

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2020/0470	<u>DATE:</u> 18/06/2020
PROPOSAL:	Change of use from Gospel Hall (Use Class D1) to garage/store/workshop for non-commercial use (Sui Generis Use), plus installation of timber door to front elevation and formation of new vehicular footpath crossing
LOCATION:	Gospel Hall, Ynys Street, Port Talbot
APPLICANT:	Mr Greg O'Neill
TYPE:	Full Plans
WARD:	Port Talbot

BACKGROUND INFORMATION

Cllr Rahaman requested on 25th July 2020 that the application be determined via Planning Committee for the following reasons:

- 1. "Ynys Street is a residential area and the proposal to place a Garage/Store/Workshop would expose to smells/fumes and noise associated to the working of a car garage and workshop.*
- 2. I have concerned of the storage of some of them inflammable materials such as petrol, engine oil and tyres would be a potential hazards in a built up area. If planning is approved for a garage/ workshop this may lead to the site being potentially used to store large quantity of the above mentioned materials in a residential area.*
- 3. Change of use from a Gospel Hall to a garage/workshop in a built-up residential area will have a negative impact on the visual amenity.*
- 4. Proposed height reduction of both side-walls are a privacy concerns for both neighbouring residents.*
- 5. Increased traffic to the area including access and exiting the site (garage/ workshop) is a highways safety concerns. Garage/workshop with proposed additional onsite car parking will allow more traffic to enter and exit to the main road, can be a safety issue when cars are reversing out onto the main road".*

This request was considered by the 'call-in' Panel on 30/07/2020 where it was agreed that the application should be determined by Planning Committee.

SITE AND CONTEXT

The application site is located at the former Gospel Hall, Ynys Street, Port Talbot.

The application site measures approximately 0.032 hectares in area and comprises a circa 1920s stone-built detached property formerly used as a place of worship. The site is flat in profile and is bounded by the River Afan to the north, residential dwellings to the east and west with Ynys Street to the south and dwellings on the opposite side.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of a property from Gospel Hall (Use Class D1) to garage/store/workshop for non-commercial use (Sui Generis Use), plus the installation of a timber door to front elevation and formation of new vehicular footway crossing.

The applicant has provided a written statement in support of the application detailing that the 'garage' proposed would be used in association with his personal hobbies, stating further that there are *"no hidden agendas to carry out any commercial work at the property now or in the future"*. He has confirmed that he has been looking in Maesteg where he lives for the past 5 years for a suitable garage premises, and there has been nothing suitable for sale since his search. Over the past year he widened his search area and the former Gospel Hall came onto the market. He also advises that he regularly visits TATA Steel in connection with this job so this property is ideally located on the route to and from work, and in any case, is only a 20 minute drive from his home.

He has confirmed that he intends to use the building to store and maintain his two personal vehicles (one is a classic Volkswagen and the other a modern track car). He also states that he wishes to store two motorcycles over the winter months. He has confirmed that there would be no chemicals or flammable liquids stored at the property, and there will be no requirements for the spraying of vehicles. He has also confirmed that he would be happy

to accept the imposition of conditions restricting the use of the property to non-commercial only.

In order to facilitate the conversion works the existing front wall is proposed to be demolished/reduced in height to provide a new pedestrian vehicle cross-over along the frontage of the site. The existing entrance porch will also be altered to provide vehicle access into the property via new side-hinged timber entrance doors.

The applicant has also confirmed that the external parking spaces illustrated are to be used when he is visiting the property to avoid parking outside neighbouring properties on the road.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

Amended plans were requested from the developer to replace the previously-proposed metal roller shutter-doors with side-hinged timber doors, as these were considered more in-keeping with the property in terms of visual amenity. Furthermore, amended plans were requested by the Head of Engineering and Transport (Highways Section) to provide one new pedestrian vehicle cross-over along the whole frontage, instead of three separate ones, as well as limiting the parking spaces to a maximum of three.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Drainage): No objection.

Biodiversity Unit: No objection, subject to conditions.

Natural Resources Wales: No objection.

Environmental Health Section: No objection.

South Wales Trunk Road Agency: No objection.

Contaminated Land Unit: No objection.

REPRESENTATIONS

The neighbouring properties were consulted on 16/07/2020 and 18/06/2020 respectively.

A site notice was also displayed on 14/07/2020 and 19/06/2020 respectively.

