

# RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

## MUNICIPAL YEAR 2022-2023:

**PLANNING AND  
DEVELOPMENT COMMITTEE  
18<sup>th</sup> AUGUST 2022**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	Agenda Item No. ....
<b>APPLICATION NO: 22/0263/10 – Proposed Conversion of the basement to a self-contained studio flat at 2 Scranton Villas, High Street, Cymmer, Porth, CF39 9EU</b>	

### **1. PURPOSE OF THE REPORT**

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

### **2. RECOMMENDATION**

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

### **3. BACKGROUND**

This application was originally reported to the 21<sup>st</sup> July 2022 meeting of the Planning and Development Committee with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to refuse the application contrary to the officer recommendation as they considered the proposed unit would result in poor quality and unacceptable living accommodation for future occupiers (Minute No. 23 refers).

As a consequence, it was resolved to defer determination of the application for a further report from the Service Director of Prosperity and Development to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

### **4. PLANNING ASSESSMENT**

The officer considerations in respect of the standard of living accommodation proposed are set out in the original Committee report, however, a brief summary is set out below:

It is acknowledged that the proposal would see the conversion of a basement into a self-contained flat with access gained from the rear which is discouraged by the Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Builds; and a previous application for the same was refused by the Council in 2021 due to the

standard of living accommodation proposed and potential impact upon highway safety. However, during a subsequent appeal the Welsh Government Inspector considered that the standard of living accommodation proposed and highway safety issues were acceptable, and only dismissed the appeal on outlook from the flat.

As such, to overcome the previous refusal reasons and subsequent appeal decision this application includes 2no. new window openings and a new access door with the original proposal only benefiting from the windows to the side elevation of the property. It is considered that this would increase the levels of light experienced by future occupiers and provide views to the south into the amenity space.

In light of these changes it was, on balance, considered that the additional window openings, specifically the full length opening to the rear which faces the amenity space would result in a level of outlook which is now considered acceptable.

Nevertheless, as set out in the original Committee report, concerns remain with regard to the standard of accommodation, i.e. the basement location of the flat and access from the rear. Furthermore, the impact of the amendments proposed on the standard of accommodation is subjective and the original considerations were an 'on balance' recommendation highlighting that the proposal is not fully compliant with the SPG.

In addition, during the earlier Committee meeting Members discussed concerns in relation to highway safety. The Council's Transportation Section did not object to the application although they consider the access serving the development to be substandard. This is because during the previous appeal the Inspector concluded that the lane is adequate to serve the proposal.

Members are advised however that the proposal would result in an increase in the use of a substandard access and would result in a shortfall of 1no. parking space. As such, concerns are still expressed in this regard. This highlights that it would be entirely reasonable to conclude that the development would also result in a detrimental impact upon highway safety in the locality, contrary to Policy AW5 of the LDP.

Therefore, whilst the application is recommended for approval, if, having considered the above advice and after further consideration, Members remain of a mind to refuse planning permission, it is suggested that the following reason would reflect those views:

**REASON: The proposed residential use, in the form of an additional self-contained flat within the basement of an existing terraced property, would place significant pressure on the plot, representing an over intensive use and overdevelopment of the site, and in trying to accommodate as many units/bedrooms as possible within such a small building, would result in the creation of cramped and poor quality living accommodation for future occupiers. As such the**

**proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's adopted and Development of Flats Supplementary Planning Guidance.**

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JULY 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0263/10 (JE)  
**APPLICANT:** Evanza Property Solutions Ltd  
**DEVELOPMENT:** Conversion of the basement to a self-contained studio flat  
**LOCATION:** 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU  
**DATE REGISTERED:** 02/03/2022  
**ELECTORAL DIVISION:** Cymmer

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**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

**REASONS:** The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Gareth Capel for the matter to come to Committee so that members can consider the impact of the development upon Highway Safety within the vicinity of the site.

**APPLICATION DETAILS**

Full planning permission is sought for the conversion of a basement to a self-contained studio flat at 2 Scranton Villas, High Street, Cymmer, Porth. Proposed internal alterations involve the creation of the following layout: Studio living/bedroom, bathroom and kitchen. Access to the flat would be via a new doorway in the rear elevation of the property. The proposal would also see the creation of 2no. new window openings serving the flat.

The proposal would also include an area of amenity space located within the rear amenity space of the wider property.

The application is a resubmission following the Council's refusal of an earlier outline application for a similar development at the site on 03/07/2020. The

previous application 20/1343/10 was refused because it was considered that the proposal would result poor quality living accommodated and also unsafe vehicle movements in the vicinity of the site, to the detriment of highway safety. As subsequent appeal was also dismissed, but only due to the poor outlook from the unit.

## **SITE APPRAISAL**

The application site relates to a traditional two-storey, mid-link property which is located in a predominantly residential area of Cymmer, Porth. The property is set back from the highway at High Street by a small enclosed garden. To the rear of the property is an enclosed amenity space bounded on both sides by neighbouring properties and an access lane to the rear. The rear amenity space currently provides off street parking for the property. The property currently operates as a HMO with living accommodation arranged over three floors (including the roof space) with a total of two bedrooms and three studios.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

**06/2348/13:** LAND TO REAR OF 119-130 HIGH STREET, CYMMER, PORTH  
Proposed residential development, off new access road and new road junction.  
Decision: 19/02/2007, Withdrawn by Applicant

**11/0026/13:** LAND TO THE REAR OF 119-130 HIGH STREET, CYMMER, PORTH CF39 9EU  
Residential development consisting of 12 dwellings (Outline)  
Decision: 16/11/2011, Withdrawn by Applicant

**16/1292/10:** 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU  
Change of use from dwelling to a House in Multiple Occupation (C4) to include 2 bedrooms and 3 studios (Amended Plans and Amended Description received 06/03/17).  
Decision: 27/06/2017, Grant

**20/1343/10:** 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU  
Conversion of basement to a self contained studio flat.  
Decision: 25/01/2021, Refuse  
Appeal: APP/L6940/A/21/3276768 – Dismissed on 24/08/21

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. No letters of objection have been received.

