

<b>DATE WRITTEN</b>	2nd November 2017
<b>REPORT AUTHOR</b>	Judith Jones
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<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	15th November 2017

**Application No.**  
P/17/0276

**Date**  
22nd September 2017

**Determining Authority**  
MTCBC

**Proposed Development**

**Location**

**Name & Address of Applicant/Agent**

Conversion of former Bontnewydd Hotel to 9 self contained flats with associated external works and car parking provision

Bontnewydd Hotel  
High Street  
Trelewis  
Treharris  
CF46 6AB

Sheargold Properties Ltd  
c/o CDS (Newbridge) Ltd  
F.a.o. Mr J Payne  
Cwmffynnon Cottage Twyn  
College  
Newbridge  
Gwent



## APPLICATION SITE

Councillor Colbran and Councillor Jago have requested this application be reported to committee in order to consider the concerns of local residents.

Bontynewydd Hotel is a detached, three-storey building (with a lower ground basement) set within the built up area of Trelewis. It forms a key building on the junction of High Street and a short side street which leads to Bontynewydd Terrace to the west. It is bound by a takeaway premise to the north, a small residential development site to the west and the highway to the north-east and south-east. Opposite the site are rows of traditional terraced houses. There is a bus layby along the area of highway at the front of the site which restricts on-street parking in this location. The corner of the junction is also restricted by double yellow lines. The surrounding area is predominantly residential in nature although there is a primary school and a small number of commercial properties within the immediate vicinity. The site is also located in close proximity to Taff Bargoed Millenium Park.

The building is located within the defined settlement boundary and is locally listed. The property has not been occupied since February 2015.

## PROPOSED DEVELOPMENT

Full planning permission is sought for the conversion of the former Bontnewydd Hotel, situated on High Street, to form 9 self-contained flats.

The conversion would be undertaken within the fabric of the existing building, with no increase to its footprint. The flats would be accommodated across the ground, first and second floor levels of the building. The basement area would provide storage facilities alongside an electric meter room and a laundrette facility. In summary, the proposal would provide 7 one bedroom flats and 2, two bedroom flats (3 flats on each floor). The original proposal put forward as part of this application also included a caretaker's room and a staff area. However, these rooms have been now omitted from the scheme.

The proposal also involves the re-instatement of existing door and window openings and the removal of the external rear staircase. However, the existing fenestration pattern would mostly be retained. The primary access to the flats would be served off High Street via the main entrance door.

A total of 6 off-street parking spaces are proposed, 5 of which would be provided within the yard area at the rear of the building. The remaining space would be provided by creating an under-croft arrangement within the existing two-storey rear annexe. Eight cycle spaces are also proposed along the north-eastern side elevation of the building.

The application is accompanied by the following:

- A Bat Survey
- A Design and Access Statement

## PLANNING HISTORY

There is no planning history relevant to the determination of this application.

## CONSULTATION

Engineering and Traffic Group Leader:	No objection.
Planning Division's Policy & Implementation Officer:	No objection.
Planning Division's Design, Heritage & Conservation Officer:	No objection.
Planning Division's Countryside Officer:	No objection.
Natural Resources Wales (NRW):	Raises no objection, but notes that a bat licence would need to be obtained from NRW.
Welsh Water:	No objection.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and two site notices were displayed within the vicinity of the building.

167 letters of objection have been received. The main objections and issues raised are summarised as follows:

- Concerns regarding the proposed use and that the building would be used as a 'halfway house'. The clientele that such uses could attract would have a detrimental effect on the residents of Trelewis.
- The proposed conversion of the building to flats is not suitable for the community.
- Questions are raised as to why the proposal includes a warden's room and staff area and why this area has not been used to increase the number of units available within the property; the concern being that this has been done purposefully by the developer to avoid disclosing the true use of the building.
- Lack of consultation undertaken with residents.
- The proposal would exacerbate parking and highway safety in an already busy locality which is in close proximity to a local primary school.
- The provision of only 6 parking spaces is inadequate for 9 flats and the proposal would place great pressure on the very limited amount of on-street parking available in the area.
- The amount of parking being proposed does not correspond with the amount of parking being provided for three new dwellings which are currently being constructed to the rear of the application site.

