

PLANNING & DEVELOPMENT COMMITTEE

18 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0728/10 (EL)
APPLICANT: M Hope Capital Ltd
DEVELOPMENT: Change of use of ground floor from Class A3 (Food and Drink) to Class C3 (Residential Flat).
LOCATION: LLANTWIT HOUSE, SHAZS INDIAN TAKEAWAY, LLANTRISANT ROAD, LLANTWIT FARDRE, CF38 2LT
DATE REGISTERED: 17/06/2022
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: APPROVE

REASONS:

The development would enable the beneficial re-use of the ground floor of a currently vacant commercial unit that is located in a sustainable location, with good public transport links. The remainder of the building already benefits from planning permission for its conversion to residential flats.

In addition to its contribution to the regeneration of the local area, the refurbished building would result in an improvement to the appearance of the street scene, whilst providing an additional housing unit.

REASON APPLICATION REPORTED TO COMMITTEE:

- The proposal is not covered by determination powers delegated to The Director of Prosperity and Development;
- 3 or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the Change of use of the ground floor of Llantwit House, Llantrisant Road, Llantwit Fardre, from a Class A3 hot food takeaway to Class C3 residential flat.

The proposed conversion would be undertaken largely within the fabric of the existing building. The former ground floor commercial unit would be converted to form a two-bedroom residential unit. Access to the proposed flat would be gained via a communal hallway, which would also serve adjoining flats (approved by app 20/0201/10) located within the remainder of the building. The proposed flat would benefit from separate living and kitchen spaces (situated toward the front of the building) with two bedrooms (situated toward the rear). Externally, it is proposed that the existing shopfront be removed and replaced with three conventional windows which would replicate the style, size and proportions of those currently visible at first floor level. To the rear the existing pattern of fenestration would be retained and utilised to serve the bedrooms.

As noted above, the remainder of the building already benefits from planning permission for conversion to residential use, with 6 flats being arranged at ground, first and second floor (and accessed via a communal entrance at the front of the building onto Llantrisant Road) and a further 2 flats being located at lower ground floor, with their entrances onto the proposed parking area at the rear.

The earlier approved scheme also includes the provision of 7 off-street car parking spaces at the rear of the building. The parking spaces would be accessed via an existing lane off Crown Hill to the west. No further car parking is proposed as part of the current application.

The 2020 application for the wider site also approved the provision of an external bin store to the side of the building. The agent has confirmed that sufficient space exists within this area to also accommodate bin storage for current proposal.

SITE APPRAISAL

The application site relates to a large, detached building that is located on Llantrisant Road, the main road through the village of Llantwit Fardre. The building has a frontage directly onto the footway to the north but also benefits from a secondary access at the rear which is accessed via an un-made lane off Crown Hill to the west. A hot food takeaway previously occupied the part of the ground floor to which the current application relates. The remainder of the building benefits from planning permission for conversion to residential flats. At the time of the site visit, works associated with this conversion had commenced. The surrounding area is predominantly residential in character however, there are a number of commercial uses in the vicinity, including a convenience store and public house. The site is bound by existing residential properties to the east, west and south with further residential properties and a Public House (The Crown) being located on the opposite side of the road to the north.

