

**REFERENCE:** P/19/166/FUL

**APPLICANT:** Mrs T Bowen c/o C2J Architects & Town Planners, Unit 1A Compass Business Park, Pacific Road, Cardiff, CF24 5HL

**LOCATION:** Bryn y Mor Heol Broom Mawdlam CF33 4PW

**PROPOSAL:** Demolition of existing dwelling and construct a replacement dwelling

**RECEIVED:** 13th March 2019

**SITE INSPECTED:** 25th March 2019

### DESCRIPTION OF PROPOSED DEVELOPMENT

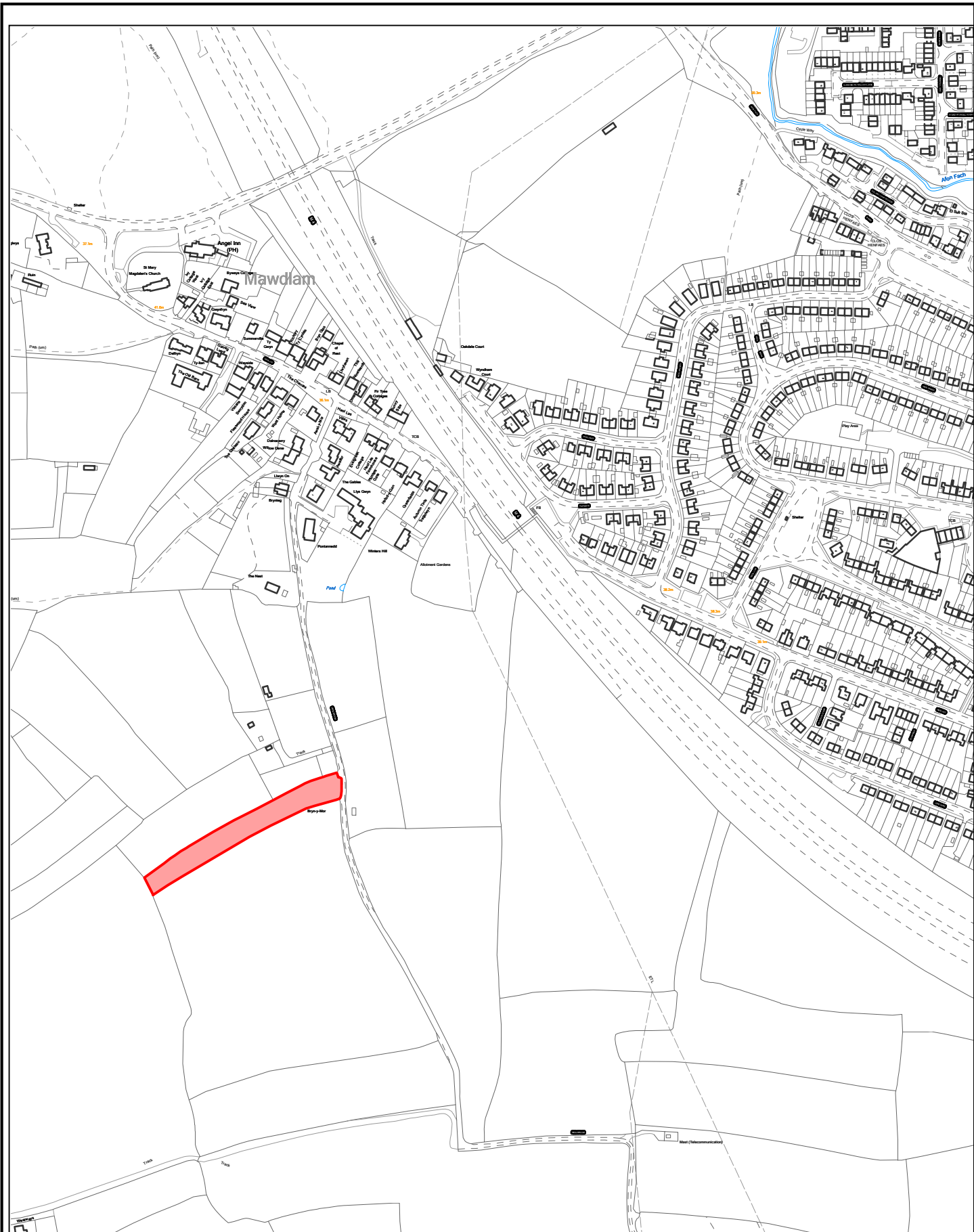
Full planning permission is sought for the erection of a replacement dwelling at Bryn y Mor, Heol Broom, Mawdlam.

