

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021-2022:

**PLANNING AND
DEVELOPMENT COMMITTEE
13th JANUARY 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
APPLICATION NO: 21/1267 - Conversion of property to 8 studio flats, including a two-storey rear extension, internal alterations and off-street car parking to rear (amended plans rec. 18/10/21 and amended description 18/10/21), Gwynfa House, Main Road, Church Village, Pontypridd	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to 16th December 2021 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members were minded to refuse the application against officer recommendation. Members considered that the proposed development to convert the property to 8 no. self-contained studio flats would result in overdevelopment of the property in that it would provide poor-quality accommodation for future residents. As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer considerations regarding the principle of the development are outlined in the original report however, a brief summary is provided below:

It is noted that the floor area for each flat is on the small side, with floor areas between 19.57 sqm and 32.40 sqm however, the dimensions are greater than the requirement set out in the Council's guidance document – 'A Landlords

Guide to Standards in HMOs'. Whilst the document specifically relates to HMOs, Appendix 3 of the document provides minimum sizes for units of accommodation with some shared basic facilities, such as bedsits. It states that a unit for a single person with 1 room only, which includes kitchen facilities, is 13 sqm. In the case of this application, each flat would incorporate kitchen facilities with a communal laundry room at ground floor and would therefore comply with the minimum requirements.

Furthermore, each studio flat would be served by a window which would ensure that a reasonable level of natural daylight and ventilation could be achieved whilst also providing a reasonable outlook. All 8 flats would be accessed via pedestrian access door to the front whilst 3 of the flats would also have a secondary access either to the front or the back of the property. There is also a small area proposed at the rear for use as a communal garden as well as one off-street car parking for each flat, which has not raised any objection from the Council's Highways and Transportation team.

The property is located within the defined settlement boundary and within an established built-up area which is characterised by both residential and commercial properties. Whilst the site is located inside the defined retail area for Church Village, the principle of converting the property to residential has already been established in the granting of planning consent ref. 21/1005. It is also considered that the residential use of the site would provide some support to existing businesses in the locality.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

- 1. The proposal would constitute overdevelopment of the site in that it would provide poor-quality living accommodation for future residents. It would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1267/10 (KL)
APPLICANT: Mr N Tuchli
DEVELOPMENT: Conversion of property to 8 studio flats, including a two-storey rear extension, internal alterations and off-street car parking to rear (amended plans rec. 18/10/21 and amended description 18/10/21).
LOCATION: GWYNFA HOUSE, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN
DATE REGISTERED: 18/10/2021
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve, subject to S106 and conditions

REASONS: The conversion of the application property to 8 no. studio flats is considered to be acceptable in principle. The site is situated on the fringe of a Local and Neighbourhood Centre however all reasonable attempts have been made to let the premises for retail use without success. Furthermore, planning permission has recently been granted for the conversion of the property to a single dwelling.

Whilst the loss of the commercial unit would run counter to the general thrust of the retail strategy of the LDP and National Policy, it is considered the additional supporting information that has been submitted with the application overcome the previous concerns shown.

Consequently, when considered as a whole, the policies contained within the LDP supports the loss of this facility from the retail centre, as its replacement with residential accommodation, together with its extensions and alterations, would make an effective and acceptable use of the building, whilst its location and its proximity to other dwellings would mean the proposal would not conflict with the surrounding land use. Furthermore, the proposal would reinstate the original use of the building whilst ensuring it does not fall into a state of disrepair.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is therefore recommended for approval, subject to conditions.

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 Gwynfa House, Main Road, Church Village from offices to 8 studio flats. The proposal includes the construction of a two-storey extension and the provision of off-street-car parking at the rear of the property.

The proposal would provide 8 no. self-contained studio flats with 4 at ground floor and 4 at first floor. Four of the flats would be contained within the proposed two storey extension at the rear of the building. Each flat would have a single room incorporating a living/sleeping and kitchen area with a separate shower room/WC. The proposed floor area of each flat is as follows:

- Flat 1: 32.55 sqm
- Flat 2: 22.75 sqm
- Flat 3: 29.55 sqm
- Flat 4: 29.35 sqm
- Flat 5: 19.57 sqm
- Flat 6: 22.89 sqm
- Flat 7: 29.72 sqm
- Flat 8: 32.40 sqm

The flats would all be accessed via a main entrance door to the front of the property however, the two ground floor flats at the rear (flats 3 & 4) would benefit from a secondary rear access. Flat 1, which would be situated within the existing single storey front projection, would also benefit from a secondary access.

