

RECOMMENDATION : SECTION 106

REFERENCE: P/14/645/OUT
APPLICANT: MR A DOBBIN
C/O PLAN R LTD 41 ST MARIE STREET BRIDGEND
LOCATION: LAND ADJ ROOKWOOD PYLE ROAD PYLE
PROPOSAL: FIVE DWELLINGS, ACCESS AND CAR PARKING AT LAND ADJ
ROOKWOOD (OUTLINE APPLICATION)
RECEIVED: 24th September 2014
SITE INSPECTED: 16th October 2014

APPLICATION/SITE DESCRIPTION

The application seeks outline consent to erect five dwellings on a parcel of privately owned sloping land to the north of the property identified as Rookwood, Pyle Road (on mapping system).

The applicant has reserved all matters for subsequent approval apart from the access. Notwithstanding the above, the applicant has submitted an indicative plan illustrating the potential layout and siting of the dwellings (each measuring 4.5m-5m x 7m-8m with an eaves height of 6m-7m and a ridge height of 8m-9m). This has been accompanied with an indicative cross-section drawing and a site level survey, showing how the proposed dwellings could be accommodated within the site. The access off Pyle Road and the road of the new cul-de-sac has been demonstrated and dimensioned on the plans.

RELEVANT HISTORY

None.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 October 2014.

NEGOTIATIONS

The applicant was requested to:

- a) Reduce the number of units from six to five
- b) Submit a site level survey and indicative elevation drawings
- c) Amend the red-line boundary to include highway-related land and serve notice on the Highways Authority
- d) Submit information concerning the previous and current use of the land

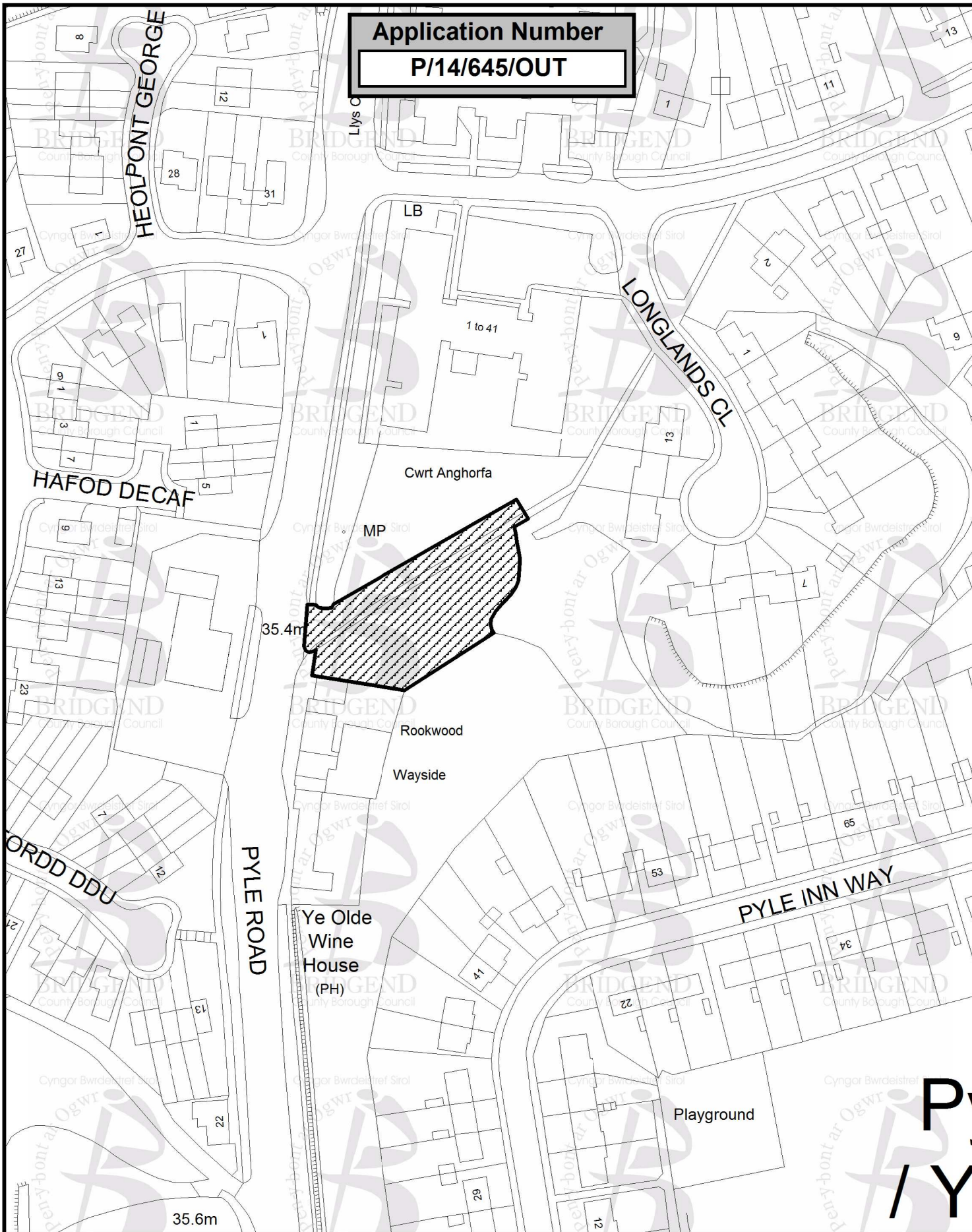
CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 26th September 2014

