

**REFERENCE:** P/22/563/OUT

**APPLICANT:** Mr T Carter Ye Olde Barn, Heol y Capel, Nottage, Porthcawl, CF33 3ST

**LOCATION:** Land rear of Arwerydd Porthcawl Road South Cornelly CF33 4RG

**PROPOSAL:** Proposed detached residential dwelling (outline approval sought for layout and scale)

**RECEIVED:** 5 August 2022

**APPLICATION/SITE DESCRIPTION**

The application seeks outline planning permission with details of scale and siting (and all other matters reserved for future approval), to erect a dwelling on land to the rear of the property known as Arwerydd, Porthcawl Road, South Cornelly.

The application site consists of a section of land which was formerly the rear garden of the property known as 'Arwerydd' located on the eastern side of Porthcawl Road in the village of South Cornelly.

The planning history confirms that a series of applications have been made on the land, with the principle of the site being developed for housing first being established in 1999. In the intervening period, permission has been refused for a detached dwelling and pair of semi-detached units on the land but, in 2010, consents were issued for two plots to the rear of the host dwelling which included a conditional consent on this current application site for a detached 3 bed dwelling.

Although the slab was laid, conditions attached to the consent were not formally discharged and planning permission P/09/624/FUL has now lapsed. This application seeks outline planning permission for a smaller dwelling than what was originally approved on the original slab that was constructed under the 2009 application.

The site is located within the main settlement of South Cornelly as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan. The site is shown below in Figure 1.

**Figure 1 – Site Location**



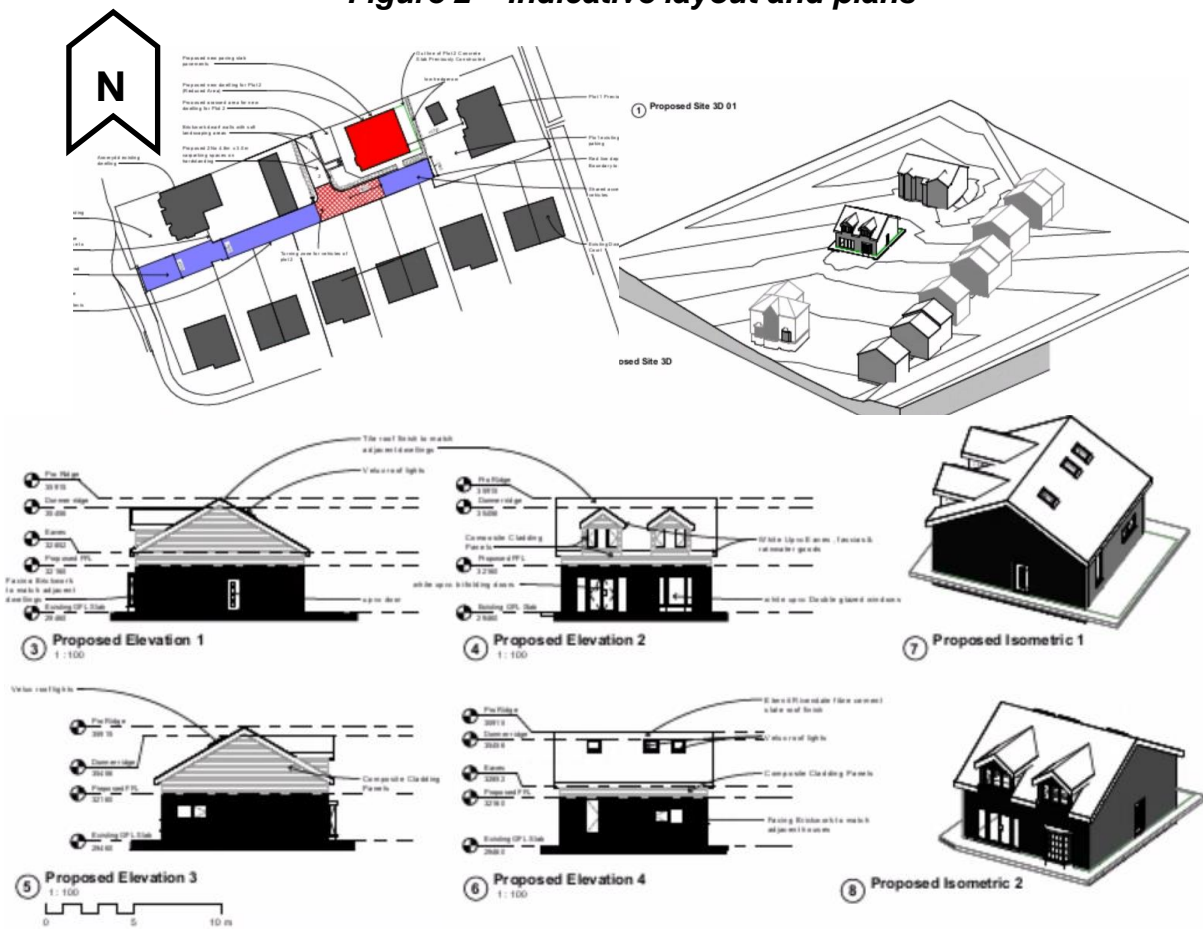
To the east of the application site is a new house (referred to as plot 1), to the west is Arwerydd and to the south are the backs of the houses off Clevis Court. Access to the new dwelling will be from Porthcawl Road via a private drive that also serves the recently constructed new dwelling to the rear (plot 1) which was granted approval under planning application P/16/328/FUL.

