

REFERENCE: P/16/270/FUL
APPLICANT: Mrs Karen Donaldson: 7 Celtic Road, Maesteg CF34 0YJ
LOCATION: Land off Heol Faen Maesteg CF34 0JA
PROPOSAL: 2 detached bungalows and detached garages
RECEIVED: 5 April 2016
SITE INSPECTED: 3 May 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect 2 detached dormer bungalows on this parcel of land to the rear of Heol Faen, Maesteg.

The proposed dwellings will measure 14m x 12.5m and will be finished with a pitched roof reaching a maximum height of 6m. The proposed dormer bungalows will accommodate a living room, dining room, kitchen, master bedroom, wet room and utility room at ground floor level and 2 x bedrooms, an office and a bathroom at first floor level.

Each proposed bungalow will be served by front and rear areas of amenity space and a double garage. The proposed garages will measure 5.86m x 5.24m and will be finished with a pitched roof reaching a maximum height of 3.5m. Access to the site will be gained via the existing access serving the rear lane off Heol Faen.

The application site is an area of land to the west of the properties on Heol Faen and to the rear of the properties on Bridgend Road. The land was formally used as grazing land for horses. There is a stream which runs along the western boundary of the site.

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 5 May 2016.

CONSULTATION RESPONSES

Maesteg Town Council - Requested that the site be visited by the Development Control Committee for reasons of access and pedestrian safety.

Highways - Requested that conditions be attached to any permission granted.

Countryside Manager - Requested that a condition be attached to any permission granted

Drainage - No objection subject to a condition.

Engineers - Advised on retaining walls.

Application Number

P/16/270/FUL



Scale 1:1,250

Date Issued:
27/07/2016

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

(c) Crown Copyright and database rights
(2016) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2016) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol



Natural Resources Wales - Has no objection to the proposal.

Welsh Water/Dwr Cymru - Advised on sewerage.

The Coal Authority - Advised that the site does not lie within a high risk area.

REPRESENTATIONS RECEIVED

Councillor D Edwards and Councillor M Reeves request a site visit be carried out.

Objections and concerns were received from the following local residents:-

A & A Hough - 8 Celtic Road

R & A Jones - 9 Celtic Road

M & E Hughes - 98 Bridgend Road

D Davies - 101 Bridgend Road

The concerns and objections are summarised as follows:-

- Access is unsuitable
- Highway and pedestrian safety
- Impact on Right of Way
- Impact on privacy
- Out of keeping /visual amenities
- Flood risk
- Drainage
- Impact on wildlife
- Loss of green area
- Impact on protected trees to south of the site
- Human Rights Act
- Land ownership query

COMMENTS ON REPRESENTATIONS RECEIVED

The development has been assessed by the Highways department and it is considered acceptable, in terms of highway and pedestrian safety and parking provision, subject to conditions.

There are no formal rights of way crossing the site or adjacent to the site.

The impact on privacy, visual amenities, residential amenities and ecology are addressed in the 'Appraisal' section.

The development has been assessed by the Drainage department and it is considered acceptable in terms of land drainage, subject to a condition.

The development will not result in the loss of a public green space. The site is in private ownership and has not been used for public recreational purposes.

There are no protected trees to the south of the site.

The Local Planning Authority is satisfied that it has considered the Human Rights Act during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to

assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

The agent has confirmed that the land is within the ownership of the applicant.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the objections received from local residents and Maesteg Town Council.

The application seeks planning permission for the erection of two dormer bungalows with double garages on this area of land off Heol Faen.

The application site is located within the settlement boundary of Maesteg 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 development within settlement boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or re-use of vacant or underutilised 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 site is mostly visible from Heol Faen, however, given the set-back nature of the proposed dwellings and the dormer bungalow scale of the proposed development, it is considered that the development does not represent a prominent feature within the street-scene. Details and samples of the materials to be used in the external surfaces of the development have been submitted and are considered to be suitable in the street scene.

The development proposes the garages to be located to the front of the dwellings. Whilst, this is not always acceptable in urban design terms, in this instance they are due to the setback nature of the site and the context of the area, where there are several garages located to the eastern and western boundaries. It is considered that there will be no detrimental impact on the street scene.

