



PLANNING & DEVELOPMENT COMMITTEE

23 JANUARY 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/1185/10 (KL)
APPLICANT: Trivallis
DEVELOPMENT: Conversion of Old Bank Chambers to 9 no. apartments (first, second and third floors) (Use Class C3 - dwellinghouses).
LOCATION: OLD BANK CHAMBERS, MARKET STREET, PONTYPRIDD, CF37 2SU
DATE REGISTERED: 19/11/2019
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS: The proposal would result in the conversion of the upper floors of an existing building within Pontypridd Town Centre to 9 self-contained flats that would all be offered for affordable housing. The conversion would present an opportunity to bring back in to use an under used space, whilst also encouraging a sustainable form of living which would benefit the daytime and evening economy of the town and add to the vibrancy and vitality of the town.

Whilst no off-street parking is proposed as part of the proposal, the site is located in a highly sustainable location and, subject to the provision of secure cycle parking, is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site. Furthermore, no alterations would be made to the external appearance of the building, thus having no impact on the conservation area or upon the amenity and privacy of surrounding units.

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

APPLICATION DETAILS

Full planning permission is sought for the conversion of the first, second and third floors of the Old Bank Chambers on Market Street, Pontypridd to 9 affordable residential apartments (Use Class C3) and associated works.

The proposal would not result in any external alterations to the building and the existing retail units on the ground floor (fronting Taff Street) would be retained. The apartments would be accessed from the existing entrance at Market Street to the western elevation. A total of 4 apartments would be provided at first and second floors with 1 apartment at third floor. Each flat would consist of an open-plan living room and kitchen, a bathroom and one bedroom. Due to the town centre location of the site, no off-street parking provision is proposed.

The application is accompanied by the following:

- Planning Statement;
- Noise Impact Assessment;
- Coal Risk Mining Assessment;
- Flood Consequences Assessment;
- Bat Survey.

SITE APPRAISAL

The application site relates to an existing split-level, five-storey building that is located within the Principal Town Centre of Pontypridd. The building incorporates 3 retail units at lower ground floor level which directly fronts Taff Street to the east. A further two retail units and office space are located at ground floor which directly front Market Street to the west. The remaining first, second and third floors are currently vacant office space with access from Market Street.

The surrounding area, given its town centre location, is predominantly characterised by retail and commercial uses (A1, A2 & A3 Use Classes) at ground floor level however, there are a number of offices (B1 Use Class) and residential flats (C3 Use Class) at first and second floors.

The application site is located within the defined settlement boundary and within the main retail area of Pontypridd Town Centre. It is located entirely within Pontypridd Town Conservation Area and is within a C1 flood zone. It is not subject to any other material constraint.

PLANNING HISTORY

16/0498	Vodafone, 6 Taff Street, Pontypridd	Install TV aerial onto the side elevation of the	Granted 26/08/16
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		building	
12/0774	6 Taff Street, Pontypridd	Replacement windows, doors and shopfronts and associated external repairs/improvements	Granted 04/09/12
04/0574		Proposed fascias and projecting signs	Granted 19/05/04
00/2510		2 Facia signs externally lit and 1 double sided projecting sign externally illuminated	Granted 20/07/00
00/2330		Proposed refurbishment of existing greengrocers to form Vodafone retail outlet	Granted 01/06/00

PUBLICITY

The application has been advertised by means of direct neighbour notification, the display of site notices in the vicinity of the site and through advertisement in the local newspaper. No letters of objection have been received.

CONSULTATION

Countryside, Landscape & Ecology – No objection, subject to condition

Dwr Cymru/Welsh Water – No objection subject to conditions/advisory notes

Flood Risk Management – No comments received as yet

Highways and Transportation – No objection, subject to condition

Natural Resources Wales – No objection

Pontypridd Town Council – No comments received as yet

Public Health and Protection – No objection subject to condition

South Wales Fire and Rescue – No objection, subject to advisory notes

The Coal Authority – No objection

Waste Services – No comments received as yet

Western Power – A separate application will need to be made to WPD if a new connection or service alteration is required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Core Policies

Policy CS2 – sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy CS4 – concerned with housing requirement, stating that land will be made available for new dwelling in sustainable locations.

Policy CS5 – expects housing requirements identified in CS4 to contribute to established community housing need by providing affordable housing.

