

REFERENCE: P/18/618/FUL

APPLICANT: A Rees & J Rees Naylor Ty Mawr, Llangan, CF35 5DW

LOCATION: Land adjacent to Ty Gwyn, Heol y Graig, Porthcawl CF36 5PB

PROPOSAL: Erection of 3no. detached dwellings and associated works

RECEIVED: 27 July 2018

SITE INSPECTED: 5 September 2018

EOT AGREED: 15 October 2018

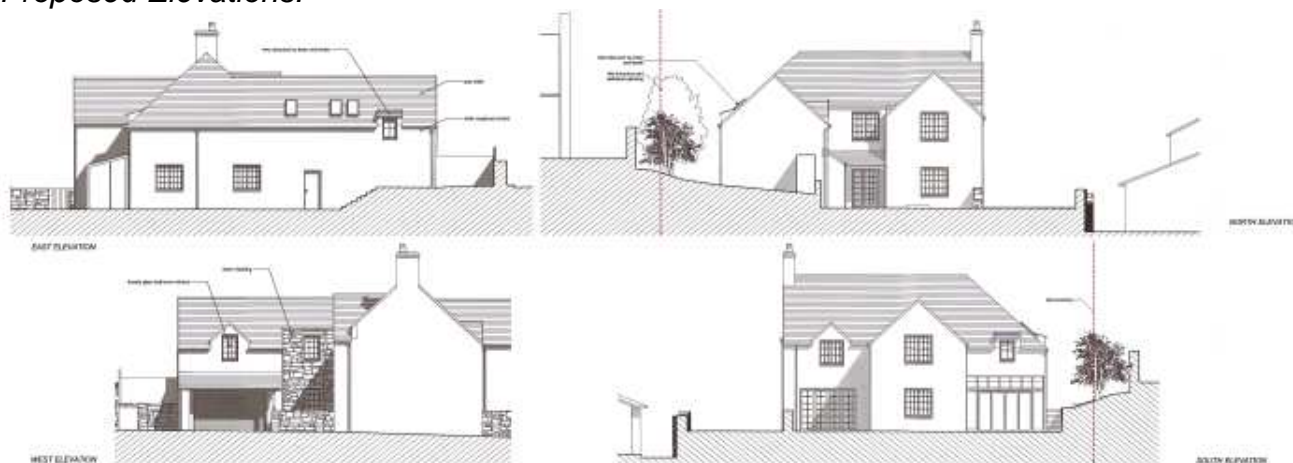
APPLICATION/SITE DESCRIPTION

The application relates to the re-submission of a previous planning application reference P/17/439/FUL and seeks full planning permission for the erection of 3 detached dwellings and associated works on land adjacent to Ty Gwyn, Heol y Graig, Porthcawl.

The application site is relatively level and measures approximately 2900 square metres in area. The site originally formed part of a farm and included a single dwelling known as Ty Gwyn.

The application proposes the erection of three, 5 bedroom detached dwellings all with associated landscaping and parking. The proposed dwellings will be L-shaped in form and two storeys high. Each dwelling is sited such that the front elevation will overlook the private drive and provides open, hard surfaced entrance courtyards and amenity space to the side of the properties. Materials proposed are similar to the local vernacular with self coloured render, high quality timber windows with slender mullions and small panes, stone faced lintels where appropriate and stone cills throughout, slate roof with dark clay ridge tiles, cast iron rainwater goods and some stone walls to bring up the elevations.

