



## **PLANNING & DEVELOPMENT COMMITTEE**

**21 OCTOBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0466/10 (BJW)  
**APPLICANT:** Mr Iqbal  
**DEVELOPMENT:** Conversion of church to 8 apartments (Re-submission of 19/0829/10).  
**LOCATION:** CALVARY CHURCH, WOOD ROAD, TREForest, PONTYPRIDD  
**DATE REGISTERED:** 22/04/2021  
**ELECTORAL DIVISION:** Treforest

---

**RECOMMENDATION:** Approve.

**REASONS:** The revised application is considered to address the comments of the Planning Inspector in relation to the living conditions of the basement flat, for which the previous appeal was dismissed.

The application proposes the productive use of a currently disused building. The use of the site would be sympathetic and in keeping with surrounding land uses, which are predominantly residential, and would comply with the requirements of the Council's Supplementary Planning Guidance (SPG) for the conversion of larger buildings for residential purposes.

The application is therefore considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, the amenities of nearby residential properties and the impact on the visual amenities of the area.

---

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

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development as the proposal is for more than 5 residential units.

## **APPLICATION DETAILS**

Full planning permission is sought for the conversion of the English Calvary Baptist Church, Cliff Terrace, Treforest into 8 no. apartments. The conversion would include the basement, lower ground floor, ground floor and first floor. The application is a re-submission of a previous application, reference no. 19/0829/10, which was refused by the Council and subsequently dismissed at appeal by the Planning Inspectorate.

The revised application would involve the conversion of the property with the following arrangement of accommodation proposed:

Basement – 2 no. 1 bed units and a cycle and bin store area  
Lower ground floor – 1 no. 2 bed unit  
Ground floor – 3 no. 2 bed units  
First floor – 2 no. 2 bed units

The conversion would use the existing building with no external alterations proposed as part of the application.

The current application seeks to overcome the reasons for the dismissal of the appeal of application, 19/0829/10, and has revised the layout of one of the basement floor flats having regard to the Inspector's comments. This has resulted in one of the flats being altered from a two-bedroom unit to a single bedroom unit and the living accommodation being moved to the north-east of the building, mimicking the layout of the other unit within the basement area.

## **SITE APPRAISAL**

English Calvary Baptist Church is a large, civic scale religious building located within a predominantly residential area in the village of Treforest.

The building has a 2+ storey façade facing Cliff Terrace while the rear includes a lower ground floor and basement due to the sloping nature of the site to the north east onto the main railway line.

The highway to the front of the building is narrow and constrained to a single width of carriageway due to the historic layout of the area.

## **PLANNING HISTORY**

19/0829/10	English Calvary Baptist Church, Cliff Terrace, Treforest, Pontypridd.	Conversion of a church to 8 apartments (amended parking scheme received 06/12/2019).	Refused 10/09/2020  Appeal dismissed 06/01/2021
------------	---	--	---

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. Two responses have been received, the main points of which are detailed below:

1. Lack of parking facilities for the proposal and the impact on existing parking within the area which is already oversubscribed.
2. Lack of need. There are a large amount of empty properties already so is there really a need for more?
3. Ecological and architectural issues have not been addressed.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions. Additional comments are made in relation to the previous refusal, the dismissed appeal and the Inspector's comments in relation to the impact on highway safety considerations.

Flood Risk Management (Drainage) – No objection, subject to a condition in relation to surface water flood risk for this application as surface water runoff will discharge off site.

Public Health and Protection – No objection, subject to a condition to restrict the hours of operation during the construction phase of the development, a condition to require a scheme for noise attenuation from the adjacent railway line, prior to commencement, and standard informative notes in respect of noise, waste and dust associated with the proposed development.

Natural Resources Wales (NRW) – No objection.

Glamorgan Gwent Archaeological Trust (GGAT) – No objection, however the proposal will require historic environment mitigation in the form of a condition to secure an appropriate programme of historic building recording and analysis and informative notes.

Dwr Cymru Welsh Water – No objection, subject to conditions and informative notes.

Western Power Distribution - No objection. The applicant should be aware that if they require a new connection, disconnection or service alteration that they should contact Western Power Distribution.

South Wales Fire and Rescue Service – No objection. Advice is provided in terms of the provision of adequate water supplies on site for fire-fighting purposes and access for emergency firefighting appliances.

Pontypridd Town Council – No response received.

## **POLICY CONTEXT**

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

The property is within the defined settlement boundary and is unallocated.