Area Wide Policies

Policy AW1 – sets out criteria for new housing proposals, including the conversion of suitable structures to provide housing; and the provision of affordable housing.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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 AW7 – states that developments which impact upon sites of architectural and/or historical merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW8 – seeks to protect RCT's distinctive natural heritage. Proposals that would affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

Policy AW10 – development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Southern Strategy Area Policies

Policy SSA1 – supports proposals that reinforce the role of Pontypridd as a Principal Town.

Policy SSA11 – sets a minimum residential density level of 35 dwellings per hectare.

Policy SSA12 – advocates the provision of 20% affordable housing on sites of 5 units or more.

Policy SSA13 – permits development within the defined settlement boundary where it can be demonstrated that the development is accessible to local services by a range of modes of sustainable transport and the proposed

development does not adversely affect the provision of car parking in surrounding areas.

Policy SSA17 – promotes new and improved retail facilities and other uses that are appropriate within the town centres where the proposal would provide retail or provide a shop front with a display function and entrances which relate well to the design of the host building and to the street scene and its setting.

Supplementary Planning Guidance

Design and Placemaking
The Historic Built Environment
Design in Town Centres
Affordable Housing
Nature Conservation
Development of Flats
Planning Obligations
Access Circulation and Parking

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 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 2 achieving wellbeing through placemaking
Chapter 3 strategic and spatial choices.
Chapter 4 active and social places

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
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 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 21: Waste;
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 site is located within the defined settlement boundary and within the defined retail centre of Pontypridd Town Centre which offers a range of services and facilities including convenience stores, supermarkets, retail stores, post office, places of worship, leisure facilities, public open spaces etc. The town is also well-served by a range of sustainable transport options with both bus and train stations offering travel to a range of local and regional destinations located within walking distance of the site. The site is therefore considered to be highly sustainable and therefore compliant with Policies CS2, AW2, SSA1 and SSA13.

Whilst the town is predominantly characterised by retail and commercial uses, PPW 10 encourages mixed-use centres and there are already a number of residential flats above shops in existence across the town. It is considered that mixed use centres will 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 not considered that the residential use of the site would unacceptably conflict with the predominantly retail character of the town.

The proposal would provide 9 flats on a site measuring approximately 0.022 hectares which would provide a housing density of approximately 409 dwellings per hectare. All of the flats would be offered as affordable housing. This would comply with Policies SSA11 and SSA12 respectively.

The proposal would not result in any changes to the external appearance of the building and the existing retail units at the ground floor on both Taff Street and Market Street would be retained. The only physical alterations would be made internally to provide residential flats on the upper floors (1st, 2nd and 3rd).

The existing access off Market Street would be retained and would not affect access to the existing retail units. This would comply with Policy SSA17, which seeks to retain shopfronts with a display feature and entrances which relate well to the design of the host building and to the streetscene and its setting. Furthermore, the flats are of a suitable size to provide space for the intended number of residents and they would all have a good outlook and have a reasonable level of natural daylighting and ventilation. Whilst the proposal would not provide any outdoor space, the site is located in close proximity to Ynysangharad War Memorial Park which provides good quality public open space. The proposal is therefore considered to comply with the Council's Supplementary Planning Guidance: Development of Flats.

Taking the above into consideration, the principle of the proposal is considered to be acceptable subject to consideration of the criteria set out below.

Impact on residential amenity and privacy

The proposal would provide 9 residential flats which would inevitably result in some degree of activity in terms of comings and goings and general noise and disturbance normally associated with this type of use. However, the site is located within a busy town centre location in which there is a range of other uses that operate throughout the day and night. It is therefore not considered that the proposal would have an adverse impact on any existing residential flats in the vicinity as residents would already be accustomed to some level of noise and disturbance.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation Section however, no objection has been raised in relation to the impact of the proposal on highway safety in the vicinity of the site.

The comments received acknowledges that the proposal would require a total of 9 off-street car parking spaces however, no off-street parking is proposed nor is there any scope for any to be provided. It is also acknowledged that the proposal lacks provision of secure cycle parking, which gives cause for concern. However, the application site is located within a sustainable town centre location, the proposed change of use to residential flats has a lower parking requirement than the existing business use and the provision of secure cycle storage can be secured by condition (condition 6 refers).

As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and it would comply with Policy AW5.2 of the Rhondda Cynon Taf Local Development Plan.

