

REFERENCE: P/21/217/FUL

APPLICANT: Cornerstone Construction Bridgend Ltd
2 Coed Parc Court, Bridgend CF31 4HU

LOCATION: Land adjacent to 12 Heol Tre Dwr, Waterton, Bridgend CF31 3AJ

PROPOSAL: Detached 4 bed dwelling and single garage

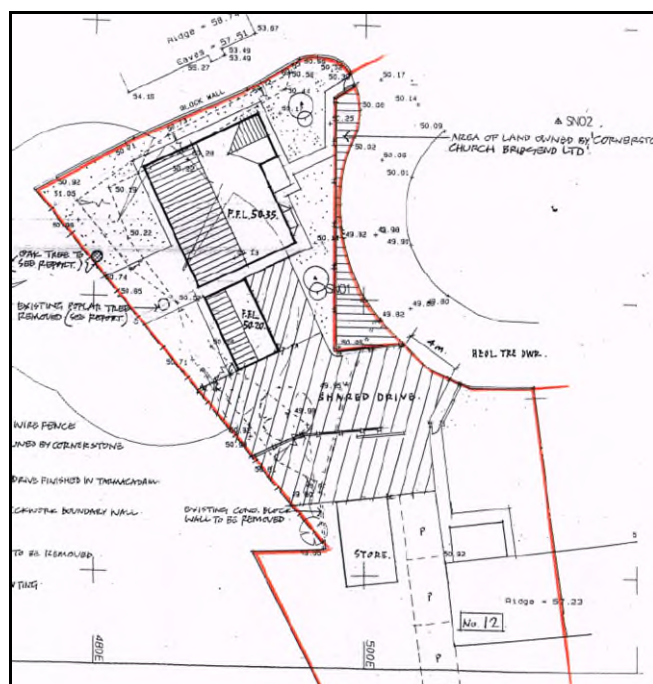
RECEIVED: 9 March 2021

SITE INSPECTED: 12 May 2021

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full Planning permission for the erection of a four bedroom detached dwelling with single detached garage on land adjacent to 12 Heol Tre Dwr, Waterton.

The site layout plan (drawing number 021:05/02 Rev A received on 28 May 2021) shows the dwelling as being located in the northern area of the application site with a detached garage to the south:



Proposed Site Layout Plan

The dwelling is principally orientated to face the east with secondary fenestration and openings on the northern and western elevations.

The property is proposed to measure 10 metres in width, 9.6 metres in maximum depth and 8.5 metres in height. It will comprise a hallway, lounge, home office, kitchen, utility room, family room and WC at ground floor level with four bedrooms (one with en-suite bathroom) and a family bathroom at first floor level. The dwelling will have red facing-brick elevations with a blue/black fibre cement slate roof and white uPVC traditional sash windows. The fascia/barge boards and soffits will be black uPVC.

The dwelling will sit in the relatively large residential plot and will benefit from an amenity space at the front and rear of the property. It will be accessible from the proposed access point on the southern boundary of the site, off Heol Tre Dwr.

In addition to the dwelling, the proposal comprises the erection of a detached single storey garage which measures 3.2 metres in width, 6.3 metres in depth and 4 metres in maximum height. The garage will be finished in red facing-brick elevations with a blue/black fibre cement slate roof to match the proposed dwelling and black uPVC rainwater goods.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013).



OS Map Extract of Application Site

It lies on the western side of Heol Tre Dwr, Waterton and comprises a roughly rectangular shaped plot between existing properties, 12 Heol Tre Dwr to the south and 13 Heol Tre Dwr to the north. It is proposed to access the site off its eastern boundary, directly off Heol Tre Dwr.

The application site is surrounded by residential properties to the north, east and south and by Bridgend Resource Centre to the west. Properties vary in character and appearance but are predominantly semi-detached two storey properties with hipped roofs to the south and east and detached two storey properties to the north, as shown in the aerial image below:



Aerial Imagery (2020)

