

REFERENCE: P/16/495/OUT

APPLICANT: Mr C Howells The Garth Inn, 140 Bridgend Road, Maesteg, CF34 0NE

LOCATION: The Garth Inn 140 Bridgend Road Maesteg CF34 0NE

PROPOSAL: Outline for 1no. detached dwelling in rear garden of The Garth Inn

RECEIVED: 12 July 2016

SITE INSPECTED: 27 July 2016

APPLICATION/SITE DESCRIPTION

The application proposes the construction of a single detached dwelling on land at the rear of The Garth Inn, Bridgend Road, Maesteg. The application is in outline with all matters reserved for future consideration. The Design and Access Statement confirms that the proposed dwelling would be two storey with external dimensions of 8m by 7m with a ridge height of 7m. The indicative layout shows the proposed dwelling set 1m away from the western boundary with the existing Public House and set back approximately 7.5m in from the southern boundary with three parking spaces shown in front of the dwelling. Sited in this location, the proposed dwelling would be provided with a rear garden area approximately 6m in depth and an area 3m wide on its eastern side.

The application site is located to the rear of the existing Garth Inn Public House, which lies on the eastern side of Bridgend Road and on the northern side of the highway leading to Pond Mawr and Celtic Bungalows. The land slopes gently from east to west so that the application site lies at a slightly higher level than the existing public house and at more or less the same level as the properties to the east in Pond Mawr. The site is currently enclosed by largely stone boundary walls although the eastern site boundary is a mix of blockwork, brick and stone with a metal barred gate sited in the south eastern corner of the site. Apart from the Public House the area is predominantly residential in character.

RELEVANT HISTORY

P/09/999/FUL - New front boundary walls and additional car parking at the rear with improved access - Approved with conditions 12/02/10

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 8 August 2016

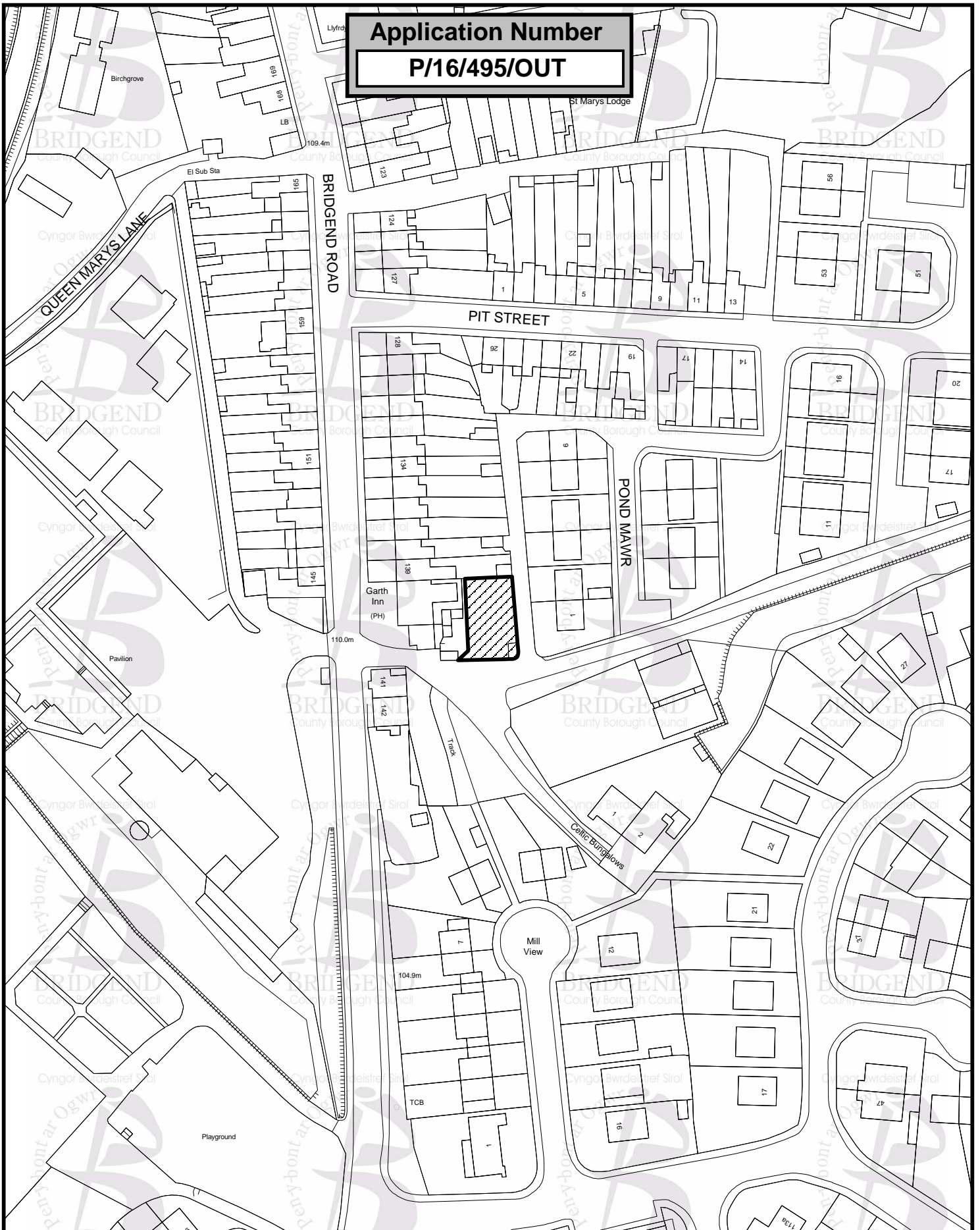
CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition. It is also highlighted that the site is crossed by a public sewer and an operational development easement of 3m either side of the centre line of the sewer will be required.

