



PLANNING & DEVELOPMENT COMMITTEE

17 OCTOBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

APPLICATION NO: 19/0482/10 (KL)
APPLICANT: Mr Li Ju
DEVELOPMENT: Conversion of a commercial building into 5 two bedroom flats. Includes demolition of existing extension to rear and the construction of new extension and three dormers to the rear (Amended description & Amended Plans rec. 12/06/19)(Bat Survey Rec. 01/08/19) .
LOCATION: 22- 24 PENRHIWCEIBER ROAD, PENRHIWCEIBER, MOUNTAIN ASH, CF45 3SP
DATE REGISTERED: 12/06/2019
ELECTORAL DIVISION: Penrhawceiber

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

REASONS: Whilst three letters of objection have been received from local residents, the proposal would facilitate the re-use of an existing commercial property that has been vacant and in a poor state of repair since at least 2009. It is considered that the residential use of the building is appropriate and in-keeping with the surrounding area, which is characterised by both residential and commercial properties and the conversion and extension works would inevitably improve the overall visual appearance of the building. The extension would be significantly reduced in scale in comparison to the existing rear projection and an adequate distance would be maintained between the habitable windows of the extension and existing residential properties at the rear of the site which would ensure that the amenity and privacy of surrounding residential properties would not be adversely affected.

Furthermore, two off-street parking spaces would be provided at the rear of the building, along with 10 secure cycle storage spaces and no objection has been raised by the Council's Highways and Transportation Section in this regard.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan in respect of its visual impact, the impact it would have upon the amenity and privacy of surrounding residential properties and the impact it would have upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the conversion of 22-24 Penrhiwceiber Road, Penrhiwceiber from a retail unit to 5 two bedroom flats. The proposal includes the demolition of the existing extension at the rear, the construction of a new, smaller extension and the provision of 3 dormer windows within the rear roof space.

The building would be subdivided to include 2 flats at ground floor, 2 flats at first floor and 1 flat within the roof space. Each flat would accommodate an open-plan living room/kitchen, two bedrooms and a bathroom with the primary access being from the front of the building. A secondary access would be provided at the rear with access to two off-street car parking spaces, cycle parking, bin storage areas and a shared amenity space.

In order to facilitate the flats, the existing rear projection would be demolished and a new, smaller extension would be constructed in its place. The proposed extension would measure a maximum of 10.9 metres in width by a maximum of 6.7 metres in depth from the back wall of the main part of the existing building. The last 3.2 metres of the extension would be reduced in width to 7.9 metres, resulting in this section of the extension being set in from the side boundaries by 1.5 metres. The third floor section (roof space) of the extension would be set in further from the boundaries to measure 4.9 metres in width (set in 2.9 metres from both side boundaries). The roof structures would include a pitched roof at the narrowest part of the extension (i.e. third floor projection) which would measure a maximum of 7.7 metres to its ridge and 6.7 metres to its eaves however, due to changes in ground level at the rear of the site, this would appear as 3.9 metres and 2.7 metres respectively when viewed from the rear lane. A flat roof structure, which would measure 5.1 metres in height, would be incorporated above the two-storey sections of the extension. The front elevation of the existing building and the external finish of the proposed extension would consist of painted render (colour: off-white) whilst the roof would incorporate blue/black roof slates (pitched roof) and fibreglass (flat). All windows and doors proposed would be white uPVC.

Two dormer windows would also be constructed within the rear roof slope (serving flat 5) with a further dormer-type structure facilitating access to the proposed rear extension. The dormers would be identical in terms of their scale and design and they would be spaced equally across the width of the existing roof. Each dormer would measure 2.5 metres in width by 1.6 metres in height with a maximum projection of 3.1 metres from the existing roof slope. They would be finished with vertical slates.

The proposed shared amenity space at the rear of the building would be enclosed by 1.8 metre high fencing.

The application is accompanied by the following:

- Bat Survey;
- A letter confirming the marketing of the building for a minimum of 18 months;
- Coal Mining Risk Assessment

The application has been amended since its initial submission which sought to retain the vast majority of the existing rear projection to facilitate 5 self-contained flats and 1 studio flat.

SITE APPRAISAL

The application site relates to a large, two-storey commercial property which is located on the main road through the village of Penrhiwceiber. It is set within a larger than average, rectangular shaped plot with a frontage directly onto the footway at Penrhiwceiber Road to the north-east. It has previously been extended at the rear by means of an exceptionally large extension which extends to the full width and depth of the plot. Records show that the building has been vacant since at least 2009 and this is evident in the derelict and dilapidated condition of the building.

The site is located within the retail centre of Penrhiwceiber although there is a great mix of commercial and residential properties located in the immediate vicinity. Properties immediately adjacent to the site (no's. 16 to 20 & 26 to 32 Penrhiwceiber Road, to the south-east and north-west respectively) and those in Church Street to the rear are residential and of a traditional terrace design.

