

**AGENDA ITEM 4****RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CABINET****16<sup>TH</sup> DECEMBER 2014****REPORT OF THE DIRECTOR OF REGENERATION AND PLANNING****Author: Simon Gale, Service Director Planning: Tel 01443 494716****Supplementary Planning Guidance for Flats Developments.****1.0 PURPOSE OF THE REPORT**

- 1.1 To seek Cabinet approval to undertake public consultation on Draft Supplementary Planning Guidance for Flats Developments

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members approve the Draft Supplementary Planning Guidance *Development of Flats – Conversions and New Build*, for the purposes of consultation.

**3.0 BACKGROUND**

- 3.1 Supplementary Planning Guidance (SPG) is non-statutory supporting information and advice that supplements the policies and proposals within the Local Development Plan (LDP). Supplementary Planning Guidance can factor as a material consideration in determining planning applications and appeals and can relate to specific topics and sites.
- 3.2 There is a growing demand for small, affordable and flexible accommodation to meet the changing housing needs of a wide variety of people. This has increased pressure for the development of new flats, including the conversion of existing buildings into flats and the subdivision of dwelling houses.
- 3.3 Flats also have a key role to play in meeting housing need within the Social Rented sector. This is especially through provision of smaller one bedroom accommodation, of which there is a growing shortage across much of Rhondda Cynon Taf.
- 3.4 However, flats developments can also cause problems around parking provision, impact on neighbours, refuse storage and generally sub-standard levels of accommodation. These issues are often most acute when unsuitable properties, such as small terraced houses, are proposed to be sub-divided into flats.

3.5 Flats developments are often contentious at planning application stage and it is necessary to balance the benefits of meeting the needs for flats and bringing buildings back into use against the issues that often arise. The SPG is therefore aimed at providing advice to applicants and developers to ensure good applications for flats developments come forward and to assist officers and Members in making decisions on flats applications including making it easier to resist poor proposals.

#### **4.0 CONTENT OF THE SPG**

4.1 The SPG sets out a more detailed interpretation of the LDP policies used to assess applications for the development of flats, in order to ensure a consistent outcome for applicants and a high quality of development.

4.2 The Council will generally support new development of flats which make a positive contribution to housing choice, result in a sustainable form of development, and are well designed.

4.3 However, the Council will resist proposals which create poor quality living accommodation, are in unsustainable locations or which have a detrimental impact on the existing built or natural environment or the amenity of neighbours.

4.4 An internal officer working group was established to prepare the SPG and this has ensured that matters such as efficient refuse collection, parking provision and living standards have been included in the guidance.

4.5 In all, the document provides detailed guidance on issues such as:

- Sustainable Locations
- Quality of Accommodation
- Security
- Accessibility
- Neighbour Amenity
- External Spaces
- Car Parking
- Cycling Provision
- Bin Storage

4.6 This guidance will apply to proposals that include new build development, flats above shops, the conversion of existing buildings and the sub-division of houses into flats

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 Costs will be met from existing budgets.

#### **6.0 LEGAL IMPLICATIONS**

6.1 The SPG will be a material consideration in the determination of planning applications and appeals.

## 7.0 CONCLUSION

- 7.1 It is recommended that Cabinet agree the Draft Supplementary Planning Guidance *Development of Flats – Conversions and New Build* for public consultation.



## APPENDIX 1

### Supplementary Planning Guidance Development of Flats – Conversions and New Build July 2014

DRAFT

## Contents

- 1.0 Introduction
- 2.0 Planning Policy Context
  - 2.1 Local Development Plan
  - 2.2 Planning Obligations / Community Infrastructure Levy
- 3.0 Development of Flats
- 4.0 New Buildings
- 5.0 Conversion of Existing Buildings
  - 5.1 Non-Residential buildings
  - 5.2 Sub-division of Existing Dwelling Houses
  - 5.3 Flats Above Shops
- 6.0 General Principles
  - 6.1 Sustainable Locations
  - 6.2 Quality of Accommodation
  - 6.3 Accessibility
  - 6.4 Neighbour Amenity
  - 6.5 Security
  - 6.6 External Spaces
  - 6.7 Car Parking
  - 6.8 Cycling Provision
  - 6.9 Bin Storage

