

**REFERENCE:** P/16/328/FUL

**APPLICANT:** Mr Simon Caudle Arwerydd, Porthcawl Road, South Cornelly, CF33 4RW

**LOCATION:** Plot 1 rear of Arwerydd Porthcawl Road South Cornelly CF33 4RW

**PROPOSAL:** Proposed three bed house on already constructed slab with minor elevational changes

**RECEIVED:** 15 June 2016

**SITE INSPECTED:** 22 June 2016

### **APPLICATION/SITE DESCRIPTION**

The application site consists of a section of a large rear garden of the property known as 'Arwerydd' which is located on the eastern side of Porthcawl Road in the village of South Cornelly. The planning history confirms that a series of applications have been made on the land, with the principle of the site being developed for housing first being established in 1999. In the intervening period, permission has been refused for a detached dwelling and pair of semi-detached units on the plot but, in 2010, consents were issued for two plots to the rear of the host dwelling which included a conditional consent on this current application site for a detached 3 bed dwelling. Although the slab was laid, conditions were not formally discharged and permission P/09/625/FUL has now lapsed.

This application seeks consent to erect a detached dwelling on the site of the existing slab, having maximum dimensions of 8.5m x 10.7m with a pitched roof reaching a height of 7.7m measured from the slab level. Accommodation will comprise living room/dining room, kitchen, hall, utility room and integral garage on the ground floor with three bedrooms and two bathrooms above. The dwelling will be positioned so as to front the adjacent un-developed plot and the host dwelling beyond and side on to the rear gardens of properties on Clevis Court. The forecourt will be hard landscaped to provide parking and turning facilities with the land to the rear graded to form a rear garden. The vegetated limestone tiers of the Cornelly Quarry form the backdrop to the development and form part of a Site of Importance for Nature Conservation.

Access to the dwelling will be from Porthcawl Road via a private drive that will serve the adjacent plot, (plot 2 which is also the subject of a current application - (P/15/761/FUL refers)

### **RELEVANT HISTORY**

P/99/944/OUT - Detached three bedroom dwelling - CC - 21-12-1999

P/04/1089/FUL - Pair of semi-detached three storey dwellings - REFUSED - 5-10-2004

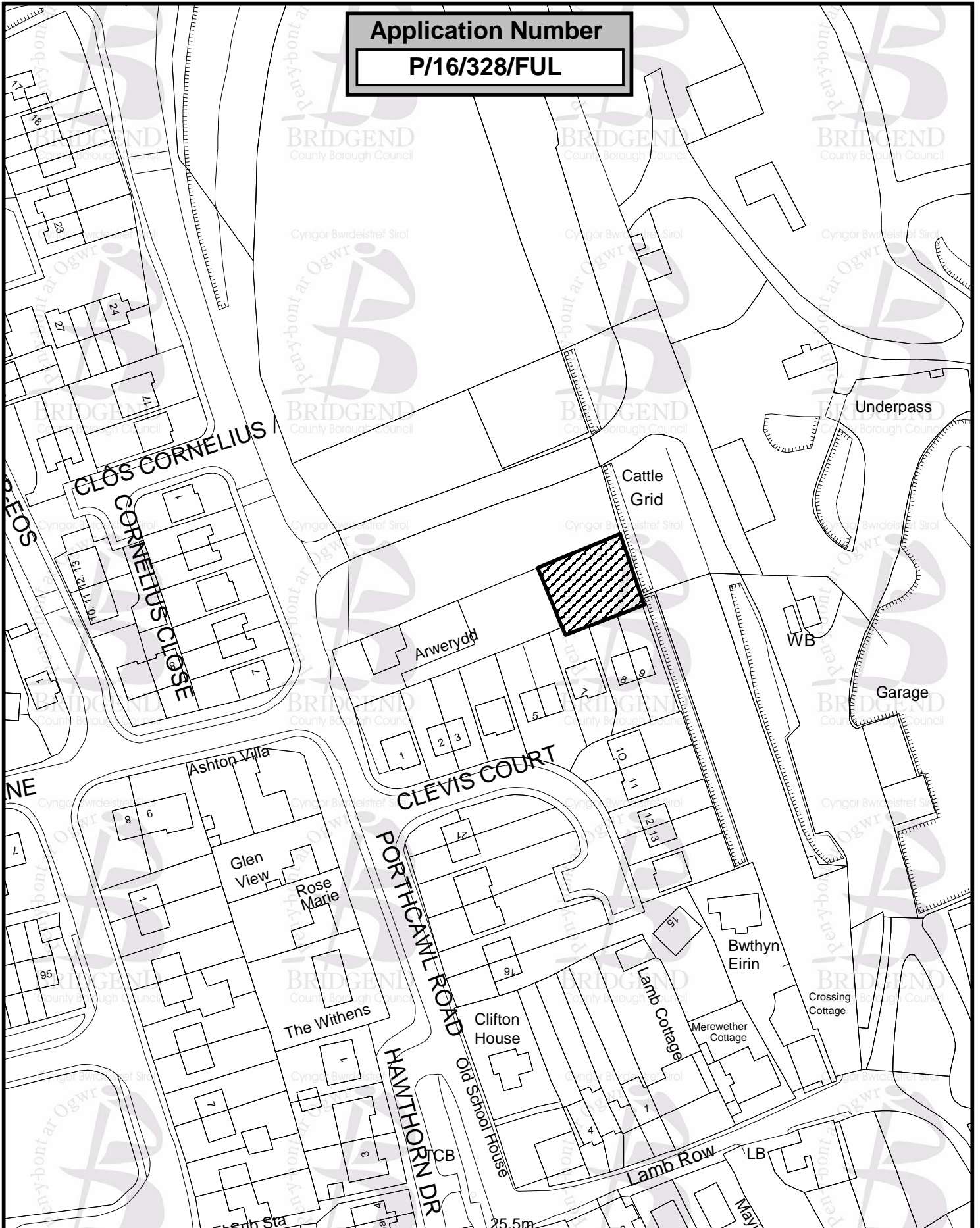
P/05/162/FUL - Construction of a detached dwelling - REFUSED - 14-7-2005

