

Y Swyddfa Gymreig

Parc Cathays

Caerdydd CF1 3NQ

**Welsh Office**

Cathays Park

Cardiff CF1 3NQ

COMPASS	
DCP	
D/BASE	

Telex 498228

Telephone (Switchboard) 0222 825111 GTN Code 2064

(Direct Line) 0222 82 3797

Messrs Peter Price & Partners

Solicitors

45 Gelligalled Road

Ystrad

RHONDDA

Mid Glamorgan CF41 7RQ

Ein Cyf/Our reference

P54/234

Eich Cyf/Your reference

CJL.CTC.67

Dyddiad/Date

E 6 JUN 1986

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MESSRS C S SAINT AND W C PRICE

APPLICATION NO:- 54/84/0861

1. As you know I have been appointed by the Secretary of State for Wales to determine the above appeal. This appeal is against the decision of the Rhondda Borough Council to refuse planning permission for the change of use from part residential and part storage to bar/wine bar/lounge on the first floor of the Pentre Hotel, Llewellyn Street, Rhondda. I held a local inquiry into the appeal on 23 April 1986.

2. The appeal site is a 2-storey stone-built terraced building, with a single-storey rear addition, that is used on the ground floor as a public house and adjoins to the south a 3-storey building divided into flats. The building is directly on the pavement and off the centrally located small front lobby is, to the south, a lounge bar and another bar area containing 2 pool tables and TV. On the other side is a small kitchen and large disco extending the whole depth of the building and containing some 40 seats, bar area, dance floor and fire exit at the rear. The windows to the front have been blocked up. The centrally located bar serves the whole of the ground floor. A staircase off the front lobby leads up to a self-contained flat at present unused, consisting of a living room, kitchen, bathroom, WC and 3 other rooms and containing stored furniture and other materials.

3. The premises are separated from a repair garage to the rear, set well above the site at first floor level, by a small rear yard. Access to this is off a courtyard at the rear of the flats to the south. Two open staircases in the courtyard lead to the flats and there is an archway through to the main road. The area is, in general, mixed residential and commercial including a petrol filling station to the north and a club and closed licensed premises to the south. However in the immediate vicinity of the site both opposite and just to the south are terraced residential properties. Llewellyn Street is the main A4058 road through the valley and parking is not permitted on the east side. Opposite the premises parking is permitted although there is a bus stop just to the south.

4. For your clients it was explained that the premises were one of the longest established licensed premises in the Rhondda, initially constructed as a public house and hotel at the beginning of the century. They were purchased in 1982. At that time a tenant was living in the upstairs 2 bedroom flat where your client lived until May 1984. As well as a Justices' licence there is a late hours certificate, granted in 1924, with no limitation as to days of the week during

which food has to be provided up to 12 midnight. At present the ground floor is too congested and it is intended to move the disco upstairs in order to give more room. The disco and live entertainment, for which there is a public entertainment licence up to 11 pm, is operated on 3 nights of the week and there are no plans to extend this.

5. At present bar snacks are served and the intention would be to have a restaurant downstairs, as well as the existing lounge and TV room. Upstairs would be open plan for the proposed disco and lounge in which drinks only would be served from a central bar. The premises can hold up to 200 people at peak times now while the upstairs could take up to about 120 people. The first floor would be sound-proofed, the only external opening being an emergency door at the rear, and the windows would be blocked up or double glazed. Ventilation would be obtained by means of self-contained air purifiers and an automatic cut-out could be attached to the music equipment. The building would also be improved and painted. There is no right of access for the public through the yard of the flats to the rear of the premises.

6. On the matter of possible disturbance, a condition similar to that imposed on the nearby Kings Hall Hotel, which closed in January and is now on the market, would be acceptable to the effect that adequate precautions be taken to ensure no nuisance is caused to local residents. In this case the internal facilities are merely being extended. The police have no objection and any past disturbances have not necessarily arisen from customers of the public house as it is on a main valley route with many pedestrians from other public houses. While it is not possible to provide any parking, there is public transport in the vicinity and customers should not drive.

7. You question the need for planning permission as the premises have been used as a public house and hotel since early this century. The property should be looked at as a whole and not in different parts with a different use for each.

8. The council stated that although the area was originally commercial in nature, this has been significantly reduced and there are numbers of residential properties immediately adjacent and opposite. There is no indication that the upper floor has ever been used for licensed purposes, but it has been used as a flat for a number of years. If the use of the premises is intensified it will cause disturbance to local residents as complaints have been made about the operation of the existing public house, the number of customers will undoubtedly increase and no control can be made of disturbances generated by people entering and leaving the premises. Noise and disturbance tend to be more obtrusive in residential areas as the evening progresses.

