



PLANNING & DEVELOPMENT COMMITTEE

23 JANUARY 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0814/10 - CHANGE OF USE FROM RESIDENTIAL DWELLINGS (CLASS C3) TO 8 NO. SELF-CONTAINED RESIDENTIAL STUDENT FLATS(SUI GENERIS) INCLUDING TWO-STOREY EXTENSION TO REAR, 1 & 2 POLICE HOUSES, BROOK STREET, TREForest, PONTYPRIDD

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 reported to the 5th December 2019 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as **Appendix A**. At the meeting, Members resolved that they were minded to refuse the application against officer recommendation. Members considered that the proposed development was contrary to the spirit of the Council's SPG on Houses in Multiple Occupation (HMO's) and the Wellbeing of Future Generation Act and would have an adverse impact on the amenity of the local area and would cause highways and parking issues (minute no. 153 refers).

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer considerations regarding the principle of the development are outlined in the original report however, a brief summary is provided below:

The property is located within the defined settlement boundary and within an established residential area that is located in close proximity to the Treforest Campus of University of South Wales. The area is well served by public transport links with bus stops and a train station that provide frequent services to the local and wider area. The retail centre of the village which offers a range of amenities and facilities is also located within walking distance of the site. As such, the site is considered to be a sustainable location and the proposal would comply with Policies AW2 of the Rhondda Cynon Taf Local Development Plan. Policies CS2 & AW1 also encourage residential development within defined settlement boundaries with Policy AW1 further supporting the conversion of suitable structures to provide housing.

Planning Policy Wales 10 seeks to incorporate the objectives of the Well-being of Future Generations (Wales) Act 2015 which places a duty on public bodies to carry out sustainable development, which focuses on achieving 7 well-being goals. One of the 7 well-being goals relates to a Wales of cohesive communities, which is also referred to in section 1.2 of SPG: Houses in Multiple Occupation. This section recognises that HMOs are heavily clustered around the University of South Wales campus in Treforest and that the clustering and high concentrations of HMOs in one particular area has the potential to have a significant detrimental effect on community cohesion. However, this application relates to the conversion of an existing building to 8 self-contained student flats and not a HMO. There is no policy or SPG that would restrict the number of self-contained flats in one particular area and it would therefore be difficult to defend an appeal on this basis.

In terms of the impact of the proposal on highway safety, it is noted that there is a shortfall in the number of off-street car parking spaces. However, the application site is located in a sustainable location and in close proximity to the University of South Wales. The proposal also includes two off-street car parking spaces as well as secure storage for 8 cycles within the site. Furthermore, a further 3 spaces can be secured within the site via a suitably worded condition. As such, the short fall in the number of off-street car parking spaces is considered to be acceptable and the proposal is acceptable in terms of the impact it would have on highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would be appropriate:

1. The proposal does not constitute sustainable development as it fails to satisfy the well-being goals set out in Planning Policy Wales 10 inasmuch as it does not contribute to a Wales of cohesive communities and would subsequently have an adverse impact on the amenity of the

local area. The proposal would therefore be contrary to Supplementary Planning Guidance: Houses in Multiple Occupation and Planning Policy Wales 10.

2. The proposed development will generate a greater intensity of indiscriminate parking to the detriment of highway safety in the vicinity of the site. It would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

5 DECEMBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0814/10 (KL)
APPLICANT: Taylor Louis Ltd
DEVELOPMENT: Change of use from residential dwellings (Class C3) to 8 no. self-contained residential student flats(Sui Generis) including two-storey extension to rear.
LOCATION: 1 & 2 POLICE HOUSES, BROOK STREET, TREForest, PONTYPRIDD, CF37 1TW
DATE REGISTERED: 31/07/2019
ELECTORAL DIVISION: Treforest

RECOMMENDATION: APPROVE

REASONS:

The application site is located in a highly sustainable location and in an area that is predominantly residential in character. Whilst the conversion of the building to 8 self-contained student flats would inevitably intensify the use of the building, it is not considered that the potential occupation of the property would be significantly greater than that which could currently occur as two single residential units.

The proposal would include a two-storey extension in order to facilitate larger flats however, the extension is considered to be of a modest scale and an acceptable design which would not adversely affect the character and appearance of the existing building and surrounding area or significantly impact upon the amenity and privacy currently enjoyed by surrounding properties. Furthermore, the site is capable of providing adequate off-street car parking provision which can be secured by condition and it is therefore not considered that the proposal would have an adverse impact on highway safety in the vicinity of the site.

As such, the proposal is considered to comply with the relevant policies of the Local Development Plan and Supplementary Planning Guidance: Development of Flats.

