

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

30 APRIL 2014

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

DEPARTURE PLANNING APPLICATION REFERENCE – P/14/98/FUL

1. Purpose of Report.

1.1 On 3 April 2014 the Development Control Committee considered planning application P/14/98/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions.

2. Connection to Corporate Improvement Plan/Other Corporate Priority.

2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* is the most pertinent.

3. Background.

3.1 Planning application P/14/98/FUL has been submitted to the Local Planning Authority to demolish an existing detached two-storey dwelling in the countryside and construct a replacement dwelling. The proposal would also involve the inclusion of land in the residential curtilage, primarily to accommodate a single-bay domestic garage. (See location plan attached to the report.) The Development Control Committee has resolved not to refuse this application.

4. Current situation/proposal.

4.1 The application seeks consent to demolish an existing detached two-storey dwelling in the countryside and construct a replacement dwelling. The proposal would also involve the inclusion of land in the residential curtilage, primarily to accommodate a single-bay domestic garage. The site is located approximately 500m from Llangynwyd village.

4.2 RELEVANT HISTORY

80/1543	EXTENSION	
	CONDITIONAL CONSENT:	02-JAN-81

P/05/235/FUL	ALTERATIONS AND EXTENSIONS AND DETACHED	
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DOUBLE GARAGE & INCLUSION OF LAND INTO
CURTILAGE
CONDITIONAL CONSENT: 06-07-2005

P/13/283/FUL PROPOSED NEW BUILD RESIDENTIAL HOUSE
REFUSED 10-10-2013

4.3 PUBLICITY

The application has been advertised on site and in the press.
Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 2 April 2014.

4.4 NEGOTIATIONS

Following the refusal of application P/13/283/FUL, extensive pre-application advice was given (PE/01094/2013 refers) and particular emphasis was given on reducing the size of the replacement dwelling and improving its design and appearance so that it would be compatible with the character and appearance of its rural surroundings and the historic landscape.

4.5 CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 14th February 2014

Cllr Malcolm James

Supports the proposal.

Destination & Countryside Management

No objections to the proposal subject to a condition, advisory notes and consultation with Natural Resources Wales.

Glamorgan Gwent Archaeological Trust

No objections to the proposal subject to a condition.

Welsh Water Developer Services

No objections to the proposal.

Head of Street Scene (Drainage)

No objections to the proposal subject to a condition and advisory notes.

Natural Resources Wales

No objections to the proposal subject to a condition and advisory notes

Group Manager Public Protection

No observations to make on the proposal.

4.6 REPRESENTATIONS RECEIVED

None.

4.7 COMMENTS ON REPRESENTATIONS RECEIVED

None.

4.8 APPRAISAL

The application is reported to Committee as part of the proposal is deemed to be out of accord with the adopted Local Development Plan (BLDP).

The BLDP was adopted in September 2013 and has now become the primary consideration for determining all planning applications. The policies which are relevant to this application are:

ENV1 (Development in the Countryside)

ENV3 (Special Landscape Areas)

ENV6 (Nature Conservation)

SP2 (Design and Sustainable Place Making)

SP5[5] (Conservation of the Built and Historic Environment - Historic Landscapes)

A previous application (P/13/283/FUL refers) for a replacement dwelling was recently refused on the following grounds:

1. The site lies in a rural area that has significant landscape value and the proposal, by virtue of its size, scale, bulk, massing, design, appearance and prominence, would be detrimental to the character and appearance of the countryside, the Historic Landscape and the Special Landscape Area, contrary to Policies EV1, EV7, EV8, EV10, EV42 and EV45 of the Bridgend Unitary Development Plan and Policies ENV1, ENV3, SP2 and SP5(5) of the adopted Bridgend Local Development Plan.
2. The site lies in a rural area that has significant landscape value and the proposal, which constitutes an undesirable sporadic extension of the residential curtilage would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area to the detriment of visual amenities, contrary to Policies EV1, EV7, EV8, EV10, EV13, EV42 and EV45 of the Bridgend Unitary Development Plan and Policies ENV1, ENV3, SP2 and SP5(5) of the adopted Bridgend Local Development Plan.
3. Insufficient details have been submitted to enable the implications of the proposal on a protected species and the suitability of any mitigation strategy to be properly evaluated by the Local Planning Authority, contrary to Policy EV20 of the Bridgend Unitary Development Plan and Policy ENV6 of the Bridgend Local Development Plan.

The applicant's agent subsequently sought pre-application advice (PE/01094/2013 refers) and particular emphasis was given on reducing the size of the replacement dwelling and improving its design and appearance so that it would be compatible with the character and appearance of its rural surroundings and the historic landscape.

