

REFERENCE: P/18/509/FUL

APPLICANT: Mr P George 62 Commercial Street, Kenfig Hill, CF33 6DL

LOCATION: Land adjacent to 4 Moriah Place Kenfig Hill CF33 6DW

PROPOSAL: Development of one building comprising 2no. flats (re-submission of P/18/53/FUL)

RECEIVED: 25 June 2018

SITE INSPECTED: 11 July 2018

APPLICATION/SITE DESCRIPTION

Full planning permission is sought for the erection of a two storey building (with useable roof space) comprising 2 flat units on land adjacent to 4 Moriah Place, Kenfig Hill.

The proposed building would replace an existing single storey workshop style garage building at the site. The proposed building would have a rectangular footprint measuring 6.55m in width by 11.5m in depth. It would have a pitched roof design extending to a maximum height of 9.2m from ground level with the general appearance of the building following the design and form of the adjacent two-storey building (4 Moriah Place).

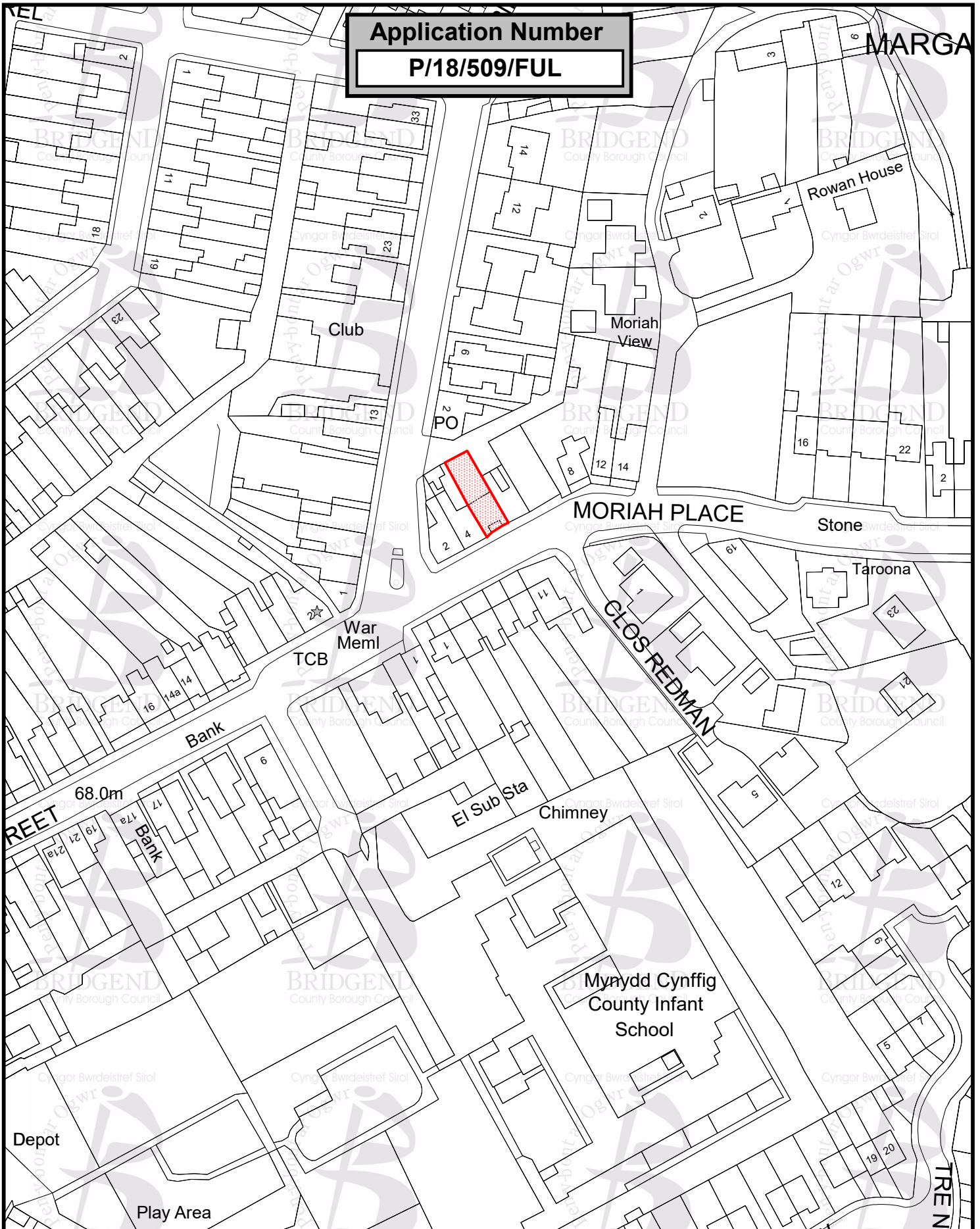
The building would accommodate two flat units each with two bedrooms and associated living accommodation. Pedestrian access would be gained to the front flat within the building off the pedestrian footway fronting the site (from Moriah Place) with access to the rear flat being gained from the narrow access lane that abuts the rear of the site (the building effectively being split into two units down the middle of the building). The submitted plans indicate off street car parking spaces would be created to the rear of the building as part of the proposal.