PLANNING HISTORY

06/2161	22 Penrhiwceiber Road, Penrhiwceiber	Renovation of vacant former hardware store to accommodate offices, information and training centre for community use	Granted 21/02/07
04/2194	22-24 Penrhiwceiber Road, Penrhiwceiber	Alterations to former hardware store to accommodate offices and information centre	Lawful Use/Development 14/01/05
03/0610	22 Penrhiwceiber Road, Penrhiwceiber	Change of use from vacant hardware store to accommodate offices and information	Granted 15/08/03

Centre

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site (displayed from 23rd May 2019). Three letters of objection have been received from local residents in relation to the original plans submitted with the application, which included the retention of the existing extension at the rear and the provision of 6 flats. The comments are summarised as follows:

- Concern as to how security will be maintained at the property due to the significant alteration and renovation work at the rear;
- The residential block will overlook my property and lead to loss of privacy and will impact on the peaceful enjoyment of my home and garden;
- The conversion to private dwellings is not suitable or compatible with the area and the building itself;
- Disturbance and logistical difficulties, such as parking on an extremely busy and already congested road, will certainly arise from such a development;
- The environmental impact in terms of increased noise and pollution would be considerable;
- The plans do not provide sufficient information to enable anyone to establish whether there is a problem with loss of privacy;

Further consultation (direct neighbour notification and site notices dated 28th June 2019) was undertaken on the amended plans however, no further objections or representations have been received.

CONSULTATION

Ecology – Recommends consultation with Natural Resources Wales

Flood Risk Management – No comments received in relation to the amended plans – any response received will be presented orally to Members.

Highways and Transportation – No objection, subject to condition

Natural Resources Wales – No objection, subject to advisory note regarding the need for a European Protected Species License (EPS)

Public Health and Protection – No objection, subject to conditions

The Coal Authority – No objection, subject to condition

Welsh Water – No objection, subject to conditions and advisory notes

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The following policies are considered to be relevant to this application:

Policy CS1 – sets out 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.

Policy AW4 – details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

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 – requires the distinctive natural heritage be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 – development proposals must overcome any harm to public health, the environment or local amenity.

Policy AW11 – promotes alternative uses for existing employment sites and retail units identified within the defined retail centres.

Policy NSA 10 – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

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

Policy NSA 18 – identifies Penrhiwceiber as a Local and Neighbourhood Centre within the hierarchy of retail centres in the Northern Strategy Area.

Supplementary Planning Guidance

Access, Circulation and Parking

Design and Placemaking

Development of Flats

Nature Conservation

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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 3 strategic and spatial choices.
Chapter 4 active and social places
Chapter 6 distinctive and natural places.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning
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.

Main Issues:

Principle of the proposed development

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. Policies AW2 and NSA 12 of the Rhondda Cynon Taf Local Development Plan primarily seek to promote development in sustainable locations within the defined settlement boundary, thus ensuring that it does not unacceptably conflict with surrounding land uses; is accessible by a range of sustainable modes of transport and is in close proximity to key services and facilities. Furthermore, Policies CS1 and AW1 aim to encourage residential development on unallocated land that is within settlement boundaries by promoting the re-use of under used and previously developed land and buildings. They also promote high quality, affordable accommodation that promotes diversity in the residential market.

In the case of this application, the site is located within the defined settlement boundary and within an established area that is characterised by both residential and commercial properties. The site is situated on the main shopping street of Penrhiwceiber (identified as a Local and Neighbourhood Centre by Policy NSA18 of the Rhondda Cynon Taf Local Development Plan),

which provides a variety of local services and amenities with both a local train station and bus stops in walking distance. Furthermore, the proposal would bring a property that has been recorded as vacant since at least 2009 back into beneficial use and would therefore ensure the removal and remediation of dereliction through the re-use of an under used building. As such, the proposal would generally comply with Policies CS1, AW1, AW2 & NSA 12.

As detailed above, the site is located within the retail centre of Penrhiwceiber with records indicating that it was last in use as a retail shop. Whilst the loss of a retail unit within the retail centre would be regrettable, Policy AW11 promotes alternative uses for existing retail units within defined retail centres providing that the retention of retail sites for retail purposes has been fully explored without success by way of marketing for appropriate retail purposes at reasonable market rates for a minimum of 12 months. The policy further supports the redevelopment of derelict, unsightly, under used and vacant premises for alternative uses that would have significant regeneration benefits. The application is accompanied by a letter from David's Homes Estate Agents which confirms that the property has been marketed by their agency for approximately 18 months without any interest. As such, the proposal would present an opportunity to bring a derelict and unsightly retail unit back into beneficial use and the proposal would therefore comply with Policy AW11. Furthermore, the re-use of the site for residential purposes is considered appropriate, particularly given that the surrounding area is characterised by both residential and commercial properties. It is noted that the application property is joined by a number of residential properties on both sides with further residential properties in Church Street at the rear.

