

**PLANNING & DEVELOPMENT COMMITTEE**

**8 SEPTEMBER 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0659/10 (GRD)  
**APPLICANT:** Mr S Esnouf  
**DEVELOPMENT:** Conversion of HMO into three self-contained flats.  
**LOCATION:** 23 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RQ  
**DATE REGISTERED:** 31/05/2022  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.**

**REASON:** The proposed development is acceptable in principle and involves the change of use and subdivision of an existing House in Multiple Occupancy Property to provide three residential units in a sustainable location within settlement boundary limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the requirement of the Local Development Plan.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The Local Councillor has submitted a written request for it to be reported to committee.

**APPLICATION DETAILS:**

The application seeks full planning permission for the change of use and subdivision of an existing five-bedroom House in Multiple Occupation (HMO) (Use Class C4) to 2 x one-bedroom flats and a one-bedroom studio flat (Use Class C3) at 23 Wood Road, Treforest.

The plans detail that the new accommodation would be spread over three floors, with each flat occupying one floor. Both one-bedroom flats would comprise of a living room/ kitchen area, bedroom and bathroom, with the lower ground floor studio flat comprising a kitchen, bathroom and bedroom/ living space.

Two of the flats would be accessed via a front door which faces Wood Road, with the lower ground floor studio flat accessed from the rear of the property.

The works would largely be contained within the fabric of the existing property. However, an existing rear conservatory would be demolished, and the works include replacing an existing ground floor window with a doorway and replacing an existing rear facing window with a door.

The existing House in Multiple Occupation (HMO) currently benefits from two parking spaces to the rear of the site. These spaces will be retained for the benefit of occupiers of the three new one-bedroom flats.

The application represents an amended scheme for a previously refused application reference: 21/0975/10. That scheme was also dismissed at appeal due to the proposed construction of a three-storey rear extension at the site, which would have had a significant detrimental impact upon the outlook and therefore amenities of future occupiers. This element of the scheme has now been removed, and the current application does not propose any extension to the building.

#### **SITE APPRAISAL:**

This site consists of a traditional mid terrace dwelling located within a residential area of Treforest, Pontypridd. The property fronts Wood Road to the south and benefits from enclosed amenity space to the rear. The property also has two existing off road car parking spaces to the rear of the site, which are accessed via Cliff Terrace.

The site is bound on both sides by neighbouring properties and the highway at Cliff Terrace is positioned to the rear. Due to the topography of the site, the rear of the property is set at a lower ground level and the dwelling appears as three storeys when viewed from Cliff Terrace to the rear.

The surrounding area is characterised mainly by traditional terrace dwellings that are of a similar scale and design to the application property. Several surrounding properties are operated as a House of Multiple Occupation (HMO).

#### **PLANNING HISTORY:**

21/0975/10	Change of use from five bedroom HMO to 2 no. one bedroom flats and 1 no. two bedroom flat and construction of rear three storey extension.	Refused 25/10/2021
Appeal Reference: CAS-01351-M8F7P9	Change of use from five bedroom HMO to 2 no. one bedroom flats and 1 no. two	Dismissed 25/05/2022

bedroom flat and construction  
of rear three storey extension.

**PUBLICITY:**

The application has been advertised via direct neighbour notification and the posting of site notices in the vicinity of the site. No representations have been received.

**CONSULTATION:**

Pontypridd Town Council

No Response

Local Highway Authority

No Objection, Informative suggested

Public Health and Protection

No Objection, Comments

Dwr Cymru Welsh Water

No Objection, Subject to Conditions

Waste Services

No Objections

**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 4th 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 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th 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 Southern Strategy Area and within the defined limits of development.

**CS 2** – Development in the South: Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**AW 1** – Supply of New Housing: Provides criteria against which applications for new housing will be considered.

**AW 2 – Sustainable Locations:** Provides criteria to determine whether a site is located in a sustainable location.

**AW 5** sets out criteria for new development in relation to amenity and accessibility.

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

**AW8** protects Rhondda Cynon Taf's distinctive natural heritage from inappropriate development.

**AW10** development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**SSA 13 – Housing Development Within Settlement Boundaries:** Provides support for proposals within the defined settlement boundaries subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

National Guidance:

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

Planning Policy Wales Edition 11 (PPW) 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 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 – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

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:**

The application represents the change of use and subdivision of an existing House in Multiple Occupation (HMO) to create 3 x 1 bedroom residential units. As such, the key considerations in the determination of the application are whether the proposal is compatible with the building's location along with the potential impacts of the resulting development upon the character of the building and its setting, amenity of neighbouring occupiers and amenity standards of future occupiers of the flats, and highway safety.

