidence of other viable uses has been submitted with the application and it is considered that the building in question is not of architectural or historic merit. Therefore the requirements of Policy AW9 have not been met.

Locating development in sustainable locations is both a crucial element of the LDP and the Councils SPG for Flats. Policy AW2 defines these types of locations and includes sites that:

- Are within the defined settlement boundaries
- Would not acceptably conflict with surrounding uses

- Have good accessibility by a range of sustainable transport options
- Have good access to key services and facilities
- Where proposals relate to existing buildings in the countryside they accord with Policy AW9

The site is outside of the settlement boundary and adjacent to a petrol filling station and shop. It also shares a curtilage with a takeaway and there is a car sales/garage alongside the filling station. There is concern in respect of how this might affect the residential amenity of any future occupiers and in relation to Policies AW2, AW5 and AW10 the potential for noise, pollution and any emissions from the adjacent land uses and takeaway.

The site is not accessible by a range of sustainable transport options and has substandard pedestrian links. The closest bus stop is approximately 0.4 miles away which equates to an 8 minute walk; the other bus stop in the vicinity is approximately 0.5 miles away and is an 11 minute walk. There is no train station within reasonable walking distance.

It is also acknowledged that the site is next to a shop and that there is a take away within the curtilage of the site. However there are very few other facilities within walking distance. The closest school in the area is approximately 0.7 miles away. Additional facilities are located in the centres of Crown Hill/Llantwit Fardre but these are approximately between 0.5 and 0.8 miles away along a busy road.

Overall, having considered all the above, especially due to the character and uses of the immediate surroundings and a lack of facilities and sustainable modes of transport, the site is not considered a sustainable location.

Therefore, the proposal does not accord with either LDP Policy AW2 or AW9 and the Council's SPG for Flats, and is considered unacceptable in principle.

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

Much of the construction required to enable the conversion of the hotel to residential units would be undertaken within the hotel building, although there are a limited number of external changes proposed.

Nonetheless, with the exception of some external construction and alterations, which include the removal of an external staircase to the rear and minor elevational changes, most of these changes relate to new or replacement of existing fenestration. As a result, the overall mass and scale of the development would not be affected.

The repurposing of the building and surrounding land for residential amenity space would likely contribute to an improvement in the appearance of the wider site, since at the time of the site visit the buildings appeared to be in a very poor state of repair.

In addition to the shipping containers located in the southern corner of the site, there was rubble and equipment dumped in several places around the curtilage and at least three broken vehicles, including a mini-bus, present.

Nonetheless, there is concern about the proposed layout of the site, particularly in how the steep embankment and land behind the petrol station has been divided for allocation to each dwelling.

Policy AW6 requires that development proposals improve areas of poor design and layout, and that landscaping and planting are integral to the scheme, yet the surrounding land appears to have been apportioned as amenity space in a purely arbitrary way.

As proposed, the layout is not considered to constitute successful placemaking, or demonstrate that as designed, it would provide desirable outdoor space for future residents. It is considered unlikely that a detached, sloping piece of land, to the rear of a petrol station, would be useful for the resident of a first floor flat and no thought appears to have been given to where any maintenance equipment or paraphernalia might be kept.

Similarly, the SPG for Flats discusses the matter of external spaces, requiring that boundary treatments and landscaping should be provided as part of any scheme, to avoid creating ambiguous spaces.

The SPG also requires the provision of cycle storage facilities and allocation for waste storage and collection. None of these details have been clarified or indicated on the submitted plans.

It is considered therefore that the development as proposed would not comply with Policy AW6 or the Council's SPG for Flats.

### **Impact on neighbouring and future occupiers**

Regarding residential amenity, the main consideration is whether there would be any impact on the residents to the south-east, whose properties are located at Heol Rhosyn and Clos Dyfodwg, and where their rear gardens share a boundary with the site.

These dwellings, which are relatively close to the rear elevation of the hotel, occupy lower ground. The hotel therefore has some prominence being visible from the highways along Clos Dyfodwg and Heol Rhosyn as well as the aforementioned dwellings.

Consequently some of these properties are already overlooked by the hotel, although since the proposed change of use does not include any significant alterations to the form of the building, the relationship between the converted flats and houses, in terms of outlook, would generally remain the same.

In light of the above, the key concern is whether the conversion of the hotel rooms to dwellings, and use of the surrounding land as amenity space, would represent an intensification of use that would exacerbate any existing harm to amenity.

Whilst it could be argued that full occupancy of the hotel, however unlikely, would enable a high degree of overlooking of the properties to the rear, it is considered that the very nature of permanent residential use is quantifiably different from that of transient hotel guests. This relates not just to the use of the buildings, but the land at the rear which would be used by permanent residents as outdoor amenity space.

The steepness of the embankment means that unless the more level amenity space immediately adjacent to the rear of the hotel building was contained and screened by a fence, any beneficial use of the land would be visible from the Heol Rhosyn and Clos Dyfodwg dwellings.

Conversely, direct views would be possible from this land towards the gardens and habitable rooms of the existing dwellings. Due to the rear boundaries of these properties being at the base of the embankment, the existing residents would not be able to erect fences or other boundary treatments of their own to a sufficient height to protect privacy.

