

**PLANNING SUPPORTING STATEMENT FOR A FULL PLANNING
APPLICATION TO REGULARISE THE CHANGE OF USE OF A
FORMER GROUND FLOOR RETAIL AREA (WITHIN USE CLASS A1)
TO RESIDENTIAL (WITHIN USE CLASS C3) USE TO RESULT IN A
SINGLE DWELLING HOUSE.**

28, WERN ROAD, YSTALYFERA.

On behalf of Applicant Mr Terry Casey



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Prepared by:

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1.0 INTRODUCTION.

1.1 This statement has been prepared to support the submission of a Full planning application to Neath Port Talbot County Borough Council. The application is a revised submission following the refusal of earlier application P2020/1086, is made within 12 months of that earlier application refusal and as such, is exempt from a Planning Application Fee under the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations.

1.2 The application is retrospective and seeks Full planning permission to regularise the Change of Use of the ground floor former (A1) Retail floor space to Residential (C3), utilised as part of the existing first floor residential use so that the whole property is returned to that of a single dwelling house. This statement considers both the physical and policy context for the development that has taken place. The statement gives consideration to the material planning considerations in terms of the planning history of the premises, the issue of amenity in terms of the character of the area and to the potential impacts upon neighbours' amenity.

1.3 The statement has been prepared by Kevin H. Jones pgDip Town Planning, M.R.T.P.I., a Chartered Town Planner who is both qualified and experienced in Development Management and operates a private planning consultancy in line with the Royal Town Planning Institute code of conduct.

2.0 SITE DESCRIPTION AND EXISTING PHYSICAL CONTEXT.

- 2.1 The application site is on the North side of Wern Road within the village of Ystalyfera in the upper Swansea valley. The road climbs up the valley side in a North East to South Westerly direction flowing from Commercial Road in the North East. The area is of an historic linear settlement pattern of mixed residential and commercial retailing uses in fairly high-density terraced property to both sides of the road. Typically, properties open directly out onto the back edge of the footway, or are set behind short front gardens or paved forecourt areas.
- 2.2 Wern Road, together with Commercial Road and Gurnos Road represent the linear central road to the settlement and at times past, the thriving commercial streets of the village. A number of the properties lining both sides of the street have in the past been subject to substantial alterations to form ground floor retailing or commercial space with residential or storage space above. However, demand for such small scale commercial space has declined over a number of years and many such properties are now vacant or have fallen back to full residential use. This is especially so since the construction and opening of the nearby Tesco store in Ystradgynlais and Asda in Gurnos, both stores are within a mile of the application site and having a marked effect upon the viability of any existing traditional commercial retailing establishments in Wern Road and Commercial Road. This is recognised by the Neath Port Talbot Local Development Plan designation of the district centre of Ystalyfera in very much reduced form, covering a relatively small area of Commercial Road, well to the North East of the application site.
- 2.3 28, Wern Road is a typical two storey traditional building of rendered walls below a tiled roof. The premises were previously subject to a mixed use of retailing with residential space above. The upper floor elevation treatment of 3 traditional sash type window proportions (though the actual windows are now modern UPVC double glazed units) are indicative of an original double fronted residential dwelling house. However, the ground floor has been subject to the fitting of 2 large retail display type windows flanking one to each side of a central double width entrance door. The ground floor retailing area provided a relatively large (for the street) retailing space of 1112sqft, used as a convenience store known as Siop-Y-Pentref. The applicant and his wife used to run the shop and live above, occupying the 1st floor and roof-space of the premises. The shop ceased trading in June 2013 and following the clearance of all old retail stock within a year of closure, has been used by the applicant since as a domestic office, workshop and domestic storage in connection with his continued residential occupation of the above dwelling.
- 2.4 The property sits back off the footway behind a 3.9m deep paved forecourt area which, in conjunction with a dropped kerb along the frontage, used to provide for parking or deliveries space when the shop was in use. However, this area required active management by the applicant during the past retail use by way of drop down folding bollards to prevent parking abuse by non-customers and ensure deliveries could be made. Following closure of the retail store, the drop-down bollards were removed and the area was fenced off with decorative metal railings and gates in order to prevent parking use by those other than the applicant and his visitors and to prevent the considerable night time

disturbance in association with the Red Cow public house opposite, whose customers would park unauthorised on the forecourt. The erection of these decorative railings and gates as a boundary treatment of less than 1m height are considered to fall within Permitted Development rights set out within Part 2 (Minor Operations), Class A of the Town and Country Planning (General Permitted Development) Order.

- 2.5 28, Wern Road is built almost into the hill side with the effect that the rear of the ground floor retailing premises opens up onto a small external passage, retaining wall and a steep external stone staircase leading to the first floor level rear amenity courtyard for the 1st floor residential space. There is no internal linking staircase between ground floor retail area and first floor residential area. Whilst there is a narrow side passage leading from the front of the premises to the rear area, this passage is in the ownership and control of the neighbouring property and is used by the applicant only with the consent of his neighbour. The applicant has never enjoyed a legal right of access down this passage and so all access from Wern Road to the first floor residential element of the building has always taken place through the ground floor former retail space.

