

**REFERENCE:** P/24/31/FUL

**APPLICANT:** Mr P Brain c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

**LOCATION:** Land south of the Angel Inn off Heol Las Mawdlam CF33 4PG

**PROPOSAL:** Erection of one detached dwelling including access and parking

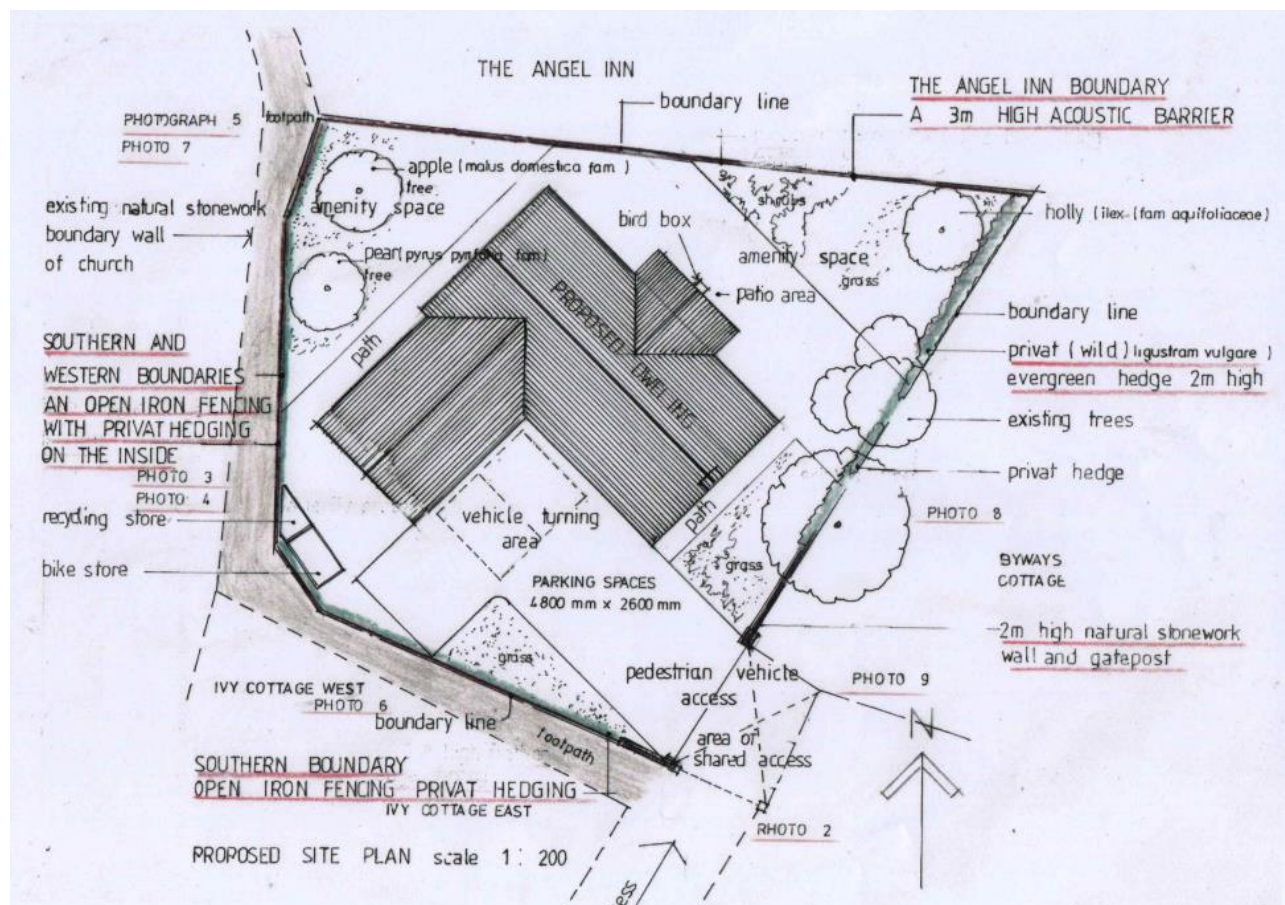
**RECEIVED:** 16 January 2024

### DESCRIPTION OF PROPOSED DEVELOPMENT

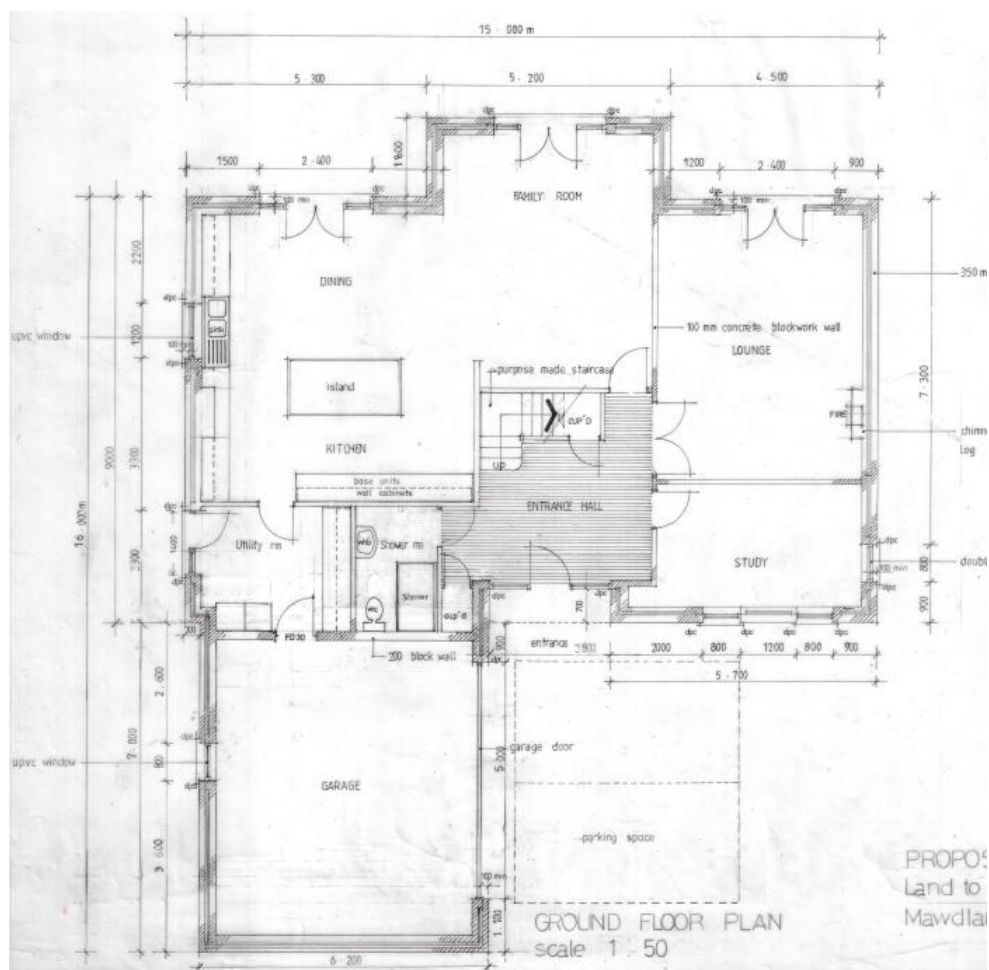
Planning permission is sought to develop a single detached dwelling, including access and parking on a vacant plot located to the rear of the Angel Inn, Mawdlam. The plot is described as a former garden and paddock located within the historically significant village.

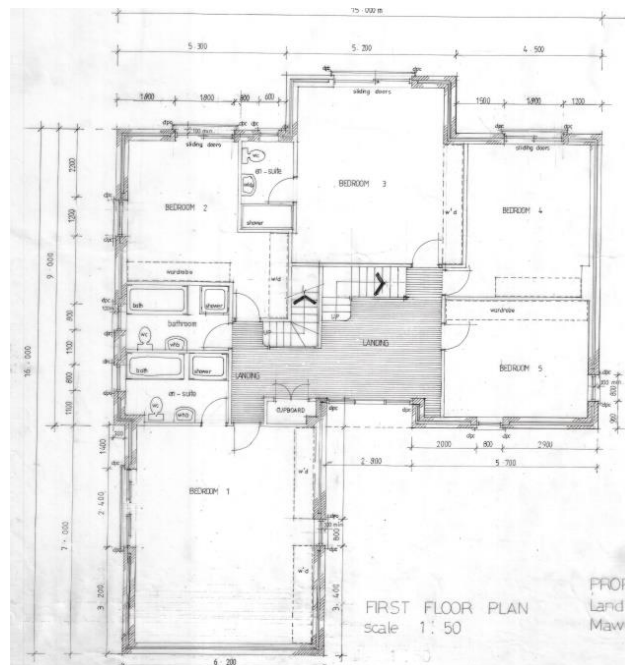
The proposed five-bedroom dwelling would be set centrally within the Application site and would contain a double garage. Parking for two vehicles would be provided forward of the garage on the driveway area. Existing established trees would be retained and the site finished in both hard and soft landscaping. A bike and recycling store are indicated at the southwestern corner of the plot.

The property would be enclosed on the two boundaries which adjoin the public right of way with new open iron fencing with privet hedging on the inside. The northern boundary with the Angel Inn would require a 3m high acoustic barrier. The remaining eastern boundary would comprise a 2m high privet hedge with a stonework wall and gateposts and the entrance to the site.