**Policy AW 1** - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 – 2021.

**Policy AW 2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

**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 placemaking, including landscaping.

**Policy AW10** – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

**Policy SSA13** - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

## **Supplementary Planning Guidance (SPG): Development of Flats- Conversion and New Build**

### **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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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.

Given the relatively modest scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it

is not considered the policies set out in the document are specifically relevant to this application.

### **Planning Policy Wales Technical Advice Note 12 Design.**

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

The above chapters and Technical Advice notes set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

### **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:**

#### **Overview since previous dismissal of appeal at the site**

As set out in the application details above, a previous application at the site for a similar development of 8 no. flats was recently refused by the Council's Planning and Development Committee. The reasons for refusal were:

1. The proposed development would represent overdevelopment of the site resulting in units with a poor standard of living accommodation to the detriment of future residents' living conditions, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. In the absence of adequate off-street parking facilities (shortfall of 11 spaces), the proposed development would lead to increased levels of indiscriminate on-street car parking in an area where there is already considerable demand leading to unacceptable highway and pedestrian safety concerns to the detriment of safety of all highway users and free flow of traffic.

The applicant subsequently appealed the refusal to the Planning Inspectorate who dismissed the appeal and upheld the Council's decision.

However, the appeal was dismissed solely on the basis that the parking structure proposed to accommodate cars at the site:

*"would significantly limit daylight levels within unit 8's lounge/kitchen."* and

*“Irrespective of the design details, the limited gap and height of the structure relative to the window would result in a gloomy and oppressive outlook. Although the structure would have little impact on unit 8’s bedroom windows, the poor outlook and daylight levels within the flat’s main habitable room would unacceptably harm occupants’ living conditions.”*

The Planning Inspector did not support the second reason for refusal, that of inadequate parking facilities which would lead to *“unacceptable highway and pedestrian safety concerns to the detriment of safety of all highway users and free flow of traffic.”*

In his comments the Planning Inspector stated that:

*“Having regard to the appeal site location, the scale/nature of the residential accommodation proposed and the building’s existing use, I consider that the 7 off-street parking spaces proposed would strike an appropriate balance between promoting sustainable transport options for future residents whilst avoiding a level of overspill parking which would detrimentally affect the safety or convenience of highway users. Consequently, I conclude that the proposal would accord with the accessibility and highway objectives of LDP policy AW5 (2) and the guidance included in the Council’s SPG.”*

In light of the appeal decision, the scheme has been altered and the layout of the unit referred to (8) changed to specifically address the concerns of the Planning Inspector. The unit would still be located within the basement of the building but has been reduced from a two bed unit to a one bed unit and the main living accommodation has been moved further along the building, the same as the other unit in the basement, to improve its outlook and levels of daylight.

Having regard to this overview, the other issues in relation to the consideration of the current application are detailed as follows:

### **Principle of the proposed development**

As previously stated, the site consists a disused and neglected church building with some attached ancillary buildings within a restricted plot in a prominent roadside position within the village of Treforest.

The site is within the defined settlement boundary where development is considered to be acceptable, subject to compliance with other policies in the Local Development Plan. The premises has been disused for over three years before which it was used as a place of worship.

In terms of land-use planning considerations the site is within a sustainable location that has reasonable access to transport nodes, goods and services and is therefore in accordance with Policy AW2. The proposal would be sympathetic to surrounding land

uses, which are predominantly residential, and would provide an alternative type of residential accommodation as well as securing a productive use for a currently disused site within the locality.

In this respect the re-use of the building is considered to be positive. However, the application will also need to be considered against the Council's Supplementary Planning Guidance (SPG) relating to the conversion of larger buildings into flats. The proposal features a prominent and identifiable entrance which is located at the front of the property. There is also space for bin storage and cycle storage within the property as well as limited amenity space and the potential for off-street parking within the site.

While it is acknowledged that the units to the rear and within the lower ground floor and basement levels would not be ideally appointed, it is considered that they do have reasonable levels of natural light and outlook due to the sloping nature of the site.

In particular, the reduction in accommodation and the revised layout within the basement level of one of the flats, which was specifically mentioned by the Planning Inspector, has improved both the outlook and levels of possible daylight to this unit. In this regard, it is now considered that the concerns of the Inspector have been adequately addressed and this unit, like many basement flats, while not ideal, would be generally acceptable.

The principle of the development is therefore considered to accord with the provisions of the Local Development Plan, nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

### **Impact on amenities of neighbouring properties**

The new residential units that would be formed within the conversion would be in close proximity to existing properties opposite the site.