PLANNING HISTORY

Previous relevant applications that have been made on this site are as follows

22/0407	Llantwit House, Llantrisant Road, Llantwit Fardre	Discharge of Condition 6 (Drainage) of planning permission ref. 20/0201/10	Granted 15/07/22
20/0201	Llantwit House, Llantrisant Road, Llantwit Fardre	Conversion and extension of Llantwit House to provide 8 no. self- contained flats, parking and associated works (Bat Survey Rec 16/07/2020).	Granted with conditions 28/01/22
12/0206	Shaz's Indian Takeaway, Bryn House, Llantrisant Road, Llantwit Fardre	Extension of A3 takeaway into adjoining shop	Refused 20/11/2012
07/0263	Llantwit House, Main Road, Church Village, Pontypridd, CF38 1RN	Change of use from photographers to hairdressing salon (Class A1)	Granted 14/ 05/07
04/1537	Llantwit House, Main Road, Church Village, Pontypridd, CF38 1RN	Change of Use from Cheers Off Licence to A3. Use - Hot Food Takeaway.	Refused 18/11/04 Appeal: Dismissed 05/05/05
94/0721	Charlotte's Restaurant, Llantwit House, Llantrisant Road, Llantwit Fardre, Pontypridd.	Change of Use from Class A1 Use to Class 3 Hot Food Use.	Granted 14/12/94
78/0801	Llantwit House, Main Road, Church Village, Pontypridd, CF38 1RN	Parking touring caravan at rear of house on garage hardstanding	Refused 26/07/78
78/0017	Llantwit House, Main Road, Church Village, Pontypridd, CF38 1RN	Change of use of ground floor from empty café to insurance broker and building society	Granted 18/07/78

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. A total of 3 letters of objection have been received in relation to the proposal and are summarised as follows:

- Concern is expressed with regard to the addition of another flat to the approved scheme.
- It is suggested that there is insufficient space available to accommodate the approved parking.
- It is commented that since conversion works have commenced residents have experienced problems relating to rubbish at the site, fires being lit, access to their garage being blocked and work starting early in the morning causing disturbance.
- A neighbouring occupier expresses concern over the provision of parking to serve the development.
- Questions are raised with regard to the who the future occupiers may be.
- Concerns are expressed with regard to the potential for noise disturbance to arise as a result of the development.
- A resident of Llest Terrace highlights the difficulties that residents of existing properties (along the main road) have experienced over the last 10 years, in terms of parking and highway safety. They express concern that insufficient parking at the development site will mean that future occupiers will be forced to park on the main road thereby exacerbating parking problems.
- The matter of dangerous driving along Llantrisant Road is also highlighted.

CONSULTATION

Highways and Transportation – No objections raised.

Ecology – No objections raised, the earlier approved scheme for the remainder of the building secured biodiversity enhancements by way of bird (swift) box provision.

Flood Risk Management – No objections raised.

Natural Resources Wales – No objections raised.

Dwr Cymru – No objections raised, condition and advisory notes recommended.

The Coal Authority – No objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. 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 inside the defined settlement boundary and is unallocated.

CS2 – emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

CS4 & CS5 – concerned with meeting the housing requirement of 14,385 dwellings over the plan period, including the provision of affordable housing.

AW1 – sets a target for the provision of new housing including amongst other things, through the conversion of suitable existing buildings.

AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

AW5 - sets out criteria for new development in relation to amenity and accessibility.

AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - seeks to preserve and enhance the natural environment, including protected and priority species

AW10 - sets out criteria for environmental protection and public health.

SSA13 - provides the criteria for development within settlement limits.

Supplementary Planning Guidance

Access, Circulation and Parking
Development of Flats

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, 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

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

Policies CS2, AW1, AW2 and SSA13 all support residential development within sustainable locations with Policy AW2 defining a sustainable location as a site that is located within defined settlement boundary, has good accessibility by a range of sustainable transport options and has good access to key services and facilities. It also requires proposed developments to be compatible with surrounding land uses.

The application site is located inside the defined settlement boundary for Llantwit Fardre and within an area which is predominantly residential in character. There are a number of amenities located in the vicinity and the towns of Pontypridd and Llantrisant/Talbot Green are accessible by local bus services that run along Llantrisant Road.

Policy AW1 further supports residential development through the conversion of suitable structures whilst Policy CS2 promotes the reuse of underused and previously developed land and buildings. The building in question is a prominent structure located on the main road through the village of Llantwit Fardre, it is understood that parts of the buildings have been vacant for an extended period of time and as a consequence, it is currently in a poor state of repair. However, as detailed in preceding sections of the report, planning permission was recently approved for the conversion of the remainder of the building to form 8 no. self contained flats (20/0201/10), presenting a positive opportunity for the re-use of the building. At the time of the 2020 application, it is understood that the ground floor commercial unit (which is the subject of this application) was still being leased as a hot food takeaway and as such, was excluded from that submission. However, as the lease has now expired, the current application seeks to convert the former take away unit to a Class C3 residential flat. Given that the remainder of the building already benefits from planning permission to conversion to similarly sized residential units, and that the site is situated in a sustainable location it is considered that the principle of the proposal is acceptable, subject to compliance with other relevant policies of the Local Development Plan and adequate parking and amenity standards being achievable. These matters are considered in the following sections of the report.

