



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 16/0753/10
(BJW)

APPLICANT: Mr Jones

DEVELOPMENT: Residential development on the site of the Llanhari Chapel and Vestry. Chapel to be converted into 2 new residential properties, Vestry to be refurbished into new dwelling. New vehicle access and parking provisions to be made on the site to provide off street parking facilities (amended description and plans received 03/10/17). (amended layout plan, received 15/02/18).

LOCATION: LLANHARI CHAPEL SITE, ADDISON AVENUE,
LLANHARRY, PONTYCLUN, CF72 9LQ

DATE REGISTERED: 03/10/2016

ELECTORAL DIVISION: Llanharry

RECOMMENDATION: Approve.

REASONS:

The application proposes the conversion of a chapel and attached vestry within an urban setting at the edge of the village of Llanharry. The proposal would make productive use of the site for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character and visual amenities of the area.

The relationship between the proposed dwellings and the closest existing neighbouring properties and the amended design is such that the proposal is not considered to cause detriment to their amenities or to highway safety considerations.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought to convert the existing chapel on the site into two residential units while also converting the existing vestry on the site to residential use, along with a parking area new vehicular access and pedestrian access through the site.

The application has been with the Council for a considerable period due to an ongoing Highway objection which the applicant wished to address. This has seen the scope of the proposal be reduced over the period to its current form. Amendments have consisted of the removal of an additional unit of accommodation that it was proposed to build at the site and an extension to the vestry in addition to its conversion.

The application now seeks permission to convert the existing Capel Peniel on the site into two residential units. The chapel would be divided in the centre to provide two distinct two storey properties within the building. The units would consist of an open-plan living room/dining room/kitchen area and W.C. at ground floor level and two and three bedrooms along with a bathroom and W.C. at first floor level. The conversion would be carried out internally with the only external alterations to the chapel being the installation of a pedestrian entrance door in the east facing elevation to facilitate pedestrian access to one of the proposed units.

Additionally proposed is the conversion of the existing vestry building to the north of the site to a two bedroom residential property. The conversion would be carried out within the existing property, however the existing side extension would be removed to create an enclosed garden area for the property.

The proposal also includes the creation of a new vehicular access in front of the vestry building and the installation of 7 off-street parking spaces to serve the development.

Finally there is also a proposed pedestrian access across the graveyard to the new entrance to the chapel in the east (side elevation of the building). The indication on the plan is that this could potentially disturb 4-8 graves within the site. The plan indicates that this would be subject to agreement from the graves commission and the relevant authorities.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS has not been updated following the various amendments to the scheme. However, as a DAS is no longer a statutory requirement for an application of this nature, this is not considered to be an issue.

SITE APPRAISAL

The application site is a roughly rectangular piece of land with a road frontage, onto Brookland/Addison Avenue of 71metres and an area of 1216 square metres (0.12 hectares).

The site consists of a two storey Chapel building (Peniel Chapel) roughly in the centre of the site and with a graveyard to the north, south and east of the building and a vestry in the extreme north of the site.

The site is relatively flat and is set above the level of Ysgol Gyfun Llanhari to the west of the site; at the same level as properties to the south and is immediately adjacent to a mini-roundabout on its north-east corner which provides access to the school, Addison Avenue and Blackthorn Court.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site and 16 letters of objection have been received, for the various different schemes that have been submitted along with the amendments that have been made, the main points of which are detailed below.

