

REFERENCE: P/21/807/FUL

APPLICANT: A Rees & J Rees Naylor: Ty Mawr, Llangan CF35 5DW

LOCATION: Land adjacent to Ty Gwyn, Heol y Graig, Porthcawl CF36 5PB

PROPOSAL: Erection of 3 detached dwellings and associated works

RECEIVED: 25 August 2021

SITE INSPECTED: 23 September 2021

APPLICATION/SITE DESCRIPTION

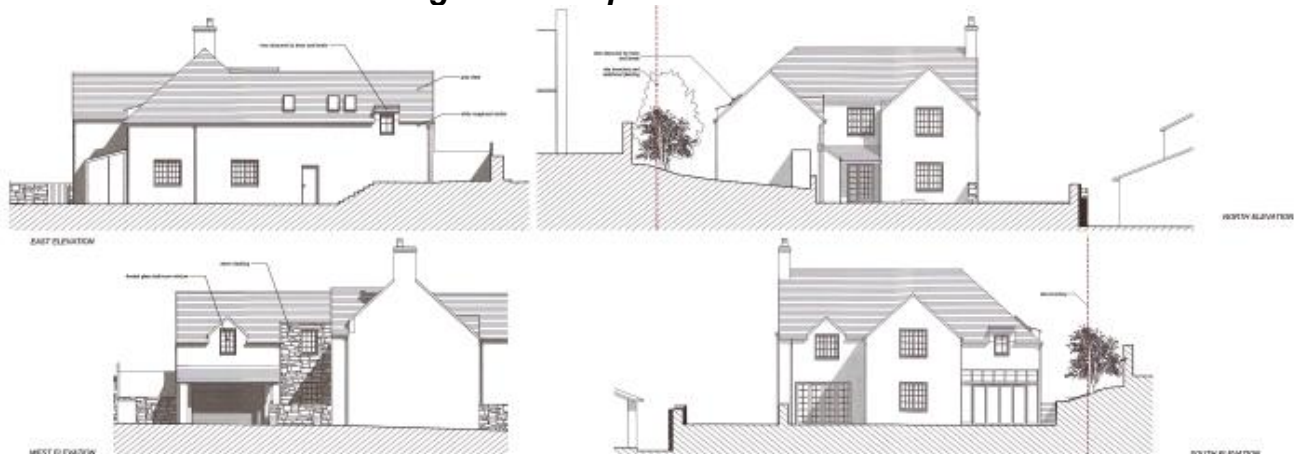
The application relates to the re-submission of a previous planning application reference P/18/618/FUL and seeks full Planning permission for the erection of 3 detached dwellings and associated works on land adjacent to Ty Gwyn, Heol y Graig, Porthcawl.

Planning application P/18/618/FUL for the erection of 3 detached dwellings and associated works at the above-mentioned site was approved (subject to a S106 Agreement) by the Council's Planning Committee on 11 October 2018. The S106 Agreement was not signed within a reasonable time period and despite numerous attempts with the applicant and their agent to engage with the Local Planning Authority in an effort to issue the decision, the Local Planning Authority decided to finally dispose of the application on the 12 April 2021. The applicant has now engaged with the Local Planning Authority to sign the S106 agreement and this application has been re-submitted with a proposed scheme that is wholly the same as the previously consented applications.

The application site is relatively level and measures approximately 2900 square metres in area. The site originally formed part of a farm and included a single dwelling known as Ty Gwyn.

The application proposes the erection of three 5 bedroom detached dwellings all with associated landscaping and parking. The proposed dwellings will be L-shaped in form and two storeys high. Each dwelling is sited such that the front elevation will overlook the private drive and provides open hard surfaced entrance courtyards and amenity space to the side of the properties. Materials proposed are similar to the local vernacular with self-coloured render, high quality timber windows with slender mullions and small panes, stone faced lintels where appropriate and stone cills throughout, slate roof with dark clay ridge tiles, cast iron rainwater goods and some stone walls to bring up the elevations.

