

REFERENCE: P/18/291/FUL

APPLICANT: Mr R Williams Meadow Farm, 5 Smallholdings, Coity, CF35 2BW

LOCATION: Land at Chapel Street Pontycymmer CF32 8EG

PROPOSAL: Construction of 4no (2 x 2-bedroom and 2 x 4 bedroom terraced houses) with associated gardens and car parking

APPLICATION/SITE DESCRIPTION

This application for full planning permission proposes the erection of a terrace of four living units to be sited on the northern part of the former Noddfa Chapel site in Pontycymmer. Aligned in an east/west direction across this sloping site, with a staggered building line, the units will front a dedicated courtyard parking area and face at the rear the modest garden areas and beyond that Bridgend Road and the side elevation of 1 Railway Terrace.

Each terrace unit will measure 5.1m x 9.7m with pitched roofs reaching a height of 9.8m for the mid-terrace and 9.1m for the end of terrace units, from the finished site level. Units 1 and 4 will have accommodation on two floors comprising hall, kitchen, WC, living/dining room on the ground floor with two bedrooms and a bathroom above. Units 2 and 3 will have the same floorspace configuration but with two additional bedrooms in the roof space served by rooflights. Garden space is generally modest in proportion and will comprise a small terrace and lawned area enclosed along the shared boundary with Bridgend Road.

Eleven spaces will be provided in the courtyard area which will be accessed from Chapel Street with seven spaces along the southern boundary with the remaining spaces provided in front of three of the proposed units.