Policy NSA10 requires residential development to achieve a minimum residential density of 30 dwellings per hectare. The proposal, which would result in a total of 5 self-contained flats on a site which measures approximately 0.02 hectares, would present a density that is well over that required and the proposal would therefore be in accordance with the criteria set out in the policy.

In terms of the level and quality of accommodation proposed, the proposal would generally comply with the guidance set out in the Council's SPG: Development of Flats, which requires each unit to provide an acceptable quality of living accommodation for residents (i.e. of a suitable size with reasonable outlook and level of natural daylighting and ventilation) as well as access to either private or communal outdoor space. The proposed flats would range between 51 and 59sqm in floor area and would all have reasonable outlook and good natural daylight and ventilation. The flat on the third floor, whilst contained within the roof space, would still retain enough space and head height to provide an adequate level of living accommodation. Whilst there is some concern with regard to the bedroom windows in flats 1 and 2 on the ground floor in that they would look out onto a small enclosed area, these are not the only windows serving the flats and, on balance, it is not considered that this would be significant enough to warrant the refusal of the application. The existing access to the building would be retained in the principal elevation of the building which would provide access to all 5 of the

flats and a secondary access would also be provided at the rear which would provide direct access to a shared amenity space, two off-street parking spaces, secure cycle parking and bin storage areas.

Taking the above into consideration, the principle of the proposal to convert the application property to 5 self-contained residential flats is acceptable, subject to an assessment of the criteria set out below.

Impact on character and appearance of area

The proposed conversion would bring a building that has been vacant since at least 2009 and that is currently in a dilapidated condition back into beneficial use. This would inevitably enhance the overall visual appearance of the building and the immediate street scene at Penrhiwceiber Road. Furthermore, the existing extension at the rear, which is excessive in scale, in a very poor state of repair and subsequently of poor visual amenity, would be demolished and replaced with a modest two/three-storey addition that would be sympathetic and subservient to the scale and design of the original building.

Whilst there does not appear to be any other examples of dormer windows in the immediate vicinity, the proposed dormers would be appropriate in terms of scale, design and overall finish and it is not considered that they would have such a significant impact on the character and appearance of the property or surrounding area that they would warrant the refusal of the application.

As such, the proposal would respect the character and appearance of the original building and would subsequently improve the overall visual appearance of the wider area. The application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

A total of 3 letters of objection have been received from residents occupying properties in Church Street at the rear of the site, all of which raise concern with regard to issues of privacy and the level of overlooking that would be achieved from the proposed flats. Whilst these concerns are noted, the application property is located at a lower level to properties in Church Street with a distance of approximately 24 metres from the back wall of the original property and that of the rear projections of properties immediately opposite the site at the rear. As such, it is not considered that the level of overlooking would be so significant that it would warrant the refusal of the application. Furthermore, the level of overlooking created by the proposed extension would not be any greater than that experienced between other properties in Penrhiwceiber Road and Church Street.

The proposed extension would also inevitably have some impact on the amenity of properties immediately adjacent to the site however, it would be constructed in place of an existing extension which extends to the full width and depth of the plot and above the eaves line of the original building. The proposed extension would be considerably smaller in terms of footprint and

height and it is also set in quite notably from the side boundaries at first and second floors. It would therefore have a much reduced overshadowing and overbearing impact on adjoining properties in comparison that currently experienced.

The objectors also raise concern with regard to the level of noise and disturbance that would be created by the flats. It is acknowledged that the application property has been vacant for quite some time and local residents will have become accustomed to very little or no activity at the site. As such, the re-use of the building for any purpose would inevitably increase the level of activity and thus the level of noise and disturbance experienced by neighbours. However, it is not considered that the introduction of a residential use at the site would result in an unacceptable impact upon the amenities of surrounding residents in this regard. The flats would have a primary access to the front of the building with a shared amenity space located at the rear which is typical of existing residential properties in Penrhiwceiber Road. Whilst there would be a number of vehicular movements at the rear of the site due to the location of two off-street parking spaces, there are already a number of garages at the rear of other properties along the lane which would have a similar impact. As such, it is not considered that the provision of 5 residential flats would be detrimental to the amenity of surrounding residents in this regard.

One objector also raises concern with regard to security at the rear of the site. The plans indicate that the rear of the site would be enclosed by a 1.8 metre high boundary fence with a secondary access gate for residents of the flats. Whilst a wall, as per the existing arrangement at numerous other properties along the lane, would perhaps be preferred, the provision of a fence would successfully secure the rear of the site.