The proposed two-storey rear extension would extend across the full width of the existing property, measuring 9.7 metres in width by 7.5 metres in depth. It would incorporate a hipped roof design that would measure 7.9 metres in height to the ridge and 5.8 metres to the eaves. External materials would consist of render, concrete roof tiles and upvc windows and doors (graphite).

The area at the rear of the property would be utilised as a parking area for the residents with 8 off-street car parking spaces being provided. The existing access alongside the south-west facing side elevation would be retained.

A communal laundry room would be provided at ground floor as well as a small communal garden at the rear of the property.

SITE APPRAISAL

The application site relates to an existing detached property, known as Gwynfa House, which is located on the main road through the village of Church Village. The property currently appears to be vacant however, it is understood that it was most recently used as offices.

The property is set within a rectangular shaped plot with the north-west facing front elevation being set back from the highway by a small outdoor area. A yard and off-street car parking area is situated to the rear of the building with access to this area running along the south-west facing side elevation.

The property is of a two-storey scale with a traditional design featuring a single storey extension to the front elevation. It has a rendered finish with a tiled roof and upvc windows and doors.

The surrounding area is characterised by both commercial and residential properties. Properties either side of the site are both commercial whilst those opposite and to the rear of the site are residential.

PLANNING HISTORY

The following applications are on record for this site:

21/1005	Gwynfa House, Main Road, Church Village	Change of use from B1 (office) to C3 (dwelling), construction of two storey extension and detached garage (resubmission)	Granted 31/08/21
21/0516	Gwynfa House, Main Road, Church Village	Change of use from B1 (office) to C3 (dwelling), construction of two storey extension and detached garage	Refused 04/06/21

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site. No representations have been received from local residents in response to this exercise.

The application was advertised for a second time following the submission of amended plans to overcome some concerns raised in relation to the initial plans submitted. The amendments included the reduction in the number of flats from 9 to 8 and an increase in the number of off-street car parking spaces from 6 to 8. No representations were received from local residents in relation to the second exercise.

CONSULTATION

Countryside, Ecology and Landscape: No objection or survey requested.

Flood Risk Management: No objection or condition recommended.

Highways and Transportation: No objection, subject to condition relating to the parking spaces being implemented prior to beneficial occupation.

Public Health and Protection: No objection. Comments received in relation to hours of operation, noise, dust, waste and lighting.

Welsh Water: No objection, subject to condition and advisory notes.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and in the defined Local and Neighbourhood Centre for Church Village. The following policies are considered to be relevant in the determination of this application:

Policy CS2 – Development in the South: sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 – Supply of New Housing: states that the supply of new housing will be met by the conversion of suitable structures to provide housing.

Policy AW2 – Sustainable Locations: advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW4 – Community Infrastructure & Planning Obligations: details the criteria for planning obligations, including Community Infrastructure Levy (CIL).

Policy AW5 – New Development: sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – Design and Placemaking: requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – Environmental Protection and Public Health: development proposals must overcome any harm to public health, the environment or local amenity.

Policy AW11 – Existing Employment and Retail Uses: development proposals promoting alternative uses for employment units will be permitted where the site is not identified by the allocating policies and the retention of employment sites have been fully explored without success by way of marketing for appropriate employment purposes at a reason market rate for a minimum of 12 months.

Policy SSA11 – Housing Density: requires a minimum of 35 dwellings per hectare.

Policy SSA12 – Affordable Housing: requires the provision of 20% affordable housing on sites of 5 or more units.

Policy SSA13- Housing Development within Settlement Boundaries: permitted development within the defined settlement boundary where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Policy SSA16 – The Retail Hierarchy: sets out the retail hierarchy in the Southern Strategy Area and defines Church Village as a Local and Neighbourhood Centre.

Supplementary Planning Guidance

Design and Placemaking

Affordable Housing

Planning Obligations

Access Circulation and Parking

Development of Flats

Licensing of Houses in Multiple Occupation – A Landlords Guide to Standards in HMOs (2019)

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), 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 also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor 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.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application seeks to convert the property from offices to 8 self-contained studio flats. The proposal includes a two-storey extension at the rear of the property.