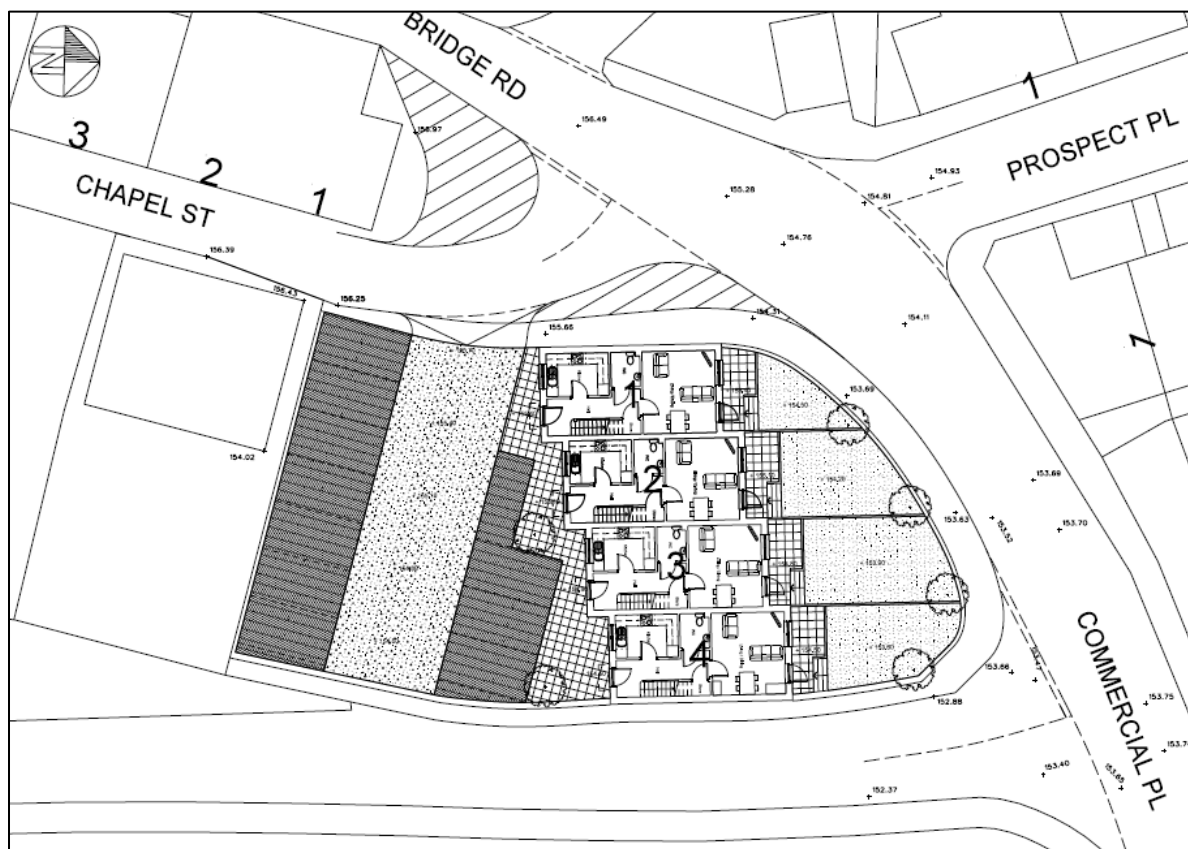
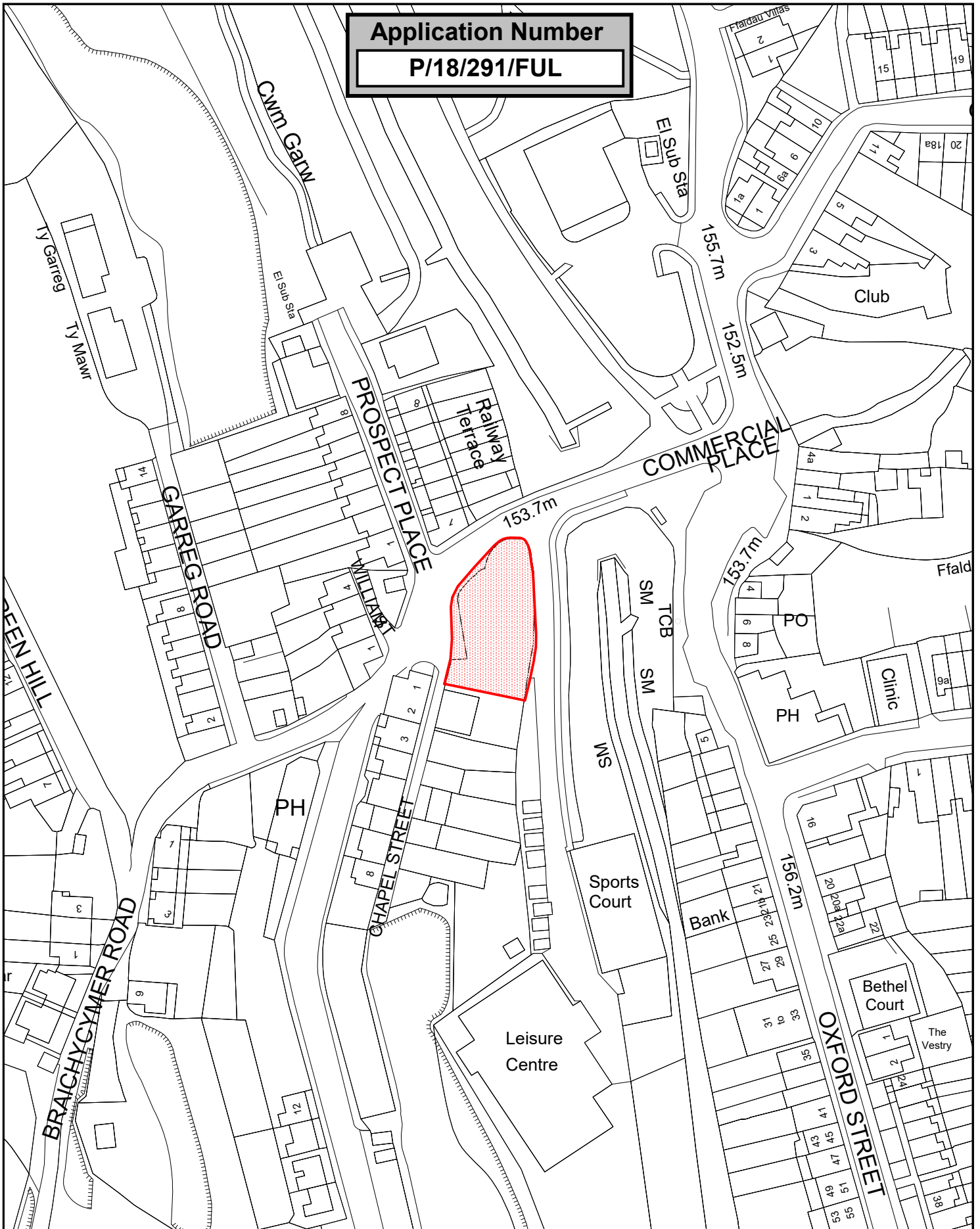


Figure 1 – Proposed Site Layout Plan

Application Number

P/18/291/FUL



Scale 1:1,250

Date Issued:
19/12/2018

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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The materials schedule indicates that the external finishes will consist of rendered walls with brick detailing around the windows and the base of the dwellings and grey roof tiles.