This is an outline application with details of layout and scale to be agreed at this stage (and all other matters reserved for future approval). The applicant has provided plans together with the parameters of development for the new dwelling house which are as follows:

- Length                      Max 10.5m Min 10m
- Width                        Max 9.1m Min 8.6m
- Ridge height              Max. 6.5m Min 6m
- Eaves height              Max 3.4m Min 2.9m

The applicant has worked with Officers in reducing the scale of the development and in amending the siting of the new dwelling. The revised scheme is now a more modestly scaled dwelling compared to the originally approved dwelling and would take the appearance of a dormer bungalow. It would have 2 bedrooms and a bathroom in the roof space and a kitchen, dining room, lounge and w.c. on the ground floor with two on-site car parking spaces and private amenity space. This is shown below in Figure 2:

**Figure 2 – Indicative layout and plans**



## RELEVANT HISTORY

**P/99/944/OUT** - Detached three bedroom dwelling - APPROVED - 21-12-1999

**P/04/1089/FUL** - Pair of semi-detached three storey dwellings - REFUSED - 5-10-2004

**P/05/162/FUL** - Construction of a detached dwelling - REFUSED - 14-7-2005

**P/08/852/FUL** - Proposed detached dwelling - REFUSED - 06-01-2009

**P/08/853/FUL** - Proposed detached dwelling - REFUSED - 06-01-2009

**P/09/624/FUL** proposed detached residential dwelling (whilst retaining the existing dwelling) - APPROVED 11-05-2010

**P/09/625/FUL** - Detached dwelling at (Plot 1) – APPROVED 11-05-2010

**P/15/761/FUL** – Proposed detached residential dwelling (whilst retaining the dwelling) - REFUSED 10/01/2018

**P/16/328/FUL** 3-bedroom house already constructed slab with minor elevation changes (PLOT 1) - APPROVED 28/10/2016

## **PUBLICITY**

Neighbours have been notified of the receipt of the application and a site notice erected. The period allowed for response to consultations/publicity expired on 21<sup>st</sup> November 2023.

## **CONSULTATION RESPONSES**

**Highway Officer:** No objection.

**Land Drainage:** No objection subject to conditions.

**Dwr Cymru/Welsh Water:** No objection subject to conditions.

**Shared Regulatory Services (Contaminated Land):** No objection subject to conditions.

**Shared Regulatory Services (Public Protection):** No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

6 Objections have been received from the following properties: Arwerydd, Porthcawl Road; 1, 4, 5, 7 Clevis Court and Plot 1 Porthcawl Road. Their comments are summarised into the following categories:

### ***Residential amenity concerns***

- a) Concerns relating to overlooking to residential properties.
- b) Windows will look directly into a neighbour's window and it is not sufficient to just have these windows changed to frosted glass.
- c) There is no garden or amenity space which is to be expected with a property of this scale.
- d) The proposed new dwelling is much too close to the new build known as plot 1 and as such would obscure daylight into the habitable room.