Figure 1 - Proposed Elevations:



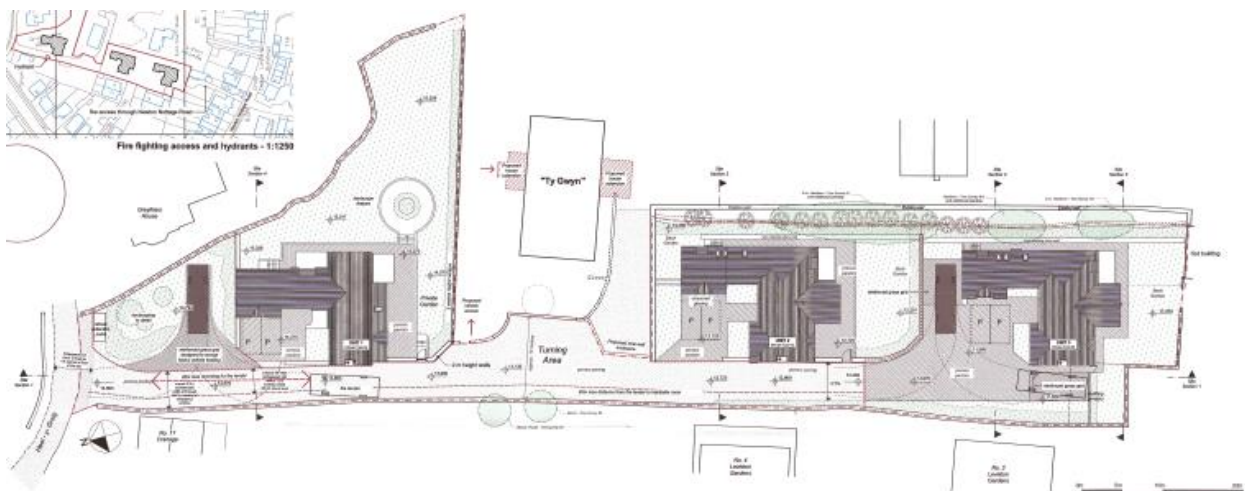
Each dwelling will comprise of a living room, kitchen/dining room, family room, utility, wc and garage at ground floor level and a master bedroom with en-suite and dressing room, 3 double bedrooms with en-suite, family bathroom and a single bedroom/office at first floor level.

Fig 2 - Proposed Floor Plans:



Access to the site is currently via a private drive from Heol y Graig. A right of access for pedestrians to Newton Nottage Road is retained by the applicant. The proposed dwellings will be arranged along an improved private drive and will be accessed via the existing access onto Heol y Graig.

Fig 3: Proposed Site Layout:



The application also proposes the removal of 6 trees on the site and the retention and pruning back of the existing hawthorn trees located along the eastern boundary of the site together with new planting to provide a habitat for wildlife and a barrier between the new dwellings and the concrete boundary wall of the adjacent property.

The application site lies within the approved residential settlement boundary of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. The site is located within the Newton Conservation Area and lies to the eastern side of the village. The site lies within a predominately residential area of Porthcawl and is surrounded by a variety of different designs and styles of residential properties including Eyre Court and Greyfriars Court.

The application has been accompanied by:

- Design and Access Statement prepared by Gillard Associates;
- Planning Statement prepared by Geraint John Planning
- Unilateral Undertaking – Planning Obligation by Deed of Agreement

RELEVANT HISTORY

P/18/618/FUL - Erection of 3 detached dwellings and associated works

Approved subject to S106 Agreement 11/10/2018.

(The S106 Agreement was not signed so the Application was Finally Disposed Of on 12/04/2021).

P/17/439/FUL - Erection of 3 detached dwellings on vacant land

Refused and Appeal Dismissed 17/07/2018

P/13/907/FUL – Erection of 3 detached dwellings on vacant land

Refused 04/07/2014.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 6 October 2021.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021 which was formally adopted by the Council in September 2013 and within which the following policies are of relevance:

- Strategic Policy SP1 - Regeneration Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5 – Conservation of the Historic and Built Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy ENV6 – Nature Conservation

Supplementary Planning Guidance

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb 2021) are of relevance to the determination of this application.

Technical Advice Notes:

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

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2007)

Well-being of Future Generations 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.

CONSULTATION RESPONSES

Cllr Kenneth Watts (Local Ward Member) – No formal comments received to date.

Porthcawl Town Council – No formal comments received to date.

Transportation Officer (Highways) – No objection subject to conditions.

Land Drainage Officer – No objection subject to two conditions requesting a drainage scheme and infiltration tests prior to development commencing on site. SAB approval is also required for the proposed development.

Welsh Water Developer Services – advises that the site is crossed by a 4inch distribution watermain and the applicant must contact Dwr Cymru Welsh Water to discuss its possible diversion. A plan showing the location of the water main has also been submitted.