- 7.0 Further Information

## Appendices

- 1 Listed Buildings and Conservation Areas
- 2 Flooding
- 3 Ecology and Trees
- 4 Affordable Housing
- 5 Building Regulations
- 6 Houses in Multiple Occupancy (HMOs)

## 1.0 Introduction

There is a growing demand for small, affordable and flexible accommodation to meet the changing housing needs of a wide variety of people. This has increased pressure for the development of new flats, including the conversion of existing buildings into flats and the subdivision of dwelling houses to meet this demand.

Flats also have a key role to play in meeting housing need within the Social Rented sector. This is especially through provision of smaller one bedroom accommodation, of which there is a severe and growing shortage across much of Rhondda Cynon Taf.

However, flats developments can also cause problems around parking provision, impact on neighbours, refuse storage and generally sub-standard levels of accommodation. These issues are often most acute when unsuitable properties, such as small terraced houses, are proposed to be sub-divided into flats.

This document provides Supplementary Planning Guidance (SPG) setting out a more detailed interpretation of the policies used to assess applications for development of flats, in order to ensure a consistent outcome for applicants and a high quality of development. The SPG will be a material consideration in the determination of planning applications and appeals.

The Council will generally support new development of flats which make a positive contribution to housing choice, result in

a sustainable form of development, and which is well designed.

However, the Council will resist proposals which create poor quality living accommodation, are in unsuitable locations with limited access to health care and community facilities, public transport and other transport links, (as defined in the LDP) or which have a detrimental impact on the existing built or natural environment or the amenity of neighbours. In particular the Council will resist proposals to convert small mid terraced properties into flats.

## 2.0 Planning Policy Context

### ***Local Development Plan***

The Local Development Plan sets out the policies that will be applied in Rhondda Cynon Taf. The most relevant policies in respect of flats conversions/development are:

Policy CS 1 - Development in the North - promotes the re-use of under used and previously developed buildings in the north of the County Borough (Rhondda and Cynon Valley areas). However, it also requires that high quality and affordable accommodation should be provided, that promotes diversity in the residential market.

Policy CS 2 - Development in the South - promotes the re-use of under used and previously developed buildings in the south of the County Borough (Taff Ely area).

Policy AW 4 - Planning Obligations- advises that planning obligations may be sought where necessary to make a development acceptable in site specific land use terms.

Policy AW 5 - Amenity - sets out the criteria for acceptable impacts in terms of amenity and accessibility in new developments.

Policy AW 6 – Design and Placemaking – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW 7 - Protection and Enhancement of the Built Environment – advises that development proposals which impact upon sites of architectural or historical merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW 8 - Protection and Enhancement of the Natural Environment - requires development which may affect protected and priority species demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

Policy AW 10 - Environmental Protection and Public Health - does not permit development proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity, including flooding.

Policy NSA 13 - Rehabilitation / Conversion of Large Buildings - gives criteria for the above within the north of the County Borough.

### ***Community Infrastructure Levy and Planning Obligations***

Flats are considered to be individual residential units and in most circumstances will be liable to pay the Community Infrastructure Levy. They may also trigger site specific planning obligations. Please refer section 4 of the Planning Obligations SPG (20xx) for the likely requirements for residential developments.



### 3.0 Development of Flats

A flat is a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

Developments which result in the creation of new flats may include the construction of new buildings, the conversion of non-residential buildings into flats, the subdivision of existing dwelling houses into 2 or more separate residential units or the creation of one flat or more within an existing building.

Development which results in the creation of new and additional residential units usually requires planning permission.