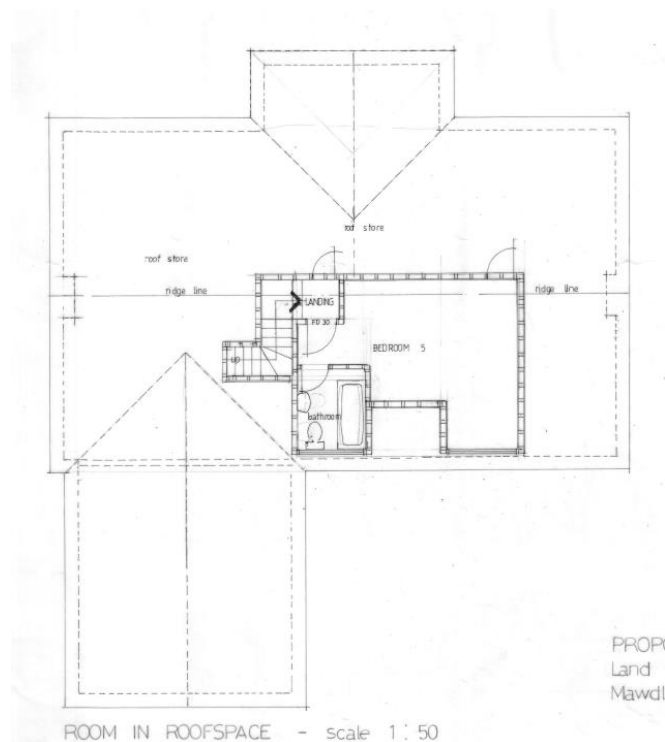


**PROPOSED SITE PLAN**





**PROPOSED FIRST FLOOR**



**PROPOSED LOFT SPACE**

The dwelling would be of a traditional design comprising a gable ended L shaped building with pitched roof which would be finished in slate. The walls would be a combination of natural local stonework, smooth render finish and vertical timber cladding proposed for the garage wing.

The site is accessed via an existing single width, unadopted private access lane. The lane does not fall within land controlled by the Applicant and ownership is unclear. Accordingly, the agent has served a Certificate D, Certificate of Ownership with the Planning Application. This required public notice of the proposal to be advertised in the Glamorgan Gazette. Public notice was given on 14/12/2023.

The Application was accompanied by the following supporting documents:

- Planning Statement,



- Assessment of Heritage Impact (9<sup>th</sup> November 2023),
- Preliminary Ecological Appraisal (20<sup>th</sup> April 2024)
- Noise Impact Assessment (10<sup>th</sup> April 2025),
- Green Infrastructure Statement (19<sup>th</sup> April 2024).

## **SITE DESCRIPTION**

The Application site is located within the village of Mawdlam. The site comprises a vacant parcel of land which is relatively flat and is covered in shrubbery and other overgrown vegetation.

The site is accessed via an existing single width, unadopted private access lane with an entrance point off Heol Las which lies approximately 35 metres to the south of the Application site. The private access lane currently serves four properties which are positioned to the east and south of the Application site.

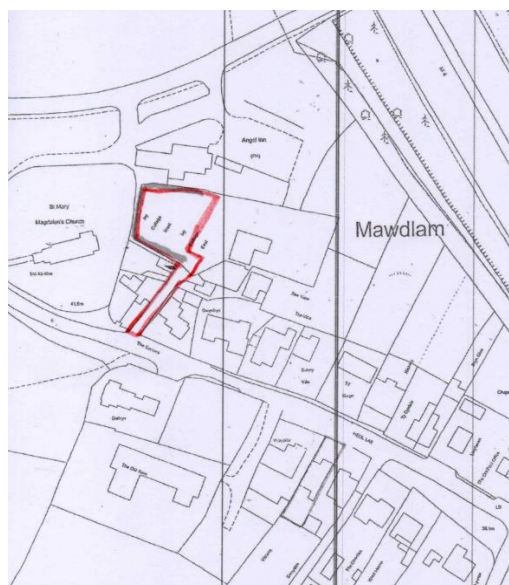
The site is bordered to the west by the Grade II\* Listed Church known as the Church of St Mary Magdalen and to the north by The Angel Inn public house. The Listed Church stands within a raised curvilinear churchyard on a high prominence above the former site of Kenfig and is Listed as a 13th Century building of substantially medieval fabric with an unusual early porch and a remarkable front. Within the churchyard, is a Grade II Listed tomb described as being of a very unusual and inspired design. In addition, the site lies within a Site of Archaeological Significance known as 'Kenfig Mawdlam'.

