

RECOMMENDATION : PLENARY GRANT WITH CONDITIONS

REFERENCE: P/14/840/OUT
APPLICANT: MS CHRISTINA REES
14 MANOR GROVE PORTHCAWL
LOCATION: LAND REAR 14 MANOR GROVE PORTHCAWL
PROPOSAL: DETACHED RESIDENTIAL DWELLING (OUTLINE APPLICATION)
RECEIVED: 22nd December 2014
SITE INSPECTED: 6th January 2015

APPLICATION/SITE DESCRIPTION

The application seeks outline consent to erect a dwelling to the side of 14 Manor Grove, Porthcawl. The property currently benefits from a generous sized garden, following its expansion in 2003 when a planning application was granted for a change of use of highway grass verge to garden (P/03/548/FUL refers). The garden is relatively level, rising slightly at the north-eastern end.

The applicant has reserved all matters for subsequent approval, however, the applicant has submitted an indicative plan illustrating the potential layout and siting of the dwelling (6.5m x 10m with a maximum ridge height of 7.5m).

RELEVANT HISTORY

P/03/548/FUL APPROVED 05-08-2003
+conditions
CHANGE OF USE FOR LAND FROM HIGHWAY VERGE TO GARDEN

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 21 January 2015.

NEGOTIATIONS

The applicant was requested to confirm the extent of the land that is under her ownership.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 24th December 2014
No objections to the proposal.

Head Of Street Scene (Drainage)

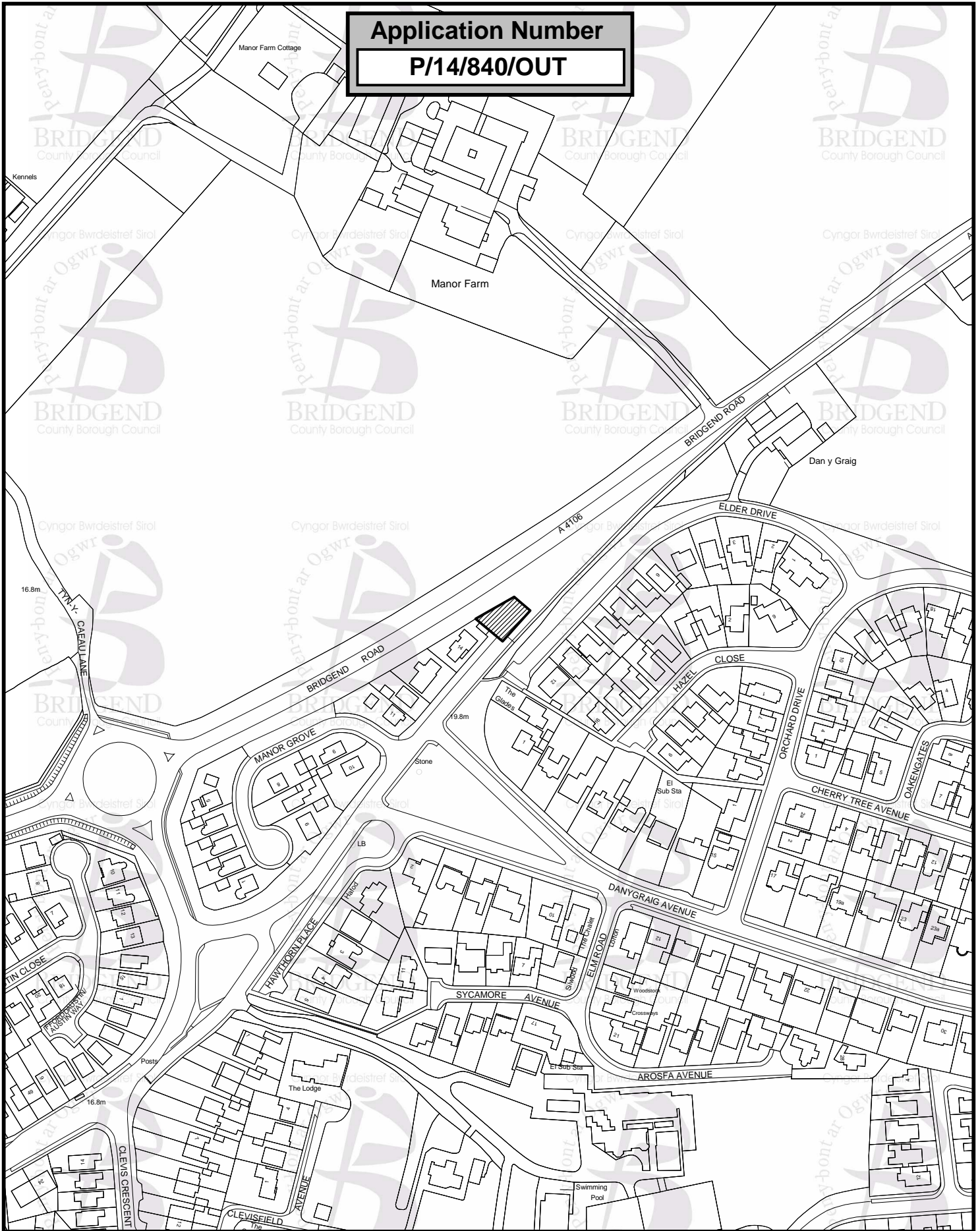
No objections to the proposal subject to a condition and advisory notes.