This application follows a 2017 submission that was withdrawn in response to an objection from the Head of Street Scene (Highways) and concerns about the overdevelopment of the site. This application, which has also been the subject of changes, reduces the number of bedrooms in two of the units and proposes a series of highway works that include a revised arrangement for the junction of Chapel Street and Bridgend Road, the realigning of the junction that currently serves the Garw Valley Community Leisure Centre and the provision of a new 1.8m footway along the boundary of much of the development site.

RELEVANT HISTORY

P/96/1135/OUT – One 3-bed, six 2-bed link houses – Conditional Consent on 11/8/1997

P/99/1000/FUL – Residential development – four dwellings – Refused on 8/8/2000

P/00/1005/FUL – Four residential dwellings – Conditional Consent – 27/12/2000

P/01/1078/FUL – Change of use of A3 use of land – Refused on 22/2/2002

P/17/805/FUL – Construction of 4 no. 3-bed, 3 storey units – Application withdrawn on 16/2/2018

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 has expired.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013, within which the following Policies are of relevance:

Policy PLA1 - Settlement Hierarchy and Urban Management

Strategic Policy SP2 - Design and Sustainable Place Making

Policy PLA11 - Parking Standards

Policy COM3 - Residential Re-Use of a Building or Land

Policy COM11 - Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance

SPG02 - Householder Development

SPG08 – Residential Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.(Paragraph 2.3 of PPW refers).

Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities as the preferred locations for most new development including housing and employment provision. (Paragraph 3.36 of PPW refers).

Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport. (Paragraph 3.46 of PPW refers).

*Globally Responsible Wales is promoted by locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel which in turn will reduce our carbon footprint. **For example, by locating new housing developments within existing settlements enables people to take advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.***

Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. (Paragraph 4.1.31 of PPW refers).

Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.(Paragraph 4.2.22 of PPW refers)

Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. (Paragraph 4.2.23 of PPW refers)

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications...Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application. (Paragraphs 4.2.25 and 4.2.29 of PPW refer)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

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 there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONSULTATION RESPONSES

Garw Valley Community Council: There have been several applications for this site - some have been rejected and one passed. The location is extremely awkward, on the site of the former Noddfa Chapel overlooking the Square and the adjacent road leading to the centre. As proposed, this site would be overdeveloped as there is a lack of parking especially for larger houses which tend to have more cars and the location of the plot is not suitable. There is little room for access to a building site.

Head of Street Scene (Highways): No objection subject to conditions.

Head of Street Scene (Drainage): In view of the limited information provided with this application, it is recommended that conditions are imposed requiring the developer to submit and agree a comprehensive and integrated drainage scheme for the site and for this to be implemented prior to the development being brought into beneficial use. Advisory notes should also be included on the permission to inform the developer of the level of information that will be required to discharge the condition.

Dwr Cymru Welsh Water Developer Services: The proposed development site is crossed by a 150mm combined public sewer the approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, in contrast to the recently withdrawn application, the latest layout plan appears to indicate that the proposed development would be situated within the protection zone of the public sewer, measured 3m either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 184 of the Water Industry Act. It may first be necessary for the developer to carry out a survey to ascertain the location of the sewer and establish its relationship to the proposed development.

In addition, the application fails to indicate proposals for the discharge of surface water flows from the proposed development. In reference to the 'Non-statutory standards for sustainable drainage in Wales', the developer will be required to explore and fully exhaust all technical options in accordance with a hierarchy - as previous the applicant is reminded that a watercourse lies to the east of the proposed development.

Accordingly, if minded to grant planning consent, we would request that conditions and advisory notes are included in any subsequent planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Public Protection - Shared Regulatory Services: SRS request the inclusion of conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced.