1. Disturbance of the graveyard by the access arrangements of all of the submitted schemes and their various amendments. This objection has been made by most of the respondents, some of whom have relatives interred within the graveyard and are concerned about access being restricted as well as the possible movement and disturbance of graves.
2. Emotional distress regarding the movement and disturbance of graves within the graveyard area.
3. Lack of parking (made to an earlier scheme where only 4 spaces were provided) no updated comment has been added.
4. The vehicular access is dangerous due to its location in proximity to the roundabout and road crossing to Ysgol Llanhari.
5. Highway concerns due to the entrance being next to the comprehensive school entrance and almost opposite the primary school where already there is major congestion at the start and finish times in the school day.
6. Roadside parking would also cause a hazard for school children.
7. The pedestrian access would cross a number of graves.
8. No notice has been given to residents of Llanhari, especially those who have relatives buried in the graveyard.
9. Not enough notice has been given to allow residents to object to the application. The plans should be displayed in the village hall.
10. Are there written guarantees that no other graves will be removed now or in the future.
11. The development of the vestry is not appropriate for this site.
12. Concerns over the use of the lay-by outside Brooklands House by works vehicles and visitors to the site. This is currently the only place that we can park due to errors being made when the road bridge was installed to the south of our property. We need assurances that our rights to use this area will be maintained as a result of this proposal

CONSULTATION

Transportation Section – initially objected to the application due to concerns over the private shared access and lack of parking facilities. However, now raise no objection subject to conditions to the most recently submitted scheme (15/02/2018).

Land Reclamation and Engineering (Drainage) – no objection, subject to a condition requiring the drainage details to be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period of the development and conditions relating to site investigations into potentially previously contaminating land uses at the site.

Natural Resources Wales (NRW) – no objection.

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

Wales and West Utilities – no objection. Standard advice offered in relation to safe working practices in the proximity of Wales and West Utilities apparatus.

Western Power Distribution - no response received.

Countryside, Landscape and Ecology – no response received.

POLICY CONTEXT

The site is within the settlement boundary and is unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS2 - emphasises the need for sustainable growth that benefits the whole of Rhondda Cynon Taf.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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 criteria for the protection and enhancement of the natural environment.

Policy AW10 – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding

Policy SSA13 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing)

Planning Policy Wales Technical Advice Note 12 - Design

Planning Policy Wales Technical Advice Note 15 – Development and Flood Risk

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 application site is unallocated and situated within the defined settlement boundary as indicated within the Local Development Plan.

Re-use of this current disused site is considered to be positive in land-use planning terms. There are a number of chapels and places of worship throughout the County Borough which have become disused through falling congregation number and maintenance liabilities. Alternative uses for such buildings are therefore generally considered to be of a positive nature particularly where attractive, locally-important sites are preserved by their alternative use. It is therefore considered that the principle of the development would be acceptable.

The scale of the proposal has reduced throughout the lengthy process of consideration and it is now considered to represent a modest development within an edge-of-settlement setting. Consequently, the proposal would therefore be considered to accord with the provisions of the Local Development Plan. However, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

Impact on amenities of neighbouring properties

The site is located within a prominent roadside position at the edge of the village of Llanharry immediately adjacent to a school, a roundabout and a terrace of existing properties.

Due to the siting of the existing built elements of the proposed development and their relationship with surrounding properties, it is not considered that the development would have an adverse impact on the existing levels of amenity and privacy of those properties. It is considered that there is sufficient distance between the proposal and existing neighbouring properties so that the building conversion would not have an overbearing impact or a detrimental effect on their privacy.

Additionally, while the development would intensify the use of the private access fronting the site, in terms of amenity it is not considered likely to be so significant to warrant an objection in this regard. In terms of the scale, design and location of the proposed conversions, there is no objection raised against the scheme in amenity terms.

It is acknowledged that there have been objections to the application from neighbouring properties and these will be addressed later within the report.

Character and appearance of the area

The proposal would utilise the existing buildings on site with some element of external repairs being undertaken as well as the installation of a new access door within the eastern elevation of the chapel building.

Consequently, the character and appearance of the buildings on site would remain largely unchanged and the proposal would be acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledges the submitted access arrangements and highway works within the development site. There is concern with the proximity of the existing mini roundabout and uncontrolled pedestrian crossing facility to the proposed private shared access. Additionally, the proposed private shared access is not in compliance with Standard Detail 102 – Private Drive Serving Up To 5 Dwellings, which gives cause for concern. However, this issue can be addressed via suitably worded planning conditions.

