

**REFERENCE:** P/21/551/OUT

**APPLICANT:** Mr P Simpkins: 59 Penlan Close, Cwmdonkin, Swansea SA2 0RL

**LOCATION:** Land rear of 30-32 High Street, Ogmores Vale, Bridgend CF32 7AD

**PROPOSAL:** Erection of a two bedroom dwelling

**RECEIVED:** 10 June 2021

### **APPLICATION/SITE DESCRIPTION**

This application proposes the re-development of land to the rear of 32 High Street, Ogmores Vale with a single detached dwelling. The application is in Outline with all matters of detail reserved for future consideration.

This steeply sloping site is located between the rear of a photographic studio on 32 High Street and the footway and carriageway that forms part of Glyn Street. Site sections submitted with the application indicate a 9m difference in levels between the eastern and western boundaries. The present state of the plot is rough ground that has become colonised by scrub vegetation. The site lies immediately to the north of a parking area that serves a development known as 'Filas Wessex'. This three storey development sits on the site of the former Hermon Chapel and accommodates five (3 bedroom) terraced units.

This is a re-submitted application following a previous refusal of permission on the site and the dismissal of the subsequent appeal. Consent had been refused for the following reasons:

*The proposed development, by reason of its siting and scale on this constrained and steep site, would result in an undesirable and cramped form of development, which would only afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of a lack of car parking and useable garden space contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).*

*The proposed development, by reason of its siting and scale, would result in an unacceptable loss of privacy to the occupiers of 2 & 3 Glyn Street by way of overlooking windows and the occupiers of 1 Filas Wessex by way of overlooking from the elevated rear gardens. Such an arrangement would be contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).*

*The proposed development, by reason of its siting and scale, would constitute overdevelopment of the site as it has not been demonstrated that there would be sufficient on-site car parking provision for the future occupiers of the development. The development would result in on-street parking, a subsequent reduction in the trafficable carriageway width to a single lane and the use of the footway for the parking of vehicles which will be detrimental to highway and pedestrian safety and contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17: Parking Guidelines.*

The Inspector appointed to consider the appeal identified the main issues as being the effect of the proposed development on residents' living conditions and highway safety but believed a scheme could be designed and laid out so as not to have an unacceptable effect on residential amenity and on the living condition of future and nearby residents.

On the matter of highway safety and noting the site circumstances, the provision of adequate off-road parking provision was acknowledged as an important material

consideration. There were however insufficient details submitted to demonstrate that the site was capable of providing off-road parking to the Council's standards. There was therefore a risk that the development could lead to on-street parking which would exacerbate the existing parking pressures and interrupt the free and safe flow of traffic and pedestrians. For this reason alone, the appeal was dismissed.

This revised application now proposes to limit the development to a two bedroom house with a single integral/attached garage. The regulations require, where layout is a Reserved Matter, the application must state the approximate location of buildings, routes and open spaces included in the development proposed. A 1:200 scale layout plan has been submitted indicating the position of the dwelling on the upper part of the site set back just over a metre from Glyn Street which fronts the plot and 8.5m from the rear site boundary with 32 High Street which crosses the steepest part of the site. The dwelling is equidistant from the side boundaries of the plot that adjoin a detached garage at the rear of 28 High Street and the parking bays and terraced gardens that serve Filas Wessex.

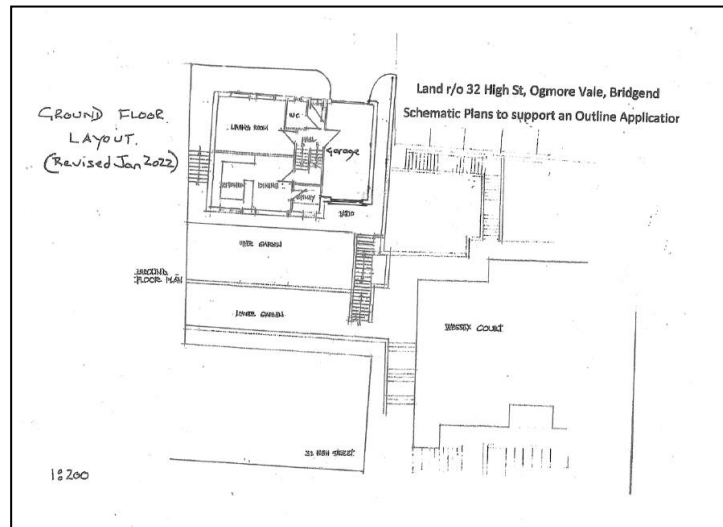


Figure 1 Site Layout Plan

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwelling. The submitted plans indicate a dwelling with a square footprint measuring 8m x 8m with a side attached garage measuring 3m x 6m. An elevation drawing shows an eaves height of 4.5m and 5.7m measured at the front and rear elevation respectively. The maximum height measured from the ridge will be 7.4m from the new slab level.