### 4.0 New Buildings

Proposed new buildings should have regard to the principles of good urban design. Site layout should have regard to the context and character of the surrounding area, in particular the relationship with the existing public realm, neighbouring buildings, and movement patterns in the surrounding area, existing site features and views into the site.

The scale, siting and orientation of new buildings should be appropriate to the surrounding built form and context. It may be appropriate for buildings in prominent locations to be larger

than surrounding existing buildings, particularly where they are well designed and have potential to be local landmarks.



New buildings should be considerate to their context in terms of siting, orientation, scale and character.

Where new flats form part of larger residential or mixed use developments, they should be located within the development where they would have the best access to new or existing local facilities. Opportunities for flats to provide larger buildings as local landmarks in key locations should also be considered.

The amount, arrangement, proportions and style of windows and other elevational treatments, including materials, should be appropriate to the scale and prominence of new buildings

and should have regard to the character and appearance of the surrounding area.

The impact on neighbouring properties in terms of loss of privacy, overlooking and over bearing impact will need to be carefully considered.

## 5.0 Conversion of existing buildings

### *Non-Residential Buildings*

Development of flats may offer an opportunity for existing building stock, including buildings of value, to be retained and reused. Where the retention of existing buildings helps to support other planning objectives including regeneration and preserving the historic environment, the Council will take a pragmatic and flexible approach to assessing proposals.

Existing buildings may present significant constraints on achieving the general principles set out in section 6 below. Care should be taken to design the development in a manner which best addresses the points raised above. However, the Council may resist conversions where sites or buildings do not provide scope for a suitable quality of development.

Where buildings are of an attractive character, care should be taken to retain existing facade details and patterns of fenestration, or to make changes in a sympathetic manner which respect the appearance of the building. A balance should be sought between the benefits of making changes, for example relocating entrances to the front of the building, and the impact on any valued characteristics of the building.



Conversion of existing vacant buildings can contribute to the regeneration of settlements and the historic built environment

Where more significant alterations are required, care should be taken that the resulting building is of an attractive appearance which is appropriate to the surrounding context. Where buildings are extended, consideration will be given to whether the increased scale has any impact on the character of the surrounding area, or any impact on the amenity of neighbouring properties.

The conversion of flats in the northern strategy area will require evidence that there is no alternative economically viable use for the building in accordance with Policy NSA 13 of the LDP.

### *Subdivision of existing houses*

The subdivision of existing houses is likely to be acceptable where a high quality of accommodation and amenity can be provided for residents.

However many smaller properties, and particularly in traditional terraced streets, will not be appropriate for subdivision. Consideration will be given to the nature of the resulting flats, and it is likely that permission will be refused where:

- A high standard of internal layout cannot be achieved.
- Habitable rooms would lack natural light, ventilation or a reasonable outlook.
- The occupants of the first floor flat would not have access to the rear garden or other external space for amenity, clothes drying, bin storage and / or cycle storage.
- It would exacerbate existing on street parking problems.
- Living rooms or kitchens would be located directly adjacent to upstairs bedrooms of neighbouring houses, unless mitigating measures can be provided.



Terraced houses are often not suitable for conversion to flats

## 6.0 General Principles

### ***Sustainable Locations***

The development of flats in sustainable locations has a range of potential benefits, providing residents with the opportunity to live close to existing services and facilities and access to a range of transport options.

Such development will be supported where residents would have access to a wide range of services, including public transport, and where development would contribute to the continued viability of existing services.

Development of flats in locations which would result in residents having limited access to services will be resisted.

Residents of flats are less likely to own cars than other household types, and special consideration should be given to ensuring that flats are not built in locations where such residents would be isolated. In addition, the creation of flats in locations where residents do not require a car is likely to contribute to the creation of more sustainable patterns of movement.

Proposed larger and higher density development of flats are likely to be supported in or close to town centres, where it contributes to regeneration objectives, or supports the re-use of buildings of historic or community value. In such cases applicants will be required to explain and demonstrate why the density is appropriate, and how design challenges associated with higher density developments have been overcome.

