

REFERENCE: P/21/1057/OUT

APPLICANT: First Rate Products Ltd 11 Salisbury Road, Maesteg, CF34 9EG

LOCATION: Land rear of 35 - 46 Salisbury Road Maesteg CF34 9EG

PROPOSAL: Outline application for 3 dwellings (all matters reserved except access)

RECEIVED: 22 November 2021

SITE INSPECTED: 22 February 2022

APPLICATION/SITE DESCRIPTION

The application seeks Outline planning permission for the residential development of three detached dwellings at land to the rear of 35 – 46 Salisbury Road, Maesteg.

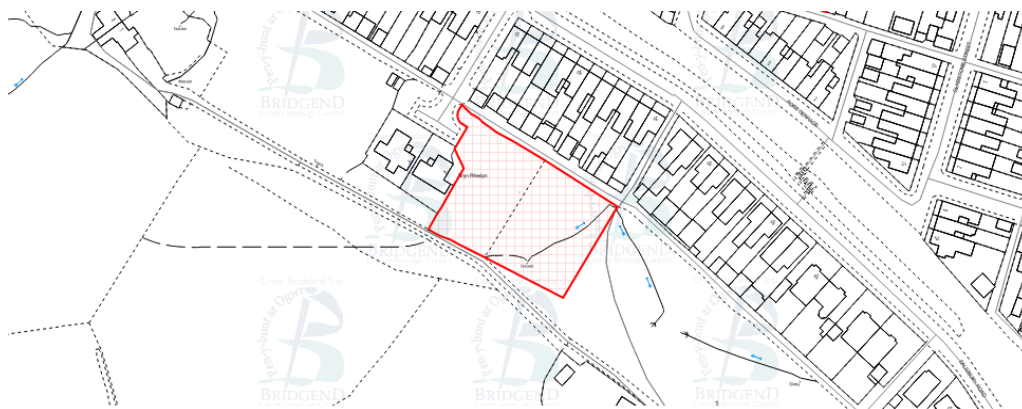


Fig. 1 – Site Location Plan

The application has been submitted in Outline with all matters reserved for future consideration with the exception of the means of access to the site.

Under the provisions of the Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended) the application includes indicative drawings and supporting information that illustrate the likely scale and siting of the buildings, parking spaces and amenity space provision.

The details also specify the likely dimensions of each dwelling which, following the submission of amended plans, would generally follow the form and style of the two existing properties that have been erected directly adjacent to the development site. The dimensions/scale parameters of each dwelling would be:

- Minimum/maximum height between 10.5m and 11.5m
- Minimum/maximum width between 10.5m and 11.5m
- Minimum/maximum depth between 10.5m and 11.5m.

The indicative drawings for the development, as revised, highlight the buildings would be incorporated into the sloping topography of the site with a split-level design (three-storey at the front and two-storey to the rear) and also incorporate integral garages and front balconies. The proposed dwellings would be sited in a linear fashion towards the eastern side of the two relatively modern dwellings previously erected adjacent to the development site, with comparable building lines and massing. An access road to the three units would be created via a new vehicle access off the turning head fronting the two existing properties (5 & 6 Bryn Rhedyn).

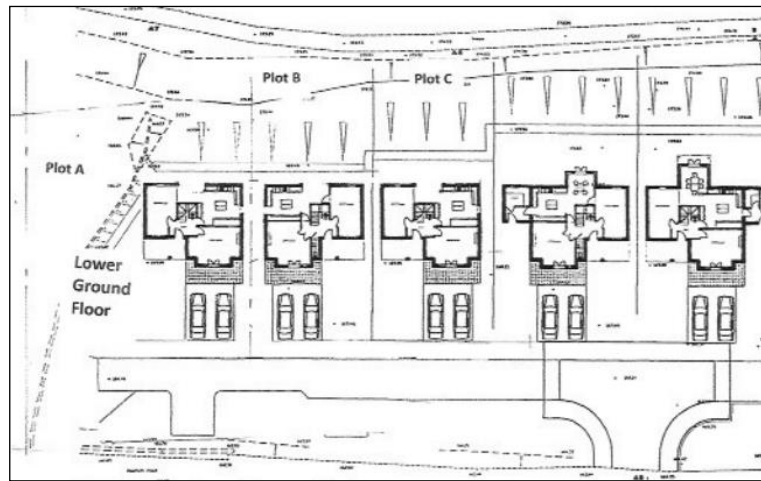


Fig. 2 – Illustrative Site Layout (also showing the two existing plots erected adjacent to the development site)