P/08/852/FUL - Proposed detached dwelling - REFUSED - 06-01-2009

P/08/853/FUL - Proposed detached dwelling - REFUSED - 06-01-2009

**Application Number**

**P/16/328/FUL**



**Scale 1:1,250**

**Date Issued:  
20/10/2016**

**Development-Mapping  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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## **PUBLICITY**

Neighbours have been notified of the receipt of the application.  
The period allowed for responses to consultations/publicity has expired.

## **NEGOTIATIONS**

The Department has requested the submission of an accurate site location plan.

## **CONSULTATION RESPONSES**

Welsh Water Developer Services            No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of the following properties:

Mrs B Evans - 6 Clevis Court - South Cornelly

Teresa Kennedy - 7 Clevis Court - South Cornelly

Jon Cockel - 9 Clevis Court - South Cornelly

The following is a summary of the objections received:

1. Loss of privacy due to the new property overlooking the garden and house
2. Loss of light due to proximity of dwelling dominating outlook.
3. Loss of view to the size and position of the proposed property - the dwelling will be overbearing and larger than the houses in Clevis Court
4. Ground level is lower and the fence line/back of the garden have already subsided due to the clearance work carried out.
5. Concerns over the ground drainage.
6. Additional congestion to an already busy road.
7. Risk of additional noise and air pollution.
8. Devaluation of property.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1. The proposed dwelling will be orientated so that the front elevation faces south-west toward Porthcawl Road. The nearest habitable room window to the properties on Clevis Court (serving bedroom 1) is on the front elevation which would only allow limited indirect views into the rear gardens of properties alongside. Side facing windows have been included in the house design but they will only serve the integral garage and loft space. Conditions will be imposed requiring the windows to be fitted with obscure glazing and preventing the insertion of any additional windows on the south-eastern elevation.

The privacy afforded to the occupiers of the adjacent plot will not change as a result of this amended house design.

2. The submitted plans indicate that the proposed dwelling will be sited some 3m from the shared boundary with the rear garden of properties on Clevis Court and

approximately 1.3m below the garden level. Overall the side elevation of the new dwelling will be 11.8m from the rear of 8/9 Clevis Court. In applying the guidance on domination and overshadowing from the Council's Design Guide, the development compares favourably with a 10.5m minimum separating distance being achieved and the 25 degree daylight protection zone over-sailing the pitched roof of the dwelling. Subject to the development being carried out in accordance with the submitted site levels and proposed siting, the development will not over dominate or overshadow the rear amenity space or the ground floor windows of nos 8 and 9 to an unacceptable degree.

3. The open aspect that is currently enjoyed by the adjoining neighbours will be affected by the development. The right to a view cannot generally be safeguarded through the planning system. The degree to which the development will dominate outlook has been considered above.

4. In laying the slab as part of the last permission on site, ground levels were lowered which an objector suggests has de-stabilised the boundary fence. Whilst, in part, this may be a private matter, a condition will be imposed requiring any retaining works to be certified by a structural engineer.

5. Dwr Cymru Welsh Water has not opposed the development. A condition will however be imposed requiring the agreement of a comprehensive drainage scheme for the dwelling prior to development commencing.

6. Previous applications for dwellings on the site were refused on highway safety grounds being that the proposed additional use of the access onto Porthcawl Road would generate additional movements to and from the roundabout controlled junction to the detriment of highway safety. That junction has now been removed and it is understood that the proposed access arrangements are now acceptable from a highway safety perspective.

7. The noise associated with the construction on the application site and adjoining land will be short term in nature and controlled under the Environmental Protection Act i.e. noise nuisance. Again, air quality would only be compromised during construction and is not a reason for refusing planning permission.

