

REFERENCE: P/23/147/FUL

APPLICANT: T, D, C & N Allen c/o C2J Architects & Town Planners, Unit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

LOCATION: Rear of 82 Merthyr Mawr Road Bridgend CF31 3NS

PROPOSAL: Detached dwelling with garage and on site parking

RECEIVED: 1 March 2023

UPDATE SINCE DC COMMITTEE MEETING OF 7 SEPTEMBER 2023

The application and original recommendation were considered by the Development Control Committee on 7 September 2023.

The application report from the Group Manager – Planning and Development Services recommended that consent be granted for the development of 1 no. detached dwelling and associated works on land to the rear of 82 Merthyr Mawr Road.

Notwithstanding the above, and after deliberation, Members voted against the recommendation.

Therefore, Committee was minded to refuse the application and, in accordance with the agreed protocol for dealing with applications where the Committee is minded to refuse an application which has been recommended for approval, consideration of the application was deferred to this meeting so that reasons for refusal could be properly considered.

Article 24 (1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) states that when the local planning authority give notice of a decision or determination on an application for planning permission or the application is refused, the notice must—

(a) **state clearly and precisely the full reasons for the refusal** or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision.

Section 11 of the Planning Code of Practice clearly states that:

If Members are minded to make a decision contrary to the Officer's recommendation the application should be referred to the next meeting of the Committee to enable officers to advise Members further. Where a Member proposes a recommendation contrary to the Officer's recommendation then the proposer should set out clearly the material Planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision before a vote is taken."

It goes on to state that "Where Members of the DC Committee are minded to take a decision against the Officer's recommendation, so that consideration of that matter is deferred to the next meeting of the Committee, Members will receive a further report from Officers upon the strengths and weaknesses of any proposed or possible Planning reasons for such a decision. In cases where Members overturn an Officer's recommendation for approval, the reasons for this will be drafted and reported back to Members at the next Development Control meeting."

Paragraph 9.6.17 of the Welsh Government's Development Management Manual also advises that "Where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval."

As referred to above, no reasons for refusal were agreed during the original meeting, however, Officers invited the nominated Lead Member, in liaison with the other Members who voted to refuse the application, to draft reasons of refusal in order for Officers to compile a report. The Lead Member has submitted his concerns about the development which are as follows:

1. *The application does not provide a visual of height, width and depth of the proposed property, this makes it difficult to determine the layout of this proposal in relation to neighbouring properties. This would question whether the proposed development is in keeping with the established area.*
2. *The proposed property is laid back from the neighbouring property, without sufficient information I cannot deem whether there are any impacts on privacy for the neighbouring property. This is of concern for a neighbouring property used to a high level of privacy.*
3. *The outward appearance of the property, the written description does not offer an objective view of the proposed property in relation to the neighbouring properties. Again much like objection 1 it cannot be determined whether this property is in keeping with the wider area.*
4. *The removal of four trees, three of which are subject to Tree Protection Orders, raises concerns on the visual and ecological impact after works on these trees have concluded which may include felling, crown reduction or removal of overhanging branches.*

Points 1 and 3 both relate to the scale and design of the property and its impact on the visual amenity of the area. The full details of the proposal, including its measurements and its elevations, are included within the full application submission. It has been suggested to the Lead Member that a refusal reason could be prepared which relates to the design and scale of the proposed dwelling.

Point 2 relates to the impact of the development on neighbouring amenity. The proposed dwelling would be set back from the adjoining property – no.1 Glanogwr Road – which itself is set back from the next dwelling to the west – 1 Bowham Avenue. The position of the dwelling in relation of the orientation of the sun will not create any unacceptable overshadowing issues to the adjoining property. In terms of overlooking, there are no primary habitable room windows proposed in either side elevation and those located in the front and rear elevations are sufficient distance from the adjoining properties to ensure no unacceptable overlooking issues.