Fig. 3 – Illustrative front elevations of the proposed buildings

The application site comprises a vacant area of land towards the rear of Salisbury Road and to the eastern side of 5 & 6 Bryn Rhedyn, Maesteg. The site covers an area of approximately 0.24 hectares. The land steadily rises from the rear elevations of properties along Salisbury Road to the open countryside/hillside that flanks the rear of the largely vegetated/grassed site. There are no Tree Preservation Orders on the site. A rear access lane serves properties along Salisbury Road in this area with many of the terraced properties benefitting from rear garage style structures that add a degree of screening to the development site when viewed from the rear of properties along Salisbury Road.

Two modern detached houses, of similar form to the proposed units, sit alongside the development site (5 & 6 Bryn Rhedyn). Public Right of Way/Maesteg Footpath 56 (from Priory Terrace to Pen Yr Ysgol) is situated towards the rear (south) of the site and Public Right of Way/Maesteg Footpath 60 (from Pen Yr Ysgol to Salisbury Road Rear Lane) runs along the eastern side of the development site.

The site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. There is an extensive planning history to the site with numerous residential schemes previously being approved in and around the application site as detailed by the planning history section of this report.

The application is supported by a Preliminary Ecological Appraisal and a Coal Mining Risk Assessment. The applicants have also submitted a Design Statement and a Viability Appraisal for the scheme.



Fig. 4 – Photographs of the Application Site (including adjacent, existing plots)

RELEVANT HISTORY

P/97/1102/OUT – Land at Salisbury Road - Residential Development (Application in Outline) - Granted 14/07/1998

P/99/01/FUL - Land to rear of Salisbury Road, Maesteg - 7 Houses, Private Residential Use And Associated Highway And Lane Improvements - Granted 11/02/2000

P/04/1417/FUL - Land to rear of Salisbury Road, Maesteg - Alterations to Existing Access Road And Private Drive To Serve 5 Dwellings - Granted 05/01/2005

P/04/1418/FUL - Land to rear of Salisbury Road, Maesteg - Two Dwelling Houses (Plots 2 & 4) – Granted 05/01/2005

P/05/1707/FUL - Land to rear of Salisbury Road, Maesteg - Two No. four bedroomed dwellings with integral garage, hammerheads & associated road improvements - Granted 19/05/2006

P/06/978/RLX - Land rear of Salisbury Road, Maesteg - Variation of condition 10 of consent 05/1707 - Re: Wheel Washing Facilities - Granted 06/10/2006.

P/06/1609/FUL - Land rear of Salisbury Road, Maesteg - Minor amendments to approved consent P/05/1707/Ful - Granted 08/02/2007.

P/07/184/OUT - Land rear off 37 To 46 Salisbury Road, Maesteg - Three residential building plots with access from new private drive ~ Approved Under Consent P/05/1707/Ful – Granted 25/04/2007.

NEGOTIATION

The applicant was requested to revise the illustrative details of the development to better reflect the design, massing and general form of properties adjacent to the plot, and it was also requested that the proposal be reduced from four units to three units to further improve the design qualities of the development and improve highway safety. Negotiation was also undertaken with the Council's Ecologist and further information submitted in respect of the biodiversity mitigation/enhancements that would be undertaken at the site.

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 (second consultation exercise) expired on 23 June 2022.

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition regarding the drainage of the development.

Destination & Countryside Management - No objection subject to condition.

Waste & Recycling, Street Scene - Advise consideration needs to be given to waste collections in particular around collection vehicle access.

Maesteg Town Council - Concerns expressed in terms of the access to this site.

Drainage Officer - No objection, subject to conditions.

SRS - Shared Regulatory Services - No observations to make on the scheme.
(Public Protection: Noise).

SRS - Shared Regulatory Services - No objection subject to standard condition.
(Public Protection: Land Contamination).

The Coal Authority - No objection, following the submission of a Coal Mining Risk Assessment. The Coal Authority considers that the content and conclusions of the 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.

Highways Officer – No objection, subject to conditions.