8. Devaluation of property is not a material planning consideration.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination given the number of objections that have been received from local residents.

The application site is located in the settlement of South Cornelly and, under the terms of Policy COM3 of the Bridgend Local Development Plan (2013), small scale residential development on vacant or underutilised sites is permitted, where no other LDP policy protects the land or buildings. The site does lie adjacent to the boundary of South Cornelly Quarry and within a Mineral Protection Buffer Zones as defined by Policy ENV10. The policy requires that development does not sterilise the mineral resource and would not be adversely affected by mineral operations. The policy pre-dates the LDP and, to date, the Council has not resisted infill within the existing settlement, much of which is covered by the buffer zone. Access to the quarry is from a lane which runs along the northern boundary of the site at a distance of approximately 20m and, although the lane is well used, in granting the previous permission it was considered

that the noise generated would not reach levels which would be detrimental to residential amenities and would not be significantly worse than a dwelling adjacent to a busy main road, such is the case with the host dwelling, Arwerydd. In summary, the principle of the land being developed for one residential unit accords with planning policy.

All development should, however, contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located and Policy SP2 establishes 15 criteria against which this application has been assessed.

The proposed two storey dwelling has a simple design akin to any unit on a modern housing estate. Its scale is proportionate to the plot and the wider setting and, whilst the level of private garden space is modest in area, it follows that previously granted. Subject to conditions that will require the use of appropriate materials of construction, the development should not detract from the visual amenities of the area.

Although South Cornelly is a small settlement, it is well served by public transport and the new dwelling will benefit from a safe and efficient road system.

There is no evidence that the site is contaminated but it would be incumbent upon the developer to provide a remediation strategy should any form of contamination be encountered during development. It is noted, however, that some ground works have already taken place with the new dwelling being constructed on the existing base. In these circumstances, a planning condition dealing with contamination is not considered necessary.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Whilst biodiversity interest on site would be at best of local importance, the rising land to the rear is part of a SINC (Site of Importance for Nature Conservation). Despite the proximity, there is no indication that the development will impact significantly on this locally designated area.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

The critical factor in the determination of this and previous applications has been the relationship of the site to the adjacent plots in Clevis Court. Objections have been received to this application and have been considered in the previous section. Inevitably, the introduction of development close to the rear of the objectors properties will have an impact but overall, the siting of the dwelling and its 'finished slab' level below the gardens and level of the neighbouring properties should ensure that the living conditions and well-being of the neighbours will not be adversely affected. The design does represent a modest improvement on what was previously granted.

All other matters such as site drainage will be the subject of pre-commencement planning conditions.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours as to warrant refusal. Furthermore, other than the removal of the roundabout as described above, there has been no significant change in circumstances since the previous consent was approved in 2010 and the principle of development has been established.

**RECOMMENDATION (R02)** That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans: Ground Floor Plan, First Floor Plan, Front and Rear Elevations and Side Elevations received on 27th April 2016.

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

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 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.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modifications), no development which would be permitted under Article 3 and Classes A, B, C, E, F, G, H and I 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 and residential amenities.

5. 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 modifications) no windows, other than those shown on the approved plans shall be placed in the south eastern elevation, of the building, facing Clevis Court.

Reason: In the interests of safeguarding the living conditions and well-being of occupiers of the adjoining neighbours.

6. 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 modifications) the proposed garage window on the south-eastern elevation shall be non-opening and glazed with obscure glass to a specification to be submitted to and agreed with the Local Planning Authority prior to any development commencing and shall be permanently maintained thereafter as non-opening and obscurely glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

7. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety and to ensure an appropriate form of development.

8. No development shall commence until a scheme providing three replacement off street parking spaces to serve the host dwelling 'Arwerydd', has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall include the means of surfacing with the individual spaces clearly demarcated in permanent materials and shall be implemented prior to works commencing on the approved dwelling and kept available for the parking of motor vehicles at all times.

Reason: In the interests of highway safety.

9. The proposed parking spaces, shared driveway and turning area serving the development shall be completed in permanent materials prior to the dwelling being brought into beneficial use and shall be kept available for the movement and parking of motor vehicles at all times.

Reason: In the interests of highway safety.

10. The proposed means of access shall be laid out with vision splays of 2.4m x site frontage before the development is brought into beneficial use. No structure or erection exceeding 1 metre in height shall be placed within required vision splay areas.

Reason: In the interests of highway safety.

11. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours as to warrant refusal.

b. Foul water and surface water discharges shall be drained separately from the site.

c. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

d. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

e. 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 shared private drive, turning facility, 3 replacement off street parking spaces for 'Arwerydd' and driveway serving Plot 1, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above,



impermeable surfacing such as concrete or tarmacadam extending across the full width of these facilities should not be considered as a first option.

f. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

g. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. .

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None