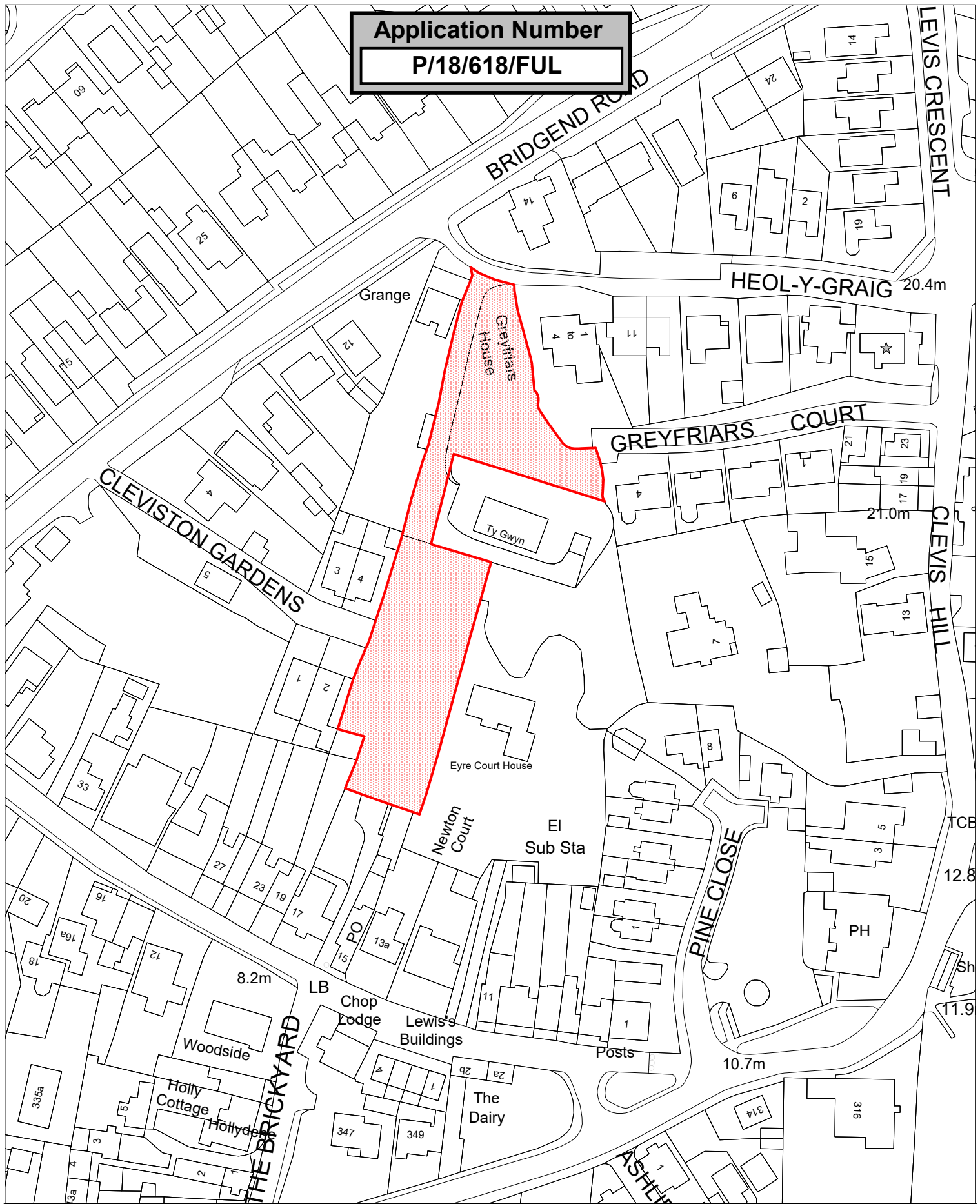
Proposed Elevations:



Each dwelling will comprise a living room, kitchen/dining room, family room, utility, wc and garage at ground floor level and a master bedroom with en-suite and dressing room, 3 double bedrooms with en-suite, family bathroom and a single bedroom/office at first floor level.

Application Number

P/18/618/FUL



Scale 1:1,250

Date Issued:
03/10/2018

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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Cyngor Bwrdeistref Siro





Fig 1: Proposed Floor Plans

Access to the site is currently via a private drive from Heol y Graig. A right of access for pedestrians to Newton Nottage Road is retained by the applicant. The proposed dwellings will be arranged along an improved private drive and will be accessed via the existing access onto Heol y Graig.

