



## **PLANNING & DEVELOPMENT COMMITTEE**

**18 OCTOBER 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0982/15 (DJB)  
**APPLICANT:** Cynon Vale Medical Practice  
**DEVELOPMENT:** Variation of condition 1 of application 17/1071/15 to extend the current temporary permission for the portacabins to remain for a further 24 months with effect from 23 October 2018.  
**LOCATION:** **CARDIFF ROAD SURGERY, 8 CARDIFF ROAD, MOUNTAIN ASH, CF45 4EY**  
**DATE REGISTERED:** 24/08/2018  
**ELECTORAL DIVISION:** Mountain Ash East

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**RECOMMENDATION: Approve (Temporary for a further 24 months)**

The site lies within a mixed use area of Mountain Ash, with both residential and commercial uses in proximity of the application site. It is not considered that the retention of the block of portacabin type modular structures for an extended period of 24 months beyond the period currently permitted will so detrimental to the site, neighbouring occupiers and surrounding locality as to justify not granting the application.

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#### **REASON APPLICATION REPORTED TO COMMITTEE:**

In determining the initial application (15/0667) Committee requested that any subsequent applications seeking an extended period in which to retain the units be brought back to Committee for Members consideration.

#### **APPLICATION DETAILS**

Permission is sought to vary the time period stipulated in Condition 1 of planning permission 17/10761, which will expire on 23 October 2018, to enable retention of the units for a further 24 months (i.e. until 23 October 2020).

The initial planning application 15/0667 was submitted by the Cynon Valley Medical Practice in May 2015 for the provision of 12no. portacabin type modular units to the

rear of the Cynon Vale Medical Practice surgery building to replace 2no. modular units which were at that time on the site.

Cwm Taf University Health Board have previously confirmed their support for the continued retention of the units, whilst a scheme is progressed for a new facility for the provision of primary health care facilities in Mountain Ash.

In addition the current application submission includes a letter/Statement (dated 24 August 2018) from Cwm Taf University Health Board in which they confirm that since receiving funding approval from Welsh Government to progress with the development of the new integrated Primary Health Care Centre for Mountain Ash they have begun the process of progressing the development in line with the timescale set by Welsh Government. Attached to that letter is a Community Engagement Action Plan within which Cwm Taf UHB have set down target dates for that programme.

## **SITE APPRAISAL**

Cynon Vale Medical Practice is accommodated within Cardiff Road Surgery, 8 Cardiff Road, a former residential detached property, of a relatively modest size, which stands on the southwestern side of Cardiff Road, approximately 50m down from the junction with Ffrwd Crescent. The surgery building fronts directly onto the back of the pavement running across the front. Between the rear boundary and the River Cynon (a distance of some 15m) is a strip of somewhat overgrown grassed ground, the riverside footpath and the river bank.

The south eastern side boundary between the surgery site and the Council's (Old Cardiff Road) car park and part of the rear boundary is defined by a block work wall approximately 1.35m in height.

A gap wide enough to provide room for a vehicle to drive between lies between the surgery building and the former Nazareth Church to the north west. Planning permission (05/0499) was granted in 2005 for the change of use of the attic space of Nazareth Church into residential living accommodation (an earlier application (03/1022) had secured planning permission to change the use from a church to a weights and fitness gym).

On the opposite side of Cardiff Road lies 7 Cardiff Road, which stands between the two motor vehicle commercial uses of Mountain Ash Motors (to the south east and accessed from the New Road side frontage) and Cardiff Road Garage, who provide car servicing/repairs/exhaust fitting/MOT testing etc..(to the north west).

There are double yellow line parking restrictions on Cardiff Road, however these only extend approximately 10m back from the junction with Ffrwd Crescent. Accordingly, there are no parking restrictions outside any of the properties (the surgery/former Nazareth Church/7 Cardiff Road/ Cardiff Road Garage/Mountain Ash Motors) in Cardiff Road.

The land to the rear (from the rear elevation backwards towards the river) and to the south eastern (car park side) of the surgery building is within the ownership of the

Council. The applicant has served the appropriate notice on the Council and submitted the correct Certificate 'B' ownership certificate.

## PLANNING HISTORY

17/1071	Variation of Condition 1 of application 16/1019/10 to extend the temporary period (for an additional 24 months). ( <i>NOTE: Whilst permission was sought for a further 24 months permission was only granted for an additional 12 months, i.e. until 23 October 2018</i> ).	Approved 22/11/17
16/1019	Variation of Condition 1 of application 15/0667/10 - to extend the temporary period (maximum 1 year as at 23rd October 2015) for an additional 12 months with effect from 23rd October 2016.	Approved 10/11/16
15/1476	Application for a non-material amendment (NMA) to previously approved application 15/0667 to reduce the overall width of the block of portacabin type modular units from 9.15m to 7.5m and to provide external fire escape staircase on the car park side elevation of the units rather than the rear.	Approved 04/12/15
15/0667	Remove existing 2 no. ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above).	Approved – Temporary permission for 12 months only, granted 23 October 2016
05/0152	Temporary siting of modular buildings at rear of existing building giving two consulting rooms, one treatment room and disabled WC.	Cond. Perm. 14/04/05

## PUBLICITY

The application has been advertised by means of site notices erected in the vicinity of the site and individual neighbour letters. No responses have been received.

