

PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0363/10 (JE)
APPLICANT: Mr Sidhu
DEVELOPMENT: Change of use of Ground Floor Funeral Parlour to Retail Shop and conversion of First Floor Flat to 2no. Two Bed Flats.
LOCATION: THE CO OPERATIVE FUNERALCARE, HIGH STREET, TONYREFAIL, PORTH, CF39 8PL
DATE REGISTERED: 21/06/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS: The proposed development is acceptable in principle and involves the subdivision of an existing residential property to provide 2no. residential units in a sustainable location within settlement limits. In addition, the proposal is not considered to result in any adverse impact upon highway safety, the amenity of surrounding properties or the character and appearance of the area. As such, the development is considered therefore to comply with the relevant requirements of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Dan Owen-Jones for the matter to come to Committee so that members can consider the impact of the development on the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the ground floor funeral parlour to a retail shop and conversion of first floor flat to 2no. two bed flats at the Co-operative Funeral Care, High Street, Tonyrefail, Porth, CF39 8PL.

Whilst the conversion of the existing funeral parlour to a convenience store would be largely facilitated through internal conversion of the ground floor of the property, the

proposal would see the installation of a new shopfront, blocking up existing windows and doors and the installation of a new roller shutter door at the property.

The proposed works to the first floor would see an existing 4-bedroom flat which covers the full extent of the first floor of the property converted into 2no. 2 bedroom flats. Each flat would benefit from external access onto the highway and would consist of the following layout: 2no. bedrooms, lounge, kitchen and bathroom. To provide window openings to the proposed flats an existing window would be blocked up and 3no. new openings would be created to the rear of the property.

SITE APPRAISAL

The application site relates to a vacant two storey commercial premises located along High Street in Tonyrefail. On its front elevation the property benefits from an existing commercial frontage, area for signage and roller shutter door which served the previous use as a funeral parlour. Adjoining the rear of the property is a vacant single storey warehouse/retail store which gains access from the yard to the rear. On its eastern side the property is abutted by an access lane which also serves as a public right of way (ANT/102/1). On its western side the property is attached via a single storey extension to no.70 High Street.

The surrounding area is residential in nature and characterised by various property types. Nevertheless, there are several commercial premises within the vicinity which include a 'Spar' convenience store and public house to the north west and a car repair garage to the south west.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

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

One letter of objection has been received from the occupiers of a neighbouring property. The points raised have been set out below:

- Allowing another shop in the area is going to make existing problems with cars being damaged and antisocial behaviour worse.
- Will result in parking problems outside properties 72-84 High Street.
- Sets out concerns with vehicles speeding along High Street and requests ramps or signage to reduce this.

CONSULTATION

Transportation Section: No objection or conditions suggested.

Public Health and Protection: No objection subject to conditions.

Countryside (Ecology): No objection raised.

Flood Risk Management (Drainage): No objection raised although condition suggested with regard to surface water drainage.

Dwr Cymru/Welsh Water: No objection raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 Tonyrefail and but is not allocated for any specific purpose.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 - sets out the requirements for new housing development.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported 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 placemaking, including landscaping.

Policy AW8- requires applications to be accompanied by appropriate ecological surveys and appraisals in the interest of preserving and protecting the area's natural heritage.

Policy AW10 - states that development will not be permitted where it would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy SSA4 – advises that proposals for residential and commercial development within the key settlement of Tonyrefail will be permitted subject to certain criteria.

Policy SSA11 – recommends a housing density of 35 dwellings per hectare unless a lower density is necessary to protect the character of the area or the amenity of existing and future residents.

Policy SSA13 – sets out the criteria for the consideration of development proposals within settlement boundaries

Supplementary Planning Guidance

- Design and Placemaking
- 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) sets out 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 WG's policy on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 18 – Transport

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 seeks permission for the change of use of the ground floor of the property from a funeral parlour to a convenience store and the subdivision of the existing first floor flat into 2no. self-contained residential units.

The application site is located within the settlement boundary and an established residential area of Tonyrefail. It is accessible by a range of sustainable transport options including bus, foot and bicycle; and has good access to key services and facilities within the Key Settlement of Tonyrefail. This site can therefore be considered a sustainable location for residential purposes in accordance with Policy AW2.

Whilst the renovation will result in the building changing from a funeral parlour to a retail store on the ground floor, which would likely lead to an intensification of use and some impact to the amenities of surrounding residents, both uses fall within Class A1 and therefore planning permission is not required for the change.

Taking the above into account, the principle of development is therefore acceptable subject to the criteria set out below.

