

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/213/FUL
APPLICANT: MR G DOWER
11 BEACH ROAD PORTHCAWL

LOCATION: LAND REAR OF DALE VIEW CEFN CRIBWR

PROPOSAL: PROPOSED DETACHED 1 1/2 STOREY DWELLING WITH INTEGRAL GARAGE

RECEIVED: 31st March 2015

SITE INSPECTED: 14th April 2015

APPLICATION/SITE DESCRIPTION

The application is referred to the Development Control Committee for determination at the request of the Local Member and in view of the number of objections from local residents and the Community Council.

The application seeks consent to erect a dormer bungalow to the rear of 1-10 Dale View.

The application site originally formed part of the overall site for 40 dwellings on Dale View granted planning permission in 1978. A condition was attached to the 1978 consent requiring the implementation of a scheme of landscaping for the open areas within the development and for their maintenance together with the provision of a footpath along the Cwm Ffoes frontage of the site and to erect a boundary fence.

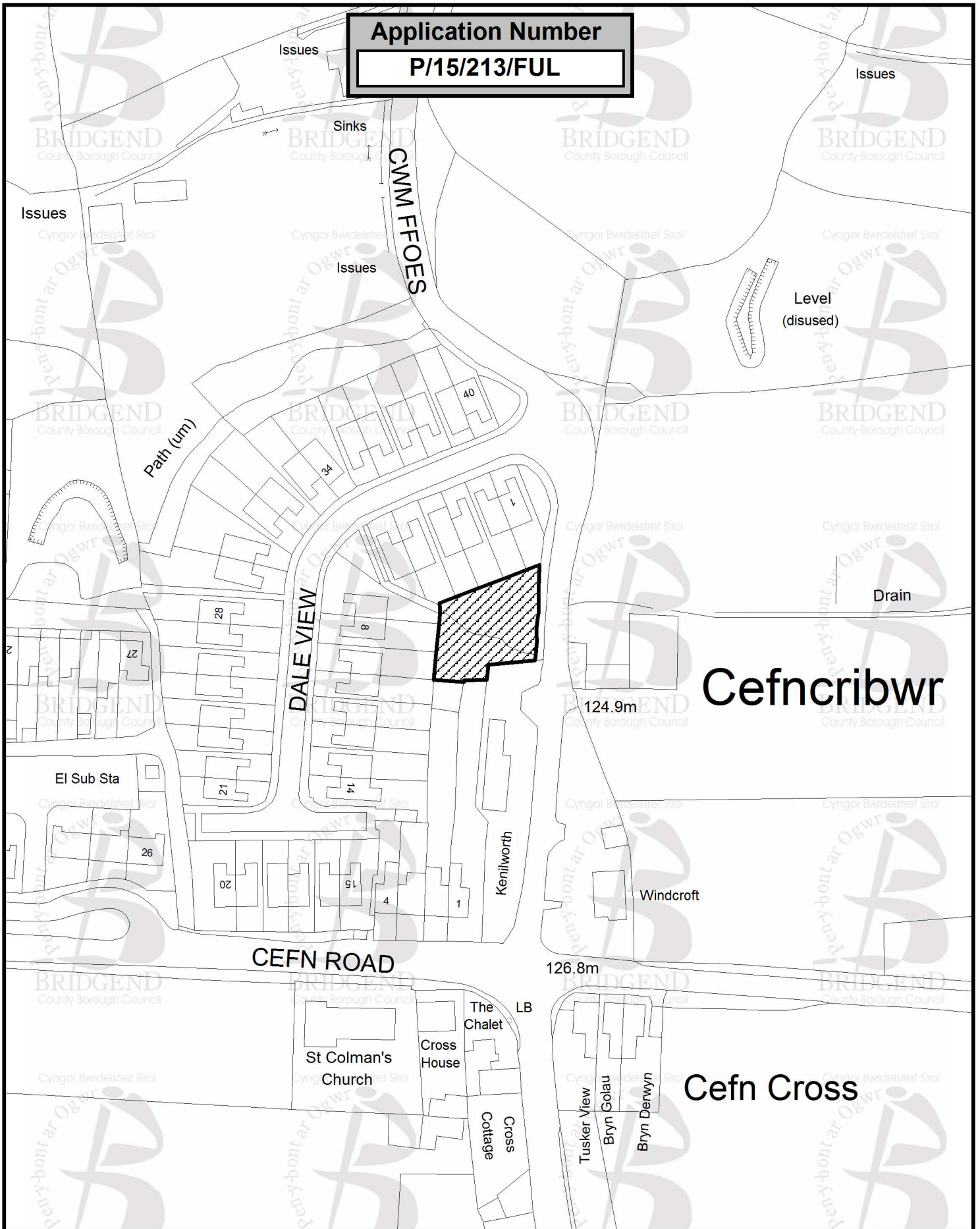
In 1983, in his decision letter, the Welsh Office Inspector appointed to determine an appeal against the refusal of planning permission for residential development on this land commented that this condition had not been complied with and in view of the condition of the site, it had not been used by the residents in the way it was intended. A considerable period of time has elapsed since the 1978 grant of planning permission and the appeal decision referred to above during which time provision of landscaping and maintenance of the area has not been pursued. It is not considered that it would be practicable to pursue the non-provision of the facility at this stage.

