

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/159/FUL

APPLICANT: MR S THOMAS, THOMAS, PARSONS & DAVIES
CAE CADDY THE DERWEN BRIDGEND

LOCATION: LAND OFF HEOL EGLWYS PENYFAI

PROPOSAL: TWO DETACHED DWELLINGS & DOUBLE GARAGE WITH NEW
VEHICULAR & PEDESTRIAN ACCESS

RECEIVED: 10th March 2015

SITE INSPECTED: 30th March 2015

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of two 4 bedroom dwellings on this parcel of land off Heol Eglwys, Pen y Fai.

The proposed dwellings will be identical in design, each will measure 8.4m x 8.5m and will be finished with a hipped roof and reaching 7.6m in height. The dwellings will accommodate a kitchen, dining room, living room, utility room, cloak room and study on ground floor level and will accommodate 4 bedrooms and a bathroom at first floor level. Both dwellings will be served by a single garage and garden area. The principal elevation of the proposed dwellings will front Heol Eglwys, the main highway through Pen y Fai.

The application site is currently a parcel of land on the western side of Heol Eglwys, which the applicant advises was formally gardens associated with 1-4 New Cottages. Access to the site will be gained via the road to the north of the site, which is also used for access to and from the recently constructed primary school.

RELEVANT HISTORY

P/14/254/FUL REFUSED 26-06-2014
2No. 2 STOREY 4 BED DWELLINGS WITH SINGLE STOREY GARAGES ASSOCIATED
GARDENS

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 and publicity expired on 9 April 2015.

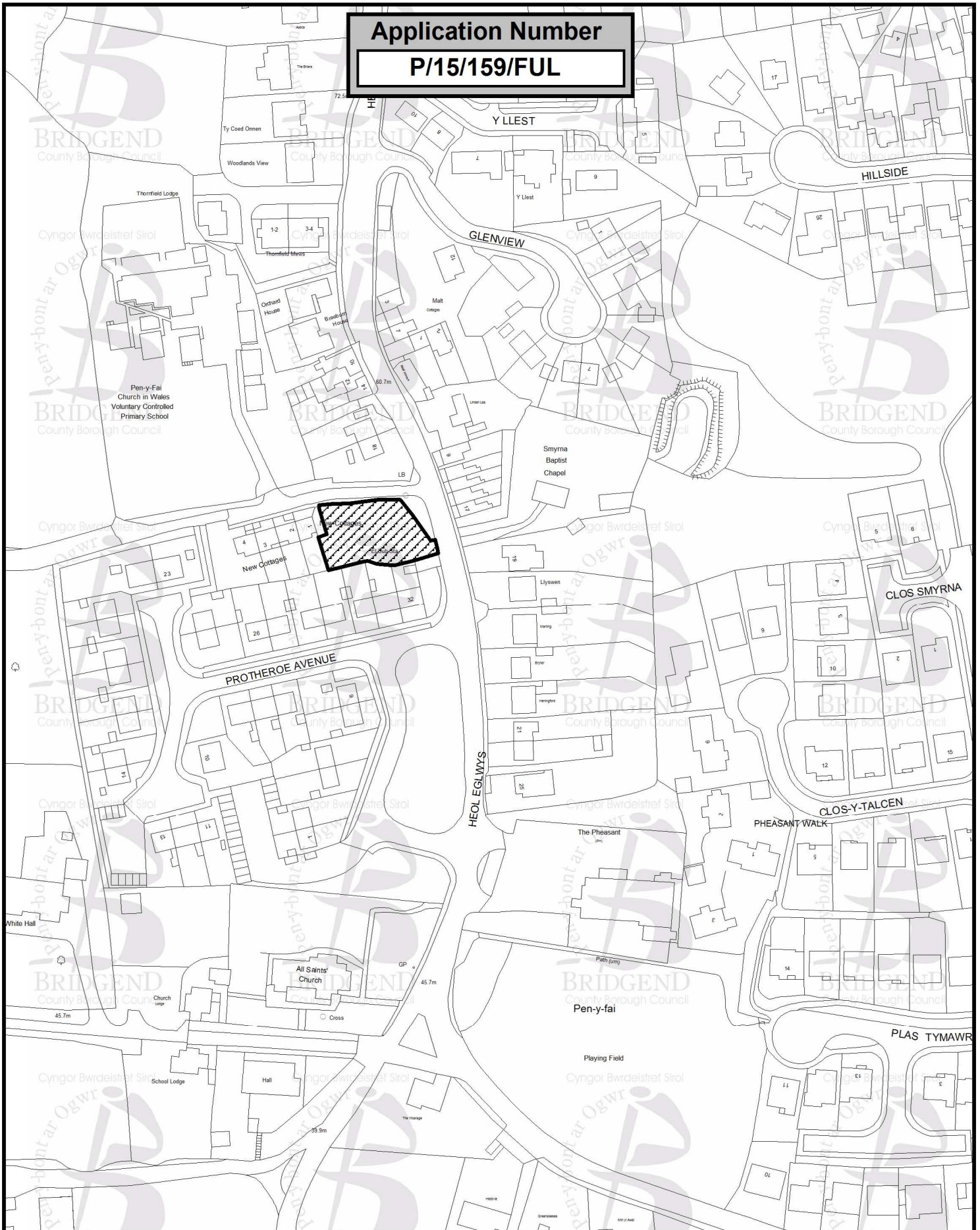
NEGOTIATIONS

None

CONSULTATION RESPONSES

Application Number

P/15/159/FUL



Scale 1:1,750

Date Issued:
22/04/2015

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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Town/Community Council Observations

Notified on 12th March 2015

Destination & Countryside Management

Advised on Ecology and requested that a note be attached to any permission granted regarding nesting birds.

