

REFERENCE: P/16/816/OUT

APPLICANT: Ms T Greenslade & Mr K Haines c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

LOCATION: Land between 33-39 Station Road Nantymoel CF32 7RD

PROPOSAL: Two attached houses including garages and access

RECEIVED: 12 October 2016

SITE INSPECTED: 07/09/2016

APPLICATION/SITE DESCRIPTION

The application is a resubmission, following refusal, of an earlier application for three attached houses with integral garages and access. Initially it was proposed to reduce the ridge height of the proposed dwellings by approximately 2m to match the height of the adjoining terrace properties. The indicative cross section through the site indicates that the proposed dwellings would be 2.5 storey in scale with a garage on the ground floor and two floors of residential accommodation above. The drawings, whilst indicative only, suggest that dormers are proposed to both the front and rear facing roof planes so that the upper level of accommodation would be within the roof space area.

During the processing of the resubmission, the applicant's agent sought an informal opinion on the amendments to the scheme and was advised that the reduction in ridge height was not considered to have addressed the reasons for refusal of the earlier application. As a result of this exchange, the development was revised to two detached dwellings.

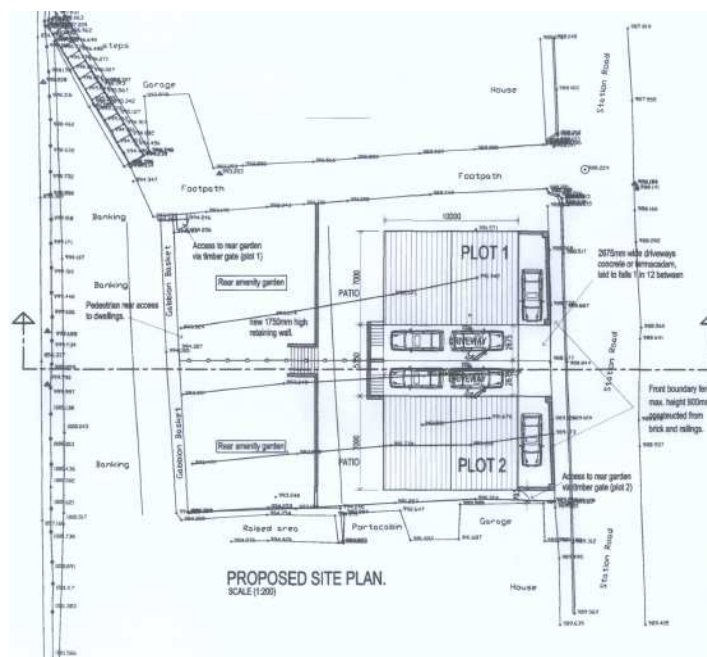
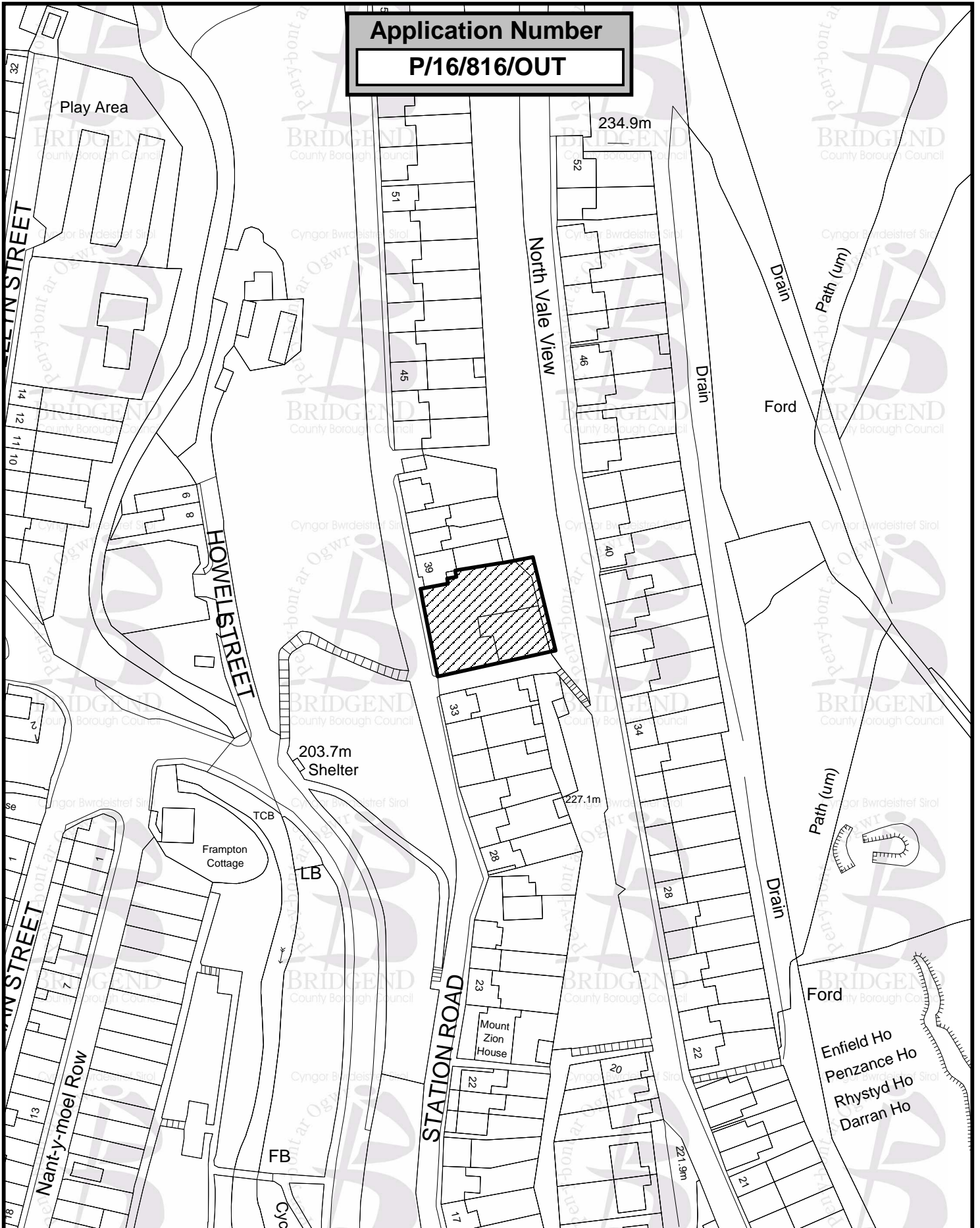


