

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/172/FUL
APPLICANT: DEERE INVESTMENTS LTD
44 JOHN STREET PORTHCAWL
LOCATION: 52 JOHN STREET PORTHCAWL
PROPOSAL: CONVERSION OF EXISTING COMMERCIAL PROPERTY TO 1NO. ONE
BED RESIDENTIAL DWELLING
RECEIVED: 16th March 2015
SITE INSPECTED: 24th March 2015

APPLICATION/SITE DESCRIPTION

The application site consists of a large outbuilding located to the rear of 52 John Street, Porthcawl. The outbuilding fronts John Street public car park.

The outbuilding is a standalone unit to 52 John Street and was last used as an antiques shop, primarily dealing with bulky items. 52 John Street is a shop on the ground floor with a residential flat above.

The application seeks consent to convert and extend the outbuilding to a one-bedroom residential unit. In this respect, the building would utilise its existing footprint but its height would be increased from 5m (at the highest point of the existing mono-pitched roof) to a flat roof reaching a height of 6m.

RELEVANT HISTORY

None.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 April 2015.

NEGOTIATIONS

The applicant was requested to:

1. Alter and improve the design and appearance of the building
2. Provide details concerning the repositioning of the first floor window serving 52a John Street
3. Provide details concerning the extent of demolition that would occur as part of the redevelopment of the building

