

**PLANNING & DEVELOPMENT COMMITTEE**

**4 AUGUST 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0468/10 (RP)  
**APPLICANT:** NHS Wales Shared Services  
**DEVELOPMENT:** Proposed change of use of the of former Llwyn yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class).  
**LOCATION:** LLWYN YR EOS CLINIC, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN  
**DATE REGISTERED:** 20/04/2022  
**ELECTORAL DIVISION:** Church Village

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**RECOMMENDATION:** Approve

**REASONS:** The conversion of the application property to residential use is considered to be acceptable in principle. The site is situated within a highly sustainable location and the proposal would make an effective 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, both local and national planning policy is supportive of developments that result in the re-use of previously developed land and buildings, whilst the proposal would ensure that the building 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.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received.

**APPLICATION DETAILS**

Full planning consent is sought to change the use of the former surgery (D1 Use Class) at Llwyn yr Eos Clinic, Main Road, Church Village to a residential dwelling (C3 Use Class).

The floor plans that accompany the proposal show that minor internal works are proposed to the property and relate to the removal of a number of ground floor internal walls which will allow the property the look and feel of a conventional house rather than a health clinic.

The resulting dwelling would comprise an entrance lobby, hall, kitchen, living room, utility room, study, a toilet and boiler room at the ground floor, whilst the first floor of the property would comprise 5no. bedrooms, 2no. bathrooms and a dressing room. No external alterations to the existing elevations of the property are proposed.

In terms of parking, 2no parking spaces would be provided within the curtilage of the site and in this respect, the application is accompanied by a swept path plan that indicates that two cars would be able to park and enter and exit the site in forward gear. It is also noted that some works have already taken place at the site to facilitate the new parking arrangement proposed, with a bus shelter that was set into the curtilage of the site being removed. A new bus stop has been installed outside the site, however its associated shelter has yet to be erected.

The applicant has confirmed that the site is now surplus to the requirements of the NHS and, as such, they wish to dispose of the asset.

## **SITE APPRAISAL**

The application site relates to an existing detached property known as Llwyn-yr-Eos, which is located on the Main Road through the village of Church Village. The property is currently vacant, however, was most recently used as a surgery/clinic by the Cwm Taf Health Board.

The property is set within a rectangular shaped plot with the north-west facing front elevation being set back from the highway by an enclosed courtyard. An amenity space is situated to the rear of the building with access to this area running along both side elevations of the building.

The bay fronted property is of a two-storey scale with a traditional design featuring elevations of stone with brickwork quoins and a slate tiled roof. A two-storey extension is sited on the rear elevation along with a steel staircase which allows access/egress to the first floor.

The property is flanked by buildings of a similar scale which, together with the surrounding area, form the retail centre of the village. There are a wide mix of retail and other commercial uses in the centre, many of which have residential units within

the upper floors. There are also traditional terraced and detached residential dwellings fronting the Main Road near the site.

## **PLANNING HISTORY**

There are no recent applications on record that are associated with this site.

## **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.

Three letters of objection have been received as a result of this exercise and raise the following points:

- It is somewhat unclear from the notices posted in the local area, which category of C3 use is intended for this property as C3 has three parts. With this in mind, I would hereby like to express my objection and concern regarding the possible uses of this property for use in the C3(b) and C3(c) classes.
- Llwyn Yr Eos Clinic is within walking distance to three primary schools (Ysgol Gynradd Gymraeg Garth Olwg, Llanulltudd Fardre Primary and Tonteg Primary) as well as the local Welsh Secondary School (Garth Olwg). Also within walking distance is the Tiny Tumblers Activity Centre and at least three play parks. Therefore, I feel the location of an establishment in the class of C3(b) or C3(c) in this location would be wholly inappropriate and unacceptable and would possibly put the local children at risk of witnessing possible unsavoury behaviour, at best and possible physical harm, at worst. There are also three public houses within walking distance of this address which would give any resident of this establishment easy access to alcohol and would likely increase public nuisance in the locality.
- I have no concerns or objections to the use of the property in the C3(a) class.
- Whilst we have no objection to the property being utilised under the C3(a) use class, we would wish to raise our concerns if the property was utilised under C3(b). There is potential for problems arising from vehicular access and parking especially with a bus stop directly outside the property. Vehicles gaining access to the parking spaces will inevitably have to pass very close to pedestrians waiting for buses whilst delivery vehicles will park on the pavement close by, thereby obstructing pedestrians, buses and other traffic. The servicing of a C3(b) facility will likely add to further traffic problems and pollution.

## 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 a number of conditions.
- **Public Health and Protection:** No objection. Comments received in relation to hours of operation, noise, dust and waste.
- **Dwr Cymru:** No objection, subject to condition and advisory notes.