Fig. 1: Indicative Site Layout

The indicative layout shows the proposed properties sited either side of centrally located driveways. The scale parameters will remain as previously proposed - namely between 6m-7m wide by 9m-10m deep with a ridge height of 8.324m. The dwellings are proposed to be set back 2.75m from the back edge of the highway with a parking space shown in front of each of the proposed dwellings, parallel to the highway. Two further parking spaces are to be accommodated on each of the driveways.

Application Number

P/16/816/OUT



Scale 1:1,250

Date Issued:
09/03/2017

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
(2017) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2017) Rhif Trwydded yr Arolwg Ordnans
(100023405)

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



A patio area, approximately 5m in extent, is to be created immediately to the rear of each of the proposed dwellings at the same level as the upper ground floor level of the property with a further raised private garden area, approximately 9.5m in extent, provided between the proposed new retaining wall at the rear of the patio and the existing gabion baskets supporting the base of the banking and highway known as North Vale View. The cross section drawing shows the proposed dwellings will remain 2.5 storey in scale with first floor accommodation provided in the roof space with dormer windows in the rear facing roof plane only.

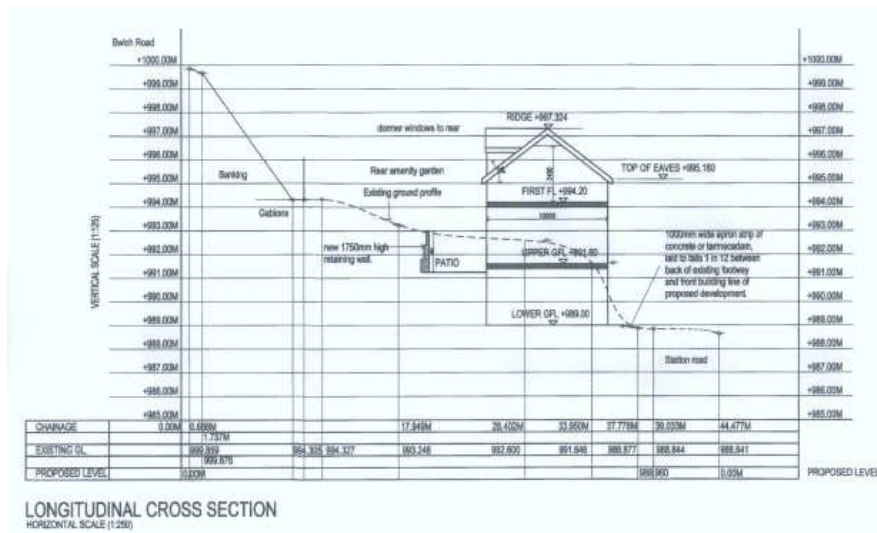


Fig. 2: Indicative Cross Sections

The application site lies on the eastern side of Station Road and on the northern side of an access lane abutting the northern (side) elevation of 33 Station Road, Nantymoel. The site extends from the access lane up to the garage attached to 39 Station Road and then widens to the southern (side) boundary of No 39. The land in this area slopes steeply from east to west so that the highway known as North Vale View Terrace, which adjoins the eastern boundary of the application site, lies at a significantly higher level than the properties in Station Road. Within the plot, the land rises steeply from the back edge of the pavement on Station Road up to a plateau area towards the rear of the plot before reaching an existing gabion wall at the base of an almost vertical bank that rises up to North Vale View Terrace.

RELEVANT HISTORY

- 85/0156 - Use of land for garage/parking compound Approved with conditions
- 86/0804 - Single domestic garage Approved with conditions
- 86/1067 - Single domestic garage Approved with conditions
- P/16/55/OUT - Three attached houses including garages and access (In outline) - Ref - 15/09/16

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 11 November 2016

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition.

Head of Street Scene (Highways) - It is noted that the application seeks outline consent only with all matters reserved for future consideration.

The submitted site layout plan is therefore considered to be purely illustrative at this time. On this basis, although the layout does not provide adequate off street parking, it is considered that the site can accommodate sufficient facilities together with adequate vision splays in either direction, commensurate with the speeds of vehicles using this section of Station Road.

Notwithstanding the above, it is noted that the site will require a significant amount of earthworks to achieve the proposed land levels and this will in itself generate a number of vehicle movements. As these movements will be for a temporary period, it is considered that an appropriately worded condition can satisfactorily control these given that Station Road has a weight restriction limit of 7.5 tonnes. Additionally, the access onto Station Road from the south is narrow and often there are vehicles parked on street which further restrict the width. This access is, however, considered to be preferable to the northern access onto Station Road from the A4061.

As a result of these constraints to the highway network in the vicinity of the site, a condition requiring a robust construction method statement is recommended. This will require agreement of the routeing of construction traffic, weight limit of vehicles and the timing of any earth movement vehicles attending at the site.

Wales & West Utilities - A map extract showing the location of apparatus has been provided for the developer's information and consideration.

Land Drainage Section - No objection subject to condition.