The single storey garage will be located close to the boundary with 1 Glanogwr Road, with the bulk of the property set well into the plot and as such will not give rise to any unacceptable domination impacts on the adjoining dwelling or garden. On this basis, it was recommended to the Lead Member that a refusal reason relating to the impact of the development on neighbouring amenity would be difficult to justify and defend should the applicant appeal the decision.

The final point raised by the Lead Member related to the loss of trees, including three TPO trees which are situated on the site. The tree report submitted with the application indicates that the protected trees are poor specimens, with one showing signs of ash dieback. Whilst there are certainly ecological issues associated with tree loss, the main consideration with removing trees covered by a preservation order is visual amenity within the area. Given the findings of the tree report, which has been prepared by a professional arborist, it would be difficult to refuse their removal subject to replacement planting, which is also proposed in the application. The Council's ecologist has not raised any concerns subject to a condition.

Whilst not being specifically referred to in the comments received from the Lead Member, concerns surrounding the proposed site access were also raised verbally during the previous meeting. It was advised at the time that Planning and Highways Officers would not be able to justify a reason for refusal on these grounds. The site currently benefits from an existing vehicular access which the proposed development would make use of. The proposal would

improve the safety of the access through the introduction of pedestrian and vehicular vision splays, which were to be retained in perpetuity, as required by one of the recommended planning conditions. As the proposal would make use of and improve the safety of an existing access point, it would not be possible to justify a refusal reason on highway safety grounds.

Based on the discussion at the previous meeting, as well as subsequent correspondence with the Lead Member, the following reason for refusal has been composed, which relates to the scale and visual impact of the proposed development:

The proposed dwelling by virtue of its height and three-storey design on a prominent corner location will represent an incongruous element within the street scene to the detriment of visual amenity in an area where the predominant character comprises of two-storey low pitch buildings. As such the proposal is contrary to the Bridgend Local Development Plan Policy EV2 and national planning policy outline in Planning Policy Wales 11 and Technical Advice Note 12 – Design.

Further to the meeting and the Members' decision to refuse the application, the agent has proposed an amended scheme, reducing the ridge height of the proposed dwelling by 0.7 metres, resulting in an overall height of 9.4 metres to ridge.



Front Elevation



L/H Side Elevation



Rear Elevation



R/H Side Elevation

The amended elevations are shown above, with a comparison drawing, showing the previously proposed dwelling alongside the amended scheme, shown below.



As Currently Proposed

Reduced Ridge Height Option

The amended proposal will still be of a higher level than the directly adjoining properties, although as noted within the previous meeting, the new property is sited at the end of the row of properties and there are examples of taller buildings within the wider streetscene, examples of which are shown below:



No's 2 and 4 Glanogwr Road to the east of the application site



Glanogwr House and Newbridge Court (in the distance) to the north-west of the application site

Members will have the opportunity to consider the revised proposal which reduces the height of the proposed dwelling by 700mm. In the event that this alternative proposal is deemed to be acceptable to Members, the approved plans condition will be amended to refer to the updated plans. A copy of the original report is reproduced below :-

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full Planning permission for the erection of a detached dwelling alongside ancillary works on land to the rear of 82 Merthyr Mawr Road, Bridgend.

The proposed layout comprises a detached dwelling with an area of garden space and a driveway to its front, which will be accessed from Glanogwr Road. The proposed dwelling will also benefit from garden space to its rear.



Fig. 1: Proposed Site Layout Plan

The dwelling is principally orientated to face the north-west, toward Glanogwr Road. It will be set slightly further back than the building line of the adjacent property at no. 1 Glanogwr Road, which itself is set back from the next dwelling to the west, 1 Bowham Avenue.

The property is proposed to measure a maximum of 11.2m in depth and 11.9m in maximum width, inclusive of the garage which adjoins the dwelling on its south-western side. The house is to have a pitched roof which measures 10.1m in height to its ridge and 5.25m to its eaves. It will comprise a hallway, lounge and kitchen, utility room, family room and WC at ground floor level with four bedrooms and a family bathroom at first floor level. An additional bedroom is proposed within the loft of the property, alongside an en-suite and changing room.