Destination and Countryside Manager – No objection subject to conditions requesting a clearance methodology, arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme.

Shared Regulatory Services (Contamination) – No objection subject to standard advisory notes.

REPRESENTATIONS RECEIVED

The occupier/owner of 10 Bridgend Road raises an objection to the proposed development regarding concerns relating to the site access and fear that damage will be done to the wall with the use of heavy equipment during construction work and then the constant use with the extra properties.

The occupier/owner of Flat 3, Greyfriars House objects to the development and states that the latest application remains over development on a site which is limited in both scale and access. Concerns regarding the size of unit one and its roof level would have a serious effect on both ground and first floor rooms of Greyfriars House. In terms of access, Heol y Graig is narrow in places and already has to cope with heavy traffic in school term time without the addition of large builders vehicles and possibility of half a dozen more residents cars.

The occupier/owner of 4 Cleviston Gardens objects to the proposed development stating that the proposed is similar to what was previously refused and the scale and size of the proposed houses are out of keeping with the beautiful 12th Century village. Also raises concerns regarding close proximity of proposed dwelling (Unit 2) to bedroom window resulting in loss of light and privacy. Concerns are also raised regarding the loss and impact on local wildlife and impact of noise on existing elderly residents.

The occupier/owner of 17 Newton Nottage Road objects to the proposed development raising the following concerns:

- Lack of detail concerning the treatment of both surface and foul water in the submission. This is particularly important due to localised flooding present during recent heavy weather from excess surface water. As regards foul any new discharge into existing would cause problems as the existing has caused blockages previously. Noted comments previously from Dwr Cymru and the Land Drainage Officer.
- Lack of detail regarding the landscaping proposals and reference to moribund trees which would appear to be healthy . Also some of the land referred to would appear to be outside the Applicants ownership in certain areas.
- The sections shown on the application make it difficult to ascertain the juxtaposition of the adjoining properties. Also it is not clear at what levels are the slabs to be constructed.
- Reference was made to there being access for Fire Appliances through to Newton Nottage Road— This is unclear as to which access and there is not sufficient width for a Fire Tender to get through.
- Following previous applications it would appear the Highways problems identified are still substantially present.
- Whilst understanding this is an infill site the three sizeable dwellings would seem to be an overdevelopment of a constrained site.
- I note no reference to the power cable running under the site and the need to either re-route same or at least cater for a way leave to maintain same.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the comments raised were addressed within the previous Planning application P/18/618/FUL and are addressed again in the appraisal section of this report.

The planning Inspector also addressed matters raised by the neighbouring properties within his appeal decision in relation to a previous application.

Inevitably, a development so close to existing properties is going to result in some noise and disturbance during construction. If the Council were minded to grant Planning permission, a Planning condition could be imposed to control the hours of work as part of a Construction Method Statement.

APPRAISAL

The application is referred to the Development Control Committee in view of the objections received from neighbouring properties.

Background

From assessing the Planning history, it is noted that a previous application (P/13/907/FUL refers) for the erection of 3 detached residential dwellings on this site was refused on the 4 July 2014 for the following reasons:

- 1. The development will result in the additional use of the substandard lane serving the site will result in an increase in traffic hazards to the detriment of highway safety and contrary to the objectives of criteria 3 and 6 of policy SP2 and criterion 6 of SP3 of the Bridgend Local Development Plan.*
- 2. In the absence of adequate common turning facilities within the site to cater for calling delivery/service vehicles and emergency service vehicles (ie. a fire appliance), the proposed development will generate vehicular reversing manoeuvres onto the highway to the detriment of highway safety and contrary to the objectives of criterion 6 of policies SP2 and SP3 of the Bridgend Local Development Plan.*
- 3. The proposal constitutes over-development as the site is too restricted to accommodate the proposed dwellings whilst safeguarding the privacy of future occupiers of plot 1 and the neighbouring dwelling by virtue of the position of a habitable room window in plot 2 and its impact on the amenities of 4 Cleviston Gardens. The development would be contrary to the objectives of criterion 12 of policies SP2 and note 6 of Supplementary Planning Guidance 02.*

Following this, a further planning application was submitted in May 2017 (P/17/439/FUL refers) proposing the erection of 3 detached residential dwellings but addressing the above mentioned reasons for refusal. On 9 January 2018, this application was refused for the following reason:

- 1. The proposed development, by reason of the number of units and their design, siting and scale, constitutes overdevelopment of the constrained site that fails to provide adequate levels of private outdoor amenity space for the future occupiers of the 5 bed dwellings, whilst having a significant detrimental impact on the privacy and residential amenities of the future occupiers of the proposed dwellings by way of overlooking. The proposed development is therefore contrary to Policy SP2 of the Bridgend Local Development Plan 2013, Supplementary Planning Guidance SPG02: Householder Development and advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 – Design (2016).*

The applicant appealed the decision to the Planning Inspectorate. Whilst the Inspector considered the scheme to be acceptable, the appeal was dismissed on 17 July 2018 for the following reason:

A suitable legal agreement under Section 106 of the above Act has not been submitted with the appeal proposal, however, and such contributions cannot be addressed through the use of planning conditions. It therefore follows that the agreement between the parties over such a matter, as referred within the Council's evidence, should not be attributed weight in the determination of the appeal. Without such contributions, the proposed development would be contrary to the general thrust of Policy SP14 and Policy COM5 of the adopted LDP and, for the same reasons, would also conflict with the ministerial priority of delivering affordable housing through the planning system as prescribed by Planning Policy Wales (Edition 9, 2016) (PPW) and Technical Advice Note 2: Planning and Affordable Housing (2006) (TAN2). Indeed, in light of the absence of any information to justify a deviation from such an established policy position, I find the lack of such an obligation to represent a compelling reason why planning permission should be withheld.

Planning application P/18/618/FUL for the erection of 3 detached dwellings and associated works at the above-mentioned site was approved subject to a S106 Agreement by the Council's Planning Committee on 11 October 2018. The S106 Agreement was not signed within a reasonable time period and despite numerous attempts with the applicant and their agent to engage with the Local Planning Authority in an effort to issue the decision, the Local Planning Authority decided to Finally Dispose of the application on the 12 April 2021. The applicant has now engaged with the Local Planning Authority (LPA) to sign the S106 Agreement and therefore this application has been re-submitted with a proposed scheme that is wholly the same as the previously consented applications.

Assessment

The main issues to consider in the determination of this application are the principle of the development, the impact on the character and appearance of the area and Newton Conservation Area, the potential impact on neighbouring amenities, drainage, trees and highway safety and the applicant's commitment to paying the financial contribution required to meet the affordable housing provision.

Principle of the Development

The application site lies within the main settlement boundary for Porthcawl as recognised by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted 2013. It also lies within the Porthcawl Strategic Regeneration Growth Area as defined by Policy SP1 Regeneration-Led Development of the LDP.

Policy COM3 Residential Re-Use of a Building or Land of the LDP states *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 subject to detailed design considerations and where no other policy protects the building or land for an existing or alternative use.*

The proposed site would be classified as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use, therefore, residential development would be acceptable in principle subject to other LDP Policies and detailed design considerations.

Policy COM5 Affordable Housing states where a *local need is demonstrated, the Council will expect an appropriate element of affordable housing*. The proposal has triggered this Policy as the site exceeds 0.15 hectares in size and is discussed in more detail in the section below.

In conclusion, the principle of development accords with Policies SP1, PLA1 and COM3 of the LDP. In view of the above, it is considered that the principle of residential development is acceptable subject to compliance with Policies COM5 and SP2 of the LDP 2013.

Impact on the character and appearance of the area and the wider Newton Conservation Area

The site is located within the Newton Conservation Area under Policy SP5(2) Conservation of the Built and Historic Environment of the LDP which states *future development should not destroy or devalue the character and appearance of the Conservation Area. It is important that the proposed development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting*. The Council's Conservation Officer states that the materials for the proposed buildings are similar to the local vernacular (white painted or self-coloured render, small paned timber windows, timber doors, stone sills, natural grey slate roofs, chimneys and cast iron rainwater goods), the L-shape is a traditional form and the gardens are set back behind stone boundary walls.

Accordingly, the proposed dwellings will not have a significantly adverse impact on the character and appearance of the Conservation Area as the proposed development is considered to be sympathetic in design, scale and materials, is well screened and seeks to preserve and enhance the character and appearance of the area thereby according with Policy SP5 (2) of the LDP.

Design, Siting, Scale and Materials

Initially, the LPA raised concerns and subsequently refused the previous Planning application P/17/439/FUL with respect to the proposed size, scale and number of units and that this would result in the over-development of the site and a substandard level of amenity space in terms of provision and privacy to serve the future occupiers of the proposed dwellings.

