



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0349/10 (KL)
APPLICANT: Mr Zehetmayr
DEVELOPMENT: Change of use from hotel into 9 flats (Preliminary Bat Roost and Nesting Bird Assessment rec. 28/09/2020)
LOCATION: APOLLO BUILDING, ABER-RHONDDA ROAD, PORTH, CF39 0LD
DATE REGISTERED: 08/09/2020
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve

REASONS:

The application site is located within a highly sustainable location where the principle of converting a suitable structure to self-contained flats is considered to be acceptable.

The proposal would provide an opportunity to bring a long-standing vacant building back into beneficial use and improve the visual amenity of this prominent 'landmark' building which would have a positive impact upon the character and appearance of the surrounding area.

The building would not be subject to any significant changes with the majority of the works being carried out internally. Although the residential use of the building may result in some noise and disturbance, this would be acceptable, given its previous use as a bar/restaurant/nightclub and the location of the site in a mixed-use area.

The quality of the accommodation proposed is also considered to be acceptable and it is not considered that the health and well-being of potential future occupiers of the flats would be adversely affected.

The proposal includes provision for up to 9 no. off-street car parking spaces which is an improvement to the current situation and it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site.

Furthermore, the proposal is considered to be acceptable in terms of the impact it would have on Protected Species and land drainage.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the conversion of the existing property from a bar/restaurant/nightclub to 9 self-contained flats.

The proposal would result in only minor changes to the external appearance of the property with the window openings that are currently blocked up being reinstated and the partial blocking up of an existing doorway and replacement with a window to the front elevation, and the blocking up of a doorway and re-arrangement of existing windows in an existing single storey projection at the rear. A single storey and two-storey projection at the rear would also be demolished.

Accommodation would be provided over 3 floors with 3 flats at ground floor, 3 flats at first floor and 3 flats at second floor. All flats would be accessed from either segregated or shared entrances off Aber-Rhondda Road and would each consist of an open-plan kitchen/living area and two bedrooms with either 2 en-suite shower rooms or 1 en-suite shower room and 1 separate bathroom. The basement would be retained for bin storage, cycle storage and general storage purposes (existing ramped access to rear to be retained).

A total of 9 off-street car parking spaces would be provided to the rear of the building with access off Aber-Rhondda Road via the lane to the south-eastern elevation.

In addition to the standard plans and documents, the application is accompanied by the following:

- Bat and Nesting Bird Survey report (Dated October 2020).

SITE APPRAISAL

The application property relates to a large three-storey building that is located on Ty-Newydd Square where Rheola Road meets Aber-Rhondda Road and Cemetery Road in Porth. The property is a large and prominent building that directly fronts the street. It curves around the junction and links to existing properties on Cemetery Road. An adopted lane runs along the south-east facing side elevation which provides access to the rear of the building and to garages/rear gardens associated with existing residential properties in Rheola Road and Cemetery Road.

The property is currently vacant however, it has been previously in use as a hotel and a restaurant/bar/nightclub.

The surrounding area is characterised by a mix of both residential and commercial properties with traditional terrace-style residential properties to the south-east (Rheola Road), some commercial and residential dwellings/flats to the west (Cemetery Road) and the entrance to a bus depot and further commercial and residential properties to the north-east (Aber-Rhondda Road). Pont Newydd Medical Centre lies to the rear of the site.

PLANNING HISTORY

16/0910	Apollo Building, Aber-Rhondda Road, Porth	Proposed change of use of former bar/restaurant/nightclub to 6 no. self-contained flats	Grant 10/11/2016
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PUBLICITY

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

Residential amenity and privacy

- Concern is raised that the development would overlook existing residential properties;

Highways and Parking

- Concern raised in relation to parking;
- The proposed parking would block access to a garage which is part of no's. 1 & 2 Cemetery Road and which is in constant use.
- There should be rules about no parking;
- The side road between the Apollo building and no. 8 Aber-Rhondda Road provides access to the garage at no. 8, to the rear of no's. 6 & 7 as well the health centre;
- The lane has been used for parking by the residents of no's 6-8 for at least two decades;
- The proposal to provide 9 spaces at the rear of the Apollo is unrealistic and the Council should remove all parking from the plans;

Other

- Raises questions over bin storage;
- The Apollo building has placed industrial waste bins to the access road – these should be at the rear.

