

RECOMMENDATION : SECTION 106

REFERENCE: P/15/214/FUL
APPLICANT: RIGHT TO BUY HOMES LTD
3RD FLOOR LAWFORD HOUSE ALBERT PLACE LONDON
LOCATION: HARDEN HOUSE 115 OXFORD STREET PONTYCYMER
PROPOSAL: CONVERT OFFICES TO 6NO. 3-STOREY DWELLINGS
RECEIVED: 31st March 2015
SITE INSPECTED: 15th April 2015

APPLICATION/SITE DESCRIPTION

The application proposes the conversion of an existing vacant office building into six three bedroom dwellings. The most southerly of the units will comprise lower ground floor living room, utility and shower room, with hallway, kitchen and dining area at ground floor level and three bedrooms and a bathroom at first floor level. The remaining four units will have a bedroom, utility and shower room on the lower ground floor, hallway, dining room, sitting room and kitchen on the ground floor with two bedrooms and a bathroom provided on the first floor.

External changes involve the removal on the existing central entrance way and its replacement with two domestic doors and windows. An existing gable feature towards the northern end of the building is to be removed and replaced with domestic scale windows to match the existing. The windows and decorative balustrading on two other existing gables are also to be removed and replaced with domestic scale windows. New doors are proposed to replace existing entrances but the existing large display type windows along the frontage (east elevation) are to be retained. At the rear, the existing three gables along with their large windows are to be removed along with three entrance porches. New patio door type openings are to be installed in each of the lower ground floor levels of the proposed dwellings with new windows of a design to match the remainder of the building will replace the glazed areas in the former gables. Where gables are to be removed, the roof will be made good in materials to match the existing building. One window serving the ground floor dining area of the most southerly of the proposed dwellings is to be installed in the southern elevation of the building facing the adjoining open space and seating area.

A platform or decked area will be created projecting 7m from the rear wall of the properties to provide a rear private amenity area for each of the proposed new dwellings. A 1.1m boundary wall will enclose the western end of the patio/terraced areas with suspended fire escapes provided leading to the land at the rear.

A design and access statement has been submitted in support of the application.