As such, the proposal would not have a significant or harmful impact on the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on Highway Safety

The application has been assessed by the Council's Highways and Transportation Section. The response received is summarised as follows:

There is concern that the proposed is short of the maximum off-street car parking requirement. However, taking into account the sustainable location of the proposed in the retail area of Penrhiwceiber, which is close to both bus and rail stops, with two off-street car parking spaces and 10 secure cycle stands provided, the proposal is considered acceptable. Furthermore, the proposal would bring back a disused building which has been empty for some time. The proposed and existing would generate a similar trip generation with the shop generating more short-term indiscriminate on-street car parking than the proposed residential use. As such, the proposal is considered acceptable

in terms of the impact it would have on highway safety in the vicinity of the site and no objection is raised in this regard.

Other:

European Protected Species.

The proposal would involve the demolition of a large extension at the rear of the property and an Ecological Impact Assessment (Bats & Nesting Birds) has therefore been submitted with the application for consideration. The report identifies small numbers of Soprano Pipistrelle roosting in the building and that a European Protected Species Licence (EPSL) for all species of bats roosting onsite will need to be obtained from Natural Resources Wales for the works to be legally undertaken. The EPSL will require a detailed mitigation and compensation strategy to be devised in the form of a method statement in order to ensure that the maintenance of the roosts and local bat populations are maintained. The report sets out mitigation measures that would be required however, these would be covered by the EPSL and it is not considered necessary to include them as conditions of any grant of planning permission.

The report has been assessed by the Council's Ecologist and whilst some concern has been raised in that only a single activity survey has been undertaken rather than the usual three which would be required for roost sites, no objection has been received from Natural Resources Wales in this respect. However, it is requested that an informative note is attached to any planning permission granted to state that an European Protected Species Licence must be obtained prior to any works being undertaken at the site. This has been added accordingly (note 3 refers).

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, it is noted that the building is currently the subject of a legal notice served under Section 79 of the Building Act 1984. The notice was served in respect of the ruinous and dilapidated nature of the building and whilst the previous owners have undertaken some work to remedy the defects, the current owner is still to comply with the remainder of the notice. As such, the Public Health & Protection Section would welcome the redevelopment of this building however, this would be subject to the imposition of a number of conditions in relations to the demolition of existing building, hours of operation, noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these issues can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance (note 4 refers).

Coal Mining Risk

The application site is located within a High Coal Mining Risk Area and a Coal Mining Risk Assessment has been submitted for consideration as part of the application. The Coal Authority have assessed the information submitted and subsequently raise no objection to the proposal, subject to the imposition of conditions to secure the undertaking of site investigation works prior to commencement of development and the submission of a report of the findings, along with a detailed scheme of remedial works required (condition 4 refers).

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

Whilst the application property is located in the main retail centre of Penrhiwceiber, the area immediately surrounding the application site is characterised by both residential and commercial properties. Therefore, the proposal to convert a currently vacant and dilapidated commercial building to 5 self-contained residential flats is considered to be acceptable in principle. Furthermore, the extension works proposed to facilitate the conversion are also considered to be of a sympathetic scale and design so as not to have a significant impact upon the character and appearance of the existing building and surrounding area and it is not considered that the overall scheme would have a significant impact upon the amenity and privacy of surrounding neighbouring properties. The proposal also includes sufficient off-street parking provision and cycle storage to limit the potential impact on highway safety in the vicinity of the site.

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 and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

1. Site Plan (Rec. 02/05/19);
2. Drawing No. 201 R3: Proposed Plans (Ground and First Floor

- Plans) (Rec. 12/06/19);
3. Drawing No. 202 R3: Proposed Plans (Proposed Loft Plan) (Rec. 12/06/19);
 4. Drawing No. 202 R4: Proposed Plans (Proposed Loft Plan) (Rec.21/08/19);
 5. Drawing No. 203 R4: Proposed Elevations (Proposed Front Elevation A, Rear Elevation B and Sectional Elevation ZZ) (Rec. 30/09/19);
 6. Drawing No. 204 R3: Proposed Elevations (Proposed Sectional Elevation MM, Sectional Elevation YY and Sectional Elevation XX) (Rec. 12/06/19);
 7. Drawing No. 205 R4: Proposed Sections (Section PP and Section NN) (Rec. 21/08/19);

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Before the development is brought into use the means of access, together with the cycle stands and parking facilities, shall be laid out in accordance with the submitted plan 201 R3 and approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation and remain thereafter.

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

4. The development hereby permitted shall not commence until a scheme for intrusive site investigations to establish the exact situation regarding coal mining legacy issues on the site has been submitted to and approved in writing by the Local Planning Authority. The site investigations shall be carried out in accordance with the approved details and a report of the findings shall be subsequently submitted to the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The implementation of the remedial works shall be carried out in accordance with the approved scheme of remedial works prior to any works commencing on site.

Reason: To ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.