CONSULTATION

The following consultations have been received in relation to the application:

Countryside, Ecology and Landscape: No objection, subject to condition to secure the details of Section 6 (Mitigation/enhancement) of the Bat Survey. It is also advised that an European Protected Species (EPS) License is required.

Flood Risk Management: No objection, subject to condition to secure full drainage details and an advisory note to draw the applicant's attention to the need to apply for Sustainable Drainage Approval.

Natural Resources Wales: No objection. Advises that an European Protected Species (EPS) License is required.

Highways and Transportation: No objection, subject to a condition relating to the provision of the access and parking facilities shown in the submitted plans being laid out prior to the development being brought into use.

Public Health: No objection, subject to conditions relating to demolition, hours of operation, noise, dust and waste. It is also advised that there is potential for hazards associated with land contamination to exist on site.

Welsh Water: No objection, subject to conditions and advisory notes relating to surface water drainage, sustainable drainage approval, connection to the public sewer, location of the public sewer and water supply.

Western Power Distribution: Advises that a separate application to WPD will be required if a new connection or service alteration is required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and is not allocated for any specific purpose. As such, the following policies are considered to be relevant to this application:

Policy CS1: emphasis on building strong, sustainable communities.

Policy AW1: sets out ways that the supply of new housing will be met, including the conversion of suitable structures to provide housing.

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 place making, including landscaping.

Policy AW8: seeks to preserve and enhance natural heritage by protecting it from inappropriate development.

Policy AW10: development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA12: details criteria for housing development within and adjacent to settlement boundaries.

Policy NSA13: states that conversion of large buildings for residential purposes will be permitted where it can be demonstrated that the site is located within the defined settlement boundary, the building is of historic or architectural importance and makes a valuable contribution to the townscape and there is no economically viable alternative use.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Development of Flats

Nature Conservation

Planning Obligations

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 10 (PPW) sets out the 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 the WG's policy on planning issues relevant to the determination of planning applications.

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.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
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

The application seeks to convert an existing building from a hotel/restaurant/nightclub to 9 no. self-contained flats. The site is located within the defined settlement boundary and within close proximity to the defined retail centre of Porth, which is identified as a Key Settlement within the Northern Strategy Area. As such, the site has good access to a number of key services and facilities and is accessible by a range of sustainable transport options with both bus stops and a train station within reasonable walking distance. The site is also conducive to travel on foot and bicycle. Furthermore, the area immediately surrounding the site is characterised by a mixture of residential and commercial properties and the residential use of the site would therefore not conflict with surrounding uses. It is noted that a Zone C2 floodplain is located in the vicinity of the site however, the site does not fall within it. The site is therefore considered to be situated within a highly sustainable location and, consequently, the proposal complies with the main objectives of Policy AW2.

It is noted that the site has been vacant for a number of years and is currently in a poor state of repair. The proposal would therefore ensure the re-use of an under-used building and would vastly improve the overall visual appearance of the site whilst also providing high quality, affordable accommodation that would promote diversity in the residential market, thereby complying with Policy CS1. The building is of a considerable scale, is considered to have some architectural merit and, given that it has been vacant for quite some time, an economically viable alternative use is unlikely (Policy NSA13).

Furthermore, an application for the conversion of the building to 6 self-contained flats was approved in 2016 and the residential use of the site has therefore already been established.

In light of the above, the principle of converting the property to residential flats is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application site is located in a visually prominent location on Tynewydd Square and, given its current vacant state and the fact that a number of windows and doors have been boarded/blocked up, it does not contribute positively to the visual amenity of the area. The proposal would therefore bring a vacant and under-used building back into beneficial use and would provide an opportunity to improve the appearance of the building and subsequently the wider area.

The Council's SPG: Development of Flats states that where existing buildings are of an attractive character, care should be taken to retain existing facade details and patterns of fenestration, or changes should be made in a sympathetic manner which respects the appearance of the building. Whilst the proposal would involve the demolition of part of the building, these works would be carried out at the rear of the building where they would not be visible from the street scene. The principal elevation of the property would only undergo minor alterations with the existing façade and fenestration details being retained. No building works are proposed to extend the footprint of the building and, as such, it is not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area.

