

REFERENCE: P/19/212/OUT

APPLICANT: Mr P & Mrs J James
Gable Cottage, Llangewydd, Bridgend, CF32 0EU

LOCATION: Land rear of 143-148 Cwrt Coed Parc, Maesteg CF34 9DR

PROPOSAL: Outline application to erect one 2 storey dwelling with garage

RECEIVED: 28 March 2019

SITE INSPECTED: 11 April 2019

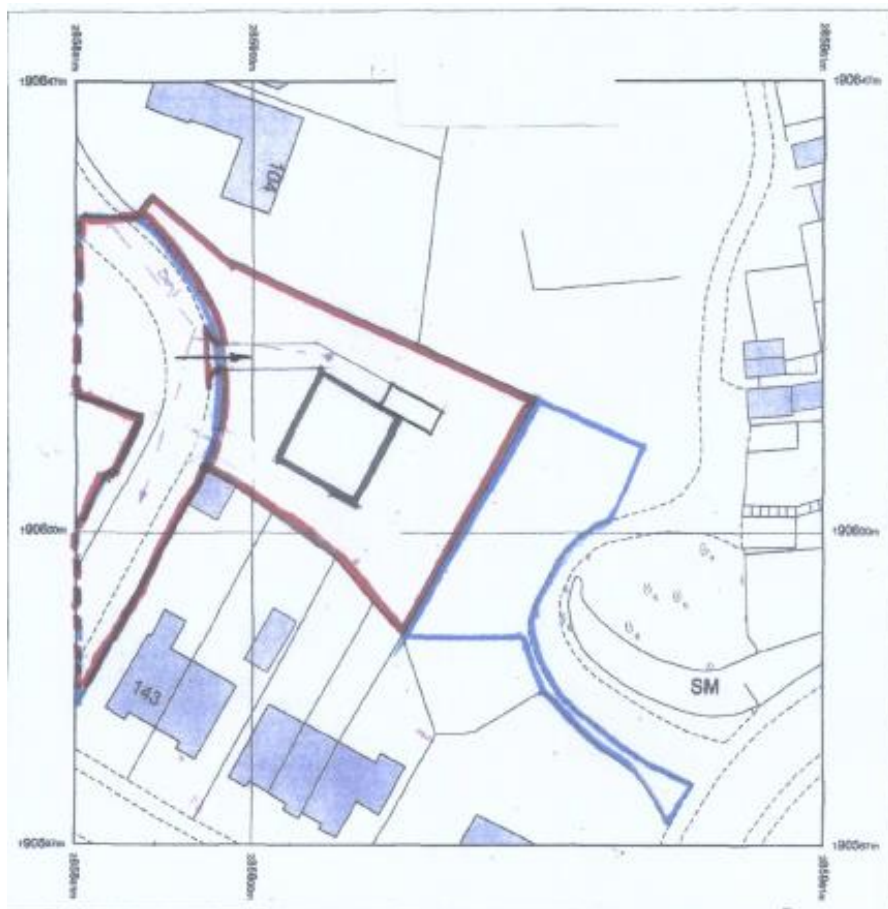
EOT AGREED: 16 September 2019

APPLICATION/SITE DESCRIPTION

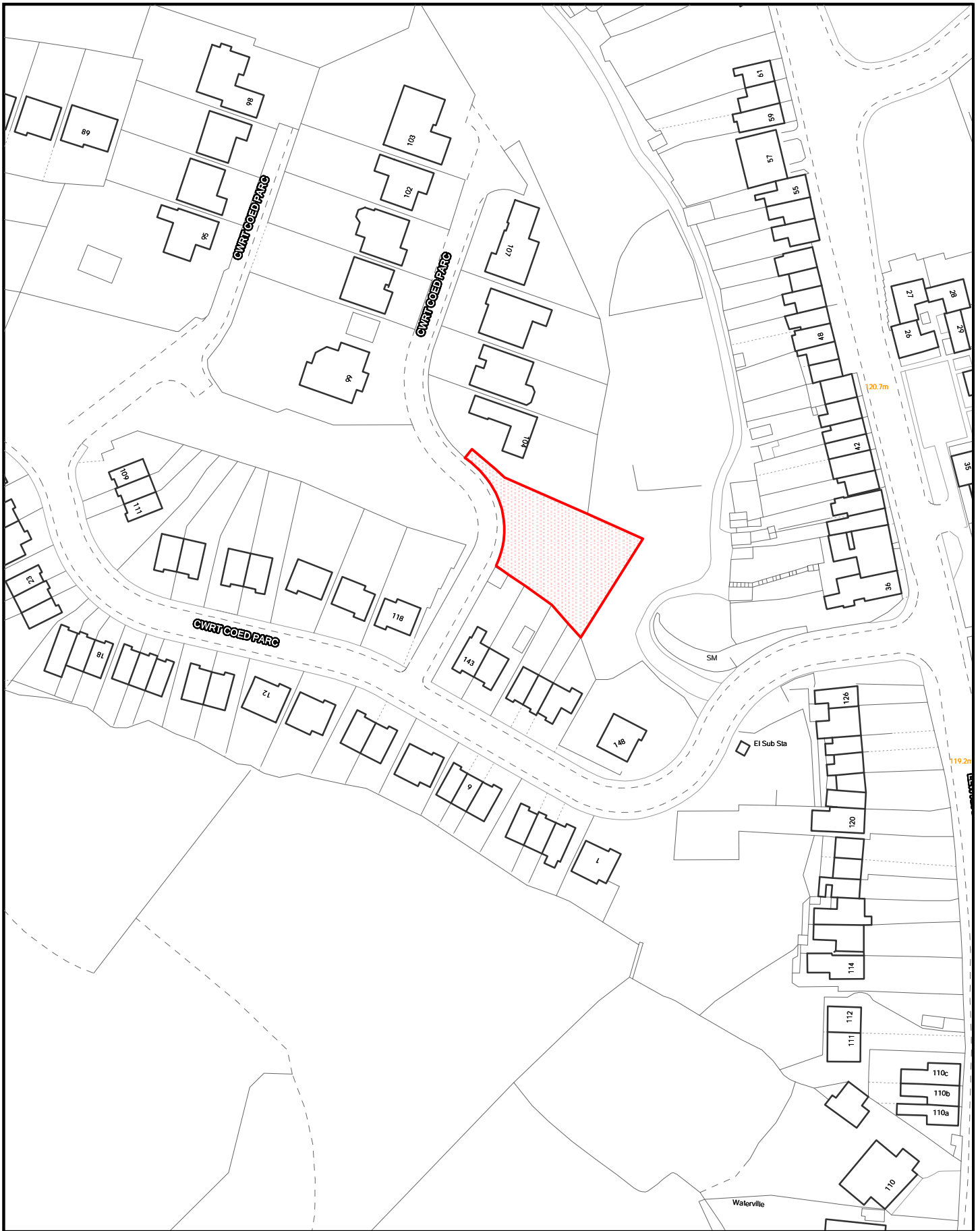
The application seeks Outline planning permission with all matters reserved for the erection of one 2 storey dwelling with garage on land to the rear of 143-148 Cwrt Coed Parc, Maesteg.

The plans indicate that the proposed dwelling will be located to the rear of the existing properties at 143-148 Cwrt Coed Parc with scale parameters of approximately 9.5m x 10m and a height of some 7.5m/8m. Access to the site is via Cwrt Coed Parc with off street parking accommodated within the site along with a detached garage to be erected to the side of the proposed dwelling.

Proposed Site Layout:



The application site is located within the residential settlement boundary of Maesteg as defined by Policy PLA1 of the Local Development Plan (2013). The application site relates

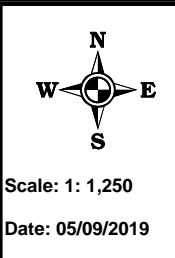


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P/19/212/OUT

143-148 Cwrt Coed Parc
Maesteg