The dwelling will be finished using lightly coloured render and red facing-brick to its elevations with a grey slate roof and grey powder coated aluminium windows and doors. Fenestration and openings are mainly situated on the front and rear elevations of the property, with some smaller / secondary windows situated on the side elevations at first and second floor level, serving bathrooms and staircases. The existing garden of 82 Merthyr Mawr Road is to be divided between the two properties.

SITE DESCRIPTION

The application site is situated within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the Local Development Plan (2013). It forms part of the rear garden of 82 Merthyr Mawr Road, with the northern boundary of the site formed by Glanogwr Road.



Fig. 2: Street View image of the application site

The site consists of an area of residential curtilage associated with 82 Merthyr Mawr Road, with the host property sitting to the south-east of the proposed development site. 1 Glanogwr Road sits to the west of the site, with the rear garden of no. 80 Merthyr Mawr Road sitting to the east.

The application site is situated within a residential area made up of largely detached and semi-detached houses of varying sizes. The houses in the area are typically finished in a combination of render and brickwork, with dark roof tiles and white UPVC windows, doors and rainwater goods.

The proposed development site benefits from an existing gated access from Glanogwr Road, which provided vehicular access to the site, where an existing detached garage is located. Several trees situated near to the northern boundary of the application site are protected by Tree Preservation Orders.

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/04/871/OUT	Outline application for one dwelling renewal of permission P/04/0044 and extension of reserved matters 01/203	Conditional Consent	14/09/2004
P/07/1099/OUT	Outline application for one dwelling house	Conditional Consent	18/10/2007
P/10/710/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	14/02/2011
P/14/84/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	01/04/2014
P/17/147/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	19/04/2017
P/20/260/RLX	Vary the standard time condition on P/17/147/RLX (New dwelling) to extend the Outline consent for a further 3 years (Renewal of Outline consent P/07/1099/OUT for one dwelling house)	Conditional Consent	13/07/2020
P/23/449/RLX	Vary the standard time condition on P/20/260/RLX (New dwelling) to extend the outline consent for a further 3 years (Renewal of outline consent P/07/1099/OUT for one dwelling house)	Pending	n/a

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to the original consultations/publicity expired on 11th April 2023. Following the submission of amended plans, a further consultation period took place on 10th August 2023.

CONSULTATION RESPONSES

Dwr Cymru Welsh Water – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

Shared Regulatory Services: Environment Team – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

Land Drainage – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

Bridgend Town Council – No objection.

Highways Officer – No objection subject to the inclusion of suitably worded conditions on any consent granted.

Ecology – No objection subject to the inclusion of suitably worded conditions on any consent granted.

REPRESENTATIONS RECEIVED

One letter of support was received from 82 Merthyr Mawr Road. A number of objections were received from the tenants/owners of neighbouring properties in response to the initial consultation, the addresses of which are listed below:

- 1 Glanogwr Road
- 4 Glanogwr Road
- 10 Glanogwr Road
- 14 Glanogwr Road
- 16 Glanogwr Road
- 80 Merthyr Mawr Road
- 84 Merthyr Mawr Road

The Planning objections raised in these consultation responses included the following:

- Inappropriate access;
- Impact of construction phase, including construction traffic;
- Overdevelopment of the plot;
- Loss of privacy of neighbouring residents;
- Overbearing and dominating impact;
- Scale and design out of keeping with its surroundings;
- Environmental impact through loss of trees / green space;
- Impact of the development on surface water drainage;
- Lack of information regarding foul water drainage.

A response from Cllr Ian Williams was also received following the original consultation which stated:

I would like to Object strongly to this application as I feel it would completely overshadow the neighbouring property, 1 Glanogwr Road , Bridgend.

In my opinion it will completely dominate the Eastern aspect of 1 Glanogwr Road and I also have serious concerns regarding access to the highway on quite a nasty bend.

Please include this objection in the comments section of the application.

