

## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/583/FUL

**APPLICANT:** S A BRAIN & COMPANY LIMITED  
C/O BOYER 1B OAK TREE COURT MULBERRY DRIVE CARDIFF

**LOCATION:** JOLLY SAILOR INN 1 CHURCH STREET NEWTON PORTHCOWL

**PROPOSAL:** PARTIAL DEM OF EXIST BRICK & STONE STORE, PROVISION OF NEW DOOR & OPENING & RECONSTRUCT NEW GABLE END TO STORE

**RECEIVED:** 4th September 2015

**SITE INSPECTED:** 30th September 2015

### APPLICATION/SITE DESCRIPTION

The application seeks consent to partially demolish an existing outbuilding within the curtilage of the Jolly Sailor Public House. The application site lies within Newton Conservation Area, however, the public house is not a Listed Building.

The purpose of the demolition works is to provide external seating for customers. Initially, the external seating area was to be enclosed by a timber shelter. However, this element of the scheme has now been omitted.

The works to the outbuilding would include partial demolition, the building of a new gable wall for the side elevation of the retained part of the outbuilding and the installation of a new door.

External works are also proposed and would include a platform for the seating area, a gate and boundary walls.

### RELEVANT HISTORY

None.

### PUBLICITY

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 8 October 2015.

### NEGOTIATIONS

The applicant was requested to incorporate a wide door and red-brick detailing into the new front elevation of the outbuilding. The applicant was also requested to retain more stone within the proposed boundary walls and to provide calculations to demonstrate that the outbuilding is below 115 cubic metres.

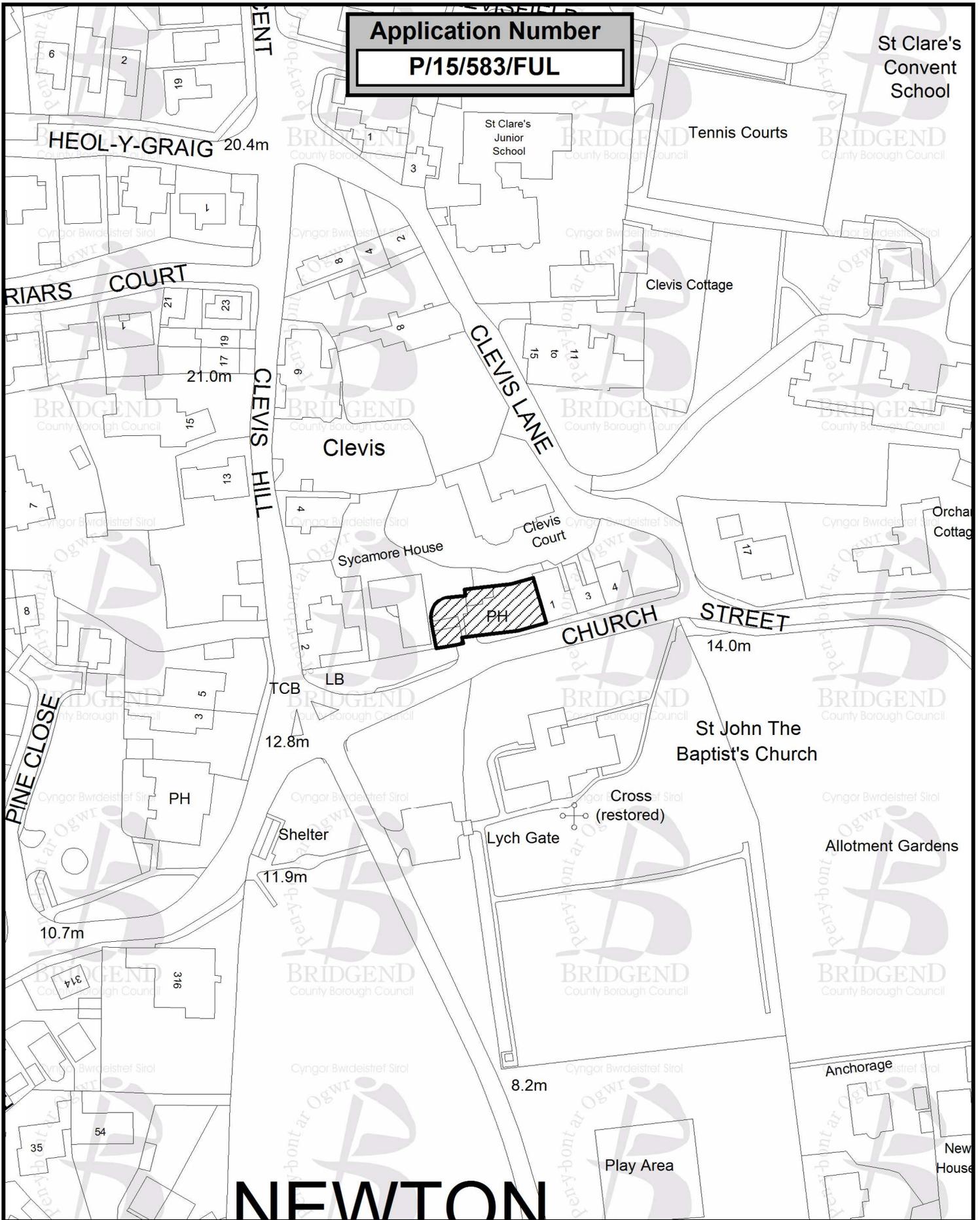
### CONSULTATION RESPONSES

#### Town/Community Council Observations

Notified on 11th September 2015

Application Number

P/15/583/FUL



Scale 1:1,250

Date Issued:  
23/12/2015

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

(c) Crown Copyright and database rights  
(2015) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2015) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol



Objects to the proposal:

The existing stone wall facing onto the highway should be retained as it forms an intrinsic part of the character of Newton Village and its location in the Newton Conservation Area.

**Councillor K J Watts**

Provided the following concerns:

Whilst I can understand the need to modernise and upgrade the facilities this pub has stood in its present form for many, many years and stands in the centre of a conservation area. I therefore have concerns about the partial demolition of a building, albeit a shed, which has been part of the pub's original building. I think some way should be found to retain more of the road side wall whilst opening up the inside of the shed for the proposed use.

**Conservation & Design**

No objections to the proposal subject to a condition.

**Head Of Street Scene (Engineers)**

No objections to the proposal subject to an advisory note.

**Glamorgan Gwent Archaeological Trust**

No objections to the proposal subject to a condition.

**Group Manager Public Protection**

No objections to the proposal.

**REPRESENTATIONS RECEIVED**

**Angela Jones, Sycamore House**

as our home is adjacent to the stone building and forms part of our boundary wall I am concerned with the height aspect of the construction and do not want it to be any higher than the existing boundary wall as this will remove all light from our patio area. Am also concerned with the any further noise issues that may be incurred.

Objections have been received from the following residents:

3 and 4 Church Street  
Morfa Farmhouse, South Road  
Clevis Court, Clevis Lane  
76 Cefn Road  
57 Austin Avenue  
1 Newton Nottage Road

The comments received related to the original submission which included the construction of a shelter to enclose the external seating. Whilst this element has now been omitted from the scheme, the objections received have been summarised as follows:

1. Adverse impact on a building of historic, cultural, architectural and archaeological value and its contribution to the visual amenities of the area, the character and appearance of Newton Conservation Area and the Listed Building, St. John's Church
2. Adverse impact on highway safety
3. Adverse noise and odours
4. Adverse impact on the village green

**COMMENTS ON REPRESENTATIONS RECEIVED**

1. Refer to the appraisal section of the report.
2. The proposed development would simply occupy the existing footprint of the outbuilding and would not extend further into the footway or road. A condition would be imposed for a Demolition Method Statement to be submitted which could control the impact of the demolition works on the adjacent footway and road.
3. The Group Manager Public Protection has no objections to the proposal. The proposed external seating area is considered to be an ancillary and complimentary function of the public house and would not materially increase the amount of noise or odours being generated by the premises. In any case, noise and odours are matters which are controlled by separate legislation and investigated by the Public Protection Department as statutory nuisances.
4. The village green is separated from the application site by the road of Church Street. Since the proposed development would not extend beyond the footprint of the existing outbuilding, it is considered that the scheme would not have any adverse effect on the village green.

## **APPRAISAL**

The application seeks consent to partially demolish an existing outbuilding within the curtilage of the Jolly Sailor Public House and undertake external alterations for the provision of outdoor seating for customers. It is being reported to the Development Control Committee due to the number of objections received.

The outbuilding is located within Newton Conservation Area, as defined by Policy SP5 of the adopted Bridgend Local Development Plan. This Policy states that development should preserve or enhance the built and historic environment of the County Borough and its setting.

Conservation Area Consent specifically considers the impact of any demolition works within designated Conservation Areas on its character and appearance. However, only buildings which exceed 115 cubic metres can be considered. In this particular case, the applicant has clarified within an email that the outbuilding does not exceed 115 cubic metres (114.57 cubic metres). As such, this scheme does not require Conservation Area Consent and the Conservation and Design Team has no objections to the demolition aspects of the proposal.

Notwithstanding the above, Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 recognises that demolition is inherently permitted development. However, there is a degree of control for certain buildings, including those which are within Conservation Areas and non-domestic buildings with a volume exceeding 50 cubic metres. The controls are solely limited to the method of demolition and site restoration and could be considered as part of a planning application or separately under a Demolition Prior Notification. In this particular case, the demolition works have been recognised within the description of this planning application and details concerning the method of demolition and site restoration have been submitted for consideration.

With regards to the method of demolition, the supporting statement indicates that good practice principles would be followed. However, the information provided lacks any site-specific detail, especially with regards to the removal of asbestos material. As such, a condition would be imposed on any consent given, requiring a full Demolition Methodology Statement to be provided prior to any works being undertaken. This would ensure that the general amenities of the area would be safeguarded during the demolition works. The Council's Structural Engineer has no objections to the proposal.