Application Number

P/14/645/OUT



Scale 1:1,250

Date Issued:
26/02/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

C:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Sirol



Head Of Street Scene (Highways)

No objections to the proposal subject to conditions and advisory notes.

Destination & Countryside Management

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

Head Of Street Scene (Drainage)

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

Crime Prevention Design S.Wales Police

No objections to the proposal subject to advisory notes.

Conservation & Design

No objections to the proposal subject to an advisory note.

Rights Of Way Team

No objections to the proposal subject to advisory notes.

Glamorgan Gwent Archaeological Trust

Identifies the site as being close to known archaeological features.

REPRESENTATIONS RECEIVED**Maria Davis, 47 Pyle Inn Way**

Objects to the proposal:

Loss of common land

Sian Jones, Wine House Inn

Objects to the proposal:

1. The scheme will involve development onto the car park of the public house
2. The scheme will disrupt trade
3. The scheme will cause a Health and Safety hazard

Lynda Buffet, Rockwood Cottage

Raised the following concerns:

1. Land/property stability
2. Property damage
3. Maintenance
4. Parking and access

Mr & Mrs Dobson, 12 Heol Cambrensis

Objects to the proposal and requests to speak at Committee:

1. Adverse impact on the listed structure
2. Adverse impact on the residential amenity of the care home
3. Disruption to the community
4. Loss of open space
5. Adverse impact on trade at the public house
6. Parking and highway/pedestrian safety

Submitted additional comments on 7 October 2014 but did not raise any new material planning matters.

Gareth Jenkins, 51 Pyle Inn Way

Objects to the proposal and requests to speak at Committee:

1. Proposal will block the footpath leading to Longlands Close from Ye Olde Wine House car park.
2. The site should be left as a green area and protected.

COMMENTS ON REPRESENTATIONS RECEIVED

1. Loss of common land open space

The application is not registered as common land and the site is privately owned. The Parks and Playing Fields Department have confirmed that they do not own or maintain this parcel of land. Furthermore, the applicant's agent and Glamorgan Gwent Archaeological Trust have submitted information confirming that there were the remains of buildings on the land which has only recently been cleared. Having regard to the above, it is considered in this particular instance that Policy COM7 or the open space element of Policy SP14 of the BLDP does not apply.

2. Adverse impact on a public footpath

This site is adjacent to registered footpath PYL/14/4 and, as such, the development of the site for residential use would not directly affect this footpath. Notwithstanding the above, this is an outline application with all matters reserved apart from access. The submitted plans demonstrate that the existing path connecting to the registered footpath would be retained as part of the development. An advisory note would be added to any consent issued stating that the registered section of the footpath must not be obstructed at any time.

3. Highway safety and adverse impact on the adjacent car park of the public house and the subsequent loss of business

The scheme presented in this application will secure an improved access onto the A48 and ensure that the access to the car park of the public house would be retained and pedestrian paths provided. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. Blocking access is an enforcement matter dealt with by the Police and is not considered to be a significant material consideration in the determination of this application.

Having regard to the above, it is considered that the proposed development would not have any significant adverse effect on highway/pedestrian safety, on the ability to use the adjacent car park, or considered to be a direct loss of any business to the public house.

