

REFERENCE: P/21/521/FUL

APPLICANT: Mr & Mrs Tilley 5 Stable Lane, Pantygog, Pontycymmer CF32 8DQ

LOCATION: Land to west of Stable Lane, Pantygog, Pontycymmer CF32 8DQ

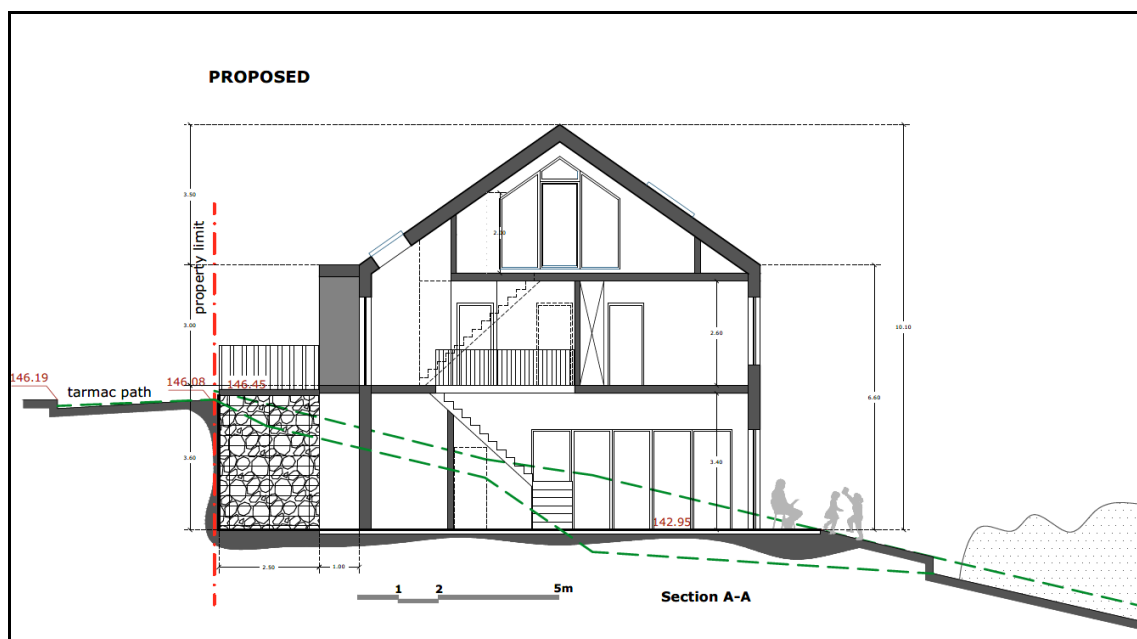
PROPOSAL: Demolition of existing garage block; construction of 4 parking spaces in place of demolished garage block; construction of 1 new dwelling house on unused land

RECEIVED: 2 June 2021

SITE INSPECTED: 26 July 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

This application seeks full Planning consent for erection of one dwelling on land to the west of Stable Lane, Pantygog. The dwelling is proposed to lie to the west of the existing access road and will be set into the steeply sloping ground.