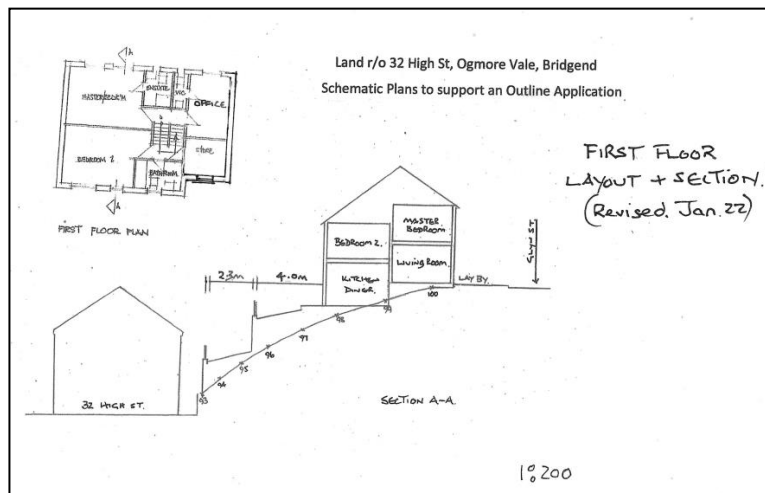


Figure 2 Elevations and Cross Sections

Where access is a Reserved Matter, the application must state the area or areas where access points to the development proposed will be situated. Access will be gained directly from Glyn Street and will serve a single garage and short forecourt area. Space for one vehicle is proposed.

#### RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/07/756/OUT	One Pair of Houses	Refused	13/08/2007
P/08/705/OUT	Single dwelling and associated external works	Conditional Consent	19/09/2008
P/19/328/OUT	Outline for one dwelling	Refused	13/12/2019
P/20/703/OUT	Erection of one dwelling	Refused	06/01/2021
1911	Appeal against the refusal of Planning permission P/20/703/OUT	Appeal Dismissed	27/04/2021

#### CONSULTATION RESPONSES

##### CONSULTEE

##### COMMENTS

**Ogmore Valley  
Community Council**

No comments received.

**Principal Officer  
Highways Development  
Control  
Biodiversity and Policy**

No objections subject to conditions.

No objection subject to conditions.

**Land Drainage**

No objection subject to conditions.

**Dwr Cymru Welsh  
Water**

We would request that if you were minded to grant Planning Consent for the development that the recommended advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Shared Regulatory  
Services – Environment  
Team – Land Quality**

No objection subject to conditions.

#### REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

Objections have been received from the owners/occupiers of the following properties:

26 & 28 High Street and 1 Filas Wessex

The following is a summary of the representations received:

- Increased parking and traffic pressure - the street currently accommodates two or more vehicles per household, and the newly submitted plans only account for one parking space. Games room and office could be used as bedrooms in the future, increasing demand for car parking which will be on-street.
- Loss of light – elevated position of dwelling would block light to windows in neighbouring properties and garden areas
- Loss of privacy – window serving bedroom 2 will directly overlook the gardens of neighbouring properties – dwelling will generally overlook neighbouring properties
- Not sufficient space on land to provide garden and parking space without having an impact on the neighbouring properties.
- Safety concerns - construction work could damage existing retaining walls
- When scheme was originally granted, Filas Wessex had not been constructed – circumstances have changed
- No requirement for the development - priority should be to encourage for the regeneration of these empty buildings, prior to new builds being approved.

The occupier of 3 Filas Wessex supports the proposal.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The concerns raised by residents concerning the impact of the development on living conditions and highway safety are addressed in the appraisal section of the report. On other matters, the following comments are offered:

- Safety concerns and possible issues of trespass would be addressed under other legislation.
- The block accommodating Filas Wessex was built between 2003 and 2005 and the impact of this development on the adjoining land was considered as part of the 2008 consent and the more recent applications/appeal.
- Whether demand exists locally for the accommodation proposed is not a significant or material factor in the determination of this application.