Group Manager Public Protection

No objections to the proposal subject to an advisory note.

Application Number

P/14/840/OUT



Scale 1:2500

**Date Issued:
29/01/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Sirol



REPRESENTATIONS RECEIVED

J D Dolling, 11 Elder Drive

Objects to the proposal but does not wish to speak at Committee:

1. Covenant on the land stating that the land could only be used for garden spaces and that no trees could be felled or buildings erected.

Richard & Sophia Smithen, 12 Elder Drive

Objects to the proposal and requests to speak at Committee:

1. When permission was granted to change the use of the land from highway verge to garden, conditions were imposed restricting the use of the land as a garden only and that the trees were to be retained.

2. The proposed height and footprint of the dwelling appears to over develop the plot and will also adversely change the landscape of the area. It will also be situated extremely close to the main road entering Porthcawl.

3. Devaluation of property.

4. Loss of view.

5. Loss of privacy.

G I Sheppard, 9 Elder Drive

Objects to the proposal:

1. When permission was granted to change the use of the land from highway verge to garden, it is believed that the land must be retained as a garden only and that the trees were to be retained.

Michael Aldridge, 10 Elder Drive

Concern that the proposal will result in a loss of view.

Mr K Haley, 8 Elder Drive

Provided the following observations:

1. The proposed dwelling would be located to the side of the dwelling and not to the rear. The description is, therefore, incorrect.

2. Requests confirmation of the ownership of the land.

COMMENTS ON REPRESENTATIONS RECEIVED

1. Loss of view, outlook and privacy to 10, 11 and 12 Elder Drive.

The application is in outline form with all matters reserved for subsequent approval, The positions of windows and the orientation/layout of the property within the plot are specific matters which are dealt with under a further application should outline consent be forthcoming.

Notwithstanding the above, it is noted that the boundary of the application site is located approximately 21m north-west of the curtilages of 10, 11 and 12 Elder Drive and approximately 28m to the actual properties.

Having regard to these distances, it is not considered that the development of a plot for a single dwelling to the scale and dimensions as that shown on the submitted indicative plan, would result in unreasonable loss of outlook or privacy. Loss of view, such as distant countryside views, is not considered to be a material consideration in the determination of this application.

2. Overdevelopment of the plot.

The size and shape of the plot would be comparable to other properties in the immediate area, thereby respecting the general character and density of the locality. The submitted indicative plan suggests a two-storey dwelling of a rectangular shape and its footprint and scale would also be comparable to other neighbouring properties. Having regard to the above and consideration to the provision of amenity space and parking to the new dwelling and the spaces left to serve 14 Manor Grove, it is considered that the proposed development would not result in overdevelopment.

3. Loss of trees and restrictions on use of the land.

The permission granted in 2003 (P/03/548/FUL refers, to change the use of highway grass verge to become part of the garden of 14 Manor Grove, included a condition for the agreement of boundary treatments to enclose the extended garden. There were no planning restrictions concerning the removal of any trees. However, it is recommended that a condition be imposed on any outline consent given, requiring the submission of tree and root protection measures to safeguard any trees located outside the site from adverse impacts during the development of the site.

There were no conditions imposed limiting the use of the land to garden only, since any other use, such as residential would automatically require separate planning consent which would be considered on its own merits. Covenants are legal matters which cannot be considered during the determination of planning applications.

4. Devaluation of property.

This matter is not considered to be a material consideration in the determination of this application.

5. Inaccurate description

The description of the application states "Land rear of 14 Manor Grove". Based on the characteristics of the site, it is acknowledged that this could also be interpreted as land to the "side" of No.14 and is largely subjective. However, for the purposes of assessing this outline application, the submitted plan adequately identifies the location of the plot and its relationship with neighbouring properties and other key features in the immediate vicinity.