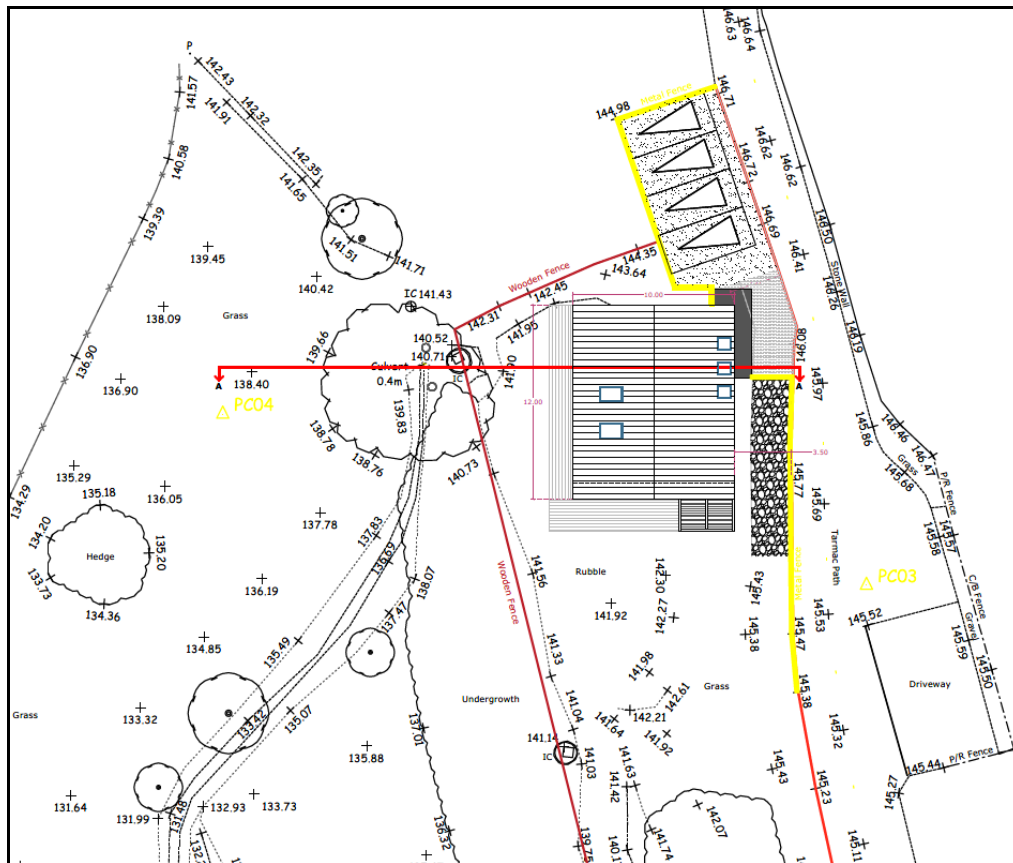


Proposed Cross Section (viewed from the north)

The dwelling will have a pitched roof set at approximately right angles to the properties on the eastern side of Stable Lane and will measure 12 metres in width, 10 metres in depth and 10.1 metres in maximum height (6.6 metres to eaves) measured from the plateau level on which the dwelling is to be established.

It will comprise a snug, playroom, utility room, WC, storage room and open-plan kitchen/dining/living area at ground floor level, a master bedroom with walk-in wardrobe and ensuite bathroom with two additional bedrooms and a family bathroom at first floor level and a storage room at second floor level.

Annotations on the drawing indicate that the first floor level of the dwelling will be set at 146.55, approximately 350mm above the level of the access road which will serve the dwelling.



Proposed Site Layout

The dwelling will principally face east with the eastern elevation providing the main access point to the dwelling via a lightweight overhang forming a porch-style structure. The dwelling will have a mixture of finishes to include stonework, timber cladding and slate coloured metal roofing. Windows and doors are proposed to be black aluminium. The southern and western elevations provide the most window openings taking advantage of orientation of the sun.

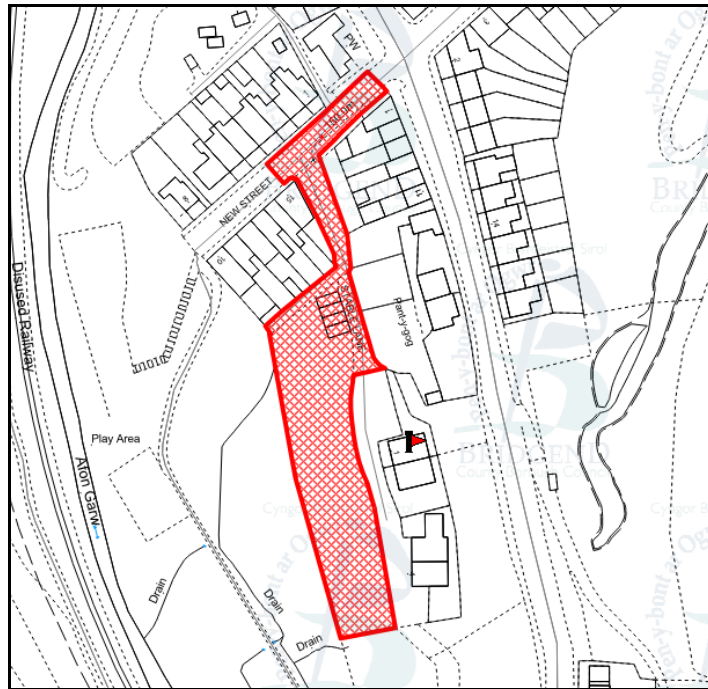
The private amenity space will be provided to the south and west of the dwelling at ground floor level, set at a level of 142.95.