Taking the above into account, the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed conversion would predominantly be undertaken through a number of internal alterations with only minor works being carried out to the physical external fabric of the building. It is noted that some demolition work would be carried out at the rear however, no building works are proposed to increase the footprint of the building. As such, it is not considered that the proposal would give rise to any additional overbearing or overshadowing impact that would be detrimental to the amenity of existing properties surrounding the site. Furthermore, there would be no alteration to the window layout and it is therefore not considered that the privacy of surrounding residents would be adversely affected, although it is recognised that a number of windows have been boarded up for quite some time. In any case, it is not considered that the re-instatement of the existing window opens would give rise to any adverse overlooking impact that would be over and above that which could occur if the building was re-used as a bar/restaurant/nightclub.

It is noted that the proposal to provide 9 residential flats would result in some degree of noise and disturbance in terms of activity associated with the comings and goings of residents and general noise associated with residential uses. However, the site is located in an area that is characterised by both residential and commercial properties and it is therefore considered that existing residents would already be accustomed to some degree of noise and disturbance. Furthermore, it is likely that the previous use of the site as a hotel/restaurant/nightclub would have resulted in a far greater impact in this respect.

In terms of the amenity and privacy of potential future occupiers of the proposed development, the Council's SPG: Development of Flats states that new flats should provide an acceptable quality of accommodation for residents. It states that flats should be of a suitable size and habitable rooms should have a reasonable outlook and level of natural daylighting and ventilations. They should also have a main entrance to the front of the building and have access to either private or communal outdoor space.

It is considered that the level of accommodation proposed is reasonable with adequate space provided within each unit for future occupiers to carry out day to day tasks. Each unit would have a number of windows within the main living areas (living rooms/kitchens and bedrooms) which would ensure that a good level of natural daylight and ventilation could be achieved. Furthermore, each unit would have a main entrance to the front of the building that would be well overlooked and there is some outdoor space provided at the rear of the property, although it is noted that this would predominantly be used to park vehicles.

Consequently, it is not considered that the proposal would have an adverse impact upon the amenity and privacy of existing neighbouring properties or upon the health and well-being of future occupiers. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Development of Flats.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation Section to determine the potential impact of the proposal on highway safety in the vicinity of the site. The response received indicates that no objection is raised, subject to a condition being added to any grant of planning consent. The comments received are summarised as follows:

Access

The application site is located on the junction of Aber-Rhondda Road and Cemetery Road, Porth. There are traffic regulation orders in place to the front of the building

which prevents on-street car parking from taking place (2 no. zebra crossings and double yellow lines). Both roads are classified and provide safe access to the site.

There is an adopted lane to the rear which is accessed off Aber-Rhondda Road/Rheola Road via a 5.6 metre lane which narrows to 3 metres towards the rear. The visibility at the junction with Aber-Rhondda Road/ Rheola Road is in excess of 2.4 metres x 40 metres, which is acceptable.

Parking

The existing use as a nightclub/bar/restaurant would require 1 space per 5 square metres for the bar and nightclub and 1 space per 14 square metres for the restaurant. However, being a community facility with no off-street parking provision, it is anticipated that the majority of trips would be taken on foot or by public transport.

The proposed change of use to 9 no. 2 bedroom flats requires up to a maximum of 18 spaces for residents and 2 spaces for visitors which equates to a total requirement of 20 spaces. The proposal provides for 9 spaces at the rear (1 per flat).

There is some concern with regards to the shortfall in off-street car parking provision however, taking into account the sustainable location of the site in close proximity to public transport and local amenities, the off-street car parking proposed is considered to be acceptable.

It is noted that the proposed car parking would block access to an existing garage that is not within the site and is owned by another party. However, this is a private matter between the landowner and the owner of the garage.

It is also noted that existing residents currently park in the lane and that the proposal would remove this opportunity. The lane is an adopted highway and therefore it should only be used for access only. As such, the highway authority cannot refuse access to the spaces proposed.

Cycle Parking

A total of 9 no. secure cycle stands are proposed which goes some way to mitigate the impact of the shortfall in the maximum standards for off-street car parking. This will also promote sustainable modes of travel.