Following the receipt of amended plans, a further period of consultation was undertaken on 10th August 2023. One letter of support was received from 82 Merthyr Mawr Road. Letters of objection were received from the occupants of 80 and 84 Merthyr Mawr Road; 1, 14, 18 and 32 Glanogwr Road; as well as 1 Bowham Avenue. The reasons for objection do not differ from those listed above, which were raised as part of the initial consultation.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the comments / objections raised by local residents:-

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this application are addressed in the appraisal section of this report.

Other matters such as land ownership, and the impact of construction works on the local area are not material Planning considerations and will not be addressed further.

The concerns relating to the visual impact of the development; its impact on neighbouring amenity; trees / bats on site; the access, increased traffic and on-road parking as a result of the

development; and the impact of the development on the sewage system are addressed in further detail within the appraisal section below.

RELEVANT POLICIES

The relevant policies of the Local Development Plan and supplementary Planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV6	Nature Conservation
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 07	Trees and Development
Supplementary Planning Guidance 08	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and Development

In the determination of a Planning application, regard should also be given to the local 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:

Future Wales – The National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5

Planning Policy Wales TAN 10

Planning Policy Wales TAN 12

Nature Conservation and Planning

Tree Preservation Orders

Design

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.

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who

experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

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

An appraisal of the proposals in the context of the relevant material considerations is provided below.

The main issues for consideration in the determination of this application are the principle of development; the impact of the proposal on the character and appearance of the street scene; its impact on residential amenity; ecology; drainage; highway safety; and contaminated land.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) 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 LDP policy protects the building or land for an existing or alternative use."

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle. Whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions.

The site has also been the subject of applications and consents for a new dwelling in this location so the principle has been established.

Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

SITE LAYOUT & DESIGN

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates 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.

PPW11 states at paragraph 3.9 that "the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations".

The streetscene is largely made up of detached and semi-detached properties which vary in terms of their design and character. The majority of the existing houses within the street and the surrounding area sit within relatively spacious plots with a substantial private amenity area to the rear and front garden/driveway space, typically set behind low boundary walls.

In general terms, the surrounding area is residential in nature and the introduction of an additional dwelling on land to the east of 1 Glanogwr Road is considered to be an appropriate form of development. The proposed development plot allows ample space for the construction of a dwelling which will be set in from the site's boundaries and includes amenity space to the front and rear, alongside a driveway / parking area. The proposed dwelling will be set back from the building line of the majority of the dwellings to the west, although a setback exists between 1 Glanogwr Road and 1 Bowham Avenue and the new dwelling will continue this trend. It is considered that the proposal will not result in the overdevelopment of the existing plot and the positioning of the dwelling is considered to be acceptable.

In terms of its scale, the proposed dwelling has a smaller footprint than the neighbouring property at 1 Glanogwr Road, with a footprint which is more comparable with some of the other dwellings on Glanogwr Road and Bowham Avenue. The house measures approximately 10m in height, which will be approximately 1-1.5m taller than the majority of the neighbouring properties within the immediate vicinity of the site, and will include living space within its loft.

The proposed dwelling is of an individual design, which doesn't aim to match the design characteristics of the surrounding properties, the vast majority of which are hipped roof semi-detached dwellings. Similar examples of individually designed dwellings include 1 Glanogwr Road, sitting immediately to the west of the site, as well as 18 Glanogwr Road, which sits immediately opposite the site, to the north-west.



Images of 1 Glanogwr Road and 18 Glanogwr Road

Given its position at the end of the row of properties which make up Bowham Avenue, as well as its individual design and set-back position, the proposed dwelling will be read separately from the standard pattern of development elsewhere within the street. The design of the dwelling is considered to be of a reasonable quality which, given the presence of other independently designed dwellings in close proximity, would not detract from the characteristics of the streetscene.

In terms of its size, whilst the dwelling will be readily visible from the streetscene and public vantage points, it is considered that its size is appropriate and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size.

It is proposed to be finished with lightly painted render alongside red facing-brick to its elevations, with grey slate to the roof. The fascia/barge boards and soffits will be black uPVC. The materials proposed are considered to sufficiently reflect and compliment those of the other dwellings within the vicinity of the site.