Glamorgan Gwent Archaeological Trust: The application area encompasses the site of the former Noddfa Baptist Chapel. The chapel is noted by the Royal Commission on the Ancient and Historic Monuments of Wales and in the Historic Environment Record as being built in 1878 and subsequently rebuilt in 1916 in a classical style, having two storeys and a gable entry plan. The chapel is recorded as remaining active until 1990. The chapel was demolished post 2000 disappearing from mapping and aerial photographs at this time. Whilst it is probable that the proposed works will encounter buried remains of the chapel, the archaeological significance of this is limited. Archival and documentary records relating to the chapel survive and are available in publically accessible records. As such we have no archaeological objection to this application and make no recommendations for the attachment of archaeological conditions to any positive determination.

Head of Street Scene (Waste & Recycling): No comments received.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the occupiers of 1 and 1A Chapel Street. The following is a summary of the objections received:

1. There is not enough space for all the cars and vans that are currently parked in and around Chapel Street and Prospect Place. Many cars are parked on the main road which is already very busy and the addition of further vehicles would increase the danger to parked cars and pedestrians. Although the new planning application suggests there will be off road parking, in reality it would be very difficult to see how the new development would accommodate anything from four to twelve cars. There should be serious consideration around visitors, deliveries and the fact that other buildings in the valley where it is clear that the off road parking facilities are available and included with the intention to provide off road parking, however off road parking is seldom used and vehicles are parked on the main roads.
2. The main road that runs from Pontycymmer Square passing both Chapel Street and Prospect Place is already very busy and very dangerous. The addition of more parked vehicles will only increase the danger. Site should be visited at the weekends when most people are not in work is when the congestion is at its worst.
3. The new proposal would mean extra traffic entering and exiting the main road where the current road lay out is already confusing. It would also mean that the spare ground behind the development where people currently park their cars would become unavailable for parking and therefore people will be forced to park on the main road. As already stated this would make the hill leading up to my property very congested and greatly increase the danger to cars and pedestrians.
4. The new development may impede access to and from Chapel Street, which already has limited access. Consideration for access for emergency vehicles needs to be fully evaluated and risk assessed.
5. The new proposal states that the new development is for four terraced houses. In fact the new proposal is for four three storey town houses. The third storey will be a bedroom with windows that would be level with or above my property and therefore give any new residents views into my own and other properties close by.

6. The new proposal in terms of design and materials will not blend in with or complement the existing dwellings.

7. The construction of four new properties would increase noise levels and general activity in an already busy area. Will the new properties be for sale or rental? If the properties are for the rental market then this would be a major concern as there are already many properties rented in the valley at present and the residents in these properties have caused a great deal of concern and trouble for local residents.

8. The new building being a three storey building would greatly affect the view from my property. It would also have an impact on the natural light which my property currently benefits from.

9. Any new development would need major ground works to be carried out. As my garage is adjoining the proposed development and is higher than the ground floor of the proposed development it may be possible that any new ground works may cause some disruption to the ground on which my garage stands. The garage is an old building and may become unstable

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the appraisal section of this report.

Objectors have referenced increased noise levels and general activity. Inevitably a development so close to existing properties is going to result in some inconvenience from noise and general disturbance during the construction period. This is not a material planning consideration but given the scale and siting of the development, it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a Construction Management Plan throughout the period of construction.

Any noise, post-completion, would be associated with the movement of vehicles to and from the new properties and the normal noise and activities associated with the residential use of land. Whilst levels will increase over and above the existing use of land, given the site's location close to the main access roads and the centre of Pontycymmer, this should not be significantly above existing background levels. The development in this respect is unlikely to affect the living conditions of the existing neighbours.

The future tenure of the properties is unknown and is not material to the determination of the application.

The objector's concerns regarding ground works are noted and it is inevitable that the development will require intrusive works to form the new parking area, foundations of the dwellings and new retaining walls. Any damage that may be caused to private land is not condoned or authorised by this permission. The planning legislation does not however protect the private interests of one party over another and issues of damage or trespass would need to be resolved through other legislation.