### **PLANNING POLICIES**

#### **Local Policies**

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

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 ENV7	Natural Resource Protection and Public Health
Policy SP10	Retail and Commercial Hierarchy
Policy COM3	Residential Re-Use of a Building of Land

Supplementary Planning Guidance 8	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity & Development

#### **National Policies**

In the determination of a Planning application regard should also be given to the 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 Nature Conservation and Planning

Planning Policy Wales TAN 12 Design

Planning Policy Wales TAN 18 Transport

### **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 into 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 seeks to agree the principle of developing land to the rear of 30/32 High Street for one dwelling. The main issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the street scene and surrounding area, impact on neighbouring properties, drainage, and ecology and highway safety.

#### Principle of the Development

The application site lies within the district centre and residential settlement of Ogmere Vale as defined by Policies PLA1 and SP10 of the LDP 2013. Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. Policy SP10 does require all new development within the retailing and commercial centres to provide retail, community or commercial floorspace on the ground floor however, as this site occupies the elevated land at the rear of the frontage of retail units and faces Glyn Street, which is predominantly residential, the requirements of the Policy are not justified in this location. Retail or commercial development on this site would potentially have a greater impact on the living conditions of the nearest residents.

The site is classed as a vacant site under Policy COM3 and therefore residential development would be acceptable in principle, a view shared by the Inspector, however, it does not follow that all brownfield sites will be suitable for development. Policy SP2 requires all development to contribute to creating high quality attractive, sustainable places which enhance the community in which they are located. In particular, it seeks to ensure that the viability and amenity of neighbouring uses, and their users/ occupiers will not be adversely affected. Policy PLA11 also requires all development to provide appropriate levels of parking. These are material considerations that carry significant weight in the context of the development plan as a whole.

#### Impact on the character and appearance of the street scene and surrounding area

Glyn Street is characterised by traditional stone-faced properties, generally two storey in scale and elevated some 2m above the eastern side of the highway. Apart from a single dwelling at the southern end and random detached garages, parking areas and low boundary walls, the western side of Glyn Street is undeveloped and forms the rear boundary of the land and gardens associated with existing uses on High Street.

The dwelling will therefore be prominent and the first building of significant scale on the western side at the northern end of the road. The parameters of the building are relatively modest and although the indicative design does not follow the pattern of the existing housing, it should not be so out of keeping with the surroundings to warrant a refusal of permission on this basis. That position is supported when the wider views of the site are considered from the western side of the valley and from the southern and northern approaches. Existing buildings and landscape features obscure many views of the site but where the development will be visible from public places, the elevated properties on the eastern side of Glyn Street will frame the development and with a ridge height that will be below the nearest properties, the development should not appear incongruous. The proposed development is considered not to have an adverse impact on the existing street scene or wider area. Accordingly, it is considered that the proposed development accords with Policy SP2 (2) and SP2 (3) of the LDP.

#### Impact on neighbouring amenities and amenities of future occupiers

The plans that have accompanied the application indicate that the proposed dwelling will be sited approximately 1m behind the back edge of the pavement on the western side of Glyn Street. The properties opposite are elevated above road level and will be approximately 13m from the new dwelling, conflicting with the Council's privacy standard of 21m between habitable room windows. The supplementary Planning guidance for house extensions identifies circumstances where a reduction may be acceptable one of which is when the overlooking is between windows fronting on to a highway where established building lines are less than 21 metres apart. In this case the existing and proposed windows front a highway but the building line is only established on the eastern side of Glyn Street. It was the Council's view that the levels of privacy that would be afforded to the respective occupiers would not necessarily achieve the normal levels for new development. In the appeal decision, the Inspector acknowledged that the separating distance was below the standard set out in the supplementary Planning guidance but maintained that in most built up situations it is not generally possible to achieve high expectations of privacy from the highway frontage. The relationship between the application property and Glyn Terrace would not be an unusual one and the Inspector's considered the Council's concerns to be unfounded on this point.

The site is very steep with a difference of about 9 metres between the ground floor of the Photographic Studio in High Street and Glyn Street. The proposed dwelling would be set back about 1m from the eastern boundary and would extend 8.2m into the plot, approximately half the total site area will be covered. The distance between the elevated rear elevation of the new dwelling and the rear of 32 High Street measures 10m in the

horizontal on the cross-section drawing which again represents a significant reduction in the normal separation standards. From floor plans that accompanied a recent application for the photographic studio, there are however no habitable rooms in the rear of the building.