REASON APPLICATION REPORTED TO COMMITTEE:

- The proposal is not covered by determination powers delegated to The Director of Prosperity and Development;

APPLICATION DETAILS

Full planning permission is sought for the conversion of a pair of semi-detached residential dwellings (Use Class C3) to 8 no. self-contained student flats (Sui Generis). The proposal also includes the construction of a two-storey extension at the rear.

The current application represents the resubmission of a previously refused scheme (planning ref. 18/1260). The previous application, which sought permission for the conversion of the two dwellings to 8 student studio flats and the construction of a single storey extension, was refused for the following reason:

The proposed development would place significant pressure on the plot, representing an over-intensive use and overdevelopment of the site; and in trying to accommodate as many self-contained flats as possible within such a small building, would result in the creation of cramped and poor quality living accommodation for future occupiers.

The current scheme has been submitted to address the above reason for refusal. Although the proposal includes the same number of residential units as the previously refused scheme, a two-storey extension would be constructed at the rear of the building to facilitate flats with a greater floor area than those previously refused. The extension would measure 13.9 metres in width by 2.5 metres in depth with a part hip and part flat roof design that would measure a maximum of 6.8 metres in height to the ridge and 5 metres to the eaves/flat roof. All external materials would match those of the existing building.

The proposed flats would be accessed via the existing entrances to the dwellings within the eastern and western elevations. Two separate communal entrances would be formed internally, each serving 4 flats (2 ground floor and 2 first floor).

The following table indicates the proposed and previous floor areas of the proposed flats:

Flat	Proposed Floor Area (M ²)	Previous Floor Area (M ²)
Flat 1 (GF)	25.8 (studio)	25.8 (studio)
Flat 2 (GF)	27.7 (studio)	27.7 (studio)
Flat 3 (GF)	27.7 (studio)	27.7 (studio)
Flat 4 (GF)	25.8 (studio)	25.8 (studio)
Flat 5 (FF)	23.4 (studio)	19.0 (studio)
Flat 6 (FF)	23.4 (studio)	18.5 (studio)
Flat 7 (FF)	30.7 (1 Bed)	18.5 (studio)

Flat 8 (FF)	30.7 (1 bed)	19.0 (studio)
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The rear garden would be retained as a communal amenity area for future occupants. It is also noted that an existing detached double garage at the north-western corner of the site would be demolished and replaced with 2 no. off-street parking spaces. Separate cycle and bin stores would be located centrally along the northern boundary of the site.

SITE APPRAISAL

The application site relates to a pair of semi-detached residential dwellings that are set within an irregular shaped plot measuring approximately 546m². The dwellings are located towards the southern end of the plot but are set back from the footway at Brook Street by a small amenity area. Further enclosed gardens are located to the rear and side elevations. A detached double garage is located at the north-western corner of the site with access off Oxford Street to the western boundary. The remainder of the site is bound by 59 Oxford Street and its residential curtilage to the north and a service lane to the east which separates the site from the rear gardens of properties in the adjacent residential street, King Street.

The surrounding area is predominantly residential in character comprising of mainly linear rows of traditional, two-storey terraced dwellings. It is noted however that Pontypridd Fire Station is located to the north-west, a large student accommodation block to the south-west and the University of South Wales, Treforest Campus to the south. It is also noted that many of the surrounding dwellings are occupied as houses in multiple occupation in association with the nearby university.

PLANNING HISTORY

18/1260	1 & 2 Police Houses, Brook Street, Treforest	Change of use of 1 & 2 Police Houses, Brook Street from residential dwellings (C3) to 8 no. self-contained student flats (Sui Generis) including single storey extension to rear	Refused 30/05/19
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No letters of objection or representation have been received.

CONSULTATION

Fire Safety – No objection

Flood Risk Management – No objection

Highways and Transportation – No objection, subject to conditions

Public Health – No objection, subject to condition

Street Care – No objection

Wales & West Utilities – No objection, subject to conditions

Welsh Water – No objection subject to condition and advisory notes

Western Power – No objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant to this case:

Policy CS2 – emphasis on sustainable growth in the southern strategy area, achieved by promoting residential development that respects the character and context of the Key Settlements.

Policy AW1 – sets out methods used to meet the housing land requirement, including the conversion of suitable structures to provide housing.

Policy AW2 – ensures that development proposals are only supported when located in sustainable locations. Such locations: 1) are within a defined settlement boundary; 2) would not unacceptably conflict with surrounding uses; 3) have good accessibility by a range of sustainable transport options; 4) have good access to key services and facilities.

Policy AW5 – sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – requires development to involve a high quality design and are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

Policy SSA13 – supports residential development within the defined settlement boundary if the development is accessible to local services by a range of sustainable transport modes and does not adversely affect the provision of car parking in the surrounding area.

