



## **PLANNING & DEVELOPMENT COMMITTEE**

**4 NOVEMBER 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0185/10 (GH)  
**APPLICANT:** LIFESTYLE DIMENSIONS LTD  
**DEVELOPMENT:** Conversion of former public house/hotel into 14 no. self contained flats. (Bat survey received 27th August 2021, revised site layout plan, to incorporate off-street parking received 8th September 2021)  
**LOCATION:** FORMER GORDON HOTEL, 60 GELLI ROAD, GELLI, PENTRE, CF41 7LY  
**DATE REGISTERED:** 27/08/2021  
**ELECTORAL DIVISION:** Ystrad

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**RECOMMENDATION: GRANT SUBJECT TO A SECTION 106 AGREEMENT AND THE CONDITIONS BELOW:**

**REASONS:** The development would result in the beneficial re-use of a vacant and increasingly derelict building in a highly sustainable location. The proposed flats would provide a welcome contribution towards the local housing supply and result in a considerable improvement to the appearance of the property and street scene.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

#### **APPLICATION DETAILS**

Full planning consent is sought to convert the former Gordon Hotel at 60 Gelli Road, Gelli, to provide 14 flats.

The accommodation would be arranged over all four floors to include the following:

Basement: 2 x one-bed flats, communal laundry room and storage space.  
Ground Floor: 4 x one-bed flats  
First Floor: 4 x one-bed flats  
Second Floor: 4 x one-bed flats

All flats would have primary access from the main entrance to the front of the building, via a central staircase. A further side door would lead from the laundry room to the bin area, whilst the upper floors would have access to the separate fire escape steps on the side and rear elevations of the building.

Originally, due to the limited size of external amenity space, there would not have been any off-street parking provision, and the rear yard was proposed to accommodate only a drying area and a covered cycle store. However, an amended site layout plan was later submitted to provide 5 spaces with the approval of the Council's Highways and Transportation Section.

With the exception of very minor changes to the fenestration in the rear and western side elevations of the building, together with the general replacement and repair of external finishes and fittings required to bring the property back into use, no other alterations are proposed.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement
- Preliminary Bat Survey
- Bat and Nesting Bird Survey Report
- Pre-Application Consultation (PAC) Report
- Building Survey Examination and Report

## **SITE APPRAISAL**

The application property is a former public house and hotel, which is located towards the centre of Gelli.

This three-storey Victorian building, plus basement, occupies a prominent position on the northern side of the B4223 Gelli Road, where its principal elevation and main entrance are immediately adjacent to the highway.

Having been vacant and unoccupied for a considerable time, the building appears to be in a state of some dereliction, with no users having come forward in the intervening period.

Most of the site, which amounts to a surface area of approximately 450m<sup>2</sup> comprises the footprint of the building, although there is a gated entrance to its western side which leads to a rear yard, and there is also an adopted rear lane which provides access to the Hotel and neighbours

The surrounding properties include a mix of residential and some retail uses, with further shops and services located a short distance to the west.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**98/6360/25:** Informal Enquiry for extension to ventilation system. Decision:  
19/06/1998, PRQ

## **PUBLICITY**

The application has been advertised by direct notification to sixteen neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection, subject to conditions regarding parking, reinstatement of the footway, surface water drainage and highway tie-in.

### Flood Risk Management

The site location plan provided identifies that the existing site boundary is a Brownfield area, and appears to be surrounded by a low, medium and high surface water flood area, with a pluvial conveyance route to the rear (mapping provided by Natural Resources Wales).

From the Lead Local Flood Authority perspective, the key element required to satisfy TAN 15 paragraph 8 will be the site's surface water discharge rate. The applicant should note that where the site is proposed on a Brownfield a minus 30% discharge rate will be required to reduce the inherent surface water.

Furthermore, the proposed development will encompass works that have drainage implications over 100m<sup>2</sup>. As such the applicant should be made aware of the requirement of Schedule 3 of the Flood and Water Management Act 2010.

The Flood Risk Management team does not raise an objection or recommendation for condition in relation to surface water flood risk since it is satisfied that the surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

Conditions are recommended in respect of hours of operation, noise, dust and waste. However, it is considered that such issues are best controlled by powers contained within the scope of existing public health legislation.

### Natural Resources Wales

No objection, subject to an informative note regarding the need for an EPS Licence.

### Dwr Cymru Welsh Water

No objection, subject to an informative note regarding sewer connections.

### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

### South Wales Fire and Rescue Service

No objection. The service has provided fire safety guidance for the benefit of the Applicant.

### Countryside – Ecologist

No objection, subject to a condition for nesting bird provision.

### Housing Strategy Team

No objection, subject to an affordable housing contribution for a 1 bedroom flat for low cost home ownership (market standard).

