

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval Following Members Site Visit

<u>APPLICATION NO:</u> P2016/0271	<u>DATE:</u> 16/03/2016
PROPOSAL:	Demolition of two storey building and construction of one dwelling together with the conversion of a window to a door and 1 no. additional window to 1 Cambrian Place on the ground floor elevation fronting Abbey Road.
LOCATION:	1 Cambrian Place & 45 Abbey Road, Port Talbot SA13 1HD
APPLICANT:	Mr A Holden
TYPE:	Full Plans
WARD:	Port Talbot

BACKGROUND INFORMATION

Background Information

This application is reported to Committee at the request of the local Ward Member, Councillor Rahaman, on the grounds that the development will increase the footprint of the development to the entire plot, increase the height to a 2 storey building, the change in orientation of the existing rear building and further single storey extension with a high pitched roof will be overbearing on neighbouring property (no 2 Cambrian Place) creating a feeling of enclosure and will have a significant detrimental impact on the amenity and enjoyment of their property, and affect the light and air currently enjoyed.

It was presented to the Planning Committee on the 23rd August 2016 where it was deferred for a site visit for the following reason:

To enable Members to assess the impact upon the character and appearance of the surrounding area and highway safety having regard to traffic movements and car parking.

Members will recall that a site visit took place on the morning of 13th September 2016 so that Members could appraise themselves of the site and immediate context. At Committee, however, Members received a verbal update in that, due to the need to rectify identified inaccuracies in

the submitted plans, the application was to be deferred for Officers to undertake a re-assessment, with an updated report to be brought back for Members consideration in due course.

Following the Committee meeting, the agent has submitted amended plans which now: -

- Accurately show the height of the existing 'rear wing' to 1 Cambrian Place as 3.7m
- Amend the height of the new single storey element of the new dwelling to 3.7m to reflect the height of the rear wing (thus using a shallower pitch to the roof).

The ridge of the proposed and existing single storey elements now measure 3.7 metres. The attached drawings supersede all previous iterations of the drawings.

The report which follows reflect all correspondence received following the publication of the initial report, updated to reflect the changes detailed above. Additional commentary has also been provided in respect of drainage matters following further internal discussion with the drainage officer.

Planning History

The site (including no. 1 Cambrian Place to the front) has the following relevant planning history: -

- **P1997/1456** Conversion of dwelling into 2 no. flats, rear extension and the change of use of existing garage /store to a retail unit* – Approved 19.2.1998

This consent included the following condition: -

(3) Prior to the change of use taking place 3 No. car parking spaces shall be provided within the curtilage of the property, in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority. The car parking area shall be provided prior to the occupation of the flat hereby approved and thereafter not be used for any purpose other than car parking.

Reason

To comply with the requirements of the Local planning authority concerning off-street car parking.

It is noted that no such scheme for parking was submitted to the LPA for approval.

* The permission also excluded the change of use of the garage/store (the building subject to this application)

- **P2000/0891** Retention of existing use of a builder's office and store, resiting of office within building and alterations to front elevation – Approved 12.12.2000 (45 Abbey Road)

This permission included a number of restrictive conditions, including a requirement for the windows serving the first floor store facing to the rear of 1 Cambrian Place to be part-obscurely glazed (condition 1); a restriction on no outside storage (2) and restriction on use to a builders store and ancillary office and for no other purpose.

- **P2006/1649** Retrospective application for a change of use from a sweet shop to an estate agency – approved 15.12.2006 (1 Cambrian Place)

Enforcement History:

It is also of note that there was an investigation into residential use of the existing outbuilding a number of years ago, following which an Enforcement Notice was issued on 6th July 2010 in respect of "Changing use of outbuilding to two residential flats".

The Enforcement Notice was served (in summary) because the use had no parking and that it would lead to an increase in parking problems along Abbey Road. No appeal was submitted against the notice, the residential use subsequently ceased and the Notice was complied with.

Publicity and Responses

Head of Engineering & Transport (Highways) – No objection

Head of Engineering & Transport (Drainage) – No objection, subject to conditions

Biodiversity Section – No objection

Environmental Health – No objection, subject to condition

Wales and West Utilities – No objections subject to conditions

Dwr Cymru Welsh Water – Provide comments, including advice relating to the need for any connection to the public sewer to be subject of an application under s106 of the Water Industry Act 1991.

Jeremy Miles AM has submitted a letter which outlines the numerous concerns of Mrs Mowbray and how the development will impact on her elderly parents who live at 2, Cambrian Place, and requests that such objections are submitted to the planning committee.

The concerns raised have all been received directly by the Council as part of the lady's submitted representations (see also below), but in summary are as follows:

- The proposed development will extend onto the whole footprint of the site. Apart from the effect on the outlook of her parents' property and its views, this will result in a lack of parking for a newly built 2 bedroom house, a shop and 2 flats.
- When previous planning permission was given, it was stipulated that parking be provided for three cars. This has not occurred, and she says that on a busy main road the lack of parking will be a danger.
- By building on the whole footprint there will be no space for the storage of refuse and recyclable materials for the shop and flat. This will be extremely detrimental to the environment, especially with regards to the shop, and will affect her parents' enjoyment of their property.