In addition to the above, the submission comprises the demolition of the existing garage block to the north of the proposed dwelling and its replacement with car parking spaces on the retained base.

SITE DESCRIPTION

The application site lies within the Local Settlement of Pontycymmer and Blaengarw, as defined by Policy PLA1 of the adopted Local Development Plan (2013) and abuts the settlement boundary on its western and southern boundaries.

The site is set down from Cuckoo Street, the main A4064 route and is set approximately 10 metres above the River Garw in the valley bottom to the west. It lies to the south of 10-15 New Street and comprises a linear-shaped parcel of land, accessed from New Street and located on the western side of an existing access road which serves four other properties at Stable Lane, as shown below:



OS Map Extract of Application Site

The land in this area slopes steeply from east to west and the existing dwellings on the eastern side of the access road appear to have been constructed on a plateau created by cutting in to the slope. The dwellings are finished in a mix of materials which includes horizontal timber cladding, stone and slate:



Properties on eastern side of Stable Lane

The site itself is currently overgrown with vegetation and overgrowth.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/86/OUT	4 dwellings – Outline application	Conditional Consent	14/07/2006
P/07/1265/OUT	4 detached dwellings	Refused	11/12/2007

P/09/346/RLX	Extend the time to submit Reserved Matters by two years (consent P/06/86/OUT)	Conditional Consent	03/07/2009
P/10/48/RES	5 bed detached dwelling with double integrated garage and driveway with 4 parking spaces and garden and terraced patio	Conditional Consent	02/07/2010
P/10/486/RES	1 x 4 bedroom detached dwelling at Plot 1	Conditional Consent	16/08/2010
P/10/848/RES	2 dwellings (application for approval of Reserved Matters)	Conditional Consent	27/04/2011
P/11/910/RES	Reserved Matters application for 2 dwellings	Refused	31/01/2012
P/12/94/RES	Resubmission of Reserved Matters application (P/11/910/RES) for 2 dwellings	Conditional Consent	28/03/2012
P/14/597/FUL	3 bedroom two storey dwelling	Refused	06/11/2014
P/15/113/FUL	Proposed single storey extension	Unconditional Consent	17/04/2015
P/15/624/FUL	3 bedroom two storey dwelling (resubmission of P/14/597/FUL)	Conditional Consent	10/06/2016

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Highways Officer

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

Land Drainage

No objection subject to the imposition of the recommended Planning conditions and informative notes.

Dwr Cymru/Welsh Water

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

Structural Engineer

There should not be any issues to the proposed development from ground instability and the proposal is considered to be acceptable in this regard subject to the implementation of the recommendations of the Site Investigation Report.

Biodiversity Policy and Management Officer

No objection subject to the recommended conditions.

Shared Regulatory Services Public Protection: Contaminated Land

Recommends the inclusion of Planning conditions and informative notes.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Geotechnical Mining Report are sufficient for the purposes of the Planning system in demonstrating that the application site is safe and stable for the proposed development.

Natural Resources Wales

No objection.

INITIAL REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice dated 7 July 2021 and direct notification to thirteen of the closest properties to the application site. The initial period for consultation expired on 28 July 2021.

When the application was initially submitted, residents of numbers 1-4 Stable Lane, Pantygog provided a joint response to the consultation, raising concerns about Planning conditions imposed upon a previous consent (P/15/624/FUL refers). The residents sought reassurance that the conditions relating to land stability and highway safety would be reimposed upon any consent to be granted to ensure that the development site does not undermine the access road to the properties on the eastern side of Stable Lane or the properties themselves. Concern is raised that any construction work *will exacerbate the instability of the road and the properties along the whole of Stable Lane.*

To emphasise the concerns raised in respect of ground instability a photograph taken in 2013 has been submitted to demonstrate the topography of the site underneath the existing vegetation:



Photograph (from west) taken in 2013

Concern is also raised about deliveries and vehicles preventing access/egress to properties along Stable Lane. This concern is noted and has been considered by the Highways Officer and this matter is addressed in the appraisal section of this report.