The site itself is relatively flat and is currently grassed and overgrown with vegetation.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/04/1117/OUT	Two 4 bedroom detached houses Outline application	Refused	01/10/2004
P/05/631/OUT	One detached house and garage	Refused	21/06/2005
P/05/1000/OUT	1 detached dwelling and play area	Conditional Consent	04/10/2005
P/06/1099/FUL	Detached dwelling and children's play area	Conditional Consent	06/11/2006
P/10/52/FUL	4 bed detached property and children's play area (amended house type)	Conditional Consent	12/03/2010
P/10/836/FUL	Amended position of dwelling (previous Planning application P/10/52/FUL)	Conditional Consent	04/01/2011
P/15/179/RLX	Extend consent P/10/836/FUL (4 bed detached property and children's play area) for a further 5 years	Conditional Consent	24/07/2015
P/16/165/FUL	Proposed detached dwelling	Refused (Allowed on Appeal)	09/05/2016
P/16/399/DOC	Approval of details for conditions 2, 3, 5, 8 and 9 of P/15/179/RLX	Split Decision	30/08/2016
P/19/102/DOC	Approval of details for Conditions 3, 4, 5, 6, & 7 of appeal decision A/16/3156036 (P/16/165/FUL)	Agreed	07/11/2019

RESPONSE TO INITIAL CONSULTATION UNDERTAKEN CONSULTEE COMMENTS

Dwr Cymru/Welsh Water	No objection subject to the inclusion of the recommended informative notes.
Land Drainage	Recommends the inclusion of Planning conditions and informative notes.
Biodiversity Policy and Management Officer	Recommends that a Planning condition is imposed upon any Planning consent which ensures the developer complies with the recommendations of the Tree Survey received on 30 April 2021. Also recommends that an initial bat survey and report are submitted in support of the Planning application.
Bridgend Town Council	No objection subject to the large mature tree remaining in situ.

**Transportation Officer
(Highways)**

It is apparent from the plans that the existing driveway for 12 Heol Tre Dwr is being truncated to provide a shared arrangement. As this property (beyond the initial area of works) is not included within the red application site boundary, the scheme should be amended in order to ensure sufficient off-street car parking space can be provided for the property known as 12 Heol Tre Dwr in perpetuity. Objection is raised as in its current form the development would result in on-street parking to the detriment of highway safety.

**RESPONSE TO SECOND CONSULTATION UNDERTAKEN FOLLOWING RECEIPT OF
AMENDED PLANS ON 28 MAY 2021**

CONSULTEE

COMMENTS

Land Drainage

Recommends the inclusion of Planning conditions and informative notes.

**Transportation Officer
(Highways)**

No objection subject to the imposition of the recommended Planning conditions.

**Dwr Cymru/Welsh
Water**

No objection subject to the inclusion of the recommended informative notes.

REPRESENTATIONS RECEIVED

Cllr L Walters

I do not support this application as the proposed shared drive appears to reduce the access and parking for number 12. I'm happy for officer's delegated powers to be used.

This application has been advertised through direct notification to seventeen of the nearest properties and through the erection of a site notice. The initial period for consultation expired on 22 April 2021.

Five letters were received which raised objection to the scheme on the following grounds:

- Concerns over how the additional household would contribute to the maintenance of the private road;
- Insufficient off-street car parking space for vehicles, adding to traffic on the cul-de-sac and congestion;
- Drainage network incapable of accommodating additional dwelling;
- Destroys the wildlife and greenery associate with the area;
- Oak Tree should be retained as it is protected and is the last remaining Oak Tree within the vicinity;
- Size of dwelling proposed is too large;
- Air quality;
- Loss of light to the property known as 13 Heol Tre Dwr, Waterton as the proposed dwelling is located to the south of the existing dwelling;
- Loss of privacy and amenity for immediate neighbouring properties.

The objections also refer to previous Planning consents which provided a children's play area and object on grounds that the children's play area has never been implemented leaving the residents *without a recreational facility*.

To alleviate concerns initially raised by the Highway Authority, an amended Site Location Plan was submitted to include the land within the ownership of the adjacent property known as 12 Heol Tre Dwr, Waterton.

A second consultation was then undertaken and all properties initially consulted were sent a second letter requesting further views of the proposed changes. A further five responses have been received objecting to the scheme on the grounds raised above along with objections in respect of the land within the amended Site Location Plan not being within the sole ownership of the applicant and vehicular access to the proposed car parking spaces being impossible due to the landscaping in the garden of 12 Heol Tre Dwr, Waterton.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by {a} local resident(s):-

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this application are addressed in the appraisal section of this report.