3.0 THE APPLICATION DEVELOPMENT

- 3.1 Unlike previous application P2020/1086, this current revised application seeks consent only to regularise the Change of Use to that of a single residential dwelling unit within Use Class C3. No additional external alterations are proposed.
- 3.2 As indicated above, the retail use ceased in June 2013 and since then, the applicant and his wife have continued to reside at the premises, occupying the whole of the premises as residential accommodation and investing significantly in the property to improve the quality of the accommodation and make it their home. Without prejudice to the fact that the applicant will be able to prove sufficient and uninterrupted use over time of the retailing space as residential with respect to Section 191 (and Section 171B) of the Town and Country Planning Act, he has decided at this time, not to pursue a Certificate of Lawfulness application and instead wishes to utilise his planning application fee exemption by way of a planning application to formally regularise the use situation.
- 3.3 Within our previous planning application P2020/1086, we explained the pressing need for alterations to take place in order to improve access at the property for health reasons for the applicant's wife. Whilst the previously proposed external alterations proved contentious and were refused planning consent, some degree of access improvement has still been achieved by way of internal alterations and the fitting of an access lift. Such works are virtually complete. These internal alterations and the fitting of the lift on their own are not considered development requiring planning permission. Nonetheless, the applicant substitutes the traditional 'existing' and 'proposed' floor plans for drawings titled 'Prior to Alterations' detailing the large former open ground floor area and 'As Built/Proposed' plan to accurately reflect the internal works which have taken place. As you can see by the plan annotation in terms of the intended use of space within the ground floor, little changes in the way in which the applicant will continue to use the ground floor space and the subdivision into separate rooms creates more manageable, improved layout. The central internal corridor created from the front door is wide enough for full disabled access and leads to the newly installed lift with Building Regulations approval,

giving access to the first floor without the need to negotiate the difficult and sometimes slippery external stone staircase.

4.0 PLANNING POLICY CONTEXT & PLANNING HISTORY

- 4.1 The national planning policy context comprises Planning Policy Wales (PPW) edition 11 (February 2021) and the relevant Welsh Government planning Technical Advice Notes (TAN). The Well Being of Future Generations Act (Wales) 2015 also places duties upon all Local Planning Authorities (LPA's) to meet 'wellbeing' objectives by approving Sustainable Development proposals.
- 4.2 Planning Application and Appeal decisions must be made in accordance with the adopted Development Plan and other material planning considerations. The adopted Statutory Development Plan for the area within which the application site is positioned is the Neath Port Talbot Local Development Plan, adopted January 2016 (LDP). Within this LDP, the application site is shown to be within defined settlement boundaries as set in Policy SC1. The application site is not within the setting of any Listed Building or Scheduled Ancient Monument and is not within a designated Conservation Area. The site is outside of the designated Local Retail Centre as designated in Policy R1 and R2, where controls are placed upon changes of use away from retailing or commercial activity.
- 4.3 The Officer's report into the previous planning application P2020/1086 and the resulting refusal notice from the LPA clearly focused upon the application proposed alterations to the frontage of the building, alleging harm to the appearance of the building and wider character of the street scene and adverse impact on highway and pedestrian safety. However, this current application proposes no external alterations. The report into previous application P2020/1086 contained some assessment of the proposed regularisation of the use of the ground floor of the premises as residential. The report assessed the principle of the development and stated that; *'The property is located within the residential settlement boundary identified under Policy SC1 and therefore residential use is acceptable in principle subject to there being no adverse impacts or conflict with other policies of the LDP'*. The report went on to state that as the site *'does not lie within any identified retail centre and therefore there are no policies which would explicitly protect the premises from conversion from retail'*.
- 4.4 The LPA Officer's report into the previous application also found that the proposals (which included the regularisation of the change of use) resulted in no harm to neighbouring residential amenity and of the minor changes (undefined within the report) which have already taken place, the report found that *'The existing property has been previously altered to reflect its (unauthorised) use as a residential unit. However, this has been undertaken in a wholly sensitive manner, and one which is considered to reflect both the property itself and the wider character of the area'*. The report goes on to describe the enclosure of the frontage with metal railings and gates treatment as *'complementary'*.
- 4.5 The LPA Decision in previous planning application P2020/1086 was the subject of a challenge by way of Planning Appeal APP/Y6930/A/21/3271815. Paragraph 6 of that appeal decision from the Inspector stated *'The Council does not object to the change of use of retail space to residential use and from the evidence before me I see no reason to*

disagree'. The applicant therefore notes that whilst the appeal was unsuccessful, the change of use element of that proposal was unchallenged by the LPA and the Inspector considered there to be no harm either, instead focusing upon the proposed physical alterations being proposed.

5.0 CONCLUSIONS

5.1 This application seeks only to regularise the residential use of the premises as a single dwelling. The ground floor former retailing area became subsumed into residential use following the closure of Siop Y Pentref as a convenience store. Since 2014, the applicant has been utilising the space on a daily basis for general domestic activities such as domestic storage, domestic office and hobby workshop, as part and parcel of just a single dwelling.

5.2 This use as a single dwelling has been ongoing during this time without harm to neighbouring amenity and the minor external alterations which have taken place such as the removal of shop signage, new front door, external repairs and redecorations and the boundary treatment enclosure of the forecourt have been acknowledged to be done in a 'sensitive' manner of benefit to the appearance of the property and the character of the wider area. Internal alterations which have been undertaken recently such as the creation of a lift to improve access and the erection of partition walling are not considered to be development requiring planning permission within the meaning of the Planning Act.

5.3 The application is in compliance with adopted Planning Policy and during the consideration of both the previous application and appeal, the use as residential was considered acceptable by both the LPA and the Planning Inspectorate. We therefore ask that planning permission be granted.