The Planning Statement states that the Application site sits some 1.8m below the level of the church yard.

Public Right of Way COR/15/1 known as Footpath 15 Cornelly, runs adjacent to the western and southern boundaries of the Application site and southwards along the single width access lane.

The site lies within an established residential area where a mix of house types are located, including bungalows, semi-detached and detached dwellings of varying design and appearance. There is no uniformity within the street scene and therefore no defined character. However, the historical buildings do provide a context to the site.

The site is not located within a defined Conservation Area or within an area identified as being subject to flood risk on the Natural Resources Wales – Flood Map for Planning.



**LOCATION PLAN**



**AERIAL PHOTOGRAPH TAKEN FROM THE GREEN INFRASTRUCTURE STATEMENT**



**VIEW OF SHARED LANE FROM HEOL LAS**





**VIEW FROM SITE ACCESS WITH ANGEL INN TO THE REAR**



**VIEW OF SITE FROM CHURCH YARD**





**EXISTING TREES ON EASTERN BOUNDARY OF PLOT WITH THE OLD POST OFFICE**



**PUBLIC RIGHT OF WAY**





**PHOTOS OF SITE TAKEN 17/04/2019**

## RELEVANT HISTORY

P/96/273/OUT	Erection of detached bungalow and garage (outline application)	Conditional Consent	30/04/1996
P/98/985/FUL	Proposed detached bungalow	Conditional Consent	23/02/1999
P/00/804/FUL	Erection of single storey dwelling	Conditional Consent	28/11/2000
P/19/195/FUL	One new dwelling	Refused	12/08/2019

P/19/195/FUL for a two-storey detached dwelling was refused for the following reasons:

1. The proposed dwelling will result in the intensification of the existing sub-standard private access lane off Heol Las, creating increased traffic hazards to the detriment of highway and pedestrian safety and contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan (2013).
2. The private access lane which provides access to the site off Heol Las is not considered suitable to serve as the principal means of vehicular or pedestrian access, to the detriment of highway and pedestrian safety and contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan (2013).
3. Insufficient information in respect of the means of surface water drainage has been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Bridgend Local Development Plan (2013).

## PUBLICITY

Neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity initially expired on 04/06/2024.



Following a site visit, Council Officers requested a Noise Assessment to determine the impact of the kitchen ventilation and odour extraction equipment operated on the adjoining Angel Inn on the proposed development. The further information was received, and the Application was then re-consulted on in April 2025.

Council Officers then provided the Applicant with feedback on the design and finish of the dwelling and its proposed boundary treatment. Amended plans were also requested that confirmed the requirement for an acoustic screen along the boundary with the Angel Inn. These details were then re-consulted on with an expiry date of 23/10/2025.

## **CONSULTATION RESPONSES**

**Cornelly Community Council** – No comments received.

**Land Drainage** – Advisory comments, and a condition forwarded.

**Highways** – No objection subject to the imposition of conditions on access and junction improvements and on-site parking provision.

**Ecology** – No comments received.

**Dwr Cymru/Welsh Water** – Advisory comments, and a condition provided

**Shared Regulatory Services - Environmental Health** – No objections subject to the imposition of conditions to mitigate noise effects

**Shared Regulatory Services - Land Quality** – Unforeseen contaminated land conditions recommended and advisories.

**Heneb** – Recommend a condition for a programme of archaeological work taking the form of an archaeological watch brief during the groundworks required for the development.

**Rights of Way Team** – No objection subject to the imposition of a condition to protect and maintain the PROW

**Conservation** - No objection subject to the imposition of conditions

## **REPRESENTATIONS RECEIVED**

Six objections were initially received from nearby residents, two of which came from the same address. Representations raised the following concerns:

- The development of an unsympathetic form and appearance
- The dwelling is out of character with surrounding development
- The loss of daylight to *Seaview*
- The loss of a coastal view from *Seaview*
- The private access lane is narrow, and an additional house would result in congestion
- The private lane is damaged following works to *Seaview* and this needs to be repaired
- Proposed construction works would result in further damage to the lane
- Additional traffic would make the lane unsafe
- Poor visibility at the junction of the lane and *Heol Las*. Excessive speeds on *Heol Las* make this access unsafe
- *Ivy Cottage* has been converted into an Airbnb and this has resulted in increased

parking on Heol Las

- The loss of views of the church
- Surface water issues on the lane need to be addressed
- Impacts on water supply/pressure and possible sewer capacity
- Proposal would add to existing on-street parking pressures
- Upper level windows would overlook *Ivy Cottage*, *Seaview* and *The Corners*
- Yellow lines on Heol Las would restrict parking for residents and visitors
- The lane is used by pedestrians to access the public right of way. Any additional traffic on the lane would be a safety issue for users
- Infrastructure under the lane is damaged and this needs to be repaired
- Further traffic on the lane may damage Byways Cottage.
- The proposed dwelling would overlook the adjoining church yard
- A request made that the Council consult with the church over the proposal
- Impact of the development on the church yard wall
- The high number of vehicle movements on Heol Las and resultant impact on highway safety

Following re-consultation on the amended scheme, three further objections were received. Two representations came from occupiers who had previously objected to the proposal. One objection was received from a representative of St Mary Magdalene Church.