Head Of Street Scene (Drainage)

Advised on drainage and requested that a condition be attached to any consent granted.

Natural Resources Wales

Has no objection to the proposal.

Welsh Water Developer Services

Advised on sewerage.

REPRESENTATIONS RECEIVED

Mr & Mrs J Molnar, 32 Protheroe Avenue

Objects to the proposal for the following reasons:-

- Overbearing impact
- Loss of privacy
- Impact on residential amenity
- Concerns regarding levels of the site
- The design of the dwellings does not reflect the site context
- Drainage

Mrs Meryl Catherine Wilkins, 1 Penyrheol

Objects to the proposal for the following reasons:-

- Highway safety
- Pedestrian safety

Mrs Barbara Powell, 31 Protheroe Avenue

Supports the proposal.

Mark Barber & Emma Douglas, 1 New Cottages

Objects to the proposal or the following reasons:-

- Loss of allotments and the requests that the site is used for community allotments
- Protected species on site
- Adverse impact on birds using the site
- Drainage concerns
- Adverse impact on character of area
- Loss of privacy
- Highway safety
- Disturbance during construction

COMMENTS ON REPRESENTATIONS RECEIVED

In regard to the comments relating to site levels, submitted plan No. '240' shows a sectional view of the proposed dwellings and the levels of the neighbouring property, additionally the site has

been inspected by the case officer. On this basis it is considered that the impact of the development on the neighbouring properties in respect of the differing land levels can be properly assessed.

The potential disturbance caused during construction phases are a short term disturbance and it is not considered reasonable to refuse planning permission for this reason.

Whilst the proposed dwellings will be on a higher level than the properties on Protheroe Avenue they are not considered to overshadow or overbear to an unacceptable degree as they will be located directly north of the gardens and will be some 10.5m from the boundaries of the properties on Protheroe Avenue.

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety and parking provision subject to conditions.

The Land Drainage section has assessed the scheme and considers it acceptable subject to conditions.

The application site is in private ownership and the Local Planning Authority has no evidence that the site was historically used as allotments. The Design and Access statement submitted states that the site was formally gardens associated with 1-4 New Cottages. As the site is in private ownership the Local Authority has no control in respect of the request for the land to be used as a community allotment.

The development has been assessed by the Council's Ecologist and Natural Resources Wales who both have no objection to the development in terms of biodiversity. The Ecologist has requested that a note be attached to any permission granted regarding nesting birds.

The introduction of residential use at this plot is not considered to create an unacceptable level of disturbance to neighbouring properties as to warrant refusal of the scheme.

The impact of the development on visual and residential amenities is addressed in the Appraisal section of this report.

APPRAISAL

The application is referred to the Development Control Committee in view of the objections received from local residents.

The application seeks planning permission to erect two detached dwellings on this parcel of land within Pen y Fai.

The application is a re-submission of a previously refused application for two dwellings on the site, which was refused for the following reason:-

The dwellings, by virtue of their design, siting and external finishes are generally out of character with existing properties in the area and represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to criterion 2 of Policy SP2 and Policy SP5 of the Local Development Plan and Supplementary Planning Guidance 02:Householder Development.

The current application differs from the previously refused application in that the application proposes two dwellings which front Heol Eglyws rather than the road leading to Pen y Fai Primary School and the design of the dwellings has been altered to incorporate some architectural features to reflect the local vernacular.

The application site is located within the settlement boundary of Pen y Fai as identified by Policy

PLA1 of the Local Development Plan (LDP) and, as such, Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlement boundaries defined by 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 proposed dwellings are considered to be compliant with Policy COM3 of the LDP. All new development in the County Borough is also assessed against Policy SP2 of the LDP, which 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.

The application site is surrounded by a terrace of two storey, locally listed, cottages which are of significant architectural merit located to the west, a Church and a terrace of traditional cottages to the east, a terrace of three properties to the south, traditional semi-detached properties to the north and, as the road rises, there are a number of cottages and detached dwellings on both sides of the road of varying scale and design. The recently constructed school is located to the north west of the site and is accessed off Heol Eglwys.

The properties to the west, 1-4 New Cottages, are of significant architectural merit, which the Local Authority has recognised by placing them on the list of locally significant buildings. Policy SP5 of the LDP states that development should conserve, preserve or enhance the built and historic environment and that development will only be permitted where it can be demonstrated that they will not have a significant impact upon Locally Significant Buildings.