Policy ENV1 of the BLDP states inter alia: "Development in the countryside of the County Borough will be strictly controlled. Development may be acceptable where it is necessary for:

.....

7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;

8) The direct replacement of an existing dwelling."

The application was initially accompanied by a Structural Report conducted by SPR Hooper. The methodology of this survey was deemed to be too limited. For example, paragraphs 1.5 and 4.14 of the report explain some of the limitations. In terms of its findings, the general conclusion is that there are no significant structural issues (mainly damp/water ingress issues) within the building which cannot be overcome through refurbishment rather than whole-scale demolition.

In the context of Policy EV8 of the Bridgend Unitary Development Plan (BUDP), the survey was insufficient to support the applicant's case that the building warrants demolition and on 7 May 2013 the Case Officer requested that a more thorough structural survey needed to be submitted.

Although such a survey was never submitted, the applicant's agent submitted a supporting statement which included a schedule of comparative costs (per square metre) for (1) a new-build house, (2) a 'basic' refurbishment of the existing house based on RICS data, and (3) refurbishment cost based on a specification to match the thermal efficiency of new-build dwelling.

The costs indicate that a new-build would cost marginally less than a 'basic' refurbishment of the existing dwelling. However, it would cost approximately £200 per square metre more to undertake a refurbishment of the existing building that would match the thermal efficiency of a new dwelling. The Team Leader Building Control has reviewed the figures and considers them to be relatively accurate and appropriate to a typical modern dwelling. Given the thrust of National Policy (in particular Planning Policy Wales, Technical Advice Notes 12 and 22) with regards to the positive benefits of energy efficiency and conservation, it is considered reasonable that a refurbished dwelling should be considered against a higher thermal rating. On this basis and given the relative poor physical condition of the existing dwelling (albeit little justification for whole-scale demolition), there is a reasonable case to be made, in principle, for a replacement dwelling.

Despite the relative poor physical condition of the existing dwelling and that it has been vacant for a number of years, there is no strong evidence to suggest that the dwelling has been abandoned, especially when planning history indicates that there was an intention in 2005 to extend the property (P/05/235/FUL refers). On this basis, the proposal is considered to satisfy Policy ENV1 of the BLDP. This is consistent with the Council's position in considering the previously refused application P/13/283/FUL.

The existing dwelling appears to have been constructed in the 1950s. The south-western (side elevation) was extended in the 1980s to form a 4-bedroomed property (80/1543 refers). The property has a rather urbanised design, mainly due to its form, scale and architectural features. However, it has an unobtrusive appearance, generally due to its low-key and dark external finishes consisting of cement render walls and slate roof. It is separated from the public road by a private drive.

The dwelling is generally above the level of the public road and is particularly prominent at the bend adjacent to a neighbouring dwelling, Nant y Castell. There are two bridleways and one public footway, at this location, which heightens the public visibility of the dwelling, especially since it appeared during the site visit that the deciduous hedgerow had recently been laid and had yet to leaf.

The dwelling is less publicly visible further south-west along the public road. This is mainly due to the topography of the road compared to adjacent land (earthed embankments) directly in-front of the dwelling, supplemented by a mature hedgerow on top.

The dwelling becomes visible again when the incline in the road reduces in the vicinity of the entrance to Castell Farm and a gap in the hedgerow to allow access to a field that neighbours the application site.

It is considered that the existing dwelling has no significant archaeological, architectural or historic merit as to warrant retention. It is, however acknowledged that although the existing dwelling does not express the vernacular associated with a Welsh countryside home it does not significantly harm the character and appearance of the countryside, the special landscape area or the historic landscape. This is consistent with the Council's position in considering the previously refused application P/13/283/FUL.

With regards to the proposed replacement dwelling, Policy ENV1 of the LDP refers to a 'direct' replacement dwelling.

The proposed dwelling shares similar characteristics to the original dwelling, especially with regards to its form, scale, massing and siting. With regards to its overall design, appearance and finishes, the scheme follows good design principles and the pre-application advice given.

Approximate calculations indicate that the existing property has a floorspace of 177sq m. The proposed dwelling (excluding the garage and porch) is

approximately 240sq m. The replacement dwelling is approximately 35% larger. Whilst the size of the dwelling remains larger than the existing dwelling, it is not considered to be excessive so as to be harmful to the character and appearance of its rural surroundings and the historic landscape. This is predominantly due to addition of the two-storey rear wing, 'stepping down' to a single-storey lean-to being discreetly located away from prominent public views and reflects a typical form of development that is compatible with its surroundings. The further addition of a single-storey and single bay garage would ensure that the replacement dwelling has a defined parking area.