Head of Street Scene (Highways) - It is considered that in principle a dwelling in this location would be generally acceptable. On the basis that the application is in outline with all matters reserved for future consideration, there are no objections to the

Application Number

P/16/495/OUT



Scale 1:1,250

Date Issued:
24/08/2016

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

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proposed development as the site appears capable of accommodating adequate parking with a satisfactory means of access available from the southern site boundary.

Head of Street Scene (Drainage) - No objection subject to conditions.

The Coal Authority - The application site does not fall within the defined development high risk area and therefore there is no requirement for a coal mining risk assessment or for the Coal Authority to be consulted.

REPRESENTATIONS RECEIVED

The Owner/Occupier of 139 Bridgend Road objects to the proposal because of the height and size of the proposed building, which will block out the sun at certain times of the day especially in winter. It will block out the view of the surrounding mountain and also lead to a lack of privacy. I think a bungalow if anything would be more appropriate.

Susan Morris of 1 Pond Mawr objects to the proposal for the following reasons:-

Dwelling not suitable for this rear garden site;

Loss of View;

Obstruct light to front gardens;

Loss of Privacy;

Additional traffic causing disturbance;

Access is poor with existing problems caused by patrons parking in this area resulting in increased difficulty for residents entering and leaving their properties.

John Wines of 2 Pond Mawr objects to the proposal for the following reasons:-

The lack of detail makes it impossible to assess the impact of the proposed development;

If it is proposed to be a two storey property this will cause loss of privacy, solar shadowing;

There is concern in respect of the scale of the building;

No details of materials is provided;

The area in front of the proposed parking bays is currently used by pub customers and the loss of this area will result in more on street parking in the surrounding areas;

Potential for vehicle conflict between cars leaving the proposed spaces and those entering from Bridgend Road and Pond Mawr;

Poor visibility for parking bays

The highway is the main access to Bridgend Road for the properties in Pond Mawr.

The area is currently full of parked cars.

The Owner/Occupier of 3 Pond Mawr objects to the proposal for the following reasons:-

Overshadowing of the front of the property and garden;

Loss of light will result in increased utility bills for occupiers of neighbouring properties;

Loss of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by local residents:-

Loss of Light - The proposed new dwelling will be sited almost due west of No 1 Pond Mawr Maesteg at a distance of approximately 13m. It is considered that given the intervening distance and the limited ridge height of 7m for the proposed dwelling, the proposed development will not infringe the daylight protection zone of ground floor windows in the front of this neighbouring property. Whilst it is appreciated that there will be some loss of evening sunlight, it is considered that the impact will not be so

significant as to warrant refusal of the scheme on this basis. Related to this issue, one objector's concern that the development will result in increased utility bills for their property due to the increased usage of electric lighting is not material to this application.

Loss of Privacy - Local residents are concerned that the proposed development will result in loss privacy to their homes but the indicative layout suggests that the proposed new dwelling will be orientated at right angles to these neighbouring properties so that its principal elevation faces southwards and only the gable elevation faces the objector's homes. Whilst it is acknowledged that at this outline stage details of the design of the proposed dwelling are not available, it is considered that it would be feasible to design a dwelling orientated in this manner so that there would be no direct overlooking between habitable room windows. With regard to the overlooking of the private amenity space of the dwellings to the north in Bridgend Road, it is considered that the proposed development does not significantly exacerbate the degree of overlooking of these rear gardens that currently occurs. The exact layout of the dwelling will be determined at the detailed Planning stage

Loss of View - This is not a material planning consideration.

Lack of Details - Some of the objectors have expressed concern regarding the lack of details available however it is highlighted that the application is in outline with all matters reserved for future consideration. The application is therefore seeking to establish the principle of developing the site for a detached two storey dwelling of the scale parameters indicated in the description of development without detailed designs at this stage.