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to a vacant and overgrown area of land which slopes away to the rear of the site with an unfinished footpath located to the front of the site. Vehicular access to the site is via Cwrt Coed Parc which serves 9 existing dwellings which formed part of a previous application (P/01/783/FUL refers) which required the construction of an engineered plateau to create level land to construct the 9 dwellings. The application site is located on the lower part of the plateau but is positioned approximately 3m below the height of the development part of the plateau.

RELEVANT HISTORY

P/89/1124/OUT – Erection of 136 dwellings – Approved – 02/12/1989.

P/01/783/FUL – Proposed access road and drainage – Approved – 16/04/2002.

P/10/665/OUT – Outline application to erect one 2 storey dwelling with garage – Approved (with conditions) – 11/03/2011.

PUBLICITY

The application was advertised in the press as affecting Footpath 42 Maesteg and on site. Neighbouring properties were notified of the application.

The period allowed for response to publicity/consultation expired on 26 April 2019.

CONSULTATION RESPONSES

Maesteg Town Council - state that the members unanimously agree that the following must be adhered to with regard to the diversion of Footpath 42 Maesteg:

- Work must not affect the condition of Footpath 42;
- If diversion required needs to be in place before works commence;
- The diversion must be of the same standard as previous footpath;
- The diversion must be walkable.

