

REFERENCE: P/18/244/FUL

APPLICANT: Battrick Properties Ltd Bronhaul, Moor Lane, Porthcawl, CF36 3EJ

LOCATION: Land rear of 33 South Road Porthcawl CF36 3DG

PROPOSAL: Proposed 1 bed dwelling with parking for existing and proposed dwellings with works to lane

RECEIVED: 5 April 2018

SITE INSPECTED: 6 June 2018

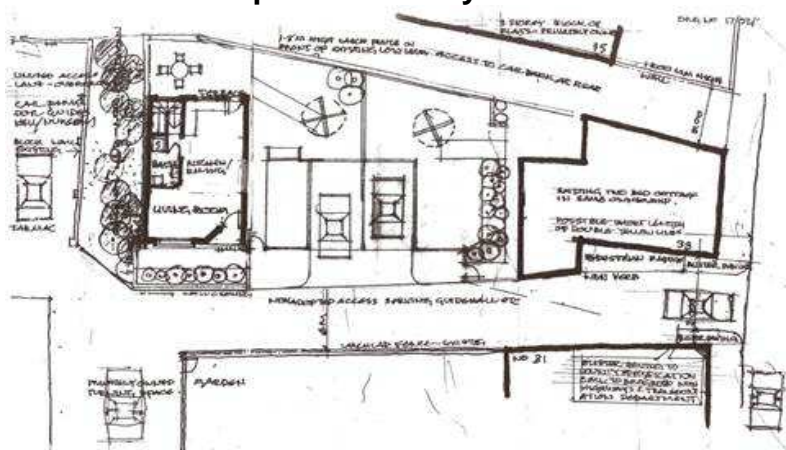
APPLICATION / SITE DESCRIPTION

The application proposes the construction of a detached bungalow style dwelling (with associated roof dormer and useable roof space) on land at the rear of 33 South Road, Porthcawl.

The submitted plans show the application site located at the western end of the rear garden of 33 South Road, which is currently occupied by a dilapidated, partially demolished, single garage structure. The garage structure would be completely demolished and replaced as part of the proposal. Further to the west of the application site lies a Guide Hall with associated parking/turning area. An access lane which serves the Guide Hall and the garages serving 29 & 31 South Road runs along the southern site boundary and leads eastwards between 31 & 33 onto South Road. The proposed dwelling would be set approximately 13.5m from the rear annex of the existing dwelling No. 33. Two parking spaces are to be provided as part of the proposal, one serving the host dwelling and one for the proposed one bedroom dwelling, both accessing directly onto the lane. As part of the proposal, works are planned to the access lane leading to the site in the form of the provision of a small pedestrian refuge area alongside the existing property and the undertaking of adjustments to the entrance point to the lane (providing standing areas in 'blister paving' on either side of the access from South Road).