### ***Quality of Accommodation***

New flats should provide an acceptable quality of accommodation for residents. Poor quality accommodation can cause health, safety and welfare issues for occupants due to small, cramped accommodation, with lack of natural light and poor outlook.

Flats should be of a suitable size to provide space for the intended number of residents, and care should be given to ensuring that the internal layout is fit for purpose.

Habitable rooms should have a reasonable outlook and level of natural daylighting and ventilation. Flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have rooflight windows.

The internal layout of flats should consider the relationships between the living rooms and bedrooms of adjoining flats or other neighbouring properties, in order to minimise noise and disturbance between neighbours.

Residents should be provided with access to either private or communal outdoor space, such as a balcony or garden, unless the possibility of this is restricted by other factors. Flats without outdoor space are more likely to be acceptable where high quality public open space is located close by.

### ***Accessibility***

Flats should be designed to ensure easy and safe access for all users.

Main entrance doors to individual flats or communal entrances should normally be located on the front of buildings, and should be easy to find and reach. Access through rear lanes or across car parks, and primary entrances hidden around the backs of buildings should be avoided wherever possible.

Ground floor flats should be designed to allow access by wheelchair users, and routes to entrances should be step-free where possible.



Access to flats should step free where possible and overlook public areas for added security

Regard should be given to the provisions of the Equality Act 2010 as well as Building Regulations and other technical publications such as British and European Standards which

provide guidance for facilitating satisfactory access for all users.

### ***Neighbours' Amenity***

Consideration will be given to the impact of any flat development on neighbours, particularly relating to privacy and nuisance issues resulting from the intensity of residential use that flats can create.

Where the development would include new or extended buildings, consideration will be given to impacts such as loss of daylight, outlook and overbearing of neighbouring properties.

### **Security**

Regard should be given to the provisions of 'Secured by Design' standards to ensure that opportunities are taken to minimise the risk or perceived risk of crime for future occupants.

Doors, windows and other elements should be set out to protect the privacy and security of residents. In most cases a degree of defensible space should be provided between ground floor flats and any surrounding public or communal spaces, including landscaping and boundary treatments, to protect the privacy and security of residents.

Where flats are accessed through internal communal spaces, these should be direct, wide and where possible naturally lit.

Consideration should be given as to how these spaces would be managed.

Communal entrances to more than two flats should have appropriate security such as an intercom system.

### ***External Spaces***

Spaces around buildings should be designed to ensure that it is clear whether they are public or private, and who has access to them. Boundary treatments and landscaping should be provided as part of any scheme, to avoid creating ambiguous spaces.

Buildings should be set out to face public areas where possible, with private spaces such as gardens located to the rear. Routes from the street to building entrances should be legible and well overlooked from surrounding buildings, and should be laid out and landscaped in an attractive manner.

An agreement should be set out for the management of any communal outdoor spaces in perpetuity, in order to ensure that they do not become neglected due to a lack of a clear sense of ownership or stewardship by residents.



Communal entrance intercom



External spaces should be carefully landscaped and managed

## **Car Parking**

Car parking should be provided in line with the Council's 'Access, Circulation and Parking' SPG, which sets out a maximum requirement of 1 space per bedroom, and 1 visitor space per 5 flats.

Consideration will be given to the fact that residents of flats often have lower car ownership than other types of households. The following factors will also be considered in relation to the level of car parking provision:

- Proximity and range of public transport services;
- Range of services within easy walking distance, including shopping, schools and healthcare;
- Accessibility of employment opportunities;
- Availability of existing on street parking, or known pressures relating to on-street parking;
- Impact on highway safety or traffic flow resulting from increased on-street parking.
- Parking demand created by the existing use of site
- The general characteristics of the surrounding highway network.

In town centres such as Aberdare and Pontypridd reduced car parking provision may be acceptable where it can be demonstrated that car ownership will be low, and mitigation can be provided. This could include a Travel Plan, improvements to local public transport and cycling facilities, or other proposals to manage problems associated with indiscriminate on-street car parking.