No other responses have been received.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

*Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.*

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

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

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

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

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

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

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

**Policy AW10** – development proposals must overcome any harm to public health, the environment or local amenity.

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- Planning Obligations
- Access Circulation and Parking
- Manual for Streets

### **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), WGs current position on planning policy at regional and national level.

It is considered 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 planning policy guidance consulted:

- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport

## **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**

This application proposes the change of use of a detached building that is located on Main Road, Church Village, from a surgery (D1) to a residential dwelling (C3).

The property is located within the defined settlement boundary and sits on the fringe of the retail centre of Church Village, which is classified as a Local and Neighbourhood Centre in the retail hierarchy as defined within the Rhondda Cynon Taf Local Development Plan.

The property is presently vacant and the submitted details indicate that a single, five-bedroom dwelling is proposed, whilst two parking spaces would also be developed within the front courtyard.

It is noted that whilst the building is located within close proximity to the retail centre of Church Village, the planning application would not be subject to policy constraints relating to existing employment and retail uses (Policy AW11) as the site sits just outside of the defined retail centre.

Consequently, as the application site is located within the defined settlement boundary, is adjacent to existing residential development and is sited within what is considered to be a sustainable location, Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan would provide support for the provision of new housing development in this location.

The principle of the proposal is therefore considered acceptable; however, this would be subject to a number of site-specific criteria as highlighted below.

## **Impact on the character and appearance of the area**

The plans provided with the application detail the proposed works to convert the property would be undertaken within the fabric of the existing building only. Very few adaptations to its form are proposed, by way of the internal division of the space to create the living accommodation proposed.

The external appearance of the property would remain unaltered with the existing pattern of fenestration being retained and utilised, along with the main entrance to the property, which addresses the main road, that being Main Road. It is noted that, to establish the off-street parking proposed, some alteration would be required via the addition of dropped kerbs and removal of the front boundary wall, hedge and disabled access ramp to the building. However, it is not considered these alterations would prejudice that character of the site as the new arrangement would be similar in appearance to other neighbouring properties that address the Main Road.

Overall, the appearance of the building would be largely unaltered by its conversion, ensuring that the development continues to be in keeping with the character and proportions of the neighbouring buildings and the wider street scene.

Furthermore, it is acknowledged that bringing the building back into use, whether in commercial or residential form, would represent an opportunity to prevent the site falling into a state of disrepair.

Consequently, it is not considered that the proposed conversion of the site to a residential use would adversely affect either the character or appearance of the existing property or wider street scene.

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

The conversion would be undertaken largely within the fabric of the existing property, whilst the plans that accompany the application indicate no extensions to provide additional accommodation are proposed. Furthermore, the existing pattern of fenestration would be retained with windows serving habitable rooms contained to the front and rear elevations. As such, it is not considered that the proposal to convert the building to one residential unit would result in either an adverse impact upon amenity or a loss of privacy to existing neighbouring occupiers.

Some concern is raised that the amenity of future occupiers could be compromised due to the location of the building next to the retail centre, which has a vibrant daytime and evening economy. However, it is not considered this concern carries significant material weight due to the existing residential development bordering the site to the north and east, the occupants of which would already be accustomed to some degree of noise and disturbance from the mixed character of the area.

Consequently, it is considered the proposal would not conflict with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

Whilst it is acknowledged that concerns have been raised by residents in respect of highway safety, the Highways and Transportation Section raise no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

#### Access

Primary access to the proposal will be as existing, being served off Main Road. The proposal requires the removal of an existing bus shelter to provide a new vehicular access for two off-street car parking spaces with access / egress in forward gear and these works have already been conducted at the site. There is some concern that the proposal will provide a vehicular access in close proximity to the new bus stop proposed. However, taking into account the limited vehicular movements associated with a single residential unit with access / egress for vehicles in forward gear being achievable the proposal is acceptable.

The bus service fronting the site provides for a service vehicle approximately every 20 minutes. Therefore, taking into account the limited additional movements by 2 vehicles only, and the short duration that a bus would be present at the bus stop the risk of both vehicles exiting at the same time is minimal.

It is noted that there are a number of existing driveways within the vicinity of the site with no turning facilities resulting in reversing manoeuvres to and from Main Road. However, the proposal provides satisfactory space within the front forecourt area to enable access / egress in forward gear which is acceptable.

#### Parking

The existing clinic, with 5 consulting rooms and an office on the second floor requires in the region of 25 off-street car parking spaces with none provided. This in turn would result in overspill on-street car parking in the surrounding streets, narrowing the available width to the detriment of highway safety.

The proposed 5-bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the Council's SPG Access, Circulation & Parking Requirements (2011) with 2 provided. Taking into account the sustainable location of the proposal and that there is no potential to provide the third space without blocking off the 2 proposed spaces the off-street parking provision is considered acceptable.