Ward Councillor Rahaman has advised that he is regrettably unable to make the deferred Committee date, and has therefore submitted written representations which are summarised below: -

“I feel that this planning application must be rejected due to the unacceptable overdevelopment, the unacceptable effect it will have on neighbouring (especially number 2 Cambrian Place) amenity and the dangerous precedent it would set for the communities of Neath Port Talbot and because the LPA should not accept 1 application for 2

separate sites, or an application that has so many flaws in it and in my view, tried to be deliberately misleading. The application is not transparent at all”.

Councillor Rahaman has also raised additional points, many of which echo the representations raised on behalf of the neighbouring occupiers in the report and below, but which again are summarised as follows: -

- Looking at the planning history to this property and site along with the previous retrospective planning and enforcement report, I personally feel that this site has abused the planning system all along and is now proposing to develop rear of the property by separating the site into two is absolutely absurd.
- The Highway assessment is flawed in that they simply compared the authorised use of the building as a **builder's office** and store to its use as a residential dwelling. The assessment wrongly regarded that the authorisation uses included retail, though this was specifically not included in the retrospective planning permission due to it being regarded as over development of the site and detrimental to highway safety. It did not take into account of the strict time limits imposed for the use of the building. The building is in fact not in use; therefore they should not have compared it from the baseline. No assessment of the current parking situation in Abbey Road or Cambrian Place seems to have taken place.
- The development has planned to create no car parking space for the dwelling. This application will generate inadequate parking and it would inevitably put more of a burden on highway safety. Abbey Road is one of the busiest roads in my ward and I am very much concerned that this development will add to further traffic and parking problems for all the residents living around the area, which is just off of junction 40 of the M4 and also close to a very busy nursery and infant's school including a rugby field and a park which is used by many children. To add to the problem, the additional School Patrolling Officer who used to be located (identified by the Road Safety Team) on this particular site (where the development is proposed) is no longer being replaced. Safety of school children and parents are being ignored.
- Existing Enforcement Notice served on 2010: LPA considered a change of use to residential would lead to an increase in parking problems along Abbey Road as the use had no parking. Are we not taking this enforcement report into consideration?

- The proposed development will exceed the 100% of the footprint of 45 Abbey Road, as the provision for refuse storage and part the building itself would extend into 1 Cambrian Place and the proposed 2 bedrooms dwelling would have no garden at all.
- Are the LPA setting a precedent for any resident of Neath Port Talbot to be able to build on 100% of the footprint of their land? Changing to character and appearance of the surrounding area which is mainly terraced properties with a garden and garage or no garage just garden.
- The proposed development will have a great impact on loss of light to the neighbouring property (no 2 Cambrian Place). Officers have not taken into account the small size of the property and garden – making the effect of the loss of light and encroachment far greater.
- The proposed development would have nowhere for the surface water to go.

David Rees AM (Labour Assembly Member for Aberavon) wrote in following the publication of the second Committee report (but too late to be included in the earlier amendment sheet). He advises that he has held discussions with a representative of residents in Cambrian Place, following which the following concerns have been expressed:

- Loss of light in neighbouring property (2 Cambrian Place).
- The concerns regarding waste water (both foul and rainwater) and ensuring that sufficient capacity is available (as per Welsh Water's views) and that no aspect of waste water will create problems for both residents of neighbouring properties and road users along Abbey Road – a major route to junction 40 of the M4.
- Traffic & parking along Abbey Road: I understand that a previous application for conversion of 1 Cambrian Place into two flats required parking spaces for 3 vehicles to be made available. This proposal will remove that space and could result in several vehicles parking on Abbey Road (North bound) from the residents of the new development and the residents of the two flats at 1 Cambrian Place. This should be considered alongside any parking that may arise from people visiting the shop at 1 Cambrian Place.
- The proposed development effectively fills the footprint of the 'rear garden/existing building' of 1 Cambrian Place. I would urge the

committee to also consider the precedence that this may set for property development in rear gardens of numerous properties across the county borough.

- The use of a boundary wall as the rear of the proposed development and the impact this would have – both during building and beyond – on the neighbouring property.

One neighbouring property was consulted and a notice was posted on site. In response, 4 letters of objection were originally received in relation to the application. (1 letter has been signed by 4 properties and 2 letters are from the same objector). Since the last Committee report was published a significant level of further correspondence has been received on behalf of one neighbouring property which was summarised in the amendment sheet. This has now been incorporated into this report.

The objections are extensive but can be summarised as follows: -

- The proposed increase in the footprint, height and change in orientation of the 45 Abbey Road and an extension which will fill the whole space will be overbearing to the neighbouring property.
- The development will create a feeling of enclosure and will have a significant detrimental impact on the enjoyment and amenity of the neighbouring property, affecting the light and air currently enjoyed.
- The scale of the development is inappropriate to the site as the development represents a 100% development of the footprint of no. 45 Abbey Road. Apart from a door width the development represents a continuous build of the property.
- The proposed dwelling is to be constructed on the common boundary which the neighbouring property has not given permission for.
- The development is an overdevelopment and over intensification of the use of the site and will be overbearing to the neighbouring property.
- The development reduces the amenity space of the ground floor flat at 1 Cambrian Place and there is no amenity space for the proposed dwelling.
- Lack of parking facilities or cycle storage for the proposed dwelling and consequent increase in on street parking.
- Access to the neighbouring garage will be effected