Car parking areas should be well overlooked



Proximity to public transport may affect parking requirements

Where off-street parking is limited or cannot be provided, developers should look at alternative solutions to residents owning a private car, such as:

- Car clubs and car sharing schemes for residents;
- Providing public transport passes/assistance for residents;
- Providing reduced cost cycle purchase schemes and opportunities for cycle training.

Car parking areas should be well integrated into the layout of new development. Spaces should be located so that they are convenient to use and well overlooked by surrounding properties. Where this cannot be achieved, it may be appropriate to provide additional security measures such as lockable gates.

### ***Cycle Provision***

Cycle storage facilities should be provided for residents in convenient locations, either inside flats or in communal areas close to each flat. Where limited car parking is provided, a minimum of 1 secure cycle space should be provided per resident.

Cycle storage should be sheltered and secure, and sited in easily accessible locations from each flat and surrounding streets. External storage should be located where it is well overlooked by neighbouring properties.

Routes to cycle storage should be well lit, step-free where possible, and set out to ensure bicycles can be easily manoeuvred to and from the site.

### ***Bin Storage and Refuse Collection***

Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, either within individual flats or in a communal area within 30m walking distance of each flat.

Space allocated for bin storage should not have bins stored more than two deep and should provide ample room to manoeuvre bins.



Bin storage areas should be sensitively located and screened





Lack of bin storage can contribute to developments looking untidy. Storage areas should be located and designed so that bins and rubbish are not visible from public areas, and can be kept tidy in appearance. This may include timber screen fences and landscaping.

Access paths between flats, the street and bin storage area should be free of steps or kerbs, suitably lit and as free as possible from surface water.

A clear strategy should be provided for the collection of bins, including an identifiable collection point which should be within 12m of a public highway and easy to reach for refuse collectors.

Mixed-use development should provide separate storage of domestic waste from any trade/commercial waste arising from the premises.

### **8.0 Further Information**

For advice on planning policy and planning obligations please contact the Council's Spatial Development Team:

#### **Regeneration and Planning**

Sardis House,  
Sardis Road,  
Pontypridd,  
CF37 1DU

Tel: 01443 494725 or 494757

Email: [LDP@rctcbc.gov.uk](mailto:LDP@rctcbc.gov.uk)

For advice on HMO's and their licensing please contact:

#### **The Housing Team**

Public Health and Protection  
Ty Elai  
Dinas Isaf East  
Williamstown  
Tonypany  
CF40 1NY

Tel. 01443 425001

For advice on waste please contact:  
**Highways and Streetcare Services**

Ty Glantaf  
Unit B23  
Taffs Fall Road  
Treforest Industrial Estate  
Pontypridd  
CF37 5TT

Tel. 01443 827700

For advice on affordable housing please contact:

**Strategy and Housing Standards Team**

Ty Elai  
Dinas Isaf East  
Williamstown  
Tonypany  
CF40 1NY

Tel. 01443 425581

For advice in respect of Building Regulations please contact:

**Building Control Team**

Sardis House,  
Sardis Road,  
Pontypridd,  
CF37 1DU

Tel: 01443 494845

**Appendices**

***1 Listed Buildings and Conservation Areas***

Where buildings are Listed or located in Conservation Areas, special regard will be given to the desirability of preserving and enhancing any features of special architectural or historical interest. In addition to planning permission, Listed Building Consent will be required for most works to Listed Buildings.

The design of such conversions should include a detailed understanding of the character and historic importance of the individual building or its value as part of a group. This will include the retention or reinstatement of important features, materials and building systems appropriate to the character and significance of the building.

It is recommended that anyone wishing to convert a listed building into flats seeks pre-application advice from the Council's Conservation Officer.

***2 Flood Risk***

The developer must show that the development (new build or conversion) is safe from the risk of flooding, that surface water is managed within the site and that the development does not increase the risk of flooding elsewhere.