Figure 1 Proposed elevations and layout of the building.



Application Number

P/18/509/FUL



Scale 1:1250

Date Issued:
22/08/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
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O/DC Committee Report Location Maps/

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The application site is situated within a built up area of Kenfig Hill and falls within the boundaries of an identified retail centre of the Bridgend Local Development Plan (BLDP). The site is situated on the main road through the village, Moriah Place, and is currently occupied by a workshop building to its rear aspect with a historic, brick built bus shelter (which falls within the ownership of the applicant) occupying the front of the plot. Both structures would be demolished and replaced by the proposal.

Figure 2 – Photograph of the application site (front)



The planning application represents the resubmission of a similar proposal to develop the site (P/18/53/FUL refers) that was refused for the following reasons:

The proposal, by reason of its siting and scale, would have an unreasonably dominant, overshadowing and overbearing impact on the neighbouring residential property (No. 4 Moriah Place) to the detriment of the residential amenities currently enjoyed by that property. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), and advice contained within Planning Policy Wales (Edition 9, 2016).

The proposal, by reason of its siting, scale and design, represents an inappropriate form of infill development that would result in an insufficient level of useable amenity space for future occupiers of this development. The application is therefore contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design, (2016).

The proposed development would generate additional on-street parking in close proximity to the nearby road junction and rear access lane, to the detriment of pedestrian and highway safety, contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan (2013), and advice contained within Planning Policy Wales (Edition 9, 2016).

The applicant has revised the design of the proposal in an attempt to overcome the previous reasons for refusal.

RELEVANT HISTORY

P/18/53/FUL - Development of one building comprising 2 flats – Refused 23/03/2018
P/15/820/FUL - 4 Moriah Place Kenfig Hill - Conversion Of 5 Bed Dwelling To 2No Self Contained Flats, With Single Storey Kitchen Extension – Granted 22/01/2016

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25 July 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:

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP10 – Retail and Commercial Hierarchy
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health

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.

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 4 – Retail and Commercial Development (2016)
- Technical Advice Note 12 – Design (2016)

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 development with the Council's Ecologist raising no objection against the proposal, 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 advisory notes and conditions.

Rights of Way Team - No objection.

Head of Street Scene (Highways) - No objection.

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

Public Protection, Shared Regulatory Services - No objection to the application subject to conditions/advisory notes regarding ground gas protection and contaminated land measures. It was also commented on the previous submission (P/18/53/FUL refers) that in view of the planning use for the commercial building and that the brick bus shelter will be demolished which is the shelter that would impede natural lighting into the ground floor of the proposed property, no objections are raised to the scheme.

Pyle Community Council - Object to the application for the following reasons:

1. Pyle Community Council have lodged a claim with Bridgend County Borough Council to

register a footpath through the middle of the land in question. Until such time as it is determined whether that route should be a Public Right of Way, the Council do not feel any development would be appropriate on this land.

2. Pyle Community Council own a cantilever bus shelter directly in front of the proposed building. There are concerns regarding the privacy of any residents of the development, as users of the shelter would have unobstructed vision into the front window of the proposed property.

3. The members of Pyle Community Council have been informed there is Japanese Knotweed on the land proposed for development. It is respectfully requested that an inspection of the land be carried out to ascertain whether development is appropriate.

Destination & Countryside Management – No objection, highlighting the corrugated construction of the garage/workshop building would suggest that there is no need to undertake a bat survey in this instance with a bat advisory note considered sufficient. Following a site inspection, Japanese knotweed was visible on the site (although not a significant knotweed infestation) and a condition is therefore recommended to ensure an eradication management strategy is undertaken at the site.

