

PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0202/10 (JE)
APPLICANT: Mr Aspinwall
DEVELOPMENT: Change of use from clinic to 5no. residential flats
LOCATION: YSTRAD CLINIC, 14 TRAFALGAR TERRACE,
YSTRAD, PENTRE, CF41 7RG
DATE REGISTERED: 16/03/2023
ELECTORAL DIVISION: Ystrad

RECOMMENDATION: APPROVE

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 surrounding land uses and would not result in an adverse impact upon the character of the site, the amenity of neighbouring occupiers or highway safety in the vicinity.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the change of use from a clinic to 5no. residential flats at Ystrad Clinic, 14 Trafalgar Terrace, Ystrad, Pentre. The change of use would be facilitated through internal conversion only with no enlargement of the existing building. The only external changes relate to the creation of 2no. doors on the front elevation and the removal of an existing metal fire escape. The change of use would provide for accommodation over two floors with the following layout proposed:

Ground Floor

- Entrance hallway/lobby
- Bin Store
- Bike Store
- 2no. 1 bedroom studio flats

- 1no. 2 bedroom apartment

First Floor

- Communal Hall
- 2no. 2 bedroom apartments

SITE APPRAISAL

The application property is a vacant clinic located along Trafalgar Terrace within a residential area of Ystrad, Pentre. The property is two storey in nature and occupies a prominent position within the street scene with the site extending to approximately 319m². The property was formerly used as a community clinic by the NHS and appears to have been sat vacant for a number of years prior to the submission of the application. The building is set back from the highway at Trafalgar Terrace by an enclosed yard and benefits from an existing pedestrian and vehicular access from the highway. The site is bounded by the highway at Trafalgar Terrace to the west, an access lane to the north, No.15 Trafalgar Terrace to the south and an access lane to the east beyond which is a commercial property.

The surrounding area is predominantly residential nature although to the rear of the site is a commercial property operating as a training centre along with a number of commercial properties located along the A4058 to the north of the site.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

1no. letters of objection has been received from a neighbouring occupier following consultation. The concerns raised have been set out below:

- Lane to the rear of the building is in regular use and access is required to serve an adjacent property.
- Parking in the terrace is already a concern
- Concern associated with potential damage to neighbouring property created by the building works.

CONSULTATION

Transportation Section: No objection or conditions suggested.

Flood Risk Management (Drainage): No objection.

Countryside (Ecology): No objection or conditions suggested.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

Dwr Cymru/Welsh Water: No objection although condition recommended in relation to surface water drainage.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021 and 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 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, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Ystrad and isn't allocated for a specific purpose.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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 AW8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

Policy NSA13 – sets out the criteria for the rehabilitation/ conversion of large buildings in the Northern Strategy Area.

Supplementary Planning Guidance

- Design and 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
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

The application relates to the change of use of a clinic into 5no. flats at Ystrad Clinic, 14 Trafalgar Street, Ystrad. The proposal would see the reuse of an existing vacant property which is located within the settlement boundary and within an established residential area of Ystrad.

The property is also located in close proximity to the local and neighbourhood centre of Ystrad. There is direct access to public transport links, with a bus stop located along the A4058 situated 24 metres to the north and additional bus connections and a Train station located within close proximity. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Taking the above into account, the principle of development is therefore acceptable subject to the criteria set out below.

Standard of accommodation

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Build 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 this instance the flats are of an acceptable size and each habitable room would have at least one window. Access is well overlooked and can be made from the surrounding pavements and roads and the property would benefit from acceptable bin and cycle storage locations. Whilst the proposal does not benefit from external amenity space, it is located close to nearby public open space that is easily accessible from the property. As such, the proposal is generally considered to meet the requirements set out in the SPG

In their comments the Council's Public Health and Protection Division set out some concerns in relation to ground floor apartment 1 and first floor apartment 2 as the main access in/out of the apartment is through a kitchen which is classed as a high risk

room. Whilst this is noted fire precaution works and means of escape from fire will need to be in accordance with current Building Regulations and Approved Documents

Taking the above into account the application is considered acceptable in this regard.

Impact on the character and appearance of the area

Other than the removal of an existing metal fire escape and the installation of 2no. doors on the front elevation at the location of existing windows, the proposal does not include any alterations to the external appearance of the property, nor does it involve any construction work to increase the footprint. Consequently, it would not have any impact on the character and appearance of the application property or the wider area.

In addition, the reuse and renovation of the property is likely to have a positive impact upon the external appearance of the site which is currently vacant and in need of general care and repair.

As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

Impact on residential amenity and privacy

The proposed conversion would not involve any extensions or physical alterations to the external appearance of the property. As such, it is not considered that it would have any additional overbearing, overshadowing or overlooking impact on the nearest residential properties.