Further observations were also made on the proposed development such as:

- Works already commenced on site;
- Previous problems with drainage ongoing;
- Road leading to the property left unfinished;
- Overlooking other properties.

Highways Officer – No objection subject to conditions regarding the gradient of the proposed access and the completion of the footpath.

Drainage Officer – No objection subject to the imposition of a condition regarding the submission of a comprehensive drainage scheme for the site prior to works commencing on the site.

Coal Authority – No objection to the proposed scheme as there appears to be no changes in the current application to that of the approved consent P/10/665/OUT.

Rights of Way Manager – No objection subject to advisory notes.

Destination and Countryside Manager – No objection subject to compliance with the recommendations contained in the submitted ecological appraisal.

REPRESENTATIONS RECEIVED

Three letters of objection to the proposed development have been received.

143 Cwrt Coed Parc have raised the following concerns:

- Overshadowed and overlooked by the dwelling;
- Invasion of privacy;
- Blocking of natural light and views;
- Drainage concerns;
- Loss of trees which provide nesting and roosting sites for birds and damage to the environment;
- Potential increased further damage to boundary wall by heavy construction machinery;
- More unfinished work to pavements and road which is unsightly and present a health and safety risk to local residents and general public.

144 Cwrt Coed Parc have raised the following concerns:

- Overshadowing and loss of views;
- Concerns over ground levels and proposed height of dwelling;
- Loss of privacy and natural light;
- Drainage concerns;
- Concerns over increase in traffic use of the road and the use of heavy vehicles during construction will create noise pollution and possible subsidence of our houses;
- Narrow access road causing traffic problems and impact on Footpath 42;
- Loss of trees and nesting areas as a result of the development;
- Reduction in the value of the houses and quality of life of the existing residents.

145 Cwrt Coed Parc have raised the following concerns:

- Reduction in views, light and privacy;
- Site levels would increase flooding to the house located on Bethania Street;
- Footpath 42 is not suitable to be used by heavy building equipment as damage already done to the wall of 143 Cwrt Coed Parc.

COMMENTS ON REPRESENTATIONS RECEIVED

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

The Town Council's comments regarding Footpath 42 Maesteg have been addressed in the appraisal section of the report.

It is inevitable that there would be some noise and disturbance during the construction period but this would only be for a temporary period and as the proposal is only for one dwelling, it is not considered to be excessive.

Loss of view and decrease in property values are not material planning considerations.

It is considered that the development of a single dwelling on this site would not materially affect the quality of life of existing residents.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management

- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV13 – Unstable Land

Supplementary Planning Guidance

SPG02 - Householder Development

SPG08 – Residential Development

SPG17 - Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (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 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

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.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by local residents.

The main issues to consider in the determination of this application are the principle of the development, impact on the character and appearance of the street scene and surrounding area, impact on neighbouring properties, drainage, ecology, Public Right of Way and highway safety.

It is noted that Outline Planning permission was granted for the erection of 1 two storey dwelling with garage with conditions at the site on the 11 March 2011. In view of this, the principle of the development and associated matters have previously been considered and approved under Planning reference P/10/665/OUT.

Principle of the Development

The application site lies within the residential settlement boundary of Bridgend as defined

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

In conclusion, the principle of a residential redevelopment of this site accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Impact on the character and appearance of the street scene and surrounding area

The application proposes the erection of 1 detached, two storey dwelling on vacant and open land located to the rear of 143-148 Cwrt Coed Parc. The proposed scale and layout parameters of the dwelling on the submitted plans are considered to be in keeping with the area, including garages and driveways, with adequate amenity space which reflects the design and size of the existing dwellings that are located above the site. The application site is currently vacant and overgrown and therefore it is considered that the introduction of a single dwelling will not have a significant adverse impact on the existing street scene or the wider area.

Whilst all matters are reserved for future appraisal, the access into the site has been proposed via the existing access to Cwrt Coed Parc.

In respect of design, as the application is in Outline, no detailed designs have been submitted, however, these would be considered and agreed at the Reserved Matters stage where the local context can be taken into account. Notwithstanding the lack of design details, the parameters of the dwelling proposed are in keeping with the newer properties located to the north of the site but larger than the dwellings located to the south of the site. Whilst the site is in a prominent position on the western side of the valley and the newer houses to the north of the application site are prominent in the landscape, due to its position at a lower level than these dwellings it is considered that the proposed development would not be overly prominent in the landscape. It is also considered that due to its location behind 143-148 Cwrt Coed Parc, the proposed development is considered not to have an adverse impact on the existing street scene or wider area.