Taking the above comments into consideration, the proposal is acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The Council's Flood Risk Management team have assessed the application in order to determine the potential impact of the proposal on land drainage. The comments received indicate that there is a high surface water risk that runs down both Cemetery Road and Aber-Rhondda Road. This reaches Tynewydd Square where there is a further high surface water risk to the front of the property. The risk of flooding is further evidenced by the site being situated within an investigation area as identified with Rhondda Cynon Taf County Borough Council's Flood Risk Management Plan and the applicant should therefore be made aware that there is a history of ground water flooding associated with this property and that ground water flooding has affected the internal structure of the basement of this property.

It is also noted that the hardstanding to the rear of the site would be altered and, given that this exceeds the 100 square metre threshold, a separate application for Sustainable Drainage Approval will also be required (advisory note).

The applicant has not provided full surface water drainage details and so it is difficult to assess the potential impact of the proposal in respect of flood risk. Therefore, a condition is recommended to secure full drainage details prior to commencement of any works.

Taking the above comments into account, it is considered that the proposal could be made acceptable in terms of the impact it would have on flood risk, (subject to condition) and the application would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The application is accompanied by a Bat and Nesting Bird Survey (dated October 2020) which has been assessed by the Council's Ecologist and Natural Resources Wales. The survey found that 3 species of bats were found roosting in the building (Common Pipistrelle, Soprano Pipistrelle and Brown Long-Eared) however, no evidence was found of past or current nesting birds. The survey recommends a number of mitigation/enhancement measures, including the provision of bat access slates, the provision of a bat loft, the use of bitumen felt in all roof areas and the provision of two bat boxes.

The comments received from the Council's Ecologist raise no objection to the proposal however, it is recommended that a condition be added to any grant of planning to

secure details of the mitigation measures set out within the report prior to commencement of the works. NRW also raise no objection to the proposal however, an European Protected Species (EPS) Licence will be required.

In light of the comments received, it is considered that the proposal can be made acceptable in terms of the impact it would have on protected species (subject to a condition) and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health

The Council's Public Health and Protection section have recommended that a number of conditions be added to any grant of planning consent in respect of building regulations, hours of construction, noise, dust and waste. These are issues that are better dealt with by separate environmental health legislation and it is therefore not considered necessary to duplicate this through the imposition of planning conditions.

Other issues raised by objectors

It is noted that a number of objections have been received from local residents which raise concern over bin storage. The proposal includes a bin storage area within the basement which will ensure that no bins are kept on the highway to the front or side of the site. The plans indicate that this area can be accessed internally and via an external ramp to the rear of the building. The applicant has confirmed that bins/recycling would be brought out onto Aber-Rhondda Road/Rheola Road on bin collection day and the Council's Waste Services team consider this to be acceptable.

One letter of objection also suggests that the lane to the side of the application property provides access to the Pont Newydd Medical Centre. This is not the case. The medical centre benefits from its own dedicated access approximately 55 metres to the south-east of the application site.

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 lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of developing the site for residential

purposes, the impact the proposal would have on upon the character and appearance of the site and surrounding area, the impact it would have upon residential amenity, the impact it would have upon highway safety in the vicinity of the site, ecology and drainage (Policies CS1, AW1, AW2, AW5, AW6, AW7, AW8, NSA12 and NSA13).

RECOMMENDATION: Grant

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 and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan (rec.14th April 2020);
- Drawing no. PP/800: Proposed Basement Plan (rec. 14th April 2020);
- Drawing no. PP/900: Proposed Ground Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1000: Proposed First Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1100: Proposed Second Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1200: Proposed South Side Elevation (rec. 14th April 2020);
- Drawing no. PP/1300: Proposed East Side Elevation (rec. 14th April 2020);
- Drawing no. PP/1400: Proposed West Side Elevation (rec. 14th April 2020);

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Building operations shall not be commenced until full details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished 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, in the interests of visual amenity and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking facilities for 9 vehicles, shall be laid out in accordance with details the submitted plan PP/900 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Drainage including full drainage details have been approved in writing by the Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to commencement of development, details of the bat and nesting bird mitigation/enhancement measures set out in Section 6 of the submitted Bat and Nesting Bird Survey Report (dated October 2020) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented, retained and maintained for the design purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

- a. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- b. Materials and construction to ensure long lifespan of the feature/measure;
- c. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- d. Details of when the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales ed. 10.

7. The area detailed for the storage of bins on drawing no. 2109 – 007 shall be laid out prior to the beneficial occupation of the flats. The area shall be retained as such in perpetuity.

Reason: In the interests of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.