

RECOMMENDATION : SECTION 106

REFERENCE: P/14/388/FUL
APPLICANT: MR M J MORDECAI
C/O MR JOHN MATTHEWS ANGLESEY HOUSE 47 ANGLESEY WAY
PORTHCAWL

LOCATION: LAND OFF ALL SAINTS WAY PENYFAI BRIDGEND

PROPOSAL: RESIDENTIAL DEVELOPMENT COMPRISING 4NO. DETACHED
DWELLINGS AND ASSOCIATED SERVICES

RECEIVED: 5th June 2014

SITE INSPECTED: 18th June 2014
SITE INSPECTED: 20th June 2014

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect 4 detached dwellings on this parcel of land located between All Saints Way and Clos Iechyd, Pen y Fai.

The application proposes 4 detached four bedroom houses measuring 11.7m x 8.32m finished with hipped roofs reaching a maximum height of 9.1m. The properties will be of identical design and include a balcony on the rear elevation. Each property will be served by a detached garage, 2 off street parking spaces and amenity space.

Access to the site will be via All Saints Way and a driveway with a turning head is proposed within the site.

The site is located to the north of Clos Iechyd (Cavendish Parc), BCBC playing fields are located directly to the east of the site, a parcel of land owned by BCBC is located to the west and All Saints Way is located to the north. A footpath linking All Saints Way to the Cavendish Parc estate lies directly to the west boundary, between the application site and the parcel of land owned by BCBC.

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 and publicity expired on 15 September 2014.