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

Impact on neighbouring amenities

The proposed dwelling would be positioned to the north of 143-147 Cwrt Coed Parc and as such there would be no loss of light or overshadowing of these properties. The more recently constructed property on the adjoining site to the north (104 Cwrt Coed Parc) is approximately 3m higher than the application site and as such would not be affected by the proposed dwelling.

The application is in Outline and therefore no floor plans have been submitted for consideration at this stage. However, it is considered that the dwelling could be designed to avoid any loss of privacy to adjoining properties.

There is likely to be a need to raise existing site levels slightly to create a level site and to enable the proposed drainage to be connected to the existing system in the adjacent private drive, however, it is considered that this would not result in the proposed dwelling dominating the adjacent dwellings as it would be positioned some 21.5m away from the

rear of 143-148 Cwrt Coed Parc. Notwithstanding the above, it is considered necessary to attach a condition requesting details of the existing and proposed site levels prior to works commencing on site.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities of existing neighbouring properties, particularly as the exact layout is yet to be agreed. The proposal therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Highway Officer has noted that this application is for Outline consent will all matters reserved and that the principle of constructing a dwelling at this location has previously been established (P/10/665/OUT refers). He considers that the proposal is acceptable in traffic generation terms.

Initially, the Highways Officer raised concerns regarding the proposed location of the access and garage on the site. An amended site layout plan was submitted on 6 June 2019 which has revised the access to a more central location on the plot which is considered to provide better vision splays for vehicle emerging onto Cwrt Coed Park. It is also noted that the footway fronting the property is yet to be completed and is not included in the Council's adoption plan and therefore it would be beneficial for the section of footway fronting the property to be completed to wearing course to allow future residents of this proposal to access the local services and public transport. It is therefore considered necessary to attach a condition requesting that a scheme to re-surface the footway between the site and the main estate road is submitted prior to the development commencing on site and the agreed scheme implemented prior to the beneficial occupation of the proposed dwelling.

Accordingly, it is considered that the principle of constructing a dwelling at this location is acceptable in traffic generation terms and subject to conditions, the proposed development is considered acceptable and in accord with Policies SP2(6) and PLA11 of the LDP and Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Landscaping

The development of a dwelling on this site would result in the loss of a small number of sapling trees and it is not considered that this would have a significant impact on the existing visual amenity of the area, however, it is considered necessary to attach a condition to the consent requesting a landscaping scheme to be submitted and agreed by the Local Planning Authority prior to development commencing on site to accord with Policy ENV6 of the LDP.

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 21 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 Local Planning Authorities 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.

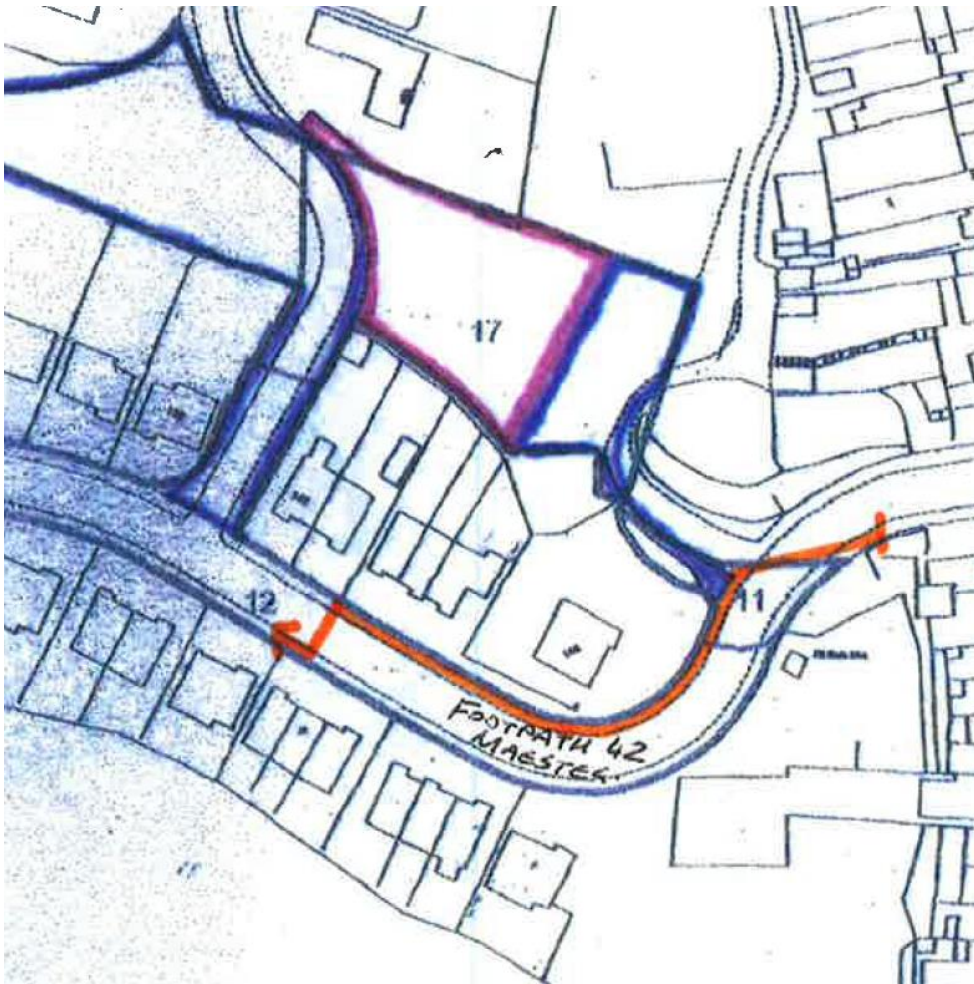
The three tests that must be satisfied are:

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

Initially, the Council's Ecologist requested the submission of a preliminary ecological appraisal of the site to scope the ecological interest and impact of the proposed development. This document was submitted on 26 July 2019 and has been assessed by the Council's Ecologist who has recommended that the recommendations contained in the ecological appraisal are a condition of any consent granted in order 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.

Public Right of Way

The Rights of Way Officer has checked the Definitive Map and has confirmed that Footpath 42 Maesteg is affected by the development, however, following further checks of the Rights of Way records it was noted that Footpath 42 Maesteg was diverted under Section 257 of the Town and Country Planning Act 1990 on 11 August 2003 with the Order being confirmed on 9 March 2004 and the Certificate of Satisfactory Compliance was issued on 15 September 2010 (see plan below). The diversion of the footpath was needed to allow development to take place. 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 public footpath.



Having taken into account all the points outlined above, the Rights of Way Section raises no objection to the proposed development, subject to the applicant keeping the footpath clear of any materials whilst works are being carried out.

Location in a mining area

The planning application is accompanied by a Mining Risk Assessment prepared for the previously application P/10/665/OUT. Following further assessment of this information the Coal Authority raise no objection to the development as there would appear to be no changes in this current application to that of the approved consent (P/10/665/OUT refers). In view of this, the proposed development is considered to comply with Policy ENV13 of the LDP.

CONCLUSION

Having regard to the above and in view of the Outline nature of the application, the proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing properties, street scene or wider area, and will not adversely affect privacy, highway safety, ecology, drainage or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised by the objectors have been taken into account during the determination of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development.

RECOMMENDATION

(R05) That permission be GRANTED subject to the following conditions:-

1. The consent hereby granted shall be limited to the construction of one detached dwelling with a maximum ridge height of 8m and shall be carried out in accordance with the following approved plans and documents, Site Location Plan, Scale Parameters and Design and Access Statement received on 28 March 2019, Coal Mining Risk Assessment and Drainage Information submitted on 4 July 2019, Amended Site Layout received on 6 June 2019 and Ecology Appraisal prepared by MPS Ecology received on 26 July 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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) 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 as well as the installation of new windows or dormers or the extension of the property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling.

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

6. No development shall take place until details of the proposed floor levels of the dwellings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

7. 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 the dwelling commencing and shall thereafter be retained and maintained in perpetuity.

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

8. No development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority. 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. Thereafter, all landscaping works shall be implemented in accordance with the approved details

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. The access hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety

11. No development shall commence until a scheme for completing the section of footway fronting the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use and shall, thereafter, be retained and maintained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

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

a. The application is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy, highway safety, ecology, drainage or visual amenities 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 (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and

Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

e. The applicant is advised that as the proposed development footprint exceeds 100m² a Sustainable Drainage Application will need to be submitted to Bridgend County Borough Council 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-and-environment/environment/flooding/sustainable-drainage-systems/>

f. Off street parking, both operational and non-operational must be provided to the satisfaction of the Local Planning Authority and the applicant is advised to consider SPG17 – Parking Standards.

g. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager via the Highway Maintenance Inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend or by telephone on 01656 642541.

h. The applicant is advised that that the storage of materials on the footpath would not be permitted as access needs to be maintained along the footpath at all times for members of the public.

i. The applicant is advised that if access is granted from the south of the application site for construction/completion then the applicant will be responsible for reinstating the surface of the footpath should any damage occur during the construction process, to the satisfaction of the Council's Rights of Way Section at the developer's cost.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers
None