With regard to the proposed use of the building as residential property, it is not considered that this would result in any detrimental impact to the existing amenity 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 is considered a betterment to the previous use a clinic and other D1 uses which could occupy the property without planning permission.

Taking the above into account, the proposal is not considered to significantly impact upon the privacy and amenity standards currently enjoyed by neighbouring occupiers and is considered acceptable in this regard.

Transportation Section

The Council's Transportation Section were notified during the consultation period in order to consider the impact of the proposal upon highway safety and parking provision. The following comments were received:

Access

Trafalgar Terrace has a carriageway width of 7.6m with 1.7m pedestrian footway links. There is high demand for on-street car parking within the residential streets due to the nature of terraced housing with limited or no off-street car parking provision. There are parking restrictions in the form of double yellow lines preventing on-street car parking at the junction of Trafalgar Terrace and the A4058 to maintain free flow of traffic.

Parking

Existing Use Clinic.

Health Centres & Surgeries 1 space per practitioner (See Note 3) 1 space per 3 ancillary staff & 3 spaces per practitioner. There is potential for up-to 12 practitioners to work within the premises requiring 48 spaces with up-to 6 additional staff. Therefore, the proposed building could potentially operate under its existing use class requiring in the region of 50 off-street spaces with 1 provided.

Proposed Residential

The proposal seeks permission to transform the disused former Ystrad Clinic into three 2 bed apartments and two 1 bed studio apartments with communal bike and bin storage facilities. In accordance with the SPG Flats 2015 the proposed requires 1 space per bedroom. Therefore, the total required for the proposed use is 8 for the flats and 1 visitor taking the total required to 9 with 1 provided.

Sustainability

The proposed is located within easy walking distances of local facilities with both bus and rail stops a short walk from the proposed placing less reliance on the private motor vehicle.

The applicant has undertaken a sustainability check in accordance with the South Wales Parking Guidelines 2014 for which the council's SPG is based on. The sustainability score is below: -

Post office located at number 22 Gelligaled Road = 240m total trip = **2 points**

Ysgol Hen Felin = 560m total trip = **1 point**

(other notable facilities in the immediate area are Ysgol Gynradd Gymraeg Bodringallt 600m total trip, Sheppard Pharmacy Ystrad 260m total trip and Nisa Local 280m total trip) Public Transport

Ystrad Rhondda Train Station – 700m total trip = **1 point**

Cycle Route – N/A

Frequency of Public Transport

Bus stops 'Ystrad Rhondda o/s Post Office' 200m total trip and 'Ystrad Rhondda adj Clinic' 120m total trip both located on Gelligaled Road share buses timetabled between the hours of 7am – 7pm at the frequency of 10 minutes = **3 points**. (Please refer to Appendix A for timetable)

Total Sustainability Points = 7

The reduction in parking requirement states for residential developments, if 7 sustainability points are achieved, 1 space per dwelling may be reduced. We therefore are left with a requirement of 4 parking spaces (3 residents and 1 visitor). There is currently a dropped kerb and space on site for 1 vehicle (visitor), the remaining 3 spaces would therefore be required to park on the road.

Conclusion

There is concern that the proposed does not comply with the car parking requirement as set out in the council's SPG Flats 2015. However, taking into account the proposed is for conversion of an existing building with no potential to provide additional off-street car parking, the existing use would generate substantially more on-street car parking and vehicular trips to and from the clinic than the proposed use which is located in a sustainable location reducing reliance on the private motor vehicle as the primary mode of transport the proposed conversion to flats is considered acceptable.

Ecology

Following consultation, no objection was raised to the proposal by the Council's Ecologist who set out that as the change of use would not see works to the roof and/or loft space then no ecological assessment is required and an appropriate but informative note should be attached any planning permission as a precaution.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient

In their response it is also set out that if the apartments were let to a minimum of 3 individuals forming 2 or more households then the apartments would be subject to HMO Licensing.

Drainage

Whilst Welsh Water raised no objection to the proposal, they requested a condition be attached to any consent with regard to surface water drainage. However, in this

instance the proposal would see no increase in the external footprint of the property or any works that would impact upon the current drainage arrangements. As such, it is considered that such a condition would be unreasonable and not required.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The principle of development at the site is considered acceptable. Furthermore, the proposal is considered acceptable with regard to its impact upon the character and appearance of the area, the residential amenities of surrounding neighbours and highway safety within the vicinity of the site. As such, the application is considered to generally comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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 numbers:
 - Site Location Plan – Received 23/02/23
 - Proposed Site Plan Rev A – Received 23/02/23
 - Proposed Ground & First Floor Rev D – Received 05/06/23
 - Proposed Front and Rear Elevations Rev B – Received 05/06/23
 - Proposed Side Elevations – Received 23/02/23

and documents received by the Local Planning Authority, 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. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the

dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.