6. Ownership of the land

The applicant has completed Certificate A within the application forms, thereby declaring that all the land identified in red and blue is within her ownership. Whilst no evidence has been submitted by the local resident to support the claim made, the matter was raised with the applicant and additional written confirmation has been received to confirm the ownership of the land.

APPRAISAL

The application is referred to Committee since the applicant is a Member of the Development Control Committee and objections have been received from local residents.

The application seeks outline consent to erect a dwelling to the side of 14 Manor Grove, Porthcawl. Policy COM3 of the Bridgend Local Development Plan (BLDP) permits small-scale housing development within the designated settlement boundary of Porthcawl. The proposal may therefore be considered to represent an opportunity to develop under-utilised land within the urban area for residential development.

Policy SP2 of the BLDP states:

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 by:

- 1) Complying with all relevant national policy and guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence;
- 4) Using land efficiently by:
 - (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - (ii) having a preference for development on previously developed land over greenfield land;
- 5) Providing for an appropriate mix of land uses;
- 6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
- 7) Minimising opportunities for crime to be generated or increased;
- 8) Avoiding or minimising noise, air, soil and water pollution;
- 9) Incorporating methods to ensure the site is free from contamination (including invasive species);
- 10) Safeguarding and enhancing biodiversity and green infrastructure;
- 11) Ensuring equality of access by all;
- 12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
- 13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
- 14) Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
- 15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

The applicant has reserved all matters for subsequent approval, therefore, much of the criteria under Policy SP2 cannot be fully assessed and will be the subject of a future application if planning permission is forthcoming. Notwithstanding the above, the applicant has submitted an

indicative plan illustrating the potential layout and siting of the dwelling (6.5m x 10m with a maximum ridge height of 7.5m).

The extended section of the garden, as approved under application P/03/548/FUL, was originally a section of the main road north out of Porthcawl prior to the construction of the by-pass. The highway was stopped up and the surface cleared and then soiled and seeded. The original highway footpath remains, allowing continued pedestrian access. The approval of application P/03/548/FUL resulted in a section of this grassed area becoming part of the residential curtilage of No.14.

The visual appearance of the site is heavily influenced by the historical background of the site. In this respect, it is considered that this section of Manor Grove, especially when viewed from the junction with Danygraig Avenue, comes to an abrupt end and has very little sense of purpose within the street-scene, other than serving a continued pedestrian link.

Whilst it is possible to see from the site a number of dormer bungalows from neighbouring streets, such as Elder Drive, Manor Grove is characterised by two-storey dwellings. Furthermore, the site would be mainly approached off Bridgend Road, passing Hawthorn Place and Danygraig Avenue which predominantly contain two-storey dwellings.

The size and shape of the plot would be comparable to other properties in the immediate area, thereby respecting the general character and density of the locality. The submitted indicative plan suggests a two-storey dwelling of a rectangular shape and its footprint and scale would also be comparable to other neighbouring properties. It is, however, considered necessary to impose a condition for the finished floor levels of the new dwelling to be submitted as part of any subsequent reserved matters application.

The site is located at the end of the cul-de-sac and due to the position of the site and its relationship with the street, a dwelling could form a logical ending to the street.

At the time of the site visit by the Case Officer, it was noted that the application site itself has been subject to recent tree felling. These trees, however, were not protected and their felling, or other tree works, did not require permission.

Notwithstanding the above, there are a number of trees located outside the site. It was concluded that these trees would screen a large proportion of any dwelling constructed on the site to the specified dimensions, especially when travelling on the A4106 (north to south). The trees offer a reasonable degree of public amenity value, acting as both screening and as a visual quality to users of the adjacent footway. Whilst the trees are not covered by a Tree Preservation Order, they are considered to be under good arboricultural management due to being owned by the Council. It is, therefore, not considered expedient to warrant further protection. However, it is considered necessary to impose a condition requiring details of tree and root protection measures to be submitted as part of any approval of reserved matters submission. An advisory note would also be attached recommending that any dwelling constructed on the plot is sited and designed so as to avoid any conflict with trees located adjacent to the site.

There is limited vegetation located along the north-western boundary of the site, however, there are no footways present along this particular section of the A4106 and cars travel at speeds of up to 50mph. The site is also approximately 1m lower than this road. As such, it is considered that a new dwelling on the application site would only generate passing or glancing views. The new dwelling would also be seen in context to a number of other properties in the immediate vicinity.