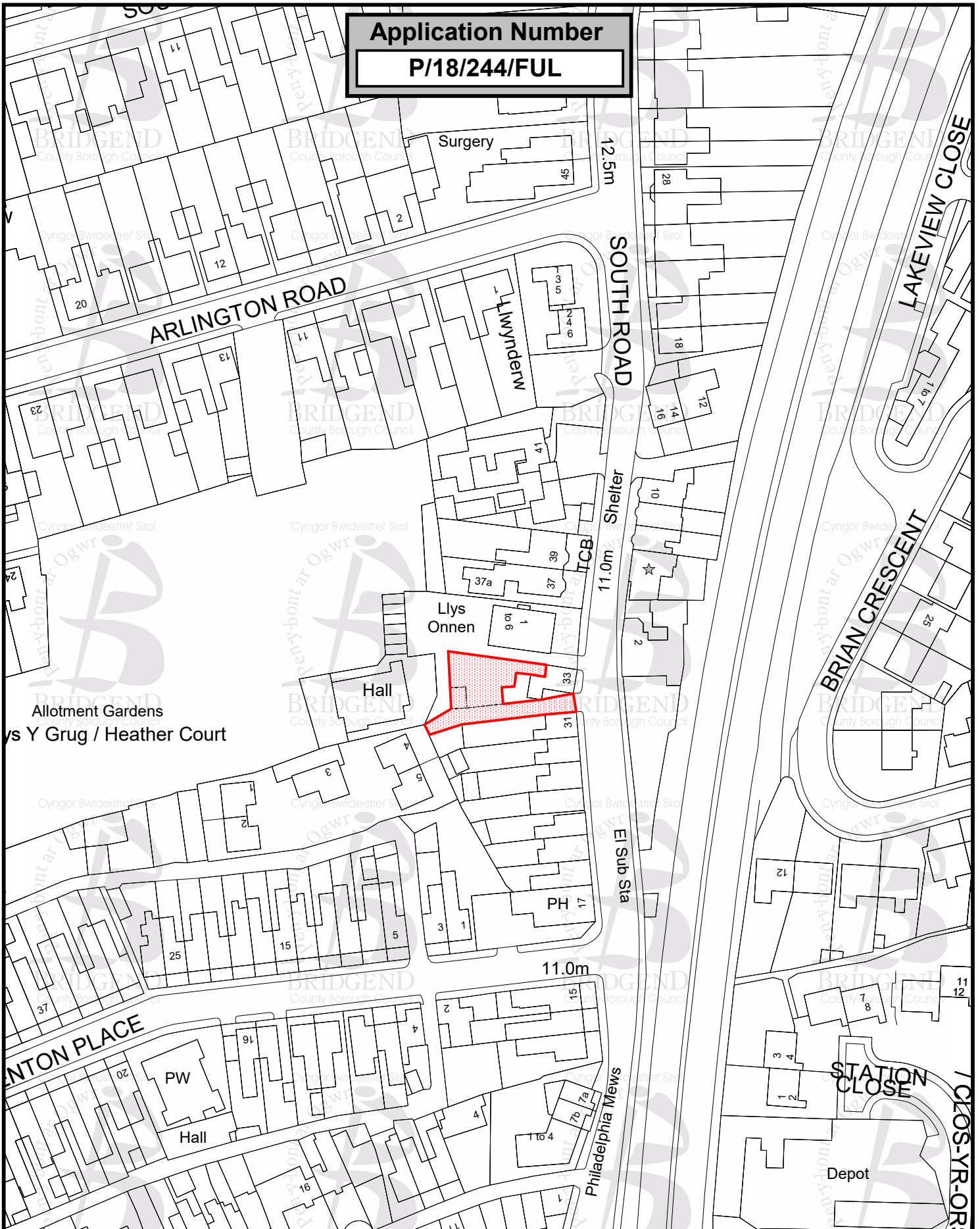
The proposed new dwelling will have a rectangular footprint measuring 5.5m by 8.0m with a gable roof design reaching approximately 6.0m. The accommodation will comprise an open plan living/kitchen/dining area with a bathroom on the ground floor with a single bedroom and bathroom being created at first floor level (within the roof space of the building). A flat roofed dormer would be created within the west facing roof plane of the building. It is detailed the external finishes of the proposed building would be rendered elevations and the roof covered in slate.

Proposed Site Layout Plan



Application Number

P/18/244/FUL



Scale 1:1250

Date Issued:
22/08/2018

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/DC Committee Report Location Maps/

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Cyngor Bwrdeistref Sirol



The application site forms part of the rear garden of 33 South Road, which is located on the western side of South Road and on the northern side of an unadopted access lane leading to a Guide Hall. 33 South Road is a detached, two-bedroom property set on an irregular shaped plot and is bounded on its southern side by an unadopted access lane and on its northern side by a narrower access that leads to the garages and hardstanding areas serving Flats 1-6 Llys Onnen, which is a purpose built flat development. It was noted during the site inspection that the properties on South Road to the south of the site access are terraced whereas to the north of the three storey flats there is a pair of traditional two storey cottage type dwellings with bay fronts. Opposite the access is a substantial detached two storey stone property set at a right angle to the highway so that its gable elevation abuts the pavement on this side of South Road. The land is relatively flat and uniform in this area.

The planning application is accompanied by a 'supporting statement' with the proposal representing the resubmission of application P/17/173/FUL for the erection of a proposed 2 bed dwelling at the site that was refused for the following reasons:

The proposed dwelling will intensify the use of a sub-standard access road and will increase traffic hazards to the detriment of highway safety in and around the site contrary to Policy SP2 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Ed 9 2016).