Other matters such as land ownership, access and maintenance of the private road are not material Planning considerations and will not be addressed further. As with previous Planning applications, objectors claim that the application site is not wholly within the ownership of the applicant – a ransom strip exists along the site frontage which is owned by Cornerstone (Bridgend) Limited, as well as a shared drive and access. The Planning agent has served Notice on the relevant respective land owners and has completed Certificate B thereby satisfying the requirements of land ownership in Planning terms. Any permission required to cross the land within separate ownership to gain access to the application site is a private matter and one to be resolved separately to the Planning application process.

The issues raised in relation to the loss of open space and car parking arrangements are addressed in the appraisal section below.

RELEVANT POLICIES

The relevant policies of the Local Development Plan and supplementary Planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV6	Nature Conservation
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land
Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 07	Trees and Development
Supplementary Planning Guidance 08	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and Development

In the determination of a Planning application, regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

Future Wales – The National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5

Planning Policy Wales TAN 10

Planning Policy Wales TAN 12

Nature Conservation and Planning

Tree Preservation Orders

Design

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections raised by local residents and the Local Ward Member for Oldcastle.

SITE HISTORY

Historically the application site and adjacent land accommodated a block of garages that served the properties in Heol Tre Dwr but map records suggest that they were cleared from the site in the mid 1990s. Since the early 2000s Planning permission has been sought on several occasions for the erection of a detached four bedroom property.

In 2005 Planning permission was granted in Outline for the erection of a detached dwelling and play area under Planning permission reference P/05/1000/OUT. It is understood that the play area was proposed to appease local residents and address previous reasons for refusal under Planning application references P/04/1117/OUT and P/05/631/OUT. The permission extended for a period of five years but was never implemented.

Again in 2010 Planning permission was granted for the erection of a four bed detached property with children's play area under Planning permission reference P/10/52/FUL (amended house type) and later under reference P/10/836/FUL to amend the position of the dwelling. This application was renewed in July 2015 under Planning permission reference P/15/179/RLX for a further five years but was not implemented.

In 2016 Planning permission for the erection of a four bedroom detached dwelling was sought under Planning application reference P/16/165/FUL however this scheme omitted the children's play area from the description of development and the plans. The Design and Access Statement submitted in support of the application argued that the land is not a cultural or community facility and there is no planning agreement in place which requires the area of land to be developed/used for the benefit of the public as it is privately owned, it could be enclosed at any time to prevent public entry. The Planning application was refused for the following reason:-

Insufficient information has been submitted with the Planning application to justify the loss in part of the open space amenity area and replacement play facility which forms an integral part of the design of the existing housing estate. The Planning application is therefore contrary to Policies SP2, SP13 and COM7 of the Bridgend Local Development Plan 2013.

The refusal of Planning permission was appealed under appeal reference APP/F6915/A/16/3156036 and was subsequently allowed on 18 November 2016. The appeal Inspector considered that whilst it is evident that a playground facility historically exists at Heol Tre Dwr, no formal play facilities were ever provided and the play area constitutes an informal recreation space that has been accessed by the local community. The Inspector did not regard the space as being an outdoor recreation or a social or community facility in the context of Policies SP13 or COM7 of the Local Development Plan (2013) and it was determined that no empirical evidence was provided to demonstrate the need for a children's play area in this location.

In conclusion, the Inspector noted the desires of local residents to retain the land for community purposes but considered that on the evidence available there was no justification that a contribution to public open space or a children's play facility was necessary to make the development acceptable in Planning terms.

Several of the local residents object to the development now under consideration on grounds that the children's play area was not implemented after previous Planning consents were granted and that there is no facility proposed as part of the scheme now under consideration.

Having regard to the fact that the current Open Space Audit (2017) doesn't recognise the area of land as any form of open space and in consideration of the view of the Planning Inspectorate that the rationale for requiring such provision historically was not explained or quantified against any identified need or recognised deficiency in children's play provision in the locality at that time, it is not considered reasonable to refuse Planning permission on grounds that the previous children's play area approved is now omitted from the development proposal.

For this reason the objections raised which relate to the loss of a children's play area are not addressed further in the consideration of this Planning application and the omission of the previously proposed children's play area is considered to be an issue which has been addressed.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) 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 LDP policy protects the building or land for an existing or alternative use.”

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle. Whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

SITE LAYOUT & DESIGN

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates 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”. Design should be of the highest quality possible and should be appropriate in scale, size and prominence.