APPRAISAL

This application for full planning permission proposes the erection of a terrace of four living units to be sited on the northern part of the former of Noddfa Chapel site in Pontycymmer. The previous sections describe the application and provide a summary of the responses received from consultees, residents and the Community Council. On the basis of the foregoing, the application needs to be referred to Committee for determination.

The main issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the area and neighbouring properties. Critical also is whether the proposed access and car parking arrangements are acceptable in terms of highway safety.

Principle of Development

The application site lies within the Local Service Settlement of Pontycymmer as defined by Policy PLA1 of the Bridgend Local Development Plan (2013) ('LDP'). Policy COM3 Residential Re-Use of a Building or Land 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 policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant site under Policy COM3. The site is not allocated for a specific use therefore, a residential re-development of the site would be acceptable in principle subject to other LDP policies and detailed design criteria.

The principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Impact on the living conditions/well-being of existing residents and the wider area

The assessment references the specific representations that have been received from the objectors and the Community Council:

Loss of Privacy as a result of new development;

The proposed block of terraced units will be centrally positioned in the site in a roughly east/west orientation. Bridgend Road will separate the staggered rear elevation of the development from the side elevation of 1 Railway Terrace which includes a door and windows at ground and first floor level. Historical records suggest that the ground windows replaced a shopfront in the late 1980s and appear to serve a small living area and parlour (probably part of the former retail unit) and bedroom above (see Figure 2 below)



Figure 2 – Side elevation of 1 Railway Terrace

The privacy afforded to the ground floor windows in the above property is already limited given their proximity to the adjacent highway. A window proposed in the rear elevation of the development will however overlook the side facing habitable room windows in the aforesaid property at a distance of less than 21m (a minimum distance of 16m is recorded from the OS Base Plan). Where established building lines in the area are often less than 21 metres and front a public highway, the Council's Supplementary Planning Guidance recognises that compromises in the privacy standard are permitted. Consideration has been given to requiring the windows on the nearest dwelling to be fitted with obscure glazing. In the circumstance, this is not justified and although the level of privacy afforded to the occupier of 1 Railway Terrace will be affected by the development, the reduction is not sufficiently detrimental to warrant a refusal of planning permission.

The three storey property that accommodates 1 and 1A Chapel Street occupies a corner plot that overlooks the junction of Bridgend Road and Chapel Street. Window openings in the front gable appear to serve habitable rooms on the ground and first floor and possibly second floor (see Figure 3 below).



Figure 3 – Front elevation of 1/1A Chapel Street

Although the application site can be viewed from all windows, it is angled and indirect and, therefore, compliant with the Council's privacy standard. A separating distance of only 13m is recorded but measured at an angle of 50 degrees from the development and 30 degrees from the windows in 1/1A Chapel Street. Although the separating distance is considerably less than 21m, the angle will limit the degree of direct overlooking thus minimising the impact on the privacy of both future and existing residents.

Scale of development not in keeping with existing properties;

Predominantly, the housing surrounding the site is two storeys. Three storey buildings at certain key locations are not however uncommon with the building on the corner of Chapel Street being prominent in the view across the road bridge from 'The Square' in Pontycymmer (see Figure 4 below)



Figure 4 – Application Site in the foreground with 1/1A Chapel Street above

The block of units proposed will form a relatively large building on this sloping site measuring 5.5m to eaves and 9.8m (maximum) to ridge. The finished floor levels of the units will be stepped to reflect the change in levels across the site (the fall is from west to east). Although its scale will ensure that the building is prominent, the subtle change in levels across the development site, the staggered building line and roof heights and the use of materials of the vernacular should allow the building to sit reasonably well in its surroundings.

Loss of view and daylight;

The occupiers of the adjacent residential properties have enjoyed uninterrupted views across the development site for over twenty years following the demolition of Noddfa Chapel in the late 1990s. Planning cannot protect these views but can assess whether a new development would dominate or overshadow to such an extent that would warrant refusal. The relationship of the development to the nearest properties on Chapel Street and Railway Terrace has been assessed based on OS Plans, the submitted site sections and an understanding of the relative position of windows. Chapel Street is elevated relative to the site with the proposed terrace of 4 units being off-set from the direct views from the nearest windows in this property. At the nearest and measured at an angle, some 13m will separate Unit 1 from the front of Chapel Street. Given the particular arrangement and orientation (the development lies to the north east of Chapel Street) the development will not unreasonably dominate the outlook or result in any significant loss of light to the existing habitable rooms.

