



## **PLANNING & DEVELOPMENT COMMITTEE**

**7 JANUARY 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0468/10 (JE)  
**APPLICANT:** Mr G Silverthorn  
**DEVELOPMENT:** Rear infill extension to create 1 bedroom self-contained managers flat. (Amended Description, Plans and application form received 19/11/20)  
**LOCATION:** FLAT ABOVE THE FERNDALE, DUFFRYN STREET, FERNDALE, CF43 4EL  
**DATE REGISTERED:** 19/11/2020  
**ELECTORAL DIVISION:** Ferndale

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#### **RECOMMENDATION: APPROVE**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the potential impact it would have upon the amenity and privacy of the neighbouring residential properties and highway safety in the vicinity of the site.

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

The application is reported to Committee for determination as it proposes the extension of a public house.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of an infill extension to create a one bedroom self-contained managers flat at The Ferndale, Duffryn Street, Ferndale. The proposed extension would be located centrally along the building's rear elevation, infilling an area between two existing rear projections.

Given the nature of the property, which appears as a three-storey building from its rear elevation with the presence of a lower ground floor, the proposal would be elevated above ground level by 4 metres to create the new flat accommodation at ground and

first floor level. The proposed extension would measure a width of 6 metres and would protrude outwards to a depth of 6.4 metres. It would have a flat roof design measuring a full height of 11 metres from the rear ground level and would be finished in external materials to match that of the host property. The proposed managers flat would also require an area of the existing public house to be converted to accommodate the proposed living accommodation over two floors. The following layout is proposed: bathroom and living room/ kitchen at ground floor level, and 1 no. bedroom and office on the first floor.

## **SITE APPRAISAL**

The site consists of a three storey, commercial scale public house/hotel building located at the end of a terrace of predominantly residential properties in a prominent, main road location within the village of Ferndale. The property is currently occupied by a public house at ground floor level with a number of residential flats across the upper floors.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

**18/1277/09:** THE FERNDALE, DUFFRYN STREET, FERNDALE, CF43 4EL

Refurbishment of flats within the existing building.

Decision: 18/01/2019, Refuse

**19/0364/10:** 101 FERNDALE HOTEL, DUFFRYN STREET, FERNDALE, CF43 4EL

Refurbishment of 5 flats (first floor only).

Decision: 15/08/2019, Grant

**19/1058/10:** FLAT ABOVE THE FERNDALE HOTEL, DUFFRYN STREET, FERNDALE, CF43 4EL

Creation / refurbishment of 5 no. flats on 2nd floor of property.

Decision: 01/09/2020, Grant

**20/0416/38:** 101 FERNDALE HOTEL, DUFFRYN STREET, FERNDALE, CF43 4EL

Discharge of conditions 4 parking & 5 provision of cycle stands of planning permission 19/0364/10.

Decision: 13/07/2020, Grant

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

No letters of objection or representation have been received.

## **CONSULTATION**

**Transportation Section:** No objection or conditions suggested.

**Public Health and Protection:** No objection although conditions suggested to restrict the hours of operation during construction, noise, dust and waste.

**Dwr Cymru Welsh Water** – No objection.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Ferndale and is not allocated for a specific purpose.

**Policy CS1** - sets out criteria for achieving sustainable growth.

**Policy AW2** – supports development in sustainable locations.

**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** - only permits development where it would not cause harm to features of the natural environment.

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

### **Supplementary Planning Guidance**

- Development of Flats – Conversions and New Build.

### **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 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-

being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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 application relates to the extension of an existing public house in order to form an associated manager's flat. The proposed managers flat would assist in the running of the public house and would also provide onsite assistance to the occupiers of the self-contained residential flats which occupy the remainder of the first floor and second floor of the property.

The Council's Supplementary Planning Guidance: Development of Flats (SPG) sets out guidance for the development of new flats. It is considered the proposal generally complies with the SPG with proposed flat being of an acceptable size and each habitable room having at least one window, natural light and reasonable outlook. It is noted however that access would be through the ground floor of the public house or via rear of the property utilising the steps and rear lane, and the SPG advises access should be from main streets where possible. Whilst there is some concern in this respect, when considering the flat would be occupied by the public house landlord and its use ancillary to the running of the commercial property, the proposed access is considered acceptable in this instance. Nevertheless, this would not be acceptable for a self-contained flat and therefore a condition is suggested below restricting the use of the flat to that ancillary to the public house.

In light of the above, the principle of proposed development is considered acceptable, subject to the criteria set out below.

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

Whilst the proposed extension would form a large-scale addition to the property, it would be located to the rear of the building and would infill an area between two existing rear projections. As such, when considering the scale of the existing building and the dimensions of the proposed extension, it is considered the proposal would form a sympathetic addition and would not significantly impact upon the appearance of the property. In addition, it is not considered the proposed extension, given its siting and dimensions, would form a feature that would be widely visible from outside of the immediate vicinity. As such, it is not considered the proposal will detract from the character or appearance of the area.

The application is therefore considered acceptable in this regard.

### **Impact on residential amenity**

The proposed extension would form a visible addition from properties at New Street to the rear. However, when considering the proposed extension would infill an area between two existing rear projections and would not protrude beyond them, it is not considered it would exacerbate the impact currently experienced by these properties.

With regards to privacy, although the proposal would see new window openings to the rear of the property facing the adjacent dwellings behind, when considering the existing fenestration layout on the rear elevation of the property and the terraced nature of the area, it is not considered the proposal would significantly increase the existing levels of overlooking experienced by neighbouring properties.

It is also noted that no letters of objection have been received following consultation with neighbouring occupiers. As such, the application is considered acceptable in this regard.

### **Highway Safety**

The Council's Transportation Section were notified during the consultation process in order to provide comments with regard to highway safety and parking provision. Following assessment of the scheme it was commented that the proposed access is acceptable however the managers flat would increase the car parking demand for the whole site by 2 no. off-street car parking spaces (in accordance with the SPG: Access, Circulation & Parking), with none proposed. However, the property is located on the outskirts of the Ferndale retail area within easy walking distance of bus stops which would promote sustainable modes of transport. Additionally, through previous planning applications at the site, the applicant has provided the maximum number of off-street car parking and cycle storage spaces possible within the space available in the rear yard (6 spaces). Further, the existing use as a hotel would have generated vehicular movement. Therefore, given the sustainable location of the application site, the proposal is also considered acceptable in respect of parking provision.

In light of the above highways assessment, the application is considered acceptable in this regard.

### **Public Health and Protection**

The Council's Public Health and Protection Division suggested a number of conditions with regard to hours of operation, noise, dust and waste during construction. Whilst these comments are appreciated, it is considered that these matters can be dealt with more efficiently under separate legislation. As such, it is considered the conditions are not necessary and an appropriate informative note would be sufficient instead.

### **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. However the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable and therefore no CIL would be payable.

### **Conclusion**

It is not considered that the proposal would have any undue impact upon the character and appearance of the locality, the residential amenity of the surrounding properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

### **RECOMMENDATION: Grant**

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)

- Existing front and rear elevations drawing no. SG1 01
- Elevation and location plans drawing no. SG1 02
- Existing basement plan drawing no. SG1 03
- Existing ground and first floor plans drawing no. SG1 04
- Existing and proposed second floor plans drawing no. SG1 05
- Proposed side elevations drawing no. SG1 07

- Proposed basement plans drawing no. SG1 08
- Revised ground and first floor plans drawing no. SG1 09A

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. The manager's flat, hereby approved, shall be used as manager's accommodation in association with the Ferndale public house only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the consent granted in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.