

PLANNING & DEVELOPMENT COMMITTEE

07 September 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0576/10 (GD)
APPLICANT: Refugio Management
DEVELOPMENT: Resubmission of proposed partial Change of Use at 22-22A Cardiff Street to create 7 new flats and retain the residential unit on the 2nd floor along with improvement works to the commercial areas at the basement and ground floor levels
LOCATION: 22-22A CARDIFF STREET, ABERDARE, CF44 7DP
DATE REGISTERED: 07/06/2023
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve subject to conditions

REASONS:

The principle of the proposed development is acceptable as the proposals comply with the relevant planning policy, its visual impact, the impact it has on amenity and privacy of neighbouring residential properties and its impact on highways safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application seeks full planning permission for the conversion, extension and partial change of use of a commercial premises to seven residential flats at 22-22a Cardiff Street Aberdare.

The layout of the building is proposed as follows: -

Basement

- Will remain an A3 use and it appears from the submitted plans that some internal walls will be removed. Duke Street elevation at this level is unaltered

Ground floor

- The A3 commercial element is consolidated towards the front of the building on Cardiff Street.
- The rear facing Duke Street is converted in to 2no. two bedroom flats.

First floor

- The first floor is converted to 3no. two bedroom flats

Second floor

- The existing flat to the Cardiff Street elevation is refurbished and upgraded to a two bedroom flat.
- The rear of the property to Duke Street has 2no. new two bedroom flats

As at present, the basement commercial unit will be accessed solely from Duke Street and remains an A3 use, (the last use of this part of the premises having been a restaurant).

All residential units will be accessed from Cardiff Street as will the commercial unit fronting Cardiff Street that also remains an A3 use (previously Shadez).

To enable the proposed development an addition would be made to the rear flat roof extension at second floor level facing Duke Street reflecting the footprint of the building and filling the building footprint at second floor level for the first time. A pitched roof would be installed over the second floor elevating and improving the flat roof of the first floor at the rear of the property. Additionally, new windows would also be introduced on the north south and east elevations of the building.

The application is accompanied by the following:

- Flood Consequences Assessment.

SITE APPRAISAL

The application site consists of a mid-terraced property that is positioned directly adjacent to Cardiff Street to the west and Duke Street to the east. The property is split level to accommodate the topography of the land that slopes from west to east.

The site is positioned within the defined retail boundary of Aberdare, which is designated as a Principal Town Centre within the retail hierarchy. Surrounding land is most commonly made up of commercial and residential properties.

In addition, the site is partially located within the C2 Flood Zone.

PLANNING HISTORY

21/0256	Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (flood consequences report received 05/07/2021 amended plans received 07/07/2021)	Refused Appeal dismissed	23/12/2021 18/11/2022
20/0823/10	Proposed partial change of use from commercial to create 8 flats and associated works.	Refused	16/10/2020
06/1530/10	New restaurant frontage with roller shutters incorporated behind fascia. (Re-submission). Amended plans received 15/11/06.	Granted	05/12/2006
06/0519/10	New restaurant frontage with roller shutters incorporated behind fascia	Refused	14/06/2006

PUBLICITY

The application has been advertised by means of site notices and neighbour notification letters and two letters of objection have been received raising the following issues: -

- Cardiff Street is a permit parking regime and there is not enough space to meet the needs of existing residents (more permits than space available) – more residents pursuing the same amount of space would make life more difficult for existing residents.
- Many local residents are elderly and fear walking from Duke Street late at night if no on street parking is available on Cardiff Street.
- It is feared that during construction works vans and lorries will be parked up on Cardiff Road limiting opportunities for locals to park.
- The permit areas are important to the people living on Cardiff Street and whilst it would be a good thing to have the building improved and new accommodation provided, some thought needs to be given to existing residents.
- Would it be possible to designate an area of the Duke Street car park for Cardiff Street resident permit holders only?

CONSULTATION

Highways and Transportation – no objection is raised and no conditions relating to highways are suggested.

Natural Resources Wales – No objections

Flood Risk Management – Based on the information provided, the applicant does not appear to propose any construction works that will result in a change in the structure's external footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and no objections are offered.

Public Health & Protection – No objections

Dwr Cymru Welsh Water – No objections subject to conditions

South Wales Fire & rescue Service – raise no objections to the proposed development and advise that the developer should have regard to the need for the provision of adequate water supplies for firefighting purposes and access for emergency firefighting appliances.