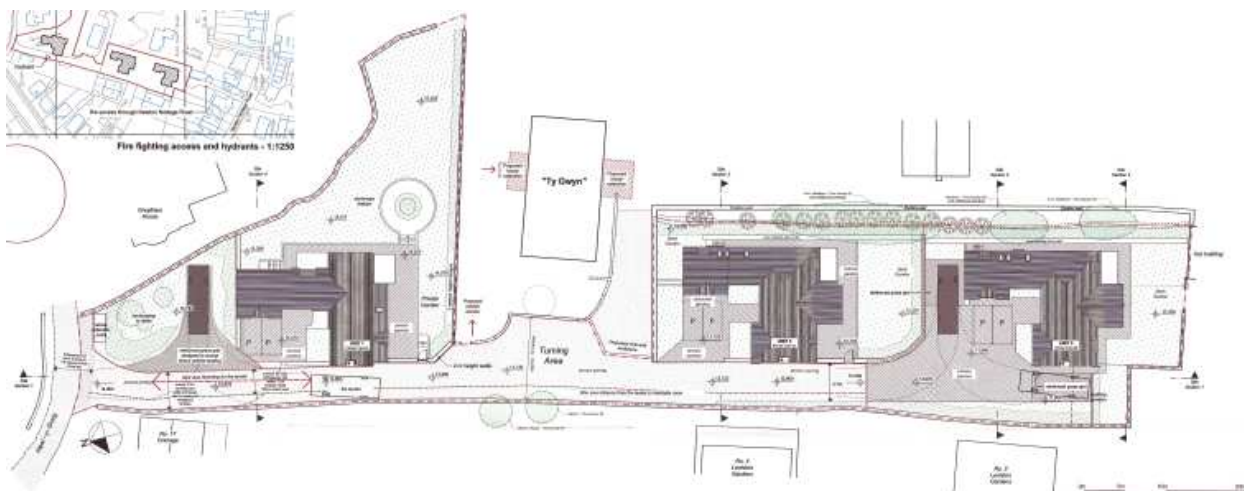


Fig 2: Proposed Site Layout:

The application also proposes the removal of 6 trees on the site and the retention and pruning back of the existing hawthorn trees located along the eastern boundary of the site, together with new planting to provide a habitat for wildlife and a barrier between the new dwellings and the concrete boundary wall of the adjacent property.

The application site lies within the approved residential settlement boundary of Porthcawl as defined by policy PLA1 of the Bridgend Local Development Plan 2013. The site is located within the Newton Conservation Area and lies to the eastern side of the village. The site lies within a predominately residential area of Porthcawl and is surrounded by a variety of different designs and styles of residential properties, including Eyre Court and Greyfriars Court.

The application has been accompanied by:

- Design and Access Statement prepared by Gillard Associates;
- Planning Statement prepared by Geraint John Planning
- Unilateral Undertaking – Planning Obligation by Deed of Agreement

RELEVANT HISTORY

P/17/439/FUL - Erection of 3 Detached dwellings on vacant land – Refused – Appeal Dismissed – 17/07/2018

P/13/907/FUL – Erection of 3 Detached dwellings on vacant land – Refused – 04/07/2014.

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 28 August 2018.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises 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
- Strategic Policy SP5 – Conservation of the Historic and Built Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy ENV6 – Nature Conservation

Supplementary Planning Guidance

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

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 relevant 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.

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.

Technical Advice Notes:

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

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2013)

CONSULTATION RESPONSES

Cllr Kenneth Watts (Local Ward Member) - if the previous reasons for refusal are now addressed to the satisfaction of the Planning Officer, I am content to leave the decision to the delegated Officer.

Porthcawl Town Council – No objection subject to the developer entering into a S106 agreement to improve the condition of the highway from Bridgend Road to Heol y Graig.

Head of Street Scene (Highways) – No objection subject to conditions.

Head of Street Scene (Drainage) – No objection subject to two conditions requesting a drainage scheme and infiltration tests prior to development commencing on site.

Welsh Water Developer Services – No objection subject to standard conditions and advisory notes.

Destination and Countryside Manager – No objection subject to conditions requesting a clearance methodology, arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme.

REPRESENTATIONS RECEIVED

The occupier/owner of 10 Bridgend Road raises an objection to the proposed development regarding the fear that damage will be done to the wall with the use of heavy equipment during construction work and then the constant use with the extra properties.

The occupier/owner of Flat 3, Greyfriars House objects to the development and states that the latest application remains over development on a site which is limited in both scale and access. Concerns regarding the size of unit one and its roof level would have a serious effect on both ground and first floor rooms of Greyfriars House. In terms of access, Heol y Graig is narrow in places and already has to cope with heavy traffic in school term time without the addition of large builders vehicles and possibility of half a dozen more residents cars.

The occupier/owner of 4 Cleviston Gardens objects to the proposed development stating that the proposed scale and size of the proposed houses are out of keeping with the beautiful 12th Century village. Also raises concerns regarding close proximity of proposed dwelling (Unit 2) to bedroom window resulting in loss of light and privacy. Concerns are also raised regarding the Planning Officer viewing the site from their property and the lack of time the Planning Inspector spent at their property when carrying out his site visit in relation to the appeal.

The occupier/owner of Eyre Court House raises an objection to the development stating that the applicant intends to demolish a stone boundary wall which is not within their ownership, the removal of the stone wall and lowering of foundations will affect the foundations of the existing screen wall on the neighbours property and the impact of privacy and overlooking as a result of the development due to changes in ground levels.

Concerns are also raised regarding the submission of the correct Certificate with the Planning application and advertisement requirements regarding the proposed works outside of the red line site boundary of the application.