### ***Highway and pedestrian safety concerns***

- a) The road which they use to access this property is not suitable as the infrastructure of this road is not built for traffic. Driveway not up to shared aspect specification, no room for more than 1 vehicle only and no passing space.
- b) There will be more vehicles for the new house increased Pollution/noise from vehicles using the shared driveway.
- c) The wall along the driveway is old which could be weakened by heavy vehicles and wide vehicles.
- d) Power for Electric gates is from Arwerydd, and will need to be repaid, as will upkeep of gates.
- e) All users of the drive must enter in forward gear, then turn on their own parking area and drive out in forward gear. there is no turning provision.

- f) The "driveway" is not a proper driveway i.e., no foundation and tarmac.
- g) due to orientation of the new build at plot 1, it would experience dazzle from vehicle headlamps at night when using driveway.

### ***Visual amenity***

- a) the application site is already sunken due to excavation and being surrounded by 2 metre fencing on the north, east and south sides it would have no outlook and very little light and be of very poor visual impact and certainly not in keeping with its surroundings.

### ***Drainage***

- a) Any soak away drainage will cause not only smells, but a build-up of water against an adjoining property.

### ***Other***

- a) The new owners of Arwerydd on Porthcawl Road were not informed of this application when purchasing the property.
- b) The foundation was laid years ago.
- c) Mail is only available to the front house due to shared drive, so only I will get bothered for deliveries, and any visitors for all houses.
- d) Driveway will be blocked during build process, which is only just being completed (4yrs on) for new build at the rear.
- e) There is no provision for recycling.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are made to the objections and concerns raised:

### ***Residential amenity concerns***

- a) Concerns in relation to overlooking are addressed within the appraisal section of this report.
- b) This application is in outline and overlooking would be considered as part of a future reserved matters application.
- c) It is considered that there is sufficient amenity space for a 2 bedroom dwelling.
- d) It is considered the siting and scale are acceptable to ensure there is no unacceptable impact in relation to overbearing or loss of light to any neighbouring residential dwelling and this matter has been addressed in this report.

### ***Highway and pedestrian safety concerns***

- a) The access road has already been approved under application P/16/328/FUL and the details agreed under P/19/257/DOC.
- b) In terms of noise and pollution, it is considered that vehicle movements for a 2 bed dwelling would not cause an unacceptable level of noise and pollution to existing residential properties.
- c) The access has been previously agreed under P/16/328/FUL and the stone wall is to be retained.
- d) In relation to the Power for Electric gates, these are conditioned under P/16/328/FUL to be removed to ensure the shared drive is open and unrestricted.
- e) The applicant is able to reverse from their plot and turn at the same time using the access road.
- f) The driveway that was agreed under P/16/328/FUL will be finished in permanent materials as agreed under P/19/257/DOC prior to the first beneficial use of any of the dwellings that use the driveway.
- g) It is considered that a 2 bed dwelling would not generate enough vehicular movements to have a detrimental impact upon the dwelling at Plot 1. Furthermore

the parking area where vehicles would turn is approximately 25m for the dwelling in question.

### **Visual amenity**

- a) The application is in outline however the scale and siting is considered appropriate and the appearance and design will be dealt with as part of a future reserved matters application.

### **Drainage**

- a) In terms of drainage this has been addressed by the drainage officer and conditions imposed to ensure that drainage is adequately dealt with.

### **Other**

- a) In relation to the new owner of Arwerydd not being informed of this application when purchasing the property this is not a material planning consideration; there is an extensive planning history on this site which would have been publicly available when purchasing the property. Furthermore, several consultations have taken place during the course of this application and the new owner has made comments on this application.
- b) In relation to the age of the slab this is not a material planning consideration
- c) Once the houses (this plot and Plot 1) are occupied the shared drive will be open allowing free access to the new dwellings.
- d) In terms of construction, whilst there will be some disruption during the construction phase this would be transient in nature and in line with what would reasonably be expected with most developments.
- e) In terms of recycling a waste management plan has been conditioned.