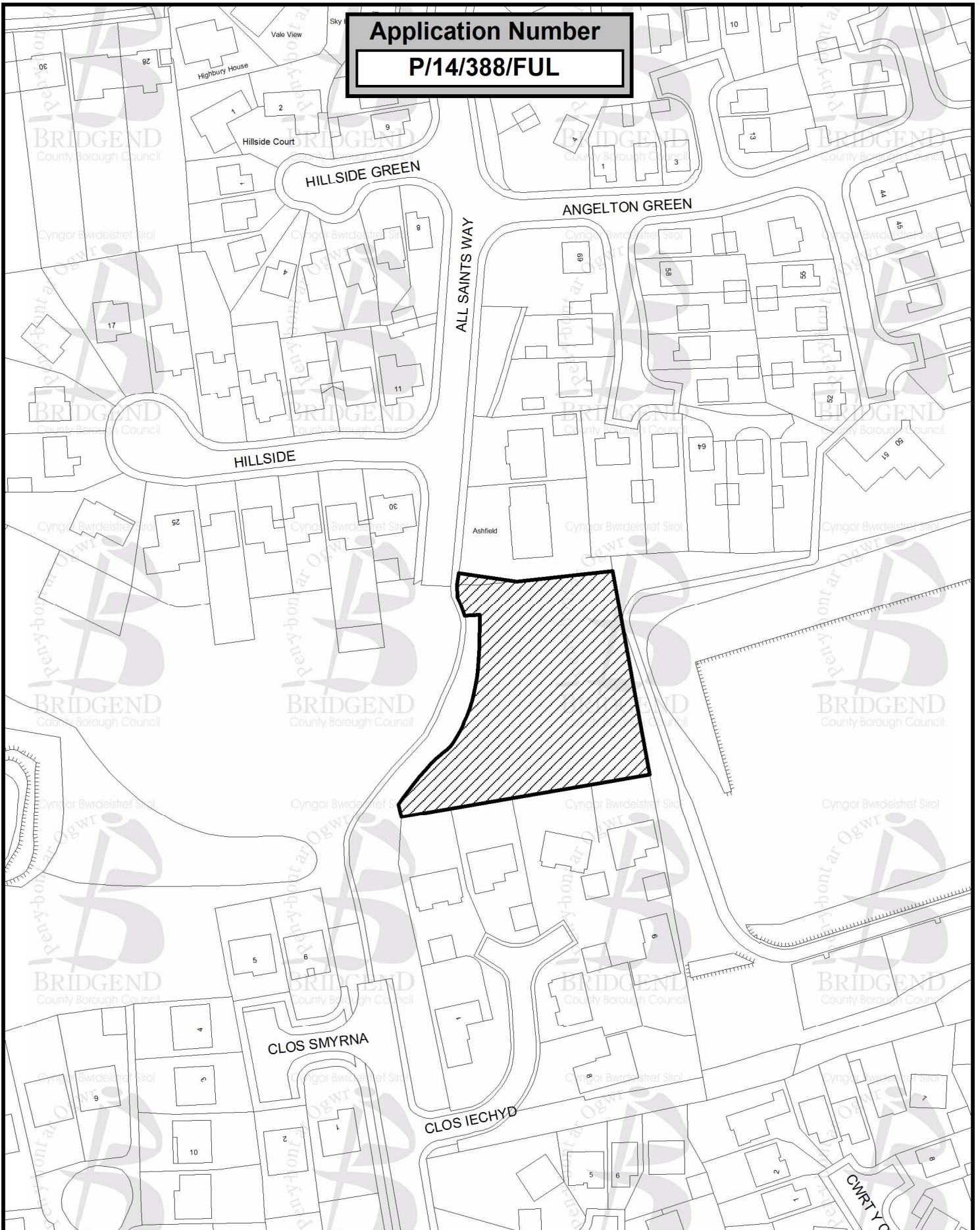
NEGOTIATIONS

Negotiations were undertaken in regard to the layout, highway implications and S106 contributions.

An amended plan, which reduced the overall development from 5 to 4 dwellings was received on 18 August 2014 and a contribution sum of £73,428 in respect of affordable housing was agreed on 5 July 2015.

Application Number

P/14/388/FUL



Scale 1:1,250

**Date Issued:
23/12/2015**

**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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Following discussions in relation to land ownership and site access a further amended layout plan was received and neighbours were re-consulted on the application.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 6th June 2014

Councillor D Lewis

Has requested that the application is subject of a Full Committee Site meeting in relation to infrastructure, access, drainage and privacy.

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Destination & Countryside Management

Requested that a condition be attached to any permission granted.

Head Of Street Scene (Waste & Recycling)

Advised the collection of refuse/recycling will have to take place close to the boundary of the site adjacent to the nearest adoptable highway i.e. All Saints Way.

Head Of Street Scene (Drainage)

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

Group Manager Public Protection

Has no observations to make on the proposal.

Natural Resources Wales

Requested that notes be attached to any permission granted.

Welsh Water Developer Services

Advised on sewerage

Rights Of Way Team

Requested that a note be attached to any permission granted.

Chief Fire Officer

Advised that there should be vehicle access for a pump appliance within 45m of all points of any dwelling house.

Glamorgan Gwent Archaeological Trust

Advised that it is unlikely that significant archaeological features would be disturbed during the proposed development that would require mitigation.

Head Of Parks & Playing Fields

Raised no objection to the development and advised that, as the site proposes less than 10 dwellings, an offsite contribution towards public open space is not required.

Head Of Property & Finance

Advised that the application site was not within BCBC ownership.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following Local Residents:, -

L & I Jenkins - 1 Clos Iechyd, Pen y Fai (requested to speak at Committee)
N Thomas - 2 Clos Iechyd, Pen y Fai (requested to speak at Committee)
L Mellor - 3 Clos Iechyd, Pen y Fai (requested to speak at Committee)
D Evans - 4 Clos Iechyd, Pen y Fai (requested to speak at Committee)
D Lambert - 5 Clos Iechyd, Pen y Fai
R Rees - 7 Clos Iechyd, Pen y Fai
K & A Lang - 3 Clos Smyrna, Pen y Fai
G Jenkins - 4 Clos Smyrna, Pen y Fai (requested to speak at Committee)
A Nicholas - 6 Clos Smyrna, Pen y Fai
D & D Matthews - 6 Clos Iechyd, Pen y Fai
A Thomas - 7 Hillside, Pen y Fai
CM Bunn - 11 Hillside, Pen y Fai
A Morgan - 30 Hillside, Pen y Fai (requested to speak at Committee)
Mr & Mrs Shelly - 14 Hillside, Pen y Fai
R Williams - 70 Chantal Avenue, Pen y Fai
J Powell - 60 Angelton Green, Pen y Fai
Mr & Mrs Job - 65 Angelton Green, Pen y Fai
Mr & Mrs D Shaw - 66 Angelton Green, Pen y Fai
Mr & Mrs Packman - 67 Angelton Green, Pen y Fai
S Roberts - 5 Angelton Green, Pen y Fai
M Griffiths - 8 Angelton Green, Pen y Fai
K & R Collins - 4 Angelton Green, Pen y Fai
M Hart - 1 Clos y Talcen, Pen y Fai
P Wickes - 17 Blease Close, Wiltshire