More recently, an outline application for a dwelling was refused on the site (P/05/287/OUT refers) for highway safety reasons. A further outline application (P/06/133/OUT refers) was submitted for a single dwelling on this site, the highway concerns were overcome in this instance, however, the application was refused due to the loss of public open space and the adverse effect it would have on the residents of Dale View, the refusal was upheld at a subsequent appeal (APP/F6915/A/06/1198806 refers), where first hand evidence was heard that the site had been used by local children as an informal play area. In 2007 a full application for a single dwelling was submitted (P/07/1477/FUL refers) but was withdrawn prior to determination.

In the appeal decision (APP/F6915/A/06/1198806 refers) the Inspector in his report stated "In terms of Policy RC3 (of the Bridgend Unitary Development Plan), and despite the lack of positive provision and maintenance for amenity purposes, I consider that the site can be regarded as 'an existing or proposed recreational facility'. That being the case, I am in no doubt that the proposed development would adversely affect it. In the previous appeal decision the development then proposed was found to cause a serious and unacceptable loss of amenity for adjoining residents and although this was some time ago there are no changed circumstances sufficient to lead me to a different conclusion in respect of the proposal before me. I do not find that any of the three criteria in the Policy are met, and the Appellant has not argued otherwise. Therefore I conclude

Application Number

P/15/213/FUL



Cefncribwr

Cefn Cross



Scale 1:1,250

Date Issued:
15/07/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
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O:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Siro



that the appeal scheme is also contrary to Policy RC3".

A further application was submitted in 2009 for a detached bungalow on the site (P/09/268/FUL refers). This application was also refused on grounds that the site was previously used as open space in association with Dale View and its loss would be detrimental to the general amenities of the area.

RELEVANT HISTORY

P/05/287/OUT REFUSED 29-04-2005
ERECTION OF DETACHED DWELLING

P/06/133/OUT REFUSED 18-04-2006
ERECTION OF SINGLE DETACHED DWELLING (RE-SUBMISSION OF PREVIOUS REFUSAL P/05/287/OUT - 29/04/05)

P/09/268/FUL REFUSED 28-08-2009
PROPOSED DETACHED BUNGALOW

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 8 May 2015.

NEGOTIATIONS

The agent was requested to reduce the impact of the proposal on neighbouring properties and to amend the site frontage to include a larger area for parking and turning.

CONSULTATION RESPONSES

Town/Community Council Observations

The Members of Cefn Cribwr Community Council wish to object to this application as they believe the current proposal- being a two storey property - will have a detrimental effect on the visual amenity, light amenity and privacy currently enjoyed by the residents of Dale View whose property boundaries adjoin the site. Furthermore, when planning permission was granted for the development of Dale View the proposed site was designated a 'Public Open Space' and for at least two decades was enjoyed by residents as such. The current owner has chosen to fence in this parcel of land which he bought in the hope of achieving planning permission. It is the considered view of the Members of Cefn Cribwr Community Council that to allow development of this site, other than as a public open space, should not be permitted as it sends a very clear message that the planning system can be ignored and circumvented for personal profit. The Members of Cefn Cribwr Community Council therefore ask this this application be refused, as on all the previous occasions, both at County Council level and on appeal to the planning Inspector.

Councillor H J David

Requested that the Case Officer view the site from the rear garden of No.4 Dale View.

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.

Head Of Street Scene (Drainage)

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

Natural Resources Wales

No objections to the proposal subject to an advisory note.