The site is located within the defined settlement boundary and is within the defined Local and Neighbourhood Centre of Church Village, as set out in Policy SSA16 of the Rhondda Cynon Taf Local Development Plan. Due to its location, the site has good access to a number of key local services and facilities and is accessible by sustainable transport options. The site is also conducive to travel on foot and bicycle. Whilst the development would consist of highly vulnerable development, the site is not situated within Zone C2 floodplain. The site is therefore considered to be situated within a highly sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Whilst the site is situated within the defined Local and Neighbourhood Centre for Church Village where the retention of retail/commercial uses should prevail, the proposal to convert the property for residential purposes is considered to be acceptable. The property is situated on the fringe of the retail centre and is understood to have been vacant for over a year. The applicant has provided evidence which demonstrates that the property had been marketed by professional agents since March 2020, prior to the applicant purchasing it in March 2021. It is therefore considered that the application complies with Policy AW11.

The COVID -19 pandemic has also had a major impact upon the economy and retail activity with a significant increase in online shopping. Whilst it is likely that there would be an economic recovery, the prospect of this property being occupied by an A1, A2 or A3 use is unlikely, given the scale of the property. It is also considered unlikely that the property would be reutilised as an office space. As such, there is a great possibility that the site could remain vacant for quite some time and it is considered that the conversion of the building to 8 residential units would provide some support to existing businesses within the retail centre. Whilst the loss of a commercial unit in the Local and Neighbourhood Centre is regrettable, when weighed against the evidence provided by the applicant and the possibility of the property remaining vacant for a long period of time and subsequently falling into a poor state of repair, the proposal is considered to be acceptable.

Furthermore, a planning application for the conversion of the property to a single residential dwelling (planning ref. 21/1005) has recently been approved and so the principle of using the site for residential purposes has already been established. The previously approved application included an extension of a similar scale to that currently proposed.

Policy SSA11 seeks to ensure that residential development has a minimum of 35 dwellings per hectare. The proposal would provide a density of 100 dwellings per hectare (on the basis of 8 units on a parcel of land measuring 0.07 hectares) and the application would therefore comply with this policy.

Policy SSA12 seeks a provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team have reviewed the application and advise that a financial contribution for the provision of affordable housing off-site rather than on site social housing provision would be appropriate in this case.

In light of the above, the principle of converting the property to 8 self-contained residential flats is considered to be acceptable, subject to consideration of the criteria set out in the subsequent sections below.

Impact on the character and appearance of the area

The front of the property would remain largely unaltered with the only visible alterations being the reduction in size of the window in the existing single storey projection and the construction of a 1.5 metre high wall and gate to enclose the front garden area. Neither of these alterations would have a significant impact upon the character and appearance of the property or the wider street scene.

The proposed two-storey extension at the rear would form a sizeable addition to the property however it is not considered that it would be unacceptable when considering the scale of the existing building and the fact that it would not be visible from the street scene. The extensions would be in-keeping with the scale and design of the application property and materials of render, concrete roof tiles and upvc windows and doors would ensure that it would not appear to be visually prominent within the wider area. Furthermore, there are extensions of a similar scale and design at the rear of other properties along this row.

As such, it is considered that the proposal would have a positive impact upon the character and appearance of the application property and the wider area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

Impact on residential amenity and privacy

Existing Residents

As indicated previously in this report, the proposed two storey extension is of a similar scale and design to that previously approved under planning application ref. 21/1005. The only visible difference is that the extension currently proposed extends to the full depth of 7.5 metres at both ground and first floor, whereas the extension previously approved was set back at first floor on one side to provide for a balcony from the master bedroom. The difference between that currently proposed and that previously approved in terms of impact would be minimal with the first floor projecting 2 metres beyond that previously approved. Furthermore, given the off-set relationship between the application property and the neighbouring property to the west, the extension would be unlikely to give rise to any significant overbearing or overshadowing impact.

In terms of overlooking, the fenestration detailing of the extension has been changed in comparison to the extension previously approved. The extension would now incorporate standard casement windows rather than large bi-fold doors that would open onto a garden/balcony. This would reduce the level of actual and perceived level of overlooking from the extension towards properties at the rear of the site. Furthermore, the distances between the extension and the rear elevations of the nearest residential property (no. 17 Brookdale Court) would be approximately 31 metres with any views between habitable windows being oblique rather than direct. There may be views towards the rear garden of no. 17 however the distances between the extension and the boundary would be approximately 20m and is considered to be acceptable.

There is some concern that the proposal could result in some degree of noise and disturbance as a result of the comings and goings of future residents of the flats however, given that the site is located in a retail area with commercial properties either side of the property, it is considered that existing residents in the area (i.e. residential properties opposite the site) would already be accustomed to some degree of noise and disturbance from the mixed character of the area.