FURTHER REPRESENTATIONS RECEIVED

On receipt of amended plans and additional information by way of an Ecology Report, Tree Survey and a Site Investigation and Geotechnical Report, a second consultation was undertaken which was sent to thirteen of the nearest neighbouring properties.

A letter was received on 18 January 2022 from the occupiers of 2 Stable Lane, Pantygog again raising concern about land stability and the reimposition of Planning conditions associated with an earlier Planning consent (P/15/624/FUL refers).

The occupiers of number 4 Stable Lane also submitted a response on 25 January 2022 raising concern about structural stability and stating that *any further construction work could cause significant damage to the road and all four existing properties*.

Concerns have also been raised by the occupiers of 12 New Street, Pantygog in respect of the demolition of the existing garages to the north of the existing dwelling. The response states that the development will prevent the use of the garage for storage of a classic car through the demolition of the building which raises concern. Whilst this concern is noted, it cannot be considered as a material matter in the determination of this Planning application as it is understood that the garage block is within the ownership of the applicant.

Any form of informal arrangement which may cease as a result of Planning permission being granted cannot be considered as a material. Whilst it is appreciated that the occupiers of 12 New Street will no longer benefit from being able to use the garage to store a classic car, this is a private matter and will not be considered further in the determination of this Planning application.

RELEVANT 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 SP6	Minerals
Policy ENV13	Unstable Land
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building of Land

Supplementary Planning Guidance 2	House Extensions
Supplementary Planning Guidance 7	Trees and Development
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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to the Development Control Committee to consider the objections received from local residents on Stable Lane, Pantygog.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, biodiversity, drainage and land stability.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Local Settlement of Pontycymmer and Blaengarw, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013) (LDP). Policy COM3 of the LDP (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use."

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

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions. Therefore, due regard must

be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking and considers the development and its associated benefits as a whole rather than as a physical boundary.

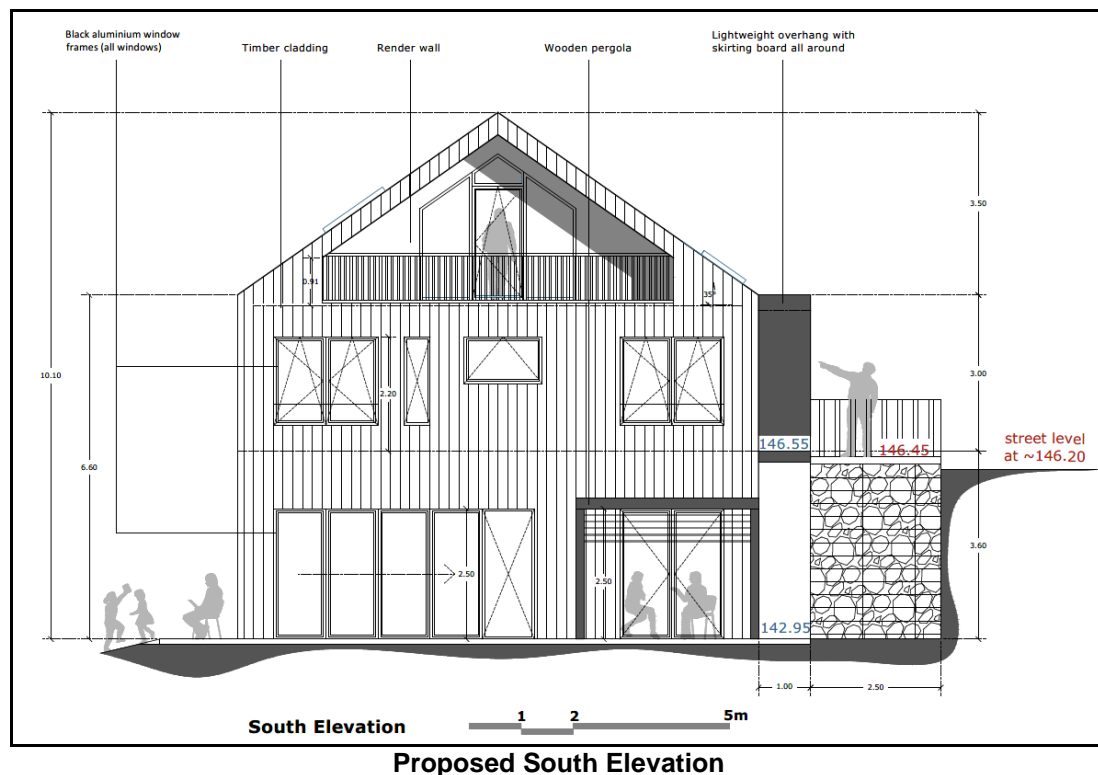
DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

