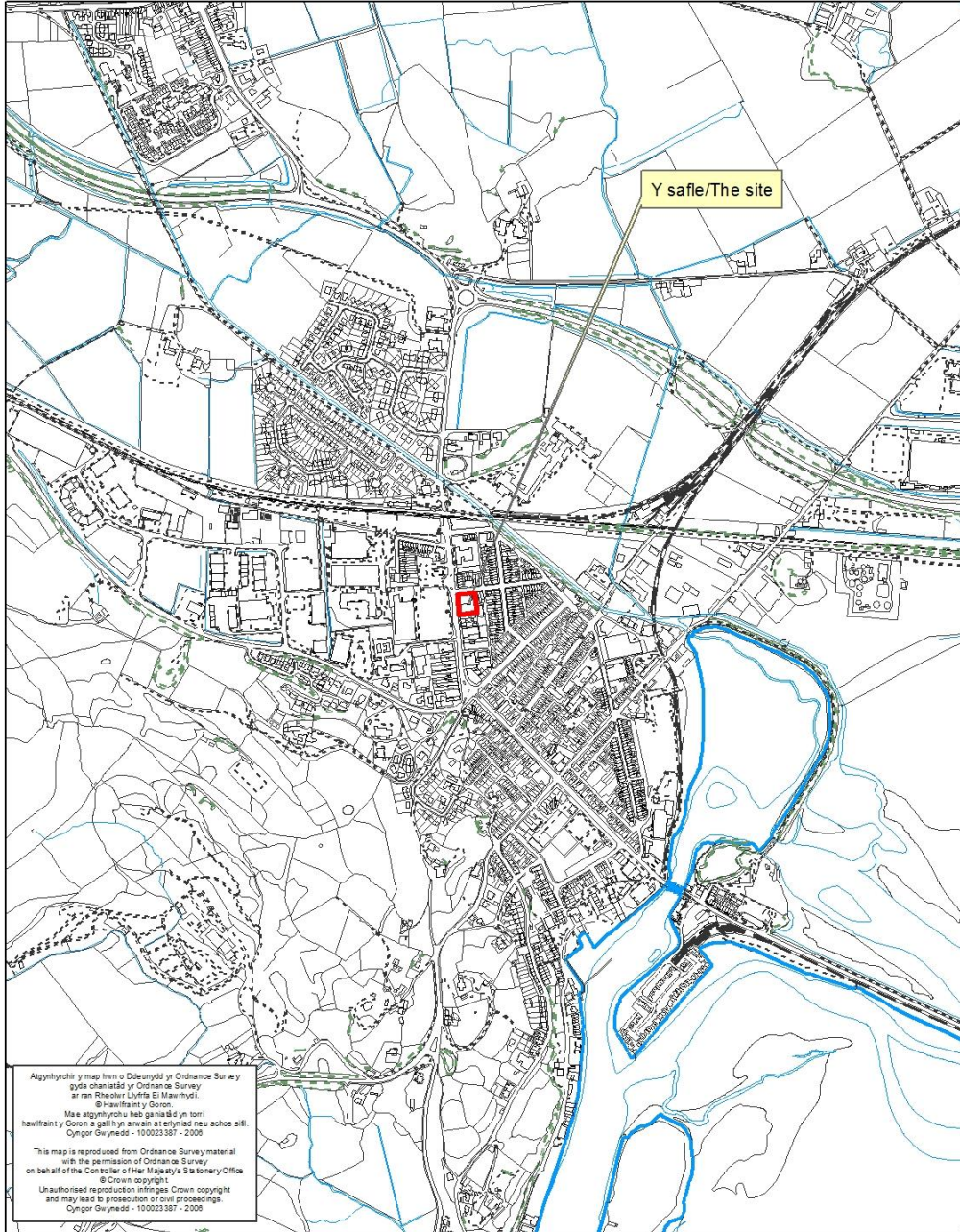


Number: 3



Rhif y Cais / Application Number : C14-0984-44-HD

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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PLANNING COMMITTEE	DATE: 07/09/2015
REPORT OF THE SENIOR MANAGER PLANNING AND ENVIRONMENT SERVICE	CAERNARFON

Application Number: C14/0984/44/HD
Date Registered: 14/10/2014
Application Type: Notice of Demolition
Community: Porthmadog
Ward: Porthmadog East

Proposal: APPLICATION FOR PERMISSION TO DEMOLISH THE EXISTING BUILDING
Location: COLISEUM CINEMA, HIGH STREET, PORTHMADOG, GWYNEDD, LL49 9HD

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 Application for prior approval to demolish a former cinema and clear the site.
- 1.2 The site is located within the defined town centre and development boundary of Porthmadog. There are residential areas to the north and east of the site. To the south and the west of the site, there is a more commercial area with a supermarket and a mix of different shops, eateries and offices.
- 1.3 It appears from the information received that it is not viable to keep the current building. The building is currently in a relatively poor state of repair and the applicant is eager to demolish the building and clear the site before its condition deteriorates with the intention of redeveloping the site for commercial purposes.
- 1.4 This application is submitted before the planning committee following receipt of more than three objections to the proposal.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats will be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B23 - AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

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2.3 National Policies:

Town and Country Planning Order (Permitted General Development) 1995 (as amended)
Schedule 2 Section 31 - Demolition

Circular 31/95 - Planning Regulation on demolition.