## **CONSULTATION**

**Transportation Section:** No objection raised.

**Public Health and Protection:** No objection although conditions suggested in relation to hours of construction, noise, dust and waste.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 lies within the settlement boundary for Porth and isn't allocated for a specific purpose.

**Policy CS1**– promotes the re-use of under used and previously developed buildings the Northern Strategy Area.

**Policy AW1** – sets out the criteria for new housing developments.

**Policy AW2** – promotes development in sustainable locations.

**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** - states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

**Policy NSA12** – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

### **Supplementary Planning Guidance:**

- Delivering Design & Placemaking: Access, Circulation and Parking
- Development of Flats

### **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.

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 policy guidance considered:

PPW Technical Advice Note 12 - Design

## **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 full planning permission for the retention and completion of the conversion of the lower ground floor of this mid-terrace property to a self-contained flat. The application site is situated within the settlement boundary and within a residential locality.

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Builds advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable

rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In the case of this application, the application building is currently occupied as a HMO at the ground and upper floors and it is proposed to convert a disused basement into an additional self-contained studio flat. Unlike the existing use which is accessed via High Street to the front, access to the proposed flat would be from the rear of the building.

The existing situation is that the basement is sited partly below ground level and the main source of light derives from 4 no. windows openings on the side and rear elevations of the property. Members should note that to overcome the previous refusal reasons and subsequent appeal decision this application includes 2no. new window openings and a new access door with the original proposal only benefiting from the windows to the side elevation of the property. As such, the main habitable room of the flat would now benefit from additional external windows located to the side and rear elevations. This would increase the levels of light experienced by future occupiers and provide views to the south into the amenity space.

Whilst some concerns remain with regard to the standard of accommodation, i.e. the basement location of the flat and access from the rear, when considering the previous appeal decision at the site in which the Inspector considered that the standard of accommodation proposed was acceptable and only dismissed the appeal on outlook from the flat, Members are advised that, on balance, the additional window openings, specifically the full length opening to the rear which faces the amenity space result in a level of outlook which is now considered acceptable.

Further, the site location is within the defined settlement boundary; is accessible by a range of sustainable transport options including bus, foot and bicycle; has good access to key services and facilities within the Key Settlement of Porth. This site can therefore be considered a sustainable location for residential purposes in accordance with Policy AW2.

As such, it is considered that the principle of development is generally acceptable.

### **Highway Safety**

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application in respect of highway safety. Their comments are as follows:

The existing property achieves primary access from the front off High Street with secondary access for off-street parking from the rear lane. The submitted proposed site plan indicates that primary access to the proposed standalone



studio flat within the basement is achieved via the rear lane. There is concern with regards the sub-standard rear lane which is lacking continuous segregated pedestrian footway connectivity and carriageway width at its junction with High Street to facilitate satisfactory 2-way flow, vision splays and junction radii. The lane currently provides access to off-street parking for numerous dwellings as well as several residential dwellings.

The proposed additional use of the lane would exacerbate existing highway safety concerns to the further detriment of highway safety and the free flow of traffic. However, the proposed access is considered acceptable taking into account the recent appeal decision whereby the Inspector concluded that: -

*“The narrower parts of the lane are relatively short and reversing movements would not therefore be lengthy. The forward visibility on the lane and ability to pull into the adjacent parking area means that it would be unlikely for vehicles to have to reverse out onto High Street. The lane is lightly trafficked, and no evidence of any accidents was provided. Whilst visibility at the junction is constrained, I was able to see approaching traffic and safely turn right on to High Street during my site visit. The proposal for a single studio flat would not significantly add to traffic flow on the lane and there are several turning spaces available along its length. The Council’s concern that the adopted lane ends a short distance from the access to the property is not significant as the lane is adequate to serve the proposal”.*

The proposed development would result in an increased parking requirement of 1 space over the existing, which cannot be provided and raises cause for concern. However, the proposed parking is considered acceptable taking into account the recent appeal decision whereby the Inspector concluded that: -

*“The proposal would have a parking requirement of 1 space, which cannot be provided. Planning Policy Wales advises that car parking standards are to be considered as maxima. The appellant points out that HMOs have lower car ownership rates and that there is a frequent bus service to Porth with stops nearby. There are also informal car parking areas available on the rear lane. There are parking restrictions on High Street to prevent indiscriminate parking on the main road. In all these circumstances, the lack of a single parking space would not be fatal to the proposal”.*

In light of the above assessment and recent appeal decision where-by the Inspector dismissed the highway safety concerns, on-balance no highway objection is raised or condition suggested.

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

Other than the creation of a new access door and 2no. window openings the scheme does not propose any increase to the footprint of the building or any external works to the building or wider curtilage. Consequently, it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

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

It is not considered the proposed use of the basement as a residential studio flat would result in any detrimental impact upon the existing amenity and privacy standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and typical of the residential area. Further, with the windows serving the proposed flat at ground floor level, they would not result in any overlooking of the neighbouring properties.

As such, the application is considered acceptable in this regard.

## **Public Health and Protection**

No objections have been received from the Council's Public Health and Protection Division following consultation. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust 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.

## **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 charge under the CIL Regulations 2010 as amended. However, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore, no CIL would be payable.

## **Conclusion**

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

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

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 no Drg AE/LGF01A and documents received by the Local Planning Authority on 02/03/2022, 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.