In addition to the above, it is noted that there are trees located adjacent to the southern boundary of the site and they would provide a pleasant backdrop to the development, when viewed from Heol Faen.

In terms of the impact of the proposed dwellings on residential amenities, the proposed dwellings will be located some 22m from the nearest dwelling house, 6 Celtic Road, and, as such, are considered not to give rise to any overriding concerns in respect of dominance or overshadowing.

In respect of privacy the design and orientation of the dwellings ensure there is in excess of 10.5m between habitable room windows and neighbouring boundaries and in excess of 21m between any facing habitable room windows. Consequently, the development is considered to be acceptable in terms of privacy standards.

In respect of highway safety, the application site is located off a rear lane that already serves a number of garages and rear accesses for Heol Faen and Celtic Road and, as such, this is considered to be a private drive. Two additional dwellings at the start of the private drive are considered acceptable in terms of vehicle movements.

The development proposes 2 parking spaces for each dwelling, which is a deficit of 1 space per dwelling when assessed against Supplementary Planning Guidance 17: Parking Standards. Consequently, a condition is recommended requiring a scheme for 3 parking spaces for each dwelling to be submitted to and agreed in writing by the Local Planning Authority.

The conflict between pedestrians and vehicles accessing rear garages and accesses is an existing situation, however, in order to improve pedestrian access along the front of the site, a condition is recommended requiring dropped kerbs.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:-

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The site does not contain any trees and, given the land has been used for grazing by horses, it is considered there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- * A prosperous Wales
- * A resilient Wales
- * A healthier Wales
- * A more equal Wales
- * A Wales of cohesive communities
- * A Wales of vibrant culture and thriving Welsh language
- * A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policies COM3 & SP2 of the Bridgend Local Development Plan, Notes 1,2,6,8,9,10,11 & 12 of Supplementary Planning Guidance 2 and Supplementary Planning Guidance 17: Parking Standards were considered.

CONCLUSION

This application is recommended for approval because the development for 2 dwellings within the settlement boundary of Maesteg complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans:-
 - Ground Floor Plan as Proposed Plot farm 1 HRD/1/16 (received 5 April 2016)
 - Ground Floor Plan as Proposed Plot farm 2 HRD/2/16 (received 5 April 2016)
 - First Floor Plan as Proposed Plot 1 HFD/3/16 (received 5 April 2016)
 - First Floor Plan as Proposed Plot 2 HFD/4/16 (received 5 April 2016)
 - Plot 1 Elevations as Proposed HFD/5/16 (received 5 April 2016)
 - Plot 2 Elevations as Proposed HFD/6/16 (received 5 April 2016)
 - Plans & Elevations as Proposed HFD/9/16 (received 5 April 2016)
 - Site Plan as proposed HFD/7/16A (received 27 April 2016)

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

2. No development shall commence until a scheme for the provision of 3 off street parking spaces per dwelling has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the respective dwelling is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety

3. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within vision splay areas on the access lane to Heol Faen at any time.

Reason: In the interests of highway safety.

4. Prior to the development being brought into beneficial use a scheme for the provision of 2 dropped kerbs on the footway fronting the site where the footway crosses the land on the western boundary shall be submitted to and agreed in writing by Local Planning Authority. The scheme as agreed shall be implemented in permanent materials prior to any part of the development being brought into beneficial use and, thereafter, retained in perpetuity.

Reason: In the interests of highway and pedestrian safety

5. 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.

6. Prior to the commencement of development a site clearance method statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for the containment, control and removal of invasive non-native species (Japanese Knotweed, Himalayan balsam) on site. The measures shall be implemented as agreed.

Reason: In the interests of biodiversity.

7. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, 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 scheme shall be implemented prior to any part of the development being brought into beneficial use.

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

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

1. This application is recommended for approval because the development for 2 dwellings within the settlement boundary of Maesteg complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.
2. In order to satisfy condition 7 the following will be required:-
 - An updated site plan showing existing watercourses, the position of any land drainage, the position of any proposed connections/discharge points to the public sewer and/or the nearby watercourse;
 - Further details of the proposed rain water harvesting system including sizing;
 - Application for a Flood Defence Consent for any proposed outfall arrangement.
3. 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://planning.bridgend.gov.uk/plastandard.aspx>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None