

REFERENCE: P/17/165/FUL

APPLICANT: Mr Darryl Churchill Preswylfa, Llangeinor, Bridgend, CF32 8RD

LOCATION: 65 Oxford Street Pontycymmer CF32 8DD

PROPOSAL: Change of use of shop to self contained one bedroom flat

RECEIVED: 1 March 2017

SITE INSPECTED: 6 December 2017

APPLICATION/SITE DESCRIPTION

The application seeks retrospective consent for the change of use of an existing ground floor shop unit into a self contained one bedroom flat at 65 Oxford Street Pontycymmer. The submitted plan indicates that the flat comprises a living/kitchen area at the front of the building with a single bedroom with shower room occupying the rear third of the ground floor. No external alteration to the premises has been undertaken or is proposed.

The application site is an end of terrace hipped roofed property located on the western side of Oxford Street, Pontycymmer. The upper floor of the building is already occupied as a self contained flat and benefits from an external access via a metal staircase attached to the side of the building. Similarly the lower basement level of the building is also used as a self contained flat.



RELEVANT HISTORY

P/06/602/FUL - Extension to bedroom of basement flat - Approved - 15/06/06

P/06/601/FUL - Renewal of shopfront - Approved - 03-10-06

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for

Application Number

P/17/165/FUL



Scale 1:1,250

Date Issued:
15/12/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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response to consultations/publicity expired on 3 November 2017.

CONSULTATION RESPONSES

Welsh Water Developer Services - No observations.

Head of Street Scene (Highways) - No objection

Head of Street Scene (Drainage) - No objection

Garw Valley Community Council - Object as more shops are needed in the valley.

Councillor R M I Shaw Objects to the development:-

"Whilst in principle the conversion of retail space into accommodation may be acceptable, on this occasion, I believe there is reasonable planning issues to make an objection.

The site is a ground floor space in the commercial centre of the Valley, the upper and lower floors of the building having already been used as dwellings. This proposal creates a block with at least three occupants. The street frontage is in a parking restricted zone and no off street parking is available. There is concern that occupants would be tempted to park on street which would create a traffic hazard to the detriment of highway safety.

In addition there is concern that the creation of three low cost units in one dwelling, which is part of a terrace creates issues with domestic waste as the pavement is very narrow at this point so normal waste collections would be problematic.

Furthermore three low cost rental units creates a concentration of isolated and unsupported residents in a high foot traffic area. Should the building be converted to a single residence, this issue would not apply."

Public Protection - Shared Regulatory Services - It is noted that the internal layout includes inner rooms, which are deemed to have an increased risk from fire hazards.

The developer should be advised of their responsibilities to comply with Building Regulations.

REPRESENTATIONS RECEIVED

14 David Street - Objects and provides the following comments (summarised):-

Anti-social behaviour from occupants.

The property has been let as flats without consent but accommodating tenants on housing benefit.

Lack of commercial premises available in Pontycymmer.

Other local residents in the area who may wish to object have no access to a computer and have been unable to email the Council.

COMMENTS ON REPRESENTATIONS RECEIVED

The issues raised by the local resident and the Ward Member are addressed in the Appraisal section of the report.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Ward Member, Community Council and a local resident.

As indicated in the description of development, the application relates to the change of use of the ground floor shop into a self contained one bedroom flat at 65 Oxford Street, Pontycymmer.

The site lies within the settlement boundary of the local service settlement of Pontycymmer as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). The Policy states that development will be permitted within the settlement boundaries at a scale commensurate with the role and function of the settlement.

The site is also subject to Policy SP10, Retail and Commercial Hierarchy, which designates Pontycymmer as a District Centre where all new development proposals should provide retail, community or commercial floorspace on the ground floor.

Policy REG7 states that changes of use to non A1,A2 or A3 premises on the ground floor outside of primary shopping frontages but within a retailing and commercial centre will only be permitted:-

1. If for residential purposes:

- The premises/floorspace has been vacant for at least two years and has been actively marketed over that time; and
- The premises/floorspace does not form part of a purpose built retail environment or a continuous frontage of three or more existing commercial units.

Wherever possible, proposals for a change of use of existing floorspace should be designed so as not to prejudice a future conversion back to a retail or commercial use.

The applicant has submitted confirmation that the marketing of the unit for commercial use was unsuccessful during a two year period commencing October 2012. It is noted that the application seeks retrospective consent as the residential use was implemented in November 2016. The street scene demonstrates that there is a mixture of commercial and residential uses in this area. On this basis, it is considered that the proposal would be compatible with the above criteria. In principle, therefore, notwithstanding the objections raised about the availability of commercial premises, it is considered that the development accords with the LDP. It is also highlighted that in the event that there is a change in market conditions, the property could be easily converted back to a commercial use as the existing shop frontage is being retained.

With regard to the concerns relating to parking, it is noted that the highway, immediately fronting the premises, is restricted by zig-zag markings associated with the nearby traffic light controlled pedestrian crossing. Therefore, no on street parking would be permitted immediately adjacent to the site. Notwithstanding the above, it is the responsibility of any car owning occupier to park responsibly. It is also highlighted that the fall back position

would be for the premises to revert back to its former retail use, which would also be likely to generate a demand for on street parking in this vicinity from calling delivery vehicles or potential customers. The enforcement of any breaches of parking restrictions lies outside of the planning system and as there is no highway objection to the proposal, the development is considered acceptable in highway terms.

It is noted that there are concerns in respect of refuse collection given the narrow nature of the pavement fronting the property. Given that the application relates to the creation of a single bedroom flat, it is considered that the level of waste generation would not be so significantly increased as to warrant refusal of the scheme for this reason. It is also noted that the use has already been implemented and the application is effectively seeking to regularise the situation and therefore the issue of refuse collection is already being managed. Similarly, if the property were to revert to its lawful use as a shop then there will likely be a larger issue of trade waste.

The Public Protection Officer has expressed concern regarding compliance with the Building Regulations. An advisory note is attached to the recommendation highlighting the applicant's responsibilities in this regard.

The other issue raised in respect of anti-social behaviour and the tenancy of current / future occupiers are not considered material to the determination of the application.

The neighbour also raised the issue of other residents not being able to email objections into the Council due to a lack of access to a computer. Written objections or comments will also be accepted.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

The application is recommended for approval because the development complies with Council's policy and guidelines relating to non commercial uses at ground floor level within retailing centres and does not adversely affect the visual amenities of the area nor so significantly harms neighbours' amenities or highway safety as to warrant refusal of these grounds.

RECOMMENDATION

(R64) That permission be GRANTED subject to the following condition(s):-

1. This consent relates to the ground floor (Oxford Street level) only of 65 Oxford Street as shown on approved plan received on 1st March 2017.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) The developer is reminded of their responsibilities to comply with Building Regulations in respect of providing a suitable means of escape with a protected route out of the property in the event of fire and also the need to install an appropriate Automatic Fire Detection System.

(c) The developer is reminded that the consent relates to the change of use of the ground floor of the premises only and there shall be no alteration to the exterior of the building.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None