In the absence of adequate off street parking facilities to serve the proposed development the proposal would generate additional on street parking to the detriment of highway safety contrary to policy PLA11 of the Bridgend Local Development Plan 2013.

RELEVANT HISTORY

P/17/173/FUL - Resubmission of P/16/498/FUL for construction of 1no. 2 bedroom dwelling in garden at rear of 33 South Road & modifications to entrance lane – Refused 18/09/2017.

P/16/498/FUL - Proposed 2 bed dwelling in garden at rear of 33 South Road – Refused 19/08/2016.

PUBLICITY

The application has been advertised by means of site notice.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17 May 2018.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy SP12 – Housing

- 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

SPG17 – Parking Standards

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.

Paragraph 4.9.2 of PPW states:-

Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- *in and around existing settlements where there is vacant or under-used land, commercial property or housing;*
- *in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;*
- *which secure land for urban extensions, and;*
- *which facilitate the regeneration of existing communities.*

Paragraph 9.3.3 of PPW states:-

Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

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):

Paragraph 2.6 states: 'Design which is inappropriate in its context or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities'

Other Relevant Legislation:

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 application site as part of a rear domestic garden area that is partially occupied by a dilapidated garage structure, 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 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.

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection, subject to the imposition of a condition regarding the drainage of the development.

Head of Street Scene (Drainage) - No objection, subject to the imposition of a condition regarding the drainage of the development.

Porthcawl Town Council - Object to the proposal, stating the proposal represents 'over-intensification of the site'

Public Protection, Shared Regulatory Services- No objection subject to conditions/advisory notes regarding ground gas protection, contaminated land, imported soil and aggregates, and unstable land.

REPRESENTATIONS RECEIVED

Objections to the application have been raised from the owners/occupiers of 31 South Road and Flat 6 Llys Onnen. The objections raised are summarised as follows:

The application represents a resubmission of two previously refused planning applications for the erection of a dwelling on the site (P/16/498/FUL and P/17/173/FUL refers) with the resubmitted scheme appearing to be largely the same as the previously refused schemes. The number of bedrooms has been reduced within the proposed dwelling although the application does nothing to demonstrate how the issue of sub-standard access and highway safety has been addressed. The application should therefore be refused for the reasons originally used to refuse the previous applications on the site.

There is no change of policy circumstance to justify approving the revised submission.

The proposal continues to be accessed off a non-adopted, poorly maintained highway and the development of the site cannot be achieved in a suitable manner when trying to balance highway safety and amenity issues in this constrained location.

The application is supported by the original 2016 Design and Access Statement which could be considered to be deliberately misleading and makes no reference to the planning history of the site.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by the local residents:-

It is noted the application represents the resubmission of previously refused planning applications at the site, although the scheme has been somewhat revised in an attempt to overcome the earlier reasons for refusal as further discussed in the Appraisal Section of this report. The nature of the development proposal has been revised from a two-bedroom to a single bedroom unit, the design of the building has changed with one dormer addition being omitted from the roof space of the building and the general layout of the plot has been revised to ensure both adequate off street parking space and appropriate external garden amenity space is maintained and created at the site. The application also details upgrading works to the existing access lane that flanks the site in the form of the provision of a pedestrian refuge area alongside the existing dwelling building and the introduction of blister paving towards the junction of the lane with South Road.

The Highways Department has considered the proposal and raised no objection to the revised planning application.

It is acknowledged there has been no material change in planning policies since the issuing of the previously refused planning applications on the site for the erection of two bedroom dwelling houses. The Bridgend Local Development Plan 2013 remains the adopted Local Development Plan for the area which is still supported by national planning policy in the form of Planning Policy Wales (Edition 9, 2016). Nevertheless, the scheme has been significantly amended and is now considered a compatible and appropriate form of development that meets the requirements of both local and national planning policy.

It has been acknowledged that the planning application is supported by a 'Supporting Statement' although this is not a statutory requirement for a development of the scale and nature proposed and the application can be processed on the basis of the submitted plans and information received.

