

DEVELOPMENT CONTROL COMMITTEE 12 SEPTEMBER 2019

AMENDMENT SHEET

The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
4	3	Minutes for P/18/1006/FUL (Para. 287)

The sentence under "Condition 40:" on page 5 should read:

Notwithstanding the plans as hereby approved, no development shall take place until a revised scheme for the three bay lay by incorporating a footway area to the north of the new access road serving Nos 32-38 Llangewydd Road have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the agreed details as part of the first phase of development to provide the new access into the site. The footpath shall be retained in perpetuity to serve Nos. 32-38 Llangewydd Road.

Reason: In the interests of highway and pedestrian safety.

In addition, the paragraph under "Note:" on page 5 should read:

Committee agreed, following some considerable debate, to suspend the meeting at 15:22, so that that the representative of the applicant who attended the meeting, and spoke as a public speaker) representing on behalf of Persimmon Homes, could contact the site developer, in order to clarify certain points raised by Members regarding the footway situated on the site access road. The meeting reconvened at 15:41 and it was agreed that a condition (40) be added to the recommendation.

As well as the changes to the S106 Legal Agreement Heads of Terms and the addition of condition 40, it was also agreed that condition 17 should include the following words:

"... and the LAP and the LEAP facilities shall be in place prior to the transfer of the 50th dwelling on this site."

8	13	P/19/391/FUL
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A Panel Site Visit was undertaken on Wednesday 11 September, 2019.

The applicant and a representative from the Town Council (another Porthcawl Councillor. Cllr. Aspey from Porthcawl West Central) attended the site visit.

In addition, the agent has submitted additional information in support of the proposals in the form of a response to the Officer's Report and a statement in support of the scheme, as follows:

Response to Report

It is felt that currently the officer report does not present the facts of the case in a balanced way and the applicant wishes the following information to be placed in front of members of Committee in a 'late representations' report or whatever nomenclature you use in Bridgend.

The case officer report gives significant space to the observations of the neighbour. In order to rebalance the report, it is felt that the Planning Statement submitted as part of the application should be placed in front of members.

A major concern within the report is that while the case officer states that “the development would unlikely breach the requirements of Note 2 of SPG02: Householder Development in terms of overshadowing” yet overshadowing and the adverse impact on the neighbouring property at 5 Nottage Mead appears to be overplayed in the report. The fact that the case officer considers that the design in relation to overshadowing is acceptable is a very pertinent point and this conformity with SPG 02 is a vital part of the applicant’s case.

The aim of the solar/shadow assessment was to use one established method of objectively assessing overshadowing as part of the determination of the application. This exercise was done before further amendments were introduced such as the half-hipped roof and the set back of 450mm from the boundary and even these solar images at different times and seasons shows impact to be very marginal in the winter and not worthy of a planning refusal. The phrase ‘unreasonable overshadowing’ and ‘over bearing impact’ used in the report cannot be evidenced from the solar/shadow assessment submitted with the planning application. Also, in relation to the issue of the shadow over the existing ground floor bedroom window in the side elevation of the objector’s property, this will happen without any works being carried out. We consider that the solar assessment needs to be revisited by officers and members of the Committee advised of its findings.

The presently proposed scheme is only 1.95m longer than the approved extension with a very similar mass and scale and similarly set back from the boundary. Confirming as the case officer notes, with BCBC adopted extension guidance in SP2 it is difficult to accept the assessment that the scheme would dominate the outlook from the rear neighbour’s dwelling and garden area.

In relation to the 3 Beech trees casting a wall of shadow, the applicant advises that he plans to remove the trees at the time of development of the extension if approved.

In relation to the comment at in connection with the rear window at 5 Nottage Mead, this cannot be considered a particularly negative point otherwise the Council would not have allowed consent under planning application P/17/665/FUL as this window would be affected under that scheme.

The report also does not highlight that the current proposal removes the discordant sun lounge front extension allowed under P/17/665/FUL. If anything would have out of accord with the rest of Nottage Mead it would have been a front extension with would have had an adverse impact on the whole street scene. As it is the rear extension would not be out of accord as there is a mixed array of properties within Nottage Mead ranging from very large detached houses, contemporary designed houses, bungalows & semi-detached properties in the area.

The 400mm change in height is not significant over and above the previous approval and the hip further decrease any impact. If the Council is concerned about symmetry then a hip can be added to the other side of the extension very easily.

We trust that these matters plus the solar assessment plus the supporting Planning Statement will be brought to the attention of members of the Committee.

Supporting Statement

The Council granted planning consent for a dual pitched roofed rear extension and a front sun lounge at 3 Nottage Mead under planning reference P/17/665/FUL. The dimensions of the rear extension would under this consent see the dwelling extended by 4.615m in length with a ridge height of 6.300m.