The applicant appealed the LPA's decision to the Planning Inspectorate. The Inspector disagreed with the LPA's position and made the following observations regarding the LPA's concerns:

Paragraph 6 of the appeal decision letter states:

In terms of the issue of living conditions, I am satisfied that the proposed scheme would, by virtue of its development to plot ratios, provide for a satisfactory quantum of outdoor amenity space at each of the proposed dwellings. I am also satisfied that, by virtue of the vast area of amenity space proposed at Plot No.1, and the angle of outlook from the neighbouring Greyfriars Court, a sufficient proportion of the outdoor space at that property could be utilised as a private amenity area. There is little doubt that the combination of the limited distance between Plot Nos. 2 and 3 and the proposed first floor window arrangements at Plot No.3 would lead to a lack of private outdoor space at Plot No.2. Indeed, the space to the south of the dwelling at Plot No.2 would be significantly overlooked by the first floor window located in the northernmost elevation of Plot No.3. Similarly, the first floor window separation distances between habitable room windows at Plot Nos. 2 and 3 would also fall short of the 21 metres prescribed by the Council's adopted Supplementary Planning Guidance SPG 02: Householder Development (SPG). However, as the imposition of a suitably worded planning condition requiring the window in the northernmost gable of Plot No.3 to be obscurely glazed would satisfactorily mitigate

such concerns, I do not consider that such matters merit the refusal of planning permission.

Paragraph 8 goes on to state:

I therefore find that, subject to the imposition of suitably worded planning conditions, the proposed development would provide for acceptable living conditions for future occupiers of the proposed dwellings. I also find that the concerns raised in relation to the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties are largely unsubstantiated. The development would therefore be broadly compliant with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP) and the associated advice contained within the aforementioned SPG document.

Accordingly, it is considered that, subject to the imposition of an appropriate Planning condition regarding the implementation of obscure glazing to the window in the northern most gable of Unit 3, the proposed development can be deemed to be acceptable and accords with Policy SP2 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Impact on neighbouring amenities

2 and 4 Cleviston Gardens are semi-detached dormer bungalows to the west of the application site. Although the principal elevations of the development would overlook the access track and the gardens of the respective properties, side facing windows serving a kitchen, bathroom and bedroom at ground floor and bedroom windows (4 Cleviston Gardens) at first floor level face the development site. From the site inspection, it was noted that the above properties are located at a lower level than the proposed dwellings due to the topography of the site.

Previously and as mentioned above, the application was refused due to its impact on the privacy and amenities of 4 Cleviston Gardens however, the applicant has addressed this issue by removing the bedroom window and replacing it with an obscurely glazed window that now serves a bathroom on the western elevation of Unit 2. In view of this, whilst it is noted that there is only a distance of 8m between Unit 2 and 4 Cleviston Gardens, due to the separation by the access track and the fact that no windows directly overlook the property, it is considered that the proposed development will not have an adverse impact on the residential amenities currently enjoyed by the occupiers of 4 Cleviston Gardens.

With regard to the relationship between Unit 3 and 2 Cleviston Gardens, it is noted from the submitted plans that only one habitable room window (serving the master bedroom) will directly face the said property with a separation distance of 18m. Direct overlooking will not occur (based on the finished level Unit 3 relative to the neighbouring property) and therefore, the proposed development is not considered to have an adverse impact on the residential amenities currently enjoyed by the occupiers of 2 Cleviston Gardens.

Ty Gwyn is the existing detached dormer bungalow that is located within the development site, between the proposed dwellings at Units 1 and 2. It currently enjoys a relatively open outlook from its principal windows in the front and rear elevations. The property has also benefitted from Planning permission which has allowed a number of alterations to be undertaken to the property including front and rear extensions and additional accommodation in the roof space.

Consideration has been given to the relationship between the existing and potentially extended property to the proposed dwellings. It is also noted that the finished levels of the proposed dwellings (Units 1 and 2) will be below the floor level of Ty Gwyn. Again whilst the close proximity and relationship of this property and Unit 2 is noted, the applicant has

removed the bedroom from the northern elevation of the proposed dwelling to reduce the impact of overlooking of Ty Gwyn. Also, due to the elevated nature of Ty Gwyn and the position of an existing 2m high stone pillar and wooden panel fence around the property, it is considered that the proposed dwelling (Unit 2) will have no adverse impacts on the residential amenities currently enjoyed by the occupiers of Ty Gwyn.