Countryside – The Council's Ecologist has no objections to the proposed works subject to a bat advisory note being applied to any consent that might be granted.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is situated within the Northern Strategy Area and within the settlement boundary.

In addition, the site is positioned within the defined retail boundary of Aberdare, which is designated as a Principal Town Centre within the retail hierarchy, and is partially located within the C2 Flood Zone.

The following policies are considered to be of particular relevance to this application:

Policy CS1 – Development in the North: Advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations that support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW1 – Supply of New Housing: Sets out how the housing land requirement in Rhondda Cynon Taf will be met.

Policy AW2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW5 – New Development: Sets out criteria for new development in relation to amenity and accessibility and requires development to have no unacceptable effect on the character and appearance of the site or surrounding area and no significant impact on the amenities of neighbouring occupiers. Proposals are also required to be accessible to the local and wider community by sustainable modes of transport, to have safe access to the highway network, and to not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – Design and Placemaking: Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

Policy AW10 – Environmental Protection and Public Health: This policy provides that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues such as noise, air or light pollution, flooding or any other identified risk to the environment, local amenity and public health and safety.

Policy AW11 – Existing Employment and Retail Uses: Development proposals promoting alternative uses for retail units identified within the defined retail centres will be permitted where the site is not identified by the allocating policies and the retention of retail sites for retail purposes has been fully explored without success by way of marketing for appropriate retail purposes, at reasonable market rates for a minimum of 12 months (continuous).

Policy NSA 1 – Development in the Principal Town of Aberdare: This policy is concerned with development in the Principal Town of Aberdare and sets criteria for the types of development that will be considered acceptable in the town.

Policy NSA10 – Housing Density: This policy states that proposals for residential development in the Northern Strategy Area should be a minimum of 30 dwellings per hectare.

Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries: This policy provides for housing development within defined settlement boundaries, where it can be demonstrated that the proposal does not adversely affect the provision of car parking in the surrounding area, and that the proposal is accessible to local services on foot, cycle or utilising a range of sustainable transport options.

Policy NSA18 – The Retail Hierarchy: This policy sets out the retail hierarchy for the Northern Strategy Area and defines Aberdare as a Principal Town. It continues that proposals for Class A development will be permitted where it enhances a centre's role in the retail hierarchy.

Policy NSA19 – Retail Development in Principle Towns and Key Settlements: Sets out the criteria for new and improved retail facilities and other uses that are appropriate within the town centre will be permitted within the retail centre of Aberdare.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

Design in Town Centres

National Guidance

(Note: the information below is positively worded to reflect proposals that we are putting forward for approval. Refusals will need to be reworded in a negative format to reflect that they do not meet the requirements of PPW 10)

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), WGs 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 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: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development

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 site is located within the defined settlement boundary and is therefore generally supported by Policies AW1, AW2 and NSA12.

The site is situated within the Principal Town of Aberdare (as defined by Policy NSA18) and is therefore considered to be a highly sustainable location with good access to a number of key local services and facilities as well as good access to a range of sustainable modes of transport, with both a bus and train station located within easy walking distance. The site is also conducive to travel to and from on foot and bicycle.

The proposal would therefore comply with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Further requirements of Policy AW2 seek to ensure that proposed developments would not conflict with existing uses in the area and given the town centre location of the site, the proposed commercial use within the lower floors of the building would be typical of the surrounding area. Furthermore, residential flats on upper floors are generally supported as they provide a sustainable form of living whilst also contributing to the daytime and evening economy of the centre and subsequently adding to the vitality and viability of the town. It is therefore not considered that the part-residential use of the site would unacceptably conflict with the predominantly retail character of the town, particularly given there are already a number of flats above shops in the immediate and wider vicinity.

Policy CS1 (Development in the North) further promotes residential and commercial development in locations which support and reinforce the roles of Principal Towns as well as the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings, such as the existing building, which currently does not add any aesthetic value to the wider area.

Policy NSA12 seeks to ensure that development is carried out within the defined settlement boundary provided that the development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, including on foot or bicycle, and providing that it does not adversely affect the provision of car parking in the surrounding area. As noted above, the site is situated within a highly sustainable location with access to both a bus and train station however, due to its town centre location no provision has been or can be made for off-street car parking. Whilst the Council's Highways and Transportation Section raise some concerns in this regard, no objection has been raised and the proposal is therefore considered to comply with Policy NSA12 (the impact of the proposal on highway safety is discussed in more detail below).