- It is suggested that the dwelling could be split into two separate residential units in the future
- The objector considers just because there is a bus stop nearby it will not guarantee that public transport will be used
- The agents submitted photographs are not dated or current
- The proposed dwelling is located on a busy road where vision is restricted by parked vehicles
- The previous consented use as a builders store and office was restricted by conditions
- Design of the proposal
- Comments regarding the behaviour of the former tenants of the property
- Question the need for this type of housing having regard to the Joint Housing Land Availability Study.
- The proposed external materials of the dwelling cannot be stated as enhancing the area
- The dwelling located on the common boundary will affect the health and wellbeing of the neighbouring property's occupants
- The addition of a new window to the ground floor flat at Cambrian Place will reduce the feeling of safety and security for the flat
- All other properties in area have single storey garages with garden space. No other property is developed on 100% of the plot.
- The proposal provides no landscaping
- The development has not taken into consideration secured by design
- The development does not comply with various points of Policy BE1 design of the Local Development Plan
- The development contravenes the previous planning consent for 1 Cambrian Road which required the provision of 3 no. parking spaces
- Impact of the development on the privacy, sunlight and microclimate
- Why the planning statement is has been retitled to include the existing flats at 1 Cambrian Place and include the "minor" works to the existing flats
- Height differences between the existing property 1 Cambrian Place and the proposed dwelling as described in the submitted planning statement
- The existing flat will have to take their refuse bin through the dwelling to the pavement.
- No refuse storage areas have been provided for the existing first floor flat and the retail unit at 1 Cambrian Place
- Although both 1 Cambrian Place and 45 Abbey Road are under the same ownership concern is if the properties are sold separately then

the proposed refuse area for no 45 could be sold separately and 45 would be left with no refuse area.

- A Members site visit is requested on grounds including that a presentation and photos cannot show the full impact of the proposed development on their adjacent property, which is considered to be over-bearing, over-development and not proportionate for the site.
- The development will cause parking problems and highway safety for drivers, pedestrians and children walking to the local school, including poor visibility from Cambrian Place to Abbey Road.
- Although there is planning permission for the outbuilding/garage(referred to as 45, Abbey Road) to be used as a builder's office, it is not currently in use, and had many restrictions including: - that the building should only be used between the hours of 0800 and 1800 Mon to Friday and between 0800 and 1300 on Saturday and at no time on Sundays and Public Holidays; no retail sales; office to be used solely for carrying out duties associated with the business and not as a general office for people to call into to arrange works or payment.
- The property is not currently in use as a flat as claimed by the applicant.
- Only the Shop at the front of 1 Cambrian Place has ever had planning permission for retail, namely as a sweet shop and as an Estate Agents. 1997/1456 (1, Cambrian Place - Conversion of House into Two Flats and Rear Extension) excluded the change of use of the garage to any retail use "because the conversion of the garage to a retail premises is considered to be an over development of the site and detrimental to highway safety".
- The raising of the roof of the garage was illegal and done without proper building control.
- The former use was not carried out in accordance with the imposed conditions.
- An enforcement notice has previously been served on the property due to lack of parking.
- Permission will not be granted to build on the boundary.

Mrs Mowbray (for and on behalf of Mr and Mrs P Soderstrom) has also written in with further extensive submissions (which are available for inspection in the application file), the majority of which repeat earlier written submissions (or those raised by Cllr Rahaman above), but also incorporate other matters which are summarised below: -

- Over-development, unneighbourly, exceeds 100% of the footprint, would set a dangerous precedent.
- BE1.2 – the proposal fails to respect the context of the site, no other properties in the Cambrian Place, Abbey Road or surrounding area have ancillary buildings which are developed to this height or extent.
- BE1.4 - It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community. The proposed development would significantly impact on all three.
- The Officer's report seems to imply that planning permission for a retail use of the building was granted, but this was expressly forbidden as an overdevelopment of the site and detrimental to highway safety.
- The current planning permission for a builder's office and store granted in 2000, stipulated the office should be used solely for carrying out duties associated with the business and not as a general office for people to call into to arrange works or payment. This is contrary to the officer's statement that the builder's office and store has the potential for a number of movements both from staff and visitors/deliveries to the site.
- The door to provide direct access from the proposed dwelling into the refuse/recycling area is not represented in the plans. We object to this door as the tenants could look directly into our property from it.
- We also object to the ground floor bedroom window which will look directly into our bedroom windows and both contravene the 21m rule.
- poor quality and misleading application and plans - plan indicates that the single storey wing will be the same height as the existing GF Flat bedroom extension to 1 Cambrian Place but the ridge height detailed in the officer's report of approximately 4.16 m is higher than the as built height of this existing extension which is only 3.7 m.
- Where does the applicant intend to Expel air to vent the proposed bathroom and ensuite? We do not give permission to expel air into our property.
- The proposed development would remove the bin storage area for FF Flat and the shop in 1 Cambrian Place, meaning they would no longer have provision for rubbish and recycling.
- Loss of light and air and amenity to enjoy home and garden for more than 52 years. The conclusion in the officer's report does

not take into account the small size of the property and garden, making the effect of the loss of light and encroachment far greater.