Overall, the dwelling is considered to be an addition which respects the character of the surrounding area and will not result in the addition of an incongruous feature within the streetscene. It is compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be an appropriate addition.

NEIGHBOUR AMENITY

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. Note 2 of the SPG states that “*No extension should unreasonably overshadow adjoining property*”.

The application site and its relationship to residential dwellings bordering the site is shown below:



Fig. 3: Site Location Plan

In terms of its position within the site, the proposed dwelling is set back from the defined building line along Bowham Avenue, as well as being set behind 1 Glanogwr Road, both of which are located to the west of the application site. As a result, the new dwelling will project beyond the rear elevation of no. 1 Glanogwr Road, as shown in the site plan extract below:



Fig. 4: Proposed Site Layout Plan

The single-storey element of the proposed dwelling, which comprises its garage, is to be situated in the south-west of the site, sitting 1m from the boundary with no. 1 Glanogwr Road. The garage of the dwelling will project by approximately 4.5m further to the south-east than the rear elevation of 1 Glanogwr Road. The garage will have a pitched roof, measuring 6m in height to its ridge and 2.5m in height to its eaves. Due to the positioning of the garage in this area of the site, the main body of the building will be set away from the neighbouring dwelling.

The layout of the site has been designed so as to limit the impact of the development on the neighbouring property in terms of appearing dominating and overbearing. The proposal will not dominate the outlook from the rear-facing windows of the neighbouring property and the set back of the main bulk of the proposal from the site's western boundary is considered to be sufficient to ensure that the rear garden of 1 Glanogwr Road is not dominated by the new dwelling. Whilst the bulk of the dwelling will be situated in close proximity to the eastern boundary of the site, shared with the garden of 80 Merthyr Mawr Road, it is set well away from the dwelling itself, as well as the area of usable amenity space (including a patio, lawn etc.) immediately to the rear of the house.

Due to its orientation to the east of 1 Glanogwr Road, any loss of sunlight for the neighbouring property as a result of the development will be limited to the early morning. The layout of the development site ensures that the neighbouring property and its garden will not be overshadowed to an extent that it would significantly impact the residential amenities of its occupiers.

The introduction of a new dwelling in this position will not result in substantial loss of sunlight to neighbouring properties and is therefore considered not to adversely affect the levels of light currently afforded to the dwellings at 1 Glanogwr Road and 80 Merthyr Mawr Road, in accordance with Note 1 of SPG02.

Note 6 of SPG02 states that *'An extension should respect the privacy of neighbouring houses'*. Paragraph 4.6.1 of the SPG notes that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity. The Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21m. To reduce the loss of privacy within gardens, the minimum distance from a new habitable room window to the boundary of the property should be 10.5m.

The rear elevation of the proposed dwelling is to be situated 12.5m from the site's rear boundary, which will be a new boundary formed to delineate the gardens of the application site and the host dwelling. The rear facing windows will be situated over 30m from the opposing rear-facing windows of 82 Merthyr Mawr Road.

Naturally, the introduction of a new dwelling will result in some level of overlooking of the gardens

of adjoining properties, which is to be expected to an extent in the majority of residential developments. In this instance the proposed dwelling does not include any side-facing windows serving habitable rooms, which would directly overlook neighbouring properties. The rear-facing windows are set a sufficient distance from the neighbouring dwellings to the south and south-east of the site to ensure that there is no direct overlooking of windows. Any overlooking of the gardens of neighbouring properties will be limited and would not warrant the refusal of the application.

Given the above, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity. It is considered that the dwelling would not be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore, on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

RESIDENTIAL AMENITY

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that “whilst an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be a reasonable private outdoor area for enjoyment of the present and future households”.

The host dwelling benefits from a very large garden to its rear, which is proposed to be subdivided with the application site. Due to the scale of the existing garden of the host property, sufficient amenity space is to be provided for the new dwelling, whilst retaining a large area of garden space for 82 Merthyr Mawr Road. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is acceptable in this regard.

HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Note 9 of SPG02 states that *off-street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension* and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that *garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m.*

A vehicular access, driveway and garage already exist at this location and as such there is a fallback position of vehicle movements in / out of the plot. Notwithstanding this, it is considered that appropriate vision exists for vehicles approaching at 20mph which is considered reasonable given the constraints of the highway at this location and having regard to the impending implementation of 20mph speed restrictions in areas such as this. These vision splays exist purely in the highway limits and, other than improving pedestrian vision, the access is deemed appropriate to serve the proposed dwelling.

The proposed garage is considered suitable for storage of bicycles and the driveway arrangement, which includes provision for 3 off-street parking spaces, is also acceptable.

Given this, the development is considered to be compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is considered to be acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the driveway and off-street spaces for the proposed dwelling

to be implemented before the development is brought into beneficial use, as well as for pedestrian and vehicle vision splays to be provided and retained thereafter in perpetuity.

LAND DRAINAGE

Criterion (13) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that development proposals incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

In assessing this Planning application, the Land Drainage Section has recommended the inclusion of Planning conditions which require the submission of a comprehensive and integrated drainage scheme for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water has advised that a full drainage scheme will be required to be submitted for approval, which includes an assessment exploring the potential to dispose of surface water by sustainable means, rather than discharging to the mains sewer.

Subject to the inclusion of the recommended Planning conditions, the proposed development is considered to be acceptable in respect of drainage in compliance with criterion (13) of Policy SP2 of the Local Development Plan (2013). The applicant is reminded that the development requires approval of Sustainable Drainage Systems (SuDS) features by the SuDS Approval Body (SAB).

ECOLOGY

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and in so doing, promote the resilience of ecosystems so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires 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"

The site forms an area of garden space which includes a number of trees, several of which are covered by a Tree Preservation Order, as shown on the extract below:

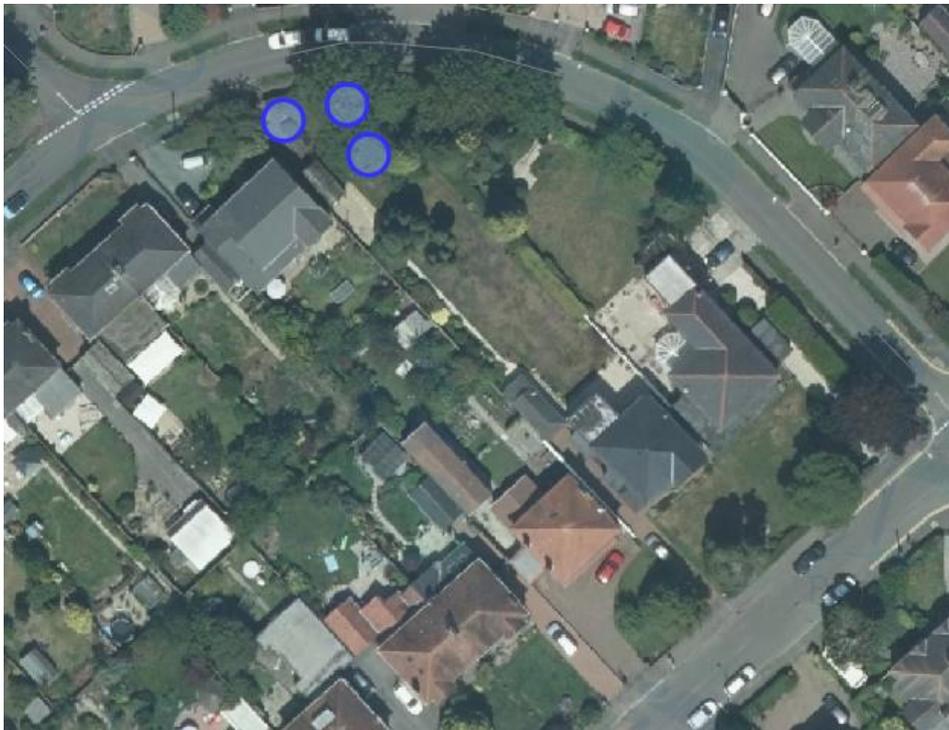


Fig. 5: Extent of TPO shown on aerial image

Any works which will impact the protected trees, including any felling, crown reduction or removal of overhanging branches, require the formal consent of the Council.