## **PLANNING POLICY**

### **National Planning Policy and Guidance**

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) Para 2.3 states *‘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.’*

*At Para 2.7, it states ‘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.’*

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.’*

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice

Notes. 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.

### **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.

### **Local Policies**

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

#### *Strategic Policies*

- Strategic policy SP1: Regeneration Led Development
- Strategic Policy SP2: Design and Sustainable Place Making
- Strategic Policy SP3: Strategic transport Principles
- Strategic Policy SP4: Conservation and Enhancement of the Natural Environment
- Strategic Policy SP6: Minerals
- Strategic policy SP7: Waste management
- Strategic Policy SP12: Housing

#### *Topic based policies*

- Policy PLA1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy ENV6: Nature Conservation
- Policy ENV7: Natural resource protection and Public Health
- Policy ENV10: Development within mineral buffer zones

- Policy ENV15 Waste management in new development
- Policy COM3: Residential re-use of Land

### **Supplementary Planning Guidance**

- SPG17 – Parking Standards

### **APPRAISAL**

The application is referred to the Development Control Committee for determination given the number of objections received from local residents.

Having regard to the above, the main issues to consider in this application relate to the principle of development, the amenities of neighbouring residents, biodiversity, drainage and highway/pedestrian safety.

#### **Principle Of Development**

The site is located within the main settlement of South Cornelly as defined by **Policy PLA1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

**Policy SP2** Design and Sustainable Place Making of the LDP states 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.

**Policy COM3** Residential Re-use of a Building or Land of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small 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 classify as a small site under Policy COM3, which makes an important contribution to the overall housing supply and introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use; therefore residential development would be acceptable in principle subject to other LDP Policies.

**Policy ENV10** Development within mineral buffer zones states *“Proposed development within mineral buffer zones will need to demonstrate that:*

- 1. the mineral resource will not be sterilised; and*
- 2. the proposal would not be adversely affected to a degree by mineral operations.”*

The site is adjacent to the boundary of South Cornelly Quarry. In this case the residential development is an infill plot between two dwellings and has previously been granted permission for a new dwelling. The land prior to being developed was the residential curtilage of Arwerydd. As such the mineral resource within this small area would be in limited quantity and highly unlikely to be resourced given it is within a residential curtilage. Issues of noise from the quarry are addressed below. As such it is considered that proposal would comply with policies ENV10.

Outline permission for a dwelling has also been granted several times in the past, as such, it is considered that, in principle, and subject to satisfying the requirements of LDP Policy SP2, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2013).

## **Visual Impact**

Policy SP2 of the adopted Bridgend Local Development Plan (BLDP) highlights that all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- 1) Complying with all relevant National Policy and Guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence:

Whilst noting the Outline nature of the application, Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The application is accompanied by a site plan, a layout plan and parameters stating the minimum-maximum dimensions for the proposed dwelling that would be erected. The dwelling would be a modestly sized dormer style bungalow with a maximum height of 6.5m.

The application site is located in a relatively secluded position between two existing dwellings and set off the main road with an existing access. Whilst the proposed dwelling would be a lot smaller than the originally approved scheme on this site, this is to take into account the constructed dwelling to the rear (plot 1). The applicant has amended the original scheme, has substantially reduced its scale and amended the siting to provide a scheme that respects and complements the immediately adjacent plots and does not dominate or harm the wider character and appearance of the area.

It should be noted that this application only seeks to agree the scale and layout of the dwelling at this stage with details of its appearance reserved for future consideration. As such any future reserved matters application would need to carefully consider the final design of the development. However, its relatively small scale in combination with the slab level, which is set lower than the house to the rear, would help to minimise any impacts the development could have upon the wider area.

Having regard to the above it is considered prudent to impose conditions for existing and proposed site levels, details of retaining structures, boundary treatments and details of the finished floor levels to be submitted at reserved matters stage. This would ensure that the scale and prominence of the proposed dwelling and any retaining structures/boundary treatments are appropriate to the surrounding context.