Description of Site and its Surroundings

The application site comprises land located at the junction of Cambrian Place and Abbey Road, Port Talbot, occupied by two separate buildings, no. 1 Cambrian Place and no. 45 Abbey Road. The site is located in an area predominately residential in character with the majority of the housing being traditional terraced properties.

No. 1 Cambrian Place is an end of terraced property which consists of a ground floor retail unit, currently utilised as a bicycle shop fronting Cambrian Place, one ground floor self-contained flat which is accessed off a pedestrian gate located on the Abbey Road frontage and a self-contained flat to first floor which is directly accessed off Abbey Road. The property is finished in a number of external materials including stonework, facing brickwork, render and dash. The roof of the property is concrete tiles and slate.

No. 45 Abbey Road comprises a detached building, located to the rear of the main building at no. 1 Cambrian Place, and fronting onto Abbey Road. The building occupies the full depth of the site and up to the edge of the rear lane. The building is part single storey and part two storey (with an offset gable fronting Abbey Road), being finished in rough render. It is understood that previously the site was occupied by a stable which was extended. The change of use of the building to a builders store and office was granted planning permission retrospectively in December 2000 (ref. P2000/0891)

The site is located within the settlement limits as defined by Policy SC1 of the Neath Port Talbot Local Development Plan.

Brief Description of Proposal

The submitted detailed application indicates that it is proposed to demolish the existing building at 45 Abbey Road and construct a detached dwelling. It is also proposed to create a new window opening and pedestrian door to the ground floor flat at 1 Cambrian Place along the side elevation fronting Abbey Road.

The proposed new dwelling will front on to Abbey Road and will occupy the full depth of the plot, 6.1 metres and extend for a width of 9.2 metres. The dwelling will consist of a two storey element with a single storey side wing. The dwelling has been designed so the roofs will run parallel to Abbey Road having an eaves height of 4.6 metres rising to a ridge height of 6.26 metres for the two storey element and an eaves height of 2.5m rising to a ridge height (as amended) of 3.7 metres for the single storey element.

The proposed dwelling will provide a kitchen diner and a bedroom with ensuite facilities at ground floor. The first floor will accommodate a bedroom with ensuite facilities.

The front elevation which fronts Abbey Road will have a pedestrian door and 3 windows serving the kitchen diner. There will be two further windows onto Abbey Road at first floor which serve the bedroom and ensuite.

The side elevation which fronts the rear lane will have a single window at ground floor serving the living area and another at first floor serving the bedroom. The other side elevation which overlooks the proposed dwelling's amenity area has a single ground floor window serving the bedroom. There are no proposed windows to the rear elevation which is located on the common boundary with the neighbouring property no. 2 Cambrian Place.

The dwelling will be finished in pebble dash and will have pitched roofs of concrete tiles.

The submitted plans indicate a pathway to the side of the dwelling leading to a wall area which allows for bin storage and a small amenity area, there are no landscaping proposals for this area.

There will be no car parking facilities provided within the curtilage of the proposed dwelling.

EIA Screening/Scoping Opinion & Habitat Regulations

As the development is neither Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application

Material Considerations

The main issues concern the general principle of residential redevelopment, having particular regard to the history of the site, together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety.

Policy Context

National Policy / Guidance

Planning Policy Wales (Edition 8, 2016) notes at paragraph 9.2.13 that:

“Sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas.”

Further advice contained in paragraphs 9.3.3 and 9.3.4 warn that insensitive, infilling or the cumulative effects of development should not be allowed to damage an area’s character and amenity. In determining applications local planning authorities should ensure that the proposed development does no damage an area’s character and amenity.

TAN 12 – Design (2009) is also of relevance.

Local Development Plan

The Development Plan comprises the Neath Port Talbot Local Development Plan, within which the following Policies are of relevance:

- Policy BE1 Design
- Policy SC1 Settlement Limits
- Policy TR2 Design and Access

Principle of Residential Development

As the proposed site is located within the SC1 settlement limits defined in the Local Development Plan, the principle of a residential development is generally acceptable, provided the development accords with other criterion-based Policies within the Plan, notably relating to the need to ensure there are no highway, amenity or service objections.

With regards to the issue of affordable housing, as the application site is only capable of providing one dwelling, the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Local Development Plan and emerging Supplementary Planning Guidance.

Visual Amenity

Policy BE1 requires that all development proposals demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Proposals will only be permitted where specified criteria are satisfied, with the following of relevance to this proposal: -

- (1) It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
- (2) It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
- (3) It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
- (4) It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
- (6) It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well-lit environments and areas of public movement);

The application site is located within an established residential area which is predominantly characterised by traditional two storey terraced properties, many with garages accessed off the rear lanes. The application site, although located to the rear of no. 1 Cambrian Place, fronts onto Abbey Road. The pattern of development is such that there are existing properties which front onto Abbey Road and other end of terrace properties, which have the side elevations fronting Abbey Road.

The site is currently occupied by a part single, part-two storey building, which has an authorised commercial use. The building has been vacant for a number of years (other than its unauthorised residential use detailed above) and the appearance of the building and site is currently considered to contribute little to the character of the area, and could be argued to detract from such character due to its offset gable roof, external box shutter and disparate fenestration.