4. Impact on the garden of Rookwood Cottage and the ability to maintain boundary treatments

Based on the levels of the site, the proposed development is likely to result in excavation and ground works. In order to ensure stability of the land and to safeguard the occupiers of the new dwelling and any neighbouring property, a condition would be imposed requiring the submission of a certificate from a consulting engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Access for maintenance is primarily a private matter between the interested parties and, as such, it is not considered to be a significant material consideration in the determination of this application.

5. Adverse impact on protected trees and ecology/biodiversity

The application site largely consists of privately owned but maintained grass. The north-eastern

boundary of the site is adjacent to protected trees. Whilst the trees do not appear to have been regularly maintained, they collectively provide reasonable public amenity.

The indicative layout plan suggests that 5 dwellings could be accommodated on the site without being in the immediate proximity of the protected trees. However, this outline application only seeks to agree the means of access to serve the development. It remains a possibility, therefore, that any development of the site could affect the protected trees, in particular ground works. It is, therefore, considered prudent to impose a condition for a full tree survey and tree and root protection measures to be submitted as part of addressing the landscaping matters of any subsequent reserved matters application. The Council's Ecologist has no objections to the proposal subject to a condition and advisory notes. It is, therefore, considered that this scheme would not have any significant adverse effect on the protected tree or on ecology/biodiversity.

6. Adversely affecting the setting of the listed building.

There is a Grade II listed structure located approximately 12m from the site. It is a Mile Marker to denote the distance to Bridgend, Neath and London. In view of the proximity of this structure to the site, this application has been advertised accordingly.

This is an outline application with all matters reserved apart from access. The specific details concerning the design and appearance of any dwelling or boundary treatments are not considered under this application, however, based on the indicative plans, it is considered that the scheme would not adversely affect the setting of this listed structure. The Conservation and Design Team has no objections to the proposal subject to an advisory note.

APPRAISAL

The application is referred to Committee due to the number of objections received from local residents.

The application seeks outline consent to erect five dwellings on a parcel of privately owned sloping land to the north of the property identified as Rookwood, Pyle Road. 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.

Since the scheme proposes a development consisting of 5 dwellings, affordable housing and educational provision are 'triggered' by Policy SP14 of the BLDP.

Policy COM5 of the BLDP states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15ha in size. Pyle is located in the Western Settlements, Ogmore Vale, Garw & Upper Llynfi Valleys housing market area where the target is 15%.

Discussions have taken place between the applicant's agent and the Principal Section 106 Officer and it has been confirmed that a contribution of £53,360 in lieu of direct on-site provision of affordable housing will be secured via a legal agreement.

With regards to educational provision, the scheme is subject to the requirements of SPG 16: Educational Facilities & Residential Development. The Children's Directorate have indicated that the local Primary School is currently oversubscribed and has no capacity to accommodate additional pupils.

In such circumstances, the formula contained within Table 1 of SPG16 has been used to calculate the number of additional pupils expected to be generated by the proposed

development. In this case, 1 extra pupil is generated which requires a contribution of £16,313 to increase the available capacity at Pil Primary School. Discussions have taken place between the applicant's agent and the Principal Section 106 Officer and it has been confirmed that this contribution towards educational provision will be secured via a legal agreement.

The scheme is assessed against Policy SP2 of the BLDP which established the criteria for acceptable design and place making. The applicant has reserved all matters for subsequent approval apart from the access, 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 dwellings (each measuring 4.5m-5m x 7m-8m with an eaves height of 6m-7m and a ridge height of 8m-9m). This has been accompanied with an indicative cross-section drawing and a site level survey, showing how the proposed dwellings could be accommodated within the site. The access off Pyle Road and the road of the new cul-de-sac has been demonstrated and dimensioned on the plans.

The application proposes dwellings reaching two and a half storeys in scale. In this instance, the submitted layout and cross-sections suggest a development consisting of two semi-detached dwellings and a single detached dwelling, with a rectangular footprint, two floors and rooms in the loft space. Due to the topography of the site, in which there is an average difference of approximately 3m between the frontage of the site and the rear, the dwellings are likely to be split level.

Extensive views of the site are possible from Pyle Road, especially when travelling towards the centre of Pyle (north-south). This is mainly due to the openness of the general area, consisting of a large car park serving the public house, Ye Old Wine House, being immediately located to the application site. Furthermore, there is a path running through the site which connects to a registered footpath leading into Longlands Close (PYL/14/4).

