



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021-2022:

**PLANNING AND
DEVELOPMENT COMMITTEE
16th DECEMBER 2021**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
	APPLICATION NO: 21/0256 - Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021), 22-22A Cardiff Street, Aberdare

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning & Development Committee on 16th September 2021, following consideration of the matter a decision was deferred to allow a site visit which took place on 5th October 2021 and the matter was subsequently reported back to the Planning & Development Committee at the 4th November 2021 meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members were minded to refuse the application against officer recommendation. Members raised concerns that the proposed development would result in a lack of amenity for future occupiers of the flats.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The application proposes the development of eight residential flats within the ground, first and second floors of the building, in addition to commercial floor space within the ground floor and storage space within the basement.

Six of the flats would contain two bedrooms, whilst two of the flats would contain three bedrooms. Neither local or national planning policy provides a minimum internal floor space standard and it is considered that the scheme proposed would provide sufficient living space for potential occupiers to undertake typical day to day tasks whilst also contributing to the range and choice of living accommodation within the area. Furthermore, each flat would be served by windows that would provide acceptable levels of outlook and natural light. In addition, the same openings would provide for sufficient levels of ventilation.

Notwithstanding the above, it is acknowledged that with the exception of the basement storage spaces, there are no internal communal areas (such as a communal lounge or laundry facilities) for residents to share. There is however no policy requirement for the Developer to provide such communal spaces.

It is acknowledged that no outdoor amenity space would be provided for any of the flats. The Council's Supplementary Planning Guidance *'Development of Flats'* states that whilst private or communal outdoor space should be provided for residents, *'Flats without outdoor space are more likely to be acceptable where high quality public open space is located close by.'* Notably, Aberdare Park is located to the north west of the application site and is approximately twenty minutes away by foot. In addition, Dare Valley Country Park and Gravity Family Bike Park, also positioned to the north west of the application site, is approximately thirty minutes away by foot. Accordingly, it is considered that occupants of the flats would have access to high quality open space within walking distance of the application site.

Moreover, future residents of the flats would have ready access to the formal and informal recreational opportunities available at the Sobell Leisure Centre, which is only a seven minute walk away from the application site.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

- 1. The proposed development would result in a lack of amenity space for future occupiers of the flats. As such, the application would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

PLANNING & DEVELOPMENT COMMITTEE

16 SEPTEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0256/10 (CA)
APPLICANT: Mr D Demery
DEVELOPMENT: Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021).
LOCATION: 22-22A CARDIFF STREET, ABERDARE, CF44 7DP
DATE REGISTERED: 07/07/2021
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASON: The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, its visual impact, the impact it has upon the amenity and privacy of the neighbouring residential properties, and its impact upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

This application seeks full planning permission for the conversion and partial change of use from a commercial premises to eight residential flats at 22-22a Cardiff Street, Aberdare.

The layout of the building is proposed as follows:

Basement:

- Commercial floor space accessed from Duke Street.
- Storage space accessed from Duke Street.

Ground Floor:

- Commercial floor space accessed from Cardiff Street.
- Bike and refuse storage space.
- 2 no. two bedroom flats

First Floor:

- 2 no. two bedroom flats.
- 2 no. three bedroom flats.

Second Floor:

- 2 no. two bedroom flats.
- Bedroom space associated with two of the first floor flats.

Whilst one of the commercial spaces would be accessed via Duke Street, the residential space would be accessed via Cardiff Street with access to the upper floor flats via an internal stairwell.

To facilitate the proposed change of use, an additional storey would be added to the existing rear flat roof extension. The additional storey would incorporate a pitched roof design. In addition, several new window openings would be created in the north, south and east elevations of the building.

External materials proposed include smooth render finish and concrete roof tiles.

The application is accompanied by a Flood Consequences Assessment (FCA).

SITE APPRAISAL

The application site consists of a mid-terraced property which is positioned directly adjacent to Cardiff Street to the west and Duke Street to the east. The property is split level to accommodate the topography of the land which slopes gently from west to east.

The site is positioned within the defined retail boundary of Aberdare, which is designated as a Principal Town Centre within the retail hierarchy. Surrounding land is most commonly made up of commercial and residential properties.

In addition, the site is partially located within the C2 Flood Zone.