## CONSULTATION

None undertaken as no change in circumstances from previous applications. When considering the previous application (16/1019) no objections were received from Transportation, RCT Flood Risk Management or Natural Resources Wales.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan (LDP)

The LDP Proposals Map identifies the site as lying inside defined settlement limits.

**Policy AW2** – development will generally be supported in sustainable locations within settlement boundaries (or in the Northern Strategy Area in accordance with policy AW12)

**Policy AW5** – identifies the design criteria (under the headings of Amenity and Accessibility) for new development.

**Policy AW6** – supports development that promotes high quality design and placemaking.

### **National Guidance (Planning Policy Wales – 9<sup>th</sup> Edition, November 2016)**

Section 4.2 sets out Welsh Government's aim to ensure that planning decisions have regard to the need to take account of sustainable principles.

Section 4.11 seeks to promote sustainability through good design.

Section 8.1 requires that development is accessible by means of a range of modes and not just the private car.

TAN12: Design (2016)

TAN18: Transport (2007)

### **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.

### **PLANNING CONSIDERATIONS**

The initial application (15/0667) was granted at the 15 October 2015 meeting when Members resolved to grant the application, albeit not for the 3 year period sought but for a maximum of 12 months.

Application 16/1019 was considered at the 20 October 2016 meeting of Development Control Committee when Members resolved to grant the application to retain the accommodation for a further 12 month period.

Application 17/1071 was considered at the 16 November 2017 meeting of Development Control Committee when Members resolved to grant the application to retain the accommodation for a further period. However, whilst the application sought retention for a further period of 24 months, Committee only agreed a further period of 12 months, i.e. until 23 October 2018.

It is considered that the main issue in the assessment of this application is whether or not the continued presence of the block of 12no. modular units on the site for a further period of 24 months would cause any significant harm in planning terms.

When Members considered the original application it was noted that the site lies within the defined settlement boundary of Mountain Ash, within a mixed use area where both residential and commercial uses are present.

The units are arranged with 6no. at ground floor level and 6no. above at first floor level forming a single flat roofed block, which provides accommodation for patient WC facilities, store rooms, two doctor's consulting rooms, GP room, treatment room, staff WC facilities, practice manager's office, two medical records storage rooms, store room and two administrative rooms.

Policies AW5 and AW6 of the Local Development Plan both require new development to be of a scale, form and design that respects the context of the setting and would not adversely impact on the character and appearance of the surrounding area. Permission is sought on a temporary basis (for a further 24 month period) and therefore visual impacts will be for a limited period only. Also, it is recognised that the Practice is making full operational use of the additional floorspace the units provide. On balance therefore, it is not considered appropriate to raise an objection to the application on the basis of policies AW5 and AW6.

Having regard to policy AW5 of the Local Development Plan it remains the view that the proposed units would not impact on the residential amenity of the occupiers of the former Church to such a significant extent that would justify a reason to refuse permission to retain the units for a further 24 month period.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

### **Conclusions**

It is recognised that this current application represents the third time, since the granting of the initial permission, that the Practice has sought to extend the period for which the units can be retained. Further, it is acknowledged that the proposed development is not without its deficiencies, with regard to its size, form and functional appearance and limited provision for off-street parking and these issues were fully considered when Members discussed the merits of the original application in 2015. However, it is not considered that the retention of the accommodation for a further period of 24 months will result in any further adverse impacts and accordingly the application is recommended for approval (for a maximum of 24 months, ie until 23 October 2020).

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS: (**

1. The permission hereby granted is for a temporary period (maximum of 24 months up until 23 October 2020) only and the 12no. portacabin type modular units (and associated fire escape staircase) hereby approved shall be wholly removed from the site no later than by 23 October 2020. The site shall be restored, within a timescale and to a condition both to be agreed, in writing by the Local Planning Authority prior to the removal of the 12no. portacabin type modular units from the site.

Reason: It is not considered that the proposed development would be acceptable were it to be permanent having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

2. The development hereby approved shall be carried out in accordance within the following approved plans/drawings:

- OS Base red line application site plan(dated received 22/06/15)
- Existing Building and portacabin plan/elevation.
- Car parking for 3 cars.
- Elevations Plan (marked GTX Containex 19.10.2015-3602858).
- Site layout Plan (marked Revised Drawing for 8 Cardiff Road, Mountain Ash-15/0667).

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.