

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JULY 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0138/10 (GH)  
**APPLICANT:** J Jones & C Chantler  
**DEVELOPMENT:** Conversion of former Conservative club into 9 self-contained apartments (Revised elevation drawing and Bat Survey Report received 19th June 2022)  
**LOCATION:** 51 - 52 YSTRAD ROAD, PENTRE, CF41 7PH  
**DATE REGISTERED:** 11/02/2022  
**ELECTORAL DIVISION:** Pentre

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** Both local and national planning policy is supportive of developments that result in the re-use of previously developed land and buildings.

In this case, the conversion of this former club to a residential use would result in a helpful contribution towards the local housing supply and since the property occupies a prominent position in the street scene, the development would improve the character and appearance of the site and immediate locality.

Whilst the constrained site means that off-street parking cannot be provided, the new units would be within convenient walking distance to local services and public road/rail transport. Its sustainable location therefore helps to offset any parking concerns.

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**REASON APPLICATION REPORTED TO COMMITTEE**

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

**APPLICATION DETAILS**

Full planning consent is sought to convert the former Conservative Club at 51 – 52 Ystrad Road, Pentre, to provide 9 flats.

The accommodation would be arranged over all four floors to include the following:

Ground floor: 2 x studio flats, 1 x one-bed flat and communal cycle store and bin storage space.  
First floor: 2 x one-bed flats and 1 x two-bed flat  
Second floor: 2 x one-bed flats  
Third floor: 1 x two-bed flat

All flats would have primary access from communal entrances at the front of the building, with two internal staircases, whilst the ground floor one-bed flat would benefit from an external yard. The remaining rear space would be cleared and maintained.

Minor changes are proposed to fenestration in the principal elevation, to include a widened doorway and the substitution of a door with a window. In addition, a box dormer is proposed to the rear facing roof plane, to enable the enlargement of the existing attic space.

However, other than for general replacement and repair works including damaged roof tiles, re-pointing, new external finishes and fittings required to bring the property back into use, no other alterations are proposed to the appearance of the building.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Planning Statement
- Bat Roost Assessment
- Bat Surveys Report

Following submission of the later Bat Surveys amended elevation drawings were received to incorporate a house sparrow nest box and a bat box to provide biodiversity enhancement.

## **SITE APPRAISAL**

The application site comprises the former Conservative Club, later and for a short period operated as the Thirsty Pelican Pub, which is located on the A4058 at the south-eastern side of Ystrad.

The property is a large semi-detached three storey building, with a two storey lean-to extension. Including the loft space, the accommodation is arranged over four floors. The principal elevation immediately fronts the highway and to the rear there is an enclosed garden area, which is retained due to the steep change in level to Pleasant View.

The site is in very close proximity to Ton Pentre Railway Station and Petrol Station; furthermore, being close to the junction of the A4058 and Church Road, the shops and services at Ton Pentre are within easy walking distance.

The existing development surrounding the site comprises a mix of current and former retail uses, with residential properties to the north and north-west.

## **PLANNING HISTORY**

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

- 18/0595/10:** Conversion of former licensed premises into 3 flats. Decision: 16/08/2018, Grant
- 16/0853/10:** Conversion of former licensed premises into 9 flats. Re-submission of 15/1288/10. Decision: 02/02/2018, Withdrawn by Applicant
- 15/1288/10:** Extension and conversion of former licensed premises into 9 no. flats. (Internal inspection report for bats received 30/11/15). Decision: 28/01/2016, Refuse

## **PUBLICITY**

The application has been advertised by direct notification to nine neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection, although there are concerns about lack of historic and future off-street parking provision, the change of use is acceptable given the sustainable site location.

### Flood Risk Management

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of TAN 15. The review concluded that there is an area of low surface water flood risk on the adjacent highway.

Based on the information provided, the application proposes very limited external construction works that will not increase the structure's footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and there are no objections or recommended conditions.

### Public Health and Protection

Conditions are recommended in respect of construction hours of operation, noise, dust and waste. However, it is considered that such issues are best controlled by powers contained within the scope of existing public health legislation.

### Dwr Cymru Welsh Water

No objection, subject to an informative note regarding sewer connections.

### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

### South Wales Fire and Rescue Service

No objection. The service has provided fire safety guidance for the benefit of the Applicant.

### Countryside – Ecologist

The bat survey is appropriate and includes an initial PEA which identified low bat potential, and (in line with guidance) a subsequent single emergence survey undertaken at the correct time of year which did not record any emerging bats.

Section 6 of the survey report identifies standard precautionary bat measures if bats are found during works and controls/constraints on works in relation to nesting birds, which should be subject to a condition.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that is has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Gelli.

**Policy CS1** – the emphasis is on sustainable growth in the Northern Strategy Area and is to be achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements.

**Policy AW1** - This policy is concerned with the supply of new housing within the County Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. In addition, proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** – The policy prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, contamination, or any other identified risk to local amenity and public health.

**Policy NSA10** – The policy stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

**Policy NSA12** – The policy permits development within settlement boundaries if they demonstrate that infrastructure and car parking will not be adversely affected.

**Policy NSA13** – The conversion of large buildings within the Northern Strategy Area will be permitted where there is no economically viable alternative use for the building.

## **Supplementary Planning Guidance**

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- 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 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), WG's 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, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

#### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

Manual for Streets

## **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**

This property is within the settlement boundary where residential development on unallocated land is supported by LDP Policy AW1, the criteria of which includes the conversion of suitable structures to provide housing.

As the preceding site appraisal noted, the property is within walking distance of the facilities and services at Ton Pentre, is on a bus route, and is located almost directly opposite the pedestrian entrance to Ton Pentre Railway Station. Consequently, in the absence of any environmental or policy designations relevant to the criteria of Policy AW2, this site would be considered to be a very sustainable location.

As the presentation photographs demonstrate, the building is not in an attractive state of repair and does not make a positive contribution to the surrounding streetscape. This development proposal would result in the beneficial re-use of the site and would be supported by policies CS1 and NSA13, as well as PPW11.

Whilst policy NSA13 requires evidence that there are no other viable alternative uses for the property, any demonstration of such is considered unnecessary given the length of time that the building has been vacant without any other proposals coming forward.

Policy NSA12 seeks that residential development does not have an adverse effect on the provision of car parking in the surrounding area. However, the site cannot physically accommodate off-street car parking spaces within its curtilage for either the established, lawful use or the residential use proposed.

On balance and subject to the consideration of specific highway and other material matters further below; it is recommended that greater weight should be given to the beneficial re-use of the building, the provision of housing and the sustainable location within the settlement boundary, such that the development is acceptable in principle.

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

The application details evidence that there would be some minor changes to windows and doors, together with the insertion of a dormer window to the rear elevation. In general, though, the overall form and scale of the building, and the appearance of its elevations, would be mostly unchanged.

Nonetheless, the refurbishment of the building would be a positive outcome, particularly given its prominent roadside location. Buildings that are clearly vacant and unmaintained can have a significant detrimental effect on the area around them and create the unhelpful perception of decline.

As a consequence, the minor works and physical improvements to the former club would greatly enhance the appearance of the site as a whole and would make a beneficial contribution to the surrounding street scene.

### **Impact on neighbouring occupiers**

Most of the properties close to the application site are residential, with those to the north or north-west comprising traditional Victorian dwelling types. Immediately adjacent to the south-eastern side of the application property is a commercial unit, with flats above, whilst there is a petrol station on the opposite side of Ystrad Road.

In this context, the conversion of the former club to flats would be compatible with surrounding land uses, and perhaps preferable for existing residents than living close to licensed premises where there may have been greater potential for noise and disruption during opening hours.

With regard to the physical relationship between neighbouring properties, the built form of the application site would be retained and most construction work would be internal. Therefore, the outlook from other dwellings would not be affected.

Initially there was some concern about the potential for a couple of the flats to overlook the front elevation of no.50 Ystrad Road, which is directly to the north of the site. However, this neighbouring property is set into the bank between Ystrad Road and Pleasant View and occupies a much higher position.

In addition, notwithstanding that the top floor of the club was laid out as a flat with existing rear facing windows, there is quite a skew between no.50 and the former club, so the absence of direct sight lines further reduces concerns.