The objections have been summarised as follows:-

1. Visual impact/ design out of keeping
2. Loss of privacy
3. Dominate the properties on Clos Iechyd and impact on residential amenities
4. The application site is a habitat for protected species, including bats, slow worms and mice. An ecological survey should be submitted.
5. Unable to view plans on the Council's website and no site notices have been erected
6. Highway and pedestrian safety concerns
7. Parking problems
8. Noise pollution
9. Restrictive covenants on the land
10. Further development will exacerbate the existing drainage problems & increased surface water run-off and flooding
11. Overdevelopment of this area of Pen y Fai
12. Public Right of Way should be protected
13. The proposed houses will not assist with housing shortage
14. Development in a Green belt area
15. Drainage will be linked to properties on Clos Iechyd and access to the drains will not be given to the applicant.
16. Loss of light and overshadowing to properties of Clos Iechyd

17. Disturbance caused by dust and building works
18. Boundaries of the site have been moved
19. Applicant has been working with BCBC on a joint development
20. The application forms states that there are no trees on site
21. Potential for further development
22. The land is rock and will require pile driving which will cause damage to surrounding properties
23. Steep nature of the land is not appropriate for residential development
24. Impact on the existing footpath, loss of countryside feel and green space
25. Loss of views
26. Archaeological impacts
27. Lack of Transparency
28. Japanese Knotweed on site
29. The area was designated as a playing field in the UDP

COMMENTS ON REPRESENTATIONS RECEIVED

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

The application has been assessed by both the Council's Ecologist and Natural Resources Wales. It is not necessary for any additional ecological survey works to be undertaken on the site and no objections to the proposal have been raised subject to a condition regarding the control of Monbretia and Himalayan Balsam.

Site Notices were erected, neighbours that share a boundary were notified and the application plans are available to view on line.

The Transportation Development Control Officer has assessed the amended scheme and has no objections to the proposal in terms of its impact on highway and pedestrian safety and parking provision. Furthermore, the application does not propose a highway linking All Saints Way to Clos Smyrna nor does it propose to remove the footpath linking the areas.

The introduction of 4 residential dwellings is not considered to give rise to any overriding concerns in terms of noise pollution.

Restrictive covenants are a private matter outside of the planning process.

The Land Drainage Officer and Welsh Water Dwr Cymru have assessed the scheme and have not raised any objections to the proposal, but have requested that a pre-commencement condition be attached to any permission granted requiring a full integrated drainage system to be submitted to and agreed in writing by the Local Planning Authority (LPA).

The application site does not include the footpath to the west and, as such, there will not be any adverse affect of the footpath in the long term. However, during construction of the dwellings there may be some disruption to the Public Right of Way at the point of the proposed site access. The developer may require a temporary closure of the Public Right of Way before works commence and a note shall be attached to any permission granted advising the developer of this.

The proposed layout of 4 dwellings on this site is not considered to be overdevelopment as it does not result in any unacceptable levels of dominance, overshadowing or an infringement in privacy standards.

The addition of 4 dwellings contributes to the housing provision within the County Borough.

The application site is not located within a Green Wedge as defined by the Local Development Plan (LDP)

With regard to access being denied to the developer to connect with drainage at neighbouring properties, this is a private matter between the parties involved.

Any damage caused to neighbouring property by the development is a private matter between the parties involved.

In terms of the claim that the boundaries of the site have been moved, amended plans have been received to reflect the land in the ownership of the applicant and the Property Department of the Council has confirmed that the application site is not within the Council's ownership.

The Local Planning Authority is not aware of the applicant working with BCBC on a joint development as suggested.

Whilst the application form states that there are no trees on the site visit it was evident at the time of the site visit that trees were present on site. A number of trees have been removed since the submission of the application, however, the trees are not protected by a Tree Preservation Order and the site does not lie within a Conservation area. Any infringement of the Wildlife and Countryside Act 1981 is a matter for the Police Wildlife Liaison Officer.

Any disturbance and nuisance caused during the construction phase will be for a short term only and is not considered a valid reason for refusal.

Any application for future development would be assessed on its own merits.

Loss of view is not a material planning consideration.

Glamorgan Gwent Archaeological Trust have assessed the scheme and advised that it is unlikely that significant archaeological features would be disturbed during the proposed development.