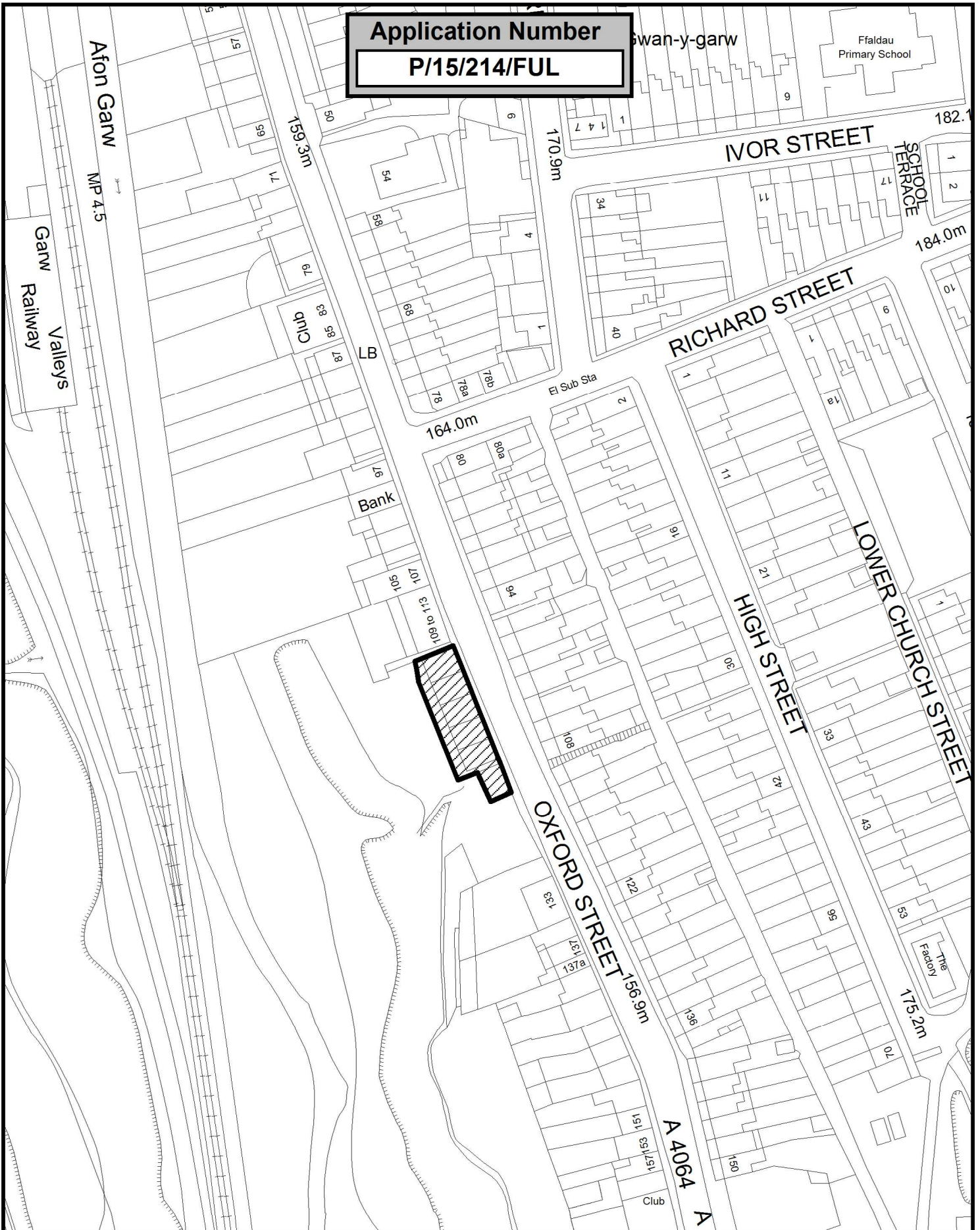
RELEVANT HISTORY

P/14/458/FUL WITHDRAWN 06-08-2014
CONVERSION OF OFFICES INTO RESIDENTIAL

PUBLICITY

Application Number

P/15/214/FUL



Scale 1:1,250

Date Issued:
05/10/2015

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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Cyngor Bwrdeistref Siro



The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 6th May, 2015.

NEGOTIATIONS

The applicant's agent was advised of the affordable housing obligation but also concerns were expressed regarding the level of private amenity space provision given the scale of the development. It was highlighted that the development proposes the provision of 6 three bedroom properties that would be provided with extremely limited private amenity space at the rear. Given that three bedroom properties are likely to be occupied by families with children, it was considered that the amenity space provision was inadequate, particularly given there are no public recreational facilities close to the application site.

It was suggested that consideration be given to reconfiguring the floor plans so that the basement area is used as a kitchen/utility area, the ground floor for living accommodation with two bedrooms and bathroom at first floor level above. Alternatively, the developer would need to investigate a means of providing additional private amenity space given that the land at the rear slopes steeply and is currently covered in trees.

Following discussion with the applicant's agent, revised plans were received on 18th September, 2015 which include the provision of a decked area/patio projecting 7m from the rear wall of the building to provide a flat, usable private amenity space for each of the proposed dwellings. At the time of report preparation, the applicant had indicated that the S106 financial obligation would make the proposed development unviable and it was suggested discussions would be conducted with the S106 Officer. Whilst an initial approach has been made to the S106 Officer, this was simply to clarify the level of information that would be required to demonstrate the viability of the proposed scheme. In the event that additional details are provided prior to Committee, these can be reported via the Amendment Sheet.

CONSULTATION RESPONSES

Town/Community Council Observations

The Community Council objects to this application on highway issues. There are only 2 car parking spaces available for six houses. It is highly likely that residents of six dwellings will have on average two cars per dwelling with no places to park. There is no on-street parking available at this site which is already a bottleneck for traffic.

The Members are concerned that there will be an increase in illegally/dangerously parked cars in the area which they are keen to avoid. This would have a knock-on effect for the highway safety of all vehicle users in the Garw Valley that pass through Oxford Street in Pontycymmer. The street is already congested, especially if lorries or buses are trying to pass.