The proposal seeks consent for the demolition of an existing single storey dwelling and detached garage and replacement with an L-shaped dwelling of 220 square metres. The existing dwelling is shown below:



The new dwelling comprises an internal double garage at ground floor level with a hallway, utility/plant room, cloakroom and WC with three bedrooms with ensuite and dressing rooms together with a cinema/games room, as shown below:





**Jonathan Parsons**  
 Group Manager  
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Bridgend County Borough Council,  
 Civic Offices,  
 Angel Street,  
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**P/19/166/FUL**

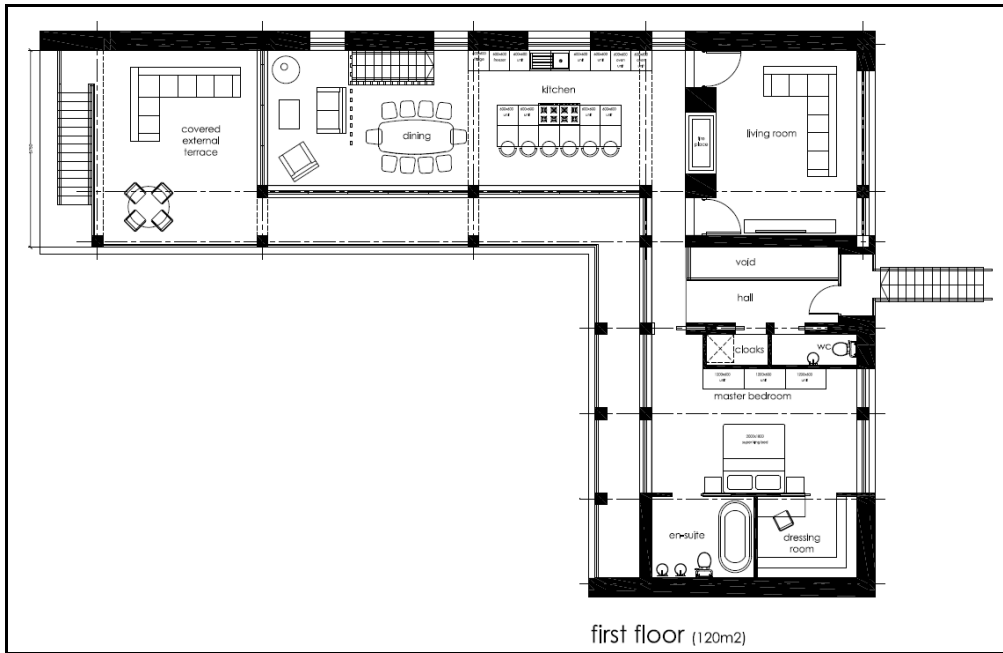
**Bryn y Mor**  
**Heol Broom**  
**Mawdlam**

**Scale: 1: 5,000**

**Date: 14/06/2019**

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The first floor comprises a hallway with cloakroom and WC, a master bedroom with ensuite and dressing room, a living room, kitchen/dining room and covered external terrace, as shown below:



The dwelling will be accessible via entrances to both the ground and first floor and is contemporary and bespoke in its design, as shown below:



The dwelling will be positioned towards the eastern boundary of the residential plot on the footprint of the existing property and detached garage, albeit larger. The dwellinghouse will have facing stone elevations with timber panel detailing and a profile metal roof in grey colour. The windows will be powder coated aluminium to match the roof.

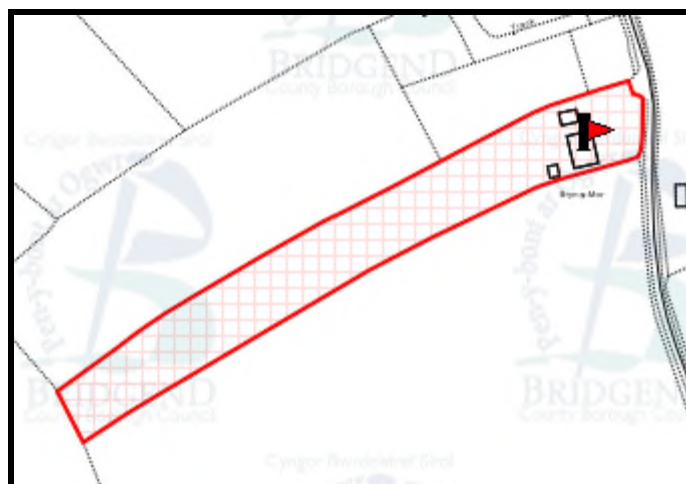
## SITE DESCRIPTION

The application site is located within the countryside, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated approximately 240 metres to the south of the small settlement of Mawdlam.