Loss of outlook and privacy are therefore not considerations as it relates to the properties that are directly in line with the rear elevation of the proposed dwelling. Representations have however been received on this application from the occupiers of 26 and 28 High Street which lie to the north of the development site with concerns being raised that windows in the new dwelling will overlook the rear elevations and gardens of these neighbouring properties.

As this application does not seek to agree the layout and design of the dwelling, the position of windows on the layout plan is merely indicative. Based on the plan, however, there would be no direct views into the neighbouring properties. This would be a matter of detail that would be carefully considered as part of any future application. A design could seek to position the habitable room windows away from the boundaries of the site to limit overlooking. Some loss of privacy is however inevitable but in the view of the Inspector, such an arrangement is typical of densely built-up residential environments.

Generally, development should not be positioned so close to the boundary with a neighbouring property such that it would unacceptably encroach upon the sense of openness and outlook from both the house and garden. The rear elevations of nos. 26 and 28 have been extended with the rear windows overlooking the elevated terraced gardens and detached garages on Glyn Street. The current outlook is somewhat oppressive but that is in part due to topography and previous building works undertaken. Although the proposed dwelling will be sited on elevated ground to the south of the objectors' properties, it will not directly align with any rear facing windows. Again, some impact on the outlook from the neighbouring gardens will occur but not to the extent as to warrant refusing this application. It should be noted that the Inspector made no reference to the relationship with these neighbouring properties.

The indicative plans and cross sections suggest that the rear garden of the proposed dwelling would have to accommodate a drop of about 6.5m over a distance of 9m to the rear yard of 32 High Street. The elevated terraced garden areas that would be formed to serve the future occupiers would overlook the windows and garden areas of the adjacent properties. This could have resulted in a loss of privacy and was one of the reasons why the previous application was refused permission. The Inspector noted that the application had been supported by two alternative illustrations of siting and layout, both of which involved tiered or terraced gardens and amenity spaces at the rear with the second alternative also including a garden to the side adjacent to the elevated garden platform to 1 Filas Wessex.

In the latter arrangement, the Inspector noted that there would be scope for some overlooking of the adjacent garden from the proposed development but was of the view that the existing garden was already overlooked by an elevated communal staircase leading from the shared parking bays. The properties did not enjoy any particularly high standards of privacy and the outlook towards the site was already restricted by a solid wall. In any event the first alternative layout indicates that the garden area to the development could be contained to the rear where any intervisibility would not be untypical of densely built-up residential environments such as this. The Council's concerns were noted but not upheld.

The terraced gardens, in the view of the Council, also provided an unacceptably poor standard of amenity space for the future occupiers. Both options presented by the

applicant had deficiencies both in terms of useable space and accessibility. In our decision, it was acknowledged that the Council did not have adopted policy/guidance that set out minimum outdoor amenity standards. In terms of useable garden space for the occupiers of the proposed dwelling, the Inspector noted that the gardens would be sloping but not significantly so and they would provide a pleasant sense of openness and space to the rear. Moreover, level terraces for sitting out and general domestic activity such as clothes drying were illustrated.

Taking all the above matters into consideration, the Inspector was of the view that a scheme could be designed and laid out on the site in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and was content that the development was in accordance with Policy SP2. In the light of that decision, the Council must accept those findings and conclude that the development could meet the placemaking principles of national policy.

### Access and Parking

The application is made in Outline but differs from the previous refusal in that it now proposes a two bedroom dwelling. The parameters (length, breadth, height) of the dwelling are unchanged but the indicative plans now incorporate a single attached garage on the ground floor and office in lieu of the third bedroom on the first floor.

The site is served by Glyn Street which only has development on one side given the steep valley side. The developed side is comprised largely of terraced properties without off-street parking. Furthermore, some properties on High Street utilise Glyn Street for both off and on-street parking given the commercial and classified nature of High Street. Glyn Street consequently suffers from high levels of on-street parking. Parked cars have the effect of narrowing the carriageway, in this case, to single width. In these circumstances and given the limited capacity of the highway to accommodate further parking demand, the provision of adequate off-road parking provision is an important material consideration.