Welsh Water Developer Services

No objections to the proposal subject to advisory notes.

Group Manager Public Protection

No objections to the proposal subject to an advisory note.

REPRESENTATIONS RECEIVED

Letters of support have been received from the following residents:

1 Cefn Cross
6, 17 and 22 Dale View

Objections have been received from the following residents:

2, 3, 4, 5, 8, 9, 11 Dale View

Their objections have been summarised as follows:

1. Detrimental to highway/pedestrian safety
2. Loss of privacy, light and outlook
3. Noise, disturbance and dust
4. Devaluation of property and loss of view
5. Previous applications for residential development on the site has been refused and dismissed on appeal
6. The site was intended to be public open space and this scheme would result in its loss
7. Business being run by a neighbour
8. Error on plan concerning site boundary treatments and outbuilding within 4 Dale View

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the objections received:

1. 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 scheme would not have such an adverse effect on highway/pedestrian safety as to warrant refusal.

2. Refer to the 'Appraisal' section of the Report

3. Any unreasonable levels of noise, disturbance and dust generated during the development phase of the site would be investigated by the Public Protection Department of the Council and these matters are controlled under separate legislation.

The site is surrounded by residential properties and once the site has been completed to accommodate a single dormer bungalow, it is not considered that the site would generate any unreasonable levels of noise, disturbance and dust.

4. Devaluation of property and loss of view is not a material planning consideration and, as such, cannot be considered during the determination of this application. Loss of outlook, however, has been considered under the 'Appraisal' section of the Report.
5. Refer to the 'Application/Site Description', 'Planning History' and 'Appraisal' sections of the Report.
6. Refer to the 'Application/Site Description' and 'Appraisal' sections of the Report.
7. It is noted that two neighbours have alleged that a neighbouring property is running a business from home. Whilst this is not material to the determination of this application, it has been referred to the Enforcement Section for further investigation.
8. The occupier of 4 Dale View has commented that they do not have a 2m high fence along their rear boundary or an outbuilding within their rear garden, contrary to the submitted plan. An amended plan has been submitted to omit this annotation.

APPRAISAL

The application is referred to the Development Control Committee for determination at the request of the Local Member and in view of the number of objections from local residents and the Community Council.

The application seeks consent to erect a dormer bungalow to the rear of 1-10 Dale View.

The site is located within the designated settlement boundary of Cefn Cribwr, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (BLDP). Policy COM3 of the BLDP 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 there is no over-riding need to retain the existing use of the building or land for an alternative use.

The planning history of the site is well-documented under the 'Planning History' section of the report. However, since the submission of the previous application, there have been changes to the circumstances of the site which enabled further consideration to be given to the use of the land for residential purposes.

In granting of the original permission to develop Dale View, there was the intention for this land to be used as public open space. However, this land is privately owned, has been fenced off to restrict public access and it has not been adopted by the Council. Furthermore, in the 9 years since the appeal decision on the site, there is limited evidence to suggest that this land has been significantly used as public open space by the community. The site has been visited by the Case Officer and it was evident that it is in an unkempt condition and is overgrown with vegetation. There were also signs of fly-tipping on the land which may explain why the site has been fenced-off to restrict unauthorised access.

Since the last appeal decision, the BLDP has been adopted. Policy COM7 seeks to protect social and community facilities.

Having regard to the above, it is difficult to sustain an objection on loss of public open space which is based on historical intentions, on a site that is privately owned, with limited evidence over the past 10 years of significant public/community use. The site, therefore, is not considered to be public open space and is deemed as vacant/underutilised land within the settlement boundary of Cefn Cribwr. It is not considered that Policy COM7 of the BLDP is applicable in this particular case.

Furthermore, there is no evidence to suggest that the site, which is enveloped by built

development, forms part of the local green infrastructure, as described under Policy ENV5 of the BLDP.

In general terms, the site is within an area which is almost entirely residential and the redevelopment of this site for residential purposes is compatible, in principle. The development, therefore, is considered to satisfy the requirements of Policy COM3 of the BLDP.

With the principle established, the scheme must be considered against other relevant planning policies, guidelines and material considerations.

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable placemaking. In view of the residential use of the proposal, consideration is also given to Supplementary Planning Guidance 2 (SPG2). Whilst this document primarily provides guidelines for householder extensions, its principles remain relevant to new dwellings.