Supplementary Planning Guidance

Access, Circulation and Parking
Design and Placemaking
Development of Flats
Houses in Multiple Occupation (HMOs)

Licensing of Houses in Multiple Occupation: A Landlords Guide to Standards in HMOs (2019).

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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into Town and Country Planning.

It is considered that this proposal meets the seven goals set out in the Well-being of Future Generation's (Wales) Act inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development:

Chapter 3 Strategic and Spatial Choices (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 Active and Social Places (moving within and between places, transport, living in a place, housing)

Chapter 5 Productive and Enterprising Places (economy, energy, minerals and use of material resources)

Chapter 6 Distinctive and Natural Places (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

Welsh Government: Houses in Multiple Occupation – Practice Guidance.

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

Full planning permission is sought for the change of use of a pair of semi-detached residential dwellings to 8 no. self-contained flats (Sui Generis) to be occupied by students of the nearby University of South Wales.

The property is located within settlement limits, in an established residential area of Treforest and in close proximity to the nearby University of South Wales. It is located within walking distance of the retail centre of the village which provides various amenities and facilities and has easy access to public transport links with a train station and bus stops located in close proximity. As such, the site is located within a sustainable location, as defined in Policy AW2 of the Rhondda Cynon Taf Local Development Plan and the proposal would therefore comply with this policy. Furthermore, Policies CS2 & AW1 encourage residential development in such locations.

Supplementary Planning Guidance: Development of Flats permits accommodation that would provide an acceptable quality of accommodation for residents. It states that 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.

The previous application was refused as it was considered that the number of units proposed would place significant pressure on the plot, representing an over intensive use of the buildings and overdevelopment of the site; and, in trying to accommodate as many units as possible within such a small building would result in the creation of cramped and poor quality living accommodation for future occupiers to the detriment of their health and wellbeing. The scheme has since been amended to include a two-storey rear extension in order to increase the floor area of the flats proposed. The smallest flat would now have a floor area of 23.4 m², which is an increase of 4.9m² (or 26.5%) in comparison to the previously refused scheme, and it is considered that the increase is considered to be acceptable in terms of the level and quality of accommodation proposed. The Council's adopted guidance 'Licensing of Houses in Multiple Occupation (HMO): A Landlord's Guide to Standards in HMOs 2019, states that a single persons unit of accommodation with some shared basic facilities (e.g. bedsits) consisting of 1 room only with kitchen facilities should measure a minimum of 13.m². The level of accommodation proposed within 6 of the 8 flats proposed are very similar to a bedsit in that living/sleeping/kitchen accommodation is provided within a single room. The smallest units would measure 19.5m² without their en-suite bathroom facility and this is evidently greater than the minimum standard required for a bedsit. In terms of the 1 bedroom flats, which would contain a living room/kitchen and a bedroom over 2 rooms, these are also above the minimum requirements for a bedsit made up of 2 or more rooms where the minimum requirements are 11.15 m² (living/kitchen) and 6.50m² (13.4m² and 10m² proposed respectively).

Furthermore, all of the flats would have good natural light, good outlook and good ventilation and, as such, it is considered that the quality of accommodation is acceptable and therefore compliant with the guidance set out in the SPG: Development of Flats and Licensing of Houses in Multiple Occupation (HMO): A Landlord's Guide to Standards in HMOs.

Taking the above into consideration, the principle of the proposal is acceptable, subject to compliance with other policies of the Local Development Plan and other material considerations, as detailed below.

Residential amenity and privacy

As detailed above, the proposed conversion would involve the construction of a two-storey extension at the rear of the building with all other works being undertaken through internal alterations. The proposed extension is considered to be of a modest scale with an appropriately designed hipped/flat roof that would limit any potential overbearing/overshadowing impact on the nearest neighbouring properties. Whilst the extension would introduce new windows that would be closer to the boundary with no. 59 Oxford Street, these would not result in a significantly greater level of overlooking that would be detrimental to the privacy currently enjoyed by the occupants of that property.

It is noted that the proposed use of the property as 8 no. self-contained flats may result in an intensification of use in comparison to that of the two existing dwellings, resulting in some additional noise and disturbance. However, whilst intensive in respect of the number of occupants and the associated comings and goings and general noise and disturbance normally associated with such a residential use, it is not considered that the total number of occupants would be any greater than that which could currently occupy the 2 no. properties as traditional residential dwellings. Consequently, it is not considered any potential impact in this respect would be any greater than that which currently occurs.

