

OFFICER REPORT

Application Number: P2022/0752

Site Address: 10 Pendrill Street Neath Neath Port Talbot SA11 1BP

Proposal: Proposed change of use to existing garage to create 1no. self-contained residential unit and external alterations

Applicant: Mr David Phillips

Agent: N/A

Ward: Neath East

Application Type: Full Plans

Valid Date: 9th November 2022

Statutory Expiry Date: 3rd January 2023

Ext. of Time / PPA date:

Publicity Expiry Date: 14th December 2022

RECOMMENDATION - Refused

SITE AND CONTEXT

The application site comprises an end of terrace property located in a predominantly residential area of Neath where parking exists predominantly on-street. The application (red-edged) site boundary is an attached garage to the side of the existing property, with the remainder of the property outlined in blue indicating the same ownership/control of the land.

The site was subject of an enforcement investigation in January 2022 wherein it was found that the existing property known as 10 Pendrill Street had already been subdivided into multiple flats, without the benefit of planning permission, with council tax records confirming that this had been the case for more than 4 years prior. Council tax

records show that the existing two-storey house (edged in blue) has been sub-divided into 2 flats (known as 10 and 10A) since 16.05.2007 with a single storey rear extension brought onto the Council Tax register as 10B on 21.07.2014. Council tax records confirm all 3 properties are within the same ownership, being the applicant for the current planning application.

The submitted plans detail the floor plan arrangements for the land edged in blue as well as the land edged in red, and on the submitted plans the area to the rear (known as 10B on the Council Tax records) is shown as being part of the existing property No.10 Pendrill Street. However, based on the property's history (as detailed below) as well as the on-site enforcement investigation finding the area to the rear has 10B on its door, it is assumed that the current application is essentially to create a fourth self-contained flat on the site.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought to change the use of the existing attached garage to form a self-contained flat, including replacing the existing roller shutter garage door on the front elevation with a new wall plate, pedestrian access door and new window as well as blocking up an existing doorway in the side wall.

NEGOTIATIONS

None.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2013/0164 Two-storey side extension plus replacement flat roof to single-storey rear wing. Approved 01.08.2013

Looking at the submitted plans and the existing site context, it appears that the development that currently exists on site is not in accordance with the plans that were approved in 2013, as the side extension is only 1½ storeys in height, rather than the full 2 storeys that was approved (being a garage on the ground floor and living accommodation at first floor). Furthermore, the replacement of the flat roof on the rear wing that was approved in 2013 would appear to correlate with this element then coming onto Council Tax records as a third flat (known as 10B).

CONSULTATIONS

Ward Members: No comments received.

Neath Town Council: No reply received.

Highways: Objection (loss of existing garage space and no new on-site parking provided)

EHO (Housing): Unable to support the application in its current form (insufficient headroom internally)

Natural Resources Wales: No objection.

REPRESENTATIONS

The neighbouring properties were consulted on 17 November 2022.

A site notice was also displayed on 17 November 2022.

In response, to date no representations have been received.

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:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 8 – Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and

improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

The following guidance is of particular relevance in the assessment of this planning application:

“2.23 Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being. Building Better Places starts to identify action to achieve this and upon which we must build; future reviews of Planning Policy Wales will enable us to further integrate this work. Everyone has a part to play to ensure that the communities of tomorrow benefit from the foresight of today.”

“4.2.23 Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.”

PPW11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design (March 2016)
- Technical Advice Note 15: Development and Flood Risk
- Technical Advice Note 18: Transport (March 2007)

Local Planning Policies

The Local 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 SP3** Sustainable Communities
- **Policy SP4** Infrastructure
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policy

- **Policy SC1** Settlement limits
- **Policy EN6** Important biodiversity and geodiversity sites.
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New development
- **Policy BE1** Design
- **Policy I1** Infrastructure Requirements

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

The proposed development is not located within a zone of influence for any Special Area of Conservation (SAC), Candidate Special Area of Conservation (CSAC) or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 is not required.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of the development, together with the impact on the visual amenity of the area, the residential amenity of neighbouring and future occupiers, highway safety/parking, flood risk and ecology considerations.