REPRESENTATIONS RECEIVED

Eight letters have been received from local residents objecting to the proposed development. The grounds of objection can be summarised as follows:-

1. Land potentially contaminated due to former use as a garage site;
2. Development will result in loss of view;
3. Development will overshadow and cause loss of light to the front elevations of homes in Vale View Terrace;
4. Out of character with the area and will resemble a warehouse conversion;
5. If dwellings remain unsold it will create a negative impact on existing properties;
6. Pedestrian access appears to be gained from Vale View Terrace, which could create parking problems rather than using Station Road;
7. Pedestrian safety may be compromised due to additional vehicles parked in Station Road in close proximity to step linkages;
8. Lane on the southern side of the application site is used as a turning facility and provides access to a garage at the rear of 33 Station Road;
9. Site is steeply sloping and there is concern about levels for the proposed development;
10. Height should match adjoining properties;
11. Boundary enclosures could make pedestrian use of the southern access lane difficult due to removal of railings;
12. Station Road is unsuitable to serve further development particularly during the construction phase due to the amount of excavation that will be required;
13. Concern that excavation may cause subsidence of Vale View Road.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Contamination - It is considered that there may be some potential for contamination of the land from previous uses but an appropriately worded condition could adequately control any excavation works if the Authority were minded to approve the development.

In addition, one respondent has indicated that there is Japanese Knotweed present at the site. Photographs taken during the site inspection appear to indicate that there is some Himalayan Balsam in the bank at the rear of the site. As both these species are non native invasive species identified in Schedule 9 of the Wildlife and Countryside Act, which seeks to prohibit their spread, it is considered that a survey of the site is required to confirm whether the site is contaminated in this manner. In the event it is, an appropriate control protocol, which also details the disposal of such contaminated material to an identified licensed site, will be necessary.

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

Domination and Overshadowing - Whilst, the proposed dwellings are to be 2.5 storey in scale, the ridge height has been reduced to correspond with the ridge heights of the adjoining properties in Station Road. As this will be lower than the level of North Vale View Terrace, it is considered that no overshadowing or domination of the front elevation of properties on this street will occur.

Out of Character - It was noted during the site inspection that Station Road is generally characterised by two storey terraced dwellings with frontages directly onto the footway. Whilst the proposed dwellings will be the first detached properties in the street, it is noted that elsewhere in the street a similar parcel of land previously occupied by a chapel has been redeveloped with a pair of semi-detached properties. The scale of the proposed dwellings has been reduced so that they will not appear significantly larger than the adjoining terraced properties and the setting back of the front building line of the proposed dwellings will enable the incorporation of off street parking. On balance, therefore, it is considered that the arrangement is reasonable in visual terms.

Unsold dwellings will negatively impact on the area - This is not a material planning consideration.

Pedestrian Access - The principal elevation will be onto Station Road and the proposed development incorporates off street parking facilities and therefore the potential for vehicles from the development to park on Vale View Terrace is reduced.

Pedestrian Safety - Objectors are concerned that the safety of pedestrians using the steps and an access lane linking Vale View Terrace, Station Road and Howell Street will be compromised by vehicles generated by the proposed development parking on Station Road thereby reducing visibility. The Highways Department are satisfied that adequate parking facilities can be provided within the respective plots together with appropriate vision splays.

Obstruction of Lane - The submitted plans appear to maintain access to an existing garage at its existing width.

Levels - An indicative cross section, which accompanies the submission shows the slab level for the ground floor garage area set only marginally above the level of Station Road.

Ridge Height - The scale parameters identified in the Planning Statement show the ridge height reduced to 8.3m to approximately correspond with adjoining properties.

Boundary enclosures - An appropriately worded condition can address any concerns.

Station Road is Unsuitable - The Highways Department consider that, in the event that the Authority were minded to approve the proposed development, an appropriately worded condition requiring a construction method statement could be imposed to control this issue.

Impact of Excavation on Vale View Terrace - The indicative layout plan shows that the proposed dwellings will be sited just under 15m away from the existing gabion basket retaining structure adjacent to the eastern site boundary. It is considered unlikely that such excavations would influence the stability of either the existing gabion retaining structure or the embankment supporting Vale View Terrace. However details of the excavation methods together with the construction of retaining structures would be required as part of any construction method statement condition.

