

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
8th SEPTEMBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

**APPLICATION NO: 22/0468/10 – Proposed
change of use of the former Llwyn yr Eos
clinic (D1 Use Class) to a residential
dwelling (C3 Use Class) at Llwyn yr Eos
Clinic, Main Road, Church Village,
Pontypridd, CF38 1RN**

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 originally reported to the Planning and Development Committee meeting of 4th August 2022 with an officer recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting Members resolved to defer the application to allow for officers to consult with South Wales Police to establish if there are any issues of Anti-Social Behaviour in the vicinity of the site and whether or not South Wales Police have any concerns with the application as presented, as an unrestricted C3 use.

As a consequence, it was resolved to defer determination of the application to allow for the required consultation to take place.

4. PLANNING ASSESSMENT

Members are advised that following the deferral of the application at the 4th August 2022 Planning and Development Committee, that a consultation response has been received from South Wales Police Design-Out Crime Officer, a copy of which is attached as Appendix B.

Members are advised that 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 and that an open, unrestricted C3 use is their preference in terms of marketing the property. In this regard, and as highlighted within the original committee report, 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 objectors concern as to the use of the property under C3(b) or C3(c) are acknowledged, to impose a restrictive condition for use of the property under a C3(a) class only would be unenforceable, inasmuch as C3(a), C3(b) and C3(c) are all residential uses which are not materially different for planning purposes. Accordingly, 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.

Further to the above, to impose a restrictive condition for C3(a) use 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. To this end, whilst the response from South Wales Police is appreciated it is considered that it would be unjustified to restrict the use of the property.

For example, the property, under a class C3(b) use could be used by disabled people leaving hospital which is considered to be an acceptable use of the property and even if the property was used by people recovering from substance misuse, or as a children's care home under Class C3(c) use, the location of the property is considered to be one which is highly sustainable, is generally residential in character and is an appropriate location for vulnerable people, being located in close proximity of services and public transport.

With regard to the crime profile data provided by South Wales Police, members should note that they relate to the whole of Church Village, are of varied crimes and do not specifically relate to any other properties in the area that may operate under a C3(b) or C3(c) use, or that the use of the application property for similar uses would worsen this situation

Members are advised that the Local Planning Authority cannot prejudice the applicant because of the behaviour of others, especially as there is no evidence of the crimes listed having any association with an existing C3(b) or C3(c) use in the area. Ultimately, it would be up to the management of any facility to control its future use, and not the planning system.

If, having considered the above advice and after further consideration, Members are minded to grant planning permission for the proposed development, it is suggested that the following conditions of consent, as included within the original officer report, would be appropriate:

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.

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

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.

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:

- (i) 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.
 - (ii) 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.
 - (iii) 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

- (iv) **Countryside, Ecology and Landscape:** No objection or survey requested.
- (v) **Flood Risk Management:** No objection or condition recommended.
- (vi) **Highways and Transportation:** No objection, subject to a number of conditions.
- (vii) **Public Health and Protection:** No objection. Comments received in relation to hours of operation, noise, dust and waste.
- (viii) **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 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 LDP 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 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 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 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:

(ix) 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.

(x) 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.

APPENDIX B

Police Headquarters
Cowbridge Road
Bridgend
CF31 3SU

22nd August 2022

Planning Officer
Planning Department
RCTCBC

RE: 22/0468/10 – Proposed change of use of the former Llwyn Yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class). Llwyn Yr Eos Clinic, Main Road, Church Village, Pontypridd, CF38 1RN

Dear Robert,

South Wales Police have reviewed the following documents in relation to the above planning application, all of which are dated 19th April 2022;

- (xi) Application Form
- (xii) Site Plan
- (xiii) Existing Plan
- (xiv) Proposed Plan and Block
- (xv) Swept Path Plans

The application relates to a change of use from a former clinic to a residential dwelling (C3).

C3 – Houses, Flats, Apartments

C3(a) – those living together as a single household as defined by the Housing Act 2004 (basically a family);

C3(b) – by not more than 6 residents living together as a single household (including a household where care is provided for residents);

C3(c) - not more than six residents living together where no care is provided to residents (other than a use within Class C4).

In the case of C3(b) “care” is defined as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past mental disorder and in class C2 also includes the personal care of children and medical care treatment.

Observations:

South Wales Police recognise that there is a need for such accommodation however, the actual use of the premises is not made clear in the application and this leads to some concerns which are listed below;

We are aware that any crime and disorder concerns must relate to the premises itself i.e. the design and use of the building. In this instance however, the proposed use of the building is so ambiguous that we are unable to accurately consider any potential risks involved.

If this application is granted as it stands, there is a possibility under Class C3(b) that it could be used as a **home for people struggling with the effects of substance misuse**. This could have a detrimental effect on the neighbouring houses and wider community and also the residents themselves. It could also increase the demand on emergency services.