9. The A4058, which runs through Pentre, is heavily trafficked and parking takes place on one side of this road, but there is no capacity for the additional parking needs that the proposed development will generate. Also additional congestion of the main road would occur to the detriment of the free flow of traffic.

10. A local resident, Mr Woods, stated that he had lived opposite the site for 44 years and during this time the upper floor had been used only as living quarters. The flats next door were originally part of the premises as a commercial hotel, but this had ceased since 1947 for some time until taken over by the council. During the last 2 years the noise from the premises on Thursdays, Fridays and Saturdays had been unbearable, especially from the bands. It is impossible to go to bed until 12.40 am because of disturbance from people and cars leaving the area, some of whom stay until 2 am.

11. Mr Adlam has lived in the top flat next to the premises for 4 years and represents all the residents of the 6 flats. It has 3 windows to the front and 3 to the rear. On one occasion the police had to be called at 1.30 am because of the noise from the music. The proposed development would be next door and even worse. Another local resident, Mr Lloyd, confirmed that police had been called because of trouble in the street outside the premises.

12. On the question of whether planning permission is required, it is clear that the first floor of the building, although largely unused at present, has been used as residential accommodation for very many years up to 1984. It has never been used for hotel or licensed purposes. While the flat shares the main entrance with the public house, it has sole use of the stairs and appears to be otherwise self-contained in a manner similar to that commonly found above a shop. Therefore, while the premises may form a single unit of occupation and planning unit, it is used for 2 distinct purposes. As a matter of fact and degree therefore I consider that the building has a dual use for residential purposes on the first floor and as licensed premises on the ground floor and the proposed change to a single use as licensed premises requires planning permission.

13. From the evidence given at the inquiry, the submissions and representations made, and from my inspection of the site and the surrounding area I consider that the main matters at issue are whether or not your clients' proposals would result in undue additional noise and disturbance detrimental to neighbouring residential amenities and would exacerbate the parking problems of the area.

14. The site is not within an area allocated for any particular purpose on the approved Rhondda District Plan, although the properties opposite are within a shopping zone annotated RETI in the plan. Many of these, however, are in residential use.

15. The proposed development would, in effect, substantially increase the floor area available for public use and the potential capacity of the building could expand by up to 120 people. It is evident from representations from local residents that late night noise from within the building can be very considerable, despite the soundproofing, and in my own experience the bass notes of amplified music can cause particular annoyance some distance from their source. The proposal to move the public entertainment area upstairs would bring this noise source even nearer to the adjoining flats with a window and proposed fire escape directly overlooking the courtyard very near to the rear windows of these flats. Furthermore the comings and goings of additional clientele and their cars would be likely, to my mind, to add significantly to the existing disturbance on the street that is experienced by nearby residents and which it would not be possible to control by way of conditions.

16. On-street parking is very limited in the vicinity of the appeal site and is well utilised. It is inevitable that a certain proportion of your clients' clientele will travel by car which would further exacerbate these on-street parking problems; such problems lending added weight to the planning objections to the proposed development.

17. I appreciate your clients' wish to expand the business on the site but it closely adjoins residential properties and the resultant likely increase in activities would be at the expense of the reasonable expectations of local residents to be protected from unacceptable nuisance from noise and disturbance, especially late at night when ambient noise levels are lower. I have taken into account all the other matters raised but do not find them of sufficient importance to outweigh the considerations that have led me to these conclusions.

18. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

D. Sheers

D SHEERS BA DipTP MRTPI
Inspector

Gravesham Borough Council

APPEARANCES

FOR THE APPELLANTS

Mr C Lewis

- Solicitor of Peter Price & Partners.

He called:

Mr W C Price

- Appellant.

FOR THE PLANNING AUTHORITY

Mr R Jones

- Assistant Solicitor, Rhondda Borough Council.

He called:

Mr R Smith DiPTP MRTPI

- Senior Assistant Planning Officer.

INTERESTED PERSONS

Mr D Woods

- 68 Llewellyn Street, Pentre, Rhondda.

Mr Adlam

- 3 Llewellyn Place, Pentre, Rhondda.

Mr D G Lloyd

- 42 Llewellyn Street, Pentre, Rhondda.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Notices of inquiry and list of those notified.

Document 3 - Bundle of 5 letters from local residents.

Document 4 - Extract from report to the Development Services Committee.

Document 5 - Rhondda District Plan.

Document 6 - Copy of appeal decision letter P54/224.

PLANS

Plan A - Application Plan.

Plan B - Scale 1:1250 land use plan of the area.

Plan C - Location of objectors to the proposed development.

Plan D - Extract from Rhondda District Plan.

PHOTOGRAPHS

Photo 1 - Site from the north.

Photo 2 - Site from the south.

Gravesham Borough Council