The character of this particular area is not well-defined, thereby allowing a degree of flexibility in terms of any future development of the application site. For example, two-storey dwellings appear to be the most common house-type in the area, however, there is a large three-storey block of flats adjacent to the public house car park (Cwrt Anghorfa) and a petrol station located on the opposite side of the road. The palette of materials is also varied, consisting of brick and render elevation treatments with tile and slate roofs.

Since access is a matter that is to be considered as part of this application, the remaining area of the site for the dwellings would be well-defined. It is, therefore, possible to determine the appropriateness of this land for the construction of up to five dwellings that would be limited to the specified range of dimensions.

In this particular instance, the indicative plan shows five dwellings set in a linear configuration. The dwellings could be splayed to follow the site access road. The relationship of the access road with the plots could enable a well-defined frontage. The public visibility of this frontage could also provide the ideal configuration for the principal elevation of each of the new dwellings, thereby respecting the public views and vistas from Pyle Road and footways.

Sufficient space would be available to enable adequate off-street parking and amenity space. The density of the site would be comparable to other residential areas within this area of Pyle. Based on the indicative plan, the parking for all plots could be provided alongside the dwellings rather than to the front. This could subsequently enable amenity space to be provided at the front and rear of the new dwellings, thereby expressing a traditional layout for a small-scale residential development, based on good design principles. A bin store could also be located in a convenient position adjacent to the public road.

Since the topography of the land rises considerably when viewed from these public positions, the dwellings would be seen with a number of trees in the background. A possible split-level configuration for the dwellings, whereby the frontage would express a two and a half storey building and the rear a one and a half storey building, could ensure appropriate assimilation within the hillside.

Having regard to the indicative plan and the range of dimensions that is proposed for the dwellings, it is considered that, in principle, the development of the site for 5 dwellings (inclusive of adequate parking and amenity space), would be compatible with the immediate locality and would not have such an adverse effect on the visual amenities of the area or on the adjacent protected trees as to warrant refusal.

With specific regard to access, the plan demonstrates that it would serve the new residential development and the existing car park of the public house. The immediate access off Pyle Road would have a width of 4.8m and would cater for both the site entrance and the entry/exit point of the public house car park. The access would then reduce to 3.65m to serve the remaining residential plots. In addition to the above, the access would include a 1.5m wide footway for the entire length of the southern section of the road, linking to the registered footpath into Longlands Close. This configuration would be broadly similar to the existing circumstances of the site.

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. It is, therefore, considered that the access is acceptable and would not have any adverse effect on highway/pedestrian safety or on the ability to develop the remaining areas of the site to accommodate five dwellings.

Whilst specific details such as the position of windows and the precise siting of the dwellings are not considered under this outline application, the indicative layout plan enables consideration to be given to the possible impact of the development on neighbouring properties and the future occupiers of the new dwellings.

The layout plan suggests that four of the proposed new dwellings would not be in the immediate vicinity of any neighbouring property since they would be surrounded by open space, trees, footway, access road and the car park of the public house. The topography of the site would also limit the impact of the proposal on existing properties at the top of the hill. Having regard to the above, it is not considered that the proposed development of the site would have any unreasonable effect on the amenities of the flats at Cwrt Anghorfa and the dwellings on Longlands Close and Pyle Inn Way.

The application site is adjacent to one immediate neighbouring property, namely Rockwood Cottage, (identified as 'Rookwood' on mapping system). This property has constructed a large single-storey garage along its side elevation (P/10/618/FUL refers). This garage has been built immediately adjacent to the boundary with the application site and would limit the impact of any immediate development in the vicinity of this property.

Whilst it would appear that there is a ground floor kitchen window and a first floor bedroom window on the side elevation of 'Rockwood Cottage', the indicative plan suggests that the proposed dwellings, in particular the dwelling nearest to 'Rockwood Cottage', would have an indirect relationship with this neighbouring property. This would ensure that the development is kept generally away from the side-facing windows of 'Rockwood Cottage' and it would not directly face the amenity space or other habitable room windows of this neighbouring property.

Additionally, the application site is to the north of 'Rockwood Cottage' and its private amenity space. A condition requiring the agreement of boundary treatments would ensure that the privacy and amenity of all properties would be protected. It is, therefore, considered that the development of the site could be designed so that it would not unreasonably effect on the amenities of 'Rockwood Cottage', with particular regards to light, outlook, dominance and privacy. The

property known as 'Wayside' is further away to the application site and, as such, would not be unreasonably affected by residential development at the application site.