CONSULTATION RESPONSES

Town/Community Council Observations

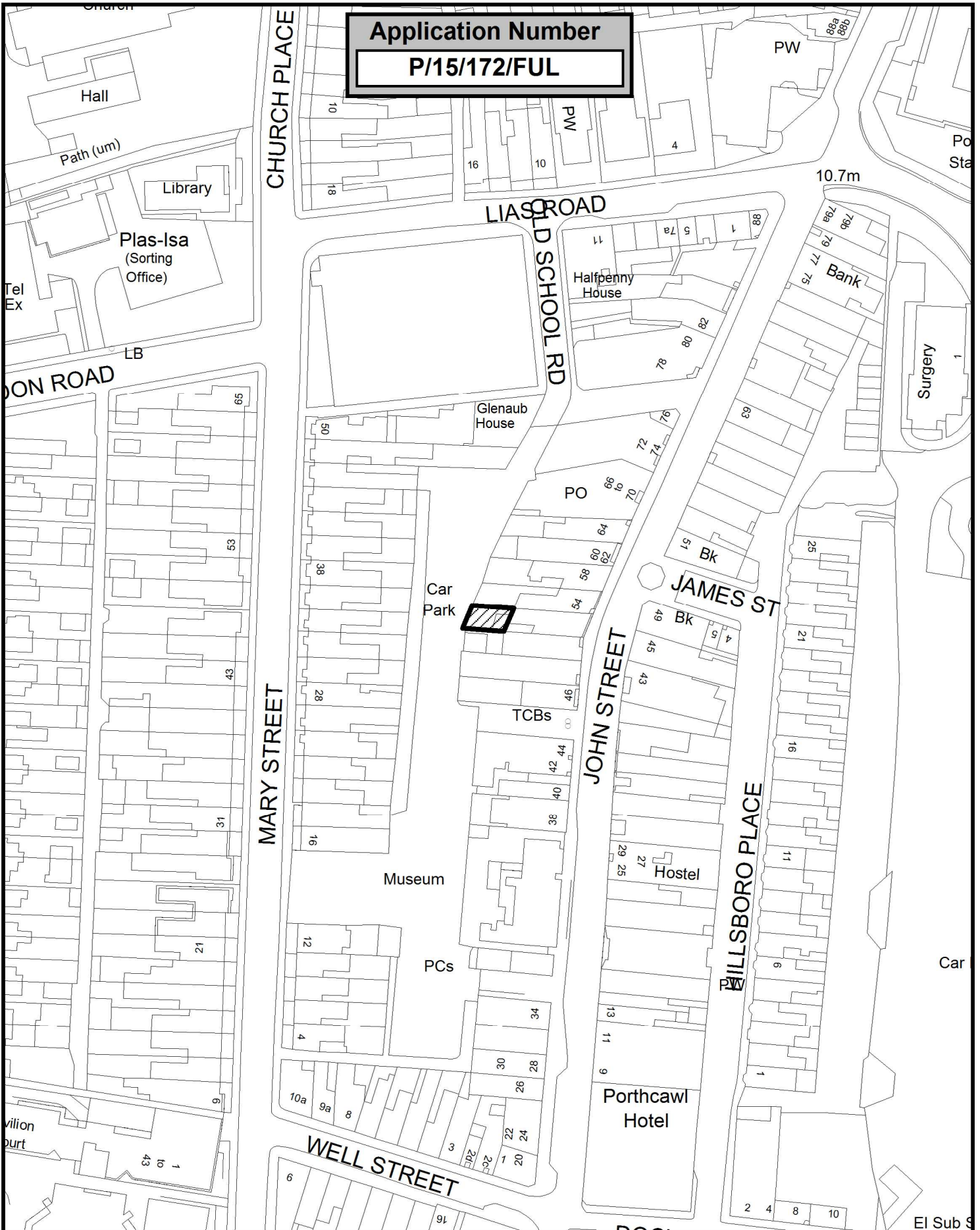
Notified on 26th March 2015

Objects to the proposal:

1. No outlook/visual amenity

Application Number

P/15/172/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



2. No amenity space.

Head Of Street Scene (Highways)

No objections to the proposal subject to a condition.

Group Manager Public Protection

No objections to the proposal subject to an advisory note.

REPRESENTATIONS RECEIVED

None.

COMMENTS ON REPRESENTATIONS RECEIVED

Refer to the 'Appraisal' section of the report on response to the objections made by Porthcawl Town Council.

APPRAISAL

This scheme is referred to Committee due to an objection being received from Porthcawl Town Council.

Policy COM3 of the BLDP permits, in principle, residential development in settlement boundaries. Given the town-centre location of this site, the application could be considered as an opportunity to redevelop an existing building and under-utilised land for residential purposes.

It is accepted that a degree of demolition would be required as part of the development, especially since the height of the building is being raised to 6m and that modifications would occur to elevations with openings. However, the agent has clarified in a supporting letter that the existing structure would be used as far as possible. Policy COM3 of the BLDP does not impose such stringent criteria concerning conversions of buildings in urban areas compared to those buildings that are outside any designated settlement boundary. As such, a pragmatic and holistic approach is applied to this submission which enables a visually detrimental building to be transformed into a development which offers numerous benefits to the locality.

The application site is located within the commercial centre of Porthcawl, as defined by Policy SP10 of the adopted Bridgend Local Development Plan (BLDP). The site, however, is outside the primary shopping frontage. Policy REG7 of the BLDP establishes the criteria for allowing, in principle, non-A1, A2 and A3 uses outside of primary shopping frontages.

In respect of this policy, the building does not form part of a purpose-built retail environment or a continuous frontage of three or more existing commercial units.

The building was last used as an antiques shop, primarily dealing with bulky items and house clearances. The supporting statement that accompanied the application explains that the tenant has expressed an intention to retire. This is a matter which is outside of planning control. Whilst it is acknowledged that the premises has not been vacant for at least two years, nor has been actively marketed over that time, this is not a typical shop unit. It has evolved from an old coach house and, as such, it is an isolated unit which is divorced from the main shopping area of Porthcawl. It also has very little resemblance to a traditional retail unit since it has a frontage of a coach-house.

Paragraph 5.2.17 of the BLDP acknowledges that in certain circumstances, there is a need to adopt a more flexible and pragmatic approach to non-A1, A2 and A3 uses outside of primary shopping areas and that in some instances, it could be considered appropriate to permit the conversion of such buildings to more viable uses, such as residential.

Having regard to the above, it is considered that the loss of retailing floorspace attributed to this unit would not harm the overall vitality, viability or attractiveness of Porthcawl, of which Policy REG7 of the BLDP seeks to protect. As such, it is considered that this proposal satisfies the underlying requirements of Policy REG7.

With the principle of the development established, this scheme is primarily assessed against Policy SP2 of the BLDP which refers to design of new development and sustainable placemaking. This development offers significant benefits to the visual amenities of the area and, as such, is considered to be a significant material consideration in the determination of this application.

The building is surrounded by the rear-facing elevations of two to three-storey buildings. Given the commercial nature of the area, the design interest of these buildings are primarily on their front elevations and not at the rear. This has resulted in the rear elevations of nearby buildings being extended and modified, which is typical of a town-centre environment. An accumulation of historical ad-hoc forms of development has negatively affected the overall appearance of the area. This is unfortunate given that they are in full view of John Street public car park.