In response, to date 11 no. representations have been received, with the issues raised summarised as follows:-

- Concerns with highway and pedestrian safety.
- Concerns with potential noise and disturbance and odours.
- Concerns with visual amenity changing the character of the property and potential for outside storage.
- Concerns with the storage of hazardous materials and potential health and safety/fire risk.
- Concerns with the reduction in height of the side-wall and resultant loss of privacy.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk

Local Planning Policies

The Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- Policy SP1 Climate Change
- Policy SP3 Sustainable Communities
- Policy SP15 Biodiversity and Geodiversity
- Policy SP16 Environmental Protection
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage

Topic Based Policies:

- Policy SC1 Settlement Limits
- Policy SC2 Protection of Existing Community Facilities
- Policy EN6 Important Biodiversity and Geodiversity Sites
- Policy EN8 Pollution and Land Stability
- Policy EN9 Developments in the Central Port Talbot Area
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards \(October 2016\)](#)
- [Pollution \(October 2016\)](#)
- [Design \(July 2017\)](#)
- [Biodiversity and Geodiversity \(May 2018\)](#)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of the development at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

Turning to Policy SC2 (Protection of Existing Community Facilities) specifically, it is noted that the lawful use of the existing property as a place of worship would be considered a 'Community Facility'. As such, any potential loss of such a facility would need to be considered against the requirements of the Policy which states that:

“Any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that:

1. *The facility is surplus to requirements; or*
2. *The existing use is no longer viable.”*

The supporting text to the Policy states *“where a facility performs (or has performed) an important or central function in the life of the local community, any change to a non-community use will be resisted unless it can be demonstrated that the facility is no longer viable or needed by the community and that there is no potential that the building can be used for an alternative or shared community use.”*

In support of the application the developer has provided details to say that the property closed as a place of worship circa July 2019. Since that time it was advertised from 13th August 2019 to 6th March 2020. The Estate Agent’s notes that there were a total of 7 viewings and 5 offers received. The applicant has confirmed that he made a total of 2 offers with the final offer being accepted. He has confirmed that there was 1 previous offer from a different purchaser prior to his, and this person was looking to convert into a residential use. However, this offer was subsequently retracted and the building brought back onto the open market. It is understood that the other offers were from a local developer looking to convert the building into flats.

It can be seen from the above that the property has been marketed for some time with the final successful offer being the current applicant. However, it is also noted that the other proposals were also for non-community uses (i.e. residential). It is considered that another community use would be unlikely to be suitable for this property given the very restricted parking on site and also limited on-street parking. Furthermore, given the relatively close proximity of the site to Port Talbot Town Centre (approximately 406m easy walking distance to the start of the pedestrianised area along Forge Road) there are a host of other community facilities, including places of worship, nearby.

As such, this facility was considered surplus to requirements, hence it was advertised for sale on the open market. Due to its location within a residential area with very limited parking opportunities (both on site and on-street), it is considered that another ‘community use’ would be unlikely to be suitable, and the marketing exercise supports such an assessment. Therefore, in this case, it is considered reasonable to conclude that this facility is surplus to requirements. Moreover, as the most appropriate use would be something

on a smaller-scale, such as domestic-scale storage or a residential use, it would also be considered no longer viable as a 'community facility'.

In light of the above, it is therefore considered that the proposal would be acceptable in terms of Policy SC2.

Impact on Visual Amenity

It is noted that the existing building dates from circa 1924, and is constructed with stone walls with a slate roof. There is an existing entrance porch to the front elevation. Externally there is a low boundary wall to the front and side boundaries.

In order to facilitate the proposed conversion to a non-commercial garage part of the front porch will be demolished to facilitate vehicle access into the building. New side-hinged timber doors will also be installed behind the porch. Externally, the existing wall along the frontage will be removed, and part of the side walls lowered and a new pedestrian vehicle cross-over installed to allow vehicles access into the site.

Whilst it is acknowledged that there will be some physical changes to the setting and appearance of the property it is also acknowledged that the removal of the wall and construction of a pedestrian vehicle cross-over would not require the benefit of planning permission, and it is the changes to the porch and the use itself which requires consent. It is noted that the side hinged timber doors now proposed would be more in-keeping with the character and appearance of the property than the metal roller-shutter initially proposed and as such, it is considered that the overall development would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, it is noted that the only change to windows would be the removal of the small windows to the front porch. Given the proposal to change the use to storage only, it is considered that this would not give rise to any unacceptable overlooking issues. Similarly, it is considered that the reduction and/or removal of the boundary walls would not give rise to any unacceptable overlooking issues.

With regards to potential overbearing and overshadowing as the only external alterations to the building relate to the porch area, it is considered that this would not give rise to any unacceptable issues in these regards.