The proposed dormer bungalow would have a degree of design merit, expressing a three-dimensional contemporary frontage with a variety of projecting gable elements and small dormer extensions in the roof space.

The development would only be particularly visible when viewed from the public road of Cwm Ffoes. This section of the road has both urban and rural characteristics and it is considered that the proposed dormer bungalow would be compatible with its surroundings.

Most properties in the area are finished in render with a limited amount of brick, with brown concrete tiles on the roof. The submitted plans have specified the external finishes of the bungalow to be mainly smooth render and fibre cement slates. The roof finish would be different to neighbouring properties, however, it is not considered that this would have such an adverse effect on the visual amenities of the area so as to warrant refusal. The character of this section of Cwm Ffoes is not as well-defined as other nearby streets such as Dale View. This allows a degree of flexibility in the design and appearance of new development. Furthermore, it is considered that this scheme would be visually interpreted as a bespoke development without the need to follow a particular style or appearance. Notwithstanding the above, it is considered that the dormer bungalow would have sufficient design merit to be deemed as an enhancement to the visual appearance of the area.

Limited details have been provided with regards to the boundary treatments to enclose the site. In the interests of both visual and residential amenities, it is considered necessary to impose a condition for the full details of all boundary treatments to be agreed.

The topography of the application site and its immediate surroundings vary considerably. For example, 1-6 Dale View are positioned lower than the application site, whilst 7-10 Dale View are located at a similar or higher position. The property to the south, 'Kenilworth', and its detached garage, are also located at a higher level to the application site.

To limit the impact of the proposed dormer bungalow on the visual amenities of the area and to those neighbouring properties at lower levels, a large part of the application site would be significantly lowered through excavation and site levelling. This would enable the bungalow to sit comfortably within the site without unreasonably dominating neighbouring properties or appearing as a prominent and incongruous element in the street-scene.

The application site was viewed from 4 Dale View, which is the property which would potentially be affected most by the proposal, due to it being positioned lower than the application site and the proposed dwelling being aligned directly with its rear curtilage. This also enabled a reasonable understanding of the impact of the development on other properties within the row (1-6 Dale View).

The rear elevation of No.4 contains habitable room windows, however, the ground floor windows serve the same room which has been adapted to include patio doors. These windows would be approximately 10m to the site boundary and 12.5m from the side elevation of the proposed bungalow.

Since the end of the consultation period, the applicant has submitted amended plans which set-down the bungalow an additional 350mm from the plans originally submitted and included a 'barn hip' roof on the side elevation facing No.4. These amendments have further reduced the impact of the development on the amenities of No.4 and other properties within the row.

Having regard to the circumstances of No.4 and its south-facing relationship with the application site, it is acknowledged that there would be a degree of adverse loss of amenity to this neighbouring property. However, since approximate calculations indicate that the proposed bungalow would comply with the guidelines set within SPG02, with particular regards to light, outlook and dominance and amendments have been made to limit the impact of the development, it is concluded that the scheme would not have such an adverse effect as to warrant refusal. It is not considered that this scheme would have any overriding residential amenity concerns on the remaining properties within this row.

The side elevation of the proposed bungalow facing 1-6 Dale View would be a blank wall, thereby ensuring that privacy standards are maintained. Only limited and indirect views into the amenity spaces and rear elevations of 1-6 Dale View would be possible from the windows located on the front and rear elevations of the proposed bungalow.

Several properties along Dale View have constructed outbuildings alongside the boundary with the application site. Furthermore the rear gardens of Nos.1-6 are generally in a tiered configuration which reduces the impact of the proposed bungalow on the amenity spaces, particularly the upper levels of the gardens. The applicant also has the ability to utilise permitted development rights to increase the height of boundary treatments to 2m from existing ground levels.

Having regard to the above, it is considered that the proposal would not have such an adverse effect on the amenities of 1-6 Dale View as to warrant refusal of the scheme.

7-10 Dale View are located to the west of the application site. Having regard to the relationship of these properties to the site and the proposed bungalow, it is not considered that it would generate any overriding residential amenity issues, with particular regards to light, outlook and dominance.

Most of the windows in the rear elevation of the proposed dormer bungalow would meet the recommended privacy distances outlined in Note 6 of SPG02. The velux-type window serving the master bedroom is only 8.5m from the boundary with 8 Dale View. Whilst this does not strictly comply with the guidelines, it overlooks outbuildings located at the immediate rear of No.8 and would not result in such unreasonable loss of amenity to neighbouring properties as to warrant refusal. It is, however, considered necessary to impose a condition for the levels of the rear garden to be agreed as this has not been clearly specified on plan, only an indication that it would be tiered.