4. Consultations:

Community/Town Council: Not received.

Transportation Unit: There is no objection to the abovementioned application. However, it must be ensured that the demolition activities would not have any impact on the roads network or on nearby pavements and standard notes are recommended to protect this network.

The applicant/developer must agree on an Extraordinary Traffic Agreement under Section 59 of the Highways Act 1980, in order to protect the condition of the roads network affected during the construction period.

Natural Resources Wales: The demolition work should be completed in accordance with the bat report.

They also mention waste disposal methods and pollution matters.

Biodiversity Unit: The applicant has provided a further bat report from the North Wales Bat Services, dated 6 July 2015. According to the report, there was no evidence of bats or birds in the building. There are no ecological concerns regarding the proposal to demolish the former cinema.

Environmental Health Unit and Public Protection: Not received.

The Theatres Trust: The building is a community resource and it will be difficult and unlikely to replace it with a similar facility. The front of the building has architectural value which contributes to the character of the street. Suggest that the Porthmadog conservation area should be extended. Acknowledge that the application is one for a prior notice, but encourage the Council to work with the applicant to try to formulate a plan that would retain the building.

Gwynedd Archaeological Planning Service: The building is of historic interest and forms part of the town's built history. The proposal does seem unfortunate and an unnecessary loss to the historic environment. Acknowledge that the current planning framework does not permit refusal on this basis or the imposition of conditions asking for a mitigation period. If the application is to be approved, an information note is needed asking for a photographic record of the building.

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Public Consultation:

A notice was posted on site and consultation letters were sent to local residents. The consultation period has ended and one item of correspondence was received objecting on the following grounds:

- Need a waste management plan for the site (along with other permissions) before work commences.
- Question whether an archaeological assessment is needed of the cinema plot.

One letter was received which supported the application on the following grounds:

- The old building has stood unkempt for too long. Major investment is needed to renovate the building for a new use. Demolition is the best option as investors are not interested.

In addition to the above observations, more than 300 objections were received which were not valid planning objections (i.e. observations not related to demolition methods or restoration work on the site) including:

- The scheme will leave Porthmadog without a Cinema.
- This building is part of Porthmadog's heritage and culture.
- The building deserves to be listed.
- It would be better if a new use could be found for the building, rather than demolishing it.
- Historic building.
- No justification for demolition.
- There is no risk of decline in the near future.
- The building contributes to the streetscape.
- Renovating the building would contribute to rejuvenating the town.
- Need to review the conservation area to include the building and the surrounding area.
- It would be a great loss for the community.
- Loss of facility for the town.
- The standard of whatever replaces it will be inadequate and will lack ambition.
- Using it as a community facility would be better.
- The building is an important resource for the community.
- The building's architecture is of a high standard
- Rare example of the cinemas that used to be present across the area.
- There is already a lack of community facilities in the area.
- No need for more shops on the site, there are plenty of vacant shops in Porthmadog as it is.
- Need to protect art deco buildings.
- Need to protect the front of the building.

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- Memories of going to the cinema.
- There aren't many of Porthmadog's original buildings left, this will be the loss of another important landmark.
- The building represents a time in the town's history when it was thriving.
- Tourism is important to Porthmadog's economy, stripping the town of its character can only be detrimental to this.
- Need to value our history, not forget it.
- Need the Council to help re-open the Cinema.
- It will be harmful to the town's character.

5. Assessment of the material planning considerations:

5.1 The principle of the development

5.2 Demolishing such a building constitutes a 'development' therefore such plans fall under planning regulation. However; demolition is permitted under Section 31, Schedule 2 of the Town and Country Planning Order (Permitted General Development) 1995 (as amended). This means that formal planning permission is not required to demolish buildings if the developer complies with the requirements of Section 31.

5.3 The criteria require the applicant to submit a prior notice for the local planning authority to determine whether prior consent is needed for the demolition method and any restoration work proposed for the site. Consequently, **the only considerations to be addressed here are the demolition method and the restoration work.**

5.4 Observations were received from the Council's Biodiversity Unit asking for a bat survey in order to assess whether or not the demolition work would affect bats. In light of this, the applicant was informed that prior consent was required by the Local Planning Authority before the building could be demolished and a bat assessment was also requested.

5.5 The principle of demolishing buildings is accepted through permitted development rights, therefore, the principle of this proposal is acceptable.

