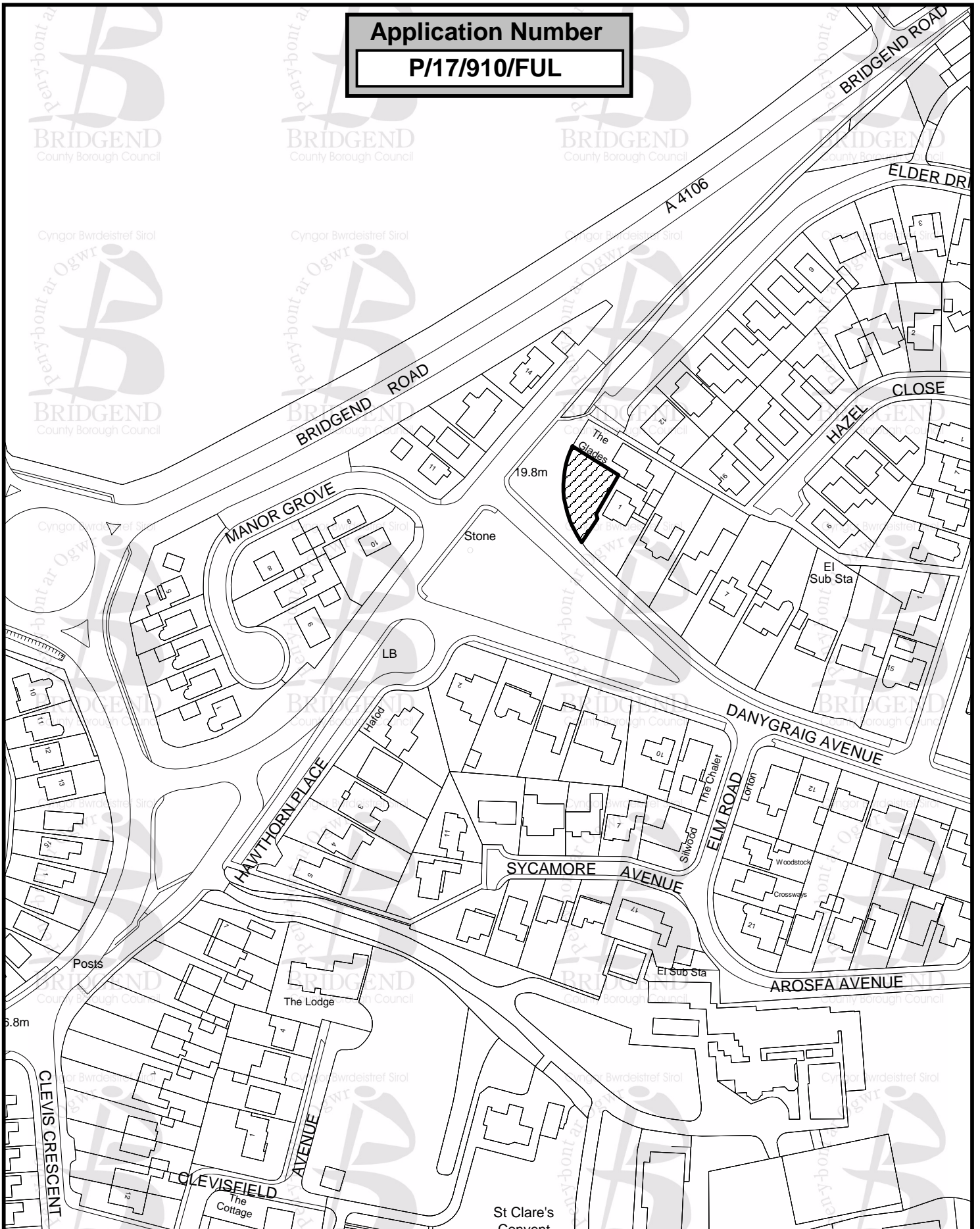


Application Number

P/17/910/FUL



Scale 1:1,750

Date Issued:
20/04/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Sirol



Land adjacent to the site:

P/16/738/FUL - Two storey side extension, single storey rear extension & internal alterations to convert from 2 flats into 1 dwelling - Granted 24/10/2016.