Traffic generation, car parking and suitability of the access - Notwithstanding the objections raised by local residents, the Highways Department is satisfied that the site is capable of accommodating sufficient parking facilities to serve the proposed new dwelling. The additional use of the existing access, which already serves a significant number of properties in Pond Mawr and Celtic Bungalows, by a single property will not significantly impact on highway safety.

Loss of Patron Parking Area - The objectors have highlighted that some patrons of the public house use the area along the southern site boundary to park when attending events at the Pub. This area is not a designated car parking serving the Public House and is clearly used on an informal basis.

APPRAISAL

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

The application seeks to establish the principle of developing two storey dwelling on land at the rear of The Garth Inn, Bridgend Road, Maesteg. The indicated scale parameters for the proposed dwelling are 8m by 7m with a ridge height of 7m and an indicative layout shows that the site is capable of accommodating three parking spaces to serve the proposed dwelling.

The application site lies within the settlement of Maesteg as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP states that residential developments within settlement boundaries 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 development plan policy protects the building or land for an existing or alternative use.

The application site forms part of The Garth Inn Public House and is in use for car parking. Whilst there are concerns that the loss of the beer garden may impact on the long term viability of the Public House, there is no specific policy that prevents the loss of such facilities. In addition, it is noted that there is sufficient space at the front of the premises to provide a separate smoking area and outdoor seating. In principle, therefore, the development would be acceptable subject to the residential amenity, design and layout satisfying the criteria attached to Policy SP2 of the LDP.

Policy SP2 requires all development to 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 and establishes fifteen criteria against which development proposals should be assessed. In respect of these proposals it is considered that criteria 1,2,3,4,6,8,12 & 13 would be relevant.

As an outline application with all matters reserved for future consideration, details of the design of the proposed property are not available for assessment as being compatible with criterion 2 but it is considered that the site is capable of accommodating a property that would respect the distinctiveness of the surrounding area and on the basis of the scale parameters would be appropriate in size and prominence and an efficient use of land thereby meeting criteria 3 & 4. Criterion 6 requires good linkages within and outside the site to ensure efficient access and notwithstanding the concerns of local residents, the Highways Department considers the submitted proposals to be acceptable.

Criterion 8 seeks to minimise noise, air, soil and water pollution and whilst it is acknowledged that the development of a detached dwelling will not generate such pollution itself, it is considered that it may be susceptible to noise nuisance from the adjoining Public House use. In the absence of comments from the Public Protection Department, it is considered that the developer's attention should be drawn to this potential and advised to consider the installation of mitigation measures. Nevertheless the main uses in the area are predominantly residential and the Garth Inn is a small local Public House

Criterion 12 seeks to ensure that the viability and amenity of neighbouring occupiers would not be adversely affected and for the reasons outlined in the preceding section of this report, it is considered that the proposed development will not be so significantly detrimental to adjoining residents as to warrant refusal of the scheme. With regard to the final criterion, which relates to the incorporation of appropriate drainage and waste arrangements, it is considered that a condition requiring a comprehensive and integrated scheme of drainage to serve the development can be imposed.

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"

Given the nature of the application site on a previously developed site that forms a vacant yard area at the rear of the Public House, it is considered that, overall, 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.”

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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 there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Whilst determining this application Policies PLA1, COM3 and SP2 of the Bridgend Local Development Plan were considered.

CONCLUSION

This application is recommended for approval because the development 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

(R05) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the site location and block plans received on 22nd June, 2016 with the ridge height of the dwelling, hereby approved, limited to a maximum of 7m.

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

2. The means of access to the dwelling hereby approved shall be onto the public highway running along the southern site boundary only.

Reason : In the interests of highway safety.

3. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason : To ensure safe drainage of the site.

4. Any submission for approval of reserved matters or full application shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. 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 adjoining properties.

5. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) Off street parking must be provided to meet the requirements of the Authority's adopted Supplementary Planning Guidance 17 Parking Standards

(c) It is a requirement under Section 153 of the Highways Act, 1980 that any gates must be located and fitted so as not to open out over the highway.

(d) In order to satisfy the drainage condition, it will be necessary for the following supplementary information to be provided to support any scheme:-

Specialist ground investigation/geotechnical report to confirm acceptability of any proposed infiltration system;

Infiltration tests to confirm acceptability of any proposed infiltration system;

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 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 and

Drawings showing the proposed scheme for both foul and surface water.

(e) The observations received from Dwr Cymru/Welsh Water are attached for the developer's information and consideration from which it will be noted that the site is crossed by a public sewer.

(f) Due to the proximity of the application site to the existing Public House developers may wish to consider the incorporation/installation of sound proofing measures to mitigate any future noise nuisance.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None