The building, which is the subject of this application, has a coach-house frontage but a large part of its character has been lost through extensions and modifications, with the resultant building being a two-storey box-type structure, finished with a felt mono-pitched roof. It has a dishevelled appearance, mainly due to unsympathetic materials being used to modify the openings of the building and that it is of red-brick which is not the pre-dominant external finish in this locality.

The design of the proposed development makes a references to 'Halfpenny House', which is located on Old School Road, approximately 75m from the application site. This nearby building, albeit taller, is a relatively modern town-house, granted consent in 2003 (P/03/436/FUL refers). Later modifications were undertaken in 2008 to convert the ground floor of the town house to an office with the retention of living accommodation above (P/08/236/FUL refers).

The building at the application site would be increased in height to 6m. Since it is surrounded by buildings which are much taller in height and there is no clear consistency in character or appearance in the design of buildings in the immediate locality, with particular reference to a large two-storey structure emanating from the rear of 48/50 John Street, it is considered that the increase in the scale and massing of the building would not be significantly detrimental to the visual amenities of the area.

The exterior of the building would be rendered, which is considered to be a much more sympathetic finish to its surroundings. The front elevation would have greater design interest, consisting of uniformity of openings, a Juliet-style balcony, raised panel rendering to add texture and colour and a parapet roof. Subject to conditions seeking the specific external finishes of the development to be agreed and for the submission of further details concerning the design and appearance of the glazing and balcony on the front elevation, it is considered that this development would enhance the visual amenities of the area.

The proposed development would provide one-bedroom accommodation. Between this building and 52 John Street, there is a small outdoor yard. This yard does not appear to be used by the ground floor shop of John Street, by the first floor flat or the building which is the subject of this application. Since all these buildings fall under the ownership of the applicant, it is intended to integrate the yard into the development site, thereby creating a small residential unit with access to outdoor amenity space.

The accommodation itself would consist of a kitchen/living room on the ground floor and a bedroom and a bathroom on the first floor. Windows would be inserted on the front and rear elevations of the building and it would include a large, dome-shaped roof light. This roof light would provide additional light and outlook throughout the entire building given the intention to

create an open-plan living arrangement with the central section of the first floor being left void.

All habitable rooms would achieve a standard level of amenity, such as light, outlook and privacy, which is comparable to town-centre living. It is acknowledged that this development does not strictly achieve the desired level of amenity that would normally be expected for residential accommodation, however, this is not a new-build situation which warrants the imposition of strict standards, but largely a conversion of an existing building which would bring numerous benefits to the locality. This includes the number of significant improvements to the visual amenities of the area and an opportunity to increase a smaller unit of accommodation, which subsequently encourages sustainable living in town-centre environments. These benefits are pertinent material considerations which must be given significant weight as part of a balanced decision. Furthermore, given the existing retailing use of the building, the first floor of this building could be converted into residential use by utilising permitted development rights.

In addition to the above, this accommodation would have access to outdoor amenity space, which is proportionate to the size of the unit and enables the occupier to undertake basic activities such as sitting out, drying clothes and storage of refuse. This outdoor space achieves better standard of amenity than other forms of accommodation in the town centre such as flats above shops, which have no access to outdoor space.

Regard is also given to an appeal decision for new-build residential development on previously developed land, off Poplar Mews, Porthcawl (P/06/1322/FUL refers). In allowing the development, the Inspector stated:

"On the first issue, the site is tightly confined and the area to the front of the proposed flats would be largely committed to car parking and bin storage. There would be only a small external amenity space remaining behind the building which would provide a garden and drying area. In addition, the flats would have kitchen and bathroom windows on each floor facing over this small area and I acknowledge that the outlook from the kitchens, in particular, would be restricted. However, these would be 1-bedroom units, in a relatively dense urban situation, close to the town centre and sea front. In my opinion, the living conditions they would provide would be satisfactory and, as the appellants point out, the flats would help satisfy an identified need for housing accommodation."

"Although the Council refers to 'generally accepted standards' not being met, they are not defined and in such situations I feel a reasonable a degree of mutual overlooking and restricted outlook is to be accepted if vacant or under-utilised land is to be efficiently utilised...Overall, I consider that the proposal would be an appropriate and acceptable use of a previously developed site in what appears to be a highly sustainable location."

Having regard to the above and to all relevant material considerations, it is considered that this development would not be so detrimental to the future occupiers of the unit so as to warrant refusal. It is, however, considered prudent to impose a condition for all boundary treatments to be agreed and to remove several permitted development rights from the new dwelling.