Impact on the character and appearance of the area

The proposed conversion would be undertaken largely within the fabric of the existing building. The former ground floor commercial unit would be converted to form a two-bedroom residential unit. Access to the proposed flat would be gained via a communal hallway, which would also serve adjoining flats (approved by app 20/0201/10) located within the remainder of the building. The proposed flat would benefit from separate living and kitchen spaces (situated toward the front of the building) with two bedrooms (situated toward the rear). Externally, it is proposed that the existing shopfront be removed and replaced with three conventional windows which would replicate the style, size and proportions of those currently visible at first floor level. To the rear the existing pattern of fenestration would be retained and utilised to serve the bedrooms. The building, as a whole has been neglected with its external appearance being run-down. However, the earlier approved scheme to convert and refurbish the property presents a positive opportunity to update and improve the appearance of the property and its impact on the streetscene. It is considered that the conversion of the ground floor commercial unit would add to this, by the removal of the dated commercial shopfront and signage and the re-instatement of fenestration which replicates the traditional character of the original building. As such, it is not considered that the

proposal would adversely impact upon either the character and appearance of the site or the surrounding area.

To conclude, it is considered that the proposed development would make a positive contribution to the character and appearance of the locality and is considered compliant with the requirements of Local Development Plan policies AW5 and AW6.

Residential amenity and privacy

The proposal would result in the conversion of a part of the ground floor of the building to 1 no. self-contained flat. However, this would be read as part of a wider refurbishment programme, by which the remainder of the building will be converted to form 8 no. residential flats. The potential impacts arising from the conversion of the wider building were considered during the assessment of the 2020 planning application at which point it was concluded that, no unacceptable impacts upon the levels of amenity or privacy, currently enjoyed by neighbouring occupiers would result.

Nevertheless, it is still necessary to consider the potential additional impacts which may arise by the conversion of the existing ground floor commercial unit. As noted above, the conversion would be undertaken within the fabric of the existing building, with no extensions or increase in footprint proposed as part of this scheme. Similarly, where possible, the existing pattern of fenestration, that being openings located to the front and rear elevations of the building would be utilised. The openings to the front elevation would serve the kitchen and living space, with these addressing the busy road that fronts the site. Whilst residential properties are situated opposite the site, with separation distances in the region of 20 metres the privacy of these dwellings would not be compromised.

Matters relating to the relationship and potential for overlooking towards the property at the rear of the site ('Langham') were considered during the assessment of the 2020 planning application. It was acknowledged that, as that scheme incorporated windows in the rear elevation, that would face towards that property, some perception of overlooking to the side elevation of 'Langham' may result. Similarly, it is acknowledged that the current application seeks to re-use existing openings in the rear elevation to serve the bedrooms of the residential flat proposed by this submission. However, consideration must be given to the fact that this scheme seeks to re-use existing openings, rather than create any new. Furthermore, it is understood that parts of the building have historically been used for residential use. As such, having assessed the scheme, it is not considered that any impacts arising from the creation of the flat proposed would present an unacceptable loss of privacy or amenity impact, greater than that already approved by the 2020 application.

In terms of the amenity of any future occupiers of the flats, SPG: Development of Flats requires flats to provide an acceptable quality of accommodation. It states that flats should be of suitable size and habitable rooms should have a reasonable outlook and level of natural daylighting and ventilation. It also states that flats are unlikely to be

acceptable where they are located solely in basements, where habitable rooms would only have rooflight windows, or where they are accessed solely from the rear of the building.