With respect to the concern expressed in regard to the loss of green space and the loss of the 'countryside walk', the site is private land located within the settlement boundary of Pen y Fai, between two urban developments. The land is not available for public use and is not easily accessible. Whilst, the proposed development will result in the removal of the 'countryside' feel of the footpath, the land is in private ownership along the boundary of a small area in between two residential developments and there is a green natural space to the west of the path. Furthermore, the site boundary does not abut the footpath and an area measuring 6m at its widest part and 2m at its narrowest part will remain between the site and the footpath allowing for natural vegetation on this section and providing a degree of openness. Consequently, it is not considered reasonable to refuse planning permission for this reason.

The application site is located within the settlement boundary of Pen y Fai as defined by Policy PLA1 of the Local Development Plan.

With regard to the comments in respect to lack of transparency, all the planning documents are available for inspection by the public at the Civic Offices.

A condition is recommended in respect of the removal of non-native species on site.

The site was designated for a playing field in the UDP, however, this was not implemented and the designation was removed as part of the LDP.

The land is in private ownership and there is currently no access to the playing field to the east through the development site. Access is available via Angelton Green and whilst it is noted that there are limited access points it is considered unreasonable to expect the developer of 4 dwellings to provide a new public access to the playing fields and such a requirement would not be reasonable.

APPRAISAL

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

The application seeks planning permission for the erection of 4 detached four bedroom dwellings on this parcel of land to the south of All Saints Way, Pen y Fai. Access to the site will be gained via Ashfield, All Saints Way.

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 that residential developments within settlement boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites on vacant or under-utilised land will be permitted. The proposed dwellings are considered to be compliant with Policy COM3 of the LDP.

The application proposes a site in excess of 0.15 hectares and consequently triggers the affordable housing requirement as outlined in Policy COM5 of the LDP. A S106 Agreement will be required to ensure that a contribution of £73,428 (index linked) towards affordable housing in the area is made.

Note 1 of SPG 16: Educational Facilities & Residential Development states that contributions towards educational facilities will be sought from developments which propose 5 or more residential units, where existing capacity is unsatisfactory. In this instance the application proposes 4 dwellings and, as such, does not trigger the requirements for educational contributions.

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 formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008) sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application and in particular Notes 1, 2, 6 & 8

In terms of dominance and overshadowing the application site is located at a higher level than the properties to the south at Clos Iechyd. Plots 2 & 3 of the proposed development will be located directly to the north of 2-5 Clos Iechyd. The distance between the nearest point of the proposed dwelling on Plot 2 and the rear elevation of 3 Clos Iechyd is 20.8 m and the nearest corner of the dwelling of Plot 2 and the rear garden boundary of 3 Clos Iechyd is 9.6m. The distance between the nearest point of the dwelling at Plot 3 and the rear elevations of 4 & 5 Close Iechyd is 23m and the distance from the rear boundaries is in excess of 11m. Given the distances between the properties of Clos Iechyd and the proposed dwellings, the development is not considered to give rise to any overriding concerns in regard to dominance or overshadowing. Furthermore, the application site is located directly to the north of the properties on Clos Iechyd which will minimise any overshadowing.

The proposed dwelling at the north of the site, Plot 1, will be at a lower level than the existing property to the north, Ashfield House, and, as such, will not result in any adverse overshadowing of Ashfield House.

In respect of the access to the site, the vehicles will pass the front elevation of Ashfield. In order to overcome any concerns in relation to the residential amenity of Ashfield a condition is recommended requiring appropriate boundary treatment to be erected along the eastern boundary of the access. Whilst the boundary treatment will have an impact on the outlook of the ground floor lounge window at Ashfield, as this lounge is also served by patio doors on the southern elevation, the impact on residential amenities is not considered to be so adverse as to warrant refusal of the scheme.

In terms of privacy the development does not propose any habitable room windows which would overlook any neighbouring property boundaries at a distance less than 10.5m or directly face any habitable room windows in existing properties at a distance less than 21m. Whilst mutual overlooking will be possible between rear gardens of the existing properties on Clos Iechyd and the proposed properties, the distance between the properties is considered to comply with SPG02 and is a similar layout to many other housing developments found within the County Borough. Consequently, the proposed development is not considered to infringe privacy standards.

In terms of visual amenities, the design of the proposed dwellings will reflect the design of the existing dwelling to the north, Ashfield House and, consequently, the development is considered to be acceptable in terms of visual amenities. In order to ensure the materials used in the external surfaces of the proposed dwellings are suitable, a condition shall be attached to any permission granted requiring details of the materials to be submitted to and agreed in writing by the Local Planning Authority.