Councillor Ross Thomas - Comments raised about the likely drainage and ecology/biodiversity implications of the development. It is stated that given the topography of the location, there's quite a significant drop-off to the houses below at Salisbury Road. The location of the proposed development is currently thick vegetation which soaks up a significant amount of run-off water and therefore acts as a preventative measure for any flooding issues lower down. There have in the past been incidents - one in particular - where the highway in Salisbury Road was flooded with run-off water. Furthermore, given the thickness and variety of the vegetation and woodland in this area, I would suggest it may be a thriving ecosystem for a variety of species, not least bats.

INITIAL REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice dated 28 January 2022 and direct notification to twenty-nine of the closest properties to the application site. The initial period for consultation expired on 18 February 2022. When the application was initially submitted, for the erection of four dwellings, residents of 34 and 42 Salisbury Road

and 5 Bryn Rhedyn provided individual letters of objection against the scheme and numbers 34, 36, 39, 42, 43, 44, 45 and 46 provided a joint response/petition to the consultation, raising concerns about the development proposal. The initial objections and concerns raised are summarised as follows:

- Loss of light to the adjacent plot including habitable rooms and a bedroom.
- Excessive 3 storey height would cause overshadowing of an already dark site (adjacent plot).
- Loss of privacy being overlooked at side elevation.
- Loss of light to properties along Salisbury Road.
- Over intensification of layout.
- Being sited within 6m of the existing property (5 Bryn Rhedyn) any excavation would de-stabilise the foundations with the Party Wall Act 1996 being relevant here.
- Drainage concerns with existing culverts in the area that would need to be upgraded to prevent flooding of nearby properties.
- Threat of excessive water run off and flooding if the natural water course is altered, also concerns with the existing culvert at the lane behind no. 46 Salisbury Road.
- Construction works causing excess water flow.
- Loss of a side pathway as a result of the development.
- Common use of access path over the site would now be lost, is this now classed as a Right of Way.
- New access created over site resulting in more footfall and properties experiencing more damage/anti social behaviour.
- Full Ecology Assessment required for the site.
- Old disused mine workings, resulting in possible subsidence.
- Previous refusal of nearby site to the rear of Salisbury Road by the Local Planning Authority.
- Consideration to compensation (S106) and whether the developer should upgrade the rear land access or provide rear street lighting.
- Construction nuisance and disturbance previously experienced when the adjacent plots were erected.
- Highway safety concerns.

FURTHER REPRESENTATIONS RECEIVED

On receipt of amended plans that reduced the proposed number of dwellings from four to three at the site, and changed the form and massing of the buildings, to better reflect the appearance and scale of the existing, adjacent plots (effectively improving the design of the development), a second consultation exercise was undertaken, with twenty-nine letters being sent to the nearest neighbouring properties. A Letter of objection was received from the occupiers of 5 Bryn Rhedyn.

The concerns raised again related to ground stability, drainage issues, loss of privacy and overshadowing, loss of a side access path, likely damage to the adjacent plot and construction disturbance. It is also stated that the issue of landscaping needs to be carefully considered in this case.

A letter was also received from the occupier of 6 Bryn Rhedyn, that states that whilst there are no overall objections to the development, observations and concerns are raised in respect of the removal of soil from the site, the likely length of time of the build process and in respect of the landscaping of the site. It is commented the build would require a lot of excavation works and generate traffic plus any damage to the existing road surfaces must be repaired in a timely manner.

COMMENTS ON REPRESENTATIONS RECEIVED

In terms of the amenity impact of the scheme, particularly on the privacy and outlook of the nearby existing properties, the fronts of the new dwellings would be sited in excess of 10.5m (approximately 21m) from the rear gardens and rear garages/boundary walls that define the rear boundaries of the plots along Salisbury Road and a further distance from the main rear elevations of these properties. As such, there should be no overbearing impact or serious overlooking of properties along Salisbury Road as a result of the development of the site in the general manner proposed.