As such, the proposal would comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The application has been assessed by the Council's Highways and Transportation Section and no objection has been raised in relation to the proposal. The response received is summarised as follows:

Access

The application site is located on Brook Street which has sufficient width to accommodate 2-way traffic flow and adequate provision of segregated pedestrian footway facilities. Brook Street has regulated on-street parking

provision in the form of limited waiting parking bays subject to 2 hours waiting with no return within 4 hours, with an exemption for resident permit holders.

The proposed development would take advantage of the existing access arrangements, which is considered to be acceptable.

Parking

The proposal would result in the dwellings being converted to 8 no. self-contained residential flats. In accordance with the Council's adopted SPG, house conversions to bedsits or self-contained apartments have a maximum off-street parking requirement of 1 space per bedroom, plus 1 space per 5 units for visitors, resulting in a total maximum requirement of 10 spaces. There are two spaces proposed, which would result in a shortfall of 8 spaces and gives cause for concerns, particularly when considering the substantial on-street parking demand in Treforest.

However, there is scope for a further 3 spaces to be provided within the site curtilage, served off the un-adopted lane to the east of the site, which would reduce the shortfall in spaces to 5. This can be secured via a suitably worded planning condition.

Furthermore, on the basis that the proposed development has regulated on-street parking provision, is located in a sustainable location and is within walking distance of the University of South Wales, the shortfall of 5 spaces would, on balance, be considered acceptable.

It is also noted that the planning statement advises that secure storage for 8 cycles is also proposed, although the layout plan indicates 6. It is recommended that this be secured via a suitably worded planning condition.

Taking the above comments into consideration, the proposal is considered to be acceptable in terms of the impact it would have on 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 in this regard.

Visual Amenity

The proposal would involve the construction of a two-storey extension at the rear of the building. The extension is considered to be modest in terms of its scale and, given that it would be externally finished with appropriate matching materials, it would not form an overly prominent addition to the surrounding area.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the application property and the wider area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in this regard.

Public Health

The Council's Public Health & Protection Section have raised no objections 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 issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

The Public Health & Protection Section also noted that should planning permission be granted, the conversion works would have to be carried out in accordance with relevant, current Building Regulations, otherwise the building would fall into the definition of Section 257 of the Housing Act 2004 and would require separate licensing by the Council as a house in multiple occupation (HMO).

Other Issues:

Community Infrastructure Levy 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) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The change of use of the properties from residential dwellings to a number of self-contained flats is generally considered to be acceptable. Furthermore, whilst an intensification of use may occur which could result in some additional impact upon the amenity standards currently enjoyed by surrounding residents, it is considered any additional impact would be minimal and not harmful enough to warrant the refusal of the application. Whilst there is some concern in respect of the shortfall in off-street parking provision within the site, this can be addressed through the imposition of a planning condition and, subsequently, it is not considered that the proposed conversion would have a significant impact upon highway and pedestrian safety in the vicinity of the site.

In terms of the level and quality of accommodation proposed, a two-storey extension would be constructed at the rear to facilitate flats with a larger floor area than those previously refused under planning application ref. 18/1260. The two smallest units would have a greater floor area than the figure stated in Licensing of Houses in Multiple Occupation: A Landlords Guide to Standards in HMOs (2019) and, as such, it is considered that the scheme has been sufficiently amended and the reason for the previous refusal has been overcome.

RECOMMENDATION: APPROVE, SUBJECT TO 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 and documents received by the Local Planning Authority on unless otherwise to be approved and superseded by details required by any other condition attached to this consent:
 - Drawing No. AL (90)00: Site Location Plan;
 - Drawing No. AL(90)01: Proposed Layout;
 - Drawing No. AL (99)01: Proposed Floor Plans;
 - Drawing No. AL (99)02: Proposed Elevations.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the submitted plans, development shall not commence until details providing for an additional 3 no. parking spaces within the site curtilage have been submitted to an approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the development.

Reason: To ensure that vehicles are parked off the public highway, in the interests of highway safety, in accordance with PolicyAW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, development shall not commence until details providing for the secure storage of 8 cycles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the development.

Reason: To encourage a sustainable mode of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The parking spaces indicated on submitted drawing no. AL(90)01 shall be laid out on site in permanent materials prior to beneficial occupation. The spaces shall remain for the purpose of the parking of vehicles only.

Reason: To ensure that vehicles are parked off the public highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to any works of conversion, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority setting out how the

record of student tenants within the flats will be kept. It shall include (as a minimum) the name of the student, the number of the flat being occupied and the course of study being undertaken at the University.

The record shall be made available to the Local Planning Authority for inspection at all reasonable times and retained for a period of one year after the student has vacated the property.

The development hereby permitted shall not be used or occupied for any purpose other than as Student Accommodation.

Reason: To ensure compliance with the approved plans and documents and to enable the Local Planning Authority to verify (with the University) the tenancy of the flats.