It is also considered appropriate to remove permitted development rights for extensions and outbuildings. This would ensure that any future alterations could be carefully assessed by the Local Planning Authority and ensure that the site does not become overdeveloped.

On the basis of the layout and details submitted and having regard to the planning history and neighbour comments in terms of visual amenity, the proposed modestly sized dwelling with parking and amenity space would not result in the overdevelopment of the site. As such the proposal is considered, on balance, to be appropriate and of a reasonable scale and siting in accordance with criterion (3) of Policy SP2 of the Local Development Plan (2013). As such it is considered that the proposed development would not have an unacceptable impact in relation to visual amenity.



## **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.

In terms of the impact on residential amenity, and noting the Outline nature of the application, the proposed development plot has two immediate neighbours with Plot 1 to the East being the closest. The scale of the original proposal and the siting has been amended to minimise any impact. This, along with the lower slab level, will ensure the dwelling does not have a detrimental overshadowing or overbearing impact on the Plot 1 dwelling. In respect of the other surrounding dwellings, namely Arwerydd and those on Clevis Court, these are far enough away to not raise any issues. As such a proposed dwelling at the scale and in the position as shown on the submitted plans would not have any significant adverse impacts on the amenities of the neighbouring properties and would generally follow the principles outlined in SPG02 in terms of amenity protection.

In terms of overlooking, whilst the outline application does not consider the design of the dwelling or the positioning of windows, it is worth noting that the proposed dwelling is a dormer style bungalow and the ground floor windows could be suitably screened with means of enclosure without resulting in any significant adverse effect on the amenities of neighbouring properties. In terms of windows to the first floor/roof space, the applicant proposes to only have habitable windows facing forward (to the west) towards Arwerydd.

The space between the proposed dwelling and Arwerydd is 26m and as such there is sufficient distance to ensure that there are no issues of overlooking of habitable rooms. In terms of overlooking to the garden area, the rear of Arwerydd incorporates a single-story annexe type building which runs the full width of the adjoining garden at Arwerydd and this feature would block any direct views into the garden area. As such, it is considered that the proposal could be designed to ensure that it would not result in any overlooking of habitable rooms and private amenity areas.

### Noise

The original scheme included habitable windows looking out towards the quarry/access. This raised concerns with Environmental Protection Officers in terms of potential noise pollution emanating from the quarry and, to overcome this, the applicant has rotated the house so that habitable room windows will now face towards Porthcawl Road.

However, a 1.8m high acoustic barrier will be required to be erected along the northern boundary of the application site (in line with the quarry entrance road) and this will be secured via a condition. They have also been advised that any new slab on which the new footprint of the development is to be built on should also be capable of withstanding blasting from the nearby quarry. An informative note can be attached advising the applicant of this.

### Amenity of future occupiers

In terms of the level of amenity for future occupiers, a private amenity area will be provided which is considered adequate for size of dwelling proposed. A condition will be imposed to remove householder permitted development rights for extensions and outbuildings to ensure sufficient amenity area is retained.

### Bin storage and cycle storage

This application is in Outline and as such no details have been provided with regard to waste management. However, a condition has been added to ensure the submission of details as part of the future reserved matters application.

Overall, it is considered that it would be possible to design a satisfactory scheme that would fully comply with Council guidance (SPG 02) and therefore, in principle, the new dwelling would be compatible with neighbouring residential properties.

### **Highway Safety**

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Note 9 of SPG02 states that “off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension” and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that “garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m”.

The Highways Officer recommended amendments to the scheme during the consideration of the application in relation to the location and width of the parking areas and being able to turn to leave the site in a forward gear.

The applicant accepted the advice and has amended the scheme to illustrate that two wider parking spaces can be provided at the front of the development plot. The access to the site is the same as that approved under P/16/328/FUL and the detail agreed under P/19/257/DOC which states the drive is to be 4.5m wide for the first 10m reducing to 3.65m for the remainder of the drive and that the electric gates at the front of the site adjacent to the public highway are removed prior to the occupation of any dwelling using it and that no gates are fitted to the private driveway in the future.

