

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/189/FUL
APPLICANT: SPRING DESIGN CONSULTANCY
C/O MR ANDREW JAMES UNIT 2 CHAPEL BARNS MERTHYR MAWR
BRIDGEND

LOCATION: GATE HOUSE R/O 34 PARK STREET BRIDGEND

PROPOSAL: CHANGE USE INTO A 1 BEDROOM DWELLING

RECEIVED: 8th March 2016

SITE INSPECTED: 12th August 2015

APPLICATION/SITE DESCRIPTION

The application seeks full planning consent to convert an existing garage/store to a 1-bedroom residential dwelling. It is understood that the building was historically a coach house. The site is located at the end of a rear lane, off Cae Dre Street and is within Newcastle Hill Conservation Area. The proposal would involve a limited amount of external works, limited to the front elevation and the inclusion of roof-lights.

RELEVANT HISTORY

62/149 Change of use of No.36 Park Street and three coach houses to the rear to waiting room and surgery (Outline) - Approved

62/192 Change of use of No.36 Park Street and one coach house to the rear to waiting room and surgery (Detailed) - Approved

78/238 Conversion of Coach House to Dietary Health Centre - Refused

79/236 Change of use of Coach House to Storage/Warehousing of Domestic Electrical Appliances - Refused

81/216 Change of use of Coach House from Garage to Rehearsal Room and Sound Recording Studio - Withdrawn

81/1254 Change of use of Coach House to Dental Laboratory to serve Surgery at 26 Park Street and Dormer Extensions - Approved

P/15/285/FUL Change of use of Coach House into a 2-Bed Dwelling - Refused

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 2 June 2016.

NEGOTIATIONS

Following the refusal of application P/15/285/FUL, to convert this building into a 2-bedroom

Application Number

P/16/189/FUL



Scale 1:750

Date Issued:
03/06/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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dwelling, the applicant sought informal pre-application advice with the Authority concerning a smaller 1-bedroom scheme (PE/01160/2015 refers). Subject to certain amendments being made to the scheme, a supporting statement to justify how the proposal would overcome the previous reasons for refusal, and appropriate planning conditions, it was advised without prejudice, that the proposal may be considered favourably.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 10th March 2016

Objects to the proposal:

1. Poor vehicular access and lack of parking.

Head Of Street Scene (Highways)

No objections to the proposal.

Conservation & Design

No objections to the proposal subject to a condition.

Head Of Street Scene (Drainage)

No objections to the proposal subject to a condition and advisory notes.

Welsh Water Developer Services

No objections to the proposal subject to a condition and advisory notes.

REPRESENTATIONS RECEIVED

Objections have been received from the following residents:

2 Elmsfield Court
3 Elmsfield Court
34 Park Street
36 Park Street

Their objections have been amalgamated and summarised as follows:

1. Adverse impact on the visual amenities of the area, including the Conservation Area
2. No parking, adverse impact on highway/pedestrian safety and obstruction of the lane
3. Inadequate provision of outdoor amenity space and storage for refuse
4. The building is unsuitable for residential conversion, resulting in substandard living conditions
5. Loss of residential amenity to properties in Park Street and Elmsfield Court, including loss of privacy and adverse noise and disruption
6. Adverse impact on drainage
7. The development would set a precedent

COMMENTS ON REPRESENTATIONS RECEIVED

In response to objections 1-6, refer to the 'Appraisal' section of the report.

7. The application is assessed on its own merits, in context with current adopted planning policies and guidelines. As such, the proposal would not set a precedent.

Notwithstanding the above, consideration is given to a very similar coach house along the lane which has already been converted into residential use. This was subject to numerous planning applications and an appeal in which the developer was able to overcome the Council's concerns

relating to residential amenity, parking and highway safety. These are material considerations which are appropriate to be taken into account in the determination of this latest application.

APPRAISAL

The application is referred to Committee due to an objection from Bridgend Town Council and objections received from neighbouring properties.

Policy COM3 of the Bridgend Local Development Plan (BLDP) permits small-scale housing development, including the conversion of existing buildings to residential uses, within the designated settlement boundary of Bridgend. The proposal may, therefore, be considered to represent an opportunity to develop an under-utilised building within the urban area for residential development.

To determine the suitability of the building to be converted into residential use, the scheme is assessed against other relevant policies, guidelines and material considerations. In this respect, Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. Design Guide 1: Dwellings and Domestic Scale Building and Supplementary Planning Guidance 2: Householder Development are also considered relevant in the determination of this application.

In addition to the above, consideration is given to an application that was refused planning permission in 2015, to convert this building into a 2-bedroom dwelling (P/15/285/FUL refers). This application was refused on the following grounds:

1. The proposed development, by reason of its siting, orientation and design, would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties and the future occupiers of the converted Coach House, contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and Note 6 of Supplementary Planning Guidance 2: Householder Development (2008).
2. The proposed development, by reason of its siting, orientation and design, would result in sub-standard living conditions for the future occupiers of the Coach House, by way of limited access to natural light, contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
3. The proposed development would have no provision for outdoor amenity space and, subsequently, would detract from the amenities reasonably expected to be enjoyed by the future occupiers of the converted Coach House, contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and Note 8 of Supplementary Planning Guidance 2: Householder Development (2008).