The site is accessed via an existing single width adopted highway, Heol Broom, which lies adjacent to the eastern boundary of the site. The highway is bordered with mature hedgerow and can be characterised as a country lane. The site is bordered to the north, south and west by open countryside.

Public Right of Way COR/27/2 (Footpath 27 Cornelly) runs along the southern boundary of the application site. The southern boundary of the site is bordered by a semi-mature treeline.

The plot itself comprises an existing residential property which is currently unoccupied. The property is positioned towards the eastern boundary of the relatively large, elongated rectangular-shaped plot, as demonstrated below:



The existing property is single storey and faces east. It has roughcast render elevations with a concrete tile roof and a detached flat-roof garage to the north. The front of the property benefits from a driveway with turning area off the existing vehicular access point at the north-eastern corner of the site. The site is flat with level access to the Public Right of Way to the south and Heol Broom to the east.

### **RELEVANT HISTORY**

No relevant planning history.

### **PUBLICITY**

This application has been advertised through direct neighbour notification and the erection of a site notice. Three letters of objection have been received in response to the consultation undertaken.

The first letter of objection was received from the occupier(s) of Llwyn On, Heol Broom. It states *the modern design of the building is not in keeping with its rural surroundings or the type of houses close to the site* and that the structure will dominate the pastoral countryside landscape in which it is situated. The letter refers to the countryside location of the application site and notes that the proposed property is larger than the footprint of the existing property, stating *the development has the potential to open up Mawdlam to piecemeal development along Heol Broom which is not acceptable*.

In addition, concerns are raised about the additional vehicle access point along Heol Broom, which is dangerous as the lane is single width and visibility is poor. The objector raises a concern about the additional access point providing potential to build further properties at the rear of the site in the future.

Concerns are also raised about vehicular access during the construction phase of the development, as the lane is unsuitable for heavy vehicles and *it is impractical to have access to the site for large builders lorries*.

The occupier(s) of Carreg Lwyd, Heol Las, have also lodged an objection to the proposed development on the grounds that the proposed dwelling is *far too big for the plot and resembles something you'd see on an industrial estate*. The letter states that the materials proposed are out of keeping with other properties within the village of Mawdlam and that the building is outside of the settlement boundary, within the countryside.

The letter also raises a concern about highway safety, querying the impact of the proposed development on the highway through the village of Mawdlam, which lies to the north of the application site. The objector raises a query about deliveries to the site via the single width access lane as there are no turning or passing points along the road.

The third letter of objection received from the occupier(s) of 12 Curwen Terrace, North Cornelly refers to the design of the proposed dwelling, stating that it *is wholly inappropriate, out of scale and would seriously detract from the current environment of the generally open countryside*. The letter states that the materials are inappropriate and that the finish is more akin to an industrial unit rather than a domestic dwelling.

## **RESPONSE TO OBJECTIONS RECEIVED**

The matters raised in the letters of objection received from the occupier(s) of Llwyn On, Heol Broom, Mawdlam which refer to the additional access point are considered to have been addressed through negotiation. The additional access point has been omitted from the scheme and the only access point proposed is the existing vehicular access point on the most north-eastern corner of the application site.

Each planning application received by the Local Planning Authority is considered on its own merits and as such, any future applications for dwellings within Mawdlam or its surrounding area will be considered in accordance with the relevant planning policies and supplementary planning guidance. Therefore the comments received which state *the development has the potential to open up Mawdlam to piecemeal development along Heol Broom which is not acceptable* will not be addressed further in the consideration of this planning application. Notwithstanding the above, it should be noted that developments in the open countryside are strictly controlled.

The other matters raised in the objections received are addressed in the appraisal section of the report.

## **CONSULTATION RESPONSES**

### **CONSULTEE**

Rights of Way  
28<sup>th</sup> March 2019

### **COMMENTS**

No objection subject to the developer being reminded that any building material is not permitted to be stored on the Public Right of Way during the construction of development.