The application proposes no external alterations to the building and it is indicated that the existing openings will be utilised to serve the development.

There is potential for overlooking from habitable rooms to existing properties to the south and east of the property, however it is considered that this could be successfully mitigated through the use of obscure glazing to a portion of habitable room windows where the relationship is close and direct. While this has not been the source of an objection, it is considered prudent to control the glazing of the upper floor windows to be obscure glazed to a height of 1.8m from finished floor level to mitigate any potential adverse impact.

It is also considered that as the proposal is a conversion and would be of an identical scale, that the development would not have an overbearing impact on neighbouring properties.

## **Character and appearance of the area**

The building is a large and attractive chapel building which retains much of its original character although its condition is clearly worsening due to disuse.

The proposal would retain the existing facade. The works to the front of the property to create the parking area are considered to be proportionate and visually acceptable to a conversion of this nature.

Consequently, it is considered that the scale and design of the converted property would remain sympathetic and be in keeping with the existing dwellings in the area. Therefore, the application is considered to be acceptable in this respect.

## **Highway safety**

The Transportation Section has raised no objection to the revised application in terms of parking facilities and general highway safety considerations.

In coming to this view and having regards to the comments of the Planning Inspector the Transportation Section conclude:

In light of the Planning Inspector's comments within the appeal decision notice which dismissed the reasons for objection on the grounds of increased indiscriminate parking as a result of the proposed parking being below the maximum standards set out within the Council's SPG: Access Circulation and Parking and the adequacy of the proposed 7 spaces, no highway objection is raised.

Consequently, the original comments offered in relation to highway safety considerations, including additional consideration of the Planning Inspector's comments are set out below:

### Access

The proposed development would be served off Cliff Street via the existing means of access to the Church. In the vicinity of the development Cliff Street can only accommodate single file traffic and has a continuous footway on the development side only. Double yellow line road markings prevent on-street parking at the acute angled priority junction with Wood Road and the sub-standard turning area at the limit of Cliff Street.

At paragraphs 5 and 6 of the Inspector's decision notice the Inspector commented with regard access to the site as follows:

*"5. On my site visit I saw evident demand for on-street car parking in the immediate vicinity. Parking restrictions and highway geometries on Wood Road and a general absence of curtilage parking significantly limit parking options for residents. Whilst*

*there are no parking restrictions on Cliff Terrace, I again saw evident competition for road space. I noted ad hoc parking on footways which would be likely to inconvenience pedestrians who may use Cliff Terrace to avoid the narrow footway on Wood Road or to reach the flight of steps leading to Broadway.*

*6. Further to this, the junction of Cliff Terrace with Wood Road, which lies immediately to the site's south, is acute angled and the highway is significantly limited in width at the site frontage. On-street parking pressures nearby also plainly influence traffic flows on Wood Road, with vehicles having to wait to pass one another in several places. These highway conditions could not be described as optimal."*

Although the Inspector considered the highway conditions as 'not optimal', the prevailing conditions were not considered significant enough to support grounds for dismissing the appeal. Therefore, given the existing dwellings on the street and the development's historic use as a church, the concern with regard access is not considered significant enough to warrant highway objection.

### Parking

Highway observations submitted for application 19/0829 stated the car parking requirements in accordance with the Councils SPG as:

The proposed provides 8 no. 1-2 bedroom apartments which in accordance with the Council's SPG: Access, Circulation & Parking Requirements has a parking requirement of 18 off-street car parking spaces.

The amended site layout plan indicates that 7 no. off-street parking spaces are to be provided off Cliff Terrace. This results in a shortfall of 11 spaces, which gives cause for concern. However, when considering the SPG advises that residents of flats often have lower car ownership rates than other types of household and the sustainable location of the proposed development, the concern is not significant enough to warrant highway objection.

At paragraph 7-10 of the Inspectors decision notice the Inspector outlined factors considered in his assessment of parking provision as follows:

*"7. The Council's 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance (SPG) indicates that car parking should be provided at a maximum of 1 space per bedroom and 1 visitor space per 5 flats. The Council estimates that the appeal proposal would accordingly generate a maximum 'requirement' of 18 spaces. Planning Policy Wales indicates, however, that parking standards should be applied flexibly and that planning authorities must support schemes which keep parking levels down, especially off-street parking. In this case, the appeal site is located close to shops, services and public transport and the proposal would incorporate internal cycle storage. Given the site's location, and the flatted nature of accommodation and modest floorspace of the proposed units, I consider that the 'maximum requirement' estimated*