PLANNING HISTORY

20/0823/10	Proposed partial change of use from commercial to create 8 flats and associated works.	Refused 16/10/2020
06/1530/10	New restaurant frontage with roller shutters incorporated behind fascia. (Re-submission). Amended plans received 15/11/06.	Granted 05/12/2006

06/0519/10

New restaurant frontage with roller shutters
incorporated behind fascia

Refused
14/06/2006

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties and a site notice was displayed.

Although no letters of objection or representation were received directly by Planning Services, the department was made aware, via the Local Member, of the following concern raised by a local resident:

1. There is a lack of car parking within Aberdare to accommodate the proposed flats.

CONSULTATION

Highways:

No objections, no conditions recommended.

Drainage:

No response received.

Public Health and Protection:

No objections, conditions recommended.

Ecology:

No objections.

Waste Services:

No objections.

Dwr Cymru Welsh Water:

No objections, conditions recommended.

Natural Resources Wales:

No objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site is situated within the Northern Strategy Area and within the settlement boundary.

In addition, the site is positioned within the defined retail boundary of Aberdare, which is designated as a Principle Town Centre within the retail hierarchy, and is partially located within the C2 Flood Zone.

The following policies are considered to be of particular relevance to this application:

Policy CS1 – Development in the North: Advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW1 – Supply of New Housing: Sets out how the housing land requirement in Rhondda Cynon Taf will be met.

Policy AW2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW5 – New Development: Sets out criteria for new development in relation to amenity and accessibility and requires development to have no unacceptable effect on the character and appearance of the site or surrounding area and no significant impact on the amenities of neighbouring occupiers. Proposals are also required to be accessible to the local and wider community by sustainable modes of transport, to have safe access to the highway network, and to not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – Design and Placemaking: Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

Policy AW10 – Environmental Protection and Public Health: This policy provides that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues such as noise, air or light pollution, flooding or any other identified risk to the environment, local amenity and public health and safety.

Policy AW11 – Existing Employment and Retail Uses: Development proposals promoting alternative uses for retail units identified within the defined retail centres will be permitted where the site is not identified by the allocating policies and 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 (continuous).

Policy NSA 1 – Development in the Principal Town of Aberdare: This policy is concerned with development in the Principal Town of Aberdare and sets criteria for the types of development that will be considered acceptable in the town.

Policy NSA10 – Housing Density: This policy states that proposals for residential development in the Northern Strategy Area, should be a minimum of 30 dwellings per hectare.

Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries: This policy provides for housing development within defined settlement boundaries, where it can be demonstrated that the proposal does not adversely affect the provision of car parking in the surrounding area, and that the proposal is accessible to local services on foot, cycle or utilising a range of sustainable transport options.

Policy NSA18 – The Retail Hierarchy: This policy sets out the retail hierarchy for the Northern Strategy Area and defines Aberdare as a Principal Town. It continues that proposals for Class A development will be permitted where it enhances a centre's role in the retail hierarchy.

Policy NSA19 – Retail Development in Principle Towns and Key Settlements: Sets out the criteria for new and improved retail facilities and other uses that are appropriate within the town centre will be permitted within the retail centre of Aberdare.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

Design in Town Centres

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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.

It is also considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 4 – Retail and Commercial Development

PPW TAN 12 – Design

PPW TAN 15 – Development and Flood Risk

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 within the defined settlement boundary and is therefore generally supported by Policies AW1, AW2 and NSA12.

The site is situated within the Principal Town of Aberdare (as defined by Policy NSA18) and is therefore considered to be a highly sustainable location with good access to a number of key local services and facilities as well as good access to a range of sustainable modes of transport, with both a bus and train station located within easy walking distance. The site is also conducive to travel to and from on foot and bicycle. The proposal would therefore comply with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Further requirements of Policy AW2 seek to ensure that proposed developments would not conflict with existing uses in the area and given the town centre location of the site, the proposed commercial use within the lower floors of the building would be typical of the surrounding area. Furthermore, residential flats on upper floors are generally supported as they provide a sustainable form of living whilst also contributing to the daytime and evening economy of the centre and subsequently adding to the vitality and viability of the town. It is therefore not considered that the part-residential use of the site would unacceptably conflict with the predominantly retail character of the town, particularly given there are already a number of flats above shops in the immediate and wider vicinity.