P/17/97/FUL - Two storey side extension, single storey rear extension and internal modification and refurbishment from 2 flats to single residential dwelling – Approved (with conditions) – 14/03/2017.

PUBLICITY

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 5 December 2017

CONSULTATION RESPONSES

Porthcawl Town Council – No objection

Head of Street Scene (Highways) – No Objection

Head of Street Scene (Drainage) – No objection subject to the two conditions regarding a comprehensive drainage scheme and infiltration tests.

Head of Public Protection – No objection subject to standard advisory notes.

Welsh Water Developer Services - No objection subject to standard advisory notes

Destination and Countryside Manager - offers no observations on the application.

REPRESENTATIONS RECEIVED

Four letters of representation have been received regarding the proposal.

Cllr Kenneth Watts comments that the application can be determined under delegated powers.

Three letters of representation have been received from neighbouring properties raising the following concerns:

- Proposed dwelling is not in keeping with the area regarding its scale, size and appearance;
- The plot remains overdeveloped;
- Strategic planning approach across the two applications (1 Danygraig Avenue);
- The proposed dwelling will extend beyond the established building line of The Glades;
- Loss of privacy;
- Reduced daylight and overshadowing;
- Density of development – 2 dwellings, one plot;
- Inadequate garden space;
- Constrained on- site parking;
- Inadequate spacing between properties.

COMMENTS ON REPRESENTATIONS RECEIVED

The land subject to this application and the land adjacent, known as 1 Danygraig Avenue, are owned by the same person.

Outline planning permission was granted to erect a dwelling on this land in 2010. The Outline consent granted planning permission for a dwelling that extended further forward than the building of the property located to the rear (The Glades).

The majority of the concerns raised above have been addressed within the appraisal section below.

NEGOTIATIONS

Initially, concerns were raised regarding the design of the proposed dwelling and the siting of the dwelling within the plot. Following further discussions, amended plans were submitted to demonstrate that the proposed dwelling had been designed to reflect the features and character of the adjacent property (1 Danygraig Avenue) and had been re-sited within the plot in line with the approved 2010 consent.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 (LDP), which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land

Supplementary Planning Guidance

SPG02 – Householder Development
SPG08 – Residential Development
SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Whilst the bulk of Chapter 9 is of relevance to housing proposals in general, the following is considered to be of specific relevance to this proposal:

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and

retail development and with community facilities.

9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2013)

APPRAISAL

The application is referred to the Planning Committee due to the number of neighbour objections received regarding the proposed development.

The main issues to consider in this application are the principle of the development, the impact of the proposed development on the character and appearance of the street scene and wider area, impact on the neighbouring properties and consideration of access and parking.

Principle of the Development

The application site lies within the residential settlement boundary of Porthcawl as defined by Policy PLA1 of the LDP 2013. Policy COM3 *Residential Re-Use of a Building or Land* of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant site under Policy COM3. The site is not allocated for a specific use therefore residential development would be acceptable in principle subject to other LDP Policies.

In conclusion, the principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Impact on the character and appearance of the street scene and wider area.

The application site is located within the predominantly residential area of Porthcawl and currently comprises an open grassed area. It is worth noting from the planning history that Outline planning permission was granted to erect a dwelling on this land in 2010. The Outline consent granted planning permission for a dwelling that extended further forward than the building of the property located to the rear (The Glades). Following a site inspection, an assessment of the application site was undertaken and as a result, it was considered that the site is read in connection with Danygraig Avenue and not the houses located to the rear.

Whilst the land is currently an open grassed area, it is considered that the introduction of a detached dwelling would be in keeping with the residential area. Following further

discussions with the applicant and the submission of amended plans, it is considered that the overall design, scale and materials proposed reflect that of the adjacent property (1 Danygraig Avenue) and the surrounding properties located within the Avenue as they are large dwellings which sit within relatively large plots. The proposed development will also result in an adequate level of private amenity space to serve the development. The proposed development is also considered to sit well within the plot and relate well with the property at 1 Danygraig Avenue and would seek to enhance the character and appearance of the existing area.

The proposal is not, therefore, considered to be over development nor out of character with the existing pattern of development in the area.

Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP in this respect.