Consequently on the basis of the submitted highway layout and subject to the suggested conditions, the proposal is considered, on balance, to be acceptable in this regard.

Other Issues

The main issue that has been brought up by all of the respondents to the initial scheme and all of the subsequently submitted amendments is regarding the

graveyard and the proposed pedestrian access to one of the residential units that is proposed through graves to the east of the chapel building.

Several different layouts have been presented all of which would see the disturbance and/or relocation of anywhere between 4-8 graves. This is of obvious concern to local residents who have relatives interred at the site and is reflected in both the number of responses regarding this issue and the strength of the comments that have been received.

The applicant's agent has been made aware of this issue and has attempted to reduce the impact of this part of the scheme, however, it is inevitable that some disturbance would be caused.

While it is regrettable that this issue remains a part of the proposal, it is the responsibility of the developer in consultation with the graves commission, the relevant authorities and the family of those whose graves it is proposed to disturb, to resolve this issue. It is not a land use planning consideration and could not therefore form a reason for refusal that could be defended should the application be refused and the applicant proceed to appeal.

It is clear that this issue will need to be dealt with some sensitivity and to allow the development to proceed as it is currently presented.

Response to residents' other concerns

The application has been the subject of sixteen objections from neighbouring properties during the consultation process. Having regard to the comments made the following observations are offered in response.

The scale of the proposal has been reduced and the current parking provision is considered to be acceptable. Similarly, the vehicular entrance to the proposal has been evaluated by the Council's Transportation Section who have raised no objection, subject to a number of conditions.

Roadside parking is an issue for the police or highway enforcement authorities particularly if a hazard is caused to pedestrians and other road users.

The initial application and the subsequently submitted amendments have all been the subject of direct neighbour notification letters and site notices with plans being available to view on the Council's website as required by the Development Management Procedure Order. It would be wholly impractical for the Council to contact relatives of persons interred within the graveyard.

The application indicates the disturbance of some 4-8 graves. The applicant/developer will need to go through a separate procedure with the relevant authorities and the relatives of those graves it is proposed to move or disturb. This would be the situation should additional graves be proposed to be moved.

The lay-by is a private matter and the Council would be unable to ensure that construction works vehicles or visitors do not use this area.

Other issues

The comment of the Public Health and Protection Division are acknowledged, however it is considered that a condition to restrict the hours of operation would be unnecessary as this issue can be more effectively dealt with by other legislative controls available to the Council.

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 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £25,525.22.

Conclusion

The proposed conversions are considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area, or highway safety considerations. Consequently, the proposal is considered to be acceptable.

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 plan(s) no(s):

Site Location Plan

Proposed Chapel Plans & Elevations, Drwg No: 430_01

Proposed Vestry Plans and Elevations, Drwg No: 430_401 Revision B, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds,

gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. These details shall also indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in relation to Flood Risk Management.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure and to ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No dwelling shall be occupied 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.

7. Prior to the commencement of development, details providing for a private shared access with a minimum width of 4.5m 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.

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

8. Prior to the commencement of development, details indicating swept path analyses demonstrating that service and delivery vehicle are able to enter and exit the proposed private shared access in a forward gear shall be

submitted to and approved in writing by the Local Planning Authority.

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

9. The parking and turning areas indicated on submitted drawing no. "430-401 Rev B", or any subsequent revision as a result of another condition on this permission, shall be constructed in permanent materials and retained for the purposes of the parking and turning of vehicles only unless agreed otherwise with the Local Planning Authority.

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

10. No HGV movements shall take place to and from the site between the hours of 08:00 – 09:00 and 15:00 – 16:00 weekdays during the course of site preparation and construction works.

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

11. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study 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.
2. A site investigation shall be carried out 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 agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 11) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by 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.

13. If during development works any contamination is 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 work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by 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.

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