### South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Gelli.

**Policy CS1** – the emphasis is on sustainable growth in the Northern Strategy Area and is to be achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements.

**Policy AW1** - This policy is concerned with the supply of new housing within the Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. In addition, proposals must be designed to protect and enhance landscape and biodiversity

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** – The policy prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, contamination, or any other identified risk to local amenity and public health.

**Policy NSA10** – The policy stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

**Policy NSA12** – The policy permits development within settlement boundaries if they demonstrate that infrastructure and car parking will not be adversely affected.

**Policy NSA13** – The conversion of large buildings within the Northern Strategy Area will be permitted where there is no economically viable alternative use for the building.

### **Supplementary Planning Guidance**

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Development of Flats
- Affordable Housing
- 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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

## SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing  
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**

Residential development on unallocated land within the settlement boundary is supported by LDP Policy AW1, which includes the conversion of suitable structures to provide housing.

The site is within the settlement boundary and being located in the centre of Gelli has good access to a range of shops and services. There is also good access to sustainable transport, with the property being located on a bus route and within walking distance of Ton Pentre Railway Station. Consequently, this site would be considered to be a very sustainable location and accord with the relevant criteria of Policy AW2.

Currently, the building is in a poor state of repair and does not make a positive contribution to the surrounding streetscape. This development proposal would resolve the evident dereliction by making beneficial re-use of the site, which would be supported by Policies CS1 and NSA13. The latter Policy usually requires evidence to demonstrate that there are no other viable commercial uses for the site, however this is considered unnecessary given the length of time that the building has been vacant.

The plans include provision for five car parking spaces to the rear of the building. Policy NSA12 seeks that residential development does not have an adverse effect on the provision of car parking in the surrounding area, meanwhile Policy AW5 requires development proposals to have car parking provision in accordance with the Council's

'Delivering Design and Placemaking: Access, Circulation and Parking Requirements' SPG.

It is acknowledged that there would be a shortfall of off-street parking spaces for the proposed residential use, albeit nowhere near as large a shortfall for the established hospitality use. Nonetheless, Committee Members will recall having considered similar applications for the conversion of large buildings within urban centres, where their previous uses have become unviable.

Whilst these specific highway concerns and other material matters are considered further below, it is considered that the beneficial re-use of the building, the provision of housing, the removal of decay and the positive planning policy framework weigh heavily in favour of the proposal, such that the development is acceptable in principle.

### **Impact on the character and appearance of the area**

The application details show that save for some minor changes to windows and doors and fire escape provision, the scale and form of the building would be unchanged

It is considered that the refurbishment of the building and that within its curtilage would bring about a welcome improvement, since its current state of repair is extremely poor, and it has detracted badly from other well-maintained properties within the public realm.

Therefore, the development would represent an improvement to the appearance of the building as a whole and would be a positive enhancement to the street scene.

### **Impact on neighbouring occupiers**

Most of the properties close to the application site are residential or retail units and comprise a mix of older and more traditional dwelling types. In the absence of any significant development the relationship between neighbouring properties, in terms of their built form, would be largely unchanged.

Therefore, since the conversion of the building to flats would involve mostly internal construction work and recommissioning, the development would not alter the outlook from other properties, except for an evident improvement to the fabric of the property and its curtilage.

In relation to the Council's SPG for the Development of Flats, the proposal has been considered against the SPG's requirements relating to access, the amenity of future occupiers, including drying areas, external space and the communal laundry facilities, together with the availability of natural light and windows for habitable rooms. In general terms, the development accords with the SPG.

As a result, and in the absence of any representations from members of the public, it is considered that the development would not cause detriment to the amenity and privacy of neighbouring occupiers and is therefore acceptable in this regard.

### **Access and highway safety**

## Access

The application property is located on the B4223 Gelli Road which carries a substantial amount of vehicular and pedestrian movement. There are traffic regulations to the front of the site to maintain the free flow of traffic in the interest of highway safety. Any indiscriminate on-street car parking at this location would impact traffic flow and block sight lines to the adjacent junction, which would be detrimental to safety. To the rear is an adopted metalled lane that provides satisfactory secondary access for the proposed and existing dwellings.

## Pedestrian Access

Pedestrian access is gained via 1.8m wide footways which are acceptable. However, there are cellar openings in the footway which will become redundant and require reinstating as part of the proposed redevelopment. No information has been submitted with regards reinstatement of the cellar opening in the footway and a condition is recommended accordingly.

## Sustainability

The proposed is located in a sustainable location close to local amenities and public transport which is acceptable.

## Parking

The Council's SPG for Access, Circulation and Parking Requirements identifies that the existing use as a public house and hotel requires in the region of 78 car parking spaces.