The site is bounded by large detached properties to the north and south and the scale of the proposed dwellings is, therefore, considered to be in keeping with the character of the immediate area.

The application site is located directly to the west of a large area of public open space. It is not considered justified to request a public open space contribution in this instance given the limited nature of the development (less than 5 dwellings). Furthermore, the Parks and Playing Fields Manager has not raised any issues regarding the provision of open spaces.

Whilst determining this application Policies PLA1, COM3, COM5 & SP2 of the Bridgend Local Development Plan and Notes 1, 2, 6 & 8 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 the Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to provide a financial contribution for the sum of £73,284 (index linked) towards the provision of affordable housing;

(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, as follows:-

- 1 The development shall be carried out in accordance with the following approved plans and documents:-

CD/PR/01 REV H (received 20 November 2015)

CD/PR/03 (received 5 June 2014).

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

- 2 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 and thereafter be retained in perpetuity.

Reason : To ensure that the general amenities of the area are protected and the residential amenities of the occupiers of Ashfield are preserved.

- 3 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 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.

- 4 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, roof/yard water and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the beneficial occupation of the dwellings hereby approved.

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

- 5 The private drive and associated turning facility shall be completed in permanent materials prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety

- 6 The access hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

- 7 No development shall commence until a scheme for the provision of 13 off street parking spaces (3 spaces per dwelling plus 1 visitor space) has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented in

permanent materials before the development is brought into beneficial use and thereafter retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 8** The proposed vision splay shown on drawing CD/PR/01 shall be provided before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety

- 9** Prior to any works commencing on site a Construction Management Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Construction Management Method Plan shall include:-

- Details of wheel washing facilities, including a temporary 20m x 5.5m hardstanding
- Details of a site compound and car parking

The development thereafter shall be carried out in accordance with the agreed Method Statement.

Reason: In the interests of highway safety.

- 10** Notwithstanding the requirements of condition 1, no development shall take place until the exact siting and finished floor levels of the dwellings have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the residential amenity.

- 11** Notwithstanding the requirements of condition 1, no development shall commence until a scheme showing an area for refuse and recycling collection has been submitted to and agreed in writing by the Local Planning Authority. The area shall be implemented as agreed prior to the beneficial occupation of any dwelling on the site and retained thereafter.

Reason: In the interest of residential amenities.

- 12** Prior to any works commencing on site an invasive non-native species protocol shall be submitted to and agreed in writing by the Local Planning Authority. The protocol shall detail the containment, control and removal of Monbretia and Himalayan Balsam on site. The measures shall be carried out in accordance with the agreed protocol.

Reasons: In the interests of ecology and bio-diversity

- 13** 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 of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) 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.

b) In respect of condition 4, the following information is required:-

- Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- A timetable for its implementation
- 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
- Confirmation/agreement in principle from DCWW regarding the acceptability of connections to the public sewer

c) The 'Private Drive' will not be adoptable by the Highway Authority.

d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Civic Offices, Angel Street, Bridgend or by telephone on (01656) 642541.

e) With regard to condition 9, the Construction Management Method Statement should incorporate the means of importation of earthwork material, including a daily limit on earthwork deliveries, no deliveries 30 minutes either side of school opening and closing times, together with details of the route to be taken by earthworks vehicles when approaching and departing the site.

f) The developer should consider porous surfacing materials for hardened areas such as driveways in order to limit surface water run-off. In this respect concrete or tarmac should not be considered as first options.

g) If any archaeological features are disturbed during construction works the developer should contact Glamorgan Gwent Archaeological Trust on 01792 655208.

h) No surface water is allowed to discharge to the public highway

i) No surface water or land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

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

k) The proposed development site is crossed by public sewers with their approximate position marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3m either side of the centreline of the public sewer.

l) No work to disturb or obstruct the route of the Right of Way can be undertaken unless and until any temporary footpath closure, if required, is granted.

m) Birds (as well as their nests and eggs) are protected under the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally or recklessly, damage or destroy an active birds nest or any part thereof.

n) The developer is advised that consideration should be given to the provision of nest boxes within the development for bat and bird species. The incorporation of bat bricks, bat tiles and bat boxes in the development would also provide summer roosting opportunities for bats.

o) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None