Concerns raised included:

- Extra traffic passing through a small village which is now congested
- Proposed access point is dangerous and additional traffic would cause a safety issue for road users and pedestrians
- A lack of pedestrian footways through the village
- Possible non-residential use of proposed dwelling
- Maudlam now at a point of having too many houses and vehicles
- The Application property has no legal right of way over adjoining land
- The property will need to be accessed via an unadopted lane.
- There are already 5 dwellings accessed off the lane which is the maximum allowed off an unadopted lane under current legislation.
- An additional dwelling would result in gridlock on the private lane
- Two of the residential properties have no other access to the highway than via the lane
- Four of the five properties are occupied by disabled residents that need uninterrupted access to their homes
- Has a survey of the graveyard taken place, especially along the Eastern Wall?
- An active household or business would be an intrusion for family members visiting graves
- Impact of the development on the structural integrity of the churchyard wall
- Who would bear the costs of repairing the wall
- Impact of the dwelling on views from the east window of the church
- Increase in traffic and loss of highway parking due to proposed parking restrictions
- Possible commercial use of property and increased traffic and noise pollution

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Factors to be taken into account in making planning decisions must be material planning matters; that is, they must be relevant to the proposed development and use of land in the public interest. The objections raised which are considered to be material to the determination of the planning Application are considered in the Appraisal section of this report.



Planning Permission has been sought for the development of a residential dwellinghouse. Any proposals for a change of use of a dwelling to holiday accommodation or possible commercial use would require a further Planning Application.

Two neighbours have raised concerns over the possible impact of the two-storey house on views of the church and coastline, However, it should be noted that issues such as the loss of a view are not a material planning consideration.

The current condition and suitability of the private lane for vehicle access to the property will be considered in the Appraisal section of this report. If the water and sewer services running under the private lane are damaged due to previous construction works, then the residents should contact Dwr Cymru/Welsh Water to report this.

Some disruption and inconvenience is likely to result from building works, however, given the scale and nature of the works it is considered that no significant harm should result. Building works are controlled by separate legislation, including control over noise and other sources of pollution. The Applicant has indicated an intention to surface the 32m length of lane in a suitable metalled surface which will overcome some of the concerns raised by residents.

The developer will need to ensure that construction and any site works do not adversely impact on the church yard wall or graves. The proposed dwelling is setback from the adjoining property and separated by the public right of way. The proposed boundary enclosures would be of a lightweight nature requiring only minor excavation and foundations.

The site is accessed via an existing single width, unadopted private access lane. It is advised that the lane does not fall within land controlled by the Applicant and ownership is unclear. Accordingly, the agent has served a Certificate D, Certificate of Ownership with the Planning Application. This required public notice of the proposal to be advertised in the Glamorgan Gazette. Public notice was given on 14/12/2023.

It should be noted that the Applicant will need to secure the agreement of the owner of the 'area of shared access' at the front of the site in order to obtain legal rights to access the building plot. This is a civil matter to be arranged and completed by the Applicant and not a material planning consideration.

Despite the concerns raised by a number of objectors, the scheme does not propose parking restrictions on Heol Las. Accordingly, the development would not result in the loss of on-street parking and residents, visitors and churchgoers will be able to continue to park as they do currently on the public highway.

The material planning matters raised by the objectors are addressed below in the Appraisal section of this report.

## **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 12, February 2024) (**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).
- Technical Advice Note 24 – The Historic Environment (2007)

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations (Wales) 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 2018-2033 (RLDP) which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:



### **Strategic Policy**

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP17: Conservation and Enhancement of the Natural Environment
- Policy SP18: Conservation of the Historic Environment

### **Topic Based Policy**

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA9: Development Affecting Public Rights of Way
- Policy PLA11: Parking Standards
- Policy PLA12: Active Travel
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health

### **Supplementary Planning Guidance**

- SPG02 - Householder Development
- SPG08 – Residential Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

### **APPRAISAL**

This Application is referred to the Development Control Committee to consider the concerns raised by neighbouring occupiers.