Eyre Court House is a relatively modern, large detached property set within a very generous garden area that lies immediately to the east of the development site and shares its boundary with the rear of Units 2 and 3. Due to the topography of the site, Eyre Court House is positioned at a higher level than the proposed dwellings and is separated by a stone boundary wall.

There are a number of trees that run along this boundary which are to be retained and which will help to address any privacy/overlooking matters as a result of the development. Whilst views may be afforded from the proposed development into the upper floor of Eyre Court, it is considered that these views would be limited and the retention of the trees and vegetation along the shared boundary would help to obscure any views. Accordingly, it is considered that the development will not have an adverse impact on the residential amenities of this neighbouring property.

Cranage (17 Heol y Graig) is a detached bungalow sited alongside the entrance to the development site such that its rear garden shares its boundary with the western edge of the proposed access. The design and siting of Unit 1 will ensure that no direct overlooking between windows will occur. Cranage is situated at a lower level than Unit 1 and therefore the existing boundary wall offers a degree of privacy. The nearest living room window (which is a secondary opening) could however be fitted with obscure glazing if permission were to be granted for the development. The proposed hall and utility room windows in Unit 1 do not serve habitable rooms.

The Inspector agreed with the LPA's assessment regarding the impact on neighbouring properties and stated in paragraph 7 of his decision:

The Council has not objected to the proposed development on the basis of its effect on the living conditions of the occupiers of existing residential properties, although a number of representations opposing the scheme have been received from interested parties. In response to those matters, I am satisfied that, by virtue of the siting and orientation of the proposed dwellings relative to the existing properties within the area, there would not be any significant overshadowing impacts or any material loss of light at any of the nearby residential properties. Moreover, by reason of the combination of the siting of the proposed dwellings, the specific location of the habitable rooms within each of the proposed dwellings and the potential requirement for obscured glazing to be utilised through planning conditions, I do not consider that the proposed development would result in a material loss of privacy at existing properties. Moreover, as there is no legal right to a view over land in separate ownership, I can only attribute limited weight to such matters.

Overall, it is considered that the proposed development will not have a significant adverse impact on the amenities of the neighbouring properties subject to the imposition of appropriate Planning conditions regarding obscure glazing, boundary and landscape treatments in accordance with Policy SP2 (12) of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Highway Officer has considered the transportation implications of the proposal and has noted that this application is a resubmission of previously consented applications (P/17/439/FUL and P/18/618/FUL refers). It is also noted that this application is wholly the

same as the previously consented applications and therefore the previous conclusions of the Highway Authority remain valid.

The level of traffic generation from this proposal has been assessed against the traffic flows of the area for 2021. It is considered that the local highway network could accommodate a development of this scale and not materially increase traffic on Bridgend Road and therefore from a traffic generation point of view the development is acceptable

In considering the site layout a number of highway safety related concerns were raised with the LPA during the previous applications and as a result all changes which were agreed previously have been retained within this application. For example, the plans now include the ability for a fire engine to reach Unit 3 and turn to exit the site in a forward gear.

Improvements to the bellmouth of the access have been made to provide the required vision splays commensurate with the speed and volume of vehicles passing the site entrance. It should be noted that since the original consents there have been some changes with regards to how vision splays are measured and due to the width of Heol y Graig being a low-trafficked manual for streets environment, the vision splays can be measured 2.0m back from the access to the centre line of Heol y Graig as it is considered that vehicles drive in the centre of the road at this point. Therefore, the garden wall of the neighbouring property to the south is considered not to interfere with the vision splays, however, to ensure this situation remains in perpetuity a condition is recommended.

In addition to the above, the access road surface treatment has been amended to provide a surface type and colour which indicates a shared pedestrian and vehicular arrangement.

Notwithstanding the above, some concerns remain:-

- the refuse collection point location should be adjacent to the adopted highway to ensure refuse operatives do not have to enter private land to collect the household waste.
- the surface treatment of the emergency/delivery vehicle turning area adjacent to Unit 3 should be surfaced in the same material as the access road to ensure it remains clear for use at all times and should not form part of the garden of Unit 3.

It is considered that these concerns can be overcome by the imposition of suitable Planning conditions.

Accordingly, the proposed development is considered to accord with Policies SP2 (6), SP3 and PLA11 of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards.