It is proposed to replace this property with a new residential property, which would differ from the existing building as follows: -

- Frontage Width – Increase from 7.8m existing width to 9.2m
- Two-Storey element
 - Width - increase from approx. 4.85m wide to 5m wide;
 - Eaves height - increase from approx. 3.5 / 3.9m (offset) to 4.6m
 - Ridge Height - increased from 4.9m to 6.26m (with roof form changed to side-on gable to reflect main building at Cambrian Place)
- Single-Storey element
 - Width - increased from 3.1m (2m at rear) to 4.2m
 - Ridge height – Increase from 2.9m (maximum lean-to height) to 3.7m (Roof form changed from lean-to to side-facing gable, at a height which (as amended) reflects the height of the adjacent single storey roof).

While the objector has stated that the 'as built' height should not be considered as the baseline because the building's height was increased without planning permission in the 1980s/90s, no action was taken against such development and, therefore, it is strictly necessary to consider this proposal against the building on site today, which is lawful.

As detailed above, the proposed new dwelling will front onto Abbey Road and will occupy the full depth of the plot, with the design amended from the existing building both in terms of its footprint, height and roof form, with the new roofs running parallel to Abbey Road (side-on gable) to reflect the main building at Cambrian Place.

In terms of visual amenity by virtue of the siting, design and finish of the proposed dwelling, it is considered that the principle of replacing the existing building with a new structure is considered to be acceptable, and represents a visual improvement to the street scene compared with the existing building occupying the site. The pattern of development along Abbey Road is also such that the position of the dwelling will not be out of character with the area.

With regard to the design of the new building, it is noted that the existing building has differing roof designs of pitched, mono pitched and flat roofs. These will be replaced by a new dwelling of uniform appearance, which would have two pitched roofs which run parallel to Abbey Road similar to the roof design of the surrounding properties. The proposed dwelling has also been designed so the ridge height, while increased in height from the existing building, would nevertheless remain subordinate to no. 1 Cambrian Place (approx. 1.2 metres below the main ridge and 0.6m below its rear wing).

It is noted, however, that the amendment to the single storey element to match the 3.7m height of the rear wing to 1 Cambrian Place, means that the pitch of that roof would be shallower than the main dwelling. Nevertheless, while this is not 'ideal' from a design perspective, in this case it will limit the impact on the neighbouring property, and moreover, in terms of any impact on the streetscene, the difference in roof pitch would be marginal and given the proximity to Cambrian Place would have minimal visual impact.

The window and door openings are positioned and orientated to follow the pattern of the flats at Cambrian Place, while the building would be finished in external materials of dash and concrete tiles which is in keeping with other properties in the area which have a varied mix of external materials including brickwork, stonework spar dash and roofing tiles of slate and concrete tiles.

Accordingly, and having regard to the local concerns expressed over the impact on the streetscene, while it is acknowledged that the redevelopment of 45/45a Abbey road will have some local impact, it is the level of impact upon the visual amenity of the area and the character of the area that are material in the determination of any application. In this regard, it is concluded that the proposed dwelling, while larger than the building which it would replace, would not appear unacceptable within its local context or have any unacceptable detrimental impact upon the character or appearance of this

predominately residential surrounding area. It would therefore accord with the aims of Policy BE1 of the Local Development Plan.

Residential Amenity

The impact on the adjoining property at no. 2 Cambrian Place has been the subject of extensive submissions from the neighbour which, in summary, raise concerns that the new building would be larger and higher than the existing building, and would unacceptably increase the physical impact on their property, amounting to an overbearing overdevelopment / intensification of the site which would create a feeling of enclosure and a significant detrimental impact on the enjoyment and amenity of their property, affecting the light and air currently enjoyed.

In respect of the impact upon the amenities of existing residents, the main issues to consider are therefore any potentially unacceptable overbearing and overshadowing impact, along with issues of privacy / overlooking.

Physical Impact

Given the significant concerns raised by the objector, Officers have viewed the relationship with no. 2 Cambrian Place from within that garden and property. In this respect, it is noted that the increase in size of the new building compared to that which exists will have some increased impact on the amenity of that property. That alone, however, is not sufficient to justify refusal of an application, since it is strictly necessary to consider whether such impacts would have an unacceptable impact on the amenity of that property.

In terms of the two-storey element, as detailed above the proposed new dwelling would be slightly wider at two-storeys (and therefore nominally closer to Cambrian Place), and be approx. 1.36m (at its highest point) higher than the existing building. The existing building, however, has a side gable end, therefore, the eaves of the new building would not materially increase the built development (wall) on the boundary. The two-storey element would also not project beyond the existing garage within no. 2's curtilage. The new dwelling would also have an amended roof form sloping away from the neighbouring property, with the ridge sited 3.05m from the joint boundary. Therefore, while higher, it is considered that the height and design of the two-storey element would

not increase the physical impact on the neighbouring property to such a degree that it would warrant refusal of this application on such grounds.