Dŵr Cymru Welsh Water  
29<sup>th</sup> March 2019

No objection subject to the inclusion of the recommended informative notes.

Land Drainage  
4<sup>th</sup> April 2019

No objection.

Public Protection  
2<sup>nd</sup> April 2019

Recommends the inclusion of informative notes.

Ecology  
9<sup>th</sup> April 2019

No objection.

Cornelly Community  
Council  
3<sup>rd</sup> May 2019

Objects to the development on highway safety and design grounds.

Transportation, Policy  
and Development

No objection subject to the inclusion of the recommended planning conditions and informative notes.

## RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy ENV1</b>	Development in the Countryside
<b>Policy SP12</b>	Housing
<b>Policy SP5(4)</b>	Areas of Archaeological Significance

**Supplementary Planning Guidance 02**

Householder Development

**Supplementary Planning Guidance 17**

Parking Standards

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

**Planning Policy Wales Edition 10**

**Planning Policy Wales TAN 12**

Design

## APPRAISAL

This application is being presented to the Development Control Committee to consider the objections received to the scheme, from residents and Cornelly Community Council. Cllr J Tildesley has also requested that this application be the subject of a panel site visit.

## PRINCIPLE OF DEVELOPMENT & DESIGN

The application site is located within the countryside, as defined by Policy PLA1 of the Local Development Plan (2013); as it comprises land lying outside of the designated boundaries.

It states at paragraph 4.1.9 of Local Development Plan (2013) that “the countryside should be protected for its own sake (i.e. for its beauty, landscape quality, natural resources, and its agricultural, ecological, geological, physiographic, historical, archaeological and recreational value)”. Therefore, development in the countryside “will be strictly controlled”, and relevant policies will not be set aside lightly in the interests of maintaining the integrity of the countryside.

Policy ENV1 states that development in the countryside should benefit the rural economy, whilst maintaining or enhancing the environment. It stipulates that all development will be strictly controlled but may be acceptable where it is necessary for the direct replacement of an existing dwelling, according to criterion (8).

Policy SP2 of the Local Development Plan (2013) states that “all development should 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”. Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

The letters of objection received in response to the consultation undertaken all refer to the design and size of the dwelling, stating its *modern design is not in keeping with its rural surroundings*, it is *far too big for the plot* and that it is *wholly inappropriate, out of scale and would seriously detract from the current environment of the generally open countryside*.

The proposed replacement dwelling is substantially larger than the existing detached dwelling with garage; it represents a 128% increase in floor space, however, whilst the dwelling is larger, its overall height of 6.8 metres is less than the existing dwellinghouse, which measures 7.1 metres. As such, the proposed replacement dwelling will have less of a visual impact from public vantage points than that of the existing dwellinghouse. The reduction in height by 0.3 metres demonstrates that the proposed dwelling will not be an overly intrusive feature that will detract from the countryside in which it is located. In addition, the boundary treatments along the northern, southern and western boundaries of the site are defined by natural hedgerow and semi-mature treelines that are to be retained. The boundary treatments will restrict views into the site from the north, south and west.

Cornelly Community Council consider the dwelling *dominate[s] the surrounding landscape*. Other objections also refer to the size of the dwelling and its impact on the surrounding landscape. As indicated above, whilst the proposed dwelling is larger in terms of its footprint, its overall height is less than that of the existing dwelling. Together with the boundary treatments along the northern, southern and western boundaries that will be retained, it is considered that the dwelling would not be a dominant feature within the rural landscape or detract from the character of the surrounding area.

The 0.47 hectare residential plot is substantial and it is therefore considered that the proposed replacement dwelling is not too large for the residential plot, as suggested by the objectors. The position of the dwelling is such that it will provide for sufficient private amenity space at the rear (west) with car parking and a turning facility at the front (east).

The dwelling is contemporary in style and is designed to be sympathetic to the surrounding countryside through the use of a limited pallet of materials. The elevations will be finished in stone with timber panel detailing. This is rustic yet contemporary in nature and is considered to be appropriate in terms of finish.

The roof of the dwelling will be the most prominent design feature. It will be heavily glazed on the eastern and southern elevations. The feature is not dissimilar to design features used in typical agricultural buildings. Hence, the materials used are considered to be appropriate as they will integrate with the surrounding agricultural landscape and will promote the use of materials and design features typically found within a countryside location.