- Concern that the increase in traffic and congestion would present safety issues for school children in the area.
- Concern that there is not enough room within the site to provide adequate access and parking. Further concerns are also raised in relation to the safety risks associated with the access of the proposed bicycle parking as users will need to cross the public highway.
- Noise and disturbance to local residents as a result of vehicles reversing and manoeuvring in and out of the proposed car parking spaces.
- Concern that the proposal would lead to additional refuse bins and recycling boxes/bags being placed on the pavement, which would form a hazardous obstruction to pedestrians. The location of the bin storage next to a food premises raises further environmental concerns.
- It is noted that the external fire escape is to be removed which raises concern that the proposal would not comply with building and fire safety regulations.
- Concern that the existing drainage system does not have sufficient capacity for a development of this size.
- The windows in Bontnewydd Hotel overlook a large number of bedrooms in the area.
- The proposal will not comply with the Equality Act 2010, the Well-being of Future Generations Act and the Merthyr Tydfil County Borough Council's Well-Being Plan.

Two letters of support have also been received stating:

- The hotel has been empty for a number of years and the proposal to convert it to flats is a good idea as it will benefit the local community with affordable much needed housing.
- The building will not be left empty and will not be occupied by squatters.
- Adequate parking is being provided and there is ample off street parking locally at the rear of High Street and within the park which are all within a 1-2 minute walk.
- Parking is to be provided whereas no housing in High Street has parking.
- Storage will be provided for refuse and recycling.
- The hotel is in much need of having renovation to make the building look more pleasing.
- The proposal will stop vandalism, rats and anti-social behaviour.
- Increase of local housing value.
- There are talks of the primary school being moved to an alternative location which will make all parking and congestion issues void. A zig-zag pedestrian crossing is also in place for the safety of pedestrians.

## POLICY CONTEXT

### National Policy

Planning Policy Wales (PPW) – Edition 9, November 2016

Para. 9.1.1 states that in terms of new housing developments, the Welsh Government will seek to ensure that:

- Previously developed land is used in preference to greenfield sites;
- New housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- The overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Other relevant policy guidance consulted:

Technical Advice Note (TAN) 2 – Planning and Affordable Housing;  
 Technical Advice Note (TAN) 12 – Design;  
 Technical Advice Note (TAN) 18 – Transport;  
 Technical Advice Note (TAN) 23 – Economic Development

### Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy BW2 – Development Strategy – Secondary Growth Area  
 Policy BW4 – Settlement boundaries/location constraints  
 Policy BW7 – Sustainable design and placemaking  
 Policy BW8 – Development and the water environment  
 Policy BW12 – Development proposals and transport  
 Policy BW15 – Community facilities  
 Policy BW17 – Securing community infrastructure benefits  
 Policy AS22 – Affordable housing contributions  
 Policy TB11 – Access, parking and accessibility of local facilities

Supplementary Planning Guidance (SPG)

Note 1 – Affordable Housing (March 2012)  
 Note 2 – Planning Obligations (March 2012)  
 Note 4 – Sustainable Design (July 2013)

### PLANNING CONSIDERATIONS

Full planning permission is sought for the conversion of Bontnewydd Hotel, situated on High Street, to form independent residential units. The scheme seeks to provide 9 flats, ranging from single to two bedroom units, within the fabric of the existing building. The key considerations in the determination of this application are the potential impact of the development upon the character and appearance of the existing building and the surrounding area, and the potential impacts upon the privacy and amenity of neighbouring properties. The impact upon highway safety is a further consideration. These matters are discussed in detail below.