In relation to the Town Council's comment that the scheme represents over intensification of the site it is considered the proposal would not result in overdevelopment of the plot with the revised proposal providing an appropriate level of off street car parking provision and useable amenity/garden space for existing and future occupiers.

APPRAISAL

The application is referred to Planning Committee to consider the views expressed by the Town Council and local residents in respect of the submitted proposal.

The application proposes the construction of a detached, single bedroom dormer bungalow style dwelling on land currently forming part of the rear garden of 33 South Road, Porthcawl. Access to the site is obtained via an unadopted flank lane that runs along the southern boundary of the application site and the host property, off South Road. As earlier detailed the planning history of the site reveals that proposals to erect a 2 bedroom dwelling on the site (P/16/498/FUL and P/17/173/FUL refer) were previously refused planning permission at the site. The reasons for refusal on the most recently refused application, as earlier detailed, primarily relate to the impact of the scheme on highway safety.

Through the submission of the revised proposal the applicant/agent is seeking to overcome the previous reasons for refusal. Key changes between the refused scheme(s) and the proposal currently under consideration include a reduction in the number of bedrooms within the property from a two bedroom proposal to a single bedroom unit and design changes to the scheme including an increase in the size of the amenity areas serving the application site and the host dwelling.

The application site lies within the settlement of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) and Policy COM3 permits residential developments on windfall and small scale sites or the re-use of vacant or under-utilised land where no other LDP Policy protects the land for an existing or alternative use. It is therefore considered that, in principle, the redevelopment of the land for a new dwelling would be compatible with these Development Plan policies.

Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

It is acknowledged that the character of the surrounding area is varied and on balance, it is considered the development would not have such a detrimental impact on the existing visual amenities of the locality to warrant a recommendation to refuse the scheme in this regard. Whilst smaller than adjoining buildings the proposed dwelling has a relatively straight forward coach house design with predominantly rendered elevations and slate roof as the proposed means of finishing materials. The site is also located towards the end of an unadopted lane so that it would not be a prominent feature when viewed from wider public vantage points and it is not considered critical that the design and scale of the dwelling is comparable and reflective of more prominent neighbouring plots given the isolated and relatively secluded nature of the application site within a rear lane location. Overall, it is considered the development would not have such an adverse impact on the existing character and appearance of the locality to warrant a recommendation to refuse the scheme in this regard.

In addition, whilst acknowledging the proposed development plot is relatively small and somewhat restricted, the applicant has reduced the level of off street car parking provision at the site, for both the existing and proposed dwellings, and subsequently created larger garden amenity spaces for the plots. It is therefore considered appropriate amenity space would be retained to serve the host dwelling and the proposed development with the revised development proposal unlikely to result in such harmful overdevelopment of the plot to result in the refusal of the planning application in this regard.

Given the siting of the proposed dwelling within a rear lane location and the relationship of the proposed development to existing, surrounding properties it is considered the scheme raises no adverse residential amenity concerns. There is significant mutual overlooking between the rear elevations of properties and neighbouring garden spaces already existing in the locality with the proposal unlikely to raise any harmful overlooking or overshadowing concerns. Whilst noting the letters of objection received against the planning application, the objections raised do not relate to any direct loss of privacy concerns as a result of the development proposal, as earlier detailed.

Following consultation with the Highways Authority, no objections have been raised against the revised planning application. It is commented that the submitted proposal represents the resubmission of two previously refused applications (P/16/498/FUL and P/17/173/FUL refer) that attracted objections from the Highway Authority due to a material increase in the use by vehicles of a sub-standard access to the detriment of highway and pedestrian safety. The planning application differs from the previous applications and seeks to address all previous concerns of the Highway Authority. Notably, the applicant has reduced the size of the property from a two to a one bedroom unit.

The latest re-submission continues to seek access off the unmaintained lane between 31 & 33 South Road. As per the 2017 application, the lane has been included within the application red line boundary and, in order to address previous concerns regarding the degree of control the applicant has, the applicant has posted a notice in the local press to locate the owner of the lane and signed the relevant ownership Certificate (Certificate D) that accompanies the planning application. On the basis of the information submitted the Highway Authority is now satisfied the improvements to the lane can now be achieved.