Having regard to the above, the main issues to consider in this Application relate to the principal of development, its visual impact including effects on historic assets, impact on the amenities of neighbouring residents, effects of the development on an area of archaeological interest, and effects on land drainage, land quality, biodiversity, highway/pedestrian access and safety.

### **Principle of Development**

The site is located within the Local Settlement of South Cornelly, Maudlam and Kenfig as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Replacement Local Development Plan (RLDP) adopted in 2024. Policy SF1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

Policy SP3 Good Design and Sustainable Place Making of the RLDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

Policy SP6 Sustainable Housing Strategy of the RLDP supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land.

The vacant site would constitute a small windfall site under Policy SP6 and could contribute towards delivery of the overall housing requirement. The site is not allocated for a specific use. Therefore, residential development would be acceptable in principle subject to compliance with other RLDP policies.

### **Visual Effects Including Impact on Listed Assets**

Policy SP3 of the Replacement Local Development Plan (RLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;

Policy SP18 of the RLDP notes that the County Borough contains a rich and diverse built heritage and historic environment. Development proposals must protect, conserve and where appropriate promote or enhance the significance of the assets including their setting. The policy states that there is a general presumption in favour of the preservation or enhancement of assets and their setting.

The RLDP seeks to ensure that the character of historic buildings and structures are safeguarded and conserved. Change must be managed so that their special historic, architectural, or archaeological interest and settings are preserved.

The Application was supported by an Assessment of Heritage Impact which provides a useful history of Maudlam and its heritage assets which include the Church of St Mary Magdalen, the Angel Inn and the Former Post Office. The Assessment concludes that the development would have a low impact on the church and its churchyard and no impact on identified values of the Angel Inn or Former Post Office

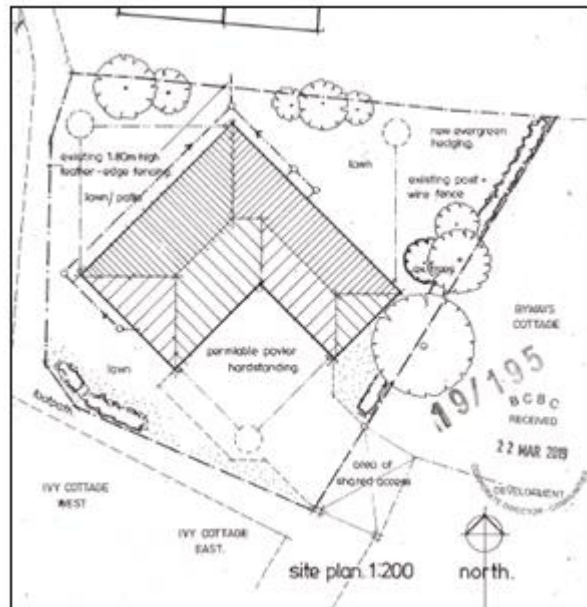
The proposal is located to the east of the Grade II\* Listed Church of St Mary Magdalen (Listed Church) and to the north by The Angel Inn public house. The Listed Church stands within a raised curvilinear church ground and cemetery which is some 1.8m above the height of the Application site. The church yard itself is retained by a stone wall which runs the length of the western boundary of the site. It should be noted that the land between the limestone wall and property itself is the unformed public right of way.

The close proximity of the Application site to the Grade II\* Listed St Mary Magdalen Church and the impact on the setting of the Listed Building are therefore a material consideration in the determination of this Application.

The proposed site forms one of a small cluster of residential dwellings of differing ages, forms and styles located at the northwestern end of Maudlam.

The site has been the subject of previous Planning applications and consent has been granted on three separate occasions for single storey dwellings. In 2019 consent (P/19/195/FUL) was sought for a similar two-storey proposal, however, this was refused on access and land drainage grounds.





### **P/19/195/FUL**

The Officers Report on the 2019 Application provides some relevant commentary on the assessed visual impact of the earlier development and noted:

*'The proposed dwelling provides for a detached, two storey property which is considered to be appropriate in terms of its size and scale, in accord with Policy SP2. Whilst large, the surrounding residential area varies in terms of its character as the dwelling types vary in size, scale and appearance. The dwelling is not considered to be so excessive in size and scale to warrant a refusal on such grounds. It is therefore considered to be complimentary to the surrounding residential area as it does not detract from its character or appearance or introduce an incongruous addition that would be visually detrimental to the surrounding area.'*

*The property is positioned appropriately within the Application site itself, positioned within the centre of the proposed residential plot facing the south east. This provides for sufficient private amenity space to the north, south and west of the property and for off-street car parking spaces at the front. It is therefore considered to be acceptable in terms of its layout and position within the proposed residential plot.*

*The materials proposed, namely facing brick and render with a concrete tiled roof are considered to be appropriate. Materials such as the proposed are found within the immediate vicinity of the Application site and will therefore not detract from the appearance of the area.*