Any new hard surfacing must have appropriate drainage or incorporate permeable materials to create sustainable drainage.

### **3 Ecology and Trees**

The impacts on ecology and trees should be considered in all development proposals.

Proposals for the conversion of buildings into flats will often require a bat survey where works to the roof are proposed. Bats are a European Protected Species and if bats are found in a building, they will need to be considered in the conversion of the building. It is an offence to disturb bats or their roosts, and a separate licence will normally be required from the Welsh Government to carry out works to a building where bats are found.

Buildings, both urban and rural, can be of particular importance to nesting birds as well as bats. It is an offence to disturb a nesting bird, the conversion of older buildings should provide opportunities to build replacement or new features into developments. Similar features will be encouraged in new construction.

Where a planning application affects trees, woodlands or hedges on or adjacent to the development site, applicants will be expected to provide information such as the impacts of their proposal on these features as well as the nature conservation and amenity value of these features. Where important features are affected, the Council will require a tree report as specified in BS 5837: 'Trees in relation to design, demolition and construction - recommendations' A landscaping plan is likely to be required identifying trees to be

retained and any replacement planting, alongside a scheme for future maintenance.

### **4 Affordable Housing Standards**

Technical Advice Note 2: Planning and Affordable Housing, defines the term affordable housing as: *"...housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers ..."* (TAN 2, 2006)

There are two main types of affordable housing as defined by TAN 2:

Social Rented Housing – provided by local authorities and Registered Social Landlords where rent levels have regard to the Welsh Government's guideline rents and benchmark rents;

Intermediate Housing – where prices or rents are above those of social rented housing but below market house prices and rents. This includes low cost home ownership models such as shared equity or assisted purchase schemes.

Given the affordability issues associated with service charges, flats are not normally suitable for low cost home ownership within this locality unless exceptional circumstances dictate otherwise.

New build flats for social rent should comply with the Welsh Government's Development Quality Requirements and meet Level 3 of the Code for Sustainable Homes as a minimum.

It will often be suitable for flats for social rent to be provided as 'walk-up' flats with no communal internal space. Developers should consult with the Registered Standard Landlord (RSL) when designing such properties.

### **5 Building Regulations**

Conversions and changes of use of existing buildings to flats should meet the standards laid down in the Building Regulations, including all relevant fire precautions. Queries on this matter should be directed to the Building Control Section of the Council.

### **6 Houses in Multiple Occupancy (HMOs)**

#### ***HMOs and planning***

HMO accommodation is usually provided within existing buildings and therefore planning permission may be required for the material change of use of a building.

The use of a dwelling house by no more than 6 residents living together as a single household falls within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission for a change of use is required where a property is occupied by more than 6 residents not in a single family or household or where there is a material change of use from a Use Class C3 to a HMO.

The change of use of a house to bedsits, flats, a hotel, bed and breakfast, guest house or hostel will always require planning permission.

It will often be the case that a property is licensed as a HMO under Housing legislation but falls outside of planning control.

#### ***HMOs and Licensing***

In general terms, an HMO can be a building or part of a building if:

- Persons who form more than one household occupy it. Examples of a 'household' are a single person, co-habiting couples or a family. Whether these householders share (or lack) one or more basic amenity, such as a toilet, bathroom or cooking facilities is also a relevant factor;
- It is a converted building containing one or more units of accommodation that does not consist entirely of self-contained flats; or
- It is a converted building consisting entirely of self-contained flats, where the work to convert the building did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by more than one household:

- As their only or main residence; or
- As a refuge by persons escaping domestic violence; or
- During term time by students.

Contact the Council's Housing Strategy and Standards Team if you are unsure if your property is an HMO and/or if it requires a license.

It should be noted that there are amenity and layout standards required to obtain a license for a HMO and that a grant of planning permission is no guarantee a licence will be obtained.

**This page is left Blank.**