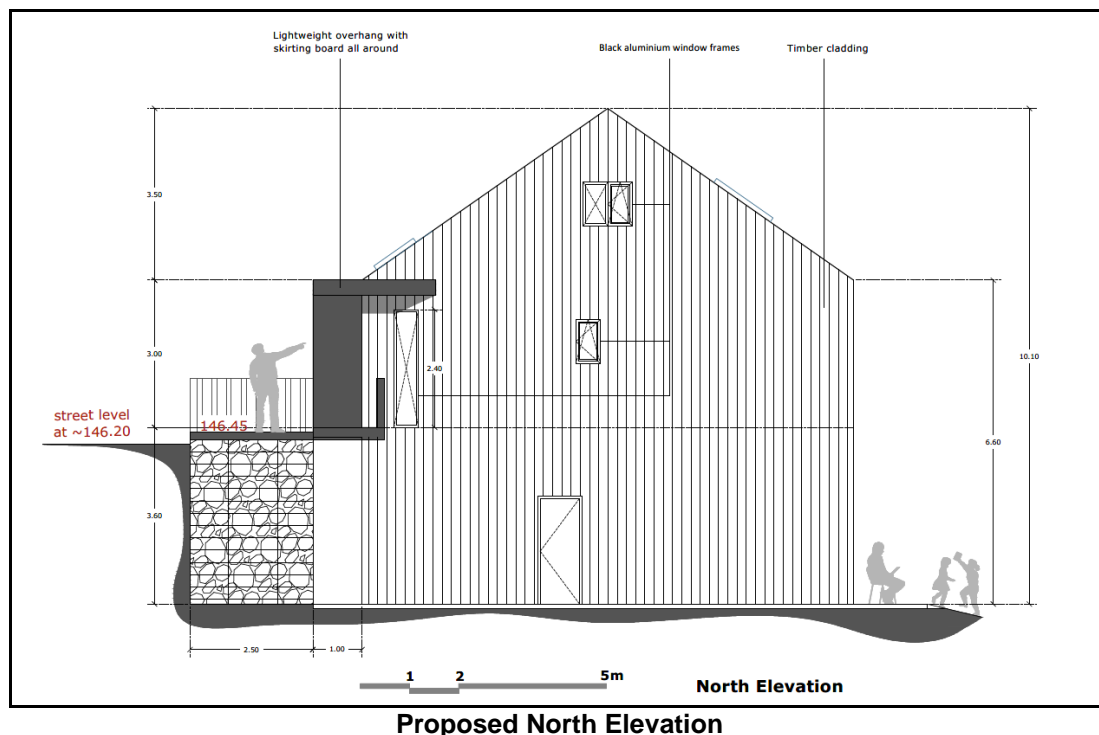
Having accepted that the land is capable of development in principle, the details of the scheme fall to be assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”. “Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The existing site is vacant and overgrown with vegetation and sits on land which slopes steeply from east to west. It is set within an established residential area which is characterised by a mix of house types including semi-detached single storey dwellings, two storey terraced dwellings of traditional form and traditional detached cottage-style properties. In general terms, it is considered that the introduction of a residential dwelling in this location would be in keeping with the general character of the area and would not cause a significant harm to the visual amenities of the wider residential area.

