

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0495/COU 19.07.2019	Mr S Monico 4 Bryn Terrace Hengoed CF82 7ND	Change the use of building to a dwelling Former Bakery Bryn Terrace Hengoed

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Former Bakery, Bryn Terrace, Hengoed

Site description: The application site is comprised of a two storey building which fronts south-west onto Bryn Terrace, Hengoed. To the east is the rear amenity area of an end of terrace property (29 Brynavon Terrace) which is located at a lower level than the application site. To the west is a lane with an end of terrace property (1 Bryn Terrace) located beyond at a higher level than the application site. To the north is the garage and rear amenity area of a terrace dwelling (30 Brynavon Terrace). To the south is Bryn Terrace road with number 28 Brynavon Terrace beyond and number 17 Bryn Terrace. The general topography means that the land slopes down broadly from west to east.

Development: Change the use of building to a dwelling. The proposed layout shows a kitchen/dining area and bathroom at ground floor level and bedroom and lounge area at first floor level.

Dimensions:

The building measures approximately 9.7m long 4.2m wide with a height of 7.3m

Materials: The building is of a brickwork construction but is finished in render and has a slate roof.

Ancillary development, e.g. parking: Small bin storage area to eastern side of building.

PLANNING HISTORY 2005 TO PRESENT

None

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POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6 (Better Places to Live)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Ecologist - No objection. Recommends Ecological Enhancement be conditioned.

Transportation Engineering Manager - No objection, Whilst the application does not comply with adopted Supplementary Planning Guidance document LDP5 (Car Parking Standards) in terms of the provision of off-street parking facilities, the requirement for the development would equate to 1 space, and there is spare capacity on-street to cater for this.

Head Of Public Protection - No objections.

Gelligaer Community Council - Raise an objection on highway grounds due to the lack of off-street parking.

Senior Engineer (Land Drainage) - Advises that SAB approval is not required.

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ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 5 neighbour notification letters were sent.

Response: One representation has been received.

Summary of observations:

- My garage shares its wall with the side wall of the old bake house. I would want full protection including special protection during any construction works for my garage and contents.
- Highlights the requirements of the Party Wall Act 1996
- Requests that a proper waterproof joint (flashing or similar) is incorporated, rainwater guttering and that any new roof finish does not overhang my property.
- General comments on the Quality of the plans and highlights their unsuitability for building regulations.
- Unclear if the "downstairs" floor is existing or a new floor

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site lies in the mid-range viability area for CIL attracting a fee of £25/sqm subject to indexation.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity, the visual appearance of the development on the character of the area and highway considerations.

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The building is of a significant age (estimated to be circa 1930s) and is known as the "Former Bakery." However, the most recent planning permission for the site was in 1971 and that permission approved a hobby use of the building as a light engineering workshop associated with the residential property known as no. 29 Brynavon Terrace. The information submitted by the applicant within this application indicates that there is now no link to no. 29 Brynavon Terrace with the building subject to this application in separate ownership. The proposed change of use subject to this application seeks permission to convert the building into a one-bedroom residential property.

The principle of a change of use to residential use is considered an appropriate form of development, the application site is located within the defined settlement boundary and as such the proposed use accords with adopted Local Development Plan Policy CW15 (General Locational Constraints). The proposed works would have an acceptable visual impact on the building and the character of the area according with Policy SP6 (Placemaking). It is also noted that the proposed conversion would make a small contribution to addressing the acknowledged housing land supply deficit within the county.

The impact on neighbour amenity has been considered. The adjacent property to the east (29 Brynavon Terrace) has its rear garden and rear facade facing towards the application site. In respect of the proposed layout for the conversion this shows a ground floor bathroom window and first floor lounge window with their outlook towards the rear amenity area and rear facade of number 29 Brynavon Terrace. It is considered appropriate to require these windows to be obscurely glazed in the interests of the amenity of the occupants of number 29 Brynavon Terrace. Members are advised that the first floor lounge area would also be served by separate clear glazing on the south facing elevation adjacent to Bryn Terrace.