Policy CS1 (Development in the North) further promotes residential and commercial development in locations which support and reinforce the roles of Principal Towns as well as the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings, such as the existing building, which currently does not add any aesthetic value to the wider area.

Policy NSA12 seeks to ensure that development is carried out within the defined settlement boundary provided that the development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, including on foot or bicycle, and providing that it does not adversely affect the provision of car parking in the surrounding area. As noted above, the site is situated within a highly sustainable location with access to both a bus and train station however, due to its town centre location no provision has been or can be made for off-street car parking. Whilst the Council's Highways and Transportation Section raise some concerns in this regard, no objection has been raised and the proposal is therefore considered to comply with Policy NSA12 (the impact of the proposal on highway safety is discussed in more detail below).

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

Impact on the character and appearance of the area:

Several properties within the immediate locality contain commercial units on their ground floors with flats above. As such, the proposed use of the building would not be out of character with the surrounding land use. The plans do not however specify what use class the commercial units would fall within and in order ensure they are appropriate to the location it is considered fitting to condition them as either A1 or A2.

In terms of the front façade of the building, this would remain largely as existing and it is not considered that the overall appearance of Cardiff Street would significantly differ as a result of the change of use and associated works.

The extension to the rear of the property would however be a notable addition to the street scene and would be widely visible from the immediate area due to its prominent location which directly backs onto Duke Street. The rear of the site currently contains a substantial flat roof modern addition which has no architectural or visual merit and is not considered to positively contribute to the character and appearance of the area. It is this aspect of the building that would be extended through the addition of another storey which would incorporate a pitched roof. Although the building would increase in height, it would be set down from the main part of the building which fronts Cardiff Street and would also be lower in height than several other properties within the immediate area. In addition, it is considered that the pitched roof design would represent a visual improvement when compared to the existing flat roof.

It is also noted that the existing building is vacant and in a poor state of repair that is likely to further deteriorate should the building remain unused. The proposal would bring this building back to beneficial use and also enable its long term maintenance.

Based on the above, it is considered that the proposal would not adversely impact upon the character and appearance of the area but would rather have the potential to improve it.

Impact on Amenity:

It is acknowledged that this application is a re-submission of a previously refused application (Ref: 20/0823/10) whereby concerns were raised regarding the quality of the accommodation for the occupiers of the flats. The previous concerns included the fact that accommodation was proposed within the building's basement and that many of the new windows faced into the shared access stairwell, thereby providing poor outlook. In addition, concerns were raised regarding the location of the bike and bin storage within the rear of the basement. Based on the current plans, it is considered that the concerns relating to the refused application regarding residential amenity have been overcome as no residential accommodation is proposed within the building's basement and no windows now face the shared access stairwell. In addition, bike and bin storage has been moved to the front of the building.

The SPG relating to the development of flats provides support where a high quality of accommodation and amenity can be provided for residents. It is considered that the property is of a sufficient scale to provide its occupiers with an acceptable standard of

accommodation whereby there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook. In addition, the SPG indicates that flats should have a main entrance to the front of the building and have access to either private or communal outdoor space. All eight of the flats would be accessed via a shared entrance to the front of the building which would be separate from the main shop front. It is noted that the site is not capable of providing outdoor private or shared amenity space, however given the building is located in close proximity to a number of public amenity spaces, it is not considered that this issue would be significant enough to warrant the refusal of the application.

The SPG provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. Whilst the proposed use would reflect surrounding land uses, it is accepted that a degree of noise/disturbance would inevitably occur from the development. It is however considered that a greater degree of general noise it is to be expected within a town centre location when compared to a purely residential location. As such it is not considered that any adverse impact relating to noise/disturbance would be so severe as to warrant the refusal of the application.

There is some concern that the additional windows positioned on the side elevations of the building would result in some overlooking to adjacent properties. However, buildings within this section of Cardiff Street are located within close proximity to one another and mutual overlooking between buildings currently already occurs. It is not considered that the level of overlooking would be exacerbated to such a degree that it would warrant the refusal of the application. It is however considered appropriate to apply a condition restricting the windows to be inward opening only.