Turning to potential issues in terms of noise, disturbance and odours it is noted that there are local concerns relating to the potential for noise and disturbance and odours relating to the use. Nevertheless, in responding to such concerns the applicant has confirmed that his intention is to use the property for non-commercial storage/garaging of his own private vehicles. The Environmental Health Officer has assessed the submitted details and has confirmed that a non-commercial vehicle storage or recreational workshop *“should not give rise to significant adverse impact on local amenity from noise or other nuisances, therefore the Environmental Health Team have no objections to this development”*. They have also confirmed that in the event that any potential disturbance does arise, it can be dealt with by potential Statutory Nuisance powers, in the same way as any other domestic premises.

Nevertheless, in order to ensure that the property is not used for commercial purposes, conditions will be imposed on the application restricting the use of the property to domestic-scale storage and garaging with no commercial operations, and no car spraying, as this has the potential for noise and odour issues. Subject to such conditions, it is considered that the proposal would be acceptable in terms of residential amenity.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the proposal will involve the creation of new pedestrian vehicle cross-over along the frontage of the site to facilitate vehicle access into the site. The Head of Engineering and Transport (Highways Section) has assessed the submitted proposal and offers no objection, subject to conditions. They have noted that it is necessary to lower the footway along the entire frontage of the site, as opposed to having three separate vehicular accesses, as that could have been a hazard to people using mobility scooters and aids who use this pedestrian route to the town centre. They also note that the proposal is for a non-commercial garage, and they recommend that a maximum of three parking spaces be provided in total, which would be the same requirement as a residential property. However, they have also advised that should an application be made for a commercial garage at this location they would be unlikely to look favourably on it, due to

the potential increase in vehicle movements and parking provision required for a commercial enterprise.

In light of the above, and subject to suitably worded conditions, it is therefore considered that there would be no detrimental impact upon highway or pedestrian safety.

Biodiversity / Ecology

A bat survey was submitted in support of the application, which found no evidence of bat use. This was assessed by the Biodiversity Unit and NRW who offer no objections, subject to conditions. As such, the proposal is considered acceptable in terms of ecology.

Flood Risk / Drainage

It should be noted that the application site is located in a C2 flood zone. A Flood Consequences Assessment (letter of acceptability) was submitted in support of the application. Natural Resources Wales have assessed the submitted proposal and offer no objection. This is on the basis that the application site is located on the edge of a C2 flood zone, as defined under Technical Advice Note (TAN) 15. Furthermore, there is no change in vulnerability of the development and no increase in footprint.

Having regards to the tests in Technical Advice Note 15, the proposal is therefore considered acceptable in terms of flood risk.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject to a condition relating to unexpected contamination, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

Other Matters

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues

raised, which have not been addressed elsewhere in this report, the following comments are made:

- With regards to the concerns relating to the storage of hazardous materials it should be noted that this is not a material planning consideration. Nevertheless, the applicant has confirmed that he does not intend to store such material.
- In respect of the potential concerns relating to outside storage an appropriately worded condition will be imposed on the application preventing any outside storage, in the interest of visual amenity.

CONCLUSION

The decision to recommend 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. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, SC2, EN6, EN8, EN9, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION Approve

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:
Dwg. No. GH/1/20 - Plans As Existing.
Dwg. No. GH/2/20C - Plans As Proposed.
Location Plan 1:1250 scale.
FCA Written Acceptance.
Spectrum Ecology Building Scoping Survey and Preliminary Roost Assessment.

Reason:

In the interests of clarity.

Action Conditions

- 3 Prior to the first beneficial use of the garage hereby approved the pedestrian vehicular cross-over shall be fully constructed on site in accordance with Dwg. No. GH/2/20C, and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 4 Notwithstanding the submitted details and prior to first beneficial use of the garage and parking spaces hereby approved, the car parking spaces and drive shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the site to a

maximum gradient of 1 in 9, with no surface water allowed to flow out onto the public highway, and permanently maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 6 Prior to the first beneficial use of the garage hereby approved a bat box should be fitted to the north western facing gable wall, as recommended in the Building Scoping Survey and Preliminary Roost Assessment (Spectrum Ecology, May 2020), and retained as such thereafter.

Reason:

To ensure conservation of protected species and their habitats, and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 7 The garage hereby approved (Sui Generis Use) shall be limited to non-commercial activities including the storage/garaging of a maximum of two motor vehicles and two motorbikes, with the maximum number of motor vehicles (excluding motorbikes) permitted on the premises at any one time being a maximum of three, together with the storage of domestic and other related items, and the property shall not be used for any commercial activity at time, including car spraying.

Reason:

In the interest of visual and residential amenity, highway and pedestrian safety and to comply with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 8 There shall be no outside storage of equipment or materials including, but not limited to, tyres, vehicle parts, lubricants or fuels.

Reason:

In the interest of visual amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.