### Principle of the proposed conversion

The scheme seeks to provide 9 residential units, arranged over three floors, with communal laundry facilities in the basement. The building itself is located within settlement limits and within reasonable distance of the retail centre of Treharris and within walking distance of a number of local amenities and facilities within the surrounding built up area of Trelewis. The application site is also located on High Street which is a main bus route. Further to this, the proposal would result in the positive re-use of a vacant building which is in need of sympathetic restoration. The re-use and conversion of existing buildings in sustainable locations such as this often assist in the regeneration of the area whilst at the same time, relieve pressure for development on greenfield sites. In this instance, the proposed residential use of the building is considered compatible with surrounding land uses and is an acceptable form of development which accords with Policies BW2 and BW4 of the LDP.

Having assessed the proposed layout for the building and the amount of space available for each unit, it is also considered that the scheme represents an appropriate division and use of the space and does not represent over development of the site. While it is recognised that the proposed conversion would result in the loss of a community facility, the Council's records indicate that the public house has been vacant since February 2015. The Design and Access Statement accompanying this application also provides further evidence to show that the property has been appropriately marketed as a public house either to let or for sale since it was left vacant early in 2015. However, despite the efforts to market the premise, there was a lack of interest. As such, the owner at the time decided to sell the premise at auction in March 2017.

Policy BW15 of the LDP states that the:

*'The Council will protect and support the enhancement of the County Borough's community facilities, including schools, libraries, health centres, post offices, public halls, public houses...and proposals that would result in the loss of an existing community facility will only be permitted where alternative provision of at least equivalent value to the local community can be provided nearby, or; it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or; it can be demonstrated that there is no longer a viable community use for the facility'.*

In this respect, it is considered that the lack of interest in using the premise as a public house over the length of time stipulated above, demonstrates that this public house is surplus to the needs of the community. As such, it is considered that the proposal is in compliance with the requirements of Policy BW15 of the LDP.

### Character and appearance of the area

As detailed earlier in this report, Bontnewydd Hotel is locally listed and this local designation favours the retention of the building rather than its demolition. In order to convert and subdivide the building, it is necessary to carry out minor alterations to the fabric of the building, although the majority of these alterations would be undertaken to the less prominent rear and side elevations. The majority of the works

being proposed would be contained within the interior of the property. Importantly, the proposal involves no significant external changes to the key front elevation of the building. The historic and visually distinctive frontage of the building that positively contributes to the townscape would therefore be retained in its current form to the benefit of the visual amenity of the street scene. It is also noted that the existing pattern of fenestration would be retained and utilised with only limited additional openings being proposed, mainly through the reinstatement of openings at the rear of the building.

Therefore, given the limited nature of the external works proposed, the vast majority of the original character of the building would be retained, with the external appearance of the property remaining largely unaltered by the proposed conversion. The Council's Design, Heritage and Conservation Officer has assessed the proposal and has also raised no objection to the scheme noting that the building has a positive contribution to the character of the area and the re-use of the building is welcomed. While residents have raised safety concerns over the removal of the external rear fire escape, it is considered that the removal of this feature and the re-opening of concealed windows would represent a positive improvement to the appearance of this building. The fire safety aspects of the development would need to be fully assessed under Building Regulations.

In summary, it is therefore considered that the proposed re-use of the building for residential purposes would have a positive impact on the character and appearance of the locality and thus accords with Policy BW7 of the LDP.

### Residential amenity

With regard to the impact on neighbouring amenity, concerns have been expressed regarding the building overlooking a number of bedrooms and that the development of the rear parking area would give rise to a level of noise and disturbance. It is not considered that the re-use of the building for residential purposes would unduly compromise the amenities of nearby residents. It is noted that the site has historically traded as a public house and would have operated into the late evening and potentially resulted in a degree of noise and disturbance being experienced by local residents when patrons entered and left the public house premise. In comparison to the previous use, it is therefore considered the proposed residential use would be more compatible with neighbouring residential uses.

It is acknowledged that the building forms a significant feature in the street scene and a number of the window openings, serving the front of the building in particular, are situated within close proximity and direct sight of the front elevations of neighbouring residential properties (situated on the eastern side of High Street). However, the distance between the properties is considered to be sufficient to ensure that there is no unacceptable loss of privacy and the relationship is reflective of the terraced streets surrounding the site.