Drainage

The Council's Drainage Officer has considered the submitted information and notes that the application form states surface water will be disposed via SUDs. No surface water drainage layout has been provided.

A review of the submitted plan (Dwg.No.C177/AL(0)6.Rev.P5) notes that a combination of porous paviers and reinforced grass grid will be used however, no further information has been supplied. An extract from the Design and Access Statement states under the Sustainability section in the surface water drainage note *Since the applicant prefers to install a tarmac drive rather than porous material it will be necessary to incorporate a SUDs drainage system and soakaway.* The applicant will need to confirm how roof water will be disposed of and provide extensive infiltration tests throughout the site to confirm infiltration is suitable at this location. Infiltration systems must not be situated within 5m of buildings or boundaries. Any proposed infiltration system must be designed in accordance with BRE-Digest 365 and a minimum of three infiltration tests undertaken for each trial hole must be provided.

Drawing Nos. C177/AL(0)11 Rev P1, C177/AL(0)12 Rev P1 and C177/AL(0)13 Rev P1, suggest that the FFL will be located at a lower level to the surrounding land. These issues may lead to groundwater and damp issues at the property and the applicant is advised to consider damp proofing measures within habitable rooms of the dwellings. Due to the site topography, the applicant will need to consider siting the infiltration systems and soakaways in a suitable location. The neighbouring properties are located on lower ground and therefore any infiltration system will need to be founded at a depth lower than the existing properties to ensure no surface water runoff into the neighbouring gardens.

The development is over 100m² and consists of more than 2 properties and therefore a SAB application is required. Maintenance of the sustainable drainage features serving 2 or more private residential properties will be provided by BCBC with commuted sums required to cover the maintenance activities of the SUDs features.

In view of the limited information available, it is recommended that two conditions be attached to any consent granted regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, to accords with Policy SP2 (13) of the LDP. A SAB application is also required to be submitted for the proposed development.

Biodiversity/Ecology

The Council's Ecologist has assessed the application and has noted that the site is covered in scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds and reptiles.

The SPG provides detailed advice in respect of protected species and the optimum timing of works so as to limit their effect on wildlife and to ensure works proceed within the law. In this respect, the bird nesting season is generally considered to be from the beginning of March until August. With specific reference to this proposal, Section B1: Biodiversity Design Guidance Sheet: Bats and Development, B2: Biodiversity Design Guidance Sheet: Birds and Development and B3: Biodiversity Design Guidance Sheet: Reptiles and Amphibians and Development are relevant as the developers may encounter nesting birds and/or reptiles when undertaking the scrub clearance however, bats will predominantly be using the scrub for foraging opportunities.

The scrub vegetation made it impossible to access the whole of the site to determine presence of non-native invasive species however, it was noted Montbretia was growing close to the existing property. Montbretia is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause them to grow in the wild. This species is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently, it should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

Given the above, the applicant should submit a clearance methodology to the Local Planning Authority for approval prior to works commencing on the site.

The southern portion of the site is bounded by mature trees with the south eastern boundary containing trees that are protected under Tree Preservation Order (TPO) (1978) OBC No1. This TPO designation and mature planting will provide natural screening to neighbouring properties.

The submitted tree survey and the supporting documentation also seek to consider the impact of the development on neighbouring properties however, it is recommended that the tree survey be developed in line with British Standard recommendations BS5837:2012 and should include an arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme. These documents should be submitted to the Local Planning Authority for approval prior to works commencing on site.

In view of the above, it is considered that the proposal complies with Policy ENV6 of the LDP, 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 enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

The proposal triggers Policy COM5 of the LDP which requires 30% of the dwellings to be affordable on sites that exceed 0.15 hectares in size in the Porthcawl and Rural area.

Given the low quantum of dwellings proposed, it is considered that a financial contribution in lieu of on-site provision is more appropriate on this occasion. As such, a commuted sum of £115,153.20 is sought towards affordable housing and this will be secured through a Section 106 Agreement. The applicant has confirmed that they are happy to enter into an agreement to secure the relevant contribution.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety to warrant refusal of the application.

The concerns of the residents have been taken into account as part of the consideration of the application, however, it is considered that, on balance, the issues raised do not outweigh the merits of the scheme. In addition, and in response to the Inspector's previous decision, the applicant has agreed to enter into an obligation to secure the relevant contribution for affordable housing.