Future Occupiers of the Flats

In terms of the amenity and privacy of potential future occupiers of the proposed development, the Council's SPG: Development of Flats states that new flats should provide an acceptable quality of accommodation for residents. It states that flats should be of a suitable size and habitable rooms should have a reasonable outlook and level of natural daylighting and ventilations. They should also have a main entrance to the front of the building and have access to either private or communal outdoor space.

Whilst the floor areas for each studio flat, which vary between 19.57 sqm and 32.40 sqm, are considered to be on the small side, these dimensions are greater than the requirement set out in the Council's guidance document – 'A Landlords Guide to Standards in HMOs'. Whilst the document specifically relates to HMOs, Appendix 3 of the document provides minimum sizes for units of accommodation with some shared basic facilities, such as bedsits. It states that a unit for a single person with 1 room only, which includes kitchen facilities, is 13 sqm. In the case of this application, each flat would incorporate kitchen facilities with a communal laundry room at ground floor and would therefore comply with the minimum requirements.

Furthermore, each studio flat would be served by a window which would ensure that a reasonable level of natural daylight and ventilation could be achieved whilst also providing a reasonable outlook. All 8 flats would be accessed via pedestrian access door to the front whilst 3 of the flats would also have a secondary access either to the front or the back of the property. There is also a small area proposed at the rear for use as a communal garden and whilst the area is not considered to be particularly spacious or inviting (given that it would be located adjacent to the 8 off-street car parking spaces), the size of the space provided would not warrant the refusal of the application, particularly given that there are a number of public amenity spaces in the wider area.

Consequently, it is not considered that the proposal would have an adverse impact upon the amenity and privacy of existing neighbouring properties or upon the health and well-being of future occupiers. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Development of Flats.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section and no objection has been raised. The comments received indicate that the application site is served via an existing dropped kerb off Main Road which is proposed to remain unchanged and is considered to be acceptable. It is also noted that the site is situated within Parking Zone 3 and that the proposal for 8 studio flats would require two off-street car parking spaces per flat (total no. required: 16). The proposal would provide 8 off-street car parking spaces which would lead to a shortfall of 8 spaces. However, given that car ownership rates for residents of flats is considered to be lower and that the proposed development is situated in a sustainable location with both bus and rail stops being within reasonable distance, the shortfall in spaces is considered to be acceptable in this regard.

In light of the comments received from the Council's Highways and Transportation section, it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 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.

Drainage

The Council's Flood Risk Management team have not raised any objection to the proposal or recommended any condition in relation to land drainage. The response received indicates that the development would encompass works that would have drainage implications over 100 sqm and it is therefore considered that the developments surface water risk will be adequately managed by both Schedule 3 of the Flood and Water Management Act 2010 and by Building Regulations.

The application is therefore considered to be acceptable and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The proposal would not result in any works to the roof or roof space and the Council's Ecologist has not requested any bat or ecological surveys.

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 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £30,469.83

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 provide 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

Policy SSA12 of the Rhondda Cynon Taf Local Development Plan seeks a provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team have reviewed the application and advised that a contribution to the provision of affordable housing off-site rather than on site social housing provision would be appropriate in this case.

Conclusion

The principle of converting the property to a residential use is considered to be acceptable. It is not considered that the works to facilitate the proposed 8 no. studio flats would have an adverse impact upon the character and appearance of the site or surrounding area, nor would they or the proposed use adversely impact upon the amenity and privacy of neighbouring occupiers. The proposal would provide 8 off-street car parking spaces at the rear of the property and whilst this would create a shortfall in parking, no objection has been raised by the Council's Highways and Transportation section in terms of the potential impact of the proposal upon highway safety in the vicinity of the site. The proposal is therefore considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is recommended that the application is approved, subject to conditions and a Section 106 Agreement for a contribution to the provision of off-site affordable housing.

RECOMMENDATION: Approve, subject to condition and S106 Agreement

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 and documents received by the Local Planning Authority on 18th October 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. NT003 Rev B. Proposed Elevation Plans;
- Drawing No. NT004 Rev B: Proposed Elevation Plans;
- Drawing No. NT005 Rev C. Site Plan, Proposed Front Wall Plan and Proposed Block Plan;

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

3. The 8 parking spaces shown on the submitted plan (NT 005 C) shall be implemented to the satisfaction of the Local planning Authority prior to beneficial occupation. The parking spaces shall be retained in perpetuity in connection with the flats unless otherwise agreed in writing by the Local Planning Authority.

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