While some concern is raised in relation to the potential disturbance that may arise as a result of vehicle movements to and from the proposed rear parking area, it is not considered that the level of activity would be so significant to give rise to an unacceptable level of noise or disturbance. Comments that have been raised by

residents in relation to such matters as the likely occupiers of the building and the negative impact such uses could generally have on the community are all acknowledged. However, the occupiers of the flats is not a matter that can be controlled by planning legislation and as such is not a material planning consideration. Notwithstanding this, the agent has confirmed that the building would not be used as a 'half-way house' and that the flats would be sold privately.

As detailed previously, there are no major external alterations being proposed to the form and scale of the building and arguably the use of it for residential purposes represents the most compatible and viable option for the building that would be least disruptive to surrounding residential properties. As such, the proposal accords with Policy BW7 of the LDP.

### Highway safety

A number of concerns have been expressed, fearing that the proposed use would exacerbate parking problems in the area. In order to aid in the assessment of the scheme, consultation has been undertaken with the Council's Engineering and Traffic Group Leader. In this respect, it is noted that no highway objections have been raised to the proposal. In arriving at this conclusion, careful consideration has been given to the key issues that affect this proposal including the existing established use and access, parking, proximity to local amenities and cycle parking.

In terms of off-street parking and traffic movements, it is considered that the existing use would have a greater demand for parking and certainly result in more (and larger vehicular) traffic movements than the proposed use. Notwithstanding this, the presence of traffic regulations orders to the front of the site and partially to the side (next to the junction) would prevent on street parking in these locations. The application site is also in a sustainable location where many day-to-day facilities can be accessed on foot, by bicycle or by using public transport. As a consequence, residents may choose not to own a car. The six car parking spaces proposed for this development is therefore considered acceptable.

On the basis of the above, it is not considered that the development would have a detrimental impact on highway safety and the free flow of traffic in the area and is compliant with the requirements of Policies BW12 and TB11 of the LDP.

### Bats

The application is accompanied by a bat survey prepared by BE Ecological LTD dated September 2017, which identifies a day roost for 3 single common pipistrelle bats at the proposed development site. The report has been examined by Natural Resources Wales (NRW) and the Council's Countryside Officer who have raised no objection to the proposal. Natural Resources Wales have advised that they are of the view that the proposed development is likely to give rise to the need for a licence application and a condition has been suggested which would require the developer to obtain this licence from NRW prior to the commencement of works. However, NRW has concluded that the development is not likely to be detrimental to the maintenance of the population of the species concerned. The imposition of a



condition as suggested by NRW in this case would duplicate controls covered by the Conservation of Habitats and Species Regulations 2010.

### Drainage

Concern has been raised by a local resident that the existing drainage system does not have sufficient capacity for a development of this size. Despite these concerns, neither Welsh Water nor the Council's Engineering and Traffic Group Leader have objected to the proposed development and in the absence of any substantive evidence to the contrary, this claim cannot form any basis for a refusal of planning permission.

### Other matters raised by residents through the publicity exercise

Concerns have also been raised relating to refuse storage provision for the proposed development, or the perceived lack thereof. It is considered that sufficient refuse space has been provided within the site for the storage of bins. The management of this area from an environmental point of view is ultimately a matter for the owners. While it is inevitable that refuse bins would need to be located on the pavement on collection days, this situation is no different to the arrangement of any other terrace house in the area. Furthermore, the previous use of the site as a hotel/public house would most likely have generated a significant amount of commercial waste which arguably would have resulted in larger, commercial style bins being stored on the public highway. While the concerns raised in this respect are accepted, this issue is not considered to be a reason to refuse planning permission.

Claims that the site could be put to a better use are noted, however, the Committee has to consider the proposal the subject of this report and not any alternative suggestions.