The proposal seeks to remove four trees, including three protected trees, in order to accommodate the development of the proposed dwelling and associated works. An Arboricultural report has been submitted alongside the application which identifies the four trees are being of a low quality (Category C), with signs of Ash dieback also found on the dominant Ash tree. Due to their condition, the removal of the trees would not present a major constraint to the development of the site.

Despite the low quality of the trees, the removal of the group will impact on the visual amenity of the area, and it is recommended that suitable compensatory planting is provided to mitigate for this loss, in line with the recommendations of the report. A re-planting scheme will be required by condition on any consent granted for the development of the site. The scheme should include details on the number, species and size of trees which are proposed to be planted.

As the application proposes the removal of mature specimens of trees, including a Sycamore tree which included features suitable for bat roosting, a survey of the tree has been submitted. Whilst no evidence of bats was found, the tree remains suitable for roosting bats and could be used in the future, therefore, a precautionary approach to tree felling is required. Considering the ease of access to closely inspect the potential roosting features, it is recommended that the tree is surveyed immediately prior to felling to check the continued absence of bats. The requirement for this can be secured by planning condition.

It is also recommended that two replacement bat roosting features are provided on site, this could comprise two integral bat roosting features on the new building or two bat boxes to be located in retained trees on site (or one of each). The detail and requirement for this can be secured by planning condition.

Subject to the imposition of the recommended Planning conditions, the development is considered to be acceptable from a biodiversity perspective, in accord with criterion (10) of Policy SP2 of the Local Development Plan (2013).

PUBLIC PROTECTION: CONTAMINATED LAND

The Public Protection Section has raised no objection subject to the inclusion of the recommended conditions and informative notes. The proposal is considered to be acceptable from a contaminated land perspective.

CONCLUSION

Having regard to the above and after weighing up the merits of the scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Site Plan (ref. AL(90)10 rev. A);
 - Proposed Floor Plans (ref. AL(0)10 rev. A);
 - Proposed Floor Plans (ref. AL(0)11 rev. E).

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

2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted in writing to the Local Planning Authority for approval. The approved remediation scheme must be implemented and following the completion of the measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. The proposed means of access shall be laid out with pedestrian vision splays of 1m x 1m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

5. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

6. The proposed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

7. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface water will be dealt with including future maintenance requirements to be submitted and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to the beneficial use of the development.

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

8. 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 must be implemented prior to beneficial use.

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

9. No development shall commence until a scheme of ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the beneficial use of the development.

Reason: In order to protect and enhance the ecological value of the site.

10. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been agreed in writing by the local planning authority. All tree planting shall subsequently be carried out in accordance with the agreed details.

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

11. The garage hereby approved shall only be used as a private garage and at no time shall it be converted to a room or living accommodation without the prior written agreement of the Local Planning Authority.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

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

(a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) The contamination assessments and the affects 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. 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; and

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

(c) In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

(d) 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). 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

- (e) The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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 us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- (f) To satisfy Condition 7, the applicant must:
- Provide a foul and surface water drainage layout;
 - Provide an agreement in principle from DCWW for foul disposal to the public sewer;
 - Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event;
 - Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).
- (g) In order to satisfy the Condition 8 the following supplementary information is required:
- Provide a geotechnical report confirming limestone cavities will not be formed through surface water disposal through infiltration;
 - Provide surface water drainage layout (including location of proposed soakaway, if required).
 - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
 - Provide a plan showing locations 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.
- (h) The trees on site, including their potential roosting features, should be surveyed by a suitably qualified ecologist immediately prior to felling to check for the continued absence of bats, in line with the recommendations of the *ethos Environmental Planning* bat survey.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None