In light of the above, the principle of the proposed development is considered acceptable, subject to an assessment of the criteria set out below.

Issues arising out of the appeal decision in respect of planning application 21/0256

The application building following the refusal of consent and subsequent dismissal of appeal in respect of application 21/0256 has led to a number of revisions to this submission that aim to address the concerns raised by the inspector in the dismissal of the appeal. The changes and justification for them are set out below.

- The development now only proposes 2 bedroom apartments and there are no three-bedroom units. The applicants believe that this will help to address the concerns of the inspector that the development would be unsuitable for family

orientated occupation because of the lack of access to any amenity space within the development and the difficulties associated with accessing it elsewhere that was a serious concern in the determination of the appeal. The reduction in bedroom numbers the applicant believes will attract couples and professionals for whom the accessibility of amenity space will be a lesser concern.

- The access on to Cardiff Street is now wider than previously proposed and the access door has a substantial fanlight. The stairwell also has the benefit of roof lights, which addresses the natural light issue insofar as the existing building will allow.
- The refuse store now has direct access on to Cardiff Street and internally the flats have sufficient space for temporary refuse storage

Whilst the site is incapable of providing amenity space internally or even within its curtilage the reduction in the number of bedrooms and improvements to the access and storage arrangements removes any concern that the proposals would not be in compliance with the requirements of Local Development Plan Policy AW5. Similarly, the reduction in the number of bedrooms makes the proposals less attractive to families, which in turn lessens the importance of ready access to amenity space, or at least the ability of occupants to access what is otherwise available. This weakens the arguments that led to the earlier appeal being dismissed.

The improvements to the access arrangements and bin and cycle storage also addresses another of the principal concerns of the inspector relating to access to the proposed development. Similarly, the improvements to bin storage in the designated areas, in, and around the flats themselves nullifies the concerns expressed by the inspector in his decision.

Impact on the character and appearance of the area

Several properties within the immediate locality contain commercial units on their ground floors with flats above. Both commercial units in the application building are currently vacant and the last use in both is known to have been an A3 type use with a restaurant in the basement on the Duke Street elevation and a bar in the ground floor Cardiff Street elevation. As such, the proposed use of the building would not be out of character with the surrounding land use.

In terms of the front façade of the building, this would remain largely as existing though the shopfront design will be altered and shortened on the street frontage to accommodate a suitably sized entrance to the proposed flats and the bin store. It is not considered that the overall appearance of Cardiff Street would significantly differ because of the change of use and associated works.

The extension to the rear of the property would however be a notable addition to the street scene and would be widely visible from the immediate area due to its prominent

location that directly backs onto Duke Street. The rear of the site currently contains a substantial flat roof modern addition that has no architectural or visual merit and is not considered to positively contribute to the character and appearance of the area. It is this aspect of the building that would be extended through the addition of another storey that would incorporate a pitched roof. Although the building would increase in height, it would be set down from the main part of the building that fronts Cardiff Street and would be similar in height than several other properties within the immediate area. In addition, it is considered that the pitched roof design would represent a visual improvement when compared to the existing flat roof.

It is also noted that the existing building is vacant and in a poor state of repair that is likely to further deteriorate should the building remain unused. The proposal would bring this building back to beneficial use and enable its long-term maintenance.

Based on the above, it is considered that the proposal would not adversely impact upon the character and appearance of the area but would rather have the potential to improve it.

Impact on residential amenity and privacy

It is acknowledged that two similar earlier applications at this site have been refused with one application also having been rejected at appeal. The critical differences between the previous and current application are set out elsewhere in this report.

The SPG relating to the development of flats provides support where a high quality of accommodation and amenity can be provided for residents. It is considered that the property is of a sufficient scale to provide its occupiers with an acceptable standard of accommodation whereby there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook. In addition, the SPG indicates that flats should have a main entrance to the front of the building and have access to either private or communal outdoor space. All seven of the flats would be accessed via a shared entrance to the front of the building that would be separate from the main shop front. It is noted that the site is not capable of providing outdoor private or shared amenity space. However, given the building is located in reasonable proximity to a number of public amenity spaces, and that the nature of the accommodation has changed in that all flats are now two bedroom units that are not likely to attract families, it is not considered that this issue would be significant enough to warrant the refusal of the application.

