

**RECOMMENDATION : GRANT WITH CONDITIONS**

**REFERENCE:** P/15/361/FUL  
**APPLICANT:** MR GRAHAM GRIFFITHS  
GOLDEN BEECHES TWYNCYN DINAS POWYS CARDIFF

**LOCATION:** REAR OF 79 MERTHYR MAWR ROAD BRIDGEND

**PROPOSAL:** 2NO. FLATS WITHIN NEW 2 STOREY BUILDING FACING ON TO HEOL GAM

**RECEIVED:** 29th May 2015

**SITE INSPECTED:** 10th July 2015  
**SITE INSPECTED:** 12th August 2015

**APPLICATION/SITE DESCRIPTION**

The application proposes the construction of a detached two storey building, which will accommodate two self contained apartments, on land currently forming the rear garden of 79 Merthyrmaur Road, Bridgend. The building will measure 11.65m at its longest by 7.25m wide with the complex roof, with a split ridge which runs at approximately ninety degrees to the highway and reaching a maximum height of 7m. The external finishes of the proposed building will be render painted white with fibre cement slates for the roof. The building will be set back 6.8m from the back edge of the footway adjacent to the south western boundary and 1.532m behind the front wall of the adjoining dwelling, Lavender Cottage.

On the ground floor of the building, there is to be a one bedroom apartment, which will comprise kitchen/lounge, bathroom and bedroom together with a single garage that is allocated to serve the first floor two bedroom flat. The first floor will accommodate lounge/kitchen/two bedrooms and a bathroom. Two parking spaces are to be provided on the Heol Gam frontage of the building, one in front of the garage serving the first floor flat and one serving the ground floor apartment in front of its bedroom window. To the rear of the building, a garden area will be provided to serve the 2 flats.

A Design and Access Statement has been submitted in support of the application.

**RELEVANT HISTORY**

**P/11/281/FUL** APPROVED 01-07-2011  
+conditions  
CHANGE OF USE OF NO.79 MERTHYRMAWR ROAD FROM SINGLE DWELLING TO TWO SELF CONTAINED APARTMENTS WITH CAR PARKING FOR 4 CARS

**P/11/688/FUL** REFUSED 09-11-2011  
CONSTRUCTION OF TWO STOREY DETACHED PROPERTY COMPRISING OF TWO SELF CONTAINED APARTMENTS

**P/12/497/FUL** REFUSED 23-08-2012  
CONSTRUCT 2 STOREY DETACHED PROPERTY COMPRISING 2 X SELF CONTAINED APARTMENTS - RE-SUB OF P/11/688/FUL

Application Number

P/15/361/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

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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**P/13/123/FUL**

APPROVED 05-04-2013

+conditions

CONSTRUCT TWO STOREY DETACHED PROPERTY COMPRISING OF TWO SELF  
CONTAINED APARTMENTS

## **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 17th July, 2015.

## **NEGOTIATIONS**

Following consideration of the objections received from local residents in respect of the accuracy of the submitted plans, the application site was revisited and measured. It was found that the originally submitted drawings were incorrect and the applicant's agent was notified accordingly.

In an initial response, the applicant's agent claimed that the plans were accurate and expressed dissatisfaction that the Authority had taken a significant period of time before notifying him of the concerns and also that no reference had been made to him to approve the revisiting of the site.

Accurate amended plans were received 3rd September, 2015.

## **CONSULTATION RESPONSES**

### **Town/Community Council Observations**

Notified on 19th June 2015

Objects to the application and adheres to the objections submitted in respect of the earlier applications. The amendments do not satisfy previous objections.

### **Head Of Street Scene (Highways)**

No objection subject to condition.

### **Destination & Countryside Management**

No objections.

### **Head Of Street Scene (Drainage)**

No objection subject to condition.

### **Welsh Water Developer Services**

No objection.

## **REPRESENTATIONS RECEIVED**

### **R Burns & Petition Signed By 10 Other Local Residents, 3 Heol Gam**

Mr Burns as spokesperson for the local residents has registered a request to speak at Committee. The reasons for objecting to the application have been outlined in a four page letter

together with a two page appendix. The grounds of objection are summarised as follows:-

1. Inaccurate plans.
2. Previous Appeal Decision.
3. Out of character with the area.
4. Over development of the site.
5. Flat 1 will provide substandard accommodation.
6. Highway safety with vehicles entering and leaving the site.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in respect of the objections raised by local residents:-

1. Inaccuracy - Following negotiation with the applicant's agent and further revisions to the submitted plans, as indicated in the preceding section of the report, accurate drawings have now been received.
2. Appeal precedent - The Authority determines each application on its individual merits and in this instance considers that the privacy and amenities of neighbouring occupiers together with the future occupants of the proposed development are adequately safeguarded in the design of the scheme.
3. Form and character of the area. The parking spaces shown on the submitted plan are dimensioned to meet the Authority's parking standards and therefore it is clearly possible for vehicles to be parked off street. In terms of built form although comprising two flats, the appearance of the building will be similar to other dwellings on this side of Heol Gam.
4. This is addressed in the appraisal section.
5. The proposed ground floor flat will provide approximately 45sq.m gross floor area and will comprise one bedroom, bathroom and open plan kitchen/lounge area. The property will have its own private amenity space and a parking space. It is considered that this standard of accommodation is compatible with development plan policy and guidance.
6. The Highways officer has not raised any issues in terms of highway or pedestrian safety.