1 Railway Terrace lies directly north of the site with the occupiers enjoying an uninterrupted southerly aspect from the existing side facing windows. It is estimated that Units 2 and 3 on the submitted layout are the nearest, measured directly from the aforesaid windows with a distance of between 17–17.8m being recorded. This compares favourably when considered against the Council's Supplementary Planning Guidance which recommends a minimum distance of some 10.5m between the windows and the development. Unreasonable domination is however demonstrated when the development is higher than a line, perpendicular to the window wall, rising at 25 degrees to the horizontal from the mid-point of the affected windows. The combination of relatively tall buildings on raised ground results in the 25 degree line passing through the lower part of the plane of the roofs of Units 2 and 3.

This indicator would suggest the possibility of dominance but there are a number of factors that must also be considered: (i) it is a guideline and not a rigid definition and generally does not relate to side facing windows; (ii) the proposed development is less imposing than Noddfa Chapel that once occupied this site; and (iii) the separating distance ensures that the guideline distance and 45 degree daylight protection zone will not be infringed by the development.

The development will affect the outlook from the side facing windows in 1 Railway Terrace and therefore will have an impact on the living conditions of the occupiers. Such a reduction is not, however, considered to be grounds alone to refuse an application that seeks to deliver much needed new housing on this constrained brownfield site.

Overall, the development will have some impact on the levels of amenity that are currently enjoyed by residents but not to such a degree to represent a significant conflict with the Council's guidelines and policy. The development, on balance, accords with Policy SP2 of the LDP.

Consideration must also be afforded to the living conditions of the occupiers of the new dwellings and again the relationship with existing properties should ensure that acceptable levels will be achieved. On such a constrained site and with the need to provide the maximum levels of car parking, compromises are unavoidable and in this case that relates to the garden space that will be afforded to Unit 1. In quantitative terms, the rear garden falls below the normal accepted standard and although plans and section suggest that it will be enclosed by a 1.8m high wall, it will immediately adjoin the new footway that will be constructed on Bridgend Road and will not be entirely private. Garden size should be appropriate to the dwelling size and on this submission the smallest garden does serve a two bedroom dwelling. For this reason alone, the garden size is considered on the balance to be acceptable.

Access and Parking

The Head of Street Scene (Highways) has offered observations taking into account the existing site circumstances and the proposed access and off-site highway works. It is acknowledged that the existing highway provides on-street parking for the majority of the properties in the immediate vicinity of the site. The margins of the cleared site of the former Noddfa Chapel have also provided informal parking for residents and visitors and that would be removed, should the site be developed.

National policy requires Local Planning Authorities to consider a number of matters when considering the transport implications of a development and in this case the effects on the safety and convenience of other users of the transport network is the major consideration. It is not a requirement for this development to address any issues of on-street parking in the area. The proposal should however provide adequate car parking for residents and visitors to ensure that existing parking problems are not exacerbated. A development comprising 2 x 2bed and 2 x 4bed units requires 10 spaces for residents and 1 for visitors. The latest site layout plan achieves this requirement.

Access to the courtyard parking area will be from Chapel Street and in a position that achieves adequate vision in both directions. The existing substandard junction of Chapel Street with Bridgend Road will also be improved through a new road marking scheme. The 'Centre Line' of the amended junction will be positioned such that improved vision will be provided for future road users. It will be a requirement of the permission that the off-site improvements are provided before any of the new units are occupied.

A development of 4 dwellings will generate additional movements onto the local highway network which although constrained, has sufficient capacity both immediate to the site and

beyond. Accordingly, the Head of Street Scene (Highways) has no objections to the development subject to conditions.

Drainage

The applicant has indicated that the site layout will not cross the route of the public sewer and it will be protected throughout the development of the site.

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition to any granted consent requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Other Matters

Biodiversity/Ecology

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 development site and its location it is considered that there will be no significant impact on any biodiversity interests. Furthermore, protected species are subject to separate laws and any future developer must take this into account. This does not, however, preclude the need to carry out necessary survey work as part of any further reserved matters application. 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.