PPW11 states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The area surrounding the application site is occupied by semi-detached and detached two storey dwellings. Generally the semi-detached properties are finished in painted render elevations with concrete tiled roofs and the detached properties have red facing-brick elevations and concrete tiled roofs, as demonstrated below:



Entrance to Heol Tre Dwr, Waterton

In general terms the surrounding area is residential in nature and the introduction of an additional dwelling on land between 12 and 13 Heol Tre Dwr is considered to be an appropriate form of development which will complete and round-off the cul-de-sac, resulting in the current overgrown vegetation being cut back and improving the visual amenities of the area.

The developer is seeking to maximise the potential of the land by increasing the density of the wider site and it is considered that the addition of one dwelling is appropriate within the

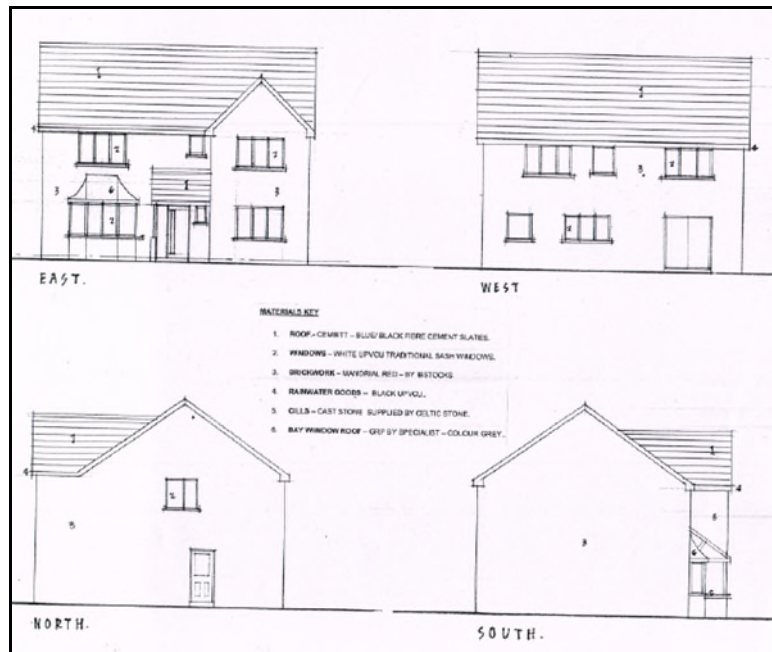
site's wider context. The proposed is not considered to result in overdevelopment of the existing plot and the proposed positioning of the dwelling is considered to be acceptable.

Planning permission granted under appeal reference number APP/F6915/A/16/3156036 was granted on 18 November 2016 and must be implemented within five years from the date of this decision. Therefore in consideration of this scheme it is important to note that Planning permission reference P/16/165/FUL can still be implemented until 18 November 2021. The drawings approved are reproduced below:



Approved Plans P/16/165/FUL

The dwelling now under consideration is of a lesser scale than that previously approved, as shown below:



Proposed Elevations

One letter of objection received refers to the dwelling being too large and not in keeping with the character of the area. The dwelling is two storeys and is proposed to be finished with red facing-brick elevations, a blue/black fibre cement slate roof and white uPVC traditional sash windows. The fascia/barge boards and soffits will be black uPVC. The

materials proposed are considered to match the materials of the other detached dwellings to the north of the application site and will not detract from the character or appearance of the cul-de-sac.

In terms of its size, whilst the dwelling will be readily visible from the streetscene and public vantage points, it is considered that its size is modest and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size. The proportions of the dwelling now under consideration are considered to be more in keeping with surrounding properties than the dwelling which could be implemented under Planning permission reference P/16/165/FUL.

Overall, the dwelling is considered to be an addition which respects the character of the surrounding area and will not result in the addition of an incongruous feature within the streetscene. It is compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be an appropriate addition.