The Site Layout Plan shows the dwelling to be positioned approximately 2 metres to the south of the existing garage block and around 3.5 metres to the west of the existing access road, beyond a set of gabion baskets which will support the existing slope of the land once excavation works have taken place to create the plateau, as shown in elevation form below:





The dwelling is proposed to reflect the existing properties along the eastern side of the access road and the materials proposed will be in keeping with those found within the vicinity of the application site.

The house design utilises the height difference of the land to have the main entrance straight into the first floor from the street. It will therefore appear, when viewed from public vantage points, as a single storey dwelling like those positioned on the other side of Stable Lane.

In consideration of the scheme as a whole and with regard to the context of the application site, the proposed dwelling is considered to be acceptable in design terms and will not detract from the character or appearance of the wider residential area to the extent that would warrant a refusal of Planning permission on such grounds. The proposed development is therefore considered to be compliant with Policy SP2 of the Local Development Plan (2013).

NEIGHBOURING/RESIDENTIAL AMENITY

Notwithstanding the fact that the introduction of a dwelling in this location is generally acceptable and will not cause a significant harm to the visual amenities of the area, regard must be given to residential amenity.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

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

Whilst guidance contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02) refers specifically to the design of extensions and alterations to detached, semi-detached or terraced houses and bungalows, its principles are considered

to be applicable in this case.

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

Paragraph 3.21 of PPW11 also refers to amenity, and states that “the Planning system must consider the impacts of new developments on existing communities and maximise health protection and well-being and safeguard amenity” and “where new development could have an adverse impact on health, amenity and well-being...development should be refused”.

The occupiers of the proposed property will be provided with a private amenity area at lower ground floor level to the south and west of the proposed dwelling. This is considered to be of a reasonable size and is therefore considered to be compliant with Note 8 of SPG02.

Whilst the southern elevation of the property is relatively heavily glazed, it is not considered to result in any direct overlooking into the properties on the eastern side of Stable Lane given their orientation and the orientation of the proposed dwelling. As such, the development is considered to be compliant with the guidance contained within SPG02 and is therefore considered to be acceptable in respect of its impact on amenity and its amenity provided for future occupiers.

HIGHWAY SAFETY AND PARKING PROVISION

The proposal seeks to construct a new dwelling served by a private drive off New Street, Pantygog. The site has previously had consent for a dwelling (P/15/624/FUL refers). The site abuts an earlier development of 4 dwellings which were subject to highway improvements on Cuckoo Street, New Street and along the access itself (known as Stable Lane).

It was acknowledged at the time of determining that earlier application that some of those highway works originally required under P/06/86/OUT (thereafter extended by several consents including P/09/346/RLX, P/12/94/RES (Plots 3 and 4), P/10/486/RES (Plot 1), P/10/848/RES (Plots 1 and 2), P/10/48/RES (Plot 2) had been completed.

A review of the latest situation reveals that further works have been completed in the meantime. More specifically, works have now been undertaken to provide the improvement to the junction of New Street/Cuckoo Street and the widening of New Street (under conditions 2 and 3 of P/06/86/OUT). Accordingly, such conditions are no longer required.

Notwithstanding the above, improvements to the access off New Street and the provision of a turning head are still required. It is noted that the red line boundary of this application will preclude the implementation of part of the scheme previously outlined. Accordingly, whilst some of the turning head will be outside the red line boundary of this plot it has already been laid out as a flat hard surface suitable for turning. With the provision of a set-back of part of the north-eastern boundary of this plot via a Planning condition the remainder can be provided and thus obviate the need for an objection from the Highways Officer.

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:

BIODIVERSITY

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Section 40 of the Natural Environment and Rural Communities Act 2006 which states '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"

Criterion (3) of Policy ENV6 of the Local Development Plan (2013) states "proposals for development or redevelopment will be required to avoid or overcome harm to nature conservation assets and/or species of wildlife which may be either resident, in-situ or which can be demonstrated to have frequented habitats within the site on a migratory basis". Its aim is to achieve a balance between the location, design and layout of development or redevelopment and the need to conserve that site's biodiversity interest whilst also taking into account the interests of any adjacent nature conservation resources.

In support of the proposed development, the applicant provided a Preliminary Ecological Appraisal prepared by Acer Ecology, dated October 2021, which included a Preliminary Roost Assessment and an Eradication of Himalayan Balsam Method Statement. The applicant has also provided a Tree Survey Report prepared by RTAC, dated September 2021.