Impact on neighbouring properties

From assessing the submitted plans, no windows are proposed to be inserted into the eastern facing elevation of the dwelling and therefore, the proposed development will have no adverse impact on the privacy and residential amenities of the occupier of 1 Danygraig Avenue, however it is considered necessary to attach a condition to ensure that no further windows are inserted into the eastern elevation of the dwelling in order to protect the privacy of the neighbouring property at 3, Danygraig Avenue. It is also considered that the proposed projecting bay window located on the western elevation will have no adverse impact on the neighbouring properties of Hawthorn Place due to the separation distance by the main highway.

It is acknowledged that there is a residential property (The Glades) sited in close proximity to the rear of the application site and the distance between the two properties will be approximately 12.5m. It is noted that there are two existing windows located at first floor level of The Glades, which serve a landing area and a bedroom.

From assessing the submitted plans, it is noted that the rear elevation of the proposed dwelling will comprise three windows at first floor level. Two of the windows will serve bedrooms and the middle window will serve an en-suite and will therefore be obscurely glazed. Whilst it is noted that views from the bedrooms will be afforded into the property, The Glades, it is considered that there will be no direct views due to the position of the existing windows located in The Glades and the position of the proposed dwelling. The new dwelling will overlook the front garden area of The Glades, however, this is already extensively overlooked from the public highway.

Also, located behind the rear boundary of the application site is an informal courtyard area which the Local Planning Authority (LPA) has been advised, is used by the occupiers of The Glades as a private amenity space. From assessing the proposed development, it is considered that due to the setback position of the dwelling from the boundary of the site by 9.5m, there will be no unacceptable impact on the residential amenities currently enjoyed by the occupiers or the amount of daylight that the property currently receives.

In view of this, it is considered that the proposed dwelling will have no significant adverse impact on the residential amenities of neighbouring properties, especially The Glades, and therefore the proposal accords with Policy SP2 (6) of the LDP.

Access and Parking

The Council's Highway Officer has considered the transportation implications of the proposal and it is noted that the amended plans show the removal of the integral garage. The plans demonstrate that 4 off street parking spaces can be accommodated within the curtilage of the site and, therefore, it is considered that the new proposal does not affect

the off-street parking provision. The proposal accords with Policy SP2 (6) and PLA11 of the LDP 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of two conditions to any granted consent regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Other Matters

Biodiversity/Ecology

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 21st 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 development 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.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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.”

CONCLUSION

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character and appearance of the street scene or the wider area, the development does not affect the privacy or visual amenities of the area nor so significantly harms neighbours amenities or highway safety as to warrant refusal

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 and documents, Site location Plan and Planning and Access Statement received on 27 April 2017 and amended plans drawing nos. P.20 REV D Proposed Site Location/Block Plan and drawing No. P21. REV E Proposed Plans/Elevations and Section received on 17 January 2018.

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. Notwithstanding the submitted details, no development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation has been submitted to and agreed in writing by the Local Planning Authority. 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. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt

with, including the future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

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

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no works shall be carried out other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority future control over the scale and extent of the development, in the interests of the residential amenities of adjacent properties and to protect the amount of outdoor amenity space provided within the property.

7. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of dwelling hereby approved.

Reason: To enable the Local Planning Authority to control the scale of development

8. No windows other than those indicated on the plans shall be inserted into the eastern elevation of the dwelling hereby permitted.

Reason: For the avoidance of doubt and to safeguard the privacy and residential amenities of the adjoining neighbouring occupiers of 3, Danygraig Avenue.

9. Notwithstanding the submitted details, no development shall take place until a scheme comprising of full details of both hard and soft landscape works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character and appearance of the street scene or wider area. The development does not affect the privacy or visual amenities of the area nor so significantly harms neighbours amenities or

highway safety as to warrant refusal

- b) The applicant may need to apply to Dwr Cymru / Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- c) The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact DCWW. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- e) The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto and recommends investigation and monitoring of the area.
- f) In the event that contamination is found, at any time when carrying out the approved development, that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- g) Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- i) Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be reused.
- j) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts however, you are reminded that the responsibility for the safe development and secure occupancy of the site rests with the developer.

k) It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management licence. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None