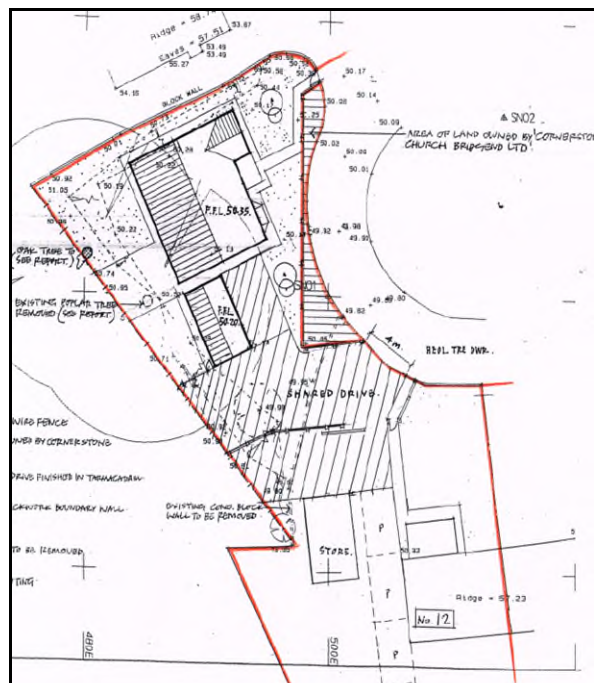
NEIGHBOUR AMENITY

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. The application site and its relationship to residential dwellings bordering the site is shown below (left):



Application Site Outlined in Red



Proposed Site Layout Plan

The dwelling is proposed to be positioned in the northern area of the site with a detached garage to the south and will principally face the east, as shown above (right)

The objections raised from the occupiers of the property to the north, 13 Heol Tre Dwr, relate to the impact of the proposed dwelling on the existing levels of light afforded to the property and to increased levels of overlooking which will be caused by the introduction of

windows at first floor level on the northern elevation of the dwelling.

In terms of light, whilst the dwelling is located to the south of the existing dwelling, its position within the application site will not result in any form of overshadowing to the dwelling or amenity space associated within the dwelling to the north of the site. The introduction of a dwelling in this position will not result in substantial loss of sunlight and is therefore not considered to adversely affect the levels of light currently afforded to the neighbouring property to the north, in accord with Note 1 of SPG02.

The dwelling has been orientated and designed to limit any form of overlooking into the neighbouring property to the north. One window is proposed to be installed at first floor level which will serve the stairwell and landing which provide access to the first floor level of the dwelling. As the window does not serve a habitable room, it is not considered that any form of overlooking will take place into the property to the north known as 13 Heol Tre Dwr. In addition, the property to the north only benefits from one window on the southern elevation at first floor level which serves an en-suite bathroom. This window is obscurely glazed and owing to the positions of the two windows, will not result in any form of direct overlooking.

No windows are proposed to be installed at first floor level on the southern elevation of the host dwelling and therefore, any form of overlooking into the property to the south known as 12 Heol Tre Dwr has been alleviated through design.

Given the above, the proposal is considered to be acceptable from an amenity perspective. Whilst the comments from the occupiers of the neighbouring property to the north are noted, it is not considered that the dwelling would be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

RESIDENTIAL AMENITY

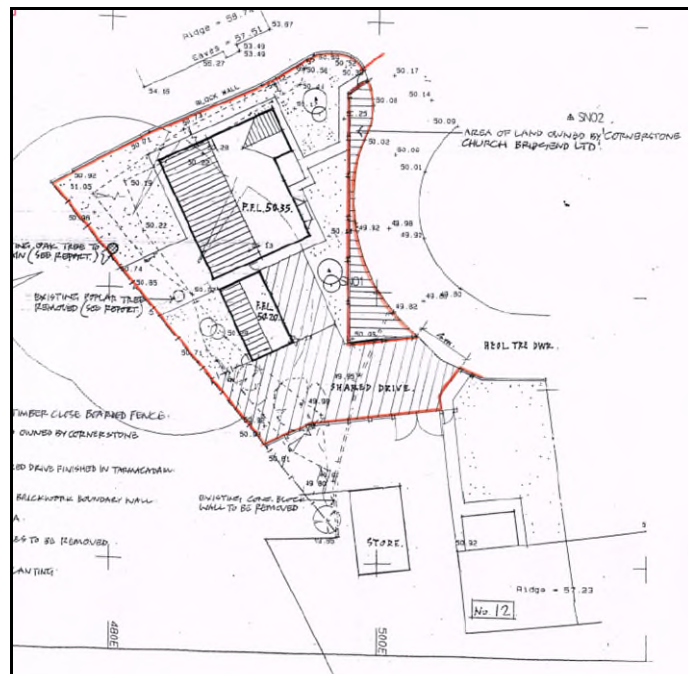
Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that generally there should be a reasonable private outdoor area for enjoyment of the present and future households”.