In reviewing the additional documentation submitted, the Biodiversity, Policy and Management Officer has concluded that if the application were to be granted, Section 4 *Recommendations and Conclusions* of the Preliminary Ecological Appraisal should be implemented and this should be secured by the use of an appropriately worded condition.

It is noted that the Preliminary Ecological Appraisal recommends treatment for the invasive species Montbretia through excavation of the plant and surrounding soils. It should be

noted that this species is subject to Section 34 of the 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) and by a licensed carrier. There are no such licensed sites within Bridgend County Borough. The document also mentions the loss of suitable foraging and commuting habitat for protected species such as bats and hedgehogs and that suitable landscaping will be required to compensate for this loss. It is therefore recommended that a landscape plan detailing the proposed mitigation and compensation measures should be submitted to the Local Planning Authority for approval.

The Tree Survey Report states no trees will be removed to facilitate this development and all retained trees should be unaffected during and as a result of the development. It is recommended that the recommendations of the report are conditioned should consent be given.

Therefore, subject to the inclusion of the recommended Planning conditions and informative notes, the proposal is considered to be acceptable from an ecology perspective and compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

DRAINAGE

Criterion (13) of Policy SP2 of the Local Development Plan (2013) states that developments should incorporate "appropriate arrangements for the disposal of foul sewage, waste and water".

The Land Drainage Section has recommended the inclusion of a Planning condition which requires the submission of a scheme for the comprehensive and integrated drainage of the site to include how foul, road and roof/yard water will be dealt with, prior to the commencement of development.

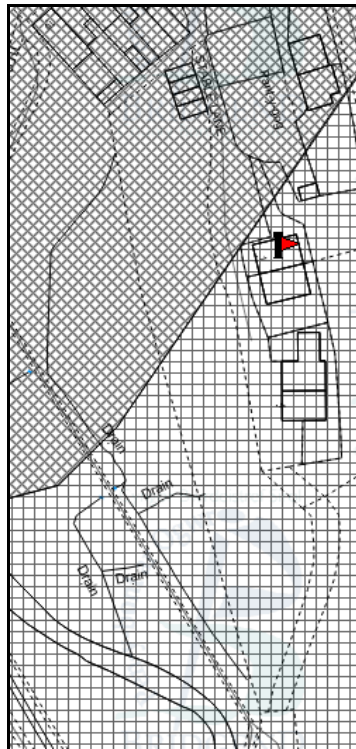
Dŵr Cymru Welsh Water has confirmed that capacity exists within the public sewerage network to receive domestic foul only flows from the proposed development site and has recommended the inclusion of informative notes.

In response to the consultation undertaken, residents of Stable Lane have raised concern about insufficient drainage and the potential impact of insufficient drainage on land stability. Given the response received from Dwr Cymru Welsh Water and the Land Drainage Section, it is considered that the imposition of the recommended Planning condition will satisfy the concerns raised by local residents.

Given the above and subject to the imposition of the recommended Planning conditions, the scheme is considered to be acceptable from a land drainage perspective and accords with criterion (13) of Policy SP2 of the Local Development Plan (2013).

MINING

The application site lies partially within the Development High Risk Area defined by The Coal Authority, as shown hatched diagonally below:



Development High Risk Area

The Coal Authority has stipulated in a consultation response that within the application site and surrounding area there are coal mining features and hazards which need to be considered. Records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth.

In support of the scheme, the applicant has submitted a Geotechnical Mining Report dated February 2011 and written by Terra Firma (Wales) Limited which has been accompanied by up-to-date information for the development site obtained from The Coal Authority.

The Geotechnical Mining Report correctly identifies that the application site has been subject to past recorded mining at shallow depth and may also have been subject to historic unrecorded underground coal mining at shallow depth. Notwithstanding this, Section 4 of the Report confirms that site investigations were undertaken in the form of rotary drilling and that no evidence of coal workings was encountered. Accordingly, no additional investigation or mitigation is considered necessary and the Report concludes by confirming that there is an acceptable risk to the site from shallow coal mining.