The occupier/owner of Ty Gwyn, Heol y Graig objects to the proposed development in respect of the distance between the properties and the refuse points, lack of provision of lighting and footpath along the access road, concerns over the base levels of the proposed houses and how they relate to the current levels of the land and previously highways and the Fire Department were not satisfied with the proposals.

The occupier/owner of Cranage, 17 Heol y Graig Porthcawl objects to the proposed development stating there will be considerable noise and disturbance during and after construction, highway concerns have failed to be addressed and concerns about the vision splays at the front of the site

The occupier/owner of Crynallt, 17 Newton Nottage Road objects to the proposed development raising concerns regarding land drainage and the disposal of water at the site with the additional load of three new dwellings, lack of detail in relation to landscape proposals, concern over land referred to outside of applicant's ownership, no vehicle access to the site from Newton Nottage Road, not clear how proposed development relates to existing neighbouring properties, highway problems identified are still substantially present and the infill site of three dwellings would be over intensification of the site.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the comments raised were addressed within the previous Planning application P/17/439/FUL and are addressed again in the appraisal section of this report. The Inspector also addresses matters raised by the neighbouring properties within his appeal decision.

On 13 September 2018, the applicant's agent submitted revised plans showing that the existing stone boundary wall will not be removed and clarified that the proposed development would be undertaken within the red line boundary. They also confirmed that the ownership of the applicant runs along the middle of the existing stone boundary wall which has been confirmed by an independent survey and, as the occupiers of Eyre Court have been informed of the results, the relevant ownership Certificate has been served in relation to the Planning application.

Inevitably a development so close to existing properties is going to result in some noise and disturbance during the construction period. If the Council were minded to grant planning permission, a planning condition could be imposed controlling the hours of work as part of a Construction Method Statement.

With regard to the provision of footpaths and lighting along the proposed access road, this is a private highway and will not be adopted by the Council. In view of this it is not the responsibility of the Council to provide footpaths and lighting on private land.

APPRAISAL

This application is reported to Committee in view of the objections received.

Background

From assessing the planning history, it is noted that a previous application (P/13/907/FUL refers) for the erection of 3 detached residential dwellings on this site was refused on the 4 July 2014 for the following reasons:

- 1. The development will result in the additional use of the substandard lane serving the site will result in an increase in traffic hazards to the detriment of highway safety and contrary to the objectives of criteria 3 and 6 of policy SP2 and criterion 6 of SP3 of the Bridgend Local Development Plan.*
- 2. In the absence of adequate common turning facilities within the site to cater for calling delivery/service vehicles and emergency service vehicles (ie. a fire appliance), the proposed development will generate vehicular reversing manoeuvres onto the highway to the detriment of highway safety and contrary to the objectives of criterion 6 of policies SP2 and SP3 of the Bridgend Local Development Plan.*
- 3. The proposal constitutes over-development as the site is too restricted to accommodate the proposed dwellings whilst safeguarding the privacy of future occupiers of plot 1 and the neighbouring dwelling by virtue of the position of a habitable room window in plot 2 and its impact on the amenities of 4 Cleviston Gardens. The development would be contrary to the objectives of criterion 12 of policies SP2 and note 6 of Supplementary Planning Guidance 02.*

Following this, a further planning application was submitted in May 2017 (P/17/439/FUL refers) proposing the erection of 3 detached residential dwellings but addressing the above mentioned reasons for refusal. On 9 January 2018, this application was refused for the following reason:

- 1. The proposed development, by reason of the number of units and their design, siting and scale, constitutes overdevelopment of the constrained site that fails to provide adequate levels of private outdoor amenity space for the future occupiers of the 5 bed dwellings, whilst having a significant detrimental impact on the privacy and residential amenities of the future occupiers of the proposed dwellings by way of overlooking. The proposed development is therefore contrary to Policy SP2 of the Bridgend Local Development Plan 2013, Supplementary Planning Guidance SPG02: Householder Development and advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 – Design (2016).*

The applicant appealed the LPA's decision to refuse the planning application to the Planning Inspectorate. Whilst the Inspector considered the scheme to be acceptable, the appeal was dismissed on 17 July 2018, for the following reason:

A suitable legal agreement under Section 106 of the above Act has not been submitted with the appeal proposal, however, and such contributions cannot be addressed through the use of planning conditions. It therefore follows that the agreement between the parties over such a matter, as referred within the Council's evidence, should not be attributed weight in the determination of the appeal. Without such contributions, the proposed development would be contrary to the general thrust of Policy SP14 and Policy COM5 of the adopted LDP and, for the same reasons, would also conflict with the ministerial priority of delivering affordable housing through the planning system as prescribed by Planning Policy Wales (Edition 9, 2016) (PPW) and Technical Advice Note 2: Planning and Affordable Housing (2006) (TAN2). Indeed, in light of the absence of any information to justify a deviation from such an established policy position, I find the lack of such an obligation to represent a compelling reason why planning permission should be withheld.