**Principle of the proposed development:**

The proposed development seeks permission to change the use of the property from a five-bedroom House in Multiple Occupation (HMO) (Use Class C4) to 3 x one-bedroom flats (Use Class C3).

The application site is located within settlement boundary limits, in a predominantly residential area. Prevailing planning policy is supportive of development in sustainable locations within settlement boundary limits.

The principle of the development is therefore considered acceptable, subject to other planning considerations, such as highway and amenity standards.

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

The property would remain in residential use within a residential setting; therefore, it is considered that the proposal would be in keeping with the general character of the area.

The proposed external alterations, including demolition of the existing conservatory and replacing a ground floor rear facing window with a door and installation of a ground floor rear facing window, would be considered minor works and would not impact the character of the property or wider area.

Consequently, it is not considered that the proposal would adversely impact either the character of the existing property or wider site and satisfies the requirements of Local Development Plan policies AW5 and AW6 in this respect

**Impact on residential amenity and privacy:**

The outlook gained from the application property would remain unchanged, and no privacy concerns are raised. Additionally, as the conversion would be undertaken within the fabric of the existing property and that no extensions are proposed, the proposal would not be considered to impact neighbouring amenities through overbearing or loss of light.

The Council's adopted 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance (SPG) provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. It is considered that the proposed use of the property as three flats rather than a five-bedroom HMO has potential to result in a small increase in the total number of people sharing the building, for instance should two people share each one-bedroom flat. This may cause some additional noise and disturbance. The SPG also notes that living rooms or kitchens should not be located adjacent to bedrooms of upstairs properties and whilst the provision of a first floor living room/ kitchen space could contradict this guidance, it would nonetheless only serve a one-bedroom flat, replacing an existing bedroom at the property and would not be considered to greatly impact the amenities of neighbouring residents. The proposed use is still residential in nature and whilst a small intensification of use may occur, the proposal would not be considered to significantly impact the amenities of neighbouring occupiers.

The aforementioned SPG also states that new flats should provide an adequate quality of accommodation for residents. The first floor flat would contain a living room/ kitchen area, measuring at 15m<sup>2</sup>, with a separate bedroom measuring at 10m<sup>2</sup>, along with a bathroom. All rooms are served by windows, and the flat is considered of a sufficient scale, with adequate natural light serving habitable rooms as well as sufficient ventilation.

The Upper Ground Floor flat would contain a Living Room/ Kitchen area measuring at 13m<sup>2</sup>, with a separate bedroom measuring 10.3m<sup>2</sup> and a bathroom. As with the first floor flat, all rooms are served by windows, and the flat is considered of a sufficient scale, with adequate natural light serving habitable rooms as well as sufficient ventilation.

Concerning the lower ground floor studio flat. A studio room would be provided as both a living room/ bedroom which measures 23m<sup>2</sup>, with a separate kitchen measuring 5m<sup>2</sup> and bathroom provided at the flat. The studio room would benefit from a window

which overlooks the rear of the property. As the lower ground floor flat would sit below the ground level of the adjacent highway the kitchen would not benefit from a window, however a lightwell and non-openable glass panel would provide the kitchen with some natural light. On balance, it is considered that the ground floor studio flat is of a sufficient scale, with adequate natural light serving habitable rooms.

The Council's adopted 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance (SPG) states that the occupants of first floor flats should have access to the rear garden or other external space for amenity, clothes drying and bin storage. However, the SPG also states that flats without outdoor amenity space are more likely to be acceptable where high quality public open space is located close by. The development in this instance is situated in a sustainable location with public open spaces located close by, such as Ynysangharad Park which is located approx. 1.1km from the application site, and as such complies with the SPG in this respect. The development is also located within the settlement boundary limits of Treforest, close to services and public transport routes, including Pontypridd Train Station, located approx. 0.9km from the application site, which also provide access to amenities and open spaces.

It should be noted that a previous scheme (Planning Reference: 21/0975/10) at this address was refused, and a subsequent appeal against refusal of planning consent dismissed. The Council's single reason for refusal related to the poor outlook from the living room windows of each flat, due to the proposed construction of a three-storey extension at the site. The inspector, in his consideration of the appeal against refusal of planning consent, also noted that the proposal would offer unacceptable living conditions for future occupiers due to the compromised outlook from the principal habitable room windows. However, the three-storey extension element has now been removed, and the outlook gained from the rear of the property would remain unobstructed. The inspector in his deliberation made no reference to highway concerns or other amenity issues at the site.