Impact on the character and appearance of the area

The proposal would not result in any physical changes to the external appearance of the building. It would therefore not impact upon the character

and appearance of the site or the wider Pontypridd Town Conservation Area. It would therefore comply with Policies AW5, AW6 and AW7 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.

Flood Zone

The application proposes highly vulnerable development within an area that is confirmed to be entirely within Zone C1 of the Development Advice Map (DAM) contained in TAN15: Development and Flood Risk. The policy guidance set out in TAN15 clearly emphasises that all new development should only be permitted within Zone C1 where it is considered to be justified in that location i.e. its location in Zone C is necessary to assist or be part of a regeneration initiative, it concurs with the aims of PPW and meets the definition of previously developed land and, the potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

The proposal is considered to be justified in that the proposal would help to regenerate Pontypridd Town Centre, the site would result in the conversion of an existing building and the Flood Consequences Assessment submitted with the application successfully demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Furthermore, the FCA has been assessed by NRW who raise no objection to the proposal. The comments received indicate that although the proposal would result in highly vulnerable development within an area of flood risk, this will be elevated above the flood risk. There would also be no change in vulnerability use at ground or lower ground floor.

As such, the proposal is considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

The application is accompanied by a Noise Impact Assessment which has been assessed by the Council's Public Health and Protection Team. The response received raises no objection to the proposal however, a condition is recommended to secure detailed information in relation to any external wall, roof, glazing and ventilation specifications offered as noise mitigation (condition 4 refers).

Further conditions are also recommended in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested

conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Ecology

The application is accompanied by a bat survey which has been assessed by the Council's Ecologist and Natural Resources Wales (NRW). The survey includes a data search, which identifies an historic maternity bat roost has been recorded close to the application building, a thorough building inspection and two bat emergence surveys in ideal survey conditions and time periods. No evidence of bat roost was recorded.

However, the report recommends that, due to difficulties in accessing the roof and due to the nearby historic bat roost, any works that would impact upon the roof line or roof would need to be supervised by a suitably qualified ecologist. The Council's Ecologist and NRW therefore recommend that this be included as a condition, should Members be minded to approve the application (condition 5 refers).

Natural Resources Wales have also assessed the bat survey and welcome the recommendations made in the report that any works to the roofline or roof be under direct ecological supervision by a suitably qualified ecologist.

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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development, however as the proposed development involves the change of use of the existing building/s the CIL (including indexation) for this development is expected to be £0.

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.

The Welsh Government Development Management Manual and 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 intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

The proposal would provide 100% affordable housing for social rent, which would accord with Policy SSA 12.

Therefore, a S106 agreement will be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local needs.

Conclusion

Overall, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan in respect of the principle of the proposed development, the impact it would have on the amenity and privacy of surrounding properties, the impact it would have on highway safety in the vicinity of the site and the impact it would have on the character and appearance of the surrounding area and the Pontypridd Town Conservation Area. The application is therefore recommended for approval, subject to conditions.

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 approved plans:
 - Drawing no. A100: Site Location Plan;
 - Drawing no. A103: Proposed Floor Plan;
 - Drawing no. A104: Propose Elevation Plan;

and documents received by the Local Planning Authority on 6th November

2019 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. Prior to commencement of development, details of any communal areas; including drying areas and bin storage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and these areas retained as such thereafter.

Reason: In the interests of residential amenity of future occupiers, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of development, the developer shall provide detailed information that indicates the external wall, roof, glazing and ventilation specifications offered as noise mitigation to any proposed residential property identified as to be situated within Noise Exposure Category (NEC) B (as defined in Technical Advice Note (TAN 11)) (and as detailed in Noise Impact Assessment – Old Bank Chambers, Pontypridd, Reference: 7945/FD), so as to achieve internal noise levels in compliance with BS8233:2014. The approved mitigation measures shall be implemented in accordance with the approved details prior to the first occupation of any dwelling to which the measures apply.

Reason: To ensure that the proposal would not result in a risk of unacceptable harm to health and/or local amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Any conversion works that would involve works to the roof or roof line of the building shall be supervised by a suitably qualified bat consultant, as recommended in Section 9.3 of Bat Survey: Old Bank Chambers, Market Street, Pontypridd, CF37 2SU prepared by Ecological Services Ltd, dated August 2019. A summary of the findings of any works supervised shall be submitted to the Local Planning Authority within 10 working days of the works.

Reason: In the interests of maintaining biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, development shall not commence until details providing for secure cycle parking in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to beneficial use of the development.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.