Cornelly Community Council objects to the development on the grounds that the dwelling is *not in keeping with the rural area...or the design and type of dwellings at Mawdlam village*. It states *the proposed building far exceeds the size of other buildings in the area*. The settlement of Mawdlam is characterised by dwellings of a mix of house types, including bungalows, semi-detached and detached dwellings of varying design and appearance. There is no uniformity within the streetscene and therefore no defined character. Notwithstanding this, the application site is positioned around 240 metres to the south of the demarcated settlement boundary of Mawdlam and is characterised as open countryside which is rural in nature. The dwelling is considered to be in keeping with its rural surroundings, as justified above, and is not within the vicinity of the village of Mawdlam to warrant comparison with other dwellings within the settlement. Each planning application is assessed on its own merits with regards to the character of the surrounding

environment. The introduction of the replacement dwelling will not result in the addition of a visually incongruous feature that would warrant a refusal on such grounds.

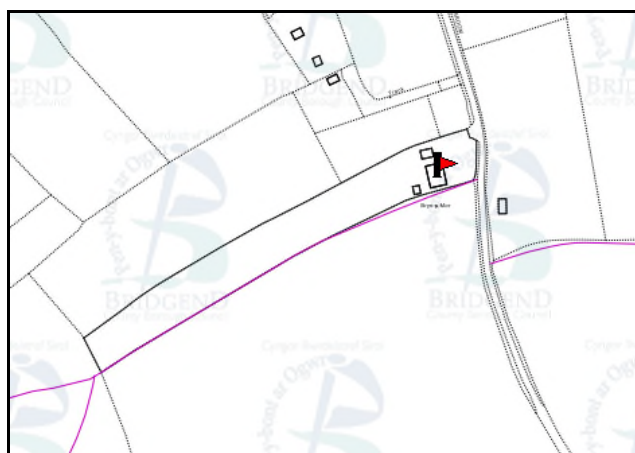
It is acknowledged that the size of the dwelling does not strictly comprise a direct replacement of the existing dwelling and detached garage at the application site as it is substantially larger, however, given the above, it is considered that the exemplar bespoke design of the proposed dwelling, which is intended to integrate with the surrounding countryside in which it is located, accords with criterion (8) of Policy ENV1 of the Local Development Plan (2013). No objection has been raised by the Development Planning Section who consider that the proposed development is a direct replacement and therefore the proposal is considered to be acceptable in principle and appropriate in its design and appearance.

### **NEIGHBOUR AMENITY**

Given that the closest residential property is situated 210 metres to the north of the application site, no concerns are raised which relate to neighbour amenity. The proposed development will not adversely affect the existing levels of privacy or amenity afforded to nearby residential properties.

### **RIGHTS OF WAY**

Public Right of Way COR/27/2 (Footpath 27 Cornelly) runs along the southern boundary of the application site. As shown in the map below, the approximate alignment of the footpath as it is currently shown on the definitive map is shown coloured in solid purple:



**Footpath 27 Cornelly**

The Rights of Way Section of Bridgend County Borough Council do not object to the development proposal as none of the works associated with the development will directly or adversely affect the footpath. It is recommended that the developer is advised that the erection of scaffolding or storage of building materials on the footpath is not permitted as access must be maintained along the footpath at all times for members of the public.

Subject to the inclusion of an informative note, it is considered that the proposed development is acceptable from a Public Right of Way perspective, as the alignment of the footpath will not be affected by the proposed development.

### **ECOLOGY**

An Ecological Assessment undertaken by Ethos Environmental Planning dated March 2019 was submitted in support of the application. The assessment concludes that the on site habitats which will be impacted by the proposed development are limited to amenity grassland, scrub and a section of non-native, species-poor hedgerow to the east of the site. The high-quality habitat on the site, which comprises broadleaved woodland, hedgerows and semi-improved grassland is proposed to be retained and enhanced.



The existing dwelling and detached garage were assessed as having negligible bat roost potential based upon the tight fitting roofs and land of access points for bats.

No objection is raised by Bridgend County Borough Council's Biodiversity, Policy and Management Officer, subject to the recommendations of the ecological assessment being conditioned.

Therefore, subject to the imposition of the recommended planning conditions, the application is acceptable from an ecology perspective and is compliant with Policy ENV1 of the Local Development Plan (2013) and the Council's biodiversity duty.