In view of this, the applicant's agent has now re-submitted the same scheme for 3 detached residential dwellings on the same site but has also submitted a draft Unilateral Undertaking legal document committing to the revised sum regarding the affordable housing contribution.

Assessment

The main issues to consider in the determination of this application are the principle of the development, the impact on the character and appearance of the area and Newton Conservation Area, the potential impact on neighbouring amenities, drainage, trees and highway safety and the applicant's commitment to paying the financial contribution required to meet the affordable housing provision.

Principle of the Development

The application site lies within the main settlement boundary for Porthcawl as recognised by Policy PLA1 Settlement Hierarchy and Urban Management of the LDP. It also lies within the Porthcawl Strategic Regeneration Growth Area as defined by Policy SP1 Regeneration-Led Development of the Bridgend Local Development Plan (LDP) adopted 2013.

Policy COM3 Residential Re-Use of a Building or Land of the LDP states *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 subject to detailed design considerations and where no other policy protects the building or land for an existing or alternative use.*

The proposed site would be classified as a small site under Policy COM3, which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use therefore, residential development would be acceptable in principle subject to other LDP Policies and detailed design considerations.

Policy COM5 Affordable Housing states where a *local need is demonstrated, the Council will expect an appropriate element of "affordable housing.* The proposal has triggered this policy as the site exceeds 0.15 hectares in size and is discussed in more detail in the section below.

In conclusion, the principle of development accords with Policies SP1, PLA1 and COM3 of the LDP. In view of the above, it is considered that the principle of residential development is acceptable subject to compliance with Policies COM5 and SP2 of the BLDP 2013.

Impact on the character and appearance of the area and the wider Newton Conservation Area

The site is located within the Newton Conservation Area under Policy SP5(2) Conservation of the Built and Historic Environment of the LDP, which states *future development should not destroy or devalue the character and appearance of the Conservation Area. It is important that the proposed development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting.* The Council's Conservation Officer states that the materials for the proposed buildings are similar to the local vernacular – white painted or self-coloured render, small paned timber windows, timber doors, stone sills, natural grey slate roofs, chimneys and cast iron rainwater goods, the L - shape is a traditional form and gardens are set back behind stone boundary walls.

Accordingly, the proposed dwellings will not have an adverse impact on the character and appearance of the Conservation Area, as the proposed development is considered to be sympathetic in design, scale and materials, is well screened and seeks to preserve and enhance the character and appearance of the area, thereby according with Policy SP5 (2) of the LDP.

Design, Siting, Scale and Materials

Initially, the LPA raised concerns and subsequently refused the previous planning application P/17/439/FUL with respect to the proposed size, scale and number of units and that this would result in the over-development of the site and a substandard level of amenity space in terms of provision and privacy to serve the future occupiers of the proposed dwellings.

The applicant appealed the LPA's decision to the Planning Inspectorate and subsequently the Inspector disagreed with the LPAs position and made the following observations regarding the LPA's concerns in his decision:

Paragraph 6 of the appeal decision letter states:

In terms of the issue of living conditions, I am satisfied that the proposed scheme would, by virtue of its development to plot ratios, provide for a satisfactory quantum of outdoor amenity space at each of the proposed dwellings. I am also satisfied that, by virtue of the vast area of amenity space proposed at Plot No.1, and the angle of outlook from the neighbouring Greyfriars Court, a sufficient proportion of the outdoor space at that property could be utilised as a private amenity area. There is little doubt that the combination of the limited distance between Plot Nos. 2 and 3 and the proposed first floor window arrangements at Plot No.3 would lead to a lack of private outdoor space at Plot No.2. Indeed, the space to the south of the dwelling at Plot No.2 would be significantly overlooked by the first floor window located in the northernmost elevation of Plot No.3. Similarly, the first floor window separation distances between habitable room windows at Plot Nos. 2 and 3 would also fall short of the 21 metres prescribed by the Council's adopted Supplementary Planning Guidance SPG 02: Householder Development (SPG). However, as the imposition of a suitably worded planning condition requiring the window in the northernmost gable of Plot No.3 to be obscurely glazed would satisfactorily mitigate such concerns, I do not consider that such matters merit the refusal of planning permission.