Plans have been submitted detailing the works that would be undertaken following the partial demolition of the outbuilding. Whilst the outbuilding has been part of the fabric of Newton

Conservation Area for many years and is publicly visible from Church Street and adjacent open spaces, this structure is considered not to be a key or landmark building. However, approximately 40% of the existing outbuilding would be retained and through negotiation, the applicant has ensured that the main public elevation would include a door and an opening which replicates the features present on the existing frontage. The characteristic wide door and red-brick surround would form part of the shortened outbuilding, thereby, preserving the character and appearance of the Conservation Area.

Following demolition, a new gable end wall on the eastern elevation would be constructed. The plans note that this elevation would be constructed of stone, whilst slates from the roof of the demolished section of the outbuilding would be reused on the non-public elevation of the retained part of the outbuilding, replacing corrugated sheeting. This would ensure that the outbuilding would be visually compatible with its surroundings, thereby, preserving the character and appearance of the Conservation Area.

The original footprint of the structure would be referenced through the construction of a new stone boundary wall. This boundary wall would be publicly visible from the adjacent footway and road. Stone walls are prevalent within this Conservation Area and form part of the setting of St. John's Church opposite, which is a Grade I Listed Building and The Old School, which is a Grade II Listed Building.

In addressing the comments received from Porthcawl Town Council and the Local Member, a greater amount of stone would be retained, thereby complementing the appearance of the outbuilding and reinforcing the character and appearance of the Conservation Area. A new metal gate would be installed alongside the public house. This would be a small feature and would not have a significant adverse effect on the visual amenities of the area.

Whilst the plans indicate the palette of materials that would be used as part of the development, the specific finishes, particularly colours, have not been specified. As such, and in the interests of preserving the character and appearance of the conservation area, a condition is imposed requiring such details to be agreed. The Conservation and Design Team have no objections to the proposal and consider that the proposed redevelopment of the outbuilding and external works would preserve the character and appearance of the Conservation Area. The scheme, therefore, satisfies Policies SP2, SP5 and ENV8 of the adopted Bridgend Local Development Plan (2013).

Glamorgan Gwent Archaeological Trust (GGAT) has no objections to the proposal but recommends a condition for a programme of building recording and analysis to be undertaken prior to the commencement of demolition.

Sited to the south-west of the outbuilding is a mature horse chestnut. This tree is protected by Tree Preservation Order (1978) OBC No.1 and is located on land maintained by the Highway Authority. This tree is a prominent feature within Newton Conservation Area and shelters the outbuilding which is the subject of this application. Given the proximity of the outbuilding to this tree, it is considered necessary to impose a condition for tree and root protection measures to be submitted and agreed. This would ensure that the tree would be safeguarded from the impact of the demolition and development works.

The new external space would include a customer seating area. This would be enclosed by the new boundary wall. The seating area is considered to be ancillary to the function of the public house and would add to the limited external seating area which currently exists. The Group Manager Public Protection has no objections to the proposal, especially with regards to impact on residential amenity and matters of noise and odours. It is, therefore, considered that the development would not have any significant adverse effect on the residential amenities of neighbouring properties and satisfies Policy EN7 of the adopted Bridgend Local Development Plan (2013).

## CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect visual amenities, the character and appearance of Newton Conservation Area, archaeology, or highway safety, nor so significantly harms neighbours' residential 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 plan:

15/031 Rev. C - Proposed part plan and elevations (received 1 December 2015)

Reason: For the avoidance of doubt as to the nature and extent of the approved development.

- 2 Notwithstanding the requirements of Condition 1, 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 has 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 preserve the visual amenities of the area and the character and appearance of Newton Conservation Area.

- 3 Notwithstanding the requirements of Condition 1, no development (including demolition) shall commence until a Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The demolition works shall thereafter be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the general amenities of the area and in the interests of highway safety.

- 4 Notwithstanding the requirements of Condition 1, no development (including demolition) shall commence until the implementation of an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority. The programme shall be carried out by a specialist acceptable to the Local Planning Authority and in accordance with a written specification to be submitted to and agreed in writing by the Local Planning Authority.

Reason: The building is of architectural and cultural significance and the specified records are required to mitigate the impact of the development.

- 5 Notwithstanding the requirements of condition 1, no development (including demolition) shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a specification of tree and root protection measures for the Horse Chestnut protected under TPO (1978) OBC No.01 [T32]. The protection measures shall be carried out in accordance with the agreed details and installed throughout the duration of the demolition and development works.

Reason: To ensure the protection of important trees in the landscape.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect visual amenity, the character and appearance of Newton Conservation Area, archaeology, or highway safety, nor so significantly harms neighbours' amenities as to warrant refusal.
- b. With regards to Condition 3, the applicant/developer is advised that the Demolition Method Statement must include measures relating to the handling and removal of all asbestos material and ensuring there are no adverse impacts on adjacent public footways/road infrastructure.
- c. Whilst the demolition aspects of the proposal is deemed permitted development, the applicant/developer is advised to undertake ecological surveys to ensure that no protected species would be adversely affected by the demolition works.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None