#### **APPRAISAL**

The application is referred to Committee to consider the objections raised by the Town Council and local residents.

The current application is the fourth submission for a detached two storey building accommodating two self contained apartments on the site. The first application P/11/688/FUL related to a structure set 4m behind the front building line of Lavender Cottage comprising 2 two bedroom flats and was refused for three reasons, namely the impact of the siting of such a

structure on the privacy and amenities of occupiers of the flats at 79 Merthyr-mawr Road; domination and overshadowing between the proposed development and Lavender Cottage and the internal layout of the flats which included a window serving a habitable room within 1m of the flank wall of Lavender Cottage. In the course of the subsequent appeal, it was established that the submitted plans had been inaccurate and the distance between the rear elevations of the proposed building and the existing flats at 79 Merthyr-mawr Road, would comply with the 21m privacy standard adopted by the Authority. However, the remaining reasons for refusal were upheld and the appeal was dismissed.

A second application P/12/497/FUL also relating to the construction of a two storey building accommodating 2 two bedroom flats was also refused for three reasons. That scheme proposed to site the building only 1m behind the building line of Lavender Cottage and only 0.5m from the boundary between the application site and this dwelling. The reasons for refusal in respect of this application related to the absence of adequate off street parking facilities; notwithstanding the inadequacy of the parking space dimensions, the position of the spaces immediately in front of the habitable room windows of the ground floor flat would infringe the privacy of future occupiers and provide a poor level of amenity and finally due to the proximity of windows serving the proposed kitchen areas within the flats would be dominated and overshadowed because of their proximity to the flank wall of Lavender Cottage thereby providing a dismal outlook and a poor level of amenity for future occupiers. At Appeal, the Inspector concurred with the Authority's assessment of the parking arrangements referred to in the first two reasons for refusal but considered that as the kitchen windows were secondary, the outlook for future occupants would not be materially compromised to the extent that there would be harm to residential amenity.

The subsequent application (P/13/123/FUL) overcame both previous refusals by repositioning the building such that it would not infringe the daylight protection zone of the ground floor rear habitable room window in Lavender Cottage or in turn be infringed by that dwelling, whilst providing adequate parking facilities to meet the Authority's parking standards and amending the proposed internal layout. As a consequence of this revised positioning the internal layout of the building was changed so that the ground floor accommodated a one bedroom flat with a two bedroom unit above. It was considered that the scheme met the criteria attached to Policy H5 of the Bridgend Unitary Development Plan, which was the adopted development plan at the time of that submission.

The current submission has been necessitated due to problems with the original survey, which has resulted in the new building being reduced in size to that previously approved. The submitted plans confirm the proposed flats together with parking facilities may be adequately accommodated. Policy COM3 of the Bridgend Local Development Plan mirrors the aims of the housing policies of the earlier Unitary Development Plan permitting the re-use of vacant or under-utilised land within settlement boundaries for residential developments. Policy SP2 of the LDP requires that developments contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located and establishes fifteen criteria against which development proposals should be assessed. It is considered that the proposed development is compatible to all the relevant criteria. Furthermore there have been no material changes at the site that would materially impact on the development since the earlier submission. As such it is not considered that the proposal will be an over development of the site.

During the processing of the application Policies PLA1, COM3 and SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

The application is recommended for approval as the development complies with national and

council policies and guidelines and will not adversely affect highway safety or privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

## **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 AD-LA-(002)C, AD-(102)-C and AD-(112)C.

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

- 2 The parking areas shall be completed in permanent materials and the garage also completed before the development is brought into beneficial use and thereafter retained for parking purposes in perpetuity.

Reason : To ensure the provision and retention of adequate off street parking facilities in the interests of highway safety.

- 3 The garage shall be fitted with inward opening or roller shutter doors and be so maintained in perpetuity.

Reason : In the interests of highway safety.

- 4 No development shall commence on site 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, has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme before the development is brought into beneficial use.

Reason : To ensure that effective drainage facilities are provided and to ensure that flood risk is not increased.

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

(a) The application is recommended for approval because the development complies with national and council policies and guidelines and will not adversely affect highway safety or privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

(b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The developer should contact the Highway Maintenance Inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend (Tel : 01656 642541)

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

(d) No surface water is allowed to discharge to the public highway.

(e) No land drainage run off will be permitted to discharge (either directly or indirectly) into the

public sewerage system.

(f) The application states that surface water will be disposed of via a SUDS system. The geology within the vicinity of the development is at higher risk of limestone cavity/swallow hole formation; therefore it is recommended that the developer obtains a specialist geotechnical survey and report in support of any proposal to utilise an infiltration scheme prior to any development. In the event that an infiltration system not be viable, an alternative method of surface water disposal will be required.

(g) 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. New Legislation makes it mandatory for developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru/Welsh Water. The Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industrial Act, 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system.

(h) Some public sewers and lateral drains may not be recorded on the public sewer maps because they were originally privately owned and were transferred into public ownership under the provisions of the Water Industry (Schemes for Adoption of Private Sewers) Regulations, 2011. The presence of such assets may affect the proposal and the developer is therefore advised to contact Dwr Cymru/Welsh Water's Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act, 1991, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None