Having regard to the above, it is also noted that the new dwelling would have a single storey 'wing' projecting towards Cambrian Place, with an eaves height of 2.5m and ridge height of 3.7m (reduced from 4.2m on initial plans, such height now reflecting the accurate height of the existing rear wing to no. 1 Cambrian place). Again, however, the ridge would be 3.05m away from the joint boundary, and would be viewed against the main two-storey element. The eaves height is also only 0.5m higher than a boundary wall which could be constructed under permitted development rights. While this wing would bring the development closer to the neighbouring property, it is considered that the single-storey scale of the 'wing', and the heights referred to, are such that the impacts of the development on the neighbouring property would not be adversely affected to a degree which would warrant refusal of the application on such grounds.

Concern has been expressed also over an impact on light. It is noted, however, that the site is located to the east of no. 2, and accordingly while the larger building would potentially increase the degree of shadow experienced by the neighbour, this would be restricted mainly to the rear of that curtilage where a garage currently exists adjacent to the existing building, and due to the travel of the sun would be unlikely to have any materially greater impact on the light enjoyed by the property itself or the area of the garden immediately adjacent to the dwelling.

Having regard to the relationship with other properties on Abbey Road and George Street, it is also considered that the increase in size identified above would have no materially greater impact on other properties to the extent that it would warrant refusal of the application on such grounds.

Accordingly, it is concluded that while the new development would increase the impact on the neighbouring property, this would not be to a degree which would materially increase the 'feeling of enclosure' or amount to an unacceptable adverse overbearing impact.

Overlooking / Privacy

In terms of overlooking, it is noted that the windows of the habitable rooms of the proposed dwelling will be mainly restricted to the front

elevation which fronts on to Abbey Road; there is a single ground floor window to the side elevation which will be screened by the existing brick boundary wall which separates the proposed dwelling and no. 2 Cambrian Place. Concerns have been expressed by the neighbouring property over the proximity of this window and potential impacts on privacy and, while such 'views' would be "ground to first floor" (and vice versa), it is nevertheless considered reasonable to include an updated condition (no. 7) to ensure this window is obscurely glazed. The only other windows are to the other side elevation which overlooks the rear lane, both of these windows are to be obscured glazed. It should be noted that no windows are proposed to the rear elevation which is located on the common boundary with no, 2 Cambrian Place.

Accordingly, there would be no unacceptable overlooking or loss of privacy as a result of this proposal. It is also noted that the existing building does have windows looking towards Cambrian place, although condition 1 on permission P2000/0891 requires these to be part-obscurely glazed.

Use of Dwelling

Concern has also been expressed over the potential impact from the use of the new property as a dwelling, having regard to previous noise and disturbance from the unauthorised residential use of the building. In response, however, it is considered that a residential use within a residential area is acceptable in principle, and it would not be possible to refuse an application on such grounds. Moreover, in this case it is also noted that, while the existing building has not been used for many years for its authorised commercial use, such a commercial use could resume in future, and would be likely to have a greater impact than a residential use.

Amenity Space

The proposal includes a reallocation of the amenity space between the new dwelling and the ground floor flat at 1 Cambrian Place. This would mean that the existing GF flat and the new unit would each have a small private amenity area approximately 10 sq.m. in area.

While it is acknowledged that such an area is not large, it would nevertheless afford the occupants of each unit the ability to sit outside and/or use the area for other amenity purposes. Accordingly, the loss

of amenity space to serve the existing unit, and provision of some private space to serve the new dwelling, is considered acceptable.

To ensure the privacy of the new area, a window in the GF flat is required to be removed and replaced by a front window (as identified on the plans). It is also considered that a direct door into the amenity area should be provided for the new unit to ensure it is directly accessible and used solely for their purposes. These requirements are conditioned accordingly.

Highway Safety (Access, Parking and Traffic flows)

LDP Policy TR2 - Design and Access of New Development – requires development, inter alia, to have no adverse impact on highway safety or create unacceptable levels of traffic generation; and provide appropriate levels of parking and cycling facilities.

As noted in the planning history section above, planning permission ref. P97/1546 which granted permission for the conversion of the dwelling into 2 no. flats included a condition which required a parking scheme to be submitted “prior to the use taking place”. No such scheme was ever submitted for approval.

However, following the above approval, planning permission ref. P2000/0891 approved the retention of the outbuilding for a separate commercial use unrelated to the flats (and thus with its own ‘planning unit’ – and stated at that time to be in different ownership). This, effectively, meant that no such parking scheme for the flats could be provided. In any respect, and most pertinently, the condition in question has been breached for a period in excess of ten years, such that no action can be taken against such a breach.

Accordingly, it is necessary to consider the current application having regard to the authorised use of this part of the site (under application ref. P2000/0891) as a builders office and store and weight cannot be attached to the failure to comply with the condition referred to above.

The proposed development is for a single dwelling unit which would normally be expected to have one or two off-street parking spaces provided, yet none can be provided on site. Within the above context, however, the authorised use of the building as a builder’s office and store would normally have its own parking requirements, and also

clearly has the potential for a number of movements both from staff and visitors / deliveries to the site.

In this respect, while the site provided for no parking, this is not considered to result in a demonstrably worse situation than that which exists under the authorised use. Although it is acknowledged that Abbey Road is a very busy road, it is also very wide and has unrestricted parking available on the western side of the road.

The Head of Engineering and Transport (Highways) has offered no objection in highway safety terms, considering it to be 'betterment' to the existing consented use, and this within that context it is considered that refusal of an application for one dwelling on safety grounds based on lack of parking cannot be justified.