#### Bus Stop / Shelter.



The bus shelter that was accommodated within the curtilage of the site has been removed and bus border kerbing installed to the northern boundary of the plot on Main Road. To date, no shelter has been provided to compensate for the loss of the previous shelter as part of the proposal. It is suggested that the bus shelter be cantilevered with panels installed to the rear of the footway to maximise vision from the proposed vehicular access. Therefore, a condition requiring design and detail of the new shelter has been suggested. The shelter shall be provided at the applicants cost.

### Highways Summary

There is slight concern with regards the location of the proposed vehicular access, being served off Main Road in close proximity to the bus stop. However, taking into account the limited vehicular movements associated with a single residential dwelling and that the car parking spaces would be accessed / egressed in forward gear, together with the limited frequency of the bus service any anticipated conflict would be considered to be minimal.

In light of the comments received from the Council's 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.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

#### Class C3 of the Use Classes Order

The application seeks planning consent for the change of use of the building for the occupation and operation of the property as a Dwellinghouse (Use Class C3).

It is important to note that The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C3 as:

*Class C3 Dwellinghouses - Use as a dwellinghouse (whether or not as a sole or main residence) by:*

- a) A single person or by people living together as a family;*
- b) Not more than 6 residents living together as a single household (including a household where care is provided for residents); or*
- c) Not more than 6 residents living together where no care is provided to residents (other than a use within Class C4)."*

Consequently, whilst the residents concern as to the use of the property under Class C3(b) or C3(c) are acknowledged, the applicant does not need to specify within the description of the development whether the intended use of the property would be for C3(a), (b) or (c) use inasmuch as they are all residential uses which are not materially different for planning purposes.

Notwithstanding the above, it is noted that under the Town and Country (Use Classes) Order 1987, changes within any individual use class (such as C3) do not constitute development and do not require planning permission, unless the benefits of the Use Classes Order are restricted by a planning condition.

The Welsh Government's 'The Use of Planning Conditions for Development Management' document, paragraph 5.101 states the following:

*"It is possible to impose conditions to restrict further development or a change of use that would normally be permitted development. Conditions can also be used to restrict changes that would not be regarded as development at all, whether because the change is not a "material" change within the terms of section 55 (1) of the Act, or by reason of section 55 (2) and the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). It should be noted that any conditions restricting permitted development rights, only come into effect once that permission is implemented."*

However, and having regard to the six tests, to impose a restrictive condition for C3(a) use only would only prove reasonable if there was evidence that the use of the property under a C3(b) or C3(c) class use would present a serious adverse effect on amenity and the environment more so than if the property was restricted to a C3(a) use.

Whilst the residents' concerns are acknowledged in this respect, to restrict the application to C3(a) use could be unreasonable and unenforceable as the planning considerations for the use of the property as a 5-bedroom family home under C3(a), up to 6 people living together with support under C3(b) or up to 6 people living together as one household under C3(c) are the same, inasmuch as they are all residential uses as defined within the aforementioned use classes order.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Facilitating Accessible and Healthy Environments:** The application site is located on a bus route and benefits from many services and facilities within walking distance, being located on the fringe of the neighbourhood centre of Church Village. Future residents would therefore not have to be car dependent.
- **Making Best Use of Resources:** The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

#### **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 does not appear to propose any construction works that will result in a change in the structure's external footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and do not offer any objections.

#### **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 £28,243.83

## **Conclusion**

The application property is located within the settlement boundary and therefore the principle of residential development would be supported by Policies CS2, AW1, AW2 and SSA13 of the Local Development Plan. The development would also be in general accordance with the National Sustainable Placemaking Outcomes set out in PPW11.

In respect of other material matters, the building occupies a prominent position within the street scene and its re-use would therefore be of visual benefit, whilst the residential use proposed would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or ecology have arisen; therefore, the recommendation to Members is that the development is acceptable.

## **RECOMMENDATION: Approve, subject to the conditions below.**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:
  - Drawing no. 0495\_P01 (Existing Ground and First Floor Plans)
  - Drawing no. 0495\_P02 (Proposed Ground and First Floor Plans)
  - Drawing no. C80\_01S1 (Site Location Plan)
  - Project 2021-653 Sheet AP502 (Vehicle Swept Path Plan)

and documents received by the Local Planning Authority on 14/04/2022, 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. Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of the proposed bus stop to be upgraded (shelter) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the

satisfaction of the Local Planning Authority prior to beneficial occupation of the dwelling.

Reason: To promote sustainable modes of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into beneficial use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

5. Surface water run-off from the proposed development shall not discharge onto the public highway or connected 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 AW5 of the Rhondda Cynon Taf Local Development Plan.