The nearest residential property to the west (1 Bryn Terrace) is separated from the application site by a lane and number 1 Bryn Terrace is located at a higher level than the site and has a blank gable end elevation. The proposed conversion will have no unacceptable impact on existing amenity and privacy of the occupiers of 1 Bryn Terrace.

The impact on the neighbouring property to the north (30 Brynavon Terrace) is acceptable. Number 30 Brynavon Terrace has their garage abutting the application building but no fenestration is proposed on this elevation and as previously advised the fenestration in the east facing end elevation would be required to be obscurely glazed.

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There is sufficient separation distance from windows on the front elevation of the application building to properties to the south which are located across Bryn Terrace. Number 28 Brynavon Terrace has its garage across from the site and has a significant sized rear amenity area (circa 15m long) with the rear elevation of the main dwelling angled at approximately 90 degrees to the application building. Number 17 Bryn Terrace is located across Bryn Terrace from the application building angled in terms of its front windows to the application building, separated from these windows by approximately 19m and number 17 Bryn Terrace is set at a slightly higher level. It is considered noting that the impact in terms of overlooking will be acceptable given there is more direct overlooking of number 17 Bryn Terrace's front elevation from the existing properties such as 1 and 2 Bryn Terrace on the opposite side of the road. The proposed development would have an acceptable impact on the existing levels of amenity enjoyed by all surrounding residential dwellings according with Policy CW2 (Amenity).

The proposed development does not contain any off-street parking and it is noted that there is insufficient land within the application site to provide such parking. It does not therefore accord with provisions within adopted Supplementary Planning Guidance note LDP5 (Car Parking Standards) which advises that 1 car parking space per bedroom should be provided. The same guidance also states however that the local authority reserves the right to treat all planning applications on their merits according to the size, nature, location, density, employment and traffic generation characteristics of the proposed development and its impact on the local and regional highway network. The Highway Authority have considered the proposed development and have raised no objection as they advise that there is adequate on street parking opportunities within the vicinity of the site. In respect of on-street parking it is noted that this is unrestricted on either side of Bryn Terrace to the east of the application site where there is approximately 20-30 metres on either side of the road adjacent to the side boundaries of numbers 28 and 29 Bryn Terrace. There is also additional parts of Bryn Terrace to the west where on-street parking opportunities exist noting existing terrace dwellings are present. The limited scale of the development is such that there will be no material impact on traffic generation or the wider highway network. It is therefore considered that the development would accord with Policy CW3 (Highways).

Comments from Consultees:

Gelligaer Community Council have raised an objection to the application on the grounds of the lack of provision of any off-street car parking. The Highway Authority have considered the application and have raised no objections based on the site circumstance and they advise there is spare parking capacity on-street to serve the proposed development.

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The Council's Ecologist asks for a condition to secure bat and bird breeding provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

Comments from public:

- My garage shares its wall with the side wall of the old bake house. I would want full protection including special protection during any construction works for my garage and contents.
- Highlights the requirements of the Party Wall Act 1996
- Requests that a proper waterproof joint (flashing or similar) is incorporated, rainwater guttering and that any new roof finish does not overhang my property.

These are private matters between the applicant and the owner of the adjacent garage. The Party Wall Act is a separate piece of legislation which is not a material consideration for the determination of this planning application.

- General comments on the Quality of the plans and highlights their unsuitability for building regulations.

The plans are sufficient for the current application and the building regulations process is a separate regulatory regime.

- Unclear if the "downstairs" floor is existing or a new floor

The works do not include the creation of a new floor and relate to the existing ground and first floor areas within the building.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The proposed development would bring an existing underutilised building back into use providing a residential property and having an acceptable impact on surrounding residential properties and on the character of the area. It is recommended for approval accordingly.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Ground Floor (downstairs) plan, received 19.07.19;
 - Proposed First Floor (upstairs) plan, received 19.07.19;
 - Proposed Front Elevation and right end elevation plan, received 19.07.19
 - Proposed Left end Elevation plan, received 19.07.19;REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the ground floor bathroom and first floor lounge windows facing south-east shall be glazed with obscure glass. Any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the dwelling consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