The application incorporates the extension to the existing building through the addition of a further storey. As such, the height of part of the building would increase and some additional overshadowing would therefore occur to adjacent properties. It is not however considered that the additional overshadowing would be severe. In addition, the finished height of the extension would be reflective of existing buildings within the street and is not considered to form an overbearing feature.

It is noted that no letters of objection have been received from the occupiers of surrounding properties following the consultation process.

Overall, in terms of the impact on the amenity and privacy of neighbouring residents, as well as the suitability of the proposed flats for their occupiers, the application is considered to be acceptable as it would not result in an undue loss of light or privacy or have any overbearing impacts.

Impact on Highway Safety:

The Council's Highways Department have been consulted on the proposal and raise some concern that long term residential parking would take place in the residential streets which surround the application site, which would be detrimental to the safety of all highway users and the free flow of traffic.

However, taking into account the sustainable location of the application site, which is situated in Zone 1 and is a Principle Town, as well as the existing restrictions which prevent on-street parking and the close proximity of the public car park which can be utilised free of charge from 6pm until 8am, no objections are raised. As such, the impact upon highway safety is not considered to be so severe as to warrant the refusal of the application.

Flood Risk:

The application proposes highly vulnerable development within an area that is confirmed to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN 15: Development and Flood Risk. The policy guidance set out in TAN 15 prohibits highly vulnerable development in Zone C2 and this is echoed in Policy AW2 of the Rhondda Cynon Taf Local Development Plan. However, the highly vulnerable element of the proposal is situated on the upper floors and therefore likely to be above any potential flood depths should a flood event occur at this location. In addition, access to the residential accommodation would be located outside of Zone C2 and therefore should a flood event occur, occupiers of the flats would have a means of escape. It is noted that the basement level of the property and partial ground floor would contain a retail use, which is considered to be less vulnerable development.

Whilst it is acknowledged that the proposal cannot meet the tests set out in paragraph 6.2 of TAN 15, the site is clearly previously developed land within a densely developed area and the proposal would have inevitable regeneration benefits in terms of bringing a vacant site back into use. Furthermore, the application is supported by a Flood Consequences Assessment (FCA) which fully considers the issues of flooding. Based on this and the above, NRW have raised no objections to the proposal.

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 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:

The proposed conversion and extension of the building is considered to be acceptable in principle. The site is situated within a highly sustainable location with good access to a number of key local services and facilities as well as to a range of sustainable transport options. The proposed use of the site would not raise any compatibility issues in the surrounding area.

The proposal would be in-keeping with the general character, scale, design and overall visual appearance of existing properties in the surrounding area and the reuse of the site would inevitably improve the visual appearance of the immediate and wider area.

The building would have a limited impact upon the occupants of surrounding properties whilst potential future occupiers of the flats would benefit from adequate living accommodation.

Whilst the proposal does not provide any off-street car parking provision, the town centre location of the site ensures that public transport, local amenities and public car parks are all within easy walking distance which would result in less reliance on the private motor vehicle for the main mode of transport.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING 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 following approved plans:

- Location Plan and Proposed Site Plan (shown on Drawing No: 2020-06-03 Rev A), dated 07/07/2021;
- Proposed Elevations, Floor Plans & Sections (Drawing No: 2020-06-02 Rev A), dated 07/07/2021

and documents received by the Local Planning Authority on 22/02/2021 and 05/02/2021, 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 approved plans, building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be finished and maintained in accordance with the approved details.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the basement and ground floor retail units hereby approved shall be restricted to uses falling within Class A1 or Class A2 only.

Reason: To define and limit the extent of the permission.

5. The public opening hours of the basement and ground floor retail units hereby approved shall be as follows:

Monday to Saturday:	09:00 Hours to 22:00 Hours
Sunday:	10:00 House to 20:00 Hours
Bank Holidays:	Closed

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The windows to be created in the side (south east and north west) elevations shall be inward opening only and permanently retained in that condition thereafter.

Reason: To protect the amenities of nearby occupiers, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. The storage area located within the basement of the development hereby approved shall only be used for purposes incidental to the approved uses within 22-22a Cardiff Street, Aberdare. As such, it shall not form a separate planning unit and no separate trade or business shall be carried out therefrom.

Reason: In the interest of amenity, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.