

PLANNING & DEVELOPMENT COMMITTEE

03 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0568/08 (JE)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: Change of use from residential dwelling to Children's home
LOCATION: CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP
DATE REGISTERED: 26/05/2023
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: APPROVE

REASONS: 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 comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing residential dwelling (C3) to a residential children's home (C2). The conversion would not result in any external changes to the property however, a small number of internal alterations would be made in order to facilitate the proposed use.

Information submitted with the application indicates that the home would be registered with Care Inspectorate Wales. It would provide 24 hour care and support for up to 3 children with varying needs who will be cared for in a safe, stable, nurturing home environment to support them in meeting their potential within their local community.

The use would employ 3 full-time and 3 part-time members of staff and, as a result of its residential care use, would operate 24 hours a day.

SITE APPRAISAL

The application site relates to a recently constructed modern detached chalet bungalow located to the western boundary of the settlement of Wattstown. The property is set to the east of the main terraces of properties at Heol Lechau by approximately 36 metres and is set back from a turning head that was created during the development of the site.

The dwelling is set centrally within the plot with an area of parking and a detached garage to the west. To the front of the site is the boundary of the adopted highway with the tarmac surface giving way to gravel with an access lane continuing west across the front of the property to an adjacent development plot. The property benefits from an area of amenity space at the level of the dwelling and a larger garden which is elevated to the rear and accessed via steps.

The area surrounding the site consists of open hillside to the north, west and immediate south with residential areas of Wattstown to the east and south.

PLANNING HISTORY

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

21/1690/10: LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP

Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022).

Decision: 11/10/2022, Grant

21/1208/10: LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, ABERLLECHAU, PORTH, CF39 0PP

Proposed construction of new dwelling with attached garage.

Decision: 17/12/2021, Refuse

17/1166/38: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN

Discharge of Conditions 4 (Site Investigation Report), 5 (Retaining Walls), 6 (Site Levels), 7 (Materials), 8 (Boundary Treatments), 9 (Drainage), 10 (Road Widening) of previously approved application 17/0651/10.

Decision: 12/01/2018, Grant

17/0651/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN, PORTH

New detached dwelling and detached garage (Amended plans received 03/08/17).

Decision: 06/09/2017, Grant

13/0269/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN.

One detached dwelling (Revised plans received 11.07.13)

Decision: 27/09/2013, Grant

PUBLICITY

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

No letters of objection have been received following consultation.

CONSULTATION

Flood Risk Management (Drainage): No objection raised.

Transportation Section: No objection, condition recommended.

Public Health and Protection: No objection, standard advice provided in respect of hours of construction, noise, dust and waste.

South Wales Police: No objection, condition recommended for the submission of a Management Plan.

Welsh Water: No objection, advice provided in respect of foul water drainage.

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 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 lies within the settlement boundary for Wattstown and isn't allocated for a specific purpose.

Policy CS1 – Sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – Supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – Sets out the criteria for new development in relation to amenity and accessibility.

Policy AW6 – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

Policy AW8 – Sets out the 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.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Parking and Circulation

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.

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 national 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 relates to the conversion of the property from a residential dwelling (Use Class C3) to a Children's Home (Use Class C2). The property is located outside but adjoining to the settlement boundary and is adjacent to an established residential community in Wattstown, Porth which is considered an appropriate location for such a use which would not operate significantly differently from the existing residential property which was considered acceptable at the site. Furthermore, no objection to the location of the proposed use was raised by South Wales Police following consultation. As such, the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The proposal does not involve any external alterations or enlargements to the property. As such, the change of use would not detract from the character or appearance of the area and is considered acceptable in this regard.

Impact on residential amenity and privacy

The proposal would not result in any external alterations to the property and with the application site being situated at least 36 metres away from the nearest neighbouring residential properties, it is not considered that the proposed development would adversely impact upon their amenity or privacy.

Furthermore, other than the element of care and the presence of staff, it is considered that the proposed residential care home, which would be of a limited scale, would generally exhibit the same residential characteristics as the existing residential dwelling and it is not considered that the use would result in harmful levels of noise and disturbance. As such, any potential impact upon surrounding properties would be limited in this regard.

Highway safety and parking provision

The application has been assessed by the Council's Highways and Transportation section and no objection is raised in relation to the proposal, subject to condition. The comments received are summarised as follows:

Access

The proposed access is to remain as existing off the adopted highway Heol Llechau which is acceptable. There is a small section of highway leading to the proposed which is lacking segregated footway. However, taking into account the limited traffic and carriageway width of 5.5m to act as a shared use, on-balance this is acceptable.

Parking

Residential children's homes / homes for elderly persons / nursing homes require 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4 beds. There are 4 rooms for children and 3 staff members including 1 resident staff member therefore, the proposed requires 3 off-street spaces with 4 provided which is acceptable.

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

Drainage

As the proposal does not propose any construction works that will result in a change in the structure's external footprint it is not considered that the surface water condition requested by Welsh Water is reasonable or necessary in this instance.

Public Health and 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 construction 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.

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 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 plans
 - Proposed Rear Elevation
 - Proposed Side Elevation
 - Proposed Side Elevation
 - Proposed Ground Floor Plan
 - Proposed Roof Plan
 - Proposed Garage Plans
 - Proposed Site Plan
 - Proposed First Floor Plan

and documents received by the Local Planning Authority on 26/05/2023, 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. The premises shall only be used as a regulated children's home and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. When the use hereby approved ceases, the premise shall revert back to its original Class C3 use.

Reason: In the interest of residential amenity, drainage and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 2 months of the date of this consent the operator shall submit a management plan for the premises to be agreed in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed details for as long as the use is carried out at the property.

Reason: In order protect the amenities of neighbouring properties in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Within 2 months of the date of this consent, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.