In this instance, the position of the proposed dwelling in the northern area of the application site provides a private amenity space for future occupiers at the rear of the dwelling (west) and an amenity space to the front. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is acceptable in this regard.

HIGHWAYS

Policy PLA11 of the Local Development Plan states that “all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards”. Supplementary Planning Guidance Note 17 Parking Standards denotes that off-street car parking spaces should measure 4.8 metres in depth and 2.6 metres in width at a minimum. It also states at page 18 that 1 off-street car parking space per dwellinghouse should be provided (up to a maximum requirement of 3 spaces).

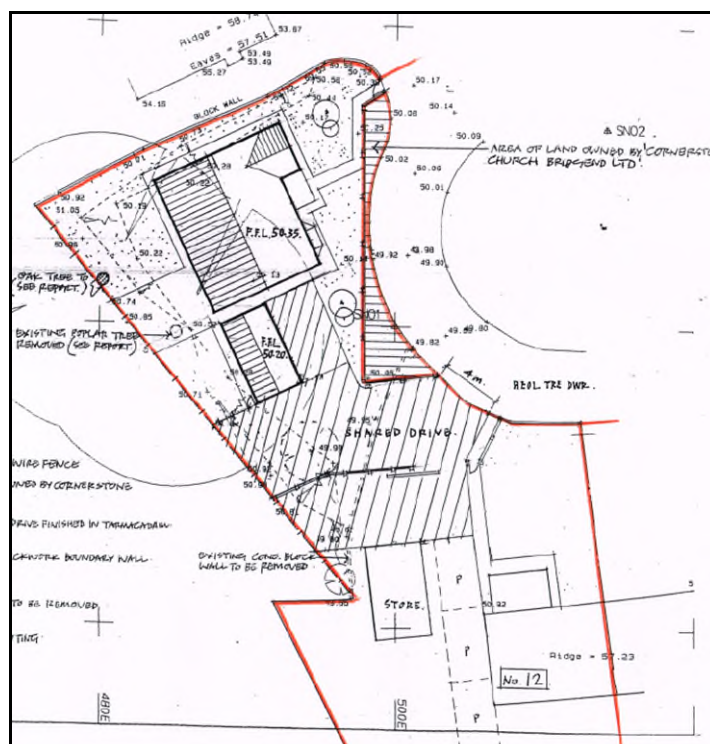
The Highway Authority initially raised an objection to the proposal on the grounds that the vehicular access to the site was provided on third party land and the existing driveway for 12 Heol Tre Dwr is being truncated to provide a shared arrangement, as shown below:



Site Layout Plan (as originally submitted)

The truncated vehicular access point proposed would result in the displacement of the existing off-street parking arrangement for the property known as 12 Heol Tre Dwr, to the south of the application site. In order to prevent overspill parking onto the turning circle fronting the site, the Highway Authority requested that the red line boundary of the application site was extended to include the land within the ownership of 12 Heol Tre Dwr to ensure off-street car parking provision was retained and the development did not result in the generation of on-street parking to the detriment of highway safety.

In order to address the objection raised, the Planning agent has provided a revised red line boundary to include the land within the ownership of 12 Heol Tre Dwr and has served the appropriate Notice on the land owner. The revised red line boundary and off-street car parking layout is shown below:



Proposed Site Layout Plan

The proposal now comprises a shared access arrangement which is truncated to provide a driveway and garage for the proposed dwelling as well as three off-street car parking spaces in tandem to serve the property known as 12 Heol Tre Dwr.

The occupiers of 12 Heol Tre Dwr have raised objection to the revised scheme stating the following:

If the three Ps on the map I received indicate parking spaces I wish to inform you that I STRONGLY OBJECT to having two spaces right next to my house, next to my dining room and kitchen windows which will block my view and the light.

It is reasonable to conclude from the consultation response that the revised drawing has been misinterpreted by the occupiers of 12 Heol Tre Dwr. The parking spaces to be provided to the side of the dwelling are provided for 12 Heol Tre Dwr and not for the future occupiers of the proposed dwelling.