The development has also been considered alongside the Council's SPG for the Development of Flats, relating to access, the amenity of future occupiers, together with the availability of natural light and windows for habitable rooms. In general terms, noting that primary accesses are from the front all flats have natural light and ventilation from two aspects, the development accords with the SPG.

Therefore, in the absence of any representations from members of the public, it is considered that the development would not cause detriment to the amenity and privacy of neighbouring occupiers and is acceptable in this regard.

### **Access and highway safety**



## Access

The property is served from Ystrad Road A4058 which has a carriageway width of 7.5m and double yellow lines on both carriageway lanes. Pedestrian access is via continuous pedestrian links which are considered satisfactory to access the proposed development.

Pleasant View is located to the rear of the site and comprises a residential cul-de-sac with no turning area. A secondary pedestrian access / fire escape leads from the application site on to Pleasant View, which is also considered acceptable for safe pedestrian access.

The Council's SPG for Access, Circulation and Parking identifies that the property is located in Zone 3, close to both bus and rail services and a number of local businesses and facilities in Ton Pentre.

## Parking

In terms of calculating the off-street parking requirements of the established A3 use, the plans indicate that the first two floors were used as a public house / club with the upper floor used as residential space. Therefore, in accordance with the aforementioned SPG, the established use requires a maximum of 71 car spaces and 1 commercial space, with none provided. Conversely, the proposed use requires a maximum of 18 spaces.

The Council's Highways and Transportation Section has noted that the majority of flats are 1 bed and would therefore be less likely to require the maximum off-street car parking provision of 2 spaces per flat set out by the SPG. This is particularly relevant given the limited on-street car parking available nearby and the location of both bus and rail which places less reliance on the private motor vehicle.

Nevertheless, although the proposed use requires 50 car parking spaces and 1 commercial space less than the established use, it is recognised that the majority of trips to and from the proposed public house would have taken place on foot.

Consequently, concerns remain that the proposed development could lead to potential long term indiscriminate on-street car parking along the A4058, although there are traffic regulation orders in place to prevent this. There is also a parking layby located to the north of the traffic lights which may provide some available spaces, and the Applicant has proposed secure cycle parking which goes some way to mitigate impact and promote sustainable modes of transport.

## Conclusion

There is concern with regard to the shortfall in the off-street car parking provision for residents who are more likely to require long term parking than patrons of the former

club. However, taking into account the sustainable location of the site, being close to the Ton Pentre retail area and bus and train services, the proposal is on balance considered acceptable in this respect.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for this urban location and would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located on a bus route, close to a railway station, and benefits from many services and facilities located within walking distance. Being within the settlement boundary is considered to be a sustainable location and future residents would not have to be car dependent.
- **Maximising Environmental Protection:** The development would result in biodiversity enhancement for bats and nesting birds.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs and enables easy communication via public transport links. In addition, it is noted that the plans include renewable energy in the form of air source heat pumps for each flat.
- **Making Best Use of Resources:** The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

### **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. Therefore, no CIL would payable.

## **Conclusion**

The application property is within the settlement boundary and therefore the principle of residential development would be supported by LDP Policies CS1, AW1, AW2, NSA12 and NSA13. The development would also be in general accordance with the National Sustainable Placemaking Outcomes set out in PPW11.

In respect of other material matters, the visual improvement to the appearance of the property would have wider benefits to the street scene and the residential use would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or biodiversity have arisen; therefore, the recommendation to Members is that the development is acceptable.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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 completed in accordance with the approved drawings and documents:
  - 1351-12
  - 1351-13 A
  - 1351-14
  - 1351-15
  - 1351-16
  - 1351-17
  - 1351-18 A
  - 1351-19 A

and details and documents received on 10<sup>th</sup> February 2021, 11<sup>th</sup> February 2021 and 19<sup>th</sup> June 2022, 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 development shall be carried out in accordance with the construction protection measures, relating to bird nesting and exterior lighting, identified within Section 6 of the submitted Bat Survey Report (Abbey Sanders Ecology, issued 16<sup>th</sup> June 2022).

Reason: In the interest of biodiversity mitigation and enhancement in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.