In conclusion, unless a parking scheme can be provided for the conversion of these offices to dwellings, the Community Council is urging BCBC to turn down this application on highway safety issues.

Head Of Street Scene (Highways)

No objection

Head Of Street Scene (Drainage)

No objection subject to condition.

Welsh Water Developer Services

In the event that the Authority is minded to approved the proposed development, it is requested that advisory notes are included within any decision notice in order to ensure no detriment to existing residents, the environment nor Dwr Cymru/Welsh Water assets.

REPRESENTATIONS RECEIVED

Seven Letters Of Objection Have Been Received From, Local Residents. The Reasons Are Summarised Below:-

1. Car parking - all of the objectors highlight existing problems with residents living opposite the application site experiencing difficulties due to the highway partially fronting the application site but mainly in front of the adjoining supermarket being designated as a loading bay with no parking between 10am and 5pm.
2. Existing on street parking causes congestion with traffic flows frequently reduce to a single carriageway.
3. Whilst there is a car parking to the south of the application site, this is usually full and due to the distance not convenient for future occupiers.
4. Noise and disturbance - the area is already loud due to irresponsible landlords and their tenants are believed to contribute to rising crime rates in the area. More rental properties are not what the area needs.
5. Loss of privacy - residents of the properties on the opposite side of Oxford Street are concerned about overlooking between the proposed new dwellings and their homes.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections received from local residents:-

Car Parking - It is noted that the majority of the properties in the area do not benefit from in curtilage off street parking and consequently park on the street. In addition whilst the building is currently vacant, it could be returned to its former office use without the need for planning permission with office staff and calling customers visiting the site and parking on the street fronting the premises. The subdivision of this building into six individual units, each with a display window does not require planning permission and once divided, each unit could be converted to a shop with a flat above, resulting in 6 shops and 6 flats, without requiring formal consent by exercising permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) Order, 1995. In the circumstances, it is considered that the presently proposed scheme will not exacerbate existing parking problems to such a degree as to warrant refusal given the potential fall back uses and their associated parking generation. It is also highlighted that the site lies in a relatively sustainable location in close proximity to local shops and bus services pass the frontage of the building.

Traffic Congestion - As with the concerns expressed in relation to parking, it is considered that this is an existing problem which the proposed development will not so significantly exacerbate as to warrant refusal of the application.

Noise and disturbance - The proposed development relates to the conversion of the building into 6 three bedroom properties likely to be occupied by families. It is not considered that the level provided will exacerbate any pre-existing condition. Tenure in this case is not material to the

determination of this application.

Loss of Privacy - Whilst relating to domestic extensions, Supplementary Planning Guidance 2 Householder Development provides guidelines for the assessment of overlooking. It explains that the Council has adopted the standard of 21m between directly facing habitable room windows but clarifies that reductions may in certain circumstances be acceptable. One of the identified exceptions relates to where overlooking is between windows fronting onto a highway where the established building lines are less than 21m apart. In this case the objectors' properties are located on the opposite side of Oxford Street and are elevated above the street level. There is an approximate distance of 16m between the established building lines and the proposed development does not propose to alter this existing arrangement. It is therefore considered that there will not be a significant impact on the privacy of these neighbours created by the proposed development.

APPRAISAL

The application is referred to Committee to consider the objection raised by the Community Council and also those expressed by local residents.

The application site lies on the western side of Oxford Street, Pontycymmer and abuts an open area on which two public bench seats are currently positioned. It was noted that the land in this area slopes steeply from east to west and this results in the properties on the opposite side of the street being significantly elevated above the highway. The properties on the western side of Oxford Street tend to be two storey at the front but three storey at the rear. A parking area capable of accommodating two spaces lies immediately to the south of the building and is included within the application site boundary. The land to the rear of the building drops away steeply from the building such that currently only a modest strip of land is available to provide pedestrian access to the rear of the premises.