The proposed plot situated within closest proximity to 5 Bryn Rhedyn, that flanks the site, would generally follow the building lines of the existing property and thereby have limited impact on the main front and rear window openings within this existing property. There are a number of smaller windows within the side elevation of this existing property, directly facing the development site, although these largely appear to be secondary habitable room windows (on the basis of the approved plans for this development), and although these side windows would arguably experience a level of light loss and outlook as a result of the proposal, this is not considered so significant or harmful to warrant the refusal of the scheme. An offset between the new detached building and the boundaries of the existing plot would be retained and consideration could be given to the positioning and nature of any side windows within the new development, at the Reserved Matters stage, to ensure no adverse overlooking of the adjacent plot occurs. Again, the adjacent plot would experience some overshadowing and loss of light to its side aspect in particular, however, this is not considered so adverse to warrant the refusal of the scheme in this respect.

In terms of the original submission representing an over intensification/overdevelopment of the site, the layout of the scheme has been revised and the overall number of units has been reduced from four to three dwellings to ensure a more appropriate and less intensive development of the site.

Concerns raised in respect of the impact of excavation works on neighbouring foundations and likely property damage, are acknowledged but not considered a material or justified reason to refuse this Outline planning application.

The characteristics of the site and its vegetated nature are acknowledged and the relevant consultation with the Council's Drainage Officer has been undertaken in this case. Following a site visit, the Council's Drainage Officer has raised no objections to the scheme subject to the imposition of a drainage condition that also requires the submission of a construction management plan outlining how surface water runoff will be managed during the construction phase for the development.

Comments raised in respect of a side walkway being lost at the site are also acknowledged and in light of such observations consultation on the scheme was undertaken with the Council's Rights of Way Section. The Rights of Way Officer has raised no objection against the scheme advising that two Footpaths, 56 and 60 Maesteg, appear to abut the red line application boundary for the development, although from a review and inspection of the submitted plans, none of the works associated with the proposed development would adversely affect the public footpaths. The applicant should however be advised (by means of an advisory note should planning permission be granted) that any storage of materials on the footpaths would not be permitted as access needs to be maintained along the footpaths at all times for use by members of the public. It is also noted that the applicant has also acknowledged and is aware of the Public Rights of Way as indicated within their Design Statement that accompanies the application.

On the basis of the comments of the Rights of Way Officer and given that no formal Public Right of Way would be lost or detrimentally impacted by the scheme (with the informal

path that crosses the private site, and being affected by the proposal, not being a protected Public Right of Way), no concerns in this regard are raised by the application proposal.

The application has been supported through the submission of an initial Ecological Appraisal of the site that, following dialogue and discussion with the Council's Ecologist, is considered satisfactory for the development.

The Coal Authority have reviewed the Coal Mining Risk Assessment that supports the application and raise no objection against the application.

Comments raised in respect of a nearby housing scheme to the rear of Salisbury Road previously being refused by the Local Planning Authority are acknowledged but the current planning application must be judged on its own planning merits and it is highlighted that the specific planning history of this site reveals that residential development has been previously supported on this plot.

Careful consideration has been given to the Section 106 requirements for the development as further discussed in the Appraisal Section of this report, although the scheme raises serious viability issues and any significant contributions would likely render the development unviable. When taking a balanced approach to the wider merits of the proposal in providing more housing stock and housing choice within this location, it is considered the proposal for three residential units can be supported without the need for any Section 106 Requirements in this case.

Construction nuisance and disturbance to some degree is inevitable with any build process within an existing, largely residential locality, although such disturbance would be of a temporary nature and is not a justified or material reason to warrant the refusal of the scheme in this respect.

The appropriate Landscaping of the plot would need to be carefully considered at the Reserved Matters stage, with a condition also being suggested to ensure that appropriate landscaping of the site is undertaken to mitigate the loss of existing planting at the site, enhance biodiversity and to improve the visual qualities of the development proposal.

In respect of highway safety and traffic movements at the site, the Council's Highway Officer has raised no objection against the proposal, subject to the imposition of conditions.

PLANNING POLICIES

Local Policies

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

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP3 – Strategic Transport Planning Principles
- Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP12 – Housing
- Policy SP14 – Infrastructure
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM4 – Residential Density

- Policy COM5 – Affordable Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA9 – Development affecting Public Rights of Way
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV13 – Unstable Land
- Policy ENV15 – Waste Management in New Development
- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

National Planning Policy

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

Paragraph 1.30 of PPW confirms that... *Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

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

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. (Paragraph 2.7 of PPW refers)

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.*

Technical Advice Notes:

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

- 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.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections received from local residents.

The application seeks Outline consent for the erection of three dwellings, with all matters except access being reserved, at land to the rear of 35 – 46 Salisbury Road.