Matters relating to the demolition method and the restoration work on site

5.6 Planning permission is not required to demolish buildings, however, the matters that relate to the demolition method and the restoration work on site fall under planning regulation. A number of the GUDP policies are therefore relevant in assessing the application.

5.7 Policy B20 of the Unitary Development Plan involves protecting species and their habitats that are internationally and nationally important. In response to the initial objections of the Council's Biodiversity Team, a bat assessment was received. The report states that there is no evidence of bats or birds in the building. Following this, neither the Council's Biodiversity Team nor Natural Resources Wales had any objections to the proposal provided the demolition work is completed in accordance

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with the recommendations of the bat report. Therefore, it is considered that the application complies with policy B20.

- 5.8 Policy B23 of the Unitary Development Plan relates to assessing proposals in terms of their impact on the amenities of the area and nearby neighbours. It must be recognised that during any building or demolition work, there will be a period of disturbance that would not usually be part of normal day-to-day living conditions. The demolition statement does not refer to the site's hours of operation, therefore it is considered reasonable to restrict the hours of operation on the site in order to protect the area's residential amenities.
- 5.9 The site is located in a prominent position off one of Porthmadog's main streets. The site's visual impact after the demolition work is therefore important, especially as there is no application or planning permission for any new use for the site. The outline demolition statement states that the site would be left level in accordance with the nearby land levels and without any loose rubble. However, there are no details regarding the materials, the site's final appearance or details of any fencing or methods for enclosing the site. The outline method statement states that the final method statement will be submitted prior to the commencement of any demolition work. In order to ensure this, it is considered appropriate to impose a condition to ensure that full details are submitted in the form of a detailed method statement and approved by the Local Planning Authority and that the work is completed within a reasonable timeframe. The method statement should also include details of the site's management plan following completion of the rehabilitation work in order to ensure that the empty space does not have a negative impact on the area's amenities in the long term. With conditions, it is not considered that the proposal is contrary to the requirements of policy B23 of the Gwynedd Unitary Development Plan.
- 5.10 Policy CH33 of the Unitary Development Plan is involved with ensuring safety on roads and streets, and it permits development proposals provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing road network and traffic calming measures. The Transportation Unit has no objection to the application. On this basis, it is considered that the proposal complies with the requirements of policy CH33 above.
- 5.11 On the above grounds, it is therefore considered that the proposal complies with the requirements of policies B20 and B23 of the Unitary Development Plan.

Response to the public consultation

- 5.12 A large number of observations have been received asking for the building to be protected as a listed building. In light of this CADW undertook an assessment of the building and decided not to list the building as it does not meet CADW's listing standards.
- 5.13 Observations were submitted questioning whether an archaeological assessment is needed on the site. Observations were also received from the Gwynedd Archaeological Service. The service recognises that the building is of historic interest and if the application is approved, an information note is needed requesting a photographic record of the building.
- 5.14 Observations were received relating to the need for a waste management plan. These observations are reflected in Natural Resources Wales' observations. However, these matters are managed through separate legislation, outside of the planning system. It

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is not necessary or reasonable to duplicate rules that already exist, rules that the developer must comply with in any case.

- 5.15 The Planning Authority acknowledges the strong feelings that exist towards retaining the building. However, the application must be determined in accordance with the requirements of the relevant permitted development rights. Other matters, such as the building's history, the design of new development, land use, impact on the economy, are all beyond the considerations of the application in question. It is not reasonable or appropriate to assess or determine an application on grounds of matters that are beyond the application's material considerations.

6. Conclusions:

- 6.1 The proposal is not contrary to any relevant policy and is unlikely to cause a detrimental effect on the amenities of the local area or any nearby properties, road safety or species that are protected, it is therefore considered acceptable for approval.
- 6.2 The relevant planning objections have been considered in full in assessing the application. However, due to the rules that permit demolition, the application must be considered in accordance with the material considerations noted in the Permitted General Development Order. There is no evidence of any material planning reason that relates to the demolition method and the restoration work on the site to refuse the application. It is therefore considered that the application is acceptable subject to the following conditions.

7. Recommendation:

- 7.1 To approve – with conditions
1. Time
 2. The demolition work and site clearance must be undertaken between 08.00 and 18:00 Monday to Friday, and 08.00 – 13.00 on Saturdays, with no working on Sunday or Bank Holidays;
 3. Prior to the commencement of any development work, a detailed method statement must be submitted and approved by the Local Planning Authority; including details of materials, the site's final appearance, site management following the completion of the restoration work along with details of any fencing or methods for enclosing the site. The work must be completed and the site kept in accordance with the approved detailed method statement and within two months of demolishing the building.
 4. In accordance with the plans and the bat report.

Information notes:

- Transportation
- Gwynedd Archaeological Planning Service