The proposal is located within the settlement boundary of Pontycymmer as defined by Policy PLA1 of the Bridgend Local Development Plan. The building is also located within the established commercial centre of Pontycymmer but is outside of the primary shopping frontage. Policy REG7 of the LDP states that changes of use to non A1, A2 and A3 premises on the ground floor in a commercial centre will only be permitted for residential purposes if it has been vacant for at least two years and has been actively marketed over that time; and it does not form part of a purpose built retail environment or continuous frontage of three or more existing commercial units. It is acknowledged that the applicant has made a concerted effort to market the premises and that the site is located on the periphery of the commercial centre. Although the unit was purpose built and lies adjacent to an active retail unit, should the building remain vacant for a longer period, the potential for incidences of break ins and anti-social behaviour may increase to the detriment of the appearance of the building and the area generally. On the basis that the conversion of existing buildings to residential is permitted within settlement boundaries, there is no objection in principle to the proposed change of use and in conflict with Policy REG7.

As a proposal for 6 dwellings, the application triggers Policy COM5, which requires 15% affordable housing in the Ogmere, Garw and Upper Llynfi Valley Housing Market Area. As such 1 of the units should be provided as affordable housing with an appropriate tenure agreed between the applicant and the Housing Strategy Department. Alternatively, a contribution towards the provision of affordable housing in lieu of on-site provision may be acceptable. Policy COM5 acknowledges that the provision of affordable housing can affect the viability of residential development and therefore the aforementioned requirements may be subject to negotiation with the applicant.

The application also triggers the threshold of 5 dwellings as identified in the LDP and adopted SPG - Educational Facilities. However sufficient capacity exists within local schools to

accommodate the proposals and therefore no contribution is sought from the developer in this case. The site is located close to existing outdoor amenity areas and as the proposal relates to a conversion of an existing building, there is no requirement for any open space provision.

In terms of design and detail, the proposed development is assessed for compatibility with Policy SP2. This Policy requires all development to contribute to creating high quality, sustainable places which enhance the community in which they are located and establishes fifteen criteria, which development proposals should meet. In this case it is considered that criteria 1,2,3,4,6,7,12 & 13 are relevant to this application. Notwithstanding the objections raised by the Community Council and local residents, it is considered that the proposed conversion of the existing vacant building to residential purposes is compatible with these criteria or can be made compliant through the imposition of appropriately worded conditions.

During the processing of the submission, Policies REG7, COM3, COM5 and SP2 of the Bridgend Local Development Plan were considered.

CONCLUSION

Notwithstanding the objections received the application is recommended for approval because the proposed development complies with national and council policies and guidelines as it will not have a significant adverse impact on the visual amenities of the area or the residential amenities of neighbouring properties nor so significantly exacerbate existing highway conditions as to warrant refusal. It is also considered that the application will result in the re-use of a substantial vacant building to an acceptable use, which has the benefit of partially satisfying the demand for new homes within the Valley including a potential contribution towards affordable housing.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to contribute the sum of £50,228.00 in lieu of on-site provision of an affordable housing unit.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

- 1 The development shall be carried out in accordance with the amended floor plans, elevational plans and sectional plans received on 18th September, 2015.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

- 2 The materials to be used in the construction of the refurbishments and amendments to the building shall match those used in the existing building.

Reason : To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

- 3 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme indicating the design, materials and type of boundary treatment to divide the rear platform/decked area between each of the six properties. The agreed means of boundary enclosure shall be erected prior to any part of

the development being brought into beneficial use and be retained thereafter in perpetuity.

Reason : To safeguard the residential amenities of future occupiers.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A,B,C,D,E & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

- 5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how roof, surface water and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be provided in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason : To ensure that effective drainage scheme is provided to serve the development and that flood risk is not increased elsewhere.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) Notwithstanding the objections received the application is recommended for approval because the proposed development complies with national and council policies and guidelines as it will not adversely impact on the visual amenities of the area or the residential amenities of neighbouring properties nor so significantly exacerbate existing highway conditions as to warrant refusal. It is also considered that the application proposes the return of this substantial vacant building into an acceptable use, which has the benefit of providing needed new homes within the Valley including a potential contribution to affordable housing.

(b) Attached are the observations received from Dwr Cymru/Welsh Water for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None