This scheme attempts to address the previous reasons for refusal, mainly by reducing the number of bedrooms within the building to one, re-designing the internal layout to address privacy and amenity issues and creating a recessed courtyard at the front for a degree of outdoor amenity space.

The building is located within Newcastle Hill Conservation Area, as defined by Policy SP5 of the BLDP. Whilst the building appears to have retained its original shape and its stone frontage, inappropriate materials have been used on other elevations and its openings, which have adversely affected its character and appearance. Furthermore, this building is located at the end of a rear access lane and is largely hidden from any prominent or public views.

According to the submitted plans, the proposed development would predominantly involve internal works. The front elevation would be subject to the greatest external alterations. This would involve the removal of the domestic garage door on the front elevation and a small recessed courtyard would be created. This would enable a degree of outdoor amenity and an

area to store refuse. This courtyard would include the main entrance into the dwelling.

The existing pedestrian door on the front elevation would be removed and partially blocked up to enable a new window to be installed. At first floor level, the glazed door and Juliet-style balcony railings would be removed and replaced by a fixed timber panel with obscure glass.

The side and rear elevations would remain unaltered apart from new velux-type windows being installed with the roof.

The Conservation and Design Team have examined the amended plans and consider that the proposal represents, in principle, an enhancement to the appearance of the coach house.

Whilst limited details have been provided with regards to the side elevations of the recessed courtyard, these would not be significantly visible from public positions. Furthermore, a condition to agree the proposed external finishes of the entire development would ensure that the scheme would not adversely affect visual amenity, whilst the character and appearance of the conservation area would be preserved, if not enhanced. A further condition removing certain permitted development rights, would ensure that the building would retain its character, in the interests of the visual amenities of the area. The scheme, therefore, satisfies the visual amenity criteria of Policy SP2 and Policy SP5 of the BLDP.

The proposed development would introduce a residential (habitable) use into the coach house. A marginally lower standard of amenity could be accepted to serve a 1-bedroom dwelling as it would be akin to a small flat and not capable of being used by a family.

The proposed new residential unit would contain ground floor habitable room windows on the south-eastern (front) elevation. This elevation directly faces the lane, which is approximately 2.9 metres wide, and the rear gardens and properties of Park Street.

The property which is directly aligned with the front elevation of the coach house is Towy Villa (34 Park Street). This neighbouring property has a two-storey rear wing, as per the other terraced properties within this row, however, it has also included a rear balcony. The distance between the front elevation of the coach house and the balcony is approximately 11m. Furthermore, the rear wing of Towy Villa contains a habitable room window (bedroom) and the distance between the front elevation of the coach house and the concerned window is approximately 15.5m. The rear of properties off Park Street is built-up with casual or mutual overlooking.

Whilst large 'see-through' gates have been fitted between 2m high pillars to enclose the curtilage of Towy Villa from the rear lane, the ground floor windows at the front elevation of the application property would initially face the parking area of No.34 and not its immediate amenity space which is the balcony. Furthermore, the habitable room windows of the application building would be recessed approximately 2.3m into the building, thereby increasing the distance between the ground floor habitable room windows of the coach house and those properties of Park Street. This recess would result in a distance in excess of 10.5m to the balcony of 34 Park Street and approximately 18m from the concerned bedroom window. The recess would also create an environment which would limit direct overlooking between properties, thereby ensuring that there is no unreasonable loss of amenity to neighbouring properties or the future occupiers of this one-bedroom unit. A condition would be imposed to ensure that the ground floor window serving the entrance hall would be fitted with obscure glass.

Despite the inclusion of ground floor habitable windows on the front elevation of the application building, the scheme would offer substantial benefits to the privacy of properties off Park Street due to proposed alterations at first floor level of the front elevation. This would ensure that the overall amenities of neighbouring properties off Park Street are not adversely affected. Currently, a Juliet balcony with full-width clear glazing exists and enables significant overlooking into the rear of a number of properties off Park Street. The proposal seeks to replace these features with

a timber panel and small obscure glass panes. The timber panel is a traditional feature of coach houses and has been used in the conversion of a similar coach house further along the lane. This arrangement would remove any significant overlooking from first floor level and would be controlled via a planning condition.

Whilst the bedroom on the first floor would be reliant on velux-type windows alone, the proposal could reasonably achieve the level of amenity suitable for a 1-bed dwelling. Velux-type windows would be inserted on both sides of the roof slope, thereby providing multiple sources and means of outlook and light. These windows would be positioned at a height which is at least 2m above finished first floor level, which would remove any unreasonable overlooking into any neighbouring property, particularly those in Elmsfield Court, Park Street and the existing converted coach house to the rear of 29 Park Street.