*The proposed development is considered to be compliant with the guidance contained within SPG02 and Policy SP2 and is acceptable in terms of design.'*

In terms of the current Application, the Council's Conservation Officer reviewed the initial proposals for the development and advised; *'Whilst there is an opportunity for a new dwelling on this site which will form a cul-de-sac or enclave and given the historic sensitivity of the setting, any new structure will need to respond to this context and the setting of St Magdalen's Church, Graveyard and boundary wall. Additionally, the existing dwellings are modest in scale and the impact of any new structure will have an impact on them. This will be both visual and physical.'*

The Conservation Officer initially raised some concerns with the height, form, design and

materials proposed for the dwelling. In response the Applicant has reduced the overall height of the building by 1m and introduced changes to the size and design of the roof dormers and other fenestration. The plans were amended to provide door and window reveals to create shadowing and to better align the new build property with the surrounding historic fabric. Roof tile specifications were confirmed and the garage door finish was altered from horizontal to vertical. Further changes were made to the proposed boundary enclosures removing the timber feather board fence along the ROW boundary and its replacement with open iron fencing with hedging behind. This was considered to better respond to the settling of the Listed Church and its limestone wall.

Subject to these changes, the Conservation Officer advised that the proposal could be supported for approval.

The proposed development would be sited centrally within the plot, oriented in a manner to reduce overlooking of adjoining sites, particularly the rear elevation of Angel Inn. The dwelling would reflect a traditional design with finishes and materials which are considered appropriate with its context.

While the dwelling would represent a change to the current view from the churchyard and Listed Church, the design and proportions of the development are in keeping with other properties within the area, and due to the lower ground level of the Application site, when compared to the Listed Church there will be little change to the current view. The property and its first floor and roofs are considered to fit into the general architectural form and appearance of other properties within this view.

It is considered that given the planning history on this site, that the proposed dwelling would be appropriate within its context and would fit sympathetically into the small cluster of residential properties.

The Council's Conservation Officer has advised *'if the church are concerned with the condition of the wall and possible damage, they should organise a survey of it themselves, prior to any work commencing on the adjacent site. All churches and chapels are meant to undertake a quinquennial (five-yearly) review of structures and grounds, although this doesn't always happen and if they have done so, they should have a reasonable idea of the condition of the wall. Also, any vibration or digging for foundations can cause significant damage to adjacent structures and I think either an archaeological watching brief should be on site during excavations and footings being built or the church themselves appoint an appropriate person to monitor the condition of the wall during initial construction. Any damage to the wall caused by the work on the site, should be paid for by the site owner and a schedule of works approved by the Local Planning Authority.'*

The dwelling will not be highly visible from the public highway or from the Listed Church or churchyard and therefore, the proposed development is considered to be sympathetic to the character of the adjoining Listed Church which does not detrimentally impact its visual appearance or its setting. In addition, there are limited views from any public areas where the dwelling will be visible within the setting of the Listed Building. As such, the proposal is considered to be acceptable in terms of its location, height, size, scale, design and materials in accord with criterion (b) of Policy SP3 and Policy SP18 of the Replacement Local Development Plan (2024).

### **Archaeological Considerations**

The site is located within a Site of Archaeological Significance known as 'Kenfig Mawdlam'.

Heneb, The Trust for Welsh Archaeology (formerly Glamorgan Gwent Archaeology) were consulted and have advised:

*'We have commented on Application for P/19/195/FUL in our letter dated 10th May 2019, and our understanding of the archaeological resource remaining unchanged.*

*Information in the Historic Environment Record shows that the Application area is adjacent to St Mary Magdalene's Church, a Grade II\* Listed Building of 13th century origin, and Mawdlam Churchyard. The churchyard is largely curvilinear, both now and on the tithe map of 1847. Circular churchyards are believed to be early in date and it is possible for earlier burials to be located beyond the churchyard's current boundary wall. The Application area is also located in Merthyr Mawr, Kenfig and Margam Burrows Registered Historic Landscape (HLW (MGI) 1), specifically the Kenfig and Mawdlam Character Area (HLCA007), as defined within the Register of Landscapes of Outstanding Historic Interest in Wales.*

*An archaeological watching brief was undertaken at the site in 2001 during shallow topsoil stripping of the area, in which Post-medieval pottery was found. The watching brief concluded that as the works were only for the topsoil stripping and not the excavation of foundation trenches that it was "...not possible to establish at this stage that there are no significant buried remains on the site."*

*The proposed Application is for the construction of a new dwelling and given the location of the site and the results of previous archaeological investigations, there is potential for the possibility of human burials, medieval and Post-medieval remains and features to be encountered during the proposed development.*

*Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development, should be attached to any consent granted.*

*We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any burials or human remains, as well as the provision of sufficient time and resources to ensure that any other archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.*

*To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014*

*No development shall take place until the Applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the Applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

*We also recommend that a note should be attached to the planning consent explaining that:*



*The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.'*

Subject to the imposition of a condition requiring the preparation, submission and approval of a watching brief, the proposal is considered to accord to Policy SP18 of the RLDP.