The site is also adjacent to the amenity space of the property known as 'Kenilworth'. However, the side elevation of the dormer bungalow would be immediately adjacent to the large garage of this neighbouring property which would obscure the bulk of the development. The side elevation only contains one window serving the first floor bathroom. Given the non-habitable nature of this room and that it would be largely obscured by the adjacent garage, it is not considered that this scheme would generate any overriding residential amenity issues to the occupiers of 'Kenilworth', with particular regards to light, outlook, dominance and privacy.

Given that this is an infill plot with a number of neighbouring properties built on varying ground levels surrounding the site, it is considered reasonable and necessary to remove certain permitted development rights.

The site is overgrown but does not contain any trees which offer such outstanding public amenity value as to warrant retention. The Council's Ecologist has no objections to the proposal but since there is evidence of invasive species on the site, a condition has been recommended for the agreement of the method of its eradication as part of the development of the site.

The Drainage Section of the Council has no objections to the proposal subject to a condition for the agreement of surface and foul drainage. Welsh Water, Natural Resources Wales and Public Protection have no objections to the proposal subject to advisory notes. It is, therefore, considered that the scheme would not have any significant adverse effect on drainage, land contamination or give rise to flooding. It is considered that the site is in reasonable proximity to other utilities.

The plans have been amended to ensure that there is sufficient off-street parking and turning area available within the site. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. The removal of certain permitted development rights would also ensure effective control of the scale of the proposed dormer bungalow and to ensure that the site retains sufficient off-street parking and manoeuvring areas.

The following policies were taken into account in the determination of this application: COM3, SP2, COM7, ENV5 and ENV6 of the Bridgend Local Development Plan, Design Guide 1 and Supplementary Planning Guidance 2.

CONCLUSION

The site, whilst originally envisaged as formal public open space has not been developed as such. Following the previous appeal decision there is no evidence to suggest that the land has been used for in any informal capacity. This represents a material change in circumstances and it is apparent that the site is highly unlikely to be used for any meaningful informal or formal open space. As such, the proposal represents an opportunity to utilise an area of land within the settlement for residential use. Notwithstanding the objections received, the proposal has been assessed and raises no other issues in terms of amenity, design or highway safety.

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:

- P02 Rev.B - Proposed Ground Floor / Site Plan (received 10 July 2015)
- P03 Rev.A - Proposed First Floor / Site Plan (received 10 July 2015)
- P04 Rev.A - Proposed Elevations (received 8 June 2015)
- P05 Rev.A - Proposed Elevations (received 8 June 2015)

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

2 Notwithstanding the requirements of condition 1, 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.

- 3** Notwithstanding the requirements of condition 1, no development shall take place until details of 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 and in the interests of residential amenities.

- 4** Notwithstanding the requirements of condition 1, 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 scheme as agreed 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.

- 5** Notwithstanding the requirements of condition 1, no development shall commence until an invasive non-native species protocol has been submitted to and agreed in writing by the Local Planning Authority. The protocol shall include the methodology for the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The site shall be developed in accordance with the agreed protocol.

Reason: In the interest of biodiversity and ecology.

- 6** 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, D 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 residential amenities and highway safety.

- 7** The proposed parking and turning area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained in permanent materials thereafter.

Reason: In the interests of highway safety.

- 8** Notwithstanding the requirements of condition 1, the proposed means of access shall be laid out with vision splays of 2.4m x site frontage in both directions before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 9** No structure, erection or planting exceeding 0.9 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.

- 10** Notwithstanding the requirements of condition 1, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a bilingual slow carriageway marking with red banding along Cwm Ffoes at a location 40m south of the proposed access. The scheme shall be fully implemented before the development is 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 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) Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

h) The applicant/developer is encouraged to raise the ecological/biodiversity values of the site by installing bat and bird boxes within the development site.

i) In respect of Condition Number 4 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.

j) 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.

k) 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.

l) The presence of any suspected contamination, which becomes evident during the development of the site, shall be brought to the attention of the Public Protection Department of the Council.

m) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The applicant/developer should contact the Highway Maintenance Inspection for the area at Bridgend County Borough Council (01656) 642 541.

n) 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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None