Principle of Development

The application site is located within settlement limits and accordingly LDP Policy SC1 states that sustainable new residential development is acceptable in principle subject to other local plan policy requirements.

Impact on Visual Amenity

The replacement of the existing roller shutter garage door and insertion of a new wall plate, pedestrian access door and window will, subject to matching materials, be acceptable in terms of its appearance within the street scene. Accordingly the development is considered to accord with LDP Policy BE1 in terms of its external appearance and impact on visual amenity.

Impact on Residential Amenity

The existing garage is capable of being converted without adversely affecting the light and outlook to the neighbouring residential occupiers. Furthermore, the lack of any existing or proposed rear facing windows means that there will be no loss of privacy to the existing flat (10B) which would otherwise be directly overlooked.

The proposed creation of a first floor with sub-standard headroom means that the quality of the accommodation falls below building control standards and those that apply to homes using the 'Building Better Places' and 'Beautiful Homes and Spaces' that are emerging as national planning policy requirements. Notwithstanding this, however, the amenity concerns could be overcome from a land-use planning perspective by imposing a suitably worded condition to restrict the habitable use of the development to only the ground floor of the garage (i.e. no first floor or mezzanine living space to be created). Accordingly it is not considered that, until such time as the internal living accommodation standards are adopted as national planning policy, a reason for refusal on this issue alone could be sustained, whilst acknowledging that it would be incumbent on other legislation (particularly building regulations) to ensure that satisfactory living standards are met for future occupiers.

Parking and Access Requirements and Impact on Highway Safety

The proposed development results in the loss of an existing on-site garage parking space and further intensifies the residential occupation of the site without providing any new or replacement off-road parking provision. The Council's adopted Parking Standards SPG requires provision of 1 parking space per flat and the existing site/development (comprising 3 separate flats according to Council Tax records) is already deficient in this regard. Whilst the national planning policy requirement to reduce reliance on the private car is noted, it is not considered that the site is so sustainably located as to expect current or future occupiers not to own or have access to a car. Given that existing on-street parking in the area is already oversubscribed it is considered that the proposed development, by creating a fourth flat on the site, will exacerbate an already unacceptable parking situation, to the detriment of highway safety and the residential amenity of existing and future occupiers of the site and neighbouring properties.

Flood Risk

The application site is located in an area at risk from flooding (Zone C2 of the Development Advice Maps and Flood Zones 2 & 3 in the newer Flood Maps for Planning). Having regard to the precautionary requirements of TAN 15 and enshrined within Future Wales Policy 8, concern is expressed about the intensification of a vulnerable use on a site that is at risk of flooding, however given the site is already in use for residential purposes, NRW raise no objection subject to flood

resistance/resilience measures in the design and construction of the proposed development.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales (PPW) 11 sets out that *'planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity'*.

In line with the Council's duties under the Environment (Wales) Act 2016 and the requirements of Future Wales Policy 9, there is therefore a requirement to secure enhancements for biodiversity on all new developments. This has not been provided but could be secured by condition had the proposal been considered acceptable in all other respects.

Section 106 Planning Obligations

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, no planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

CONCLUSION

The decision to refuse 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 Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an unacceptable intensification of residential use at the site and is a form of development that would have an unacceptable impact on the availability and demand for on-street parking, to the detriment of highway safety and the residential amenity of neighbouring and future occupiers of the site. Accordingly, the proposed development is considered contrary to Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and 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

Refused

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

- 1 It is considered that the proposal represents an unacceptable intensification of residential use at the site and is a form of development that would have an unacceptable impact on the availability and demand for on-street parking, to the detriment of highway safety and the residential amenity of neighbouring and future occupiers of the site. Accordingly, the proposed development is considered contrary to Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

Case Officer	Claire Hall
Telephone No.	01639 686727

Date of Recommendation	17th January 2023
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