Paragraph 8 goes on to state:

I therefore find that, subject to the imposition of suitably worded planning conditions, the proposed development would provide for acceptable living conditions for future occupiers of the proposed dwellings. I also find that the concerns raised in relation to the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties are largely unsubstantiated. The development would therefore be broadly compliant with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP) and the associated advice contained within the aforementioned SPG document.

Accordingly, it is considered that subject to the imposition of an appropriate planning condition regarding the implementation of obscure glazing to the window in the northern most gable of Plot 3, the proposed development can be deemed to be acceptable and accords with Policy SP2 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Impact on neighbouring amenities

2 and 4 Cleviston Gardens are semi-detached dormer bungalows to the west of the application site. Although the principal elevations of the development would overlook the access track and the gardens of the respective properties, side facing windows serving a kitchen, bathroom and bedroom at ground floor and bedroom windows (4 Cleviston Gardens) at first floor level face the development site. From the site inspection, it was noted that the above properties are located at a lower level than the proposed dwellings due to the topography of the site.

Previously, and as mentioned above, the application was refused due to its impact on the privacy and amenities of 4 Cleviston Gardens, However, the applicant has addressed this issue by removing the bedroom window and replacing it with an obscurely glazed window that now serves a bathroom on the western elevation of Unit 2. In view of this, whilst it is noted that there is only a distance of 8m between Unit 2 and 4 Cleviston Gardens, due to the separation by the access track and the fact that no windows directly overlook the property, it is considered that the proposed development will not have an adverse impact on the residential amenities currently enjoyed by the occupiers of 4 Cleviston Gardens.

With regard to the relationship between Unit 3 and 2 Cleviston Gardens, it is noted from the submitted plans that only one habitable room window (serving the master bedroom) will directly face the said property with a separation distance of 18m. Direct overlooking will not occur (based on the finished level Unit 3 relative to the neighbouring property) and therefore, the proposed development is not considered to have an adverse impact on the residential amenities currently enjoyed by the occupiers of 2 Cleviston Gardens.

Ty Gwyn is the existing detached dormer bungalow that is located within the development site, between the proposed dwellings at Units 1 and 2. It currently enjoys a relatively open outlook from its principal windows in the front and rear elevations. The property has also benefitted from planning permission which has allowed a number of alterations to be undertaken to the property including front and rear extensions and additional accommodation in the roof space. Consideration has been given to the relationship between the existing and potentially extended property to the proposed dwellings. It is also noted that the finished levels of the proposed dwellings (Units 1 and 2) will be below the floor level of Ty Gwyn. Again whilst the close proximity and relationship of this property and Unit 2 is noted, the applicant has removed the bedroom from the northern elevation of the proposed dwelling to reduce the impact of overlooking of Ty Gwyn. Also, due to the elevated nature of Ty Gwyn and the position of an existing 2m high stone pillar and wooden panel fence around the property, it is considered that the proposed dwelling (Unit 2) will have no adverse impacts on the residential amenities currently enjoyed by the occupiers of Ty Gwyn.

Eyre Court House is a relatively modern large detached property set within a very generous garden area that lies immediately to the east of the development site and shares its boundary with the rear of Units 2 and 3. Due to the topography of the site, Eyre Court House is positioned at a higher level than the proposed dwellings and is separated by a stone boundary wall. There are a number of trees that run along this boundary which are to be retained and which will help to address any privacy/overlooking matters as a result of the development. Whilst views may be afforded from the proposed development into the upper floor of Eyre Court, it is considered that these views would be limited and the retention of the trees and vegetation along the shared boundary would help to obscure any views. Accordingly, it is considered that the development will not have an adverse impact on the residential amenities of this neighbouring property.

Cranage, 17 Heol Y Graig is a detached bungalow sited alongside the entrance to the development site such that its rear garden shares its boundary with the western edge of the proposed access. The design and siting of Unit 1 will ensure that no direct overlooking between windows will occur. Cranage is situated at a lower level than Unit 1 and therefore the existing boundary wall offers a degree of privacy. The nearest living room window (which is a secondary opening) could however be fitted with obscure glazing if permission were to be granted for the development. The proposed hall and utility room windows in Unit 1 do not serve habitable rooms.