REPRESENTATIONS RECEIVED

The owner/occupier of 4 Moriah Place objects to the proposal. The objections raised are summarised as follows:

The close proximity of the development to a pine end window would interfere with light and air being received to the property. This would be in breach of a historic conveyance that stipulates the application land is not permitted to interfere with access of light or air to the objector's property.

There is a bedroom and living room window to the back end of the neighbouring property that do not currently receive much light. If the development was to go ahead it is considered this would adversely affect natural light to both rooms and would overshadow the neighbouring property.

The application site is contaminated with Japanese Knotweed.

By building up tight to the existing property it would devalue the property value.

In addition to the letter of objection, two letters of support from the owners/occupiers of 11 Moriah Place and 6 Moriah Place have been received. It is stated the site is crying out for development and the building of two new flats would smarten up the current area of land and be a real asset to everyone in and around the vicinity. There is no reason whatsoever why these plans should be rejected, it's a positive move for everyone concerned.

COMMENTS ON REPRESENTATIONS RECEIVED

The impact of the development proposal on the residential amenities of adjacent properties is fully considered in the appraisal section of this report. It should also be noted that as advised by paragraphs 1.2.3 to 1.2.5 of Planning Policy Wales Edition 9 (November 2016) the planning system should be efficient, effective and simple in operation...the grant of planning permission does not remove the need to obtain any other consent that may be necessary nor does it imply that such consents will be forthcoming.

The Council's Ecologist has considered the issue of Japanese Knotweed on the site and subject to the use of an appropriate condition the scheme does not raise such adverse concerns to warrant the refusal of the planning application in this regard.

Devaluation of property is not a material planning consideration.

In relation to the Community Council's comments, the Council's Rights of Way Officer has raised no objections against the planning application. It is commented by the Rights of Way section that they were consulted on the application as it appears the development may affect a Public Right of Way. Following receipt of the application, the Definitive Map was checked and, although no Public Rights of Way are shown thereon affecting the development, it is confirmed that a Definitive Map Modification Order has been made, but not yet confirmed, to create a new route at this location. The approximate alignment of the footpath as it is shown on the plan accompanying the Definitive Map Order is, however, outside the boundaries of the application site to the right hand side (east) of the proposed siting of the building. On closer inspection of the plans submitted with the application, it would seem that none of the works associated with the proposed development would adversely affect the claimed public footpath. Furthermore, the applicant is fully aware of the Definitive Map Modification Order and is aware that, should the Order be confirmed in the future, he will not be able to obstruct the route. On this basis it is confirmed that the Rights of Way Section does not object to the planning application.

The proximity of the site to an existing bus shelter is also noted in this instance although such a matter is not considered a justified or material planning reason to warrant the refusal of the planning application in this regard.

APPRAISAL

The application is referred to Committee to consider the views expressed by the Community Council and the local resident/owner of the adjacent building in respect of the submitted proposal.

Full planning permission is sought to erect a traditional two-storey building with useable roof space, comprising two flat units on land adjacent to 4 Moriah Place, Kenfig Hill.

Key considerations with regard to the development proposal are the principle of the development, the impact on visual and residential amenities including the impact on future occupiers of the development, ecology and highway safety.

The application site is located within the designated settlement boundary of Kenfig Hill as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of under-utilised land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. However, it is acknowledged the application site is situated within an identified retail centre although the proposal would not result in the loss of any A1 shop facilities with the application site currently being occupied by a work shop style building. The re-use of the site for residential purposes does therefore represent a sustainable and compatible use of the plot with residential development being supported in principle on the site.

In terms of visual amenity, the scheme does not raise an objection in this regard. The design and general scale of the development seeks to follow the adjoining two-storey buildings (facing front) in terms of the general form, design and finishes being proposed (red face brick to front elevation). The scheme would also replace an existing, somewhat dated and poorly maintained, corrugated structure at the site and does not raise any significant visual amenity concerns.

It is noted the planning application involves the demolition of an existing single storey building at the site and a small historic bus shelter that is now disused. However, following consultation with the Council's Ecologist it is considered that, given the design and

corrugated construction of the structure to be demolished, an appropriate but warning/advisory note would be sufficient in this instance. In relation to comments raised with regard to Japanese Knotweed being present on the site, the Council's Ecologist has visited the site and confirmed two Knotweed plants were identified. As such a condition is recommended to ensure the appropriate management of the Japanese Knotweed.