It is also acknowledged that this development would facilitate the re-use of a building which, in the context of Newcastle Hill Conservation Area, has a degree of character. This development, subject to conditions, would enhance its character and appearance which represents a material planning consideration in justifying some relaxation of the guidelines, especially when it enables an asset of some heritage value to be retained.

A condition removing certain permitted development rights, especially with regards to roof alterations and retaining the recessed courtyard area would protect the amenities of the future occupiers of the coach house and neighbouring properties.

Whilst there may be a degree of noise and disturbance to local residents during works to convert the building into habitable use, it is considered that once occupied as a residential dwelling, it would not generate such unreasonable level of adverse noise and disturbance so as to warrant refusal of the scheme. It is also acknowledged that adverse noise and disturbance is controlled by separate legislation which would be investigated by the Public Protection Department of the Council.

Having regard to the above, it is considered that the amenities of neighbouring properties and the future occupiers of the coach house would be so adversely affected so as to warrant refusal of the scheme. The development, therefore, satisfies Policy SP2 of the BLDP and Note 6 of SPG2 and addresses the first and second reasons for refusing the previous application, P/15/285/FUL.

Following the dismissed appeal for the Coach House to the rear of 29 Park Street, consent was subsequently granted. The approved application resulted in the coach house benefitting from outdoor amenity space, with an area to sit out and undertake basic outdoor activities such as drying clothes and store household waste.

The coach house, which is the subject of this application, would be a very small 1-bedroom property and close to the town centre. It would have a degree of outdoor amenity space, of a size and environment that is capable of undertaking basic outdoor amenity functions, including the storage of refuse. Subject to a condition removing permitted development rights, including restricting the ability to infill and completely enclose the recessed courtyard, it is considered that the development satisfies Policy SP2 of the BLDP and Note 8 of SPG2 and addresses the third reason for refusing the previous application, P/15/285/FUL.

The proposed converted coach house would not have any off-street parking. Whilst this is not an ideal arrangement, regard is given to the appeal decision for the conversion of the Coach House to the rear of 29 Park Street to a dwelling (P/05/345/FUL refers). Unlike this latest application, in which no off-street parking would be provided, the conversion of the coach house to the rear of 29 proposed one off-street parking space. Whilst the appeal concerning P/05/345/FUL was dismissed, the Inspector stated the following concerning highway matters:

"I note the deficiency in car parking requirements and access. However, Planning Policy Wales

states that, in line with transport choices, minimum parking standards are no longer appropriate. In view of this and the proximity of the site to the town centre and other services, I would not have found that the claimed shortfall in car parking spaces to be of overriding concern."

The scheme, which is for a 1-bedroom property, has been assessed by the Group Manager Transportation and Engineering (Highways). Having considered the previous appeal decision, there is no objection to the proposal and it is considered that the scheme would not have such an adverse effect on highway/pedestrian safety so as to warrant refusal of the scheme. Any obstruction of the lane is matter for the Police and, as such, it is not a material consideration in the determination of this application.

The site is not located within a flood risk area. The Land Drainage Section of the Council and Welsh Water have no objections to the proposal subject to a condition and advisory notes. It is, therefore, considered that the scheme would not have any significant adverse effect on drainage or increase the risk of flooding. The site is within an urban area and it is considered that it is within reasonable proximity to other utilities to facilitate the building's use for residential purposes.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

2. That there is "no satisfactory alternative"

3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the development, which would involve limited external alterations, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity and ecology. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Act 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, subject to conditions, there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect 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:

2169-01 Rev.C - Existing and Proposed Plans & Elevations (received 1 June 2016)

2169/100/02 - Block Plan (received 8 March 2016)

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

- 2 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul and surface water drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the beneficial occupation of the building.

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

- 3 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 and to preserve and enhance the character and appearance of Newcastle Hill Conservation Area.

- 4 The window serving the ground floor entrance hall and the glass panes serving the first

floor bedroom on the south-eastern (front) elevation of the building, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received 1 June 2016) shall be fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to beneficial residential occupation of the building and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 5** The timber panel serving the first floor bedroom on the south-eastern (front) elevation of the building, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received on 1 June 2016) shall be fixed and non-opening. The panel shall be fitted prior to the beneficial residential occupation of the building and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 6** Notwithstanding the requirements of condition 1, the velux-type roof windows, hereby approved, shall be installed at a minimum height of 2m from the finished first floor level.

Reason: In the interests of privacy and amenities.

- 7** The recessed courtyard, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received on 1 June 2016), shall remain open for outdoor use and shall not be infilled or blocked-up at any time.

Reason: In the interests of residential amenities.

- 8** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no development, which would be permitted under Article 3 and Classes B and C of the Order, shall be carried out at any time on the dwelling, hereby approved.

Reason: In the interests of visual and residential amenities.

*** 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 privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) Foul water and surface water discharges shall be drained separately from the site.

c) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

d) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

g) Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

h) The applicant/developer is advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

i) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None