To ensure that the impact of the development is minimised as much as possible, it is considered necessary to impose conditions for all external finishes of the replacement dwelling, boundary treatments and landscaping works to be agreed. Additionally, to ensure that any further development could be controlled in the interests of visual amenities, a further condition would be necessary removing certain permitted development rights. Subject to the above, the scheme is deemed to satisfy Policies ENV1, ENV3, SP2 and SP5(5) of the BLDP and the principles of Planning Policy Wales, Technical Advice Note 12: Design, Design Guide I and Supplementary Planning Guidance 2: Householder Development.

The previous application involved a significant extension to the residential curtilage of the dwellinghouse. This matter was extensively covered within the Case Officer's report under application P/13/283/FUL, and it was concluded: "The previous application P/05/235/FUL sought consent for the inclusion of land into the curtilage of the existing dwellinghouse. Whilst at the time, the identified land, which was to the south-west of the dwelling, was considered to be acceptable, this consent was never implemented. As such, the Council is entitled to review the situation in the context of this current application."

"It is acknowledged that the property has been vacant for several years and the grounds have not been maintained, however, the additional land appears to be scrub land which is more characteristic of the countryside than residential. On examination of aerial imagery of the site over the years, there is no obvious sign that this land was ever used for residential purposes."

"Additionally, the Case Officer noted during the site visit associated with this current application that there are remains of a fence line and vegetation along the outer brick pillar denoting the gated entrance to the property, extending northwards to a mature tree located at the northwestern corner of the rear garden. This fence line correlates with a gate which would typically allow off-street parking to be located immediately alongside the side elevation of the existing property. Having regard to the above, it is considered that the proposal would result in an inappropriate extension of the residential curtilage, especially since the proposed replacement dwelling would sprawl onto this land, thereby increasing the building envelope and further adverse encroachment into the countryside and visually harming areas of considerable landscape importance."

The extension of the curtilage was raised at pre-application stage following the refusal of the original application (PE/01094/2013 refers). It was explained to the applicant's agent that the Council may accept a marginal enlargement to the residential curtilage provided it did not unreasonably harm the overall countryside character of the area.

In this respect, the Case Officer explained that 'squaring off' the northern boundary at the point where it intersects with the mature tree would provide a logical boundary. This would involve the inclusion of a 2m x 15m strip of land, however it is discreetly located to the rear of the property and would not result in any significant harm to the character of the countryside.

Part of the western boundary of the site has also been enlarged. This would involve the inclusion of an 11.7m x 3.3m strip of land. It is considered that some flexibility could be given in this instance since the additional land would be primarily for the provision of parking, utilities and limited amount of storage space. The design and scale of the garage is considered to be sympathetic to the host dwelling and its surroundings, whilst it would not result in unreasonable harm to the character of the countryside. Having regard to the above, it is acknowledged that the proposal is not strictly in accordance with the Local Development Plan, however, it is considered that the proposal in this particular instance, does not significantly undermine the fundamental principles of countryside protection policies, namely Policies ENV1, ENV3, SP2 and SP5(5) of the BLDP and the principles of Planning Policy Wales and Technical Advice Note 12: Design. Additionally, this proposal brings certainty to both the Council and the applicant as to the extent of the residential curtilage of the property.

In view of the isolated nature of the application site, with the nearest neighbouring property, Nant y Castell, located approximately 60m away, the replacement dwelling would not have any significant adverse effect on the residential amenities of neighbouring properties or on the future occupiers of the dwelling.

The Group Manager Transportation and Engineering (Highways) has no objections subject to a conditions. As such, the proposal would not have such an adverse effect on highway/pedestrian safety so as to be deemed unacceptable.

The proposed development is approximately 150m from Llangynwyd Castle, which is a scheduled ancient monument. However, it is set back from the opposite side of the road and at a higher elevation and so the proposal is not considered to have a negative impact on either the monument or its setting. Consequently, the Conservation Team of the Council has no objections to the proposal.

In view of the relative proximity of the site to Llangynwyd Castle and that the proposal would involve substantial ground disturbing works, Glamorgan Gwent Archaeological Trust (GGAT) has no objections to the proposal subject

to a watching brief being undertaken. It is therefore considered that the proposal satisfies Policy SP5(3) of the BLDP.

Limited details have been provided in respect of existing and proposed drainage arrangements. The Land Drainage Section of the Council, therefore, has no objections to the proposal subject to a condition for a comprehensive drainage scheme to be submitted. Welsh Water has not provided any adverse comments with regards to the proposal.