The Inspector agreed with the LPA's assessment regarding the impact on neighbouring properties and stated in paragraph 7 of his decision:

The Council has not objected to the proposed development on the basis of its effect on the living conditions of the occupiers of existing residential properties, although a number of representations opposing the scheme have been received from interested parties. In response to those matters, I am satisfied that, by virtue of the siting and orientation of the proposed dwellings relative to the existing properties within the area, there would not be any significant overshadowing impacts or any material loss of light at any of the nearby residential properties. Moreover, by reason of the combination of the siting of the proposed dwellings, the specific location of the habitable rooms within each of the proposed dwellings and the potential requirement for obscured glazing to be utilised through planning conditions, I do not consider that the proposed development would result in a material loss of privacy at existing properties. Moreover, as there is no legal right to a view over land in separate ownership, I can only attribute limited weight to such matters.

Overall, it is considered that the proposed development will not have a significant adverse impact on the amenities of the neighbouring properties subject to the imposition of appropriate planning conditions regarding obscure glazing, boundary and landscape treatments in accordance with Policy SP2 (12) of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Highway Officer has considered the transportation implications of the proposal and has noted that this application is a resubmission of a previously refused application P/17/439/FUL. The previous application did not attract an objection from the Highway Officer and, in transportation terms, it was considered acceptable subject to the imposition of planning conditions. This latest submission is exactly the same as the previous scheme and the Highways Officer's comments and conditions are re-iterated.

The proposal is currently on land which has no established use in planning terms and as such any traffic generated from the development would be additional traffic to the network however, it is considered that the local highway network could accommodate a development of this scale. In considering the site layout a number of highway safety related concerns were raised and as a result a meeting with the applicant's agent took place to discuss those concerns amongst other planning related issues. As a result of that meeting the agent submitted a set of revised plans which aimed to address the concerns of the Highway Authority. The revised plans, submitted on 10 October 2017, included the ability for a fire engine to reach Unit 3 and turn to exit the site in a forward gear.

Improvements to the bell mouth of the access have been made to provide the required vision splays commensurate with the speed and volume of vehicles passing the site entrance. It should be noted that, in this instance, due to the width of Heol y Graig the vision splays can be measured 2.4m back from the access to the centre line of Heol y Graig, as it is considered that vehicles drive in the centre of the road at this point.

It is considered that the garden wall of the neighbouring property to the south will not interfere with the vision splays however, to ensure this situation remains in perpetuity, a condition is requested to be attached to any consent granted. In addition to the above the access road surface treatment has been amended to provide a surface type and colour that would indicate a shared pedestrian and vehicular arrangement.

Notwithstanding the above, some concerns remain. The refuse collection point location should be adjacent to the adopted highway to ensure refuse operatives do not have to enter private land to collect household waste. In addition the surface treatment of the emergency/delivery vehicle turning area adjacent to Unit 3 should be surfaced in the same

material as the access road, to ensure it remains clear for use at all times and should not form part of the garden of Unit 3. It is considered that these concerns could be overcome by the imposition of suitable planning conditions.

Accordingly, the proposed development is considered to accord with Policies SP2 (6), SP3 and PLA11 of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards.

Drainage

The Council's Drainage Officer has considered the submitted information and in view of the limited information available, has recommended that two conditions be attached to any consent granted regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, to accords with Policy SP2 (13) of the LDP.

Biodiversity/Ecology

The Council's Ecologist has assessed the application and has noted that the site is covered in scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds, and reptiles.

The SPG provides detailed advice in respect of protected species and the optimum timing of works so as to limit their effect on wildlife and to ensure works proceed within the law. In this respect, the bird nesting season is generally considered to be from the beginning of March until August. With specific reference to this proposal, Section B1: Biodiversity Design Guidance Sheet: Bats and Development, B2: Biodiversity Design Guidance Sheet: Birds and Development and B3: Biodiversity Design Guidance Sheet: Reptiles and Amphibians and Development are relevant as the developers may encounter nesting birds and/or reptiles when undertaking the scrub clearance however, bats will predominantly be using the scrub for foraging opportunities.

The scrub vegetation made it impossible to access the whole of the site to determine presence of non-native invasive species however, it was noted Montbretia was growing close to the existing property. Montbretia is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause them to grow in the wild. This species is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently it should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

Given the above, the applicant should submit a clearance methodology to the Local Planning Authority for approval prior to works commencing on the site.

The southern portion of the site is bounded by mature trees with the south eastern boundary containing trees that are protected under Tree Preservation Order (TPO) (1978) OBC No1. This TPO designation and mature planting will provide natural screening to neighbouring properties.