In reaching these conclusions, it is noted that the property has previously had an unauthorised use as two residential units, against which enforcement action was taken due to the absence of parking facilities which would lead to an increase in parking problems along Abbey Road. As detailed above however, it is concluded that the authorised use of the site, and the fact that the proposal relates to a single unit, is such that it warrants a different conclusion being reached.

It is noted that objectors to the development do not agree with the view taken above in respect of the previous conditions, and believe that the reasons for the requirement for a parking scheme (i.e. to comply with the requirements of the Local planning authority concerning off-street car parking) have only increased in the intervening years. They therefore submit that there remains room for 3 car parking spaces to be provided upon the site, but approving this development would preclude that. Nevertheless, for the reasons stated above, it is considered that a new chapter in the planning history of the site effectively began when permission was granted for the use of the outbuilding, such that the only reasonable approach to take now is to consider the proposals against the existing situation at the site, where no off-street parking exists for either the 4 existing flats or proposed unit.

Accordingly, and as reasoned above, no objections are raised to the development on highway safety grounds, and the development is considered to accord with Policy BE1 and TR2 of the LDP.

Drainage

Concerns have been expressed locally in respect of the ability for the property to have appropriate drainage, noting the conditions that have been sought by Dwr Cymru Welsh Water (DCWW) in respect of preventing surface water/ land drainage from connection into the public sewerage system.

In this regard, it is noted that the original report to committee included 'standard' conditions addressing the above. Subsequently, however, discussions with the highway officer (drainage) indicate that connection in the sewer network is the most likely solution, albeit there may be other options available. In this regard, it is noted that the DCWW comments include advice relating to the need for any connection to the public sewer to be subject of an application under s106 of the Water Industry Act 1991.

In essence, developments should undertake a 'sequential approach' to drainage which first seeks to identify the possibility of using a sustainable drainage system (SuDS) wherever possible, with connection to the public sewerage system a 'final option' (subject to approval from DCWW).

Having regard to the above, an alternative condition is now proposed to those initially recommended, requiring that development shall not commence until such time as a surface water drainage scheme has been submitted to and approved in writing by the local planning authority, such details to be informed by an assessment of the site potential for disposing of surface water by means of a sustainable drainage system (as well as the need to ensure any adjoining land is not interrupted or otherwise adversely affected). The approved works would need to be completed prior to first beneficial occupation.

Ecology (including trees & Protected Species)

The biodiversity section have offered no objection to the proposal but have requested that an informative be added to the consent in relation to the demolition and that if bats are found on site that work ceases immediately and that Natural Resources Wales be contacted to obtain a licence prior to any works recommencing on site. It is therefore considered that the proposal would not have a detrimental impact upon the biodiversity or ecology in the area.

Flooding

In respect of flooding, National Resources Wales have indicated that based on the outputs of their latest flood modelling, the site is considered to be outside the fluvial flood extents of the River Afan in both the 1% and 0.1 % flood therefore would not require a Flood Consequence Assessment for this application.

It is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy.

Pollution (air and ground)

The Environmental Health Department has offered no objection to the development subject to the submission of a noise and dust management plan. A condition is attached requiring the submission and approval of this plan.

Others (including objections)

While the above report seeks to address the main planning issues raised in local representations, in response to the letters of objection received the following additional comments are made:

- The objector states that the single brick boundary wall is not suitable to support the proposed development; the development would necessitate the removal of part of this boundary wall and the construction of the rear elevation of the proposed dwelling on the common boundary.

The agent has served notice on the neighbouring property and the agent has been informed that the objector may not give permission to build of the common boundary, however land ownership matters are a private matter between individuals.

- In relation to surface water drainage the plans have been amended to include recessed guttering along the common boundary with no. 2 Cambrian Place and a condition has been attached requiring all surface water drainage to be within the curtilage of the application site.
- Historical issues with the illegal dwelling at the site cannot be taken into consideration in the determination of this application

- With regard to provision of private amenity space for the new dwelling and the existing ground floor flat at 1 Cambrian Place, the submitted plans indicate the existing amenity space located within the curtilage of 1 Cambrian place will be reconfigured and a dedicated area of private amenity space will be allocate to the new dwelling and a separate amenity space will be retained for the existing flat, allowing each a refuse storage area. A condition is attached requiring the private amenities spaces for each property to be retain. It is not considered necessary to require a landscaping scheme for these areas given the urban context and limited area.
- With regard to storage facilities for bicycles the private amenity space can provide cycle storage facilities should the occupiers wish to do so.
- With regard to the comments that the occupier of the ground floor flat at Cambrian Place has to carry the refuse from the amenity space through the flat to the pavement for collection this is the case in many properties and is not a material planning consideration.
- With regard to the point raised that there are no refuse storage facilities for the shop and first floor flat at 1 Cambrian Place, this is the situation at present and there are no changes in circumstances to this proposed under this application.
- With regard to the information submitted by the agent in support of the application. There is no statutory requirement for the submission of photographs dated or undated as part of the application. With regard to the statement that the plans when viewed online and expanded the notes are illegible, The planning officer has spoken and met with the objector and his daughter and discussed plans ensuring the objector is aware of the any notes on the application. With regard to the planning statement again there is no statutory requirement to submit a planning statement for this type of application; the agent has been given the opportunity to correct any inaccuracies in the original planning statement that was submitted and plans. The submission of a planning statement is a non-statutory requirement, although the agent has quoted unitary development plan policies within the planning statement. The development now proposed will be assessed against the policies contained within the Local Development Policies as the adopted development plan for the area.