1. Crime Profile:

I have attached the crime profile for the area below, which has been taken from the **Police.Uk** website and I have provided the comparable figures for the last twelve months, from July 2021 to June 2022 and also for the last three years, from August 2019 to June 2022. Although the area of Church Village is quite small, there is a large amount of anti-social behaviour and other crime reported within the vicinity of this premises. It is worth noting that in June 2022, the following crimes were recorded, having taken place within a couple of hundred yards from the premises; 1 x Burglary, 1 x criminal damage and 1 x Robbery. There were also 8 incidents of anti-social behaviour and 7 incidents of violence against the person, reported a short distance away.

Crime Type	Last 12 months	Last 3 years
Anti-Social Behaviour	81	392
Burglary	24	65
Criminal Damage & Arson	55	134
Drugs	5	21
Violence & Sexual Offences	127	354
Public Order	55	126
Other Theft	20	73
Other Crime	11	37
Vehicle Crime	7	37
Robbery	2	5
Shoplifting	5	5
Theft from the Person	3	4
Possession of Weapons	0	3

South Wales Police currently have 5 x Multi Agency Problem Solving Plans (POP's) in place directly refer to issues of anti-social behaviour, disorder and drug misuse in and around Church Village. There are also two specific patrol strategies in place for areas that fall less than half a mile away from the premises in this planning application.

If the premises were to be used in a way that is reflected in the above example, South Wales Police would like the opportunity to comment on the application, in order to ensure that there was a Management Plan in place to reflect the safeguarding needs of the residents and the wider community as a whole. This would not be possible if this application is granted the full C3 use classification as there would be no further requirement to apply for a “Change of Use” or even a “Certificate of Lawfulness”.

Without any notification of this type of premises, there would be no opportunity to consider any risks or safeguarding issues for the residents, neighbours and the community as a whole.

2. Correct Use Classification for premises:

It is possible that some C3(b) applications are made, where care is provided that could in fact fall under the category of C2 use, i.e. a property where the use requires a more institutional arrangement, such as a Children’s Home. South Wales Police would like the opportunity to comment on these applications if for instance the following applied to the premises;

- Staff working complex shift patterns
- Short term and frequent turnover of children staying at the premises.
- Would the building have lockable bedroom and office doors, Fire or Security systems such as sprinkler systems and even buzzers on doors.
- Any premises that is going to provide “care” for residents, has to take account of whether there will be staff on site at all times and whether there is adequate parking for them. Any staff members who are working a shift pattern will likely need to use the parking bays and this makes parking very difficult when the first and second vehicles are already parked in the allotted bays. This can also become an issue if there were to be other professional visitors to the site.
- Any external changes to the property.

All of the above points can represent a change of character for a building and would therefore require a C2 classification and regulation by either the Health Inspectorate Wales, or Care Inspectorate Wales. Registration by either of the above organisations can help to ensure that a premises is run efficiently and correctly, thereby safeguarding the people residing there. South Wales Police are also able to recommend a robust Management Plan is put in place that could help to alleviate any impact on the community and emergency services. If this C3 application is granted, there would be no opportunity for South Wales Police to challenge any further use of the premises, which could pose a risk to any person associated with it.

However, should the Planning Committee decide to grant this proposal, I make the following recommendations in relation to the building/accommodation.

(i) Vehicle Parking areas.

1. It is good to see that the parking will be overlooked from “active rooms” such as the kitchen and living room. This will provide natural surveillance due to the unobstructed views. Reason: To prevent vehicle crime.

(ii) Door Security.

- The external doors of the properties must meet the relevant SBD standards i.e. PAS 24 2016, LPS1175 SR2 or equivalent, and must be third party tested and certificated.
- Glass fitted in or adjacent to external door panels must be laminated and fire doors must have no external furniture fitted. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.
Reason: To prevent burglary and enhance the safety of the residents.

(iii) Window Security.

- All vulnerable windows fitted, i.e. ground floor or above flat roofs, must meet the SBD standard PAS 24 2016 or equivalent. They must also have window locks fitted, preferably key operated.
Reason: To prevent burglary.

(iv) Lighting:

- Energy efficient dusk to dawn external lighting at the front and rear of the property will provide added security. This can be applied to any sheds or outbuildings.
Reason: to deter criminal activity and reduce the opportunity for crime.

(v) Management Plan:

- A robust Management Plan should be in place and should be revisited regularly to ensure it is fit for purpose.
It is also recommended that staff liaise with the Local Neighbourhood Inspector prior to the centre opening, to encourage good relationships and a clear understanding as to how the premises will be operated etc.

Further, more detailed information can be found on the Secured By Design website

www.securedbydesign.com

Policy Support:

- The Crime & Disorder Act 1998 created a statutory partnership between local authorities, the police and other

key partners to work together in reducing crime and disorder in all aspects of their work.

- Section 17 of the Act states:
“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”
- TAN 12 Design. Para 5.17.1 “Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”
- Planning Policy Wales
- 4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder.....
- 8.2.1. – Transport – Provision of safe, convenient and well signed routes
- 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities
- 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

Yours sincerely

Design-Out Crime Officer
South Wales Police

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcome's receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.