In comparison to the earlier refused planning application at the site (P/18/53/FUL refers) the applicant has reduced the scale and massing of the proposed building, particularly the rear aspect of the development that also allows for more off street car parking to be created at the site and a level of storage/amenity provision to be created to the very rear of the building. The reduction in the scale and dimensions of the rear aspect of the building also addresses the impact of the scheme on the neighbouring residential property, which is currently in the process of being converted into two flat units (P/15/820/FUL refers).

The proposed two storey building would comprise a relatively small two storey rear annexe that would be built in close proximity to the rear extension of the adjoining premises (4 Moriah Place). This property currently comprises a five bedroom dwelling house that is in the process of being converted into two flat units. Positioned within the rear extension of this neighbouring property are a number of existing windows that currently serve habitable rooms and would serve habitable rooms within the proposed converted property (bedroom and lounge windows at ground level). Whilst the development proposal would have some impact on these windows, on balance, the impact is not considered so significant or adverse to warrant the refusal of the planning application in this regard. The windows are positioned to the rear north-western aspect of the existing building and currently receive limited levels of light particularly given the siting of the large workshop building that currently exists on the application site. This structure would be removed as part of the proposal and would thereby arguably improve the outlook from the neighbouring windows. The daylight protection zone enjoyed from one of the rear windows would be marginally breached as a result of the proposed development, although given the existing site context and the revisions undertaken to the scheme in comparison to the earlier refused planning application at the site, on balance, it is considered the development proposal would not raise such adverse overbearing or overshadowing concerns to warrant a recommendation to refuse the planning application in this regard.

Comments raised by the objector in relation to a side window within the main gable end elevation of the adjacent property have been duly acknowledged although given this serves a non-habitable room window (a bathroom window), this is not considered a sufficient reason to warrant the refusal of the application. It should be noted that this window was not detailed on approval application P/15/820/FUL for the conversion of 4 Moriah Place to two residential flat units.

In terms of the general level of amenity being proposed for future occupiers of the flat premises it is considered that appropriate living accommodation would be created within the building with a form of amenity/parking space being created to the rear of the building. The application site is situated within close proximity to local amenities given its siting within an identified commercial area of the BLDP and on balance the scheme is also considered acceptable in this regard.

Turning to the impact of the scheme on highway safety, the Transportation Officer has carefully considered the transportation implications of the proposal. It is noted that this application is a re-submission of a previous application which attracted an objection from the Highway Authority relating to the proposals effect on parking and the rear lane.

Notwithstanding the above it is noted that the applicant has sought to address those

concerns through this proposal. The application seeks to create a single building incorporating 2 flats on the site of the existing garage/workshop building. The existing garage is capable of generating a quantum of vehicle movements which is considered comparable to the proposed residential use. Therefore the proposal is considered acceptable in traffic generation terms and would result in a nil detriment situation for the lane to the rear of the development.

With regards to the off-street parking provision for the proposal, the applicant has provided parking to the rear of the development to meet the Council's adopted parking standards SPG17. However, to ensure that there is no indiscriminate parking by the residents of the flats and visitors, a condition is recommended to demarcate each parking space, 2 parking spaces for flat one and 2 parking spaces for flat two.

Finally, it is noted that the applicant is proposing a 1.8m boundary wall around the parking area. However, this arrangement is considered unacceptable as it obstructs the vision splay for vehicles emerging from the parking area and restricts resident's ability to see and be seen by vehicles and pedestrians using the lane. As a result, a condition is recommended for a scheme which lowers the boundary wall to 0.9m in height for the first 2 metres in length.

In view of the above, it is considered that the proposed, revised development proposal accords with Strategic Policy SP3, Policy PLA11 and Policy SP2 (6) of the Bridgend Local Development 2006-2021 and the Council's Supplementary Planning Guidance (SPG17) – Parking Standards.

CONCLUSION

The application, as amended, can be recommended for approval because the development is considered to accord with national and Council policies and guidance. The application raises no principle or material planning concerns and represents an appropriate form of infill development within the settlement limits of Kenfig Hill.

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:

Proposed ground, first, second floor and roof layout - Draw. No. MR_PL002 Rev. B
Proposed Elevations - Draw.No. MR_PL003 Rev. C

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 development hereby approved.

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

5. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

6. No development shall commence until a scheme detailing a boundary treatment, to the rear of the proposed dwelling, which provides the required vision splays, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the development hereby approved and retained in perpetuity thereafter.

Reason: In the interests of highway safety.

7. The parking area shall be completed in permanent materials with the individual spaces for each flat clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and 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. The proposal represents an appropriate form of infill development within the settlement limits of Kenfig Hill.

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.

e. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643667 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established.

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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None