A further consideration in this regard relates to the two-bedroom flats and four-bedroom houses. The internal arrangement of this accommodation would provide ground and first floor bedrooms and lounges with a north-westerly view across a parking area and access road, and towards the back of the industrial unit which houses the takeaway. It is considered that the amenity of future residents would be compromised by this poor outlook.

Therefore, in terms of the impact on the privacy of neighbouring residents, and the amenity of future residents, the application is considered to be unacceptable and would not accord with Policy AW5 or the Council's SPG for Flats.

## **Highways and accessibility**

### Access

Access is proposed via the existing access off the B4595 Llantrisant Road. The revised plan indicates that the site would be served via a new 5.5m wide access road, which would incorporate a 6m junction radii off the B4595 Llantrisant Road, a continuous 2m wide pedestrian footway fronting the proposed residential units, and a 2m wide pedestrian footway as far as the existing Chinese Takeaway. Thereafter there would be a 0.5m wide overrun area and an adequate turning area.

Nonetheless, the footway on the southern side of the B4595 Llantrisant Road is sub-standard in width to accommodate safe and satisfactory pedestrian movements. The proposal should

include an un-controlled pedestrian crossing facility to the footway on the northern side of Llantrisant Road, which could be addressed via a planning condition.

### Vision Splays

The B4595 Llantrisant Road is subject to a 30 mph speed limit. In accordance with TAN 18: Transport, the junction between the proposed development and the B4595 Llantrisant Road has vision splay requirements of 2.4m x 90m. Vision to the right is in excess of 2.4m x 90m, although to the left it is limited to 75m due to the horizontal alignment of the road. The shortfall in vision to the left gives cause for concern.

However, considering that the proposed use would have a comparable level of trip generation as the existing use, the concern is not significant enough to warrant a highway objection. Nevertheless, the required improvements to the means of access discussed above would provide betterment over the existing situation.

### Parking

#### *Residential*

In accordance with the Council's adopted SPG for Access, Circulation and Parking Requirements, 1-2 bedroom dwellings have a maximum requirement of 2 spaces and 3+ bedroom dwellings have a maximum requirement of 3 spaces, and there is also a requirement of 1 space per 5 dwellings for visitors.

The proposed development consists of 2 x four-bedroom houses, 2 x two-bedroom flats and 6 x one-bedroom flats, a total of 10 units. This equates to a total maximum requirement of 24 spaces (22 for proposed dwellings and 2 for visitors).

The amended plan indicates 21 spaces for the residential element of the proposal and there is concern that the spaces numbered 10 and 11 lack a 6m aisle width to facilitate satisfactory access/egress. Also, the space numbered 9 would encroach onto the 0.5m overrun area of the proposed turning head. As such, the residential element of the proposal is considered to have provision of 18 useable spaces, shortfall of 6 from the maximum SPG requirement.

However, when considering that a large proportion of the dwellings are 1 bedroom flats, which inherently have lower car ownership levels, the shortfall is not significant enough to warrant a highway objection.

#### *Takeaway*

The takeaway has a requirement of 1 commercial vehicle space and must be able to demonstrate that customers can park in the vicinity without detriment to highway safety and the free flow of traffic.

There is no dedicated commercial vehicle space provided; however, post development the takeaway would be located on a residential cul-de-sac with low traffic volumes and an adequate turning facility. As such, deliveries could take place from the road without causing undue detriment to highway safety. The amended plan indicates 9 spaces for use by the takeaway, which would be sufficient to demonstrate that customers would be able to park in the vicinity.

### **Affordable Housing Contribution**

The Council's Housing Strategy Section considered that since the proposal is for flats in a communal block, on-site provision of affordable units would be difficult due to leasehold and management issues.

A commuted sum equivalent to the value of on-site provision was suggested instead and which would be equivalent to 2 x 30% of the open market value of a 1 bed unit. The developer would be expected to provide valuation information to inform this sum, to be checked by the Corporate Estates Team.

The applicant, via his agent, confirmed that a Section 106 agreement would be acceptable. Had the application been recommended for approval then this would have been subject to such an agreement in order to secure the expected contribution.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/m<sup>2</sup> for residential development. However as the proposed development involves the change of use of the existing building the amount due in this case is £0.

### **Conclusion**

The site is not in a sustainable location and no information has been provided to demonstrate that there are no viable alternative uses to secure the retention of the building and that the building is of architectural and/or historical merit.

Furthermore the development would be harmful to the amenity of neighbouring residents and provide poorly located and laid-out accommodation and amenity space for future residents of the flats.

The development would therefore not comply with LDP Policies AW2, AW5, AW6 and AW9 of the Rhondda Cynon Taf Local Development Plan, or the Council's Supplementary Planning Guidance for the Development of Flats.

**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. By virtue of its location and site layout the proposed conversion of the property to provide ten residential units is considered to be unacceptable for the following reasons:
  1. The application property is not located in a sustainable location. In addition it has not been demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural and/or historical merit.
  2. The arrangement of the external amenity space does not relate successfully to the development, in particular that designated for the first floor flats
  3. There is no provision for cycle storage facilities or allocation of space for waste storage and collection.
  4. Furthermore the development would exacerbate overlooking and be detrimental to the privacy and amenity of neighbouring residents.

Consequently, the development would not be in accordance with Policies AW2, AW5, AW6 and AW9 of the Rhondda Cynon Taf Local Development Plan or the Council's SPG for the Development of Flats.