With regards to the ecological matters, an ecological appraisal of the site was undertaken and submitted with the application. This was supplemented by a bat survey.

The bat survey report concludes that, in the absence of mitigation measures, the proposed development layout could potentially lead to low/medium impact at the site/local level. It is also stated that a derogation licence would be required from the Welsh Government.

A revised mitigation strategy has been prepared which includes a number of recommendations. One of the measures outlined in the mitigation strategy is to incorporate a suitable roosting habitat within the development site. This has been illustrated on the submitted plans.

The Council's Ecologist and Natural Resources Wales has have no objections to the proposal subject to conditions. These include the implementation of all the mitigation measures specified within the Ecology report and plans and a phased habitat management clearance strategy to be submitted and implemented prior to the commencement of any demolition/development. The applicant will also be advised that a protected species derogation license will be required. Subject to the above, it is considered that the proposal would not have any significant adverse effect on biodiversity and ecology and satisfies Policy ENV6 of the BLDP.

4.9 CONCLUSION

Whilst the application does not fully accord with Policy ENV1 of the adopted Bridgend Local Development Plan, it is considered that allowing the proposal would not undermine the fundamental principles of the Local Planning Authority's countryside protection policies and does not adversely affect ecology/biodiversity, drainage, highway/pedestrian safety, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

5. Effect upon Policy Framework & Procedure Rules.

Whilst the application does not fully accord with Policy ENV1 of the adopted Bridgend Local Development Plan, it is considered that allowing the proposal would not undermine the fundamental principles of the Local Planning Authority's countryside protection policies and does not adversely affect ecology/biodiversity, drainage, highway/pedestrian safety, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

6. Equality Impact Implications

- 6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications.

- 7.1 None.

8. Recommendation.

For Council to resolve to approve the proposal subject to the imposition of the following conditions on the consent:

1. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans (received 10 February 2014) and Ecological Mitigation Strategy (received 24 February 2014):

13040 PL 105 - Proposed Site Plan
13040 PL 106 - Detailed Site Plan
13040 PL 110 - Ground Floor Plan
13040 PL 111 - First Floor Plan
13040 PL 140 - Proposed Front/South Elevation
13040 PL 141 - Proposed Side/West Elevation
13040 PL 142 - Proposed Rear/North Elevation
13040 PL 143 - Proposed Side/East Elevation

Ecological Mitigation Strategy (dated 23 February 2014) and conducted by MPS Ecology

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and residential curtilage.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building (including garage) hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions,

design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the general amenities of the area are protected.

4. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a hard and soft landscaping scheme which shall include, proposals for surface treatment, indications of all existing and new trees and hedgerows, details of any existing trees to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is compatible to its rural surroundings and interests of visual amenity.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C and D of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenities.

6. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

7. Unless otherwise agreed in writing by the Local Planning Authority construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene 1 - Dwelling Emission Rate, has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.

8. Unless otherwise agreed in writing by the Local Planning Authority the dwelling hereby permitted shall not be occupied until a Code for Sustainable Homes 'Final Certificate' has been submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene 1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.

9. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

10. The proposed parking area as shown on the detailed site plan 13040 PL 106 (received 10 February 2014), shall be completed in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter for parking purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of temporary traffic management along the adjacent lanes in the vicinity of the site accesses during the demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The scheme, as agreed, shall be implemented before such works begin and retained for the duration of the demolition and construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. Whilst the application does not fully accord with Policy ENV1 of the adopted Bridgend Local Development Plan, it is considered that allowing the proposal would not undermine the fundamental principles of the Local Planning Authority's countryside protection policies and does not adversely affect ecology/biodiversity,

drainage, highway/pedestrian safety, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. The applicant/developer is advised that an application for a Flood Defence Consent from the Flood & Coastal Management Section of Bridgend County Borough Council is required.

c. No surface water is allowed to discharge to the public highway.

d. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

e. To address condition 6 (drainage), the applicant/developer is advised to submit the following details:

- i) Provide information in regard to the proposed septic tank arrangement;
- ii) Provide details for the proposed disposal of surface water drainage system
- iii) Any proposal to utilise an infiltration system, should include percolation tests to BRE-digest 365

f. The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the parking area. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the parking area should not be considered as a first option.

g. The applicant/developer is advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

h. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

i. The applicant/developer is advised that a protected species derogation license will be required from the Welsh Government prior to commencing any demolition/development.

MARK SHEPPARD
CORPORATE DIRECTOR COMMUNITIES

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Background documents

Planning Application file P/14/98/FUL

Bridgend Local Development Plan