*by the Council is likely to considerably overstate the demand for car parking generated by future occupants of the proposal.*

*8. There would, however, be nothing to restrict future occupants from owning vehicles and it is therefore probable that the proposal would generate some demand for on-street parking. Whilst I recognise that the use of the appeal building as a church or other non-residential institution could increase on-street parking locally, and possibly more acutely, it is likely that this would be time-limited. The 8 proposed residential units, on the other hand, would be likely to be occupied throughout the week.*

*9. Given the local highway conditions, I consider that this proposal warrants the provision of an element of off-street car parking. To not do so would, in my view, have the potential to result in overspill parking which would have a material impact on the convenience and safety of highway users on Church Terrace and Wood Road.*

*10. My attention has been drawn to residential conversions permitted elsewhere within the County Borough which provide fewer parking spaces than the SPG maximum requirement; in two cases with no parking provided. The details of these schemes are not before me, but the individual site circumstances are likely to be determinative in each case. Having regard to the appeal site location, the scale/nature of the residential accommodation proposed and the building's existing use, I consider that the 7 off-street parking spaces proposed would strike an appropriate balance between promoting sustainable transport options for future residents whilst avoiding a level of overspill parking which would detrimentally affect the safety or convenience of highway users. Consequently, I conclude that the proposal would accord with the accessibility and highway objectives of LDP policy AW 5 (2) and the guidance included in the Council's SPG."*

Within the appeal decision at paragraph 10 the Inspector has clearly concluded that on the basis of Planning Policy Wales, the sustainable location and flatted nature of the development, that the proposed 7 off-street parking spaces would be acceptable and therefore the parking provision shown on drawing no. "CEX7/6" which provides a 6m width to facilitate manoeuvring into and out of the spaces is acceptable.

Furthermore, the submitted drawing no. "CEX7/6" indicates that cycle storage is available within the basement promoting sustainable modes of travel which is considered acceptable to encourage the use of sustainable modes of travel /Active Travel.

## **Other Issues**

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the comments of neighbouring residents, the following comments are offered:

The application provides 7 no. parking spaces to serve the development. While it is acknowledged that this is less than would be ideally required, the fall-back position is that the use of the property as a Church or a similar D1 use (such as a clinic, crèche, day nursery or non-residential educational facility etc.) would generate an even higher requirement without the necessity for planning permission or any ancillary parking provision.

The need for additional housing is a matter for market forces and not material to the consideration of the planning application.

Natural Resources Wales (NRW) have raised no objection in terms of ecological issues at the site.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. 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.

The CIL (including indexation) for this development is expected to be £37,488.70.

### **Conclusion**

The amended layout of the basement flat is considered to have adequately addressed the concerns of the Planning Inspector in relation to the previously dismissed appeal at the site.

Consequently, the proposed amended scheme is considered to be a productive use of the property and a sympathetic and conforming use that would be of an acceptable scale and design, would not have a harmful impact on neighbouring properties, the visual amenity of the area or highway safety considerations. The proposal is therefore considered to be acceptable.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

Site location plan, Plan No. CEX7/1  
Block plan, including parking provision, Plan No. CEX7/10/A  
Proposed basement level, Plan No. CEX7/6/a  
Proposed lower ground floor plan, Plan No. CEX7/7  
Proposed ground floor plan, Plan No. CEX7/8  
Proposed first floor plan, Plan No. CEX7/9

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. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the details shown on the submitted plans, development shall not commence until details of a scheme of obscure glazing of the first floor side facing windows in the south-west and south-east elevations (facing 40 and 41 Wood Road) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the levels of obscurity to a minimum of level three. The agreed scheme shall be installed at the property to a height of 1.8m from finished floor level prior to beneficial occupation of any unit and shall be retained in place in perpetuity.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The development shall be carried out in accordance with the agreed details prior to beneficial occupation of any unit.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site,

adjoining properties, environment and existing infrastructure arising from inadequate drainage on accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until a scheme for protecting the future occupiers of the development from noise from the adjacent Pontypridd – Cardiff railway line has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be implemented before any unit is occupied and shall remain in perpetuity.

Reason: To ensure that the noise emitted from existing railway is not a source of nuisance to occupants of the development hereby permitted in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted plans, development shall not commence until details providing for a vehicular crossover in accordance with Highway Design Guide Standard Details Drg. No. 111 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of any unit.

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

10. The parking spaces indicated on drawing no. CEX7/10/A shall be constructed on site in permanent materials prior to beneficial occupation of any unit and retained for the purpose of vehicular parking only thereafter.

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