As a result, the Highway Authority has no objection to the proposal subject to the imposition of conditions relating to parking and restricting any gates on the shared drive. As such, the proposed development is compliant with Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013) and is acceptable from a highway and pedestrian safety perspective.

### **Drainage**

The Council’s Land Drainage Officer has assessed the submitted scheme and notes that the proposed development is not located within a flood risk zone and is not located within 20m of a watercourse.

### *Foul Sewerage*

The application form states foul drainage will be disposed of via a public sewer and the applicant may be required to agree any new connection with DC/WW.

Dwr Cymru/Welsh Water has confirmed that capacity exists within the public sewerage network in order to receive the domestic foul flows only from the proposed development site.

#### *Surface water*

The application states that surface water drainage will be disposed of via the mains sewer. The development is over 100m<sup>2</sup>, therefore a SAB application will be required. From 7 January 2019, new developments of 2 or more properties or development over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB Officer.

As such the Local Authority's Drainage Officer has no objection to the development subject to a note relating to preventing surface water from entering the public highway and the mains sewer and a condition relating to 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, and until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. These recommendations can be imposed via a suitably worded condition.

Dwr Cymru/Welsh Water has advised that the proposed development is located in an area that is served by a foul only sewer and would not be able to accept surface water flows into the public sewer in any circumstances. The developer should utilise sustainable surface water disposal options (i.e. infiltration, watercourse etc).

#### **Biodiversity**

In assessing a planning application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 11 (PPW11) states in Section 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals."* it further goes on to state that *"All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission."*

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

The site has previously had a concrete slab constructed that has been left in situ since its construction. As the site has been previously cleared and has a concrete slab on a large section of the site, it is considered to have a low biodiversity value. No details of biodiversity enhancements have been submitted, however, as this application is in Outline details of any enhancements could be submitted as part of the first reserved matters application. It is considered that, given the low biodiversity value of the site, it could be sufficiently enhanced with the inclusion of bird/bat boxes and some small landscaped

areas. A suitably worded condition is imposed to ensure this is provided as part of the first reserved matters application.

Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. As such the proposal is acceptable in terms of Biodiversity.

### **Ground Contamination**

Shared Regulatory Services (SRS) Environment Team provides the following comments in relation to land quality:

The site has been identified as a vacant building plot. Contamination is not known at this site, however, the potential for this cannot be ruled out and an 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

### **Waste Management**

Policy ENV15 – Waste Management in Development – requires proposals for new build developments to include provision for the proper design, location, storage, and management of waste generated by the development both during the construction and operation of the site. No details were provided with this application, however, a condition can be imposed to address such requirements.

## **CONCLUSION**

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The proposed development would provide much needed new housing and allow this derelict/brownfield site to be developed. On balance and having regard to the objections raised, it is considered that the proposal represents an appropriate form of development that would have no unacceptable impacts on visual amenity, residential amenity or highway and pedestrian safety and the proposal is therefore recommended for approval.

Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, SP6, SP7, SP12 PLA1, PLA11, ENV6, ENV7, ENV10, ENV15 and COM3 of the Bridgend Local Development Plan (2013)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015

## RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
  - 22.022-g A100 Rev A Location plan
  - 22.022-f A101 Rev E proposed GA
  - 22.022-f A102 Rev D proposed site 3D
  - 22.022-g A103 Rev G Existing and proposed block plan
  - 22-022-f A104 Rev A Proposed site section
  - Parameters of development

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

2. 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 must be implemented prior to the first beneficial occupation of the dwelling.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

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

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

5. The parking area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of parking in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

6. The development shall not be occupied until the driveway and access has been completed and finished in permanent materials in accordance with the details agreed under planning application P/19/257/DOC.

Reason: In the interests of highway safety and to ensure the development complies with

Policy SP2 of the Bridgend Local Development Plan.

7. Prior to the first beneficial occupation of the dwelling the existing entrance gates fronting the highway shall be removed and there shall be no structure or gates placed on the parking area or private driveway arrangement at any time.