APPRAISAL

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

The application, following revision, seeks to establish the principle of developing the application site for two detached three bedroom 2.5 storey dwellings on a vacant piece of land on the eastern side of Station Road, Nantymoel.

The application site lies within the settlement boundary for Nantymoel as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP 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 no other development plan policy protects the building or land for an alternative use. In principle, therefore, the development would be acceptable provided that the requirements of Policy SP2 relating to design issues, can be satisfied.

Policy SP2 requires that 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 Policy establishes fifteen criteria against which proposals should be assessed and in respect of the currently proposed development, it is considered that criteria 1, 2, 3, 4, 6, 7, 9, 11, 12 and 13 would be relevant.

Criteria 2, 3 and 4 require the design to be of high quality, which respects local character and distinctiveness, the development to be of an appropriate scale and prominence and to use land efficiently to maximise its potential whilst respecting surrounding development and demonstrating a preference for the re-use of previously developed land over greenfield sites. It is acknowledged that the site was previously developed and it is considered that the reduction in scale and quantum of development is now more compatible with the local character than the earlier refused scheme, although it is appreciated that details of the design are not currently available due to the Outline nature of the application. It is therefore concluded that, subject to the imposition of appropriate conditions controlling these factors, the proposed development will be generally compatible with these criteria.

All development proposals should incorporate good walking, cycling, public transport and road connections within and outside the site to ensure efficient access and thereby meet

the requirements of criterion 6. In this case, the proposed development is sited close to walking linkages and public transport facilities and will benefit with a frontage directly onto Station Road. The Highways Department is satisfied that, notwithstanding the illustrative nature of the site layout, the site is capable of accommodating sufficient off street parking facilities and an appropriately worded condition can secure this provision. It is therefore considered that the revised proposals will satisfy the requirements of this criterion.

Proposals should seek to minimise opportunities for crime to be generated or increased and it is considered that an appropriately worded condition to require adequate means of boundary enclosures would satisfactorily address this requirement (criterion 7). Criterion 9 requires development to incorporate measures to ensure the site is free from contamination. Local residents have highlighted that the site was formerly occupied by a garage and, therefore, there may be contamination present on the land whereas the applicant's agent believes the site to have been a former church/chapel site. Examination of historic aerial photographs suggests that there were garage structures on the land from the late 1960s until at least 2015. The planning history of the site reveals that planning permission was granted initially in 1985 for a garage/parking compound on the site, which was referred to as the former Sunshine Cottages. On this basis, it is considered that there may be some limited potential for the land to have been contaminated but an appropriately worded condition could satisfactorily address this issue.

As indicated above there is also the potential for the site to be contaminated with non-native invasive species identified in Schedule 9 of the Wildlife and Countryside Act, 1981. The legislation makes it an offence to deliberately cause such species to grow in the wild and, in the event that they are appropriately removed, they should be disposed of at a licensed landfill site under the Environmental Protection Act, (Duty of Care) Regulations, 1991. Again a condition requiring a survey of the site and provision of a report, which should identify an appropriate protocol of removal and disposal of any invasive species found to be present, can be imposed to control this issue and thereby satisfy this criterion and Policy ENV7 of the LDP.

Criterion 12 seeks to ensure that the viability and amenity of neighbouring occupiers would not be adversely affected by development proposals. It was noted during the site inspection that there is a first floor window in the side elevation of 39 Station Road, which is believed to serve a bedroom. The indicative layout shows the proposed new dwellings could be sited only 4m away from the side elevation of No 39, however, due to the outline nature of the submission, it is not possible to fully assess the impact of the proposed development on this window. Given that it is, however, at first floor level, it is considered that the impact would be unlikely to be so significant as to warrant refusal of the scheme for this reason. In respect of the neighbouring property to the south, No 33, it is considered that, in view of the separation distance due to the access lane, there will not be an adverse impact on this neighbour.