The lane currently serves a rear parking area to numbers 29 & 31 South Road, an existing garage to the parent property and is the primary access to a Guide Hall. The

Guide hall is currently used for Brownie and Girl Guide evenings although it is understood the building is no longer used as a children's pre-school nursery. Whilst it is recognised that the intensive use of a children's nursery could return without the need for planning permission, the applicant has reduced the scale of the dwelling to the point where the vehicle movements that could be generated by the proposed dwelling are commensurate to the existing single garage. It is accepted that overall the parent dwelling parking together with the proposed 1 bedroomed dwelling, would generate additional vehicular movements as compared to the existing garage, however, it is considered that it would not be a significant material increase to the detriment of highway safety. In addition, with the improvements to the lane proposed by the applicant, it further reduces vehicular and pedestrian conflict. The proposed plot could also be suitably served by a fire tender from South Road itself and therefore there is no issue of emergency service access.

With regards to off-street parking provision, it is noted that the parent dwelling will be provided with one off-street parking space in replacement for the loss of the garage. The provision of one off-street parking space for the new development is considered acceptable and accords with the Council's adopted parking guidelines SPG17 for a 1 bed unit.

The applicant has suggested revisions to the highway access to the lane and the footway crossing arrangement which are not detailed enough to agree at this stage. Whilst the Highway Authority agrees that a scheme of improvement can be provided at this location it requires the input of a number of Highway Officers and as such a condition which requires a scheme of improvements to the access and footway to be submitted is recommended in this instance. In addition and to ensure that the construction of this development does not obstruct the free flow of traffic or create traffic congestion during peak hours, a condition is also requested for the submission of a construction traffic management plan. This will ensure deliveries and construction activities do not negatively impact neighbours and the local highway network.

The planning application is not accompanied by any detailed drainage arrangements for the development although on the basis of the comments raised by the relevant drainage bodies it is considered a condition requiring the provision of a comprehensive and integrated drainage scheme could be imposed were the Authority minded to approve the development. Similarly conditions/advisory notes are suggested by the Public Protection Division should planning permission be granted for the development.

CONCLUSION

In conclusion, the revised planning application can be recommended for approval because the development proposal is considered to comply with national and Council policies and guidelines. The proposal for the erection of a single dwelling inside the settlement boundary raises no in principle concerns and is unlikely to harmfully impact the existing visual and residential amenities enjoyed within the locality. In terms of highway safety, the Highways Department is satisfied that, subject to conditions, the proposed development is not detrimental to highway safety and incorporates sufficient off street vehicle parking facilities. Notwithstanding the objections raised by local residents and the Town Council, the scheme is therefore recommended for approval, subject to conditions.

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 received 14 May 2018:

Proposed Ground Floor Plan
Proposed First Floor Plan
Front Elevation (S)
Rear Elevation (N)
Side Elevation (W)
Side Elevation (E)

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. 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 (surface) water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the dwelling hereby approved.

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

5. Notwithstanding the provisions of the Town & 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 development which would be permitted under Article 3 and Classes A, B, C, D or E of Part 1 of 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.

6. Notwithstanding the requirements of condition no.1, the first floor window opening positioned within the rear, north facing elevation of the dwelling building (serving a bathroom) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the dwelling hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

7. No development shall commence until a scheme for the improvement of the access lane to the proposed dwelling and footway/vehicular crossover on South Road has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the property is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

8. No development shall take place, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing of HGV construction traffic to/from the site in order to avoid Porthcawl Town Centre and surrounding streets: Fenton Place and Victoria Avenue.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. measures to control the emission of dust and dirt during construction
- vi. the provision of temporary pedestrian management along the section of South Road affected by footpath works.

Reason: In the interests of highway and pedestrian safety.

9. The parking areas for the parent dwelling and the proposed dwelling shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and thereafter retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

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

b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

c. The applicant may need to apply to Dwr Cymru/Welsh Water 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 or via a new sewer, it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). Further information on this matter can be obtained via the Developer Services pages of www.dwrcymru.com

d. The Public Protection Section draws your attention to the following:-

- 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.

- 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.

- 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.

- The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;

- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use,

lies with the applicant/developer.

- Under no circumstances should controlled waste be imported. 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 license. 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