Overall, whilst the flats proposed are relatively small, they would nonetheless provide adequate levels of amenity for future occupiers and the proposal is considered acceptable in this respect.

#### **Waste Collection:**

The proposal seeks to subdivide and convert an existing 5-bed HMO to 3x 1-bed flats at the site. Due to the changes proposed, it would not be considered that the levels of refuse produced at the site would greatly increase from what is currently experienced at the property. Following a site visit, bins and refuse were observed along both Wood Road and Cliff Terrace and it is therefore understood that waste collection is undertaken to the front and rear of the application building. The applicant has also stated in his submission that refuse is collected along Wood Road and Cliff Terrace.

The proposal is considered acceptable in this respect, with some space also provided to the rear of the building for refuse storage.

Following consultation with the Council's Waste Services Department, it was confirmed that refuse and waste were collected along both Wood Road and Cliff Terrace and that no objections are raised for this application in terms of waste collection.

### **Access and Highway Safety:**

#### Access

Primary access to the property is currently from Wood Road into the upper ground floor. Secondary access to the property from the rear is available from Cliff Terrace.

The proposed submitted layout indicates that access to flats on the ground and first floor would remain from Wood Road, however there would be no secondary access or egress from Cliff Terrace to the rear of the property for either flat. The lower ground floor flat would be accessed from Cliff Terrace only.

The Council's own 'Development of Flats – Conversions and New Build' SPG states that entrances should normally be located on the front of buildings. Whilst the Lower Ground Floor Studio flat would only have access from Cliff Terrace to the rear of the property, Cliff Terrace is nonetheless a publicly maintained highway and properties along the street face highway. Consequently, as the flat has clear access from Cliff Terrace, which is considered easy to find and reach, the proposal is considered acceptable in this regard.

As both are publicly maintained highways, they are considered adequate to serve as accesses to the proposed development.

#### Parking

The dwelling is in Parking Zone 3. The existing property, as a five-bedroom HMO, has an off-street parking requirement of 5 spaces, with two provided in line with the Council's adopted SPG Access, Circulation & Parking (2011).

The proposal would convert the property into 3 no. self-contained flats. In accordance with the council's adopted SPG (Development of Flats – Conversions and New Build 2015), which sets out a maximum requirement of 1 space per bedroom, and 1 visitor space per 5 flats, the 1-bedroom apartments have a maximum off-street parking provision of 1 space per new unit. The proposed development therefore has a requirement of 3 spaces.

The newly submitted site plan and statement indicate that 2 spaces are to be provided to the rear of the property, off Cliff Terrace. Whilst there would be a shortfall of 1 space, this is a lessened impact compared to the existing situation.



The SPG also advises that “The level of parking to be provided may depart from the guidelines by providing less parking, where it can be demonstrated that there would be no unacceptable impacts on highway safety, free flow of traffic or amenity.”

It is taken into account that the proposed is located in a sustainable location close to both bus and rail stops and close to amenities within the settlement. Therefore, on-balance, the proposed is considered acceptable in this regard.

Having regard to the above, it is not considered that the proposal would result in a harmful impact upon highway safety within the vicinity of the site, and no objection was raised by the Local Highway Authority. It is considered that the proposal accords with the requirements of policy AW5 of the Local Development Plan.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf’s Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

**Conclusion:**

Overall, the application is considered to comply with relevant planning policies of the Local Development Plan in respect of the provision of housing. The proposal is for the change of use and subdivision of an existing HMO property to provide three residential units in a sustainable location within settlement boundary limits.

Having taken account of all of the issues outlined above, the application proposal on balance is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety. Therefore, the application is considered to accord with the requirements of planning policy and is therefore, recommended for approval, subject to the conditions specified below.

**RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING 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 plans

- Site Plan. 23 Wood Road, Treforest, Pontypridd, Rhondda Cynon Taf, CF37 1RQ. Received by LPA 25/07/2022
- 23 Wood Road Existing Floorplan
- 23 Wood Road Proposed. Upper Ground Floor. Flat B
- 23 Wood Road Proposed. 1<sup>st</sup> Floor. Flat A
- 23 Wood Road Proposed. Lower Ground Floor. Flat C
- 23 Wood Road. Existing Rear Elevation
- 23 Wood Road. Proposed Rear Elevation
- 23 Wood Road Drainage Plan
- 23 Wood Road External Plan

and documents received by the Local Planning Authority on 26/05/2022, 31/05/2022 and 25/07/2022 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.