Whilst occupiers of a number of properties in Vale View Terrace believe that the proposed development will dominate and overshadow the front elevations of their homes, it is noted that the reduced scale of the proposal results in the ridge heights of the proposed dwellings being below the level of Vale View Terrace. In the circumstances there will be no adverse impact on the outlook and amenities of these neighbouring dwellings.

The final criterion requires the provision of satisfactory drainage systems and initially the Land Drainage Section objected to the proposed development due to the lack of information particularly in respect of surface water discharges. The applicant's agent has now submitted further information and Dwr Cymru/Welsh Water has confirmed that provided surface water discharges are attenuated to a specific flow rate, connection to the

public sewerage system is acceptable. On this basis, the Land Drainage Section has now withdrawn its objection and will accept the imposition of an appropriately worded condition requiring the provision of a scheme incorporating adequate attenuation of surface water discharges.

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 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.

During the processing of the application Policies PLA1, COM3 & 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. This consent establishes the principle of re-developing the land, identified on the approved site location plan, for two dwellings only.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels, including the levels of the adjoining terraced properties and 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 with the ridge height of the buildings not exceeding the height parameter of 8.324m.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

3. No development shall commence on site, including any works of demolition/site clearance/earth moving, until a survey has been undertaken to identify whether there are any non native invasive species falling within Schedule 9 of the Wildlife and Countryside Act, 1981 (As Amended) present on the site and a report submitted to and agreed in writing by the Local Planning Authority. The report shall include a control and removal protocol in the event that such species are discovered on the site. The development shall thereafter be undertaken in accordance with the agreed protocol.

Reason: In the interests of safeguarding biodiversity.

4. No development shall commence on site, including any works of demolition/site clearance/earth moving, until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Statement shall include the following details:-

- i The routing of HGV construction traffic to and from the site demonstrating due regard to the 7.5 tonne weight limit order applied to Station Road;
- ii The parking of vehicles of site operatives and visitors to the site;
- iii The management of loading and unloading of plant and materials;
- iv Any storage of plant and materials used in constructed the development;
- v Wheel washing facilities
- vi Measures to control the emission of dust and dirt during the excavation and construction phases

vii The provision of temporary traffic and pedestrian management along Station Road during the excavation and construction phases.

The development shall thereafter be undertaken in accordance with the agreed Method Statement throughout the excavation and construction of the development.

Reason: In the interests of highway safety.

5. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to the difference in level between classified road (A4061, North Vale View Terrace) to the east and plot will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

6. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

7. 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.

8. No development shall commence on site until there has been submitted to and agreed in writing with the Local Planning Authority 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, including the method of attenuating surface water flows at a rate not exceeding 5l per second prior to any connection to the public combined sewer and future maintenance requirements. The agreed scheme shall be implemented in full prior to the occupation of either the dwellings hereby approved.

Reason: To ensure that effective drainage facilities are provided for the development, to ensure that flood risk is not increased, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of, or detriment to, the environment.

9. 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 buildings 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.

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be remediated in accordance with the agreed measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason: In the interests of safety.

11. * 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, both operational and non operational must be provided to the satisfaction of the Local Planning Authority and in this regard the developer's attention is drawn to Supplementary Planning Guidance 17 : Parking Standards.

(c) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highways Maintenance Manager at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend (Tel : 01656 642541).

(d) The observations received from Dwr Cymru/Welsh Water and Wales and West Utilities are available on the Council's website for the developer's information and consideration.

(e) In order to satisfy Condition 8, the following supplementary information will be required:-

- Provide drainage layout showing the location of the proposed attenuation system, flow control and discharge point for the proposed surface water system, including cross sections;
- Provide drainage layout showing the foul drainage and discharge point;
- Provide 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 taken to prevent the pollution of the receiving ground water and / or surface water system.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None