The application building is located at the rear of a row of commercial properties fronting John Street. All the ground floors of these neighbouring properties are in commercial use.

There are several residential flats above the shops, inclusive of 52 John Street which is within the red-line boundary of this application site and the two units immediately either side of the site (50 and 54 John Street).

The proposed development would result in the building increasing in height to 6m. Due to the commercial nature of the ground floor of neighbouring premises and that the first floor flats either side of the site have windows which would not directly face the development, it is considered that this scheme would not unreasonably affect their residential amenities.

It was noted during the site visit that the first floor flat above 52 John Street has one window on its rear elevation that directly faces the application building. This appears to serve a habitable room and it would face the rear-facing windows of the new dwelling and the proposed outdoor amenity space.

Whilst mutual overlooking between properties is common place in this locality, mainly due to higher density living attributed to a town-centre environment, this arrangement would unreasonably affect the privacy of both properties. However, since both properties are within the ownership of the applicant, it is possible to impose a condition for the existing window serving 52a John Street to be blocked up and a new window to be inserted on the side elevation. Whilst the repositioned window would face the first floor flat of 50 John Street, it would not directly face any habitable room window of that flat. In addition, it would appear that the outdoor space at the rear of this flat, is not used for domestic purposes. Subject to this condition, it is considered that this scheme would not detrimentally affect the amenities of any neighbouring property or the amenities of the future occupiers of the new dwelling.

This building has a retail use without any off-street parking. Furthermore, it has the ability to utilise its permitted development rights to accommodate a residential flat at first floor. This could also be achieved without any off-street parking.

Whilst this scheme would not have any off-street parking, it is located in a highly sustainable location, directly fronting a public car park. Regard is also given to an appeal decision for the change of use of an outbuilding at the rear of 12 Mary Street, Porthcawl to a dwelling. This outbuilding also backs onto John Street Car Park and was refused by this Authority on grounds that a satisfactory means of primary access cannot be provided to serve the pedestrian and vehicular traffic generated by this change of use proposal. In allowing the appeal, the Inspector stated:

"The development is a two bedroom dwelling and as such is likely to generate a significant number of vehicle movements. I consider that the private parking associated with the dwelling could be catered for by the adjacent public car park. Moreover, residents without cars may be attracted to the dwelling because of its town centre location. I consider that the incidence of delivery and service trucks visiting the site is likely to be low and intermittent."

Having regard to the above, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a condition excluding any doors or gates being fitted to the internal recessed porch on the front elevation of the dwelling.

The site is not located in a flood risk area and the proposal would primarily utilise an existing building. Subject to a condition for foul and surface drainage details being agreed, it is considered that this scheme would not have any significant adverse impact on drainage or increase the risk of flooding. The site is located within the town centre and is readily accessible to a range of other utilities.

CONCLUSION

This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect the vitality, viability and attractiveness of Porthcawl Town Centre, privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

- 1 The development shall be carried out in accordance with the following approved plans:

Plans and Elevations as Proposed (received 5 October 2015)
Cross-Section as Proposed (received 1 September 2015)
Ground Floor Plan as Proposed (received 5 October 2015)
First Floor Plan as Proposed (received 16 March 2015)
Roof Floor Plan as Proposed (received 16 March 2015)

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

- 2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the 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 plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected.

- 4 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

- 5 Notwithstanding the requirements of condition 1, no development shall commence until elevation drawings and details have been submitted to and agreed in writing by the Local Planning Authority, showing the existing rear-facing window serving the first floor flat, 52a John Street, being blocked-up and a new window being inserted on the side elevation, as shown on drawing 'Ground Floor Plan as Proposed' (received 5 October 2015). Development shall be carried out in accordance with the agreed details prior to the beneficial occupation of the new dwelling, hereby approved and retained in that format in perpetuity.

Reason: In the interests of privacy and residential amenity.

- 6 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 and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the new dwelling, hereby approved, without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

- 7 Notwithstanding the requirements of condition 1, no door, gate or other means of enclosure shall be installed on the frontage of the recessed porch of the dwelling hereby approved.

Reason: To ensure a permanent pedestrian refuge from the adjacent highway, in the interests of pedestrian and highway safety.

- 8 Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority:

- a) Full details, design and means of opening of all glazing to be fitted on the front elevation of the development;
- b) Full details, design and colour of the Juliet-style balcony.

Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and in the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect the vitality, viability and attractiveness of Porthcawl Town Centre, privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be brought to the attention of the Public Protection Department of the Council.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None