Quality of accommodation

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Build advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In this instance the flats are of an acceptable size and each habitable room would have at least one window. Access is well overlooked and can be made from the

surrounding pavements and roads. Whilst the proposal does not benefit from external amenity space, it is located close to nearby public open space that is easily accessible from the property. As such, the proposal is generally considered to meet the requirements set out in the SPG and is considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the objectors have raised concern with regard the impact upon the amenity of neighbouring occupiers associated with the proposed retail use, as noted above, the proposed change of use at ground floor level would not require planning permission as both a funeral parlour and convivence store fall within the same planning use class, Class A1. Therefore, whilst these concerns are acknowledged, the change of use to a retail store could occur without the need of this application. Nevertheless, the Council's Public Health and Protection section set out that the operation of the ground floor retail store does have the potential to result in increased noise from associated activities. As such, they recommend conditions be attached to any consent restricting the hours of deliveries and collections and hours of working at the site. Whilst it is noted that the ground floor change of use does not require permission, this application gives the Council over the change, and when considering the more intensive use as a retail store, the inclusion of additional residential units above and the residential nature of the area surrounding the site, the conditions are considered reasonable and necessary and have been recommended below should Members be minded to approve the application.

With respect to the flats, it is not considered the subdivision of the exiting flat into 2 units would result in any detrimental impact upon the existing amenity and privacy standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of additional noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and typical of this residential area.

Furthermore, as the physical amendments proposed to the ground floor unit would not see the footprint of the property increased and relate mostly to internal alterations and minor external design changes, it is not considered this element of the proposal would cause any additional impact upon the residential amenity of neighbouring residents.

Whilst the proposed would see amendments to the existing fenestration which includes the creation of new openings, as the new fenestration is located solely on the front and rear elevations matching the existing arrangement, any overlooking impact is not considered to significantly increase in comparison to existing levels.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

Pedestrian access to the ground floor unit and first floor flats is to be retained from High Street, Tonyrefail. This is considered sufficient to serve the needs of all proposed. Vehicular access for stock delivery etc. is to remain from High Street via a roller shutter door. This is considered sufficient to serve the needs of the proposed retail unit.

The existing use requires up-to a maximum of 3 spaces for the first floor flat and 3 commercial vehicle spaces plus 1 space per 2 members of staff at the ground floor. This equates to 3 commercial vehicle spaces and roughly 5-6 off-street parking spaces. The proposed use of the first floor as two separate 2 bedroom flats requires 4 off-street parking spaces and the use of the ground floor in A1 requires 1 commercial vehicle space and between 2-3 off-street parking spaces. This equates to a maximum standard of 1 commercial vehicle space and 6-7 off-street parking spaces.

The changes in terms of off-street parking requirement as a result of the proposal are considered negligible. Neither the existing nor the proposed use provide any off-street parking and it is not feasible to do so. It is not considered that the change of use would result in either a significant increase or decrease to the parking requirements of the property and as such, whilst concerns are raised due to the lack of parking provided, a highways objection on this basis would not be practical. Further mitigating factors include the location of the property in an area where it is accessible by foot by the local populace and the highway adjacent to the premises is heavily controlled in terms of traffic and on street parking, with double yellow lines in place.

Taking the above into account, the application is considered acceptable in this regard.

Impact on the character and appearance of the area

The change of use would be largely facilitated through internal conversion of the building with external changes limited to revised fenestration and the creation of new access doors to serve the first floor flats and a new shopfront window. As such, it is considered that the proposals will not detract from the character or appearance of the area. It should also be noted that the redevelopment of the building would result in a positive contribution to the street scene through bringing a tired and dated property back into beneficial use.

Taking the above into account, the proposal is therefore considered acceptable in this regard.

Public Health and Protection

Following consultation Public Health and Protection recommended a number of conditions in relation to construction noise, waste and dust. Whilst these comments

are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

In their comments the Public Health and Protection also set out that conditions in relation to contaminated land should be included on any consent. However, the proposal does not propose any ground works or extensions of the property. As such, it is not considered that these conditions are necessarily in the instance.

Ecology

The Council's Ecologist was consulted during the consultation process to consider whether any ecological assessments were required during the consultation period. The following response was received: the proposal is not affecting the roof and attic spaces and there is no demolition involved this application. As such, the proposal would not trigger the Council's bat survey trigger list. In addition, a check of the SewBrec records shows that there is no existing recorded bat roost for this building.

Drainage

Following consultation, the Council's Flood Risk Management team raised no objection to the application. However, their response set out that there is a surface water conveyance route towards an unnamed ordinary watercourse south of the site and recommends a condition for the submission of a flood mitigation plan to be submitted. However, this area is located outside of the redline boundary for the application and no new development is proposed. As such, it is not considered that this condition is reasonable or necessary.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

However, the development is a conversion from existing floor space that was recently used as a residential flat. Therefore, in this instance, there would be no positive CIL charge.

Conclusion

The proposed development is acceptable in principle and involves the subdivision of an existing residential property to provide 2no. residential units in a sustainable

location within settlement limits. In addition, the proposal is not considered to result in any adverse impact upon highway safety, the amenity of surrounding properties or the character and appearance of the area. As such, the development is considered therefore to comply with the relevant requirements of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans

- Drawing No.01
- Drawing No.04
- Drawing No.05
- Drawing No.07

and documents received by the Local Planning Authority on 22/03/2022, 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 public opening hours of the ground floor retail store shall be as follows:

- Monday to Sunday – 07:00 to 22.00 hours

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Deliveries/collections, within/to/from the ground floor retail store shall be restricted to 08:00 – 18:00 Mondays to Saturdays. There shall be no such deliveries/collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.