Having assessed the application, it is considered that the flat proposed meets the above requirements. The layout illustrates the provision of separate living and kitchen spaces, with two reasonable sized bedrooms, all of which would be served by conventional windows would a good outlook. Similarly, the unit would be accessed via communal hallway, with front door located to the front elevation of the property. As such, it is considered that the size and quality of the accommodation proposed is acceptable and in compliance with planning guidance.

Following the publicity of the current planning application it is noted that objections were received from the residents of three properties located adjacent to the application site. Their objections are summarised in the publicity section of the report, however two of the points raised relate to the disturbance caused by the building works and the future tenure of the unit(s).

Whilst neighbours' concerns about disturbance that may be caused by the potential behaviour of future occupiers is noted, the future tenure of the residential unit or its occupants behaviour, is not in itself a material planning consideration that may be taken into account in the assessment of this planning application.

Similarly, whilst it is acknowledged that some degree of disturbance may be inevitable as the physical works associated with the conversion are undertaken, this in itself is likely to be short lived. Furthermore, it is noted that the Council's Public Health and Protection Section benefit from legislation, independent of the planning system, which would allow them to take action, should unacceptable impacts arise in terms of noise, which constitute a statutory nuisance.

Taking the above points into consideration, it is not considered that the proposal would have such a significant impact upon the amenity and privacy of neighbouring properties or upon future occupiers, so as to warrant the refusal of the application. The application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Development of Flats.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, it is noted that no objections have been raised to the proposal. Their response is summarised as follows:

Access

In terms of access, the primary pedestrian access for the flat, is served off Llantrisant Road, which has a footway width of 1.9 metres and a road width of 8.2 metres, which is considered acceptable.

The vehicular access would be located at the rear of the property, which is served off an un-adopted lane adjacent to Crownhill. This lane has no footways and has a width of 5.4 metres at its widest point and 3.2 metres at its narrowest point.

Parking

In terms of parking requirements, the existing use (that being a Class A3 take away) requires up-to a maximum of 1 commercial vehicle space and parking spaces in close proximity, to demonstrate that customers can park without creating a detriment to highway safety and the free flow of traffic in accordance with the Supplementary Planning Guidance: Access, Circulation & Parking 2011.

In accordance with the Council's Supplementary Planning Guidance: Access, Circulation & Parking 2011, the proposed development of a Class C3 residential flat, requires up-to a maximum of 2 spaces with none provided.

There is concern that the site is short of the maximum standards, both in terms of the proposed and existing provision required. However, taking into account the sustainable location of the proposal and the existing (consented) use of the building (8 residential units) on-balance it is considered that the proposed is acceptable.

It is also noted that the proposed use would not attract the trips or parking requirements that the existing use requires, and the change of use presented is seen as a betterment to the highway safety situation.

It is noted that letters of objection received from neighbouring occupiers also raise concerns with regards to parking and highway safety in the area however, taking into account the comments received from the Council's Transportation Section, the proposal is considered to be acceptable in this regard and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Other issues

Public Health

The Council's Public Health & Protection Section have raised no objection to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not

considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. 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.

The proposed development involves the change of use of part of an existing building. To determine the CIL liable amount the developer is gathering evidence to demonstrate that part of the existing building satisfies the CIL tests of being an 'in-use' building to enable the existing floor space to be deducted from the proposed.

Conclusion

The development would enable the beneficial re-use of part of a building, the remainder of which already benefits from planning permission for its conversion to a residential use. The property is located in a sustainable location, and the residential unit presented would offer a good quality unit of accommodation for future occupiers. It is not considered that the proposal would give rise to any significant or detrimental impact upon the character and appearance of the area or upon neighbouring properties in the area. Furthermore, the proposal is considered acceptable in terms of its potential impacts upon highway safety. Therefore, the application is considered to accord with the requirements of planning policy and as such, is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: APPROVE SUBJECT TO 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)
 - Drawing no. A001 Site location plan
 - Drawing no. 2109-011 Existing plans and elevations
 - Drawing no. 2109-012 Proposed plans and elevations

and documents received by the Local Planning Authority on 10/06/22 and 23/06/22 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 external materials of the proposed conversion shall match as near as possible the materials of the original building.

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.