The main issue to consider in the determination of this application is the principle of the development and, whilst acknowledging that this is an Outline application, the likely impact of the scheme on the character and appearance of the existing locality and the potential impact on neighbouring properties, highway safety, drainage and ecology.

Principle of the Development

The application site lies within the settlement boundary of Maesteg as defined by Policy PLA1 of the Bridgend Local Development Plan, 2013 (LDP). Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other Policy protects the building or land for an existing or alternative use.

The proposed site would be classed as a vacant/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 and, as illustrated by the planning history of the site, residential development has previously been approved on the site. Therefore, a residential scheme is considered to be compatible with the locality and acceptable in principle.

Impact on the character and appearance of the locality

Having accepted that the land is capable of development in principle, and whilst noting the Outline nature of the proposal, Policy SP2 of the Local Development Plan (2013) establishes the criteria for acceptable design and sustainable place making.

The policy 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”. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The existing site is vacant and largely overgrown with vegetation and sits on land which slopes quite steeply. It is set behind established terraced properties along Salisbury Road and directly alongside two more modern, detached properties (5 & 6 Bryn Rhedyn) that are sited to the immediate west of the application site. The scheme would inevitably have a marked impact on the character of the existing site although, as detailed would aim to generally replicate and reflect the form and layout of the modern properties that have been developed immediately alongside the application site. Historically, as detailed, planning permission has previously been granted for similar residential schemes on the development site and in general terms it is considered that the introduction of a sympathetically designed, residential scheme in this location, would not be significantly harmful to the character of the area.

The house designs would utilise the height difference of the land with a split level design to ensure the buildings integrate with the sloping site and follow the overall dimensions and massing of the adjacent plots. Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwelling buildings, along with appropriate landscaping and use of finishing materials for the development, would be subject to careful consideration at any subsequent Reserved Matters application should Outline Planning permission be granted, however, at this stage the proposal in visual terms is not likely to be so detrimental to the visual amenities of the area to warrant refusal of the application in this regard.

It is also considered that the proposed site could accommodate three dwellings of the scale and dimensions indicated without leading to the overdevelopment of the site whilst also accommodating appropriate parking and a level of amenity space (including front balcony additions) for the units. The proposed plots are comparable in scale to the other neighbouring residential plots that have been developed in the area and importantly the applicant has positively negotiated and liaised with the Local Planning Authority to agree a more suitable development proposal in this case with it being fully acknowledged a much more intensive scheme for four dwellings was originally considered by the applicant for this location.

In summary, the proposed Outline application and the provision of three dwellings at the site, is considered to be broadly acceptable in design and visual terms and would 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).

Impact on neighbouring residential properties

Notwithstanding the fact that the introduction of three dwellings in this location is generally acceptable in principle 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.

Whilst noting the Outline nature of the proposal, it is considered that the development of three detached dwellings at the site would not, on balance, have a significant adverse impact on the residential amenities of the existing neighbouring properties. Full regard and careful consideration have been given to the comments and objections received from residents of properties along Salisbury Road. However, with due regard to the submitted indicative drawings and the existing site context, the dwellings would be sited with an acceptable offset and level of separation and screening from the rear elevations and associated garden spaces of nearby properties situated along Salisbury Road; the front elevations of the proposed dwellings being sited in excess of 21 metres from the rear elevations of properties along Salisbury Road that are situated on a lower ground level and offset from the development site by a traditional rear access lane.

Careful consideration has also been given to the impact of the scheme on the existing properties that flank the site, in particular 5 Bryn Rhedyn, that immediately abuts the western side of the site and has the potential to be mostly affected by the scheme. The owners of this property oppose the development proposal and highlight the scheme would adversely impact the levels of residential amenity currently enjoyed at this detached property. Nevertheless, having regard to the Outline nature of the scheme and the supporting information that accompanies the proposal, it is considered an acceptable level of amenity would be retained for the occupiers of this existing plot.

The proposed buildings would follow the building lines of the existing plots and have limited impact on the outlook of the principal front and rear windows of the adjacent building. A number of smaller side windows and a side amenity area would experience some limited overshadowing as a result of the development, but this is not considered so significant as to warrant the refusal of the application at this stage. The planning history of the site illustrates residential plots have previously been accepted and supported in this location and, in balancing out the wider merits of the scheme, the proposal can be supported in terms of its likely impact on existing residential properties in the area.