Reason: For the avoidance of doubt and in the interests of highway safety and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

8. Notwithstanding the submitted plans, as part of the first reserved matters application, details of proposed ground levels and finished floor levels shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan

9. As part of the first reserved matters application a scheme shall be submitted to the Local Planning Authority detailing any proposed retaining walls, including full structural calculations for any walls over 1.5m high. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of the dwelling and retained as such thereafter.

Reason: In the interests of visual amenity, neighbouring residential amenity and land stability, and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

10. As part of the first reserved matters application, a scheme for biodiversity enhancement to include small landscaped areas with details of native species to be planted, including size and numbers, and the details and locations of bird and bat boxes within the development, shall be submitted to the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the first beneficial use of the dwelling and retained as such thereafter.

Reason: Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity and to accord with Policy SP2 and ENV5 of the Bridgend Local Development Plan (2006-2021).

11. As part of the first reserved matters application, a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the construction of the development and details of how waste will be recycled and disposed of once the development is completed, shall be submitted to the Local Planning Authority. All waste shall be treated in accordance with the approved Waste Management Plan. The Waste Management Plan shall be implemented as approved.

Reason: To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy ENV15 of the Bridgend Local Development Plan (2006-2021).

12. As part of the first reserved matters application a scheme indicating the positions, design, materials and type of all boundary treatments to be erected and a timetable for its implementation shall be submitted to the Local Planning Authority. The scheme shall include details of a 1.8m high acoustic barrier (such as a closed boarded fence or similar) to be erected along the northern boundary of the site (in line with the quarry entrance

road). The acoustic barrier shall be continuous with no gaps and shall have a minimum mass of 10kg/m<sup>2</sup>. The Development shall be carried out in accordance with the approved scheme, including the plan and timetable, and retained and maintained as such thereafter.

Reason: In the interests of visual amenity, residential amenity and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan (2006-2021).

13. Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces, including the means of enclosures of the development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan (2006-2021).

14. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies SP2 of the Bridgend Local Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies SP2 of the Bridgend Local Development Plan.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place 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 LPA 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 and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

17. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

18. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

19. THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

A) The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The proposed development would provide much needed new housing and allow this derelict/brownfield site to be developed. On balance and having regard to the objections raised, it is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity residential amenity, or highway and pedestrian safety and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, SP6, SP7, SP12 PLA1, PLA11, ENV6, ENV7, ENV10, ENV15 and COM3 of the Bridgend Local Development Plan (2013)



It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

#### B) DRAINAGE ADVISORY NOTE

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m<sup>2</sup> or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

No surface water is allowed to discharge to the public highway

In order to satisfy the comprehensive and integrated drainage condition the following supplementary information is required:

- Confirm proposed foul and surface water disposal method including discharge points;
- Provide a foul & surface water drainage layout to show off-site route;
- Provide an agreement in principle from DCWW for foul and any surface water disposal to the public sewer;
- The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

In order to satisfy the drainage infiltration test condition the following supplementary information is required:

- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk);
- Provide surface water drainage layout (including location of proposed soakaway, if required).
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

#### C) WELSH WATER ADVISORY NOTE

If the development will give rise to a new discharge (or alter an existing discharge) of

trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the process for applying for a Discharge Consent is independent of the planning process and an application for consent may be refused even though planning permission may have already been granted.

As of 07/01/2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Bridgend Council, 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](http://www.dwrcymru.com)

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### D) Biodiversity Note

With respect to this application, the applicant is referred to section B1: Biodiversity Design Guidance Sheet: <https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf> Bats and Development when undertaking building demolition or works that will impact on a roof space which due to its nature creates a potential risk to bats. In particular you are referred to section 8.0 Bat warning (pp 47) which provides good practice guidelines to be followed by all applicants whose development involves any risk to bats.

Incorporation biodiversity enhancements such as native planting within the planting areas at the front of the dwelling will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper

exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

#### E) SRS CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer  
Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

#### F) SRS NOISE ADVISORY NOTICE

Any new slab on which the new footprint of the development is to be built on should also be of a design capable of withstanding blasting from the local quarry.

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

**Background Papers**

None