The concern that the developer did not undertake consultation with existing residents is not a material planning consideration. There is no requirement for pre-application consultation to be undertaken with neighbouring residential properties for a development of this size (i.e. it is not a major application where such consultation must be undertaken by the applicant)

With respect to claims that the development contravenes the Equality Act and the Well-being of Future Generations Act 2015, this proposal would allow a substantial, vacant building to be brought back into beneficial use for the purpose of housing. It would help to provide housing, in an area which is situated within walking distance to local amenities and services as well as public transport. It is acknowledged that local residents have concerns that the proposal will exacerbate highway problems in the area and on-street parking is in high demand, however, sufficient weight must be given to the planning merits of this scheme and, in particular, that a public house could have greater impacts on the community in terms of traffic movements, noise and disturbance and on-street parking than the flats being proposed.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been

taken into consideration when determining this application. In this respect, it is noted that the Council's Local Development Plan puts sustainability at its core. Delivering a mix of quality housing through the re-use of vacant buildings or brownfield land, within existing settlements, is key. The ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

### Planning Obligations

Policies BW17 and AS22 of the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 consider the requirement for planning obligations and affordable housing contributions on all residential schemes. On proposed residential developments of less than 10 units or where it can be demonstrated that on-site provision for affordable housing is not possible, the Council will require a financial contribution towards the provision of affordable housing elsewhere in the corresponding growth area of the LDP.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy & Implementation Group Leader. In this instance no planning obligations for the provision of affordable housing or any other contributions have been sought as this would likely render the development financially unviable. In order to come to this conclusion, an assessment has been carried out using the Three Dragons Toolkit.

### Conclusion

The determination of this application requires careful judgement of each of the issues that the application raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Objections have been received in relation to the likely impact such a proposal would have on general highway safety issues within the locality. While such concerns are appreciated, the historic use of the site would have generated significant traffic movements and demand for parking spaces (and would again should the building be re-opened for A3 planning purposes). The proposal does cater for some off-road parking provision and the broader merits of the scheme, which would bring about the re-use of a prominent, locally important building, whilst retaining the building's character, are considered to outweigh any negative impact of the scheme. It should also be noted that two letters of support have also been received. Whilst these recognise that there are parking restrictions in the area, they highlight that this is characteristic of the housing in the area and that the scheme would provide some parking while also providing the community with affordable, much needed housing.

Having taken account of all the issues outlined above, the application is considered to be acceptable in planning terms and is in line with local development plan policy and the policy framework of Planning Policy Wales.

Accordingly the following recommendation is made:

**RECOMMENDATION: BE APPROVED subject to the following CONDITIONS**

1. The development shall begin not later than five years from the date of this decision.

**Reason** - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing number 204 R1 - Proposed basement plan received on 18.10.2017  
Drawing number 201 R2 - Proposed ground floor plan received on 02.11.2017  
Drawing number 202 - Proposed first floor plan received on 22.09.2017  
Drawing number 203 - Proposed second floor plan received on 22.09.2017  
Drawing number 209 R2 - Proposed site plan received on 02.11.2017  
Drawing number 206 R2 - Proposed front elevation D received on 02.11.2017  
Drawing number 205 R2 - Proposed side elevation B received on 02.11.2017  
Drawing number 207 R2 - Proposed rear elevation C received on 02.11.2017  
Drawing number 208 R2 - Proposed side elevation A received on 02.11.2017

**Reason** -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **Prior to** the installation of the access gate located in the north-eastern (front) boundary, details of the gate to be used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out 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 and adjoining buildings in the interests of visual amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

4. **No flat shall be occupied** until space has been laid out within the site in accordance with drawing numbers 204 R1 and 209 for 8 secure cycle stands and 6 off-road parking spaces. The spaces and stands shall thereafter be kept available for such purposes in perpetuity.

**Reason** - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

## **INFORMATIVES**

1. Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under a licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. For further advise on this matter please contact Natural Resouces Wales on 03000 653074.
2. Surface water from the proposed development should not discharge onto the public highway or connect to any highway drainage system.