This part of Ogmores Vale lies within Zone 3 as defined in SPG 17: Parking Standards. New housing requires 1 space per bedroom to a maximum requirement of 3 spaces. The parking standards are however based upon a maximum criterion and the application of sustainability criteria would allow the parking requirement to be reduced to one space. On the basis that the submitted plans indicate that one off-street car parking space can be provided, the proposed development would meet the Council's current standards. The proposal therefore accords with Policies SP2 (6) and PLA11 of the LDP and Supplementary Planning Guidance SPG17: Parking Standards.

### Drainage

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

### Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and, in so doing, promote the resilience of



ecosystems, so far as consistent with the proper exercise of those functions.” Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning); and,
- (e) The adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

The site has been colonised by scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds, and reptiles. The development may encounter nesting birds and or reptiles when undertaking the scrub clearance. In addition, it is noted Japanese Knotweed along with Montbretia which has been dumped at the site. These species are listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9 them to grow in the wild.

The applicant will be required to submit a clearance methodology prior to works commencing on site. This methodology should also include how the works will mitigate for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading.

#### Location in a mining area

The Planning application site is located in a Low-Risk area when considered from a coal mining legacy perspective. In view of this, the proposed development is considered to comply with Policy ENV13 of the LDP.

#### **CONCLUSION**

In the light of the previous Planning appeal decisions, this application is recommended for approval on the basis that the principle of developing this site for a single two bed dwelling accords with both national and local Planning policies.

The submitted indicative plans suggest that a scheme could be designed and laid out in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and the development is in accordance with Policy SP2.

The concerns that have been offered by residents have been considered but would not justify a further refusal of consent, particularly having regard to the Planning Inspector's

consideration of such matters. Reducing the size of the dwelling and providing a plan that indicates that car parking could be provided addresses the previous highway objection.

Members should be aware that any decision to refuse this application would be challenged again at appeal and there would be a substantive reason for costs to be awarded against the Council. Section 12 Annex to the Development Management Manual confirms that Local Planning Authorities are at risk of an award of costs being made against them if they behave unreasonably in refusing or objecting to particular elements of a scheme that the Welsh Ministers or Planning Inspector have previously indicated or determined to be acceptable.

## **RECOMMENDATION**

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

1. The consent hereby granted shall be limited to the construction of a single 2-bedroom dwelling.

Reason: For the avoidance of doubt as to the extent of the scale of development consented and to protect the amenities of both existing and future residents and in the interests of highway safety.

2. The plans and particulars submitted in accordance with the Reserved Matters shall include the following:
  - a scheme for the provision of 2 cycle parking spaces
  - a scheme for the provision of 1 off street parking space

The cycle and parking areas shall be implemented before the development is brought into beneficial use and retained for cycle and parking purposes in perpetuity.

Reason: To enable the Local Planning Authority to fully assess the impact of the future development on the occupiers of the adjoining properties and in the interests of promoting sustainable means of travel to / from the site.

3. No development shall take place until details of the proposed floor levels of the building in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

4. The proposed means of access shall be laid out with vision splays of 2.4m x 17m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety.

6. 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 the future maintenance requirements, has been submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of the dwelling commencing.

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

7. No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority an Ecological Working Method Statement (EWMS) incorporating a methodology for the clearance of vegetation and the eradication of invasive species on site. The agreed Working Method Statement shall be followed throughout any clearance works on site.

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

8. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that proper site investigations have been carried out at the site sufficient to establish what ground precautions are necessary in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed buildings in order to minimise any impact which might arise as a result of the excavations on the neighbouring land. The Certificate shall include details of such precautions and these precautions shall be adopted in full in the carrying out of the development for which Planning permission is hereby granted.

Reason: In the interests of safety.

9. 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.

10. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*
  - a) In the light of the previous Planning appeal decisions, this application is recommended for approval on the basis that the principle of developing this site for a single two bed dwelling accords with both national and local Planning policies. The submitted indicative plans suggest that a scheme could be designed and laid out in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and the development is in accordance with Policy SP2. The concerns that have been offered by residents have been considered but would not justify a further refusal of consent, particularly having regard to the Planning Inspector's consideration of such matters. Reducing the size of the dwelling and providing a plan that

indicates that car parking could be provided addresses the previous highway objection.

- b) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts however, you are minded that the responsibility for
- (i) determining the extent and effects of such constraints
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site
    - Unprocessed/unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
  - (iii) the safe development and secure occupancy of the site rests with the developer.
- c) Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.
- d) The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.
- e) 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.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None