The SPG notes that the proposed redevelopment of 14 x 1 bed flats requires a maximum of 28 spaces for residents and 3 visitor spaces - a total of 31 off-street car parking spaces with only 5 provided. The Council has provided traffic regulations preventing on-street car parking for peak hours to maintain a running width for vehicular traffic along the B4233 due to the existing high on-street car parking demand within the area with the majority of terraced dwellings having limited or no off-street car parking provision.

There is existing high on-street car parking demand due to the nature of the surrounding terraced dwellings with limited or no off-street car parking provision, together with a number of retail units with no off-street car parking facilities.

## Cycle Parking

The applicant has provided 12 secure cycle stands which goes some way to mitigate the impact of the proposal and promote sustainable modes of travel.

## Conclusion



There is concern that the proposed requires 31 off-street car parking spaces with only 5 provided. However, taking into account the sustainable location of the site, the car parking requirement of the existing use and the fact that the applicant has provided the maximum amount of workable car parking spaces with the space available, on-balance, the proposed is acceptable.

### **Ecology and Biodiversity**

The Applicant's Bat Survey Report found two small bat roosts and sets out the need for a EPS Licence with extensive mitigation, including a purpose built bat loft. Having read the report the Council's Ecologist has confirmed that the ecological assessment and mitigation do look appropriate, but as an EPS Licence will be needed, NRW would need to confirm they are happy with the proposed approach contained within Section 6 of the Acer Ecology Report.

Although no evidence of nesting birds was found, the ecologist has recommended a biodiversity enhancement condition for nesting bird provision including swift bricks.

NRW has subsequently stated that it has no objection to the proposed development as submitted, and although the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, an EPS Licence is necessary.

Lastly, NRW has noted that the proposed development is approximately 1.3km from the Craig Pont Rhondda Site of Special Scientific Interest (SSSI), but that the proposed development is not likely to damage the features for which SSSI is of special interest.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the central settlement location and would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located on a bus route, close to a railway station, and benefits from many services and facilities located within walking distance, including Gelli Park. Being within the settlement boundary is considered to be a sustainable location and would not be car dependent.
- **Maximising Environmental Protection:** The development would result in biodiversity mitigation and enhancement for bats (via EPS measures) and nesting birds.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs and contribute footfall to the High Street.
- **Making Best Use of Resources:** The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

### **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. Therefore no CIL would payable.

### **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be

used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

In this case Policy NSA 11 of the adopted LDP requires a 10% affordable housing provision on sites of 10 units or more in the Northern Strategy Area. As the proposal concerned is for 14 residential units, 1 unit of affordable housing should be secured to satisfy these requirements.

Based on the findings of the Local Housing Market Assessment 2017/23, it is recommended that the following affordable housing unit mix be secured on site to satisfy these requirements:

- 1 x 1 bedroom flat for low cost home ownership (market standard)

Any Low Cost Home Ownership units should be built to the same standard as the equivalent open market units made available for sale to Council nominated first time buyers from the Homestep Register. The developer's contribution should equate to 25% of the open market value for each unit, i.e. the nominated purchaser should pay no more than 75% of the open market value per unit (refer to Paragraph 4.2 of the Affordable Housing SPG).

Therefore, a S106 agreement will be required to secure the affordable housing contribution outlined above.

### **Conclusion**

The application property is within the settlement boundary and therefore the principle of residential development would be supported by LDP Policies AW1, AW2 and NSA12, and would accord particularly well with several of the National Sustainable Placemaking Outcomes in PPW11.

In respect of other material matters, the visual improvement to the property would have wider benefits to the street scene and the residential use would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or biodiversity have arisen that cannot be satisfactorily addressed by the use of planning conditions. Therefore, the recommendation to Members is that the development is acceptable.

**RECOMMENDATION: GRANT SUBJECT TO A SECTION 106 AGREEMENT AND THE CONDITIONS BELOW:**

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 completed in accordance with the approved drawings and documents:

- 20/822/02 Rev A
- 20/822/DET1
- 20/822/10
- 20/822/11
- 20/822/12
- 20/822/13
- 20/822/14
- 20/822/15
- 20/822/16

and details and documents received on 9<sup>th</sup> February 2021, 18<sup>th</sup> March 2021, 27<sup>th</sup> August 2021 and 8<sup>th</sup> September 2021.

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

3. No development shall take place until the details of a scheme for nesting bird provision, including swift boxes, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interest of biodiversity mitigation and enhancement in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until full engineering design and details of a scheme for blocking off and making good the pavement, following the removal of the cellar doors on Gelli Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In interest of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until design and detail of the tie in of the car parking areas with the adopted lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In interest of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted drawing number 20/822/02 as approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter.

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

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.