Given that the site was formerly gardens associated with 1-4 New Cottages, the dwellings should be designed to reflect the architectural style of the cottages. The proposed dwellings have reflected the hipped roof design, small gable feature and window casements of 1-4 New Cottages. The proposed dwellings will be a modern feature in the street scene and have been designed to reflect this, whilst, incorporating some features of the local vernacular without becoming a pastiche of the properties to the rear. Consequently, the proposed dwellings are not considered to have a significant impact on 1-4 New Cottages.

The application site represents an area in Pen y Fai where the local vernacular changes, from the more modern estate to the south to the more traditional building styles to the west and the north of the site.

The properties will front Heol Eglwys and will form part of the street scene of Heol Eglwys, which is comprised of a wide variety of house types and styles. The proposed dwelling have been finished with hipped roof forms which reflect the style of roof found on many of the dwellings on Heol Eglwys and are, therefore, considered to be in keeping with the street scene and character of the area.

In order to ensure that the materials used in the external surfaces of the proposed dwellings respect and enhance the character of the area a condition shall be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority.

The retention of the stone boundary walls, which run along the site frontage and side of the site, is welcomed as this will retain a feature of the character of the original site.

In regard to the impact on residential amenities, the plot to the southern side of the site will be located directly to the north of 32 Protheroe Avenue. The distance between the rear elevation of No. 32 and the side elevation of the proposed dwelling will be 10.5m. Whilst, the proposed dwelling will be located on a higher level, as the dwelling will be due north of No. 32 and the distance between the properties is 10.5m, which is in accordance with Note 1 of Supplementary Planning Guidance 02:Householder Development, the impact of the development in terms of overshadowing and dominance is not considered to be so harmful as to warrant refusal of the scheme.

Furthermore, there is an existing electricity substation between the application site and 32 Protheroe Avenue.

In regard to privacy the proposed dwelling to the south of the plot proposes a side entrance door serving a utility room. The submitted plans indicate that a 1.79m high timber post and feather edge fence will be erected along the boundary of the site which will screen any views from the side door to 32 Protheroe Avenue and, as such, the proposed development is not considered to infringe the privacy standards of No. 32.

In respect of the proposed dwelling to the northern side of the site, this dwelling will be some 17m from the conservatory at 1 New Cottages and 20m from the first floor elevation, as the proposed dwelling does not propose any habitable room windows which will directly face any habitable room windows at 1 New Cottages, the proposed development is not considered to infringe privacy standards.

The proposed garage will be single storey and, as such, will not adversely affect the residential amenities of the neighbouring properties.

The layout plan submitted indicates that both dwellings will be served by an appropriate level of amenity space, however, the plans do not indicate whether this amenity space will be adequately screened and private. In order to ensure that private amenity space is provided a condition shall be attached to any permission granted requiring a scheme showing the proposed boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

Having regard to the above, the proposed dwelling are considered to comply with Council policy and guidelines and are not considered to give rise to any overriding residential, visual or highway safety concerns.

Whilst determining this application Policies COM3 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

CONCLUSION

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

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: plan numbers 202 and 204 received on 10 March 2015.

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

- 2** No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings 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 landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority prior to any development commencing on site.

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

- 4** 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.

- 5** No development shall take place until details of the proposed floor levels of the buildings 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 commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed drainage scheme must be implemented prior to beneficial use of the dwellings.

Reason: To ensure that effective drainage facilities are provided for the proposed development.

- 7** No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and sustainability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed drainage scheme must be implemented prior to beneficial use of the dwellings.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

- 8** No vehicles associated with the construction works shall enter or leave the site during the

periods of half hour either side of Pen y Fai Primary School commencing and ending of class times.

Reason: In the interests of highway safety.

- 9** Notwithstanding the submitted plans, no development shall commence until a scheme showing the site frontage being set back to allow a minimum 4.8m wide carriageway and 1.2m wide footway has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in permanent materials prior to the development being brought into beneficial use.

Reason: In the interest of highway safety

- 10** There shall be no gates erected across the driveway entrance at any time.

Reason: In the interests of highway safety

- 11** No development shall commence in site until a scheme for the provision of a site compound has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of works on site and maintained for the duration of the construction works.

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 Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. 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.

c) In order to satisfy conditions 6 and 7 the following supplementary information is required:-

- Provide infiltration tests to confirm acceptability of any proposed soakaway
- 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 receiving groundwater and/or surface water.
- 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.

d) Foul water and surface water discharges shall be drained separately from the site.

e) No surface after shall be allowed to connect, either directly or indirectly, to the public sewerage system.

f) Land Drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

g) The application site is crossed by a public sewer with the location being available on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to it apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

h) The developer should contact the Head Teacher of Penyfai Primary School in order to make the school aware of the additional construction traffic movements.

i) The 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 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 tarmacadam extending across the full width of the parking area should not be considered as a first option.

j) The developer should be advised that any building materials delivered to the site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

k) Rainwater runoff shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None