The SPG provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. Whilst the proposed use would reflect surrounding land uses, it is accepted that a degree of noise/disturbance would inevitably occur from the development. It is however considered that a greater degree of general noise it is to be expected within a town

centre location when compared to a purely residential location. As such, it is not considered that any adverse impact relating to noise/disturbance would be so severe as to warrant the refusal of the application.

There is some concern that the additional windows positioned on the side elevations of the building would result in some overlooking to adjacent properties. However, buildings within this section of Cardiff Street are located within close proximity to one another and mutual overlooking between buildings currently already occurs. It is not considered that the level of overlooking would be exacerbated to such a degree that it would warrant the refusal of the application.

The application incorporates the extension to the existing building through the addition of a further storey. As such, the height of part of the building would increase and some additional overshadowing would therefore occur to adjacent properties. It is not however considered that the additional overshadowing would be so severe that it would warrant the refusal of the planning application. Furthermore, the height of the proposed extension is reflective of other buildings in the locality and could not be considered overbearing.

Access and highway safety

Highways Development Control have fully considered the issues of access, existing Traffic Regulation Orders, Parking and Cycle parking in relation to the proposed development and have concluded by raising no objections to the proposals and indicating that in their view, no highway related conditions are required.

Flood Risk:

The application proposes highly vulnerable development within an area that is confirmed to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN 15: Development and Flood Risk. The policy guidance set out in TAN 15 prohibits highly vulnerable development in Zone C2 and this is echoed in Policy AW2 of the Rhondda Cynon Taf Local Development Plan. However, the highly vulnerable element of the proposal is situated on the upper floors and therefore likely to be above any potential flood depths should a flood event occur at this location. In addition, access to the residential accommodation would be located outside of Zone C2 and therefore should a flood event occur, occupiers of the flats would have a means of escape. It is noted that the basement level of the property and partial ground floor would contain a retail use, which is considered less vulnerable development.

Whilst it is acknowledged that the proposal cannot meet the tests set out in paragraph 6.2 of TAN 15, the site is clearly previously developed land within a densely developed area and the proposal would have inevitable regeneration benefits in terms of bringing a vacant site back into use. Furthermore, the application is supported by a Flood Consequences Assessment (FCA) that fully considers the issues of flooding. Based

on this and the above, NRW have raised no objections to the proposal on flood risk grounds.

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 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 acceptable in principle and compliant with planning policy at the local and national level. The site is situated in a highly sustainable location with good access to transport options and local services and facilities. The intended use of the site would be compatible with the wider Cardiff Street area that is characterised by an increasing number of shops at street level with residential accommodation over.

Though the proposals involve a substantial extension of the property at the rear second floor level the proposals remain in keeping with the general character scale and design of the wider area, and the reuse of the site will inevitably uplift the appearance of what is currently a dated and tired looking building the appearance of which is generally to the detriment of the town centre.

The proposals have limited impact on the residents of surrounding properties despite the proposed extension and future occupants of the flats would benefit from more than adequate living space. Whilst the proposals do not involve the provision of any parking space, Members should note that given the location Highways and Transportation have not objected to the proposals given the town centre location and proximity to good public transport options

RECOMMENDATION: Approve

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 following approved plans:

- Proposed Layout Plan Drawing No: 2023-003-22-22a Rev A
- Proposed Elevations Drawing No. 2023-004-22-22a
- Site Plan Drawing No. 2023-002-22-22a
- Existing Plans and Elevations Drawing no. 2023001-22-22a

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.

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

3. Notwithstanding the approved plans, building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be finished and maintained 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The public opening hours of the basement and ground floor retail units hereby approved shall be as follows:

Monday to Saturday:	09:00 Hours to 23:00 Hours
Sunday:	10:00 Hours to 20:00 Hours
Bank Holidays:	Closed

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The windows to be created in the side (south east and north west) elevations shall be inward opening only and permanently retained in that condition thereafter.

Reason: To protect the amenities of nearby occupiers, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

6. The storage area located within the basement of the development hereby approved shall only be used for purposes incidental to the approved uses within 22-22a Cardiff Street, Aberdare. As such, it shall not form a separate planning unit and no separate trade or business shall be carried out therefrom.

Reason: In the interest of amenity, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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