- The amended plans and supporting information complies with the statutory requirements for full applications and is considered adequate for the purposes of determining the application. It should be noted that the planning statement includes reference to the proposed works at 1 Cambrian Place as the proposed works form part of the submitted application
- A single application for the proposed development at 45 Abbey Road and 1 Cambrian Place has been validated as the red edged location plan indicates the applicant is the owner of the whole site and the development of the dwelling includes land within this red edge to provide amenity space. The development also necessitates a new door and window to the ground floor flat at 1 Cambrian Place which is located within the red edged plan.
- In relation to the provisions for access for all, this matter will be considered under Part M of Building Regulations. The use of sustainable technologies as part of the development is not a requirement under current planning regulations. The residential units will have to comply with fire regulations which will be enforced during building regulation inspections, with regard to the private security of the property this is a matter for the occupier of the flat.
- The site is located along a bus route which can be used, how it is acknowledged as with every other resident in the area, it is not a guarantee that public transport will be used. It is individual preference if the residents of an area utilise public transport.
- The historical issues with the behaviour of the occupiers of the flats at 45 Abbey Road cannot be taken into consideration in the determination of this application
- The question of the need for this type of housing is not a material planning consideration

Conclusion

It is considered that the proposal represents an appropriate form of infill development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

Time Limit Conditions

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2)The development shall be in accordance with the following approved plans and documents:

Location Plan

Drawing no. PL001 Revision 15 (19.9.16)

Reason

In the interest of clarity.

Pre-Commencement Conditions

(3) No development shall commence until a scheme for surface water drainage works / disposal has been submitted to and approved in writing by the local planning authority. Such scheme shall ensure any adjoining land is not interrupted or otherwise adversely affected, and shall be informed by an assessment of the site potential for disposing of surface water by means of a sustainable drainage system and in accordance with Welsh Government non statutory standards for sustainable drainage (SuDS), with the results of the assessment provided to the local planning authority. The dwelling shall not be occupied until surface water drainage works have been implemented in accordance with the approved details

Reason

To ensure satisfactory drainage of the site

(4) No development shall commence, including any works of demolition, until a Noise & Dust Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the demolition / construction period. The Plan shall address the construction phase of the proposed development and will include the noisiest phases arranged in terms of loudness, the duration of the phases and details of mitigation measures to be employed to minimise the noise during construction on nearby residential properties.

Reason: In the interest of residential amenity

Action Conditions

(5) Prior to first beneficial occupation of the dwelling hereby approved, the amenity / bin storage areas serving the new dwelling and the ground floor flat at 1 Cambrian Place shall be laid out in accordance with the details on plan PL001 Revision 14 (16.8.16), including the provision of a 1.8m high privacy wall/fence between the two areas. The amenity areas shall thereafter be retained in accordance with the approved details to serve each unit.

Reason

In the interests of visual amenity

(6) Notwithstanding the details on the approved plans, the dwelling hereby approved shall not be occupied until such time as: -

(i) a new door has been provided in the south facing elevation of the new dwelling at ground floor to allow direct access into the private amenity area serving the dwelling; and

(ii) the existing ground floor window serving the ground floor flat's bedroom has been removed and the elevation reinstated in materials to match; and

(iii) the new window serving the ground floor flat's bedroom has been provided

The development shall thereafter be retained in accordance with the approved plans as amended by this condition.

Reason: To ensure that direct access is afforded to a private amenity area serving the new dwelling in the interests of residential amenity

(7) Notwithstanding the details submitted and prior to the occupation of the proposed dwelling the windows on the side elevation serving the living room and first floor bedroom, and the ground floor bedroom window facing towards Cambrian Place, shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.

(8) Prior to first beneficial occupation of the dwelling hereby approved, the existing vehicular access (dropped kerbs) fronting onto Abbey Road shall be removed and re-constructed as footway in accordance with the Authority's Specification for the Construction of Roads for Adoption

Reason:

In the interest of highway and pedestrian safety

Regulatory Conditions

(9) The external surfaces of the building(s) shall be constructed of brown pebbledash and brown concrete tiles as specified on plan PL001 Revision 14 (16.8.16).

Reason

In the interest of the visual amenity of the area.

(10) If any bats are discovered during construction works, the work should stop immediately and the applicant should contact Natural Resources Wales immediately, as a licence may be required to continue, as bats are a European protected species and afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

Reason

In the interest of protected species.

(11) No surface water discharges shall be allowed to drain onto the highway.

Reason

In the interest of highway safety.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way (including roof alterations, extensions and new windows/doors) without the prior grant of planning permission in that behalf.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the estate.

(13) Demolition or construction works shall not take place outside the hours of 07:00 hours to 19:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason:

In the interest of residential amenity

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposal represents an appropriate form of infill development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1 and TR2 of the Neath Port Talbot Local Development Plan.