S106 Contributions

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions most relevant issues to be considered in this regard are:-

Education

As a proposal of 4 dwellings the application does not trigger the threshold of 5 dwellings in SPG16: Educational Facilities & Residential Development.

Affordable Housing

As a proposal of 4 dwellings on a site of approximately 0.08ha, the application does not trigger Policy COM5 of the Bridgend LDP regarding Affordable Housing.

Outdoor Sport

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sport & Children's Play Space Audit (2017) indicates a deficit in provision of all forms of Outdoor Recreation Facilities in Pontycymmer. The proposed development does not include provision of open space on-site so thought should be given to securing a financial contribution to improve local facilities. The contribution should be calculated at £470 per dwelling for children's play space and £570 per dwelling towards outdoor sport facilities. A total of £4,160 will be secured through a Section 106 Agreement.

CONCLUSION

The proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area, and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the objections have been taken into account during the determination of the application however it is considered that on balance they do not outweigh the other material considerations in favour of the development.

RECOMMENDATION

(A) That the applicant enters into a Section 106 Agreement to provide a financial contribution of £4,160 towards the upgrading of existing children's play and outdoor sports facilities

(B) The Corporate Director Communities be given delegated 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 Drawing Numbers:

Proposed Site Layout - DP110 - Revision F
Proposed Ground and First Floor Plans - DP300 - Revision D
Proposed Second Floor and Roof Plans - DP301 - Revision E
Proposed South and East Elevations - DP310 - Revision D
Proposed North and West Elevations - DP311 - Revision C

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

2. 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 building 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.

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

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. No works shall commence on site until design details, duly certified by a professional engineer, including full engineering details and structural calculations of any retaining wall abutting or having an influence on the highway have been submitted to and approved in writing by the local planning authority. The retaining structures shall be constructed in accordance with the approved design and construction details prior to the occupation of any of the units and maintained in perpetuity.

Reason: In the interests of highway safety.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on Drawing Numbers: Proposed Site Layout - DP110 - Revision F; Proposed Ground and First Floor Plans - DP300 - Revision D Proposed Second Floor and Roof Plans - DP301 - Revision E

Reason: In the interests of visual and residential amenities.

8. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels 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.

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

9. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with within the development, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.

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

10. No development shall commence until a scheme for the realignment of the Chapel Street / Bridgend Road junction arrangement to include for radius kerbing, widened footways, uncontrolled pedestrian crossing points, roadmarkings and vision splays of 2.4m x 17m to the South and 2.4m x 22m has been submitted to and agreed in writing by the Local Planning Authority. The revised junction shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the Northern site boundary to be set back and a 1.8m footway to be provided along the Southern side of Bridgend Road (site boundary) linking the new footway on Chapel Street to the junction of Bridgend Road with the access to the Garw Valley Life Centre to uncontrolled pedestrian crossing points and a Westerly vision splay of 2.4m x 22m from the access to the Garw Valley Life Centre has been submitted to and agreed in writing by the Local Planning Authority. The footway shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

12. The proposed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

13. The proposed means of access onto Chapel Street shall be constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.0m x 11m to the South and 2.0m x 17 to the North before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

14. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

15. No development shall commence until a scheme for the Eastern site boundary to be set back and a margin of 0.9m to be provided along the Western side of the access to the Garw Valley Life Centre has been submitted to and agreed in writing by the Local Planning Authority. The margin shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced

18. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

19. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

20. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall include:

- i. The routing of HGV construction traffic to/from the site
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. the provision of temporary traffic and pedestrian management along Bridgend Road/Commercial Place

Reason: In the interests of highway safety

21. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area, and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the objections have been taken into account during the determination of the application however it is considered that on balance they do not outweigh the other material considerations in favour of the development.

b) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

Unprocessed / unsorted demolition wastes;

Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances;

Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

c) Dwr Cymru Welsh Water advise that the proposed development is crossed by a 150mm combined public sewer with the approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However in contrast to the recently withdrawn application the latest site layout plan would be situated within the protection zone of the public sewer, measured 3 metre either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that the developer contact DCWW to discuss possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

d) The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must: i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway; ii) indemnify the County Borough Council against any and all claims arising from such works; iii) give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

e) The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

f) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers

None