Careful regard would however need to be given to the detailed design and position of the habitable room windows within the new dwellings at the Reserved Matters stage to fully ensure the privacy levels enjoyed by neighbouring properties are appropriately safeguarded.

Overall, it is considered that, it would be possible to design a satisfactory arrangement for the dwellings so that they would comply with Council guidance in terms of amenity protection (SPG 02) and therefore, in principle, the proposed development could be compatible with neighbouring residential properties.

Given the size of the plot and the position and design of the access to the site it is unlikely that the intensified use of the site for residential purposes would give rise to a substantial

or harmful increase in the general levels of noise and disturbance to neighbouring residents, particularly as a result of increased traffic movements.

Highway safety

The Council's Highways Officer has been consulted on the scheme and has carefully considered the transportation implications of the proposal with no objections being raised against the proposal.

It is noted that the application is seeking Outline consent with all matters reserved except for the means of access to the site. It is also noted that this site previously benefitted from planning permission for three dwellings on the site and, therefore, the traffic generation and impact on the local highway has previously been appraised and agreed.

Initially, the applicant submitted plans for four dwellings, which the Highway Authority considered to be detrimental to highway safety as it would have resulted in a substandard turning area and would have had the potential for vehicles to park in the turning head. As a result (and to further improve the design of the scheme), the applicant has re-submitted revised plans which reduced the number of dwellings to three which is in line with the previous consent granted at the site. The revised plans also show a widened access from the existing turning head to allow two vehicles to pass, clear the turning head and not cause an obstruction to existing residents.

However, the submitted plans do not clearly show how future residents will link to the existing footway network, therefore, a condition is requested which would ensure this matter is addressed.

In addition, the Waste Recycling Department of the Council require an area for waste to be presented at the kerb side. As the proposed access will not be adopted, a scheme is requested to agree a location for waste to be presented adjacent to the highway.

It is unclear from the submitted drawings how the proposed access road will be constructed and retained and what its impact will be on the rear lane below the development site. As a result, the applicant will be required to submit structural engineering details of any retaining wall along the proposed access road, which could be secured via a suitably worded planning condition.

Finally, it is noted that the site is constrained by the topography of the land surrounding the proposed development. In addition, it is considered there will be a significant level of soil excavation to create the development plateau. In order to protect the existing residents and the local highway network, the Highways Officer has also requested a condition which would agree the number, route and timings of construction traffic vehicles movements to ensure there is no detriment to highway safety.

On the basis of the above, the scheme is considered acceptable in highway safety terms.

Drainage

The Council's Drainage Officer has undertaken a site walkover of the plot and, along with Welsh Water, has raised no objection to the proposed development subject to the imposition of conditions requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority (including during the construction phase) prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP. The applicant is also advised that separate SAB approval is required for the proposed development.

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 Council's Biodiversity Policy and Management Officer has reviewed the Planning application and the supporting information that accompanies the submission including the submitted Preliminary Ecological Assessment. No in principle objections are raised against the scheme although it is recommended that the mitigation measures and recommendations of the Ecological Assessment and information submitted in respect of the presence on site of a qualified ecologist prior to any clearance works commencing, and appropriate protection of the water courses, are conditioned as part of any approved consent at the site. Conditions in respect of the landscaping of the site and appropriate control/treatment of invasive species are also recommended.

On this basis and given the existing characteristics of the application site it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Mining/Land Stability

The application site is situated within the Development High Risk Area as defined by The Coal Authority and therefore within the application site and surrounding area there could potentially be coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is supported by a Coal Mining Risk Assessment (12/01/2022) that has been carefully considered by The Coal

Authority who consider that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Other Matters

The Council's Shared Regulatory Services/Public Protection (Contamination) Officer has highlighted that contamination is not known at the site, however, the potential for this cannot be ruled out and the unforeseen contamination condition is therefore requested in this case.

As a site that exceeds 0.15 Ha, the application would ordinarily trigger Policy COM5 of the Local Development Plan (LDP) regarding the provision of affordable housing, with Policy SP14 of the LDP requiring applicants to provide planning obligations or contributions if they are deemed necessary to offset any negative consequence of development.