Notwithstanding the submitted indicative plan, the siting and shape of the dwelling could be altered to improve its visual contribution within the street-scene and to maximise the amenity of its future occupiers. The design and appearance of the dwelling will also be critical factors in

ensuring that public visibility of the new dwelling is not adversely affected. However, for the purposes of this outline application with all matters, including design reserved for subsequent approval, the submission has demonstrated that the site could, in principle, reasonably accommodate a single dwelling without having a significant adverse effect on the visual amenities of the area.

Having regard to the indicative plan, it is possible to determine that an adequate amount of usable and private amenity space and approximately 2 off-street car parking spaces could be accommodated within the plot. However, since all matters have been reserved for subsequent approval, an advisory note would be attached to any outline consent issued, advising that adequate off-street parking and a turning facility could be required.

Whilst the proposed scheme would reduce the number of off-street parking spaces for No.14 to two spaces (one garage space and one drive space), the road immediately fronting the property is unrestricted for on-street parking. The road appears to be underutilised, possibly since it terminates at this section and only serves a small number of properties. It is, therefore, considered, that the scheme, in principle, would not have any significant adverse effect on highway/pedestrian safety.

The plot would only have one immediate neighbouring property, namely 14 Manor Grove. Whilst the development of the plot would result in some loss of garden/parking to No.14, it is considered that sufficient space would be retained to ensure that there would be no unreasonable loss of residential amenity or detriment to highway safety.

It is also noted that the side elevation of No.14, which would face the new plot, contains several windows. Whilst these windows are approximately 8m from the boundary of the new plot, they are screened by the property's detached double garage. There is a realistic prospect of the garage being retained since it would be subdivided so that one parking space would be kept for No.14 and the other parking space allocated for the new plot.

Whilst this application does not consider the positioning of windows, the indicative plan suggests that the proposed dwelling could position habitable room windows on at least three elevations. It is, therefore, considered that the proposed dwelling would benefit from a reasonable degree of amenity, especially with regards to light, outlook and privacy, without unreasonably affecting the amenities of neighbouring properties. Whilst it is acknowledged that the future occupiers of the dwelling would be adjacent to a busy road, the amenities of the new dwelling would be comparable to a number of other properties in this particular vicinity. Furthermore, the Group Manager Public Protection has no objections to the proposal subject to an advisory note. A further advisory note would also be attached recommending that any new dwelling on the site with windows facing the A4106 should be installed with triple-glazing.

The Land Drainage Section of the Council has no objections to the proposal subject to the submission of a comprehensive drainage scheme. The site is within a residential area with other utilities in reasonable proximity.

The proposal satisfies the criteria of Policy SP2 of the BLDP and generally follows the advice and principles contained within Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

That permission be GRANTED and plenary power be given to the Corporate Director Communities to issue a decision notice after 11 February 2015 if no new adverse representations are received, subject to the following conditions, in addition to the standard conditions:-

- 1 This consent shall be limited to a single dwelling generally in conformity with the submitted plan and with a maximum height of 7.5m.

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

- 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 No development shall take place until details of the proposed floor levels of the dwelling 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.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety and visual and residential amenities.

- 6 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the dwelling hereby approved.

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

- 7 No development shall commence on site until a scheme has been submitted to and agreed in writing provided the specification and position of fencing and of any other measures to be taken for the protection of the trees (and their roots) that are adjacent to the site from damage during the construction of the dwelling hereby approved. The agreed scheme shall be implemented and retained in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to promote nature conservation.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b) Foul water and surface water discharges shall be drained separately from the site.
- c) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- d) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.
- f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.
- g) In respect of Condition 6 (Drainage), the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:
- (1) A ground investigation report sufficient to support the design parameters and suitability of the proposed system.
 - (2) 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 to prevent the pollution of the receiving groundwater and/or surface water.
 - (3) A timetable for its implementation; and
 - (4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.
- h) The applicant/developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the proposed parking areas, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the proposed parking areas should not be considered as a first option.
- i) The applicant/developer is advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend

County Borough Council as the Highway Authority.

j) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

k) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Network Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

l) The applicant/developer is advised that the presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection Department of the Council.

m) The applicant/developer is advised that, if the dwelling has habitable room windows fronting Bridgend Road (A4106) they should be fitted with triple glazing.

n) The applicant/developer is advised that adequate off-street parking serving the new dwelling and 14 Manor Grove, including a turning facility, may be required for any subsequent reserved matters scheme that is submitted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None