The Highway Authority has considered the revised parking arrangement and is satisfied that sufficient off-street car parking space is now provided for the occupiers of the proposed dwelling as well as the occupiers of the dwelling to the south. As such, the development will not result in any overspill on-street parking on the turning circle fronting the application site and the property known as 12 Heol Tre Dwr. Given this, the development is considered to be compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is considered to be acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the off-street spaces for the proposed dwelling and 12 Heol Tre Dwr to be implemented before the development is brought into beneficial use.

LAND DRAINAGE

Criterion (13) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that development proposals incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

Again, concerns are raised by local residents about the capacity of the drainage network which serves the properties claiming that the drainage network is incapable of accommodating the additional dwelling proposed. Again, it is important to note that the dwelling approved under Planning permission reference P/16/165/FUL can be implemented up until 18 November 2021. The drainage conditions imposed upon the consent were formally discharged by Bridgend County Borough Council on 7 November 2019 after the information submitted was considered acceptable.

In assessing this Planning application, the Land Drainage Section has recommended the inclusion of Planning conditions which require the submission of a comprehensive and integrated drainage scheme for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water has advised that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site thereby addressing the concerns raised by local residents.

Subject to the inclusion of the recommended Planning conditions, the proposed development is considered to be acceptable in respect of drainage in compliance with criterion (13) of Policy SP2 of the Local Development Plan (2013). The applicant is reminded that the development requires approval of Sustainable Drainage Systems (SuDS) features by the SuDS Approval Body (SAB).

ECOLOGY

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to safeguard and enhance biodiversity and green infrastructure. This is supported by Supplementary Planning Guidance Note 19 Biodiversity and Development which encourages the protection and enhancement of the natural environment through safeguarding, enhancing, restoring and creating wildlife habitats.

In reviewing the application, the Authority's Biodiversity Policy and Management Officer recommended that an initial bat survey and report were undertaken to establish whether the trees on the site have a potential for bats. Owing to the fact that the application site benefits from an extant consent (P/16/165/FUL refers) and works can be implemented at any point, it was not considered reasonable to request the submission of a preliminary survey.

The proposal comprises the retention of the existing Oak Tree which sits on the western boundary of the application site. The Biodiversity Policy and Management Officer has requested that the Section 9 of the Tree Report submitted in support of the application is included in the conditions of approval and a condition is imposed which requires the submission of a Tree Protection Plan prior to the commencement of development.

Subject to the imposition of the recommended Planning conditions, the development is considered to be acceptable from a biodiversity perspective, in accord with criterion (10) of Policy SP2 of the Local Development Plan (2013).

PUBLIC PROTECTION: CONTAMINATED LAND

The Public Protection Section has raised no objection subject to the inclusion of the recommended conditions and informative notes. The proposal is considered to be acceptable from a contaminated land perspective.

CONCLUSION

Having regard to the above and after weighing up the merits of the scheme against the reiterated objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers. It should also be noted that there is an extant consent for a dwelling on this site following an allowed appeal in 2016.

Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with drawing numbers 021:05/03, 021:05/04, 021:05/05 and 021:05/06 received on 9 March 2021 together with drawing number 021:05/01 Rev A and the Site Location Plan received on 28 May 2021.

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

2. Notwithstanding Condition 1, the development shall be undertaken in accordance with Section 9 Recommendations of the Tree Survey dated 5 April 2019 and written by Clay Williams, received on 30 April 2021.

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

3. No development nor any site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of the Oak tree shown to be retained on drawing number 021:05/02 Rev A received on 28 May 2021. The approved scheme shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained throughout the course of the development. Nothing shall be stored or placed in any area fenced/protected in accordance with this condition and the ground levels within the protected areas shall not be altered nor shall any excavation be made without the prior written consent of the Local Planning Authority.

Reason: In the interests of biodiversity.

4. The proposed parking areas for the proposed dwelling and 12 Heol Tre Dwr shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

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

6. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

7. 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 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.

8. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Having regard to the above and after weighing up the merits of the scheme against the reiterated objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers. Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

No surface water is allowed to discharge to the public highway.

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

As of 7 January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Any topsoil [natural or manufactured] or subsoil to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

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

Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

It is recommended that the applicant be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. In this respect the applicant is referred to appropriate timing of works and it is recommended that all works take place outside of the bird nesting season which is generally considered to be March – August.

Consideration should be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found at <https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf>

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None