## **HIGHWAYS**

The Transportation, Policy and Development Section initially raised concerns about the proposed development because a second access point was proposed. This access point was subsequently omitted from the development scheme to overcome the comments received. The objections received from Cornelly Community Council and third party objectors which relate to the additional access point are also addressed through its omission from the scheme.

Subject to the imposition of the recommended planning conditions, the application is considered to be acceptable from a highway safety perspective, in compliance with Policy PLA11 of the Local Development Plan (2013).

## **LAND DRAINAGE**

Subject to the imposition of the recommended planning condition and informative notes, the proposed development is considered to be acceptable from a land drainage perspective.

## **ARCHAEOLOGY**

The site lies within an area of archaeological significance as identified in the proposals map and Policy SP5(4) of the LDP. However, the Glamorgan Gwent Archaeological Trust has not provided any comments and it is considered unlikely that the site will contain any archaeological resources. However, a condition is attached to ensure an Archaeological Watching Brief is undertaken during the construction period.

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.

## **CONCLUSION**

The proposal is considered to be acceptable in principle in terms of a replacement dwelling in the countryside. The existing dwelling on this site is of limited architectural merit and, whilst the footprint of the replacement dwelling is larger, its maximum height is less than the existing property due to its contemporary design. It is considered that the dwelling will sit well within the rural context of the site and, on balance, the replacement dwelling is considered to be appropriate in terms of its size, scale and prominence, in accordance with Policy SP2 of the Local Development Plan (2013). No objection is received from the Transportation, Policy and Development Section and the application is considered to be acceptable from a neighbour amenity perspective. Subject to the imposition of the recommended planning conditions, the application is recommended for approval.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following drawing numbers:
  - "AL(90)01" received on 13 March 2019
  - "AL90)10" received on 13 March 2019
  - "AL(90)11" received on 13 March 2019
  - "AL(0)05" received on 13 March 2019
  - "AL(0)06" received on 13 March 2019
  - "AL(90)10 Rev A" received on 30 April 2019

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 dwelling 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 commence, apart from the demolition of the existing dwellinghouse and detached garage, until a scheme for the comprehensive drainage of the site, showing how foul water and surface 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 the occupation of the dwelling.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent overloading of the public sewerage system.

4. The access drive and parking facility shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

5. The entrance gates shall be set back not less than 5 metres from the nearside edge of carriageway.

Reason: In the interests of highway safety.

6. Prior to the commencement of development, a 5-year biodiversity management plan for all habitats within the site boundary should be submitted to and approved in writing by the Local Planning Authority. The biodiversity management plan shall be implemented in accordance with the approved details.

Reason: To ensure that retained and newly created habitats (including woodland, grassland and hedgerows) are managed appropriately in the long-term in order to benefit biodiversity.

7. Prior to works commencing on site, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority which addresses how the retained trees and hedgerows will be protected during works in line with British Standard recommendations BS5837:2012. The development shall be implemented in accordance with the agreed details and shall be retained in place for the duration of the works.

Reason: In the interests of good arboricultural practice.

8. Prior to the commencement of development a sensitive lighting plan shall be submitted and approved in writing by the Local Planning Authority. The lighting plan should be implemented in accordance with the agreed details and shall be retained in perpetuity.

Reason: In the interests of biodiversity.

9. No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

Reason: To ensure a satisfactory form of development.

10. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

The proposal is considered to be acceptable in principle. On balance, it is considered to be appropriate in terms of its size, scale and prominence, in accordance with Policy SP2 of the Local Development Plan (2013). No objection is received from the Transportation, Policy and Development Section and the application is considered to be acceptable from a neighbour amenity perspective.

No surface water is allowed to discharge to the public highway.

The applicant is reminded that at no scaffolding or building material will be permitted to be stored on Public Right of Way COR/27/2 (Footpath 27 Cornelly) at any time. The Right of Way must be accessible to members of the public at all times.

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

The applicant may need to apply to Dŵr 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). The design of the sewers and lateral drains must also confirm to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dŵr Cymru Welsh Water's maps of public sewers because they were originally privately owned and transferred into public ownership by nature of the Water Industry (Schemes for Adoption or Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant may contact Dŵr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant is reminded that from 7 January 2019, new developments over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SuDs Approving Body (SAB). Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:  
<https://www.bridgend.gov.uk/residents/recycling-waste-andenvironment/environment/flooding/sustainable-drainage-systems/>

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 the safe development and secure occupancy of the site rests with the developer.

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.

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.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background papers**

None