Notwithstanding the above, the development of the site for 5 dwellings is likely to involve extensive ground works. As such, to safeguard the amenities of the future occupiers of the site and the neighbouring property it is considered necessary to impose a condition for the submission of a certificate from a consulting engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement.

Whilst this application has been accompanied with a site level survey and possible floor levels of 5 dwellings and their amenity spaces, as a means of demonstrating the capabilities of the site, these are matters which would be considered via any subsequent reserved matters application. In addition to a condition relating to retaining walls, it is considered necessary to impose a condition for the agreement of the finished floor levels of the dwellings and their amenity spaces

The indicative layout plan successfully demonstrates that each plot would benefit from a reasonable degree of amenity. For example, habitable room windows could be positioned on at least two elevations and sufficient space would be made available for off-street parking and outdoor amenity.

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.

Glamorgan Gwent Archaeological Trust has identified the site to be within close proximity to known archaeological features. They have, therefore, recommended a condition for a qualified archaeological contractor to provide a written scheme of investigation and a programme of work during the development of the site. This would ensure that the impact of the development on the archaeological resources is minimised.

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, ecology/biodiversity, drainage, archaeology or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to:

(i) Provide a financial contribution for the sum of £53,360 towards the provision of affordable housing;

(ii) Provide a financial contribution for the sum of £16,313 towards educational provision

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

- 1** This consent shall be limited to five dwellings generally in conformity with the details shown on the Site Layout Plan (received 24 December 2014) and Cross-Section Plan (received 24 December 2014).

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 dwellings and bin store 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 and the bin store provided prior to any of the dwellings being brought into beneficial use.

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 treatments 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 commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 5** No development shall take place until details of the proposed floor levels of the dwellings and their amenity spaces 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.

- 6** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees on and adjacent to the site, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall also include an invasive non-native species protocol, detailing the containment and removal of Japanese Knotweed and Himalayan Balsam on site. The agreed landscaping scheme and protocol shall be carried 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, biodiversity/ecology and to protect existing trees from any adverse impacts from the approved development.

- 7** 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 any of the dwellings hereby approved.

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

- 8** No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 9** The proposed junction onto Pyle Road (route A48) shall be laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4 metres x 70 metres in both directions before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 10** The development shall be served by a 4.8m wide access, reducing to 3.65m, complete with turning facilities to cater for calling delivery and service vehicles, an abutting 1.5 metre footway on the southern side of the new road, and a 1.5 metre footway on the northern side extending from the junction of the A48 to a new 4.8 metre wide car park access which shall be located not less than 15 metres from the A48 junction and laid out with 6 metre junction radii. The scheme (broadly in accordance with revised Site Layout Plan - received 24 December 2014) shall be agreed in writing prior to any works commencing on site and implemented before any dwelling is brought into beneficial use.

Reason: In the interests of highway safety.

- 11** Notwithstanding the submitted drawings, no works shall commence on site until a scheme showing 'slow/ara' carriageway markings on the A48 at suitable locations either side of the site access has been submitted to, and agreed in writing by the Local Planning Authority. The scheme shall be implemented in permanent materials before any of the dwellings are brought into beneficial use.

Reason: In the interests of highway safety.

*** 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, ecology/biodiversity, drainage, archaeology 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.
- 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 7 (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.
- i) 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.
- j) 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.
- k) The applicant/developer is advised that adequate off-street parking serving each dwelling will be required with details submitted with any subsequent reserved matters application.
- l) If at any time nesting birds are observed, any works which may disturb them must cease immediately and advice sought from the Council's Ecologist. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.
- m) The applicant/developer is encouraged to incorporate biodiversity and ecological features as part of any future development of the site.
- n) The applicant/developer is advised to contact Glamorgan Gwent Archaeological Trust (GGAT) for details of suitable archaeological contractors and registered archaeological organisations.
- o) The applicant/developer is advised to have regard to the comments of the Crime Prevention Design Advisor (Police) prior to submitting any reserved matters applications.

p) The applicant/developer is advised to contact the Rights of Way Section of the Council to enter into an agreement under Section 25 of the Highways Act 1980 to formalise a section of the footpath so that it may become registered on the Definitive Map.

q) The applicant/developer is advised not to obstruct Footpath PYL/14/4 at any time during the development of the site.

r) The applicant/developer is advised that the Mile Marker located on the grass verge to the north of the site is a Grade II Listed structure and must not be harmed during the development of the site.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None