The supporting text of Policy SP14 does highlight that it is important that development costs, including the costs of implementing planning agreements, should not prejudice development that supports the Council's aspiration to see the regeneration and improvement of the Borough.

If such costs would result in a proposal being unviable, the Council may conclude that the benefits of the development outweigh the benefits of seeking to secure all the infrastructural requirements. It should also be noted that whilst the total site area is usually considered large enough to accommodate 5+ units, the particular constraints of the site have led the applicant to seek consent for 3 units as per the advice and discussions held with the Case Officer to improve the overall design and quality of the development proposal.

It should also be acknowledged that appropriate residential development within the settlement boundary in the Valley communities of the Borough is something which the Local Planning Authority are keen to encourage given the general lack of development activity and the challenging viability that routinely applies to schemes in such locations. The Policies of the existing LDP require a viability assessment to prove this to be the case if they are to be challenged. In that regard the applicant has held discussions with the Council's Section 106 Policy Officer and provided an assessment which is welcomed and, when compared to viability information held by the Strategic Planning Team for the locality, it is concluded that the viability appraisal is genuine.

That being the case, the Local Planning Authority would support the notion that the benefit of providing 3 family sized homes in this location outweighs the need to provide a contribution to affordable housing, given that the requirement to do so could render the scheme completely unviable. Given the above, there is no request for Section 106 requirements in this case.

CONCLUSION

Having regard to the above and in view of the Outline nature of the application, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the consideration of the application, however, it is considered that, on balance, they do not outweigh the

other material considerations in favour of the development with the Outline proposal representing an appropriate and compatible form of infill residential development within settlement limits.

RECOMMENDATION

(R05) That Outline permission be GRANTED subject to the following condition(s):-

1. The consent hereby granted shall be limited to the construction of three detached dwellings only and shall be carried out broadly in accordance with the following approved plans and documents:
 - Illustrative site layouts and house plans (as amended) of the development - Received 08 June 2022
 - The Conclusions and Recommendations for mitigation of the Preliminary Ecological Appraisal prepared by East Ecology and the supporting email received 08th June 2022 (in respect of further biodiversity mitigation measures).

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of protecting the amenities of the area and preventing the overdevelopment of the site.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the 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 comply with Policy SP2 of the Bridgend Local Development Plan.

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 take place until details of the proposed floor levels of the dwellings 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.

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

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

6. No development shall commence on site until a construction management plan

outlining how surface water runoff will be managed during the construction phase for the development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for the duration of the construction phase.

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

7. 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.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and agreed 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.

10. No development shall commence until there has been deposited with the Local Planning Authority a Certificate from a consulting engineer certifying that any retaining wall(s) will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall shall be constructed in accordance with the details so certified.

Reason: In the interests of public safety.

11. 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 (LPA), all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

12. No development shall commence until a scheme detailing the vehicular and pedestrian access from the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The agreed access shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of 3 (three) off street parking spaces per dwelling has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

14. No development shall commence until a scheme for the provision of a dedicated recycling and waste area adjacent to the highway has been submitted to and approved in writing by the Local Planning Authority. The waste area shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

15. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic 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 and accompanying site plan shall provide for:

- i. The routeing and timing of HGV construction traffic to/from the site especially during the muck shift operations in order to avoid the network peak hours and school pick up / drop off times.
- ii. the parking of contractor vehicles, site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the existing turning head and road leading to the site.

Reason: In the interests of highway and pedestrian safety.

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

Reason: In the interests of highway safety.

17. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. Having regard to the above and in view of the Outline nature of the application, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage, ecology or land stability.

The issues raised by local residents have been taken into account during the consideration of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development with the Outline proposal representing an appropriate and compatible form of infill residential development within settlement limits.

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

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

d. 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.

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). 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

f. 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.

g. 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.

h. 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.

i. 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.

j. 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.

k. The applicant is advised that the nearby Right of Way(s) situated in close proximity to the boundaries of the site must be kept clear of any materials whilst works are being carried out.

l. The applicant is advised that given the proposed development approaches and would be built close to the boundary of the site due regard must be given to the provisions of the Party wall etc Act 1996. The Act puts in place a framework of notifications and agreements between neighbours to ensure that development can take place without detriment to adjoining owners.

m. The Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining any damage to certain lengths of adopted highway network as a result of this development.

n. 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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None