RECOMMENDATION

- A) The applicant enters into a Section 106 Agreement to provide a financial contribution in the sum of £115,153.20 (index linked) towards the provision of affordable housing;
- 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 approved plans and documents:
 - Site Location Plan (received 25 August 2021)
 - Planning Statement prepared by Geraint John Planning (received 25 August 2021)

Design & Access Statement prepared by Gillard Associates (received 25 August 2021)
Drawing No. C177/AL(0) 11 Revision P1 (received 25 August 2021)
Drawing No. C177/AL(0) 12 Revision P1 (received 25 August 2021)
Drawing No. C177/AL(0) 13 Revision P1 (received 25 August 2021)
Drawing No. C177/AL(0) 14 Revision P1 (received 25 August 2021)
Drawing No. C177/AL(0) 6 Revision P6 - Site Plan and Site Sections (received 24 January 2022)

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

2. Notwithstanding the requirements of condition 1, 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 dwellings 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 and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

3. Notwithstanding the submitted details, no development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation has been submitted to and agreed in writing by the Local Planning Authority. 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 and to accord with Policy SP2 of the Bridgend Local Development Plan 2013

4. Notwithstanding the requirements of condition 1, 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 of any part of the development commencing.

Reason: To ensure that effective drainage facilities are provided for the development and that flood risk is not increased and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

5. 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 of any part of the development commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of an emergency vehicle turning area adjacent to Unit 3, with a surface treatment matching the access road and clearly identifiable as not part of Unit 3, has been submitted to and approved in writing by the Local Planning Authority. The turning

area shall be implemented in permanent materials before the development is brought into beneficial use and retained for turning purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013

7. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splays of 2.4m x 15m to the east and 2.4m x 16m to the west measured to the centre line of the carriageway at any time.

Reason: In the interests of highway and pedestrian safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

8. Notwithstanding the submitted plans no entrance gates shall be installed on any plots at any time.

Reason: In the interests of highway safety to ensure adequate passing places and turning areas within the development and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

9. No development shall commence until a scheme for the provision of a refuse collection point which is adjacent to and accessible from the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The refuse collection point shall be implemented in accordance with the agreed scheme before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway and refuse collection operatives' safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage.

Reason: To enable the Local Planning Authority to control the scale of development and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the dwellings hereby permitted.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring

occupiers and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

13. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

14. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows on and adjacent to the site, an arboricultural impact assessment, an arboricultural method statement and a watching brief. The agreed details shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

15. No development shall take place until a clearance methodology which includes full details of a how the works will eradicate the invasive species at the site and confirm that the site doesn't contain additional non-native invasive species has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

16. Notwithstanding the requirements of condition 1, the following windows shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity and non-opening:
- First floor window opening positioned within the northernmost gable of the northern elevation of Unit 3 (to serve master bedroom);
 - First floor window opening positioned in the western elevation of Unit 2 (to serve a bathroom);
 - Ground floor window opening positioned on the western elevation of Unit 1 (to serve living room)

The windows shall be fitted prior to the beneficial use of the respective dwelling hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

17. 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 construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. the loading and unloading of plant and materials
 - iii. the storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. hours of operation.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

18. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

**** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ****

- a. This application is recommended for approval because the development complies with Council policy and guidelines, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.
- b. 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.
- c. The proposed 'Private Drive' will not be adopted by the Highway Authority.
- d. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- e. 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). Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- f. The Planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Dwr Cymru Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- g. The proposed development is crossed by a 4 inch distribution watermain, the approximate position being shown on Dwr Cymru Welsh Water's plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- h. In order to satisfy Conditions 4 and 5 the following supplementary information is required:
- Provide drainage layout showing both foul and surface water sewers and Their discharge points.
 - Provide an agreement in principle from DCWW with regards to the Proposed foul water connection to the existing public sewer.
 - Provide infiltration tests to confirm acceptability of any proposed Infiltration system in accordance with BRE 365.
 - Provide a plan showing location of trial holes and at least 3 separate tests at each trial hole location.
 - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
 - Provide a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - Submit a Sustainable Drainage Application to the Bridgend SAB – SAB@bridgend.gov.uk (the applicant is advised to contact the Bridgend SAB prior to the formal submission to discuss the application should they proceed).
- i. The Public Protection Section draws your attention to the following:-
- The possibility of gases (landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto, and recommend investigation and monitoring of the area.
 - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
 - 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.
 - 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,

lies with the applicant/developer.

- 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.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None