The Coal Authority considers that the content and conclusions of the Geotechnical Mining Report are sufficient for the purposes of the Planning system in demonstrating that the application site is safe and stable for the proposed development. No objection is raised and the proposal is considered to be acceptable in this regard. The applicant is however reminded that further and more detailed considerations of ground conditions and foundation design may be required to obtain any subsequent Building Regulation Approval.

PUBLIC PROTECTION: LAND CONTAMINATION

Policy ENV7 of the Local Development Plan (2013) seeks to ensure that development proposals do not cause a new or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to contamination (including invasive species), land instability and any other identified risk to public health or safety.

As such, Shared Regulatory Services were consulted to ascertain the acceptability of the scheme in the assessment of the ground conditions. The Geotechnical Mining Report

dated February 2011 and written by Terra Firma (Wales) Limited includes an assessment of the ground conditions on the opposite side of Stable Lane to the proposed development. The emphasis of the risk assessments included is on structural and drainage issues.

Shared Regulatory Services recommends that the applicant is required to undertake a site specific desk based geoenvironmental assessment of the site, in line with current guidance, to determine whether site based contamination and ground gas assessments and any necessary remediation are required. This can be achieved through the imposition of Planning conditions which in accordance with CIEH best practice will ensure that the safety of future occupiers is not prejudiced, in accordance with Policy ENV7 of the Local Development Plan (2013).

CONCLUSION

Having regard to the above and notwithstanding the objections raised which have been addressed in this report, it is considered that the proposed development is an acceptable form of development in this location and it is therefore recommended for approval.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following drawings:
 - Site Location Plan (amended) received on 19 January 2022
 - Demolition Plan received on 1 December 2021
 - Proposed Ground Floor Plan received on 1 December 2021
 - Proposed First Floor Plan received on 1 December 2021
 - Proposed Loft Plan received on 1 December 2021
 - Proposed Roof Plan received on 1 December 2021
 - Proposed North Elevation received on 1 December 2021
 - Proposed West Elevation received on 1 December 2021
 - Proposed South Elevation received on 1 December 2021
 - Proposed East Elevation received on 1 December 2021
 - Proposed Section received on 1 December 2021

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

2. Notwithstanding Condition 1, the development shall be undertaken in accordance with the following reports:
 - Preliminary Ecological Appraisal Report prepared by Acer Ecology, dated October 2021 and received on 8 October 2021
 - Tree Survey Report prepared by RTAC dated 21st September 2021 and received on 8 October 2021
 - Site Investigation and Geotechnical Report written by Rhondda Geotechnical Services, dated 21/09/2021, received on 8 October 2021
 - Geotechnical Mining Report dated February 2011 and written by Terra Firma (Wales) Limited, received on 18 June 2021

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

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected.

4. 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 commencing.

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

5. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a set back of the eastern site boundary of the application site and the provision of a surfaced area to complement and mirror the adjacent vehicle turning area has been submitted to and agreed in writing by the Local Planning Authority. The turning area shall be completed in permanent materials and clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for vehicle turning purposes in perpetuity.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

6. Notwithstanding the approved plans, no development in respect of the construction of the dwelling hereby approved shall commence until the first 20m section of the access from New Street has been widened to 5.5m in width, reducing thereafter to no less than 3.65m wide as far as the plot entrance, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and shall be maintained and retained in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

7. No development shall commence until a scheme for the provision of 3 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity thereafter.

Reason: In the interests of promoting sustainable means of travel to and from the site.

8. The approved parking spaces shall be provided in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and thereafter retained in perpetuity to serve the occupiers of the approved dwelling.

Reason: To ensure the provision of adequate off-street parking in the interests of highway safety.

9. Prior to the commencement of development, a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of

gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before the occupation of the dwelling and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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

10. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site whether or not it originates on the site.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

11. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme approved must be fully undertaken in accordance with its terms prior to the occupation of any part of the dwelling. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *
Having regard to the above and notwithstanding the objections raised which have been addressed in this report, it is considered that the proposed development is an acceptable form of development in this location and it is therefore recommended for approval.

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

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

As of 7 January 2019, proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of

Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

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

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

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

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

The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- a. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- b. indemnify the County Borough Council against any and all claims arising from such works;

- c. give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None