

## **PLANNING & DEVELOPMENT COMMITTEE**

**27 JANUARY 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1453/10 (LJH)  
**APPLICANT:** Mr P Marchant  
**DEVELOPMENT:** Change of use from office to veterinary clinic.  
**LOCATION:** RHONDDA LABOUR PARTY, OXFORD HOUSE,  
DUNRAVEN STREET, TONYPANDY, CF40 1AU  
**DATE REGISTERED:** 23/11/2021  
**ELECTORAL DIVISION:** Tonypandy

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The proposed change of use would be suitable and appropriate for this existing commercial property located within the retail area of the Key Settlement of Tonypandy, adding to the vitality and viability of town centre and maintaining the position of the retail centre within the retail hierarchy.

The operation of the proposed use would not have a detrimental impact upon the amenity of neighbouring residential properties or highway safety in the vicinity.

The application is therefore considered to comply with the relevant policies of the Local Development Plan.

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

- The application is reported to Committee as the Applicant is a direct relation of an elected Member.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of Oxford House, Dunraven Street from an office (planning use class A2) to a veterinary practice (planning use class D1).

The change of use would be facilitated by an internal reconfiguration only to create the following rooms/areas:

- Waiting/reception area;
- 3 consulting rooms;
- X-ray room;
- Operating theatre;

- Staff kitchen and toilet;
- Staff office; and
- Cattery and kennels including isolation room.

The existing shopfronts are to remain, with no alterations proposed to the exterior of the building.

The proposed hours of operation have not been provided.

## **SITE APPRAISAL**

Oxford House is a prominent commercial property located within the lower retail area of Tonypany town centre. The property is currently vacant but was previously occupied by Rhondda Labour Party, serving as their office and drop-in centre. The building also includes a separate, smaller ground floor retail unit, No. 10 Bridge Street (Rhondda Die Cast Model Shop) at the north-eastern side. The first floor of the former office extends over the separate retail unit and is included within this application site. The separate retail unit does not form part of this application and would remain in its current form following development.

The property sits on a corner plot located on the junction of Dunraven Street and Bridge Street. The building incorporates ground floor shopfronts on both its north-western and south-western facing elevations, with the upper floor finished in painted render and a concrete tiled roof.

It is noted that nos. 7-9 Bridge Street, which are located directly to the north-east of the property, are terraced residential dwellings. The adjoining property to the south-east is a hair salon, with a hot food takeaway sited beyond. The wider area is comprised mainly of various commercial uses.

## **PLANNING HISTORY**

There are no records of any previous planning applications at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. No letters of objection or representation have been received as a result of this exercise.

## **CONSULTATION**

Highways and Transportation: No objection or conditions suggested.

Public Health & Protection: No objection, subject to conditions relating to demolition, construction hours, noise, dust, and waste. Whilst these comments are appreciated, it is considered construction matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Flood Risk Management: No objection or conditions suggested.

Waste Services: No objection, the bin collection point must remain on the curb side at the front of the property.

## **POLICY CONTEXT**

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

The application site lies inside the settlement boundary of Tonypany and is within a Key Settlement Retail Area, Tonypany (Policy NSA19.2 refers).

**Policy CS1** - sets out criteria for achieving sustainable growth in the Northern Strategy Area including, promoting and enhancing transport infrastructure services.

**Policy AW2** - supports development in sustainable locations.

**Policy AW5** - lists amenity and accessibility criteria that will be supported in new development proposals.

**Policy AW6** - lists design and placemaking criteria that will be supported in new development proposals.

**Policy NSA18** - provides the retail hierarchy in the Northern Strategy Area.

**Policy NSA19.2** - designates the area as a Retail Centre for a Key Settlement (Tonypany) and supports development that would maintain or enhance a centre's position in the retail hierarchy.

### **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 24<sup>th</sup> 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), WG's 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow

- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

It is considered that the principle of changing the use of the premises from an office (A2) to veterinary clinic (D1) would be acceptable in terms of the provisions of the Local Development Plan (LDP).

The current use of the premises as an office falls under Use Class A2, while the proposed use would be Use Class D1. National Guidance considers that retail uses (A Classes) should underpin centres however a mix of uses are encouraged in order to promote and improve vitality and viability.

Additionally, LDP Policy (NSA19) recognises that other uses can add vitality and viability to retail centres by attracting footfall that benefits the daytime and evening economy, encouraging uses that would complement the retail centre.

Whilst no hours of operation have been provided, veterinary practices are usually open during the daytime which would ensure this property adds to daytime footfall in the town. Further, the proposed use would provide a beneficial service in the town and it is considered this town centre location is best placed for such a facility, allowing appropriate access for all and not impacting upon surrounding uses which are predominantly commercial in nature.

It is therefore considered the proposed use would complement the existing retail centre and improve its vitality and viability, and the principle of development is therefore acceptable.

#### **Impact on residential amenity and privacy**

The application site is situated within a predominately commercial area, but it is acknowledged that there are residential units in close proximity and that the proposed

use does have the potential to result in more noise/disturbance than the previous office use.

However, the site is located within the heart of the town's retail centre where existing residents would be accustomed to a degree of noise/disturbance and comings/goings etc. Further, veterinary practices are usually open during daytime hours only and it is considered that a condition generally restricting the opening hours to within reasonable daytime hours would alleviate any potential for additional disturbance. The condition will however allow for exceptions such as situations where emergency treatment is required outside of the permitted opening hours, including where a member of staff may be required to be present at the premises overnight to care for animals that require overnight stays/treatment.

Further, in order to limit any potential impact upon residential amenity in the future, it is considered reasonable to append a condition effectively removing permitted development rights that allow changes of use within the same Use Class (D1). Examples of other uses that fall within D1 are day nurseries, day centres, and public halls, and it is considered that such uses could result in a detrimental impact upon the amenities of surrounding residents if not properly controlled. Any proposed changes of use within Class D1 will therefore require separate planning permission where potential impacts can be further considered.

The application is therefore considered acceptable in this regard.

### **Access and highway safety**

The Highways and Transportation Section have raised no objection to the application. Their comments acknowledge that there is some concern with the lack of off-street car parking at the site but taking into account the sustainable location close to public car parks, public transport links and the existing traffic management in place preventing on-street car parking to the front of the property along Dunraven Street and Bridge Street, the proposal is considered acceptable in this regard.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the change of use, highway safety and the impact upon the amenities of surrounding properties (Policies AW5, AW6 and NSA19.2).

### **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 plans:

- Site location plan – received 23/11/2021
- Proposed ground floor plan – received 23/11/2021
- Proposed first floor plan – received 23/11/2021

and documents received by the Local Planning Authority on 23/11/2021, 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. The veterinary practice, hereby approved, shall not be open to the public between the following hours (with the exception of providing emergency treatment outside of these hours, including where a member of staff is required to be present to provide overnight care).

- Monday to Saturday: 08:00 hours to 20:00 hours
- Sunday and Bank Holidays: 09:00 hours to 17:00 hours

Reason: To protect the amenities of occupiers of surrounding properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The premises shall be used for a veterinary practice only and for no other purpose; including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To protect the amenities of occupiers of surrounding properties and hierarchy of the retail centre in accordance with Policies AW5 and NSA19 of the Rhondda Cynon Taf Local Development Plan.