Under the present planning application, P/19/391/FUL, revised proposals seek to remove the front sun lounge and front facing dormer and extend the rear extension by 1.885m in length from that approved under the P/17/665/FUL consent. The ridge height is proposed to increase by .600m from 6.300 to 6.900m. Roof lights and a small side facing dormer are additions to the existing approval. In general terms, despite small increases in length and height, the overall scale and mass of the current application when compared against the existing approval is broadly similar. The extension remains as a single storey extension and set off the boundary with 5 Nottage Mead by .900m. This is supported by drawing SK02 (re attached) that shows a comparison between the 2017 approved scheme and the current proposal.

However, in an e mail between the case officer, Lee Evans and the architect Mark Robinson dated 3rd July, the case officer expressed the following concerns:

'Having discussed the proposal with senior colleagues yesterday we are of the opinion that there is a significant difference between the approved scheme and the current proposal (the scheme being higher, longer and closer to the boundary with a number of side sky lights also being proposed). It is this additional massing and bulk that we consider would harmfully impact the amenities of the adjoining property.'

In relation to these comments we would respond as follows:

The additional ridge height of .600m and length of 1.885m in the context of a large plot size of 104m x 14m at the site, which is mirrored in plot size at the neighbouring 5 Nottage Mead, cannot be viewed as significant. This assertion can be objectively demonstrated by examination of the attached 'solar study' which shows the impact of development on the neighbouring property 5 Nottage Mead based on comparisons between the existing dwelling, implementation of the consented 2017 scheme and the current proposal. The solar study examines the 'shadow' that would be formed at the four different seasons of the year and at three different times of the day. The degree of shadow cast is an important indicator of the visual impact on the neighbouring property.

As can be seen from an analysis of the solar study, there is only a marginal impact on the neighbouring property from the proposed extension applied for under the current application. In particular for example, comparisons between the approved and current scheme in the summer months when gardens would be most in use, show the impact to be marginal and modest. The shadow analysis shows that the vast majority of the neighbouring garden would not be in shadow.

The current design of the rear extension follows the principles of the approved scheme with the roof facing 5 Nottage Mead falling away from the eaves that remain set at .900m off the boundary (although recognising that the current scheme does not follow the .450m set back in the approved scheme). It is also material that the ridge line of the extension is set back 4.9m from the common boundary with the neighbouring property. Given this plus the large rear gardens at both the application site and neighbouring property, then this would prevent the development from appearing as an overly prominent or discordant form of development that would cause material harm to the amenities of the neighbouring property or the character and appearance of the area.

In relation to any concern about the proposed sky lights facing 5 Nottage Mead, this can be eliminated by an examination of the attached section that shows that the roof lights would be set 2.190 above the floor level which would allow occupiers views out over the neighbour's garden.

In conclusion it is argued that the proposed extension would not have such a harmful impact on the amenity of the neighbouring property and that the design confirms with the principles set out in the Council's SPG SP02 and should be approved with appropriate conditions.

Post Script – Other amendments were made the proposed design post this Planning Statement. These included setting the extension 450 mm off the common boundary, designing a hipped roof to lessen roof mass and ensure separation of side facing window away from 1 Nottage Mead.

In response, Officers can confirm that:

- **Overshadowing is not a reason for refusal**
- **The length and height of the rear extension is accentuated by the staggered position of the application property in relation to the neighbouring property and, therefore, the additional ridge height (600mm) and length (1.885m) are significant in this context**
- **The “three existing Beech trees” and the “ground floor bedroom window” are clearly referred to in the neighbouring occupier's comments, not the Officers appraisal**
- **The Officers report clearly states that there are no concerns by way of overlooking from windows/sky lights**
- **There is no objection to the design of the extensions or their impact on the streetscene – the reason for refusal relates to the unreasonable domination and overbearing impact on the relatively small useable garden space to the rear of the adjoining property**

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P/18/945/FUL

A Full Committee Site Visit was undertaken on Wednesday 11 September, 2019.

Representatives from the applicants (Jehu and Hafod Housing Association), their agent and the Local Ward Member attended the site visit.

An emailed communication from the applicant's planning consultant seeks to clarify that reasons for refusal (3 &4) could have been dealt with by planning condition should the Council have been minded to approve the application. The communication states:

“It is our view that these reasons for refusal could have been easily dealt with in recent weeks prior to the application being written up”.

Likewise in terms of the S106 matter raised in the committee report, from looking back at our records we are still awaiting for a response to the attached email – particularly in terms of the education comments and evidence of capacity position. As I set out to the planning committee at the site visit, we would be willing to still discuss the S106 position so that this could be concluded”.

Further negotiations could have resulted in changes to the submitted layout to accommodate the required off-street car parking provision and the footway/cycleway link along the site frontage. Evidence on development viability to justify the level of obligations could also have

been provided but it would not alter the view that the principle of developing this land is unacceptable on the basis that the sustainable place making objectives of the local development plan and national sustainable placemaking outcomes would not be fully achieved.

12 71 P/19/140/FUL

Condition 1 on the recommendation should include the drawing number for the proposed ground floor plan as follows:

Ground Floor Plan (PLC) – Drwg. No. LDS-PDA-V1-00-DR-A-05-1003 - P02 - received 6th March, 2019

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
12 SEPTEMBER 2019**