The submitted tree survey and the supporting documentation also seek to consider the impact of the development on neighbouring properties however, it is recommended that

the tree survey be developed in line with British Standard recommendations BS5837:2012 and should include an arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme. These documents should be submitted to the Local Planning Authority for approval prior to works commencing on site.

In view of the above, it is considered that the proposal complies with Policy ENV6 of the LDP, 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.

S106 Contributions

Policy SP14 of the LDP requires applicants to enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

The proposal triggers Policy COM5 of the LDP which requires 30% of the dwellings to be affordable on sites that exceed 0.15 hectares in size in the Porthcawl and Rural area. Given the low quantum of dwellings proposed, it is considered that a financial contribution in lieu of on-site provision is more appropriate on this occasion. As such, a revised commuted sum of £103,042.80 is sought towards affordable housing and this will be secured through a Section 106 Agreement. The applicant has confirmed that they are happy to enter into an agreement to secure the relevant contribution.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and, subject to conditions, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application; however, it is not considered that on balance that the issues raised outweigh the merits of the scheme. In response to the Inspector's decision, the applicant has agreed to enter into an obligation to secure the relevant contribution for affordable housing.

RECOMMENDATION

- A) The applicant enters into a Section 106 Agreement to provide a financial contribution in the sum of £103,042.80 (index linked) towards the provision of affordable housing;

B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:

1. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan, Planning Statement prepared by Geraint John Planning, Design and Access Statement prepared by Gillard Associates and Drawing Nos. C177/AL(0) 11 Revision P1, C177/AL(0) 12 Revision P1, C177/AL(0) 13 Revision P1, C177/AL(0) 14 Revision P1 received on 27 July 2018 and the amended plan Drawing No. C177/AL(0)6 Revision P6 - Site Plan and Site Sections received on 13 September 2018.

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

2. Notwithstanding the requirements of condition 1, 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 dwellings 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. Notwithstanding the requirements of condition 1, 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 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 of any part of the development commencing.

Reason: To ensure that effective drainage facilities are provided for the 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 of any part of the development commencing.

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

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of an emergency vehicle turning area adjacent to Unit 3, with a surface treatment matching the access road and clearly identifiable as not part of Unit 3, has been submitted to and approved in writing by the Local Planning Authority. The turning area shall be implemented in permanent materials before the development is brought into beneficial use and retained for turning purposes in perpetuity.

Reason: In the interests of highway safety.

7. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splays of 2.4m x 15m to the east and 2.4m x 16m to the west measured to the centre line of the carriageway at any time.

Reason: In the interests of highway and pedestrian safety.

8. Notwithstanding the submitted plans no entrance gates shall be installed on any plots at any time.

Reason: In the interests of highway safety to ensure adequate passing places and turning areas within the development.

9. No development shall commence until a scheme for the provision of a refuse collection point which is adjacent to and accessible from, the adopted highway is submitted to the Local Planning Authority. The refuse collection point shall be implemented in accordance with the agreed scheme before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway and refuse collection operatives' safety.

10. Notwithstanding the provisions 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) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

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

11. Notwithstanding the provisions 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) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the dwellings hereby permitted.

Reason: To safeguard the privacy and residential amenities of adjoining

neighbouring occupiers.

13. No development shall take place until full details of both hard and soft landscape works have been submitted 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.

14. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows on and adjacent to the site, an arboricultural impact assessment, an arboricultural method statement and a watching brief. The agreed details shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity.

15. No development shall take place until a clearance methodology which includes full details of how the works will eradicate the invasive species at the site and confirm that the site doesn't contain additional non-native invasive species 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.

16. Notwithstanding the requirements of condition no.1, the following windows shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity and non-opening:

- First floor window opening positioned within the northernmost gable of the northern elevation of Unit 3 (to serve master bedroom);
- First floor window opening positioned in the western elevation of Unit 2 (to serve a bathroom);
- Ground floor window opening positioned on the western elevation of Unit 1 (to serve living room)

The windows 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.

17. No development shall take place until a Construction 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 parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding

- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. Hours of operation.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected.

18. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

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

a. This application is recommended for approval because the development complies with Council policy and guidelines, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety 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 (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). Further information can be obtained via the Developer Services pages of www.dwrcymru.com

d. In order to satisfy Conditions 4 and 5 the following supplementary information is required:

- Provide drainage layout showing both foul and surface water sewers and their discharge points.
- Provide an agreement in principle from DCWW with regards to the proposed foul water connection to the existing public sewer.
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing location of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 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 recommend investigation and monitoring of the area.
- 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.
- f. The proposed 'Private Drive' will not be adopted by the Highway Authority.
- g. 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