### **Residential Amenity**

Planning Policy Wales (Edition 12, February 2024) 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 (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

#### Overbearing and overshadowing impact

In terms of overbearing and overshadowing impact, Supplementary Planning Guidance 02: Householder Development (SPG02) provides relevant guidance for new residential development. Note 1 states that *No extension should unreasonably dominate the outlook of an adjoining property*. Further to this, Note 2 states “*No extension should unreasonably overshadow adjoining property.*” Daylight protection zones have been developed which provide guidance on acceptable levels of development in order to minimise the loss of daylight and sunlight to neighbouring habitable rooms.

The proposed dwelling has been oriented and designed to ensure that the amenity of surrounding properties is not unduly compromised by the proposed development. The dwelling would be sited approximately 6m from its eastern boundary with the *Former Post Office* and would be located approximately 7 to 11m from its southern boundary with *Ivy Cottage* and the adjoining *Byways Cottage*. The proposal has not been sited parallel to its property boundaries with only corners approaching neighbouring properties. In the location proposed, it is considered that the development would not have any unacceptable effects in terms of being dominant or overbearing and would have no overshadowing impacts on residential neighbours.

#### Overlooking/loss of privacy

In terms of overlooking and loss of privacy, SPG02 refers at Note 6 to privacy and states that “*extensions and outbuildings should respect the privacy of neighbouring houses.*”

SPG02 recommends a setback of 10.5m from upper-level habitable room windows to the boundaries of adjoining residential properties.

The dwelling will contain first floor and roof dormer windows which would look out over adjoining sites. However, the building design and window placement seeks to minimise this impact on adjoining residential properties. Northwest and northeast facing windows would overlook portions of the neighbouring churchyard and the rear servicing areas of the Angel Inn. As such these windows would have no unacceptable impact on privacy.

The first floor southwest facing windows would be located in excess of the recommended 10.5m separation distance from the boundaries with *Ivy Cottage* and *Byways Cottage* and

accordingly would result in no harmful impact on privacy. A single first floor southeast facing bedroom window would be located approximately 7.5m from the common boundary with the Former Post Office. While this is less than the 10.5m setback recommended in SPG02, the area immediately beyond the boundary is developed and utilised as the driveway access to the site. As such, it is considered that the reduced window setback would not result in any unacceptable loss of amenity for neighbouring occupiers.

As such, the privacy of the adjoining residential properties will be respected.

#### Residential Amenity Occupiers

Note 8 of SPG02 states that any extension should leave an adequate garden area for private use around the house.

The proposed dwelling would be sited centrally within the plot providing amenity and garden areas around the property. It is considered that the addition of a single dwelling in the centre of the site is appropriate and that sufficient private amenity space would be provided for the occupants of a five-bedroom property. Furthermore, this would generally reflect the residential density and amenity space provision seen in the surrounding area.

As the Application site is located immediately adjoining the Angel Inn with its kitchen ventilation and extraction plant abutting the Application site, noise effects were initially raised as an issue. These effects were considered to have a possible adverse impact on the amenity of future residents of the property. The Applicant then provided a Noise Impact Assessment (NIA) based on the results of an on-site noise survey. A number of noise control measures were recommended in order to mitigate the noise effects of the existing kitchen plant at the Angel Inn including construction materials and methods for the proposed dwelling and the provision of an acoustic screen along the common boundary with the public house.

The Council's Environmental Health Officer has reviewed the NIA and has raised no concerns with its findings and recommendations.

Accordingly, it is considered that the proposal complies with criterion (k) of Policy SP3 of the Replacement Local Development Plan (2024) and guidance contained within Supplementary Planning Guidance Note 02 Householder Development which relates specifically to residential amenity.

#### **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 12 (PPW12) 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."* PPE12 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."*

Policy SP3 of the Replacement Local Development Plan (2024) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *"All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species"*

Policy DNP7 states *"development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted"*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

The Application was accompanied by a Preliminary Ecological Appraisal (**PEA**). The survey found: *'that the site consists of a variety of different small habitats, with the main two present being poor semi-improved grassland and tall ruderal vegetation. The site as a whole is comprised of a limited number of common species with little intrinsic conservation value. A number of non-native species – likely to be garden escapes from adjacent properties – had also colonised the site. These include Cherry laurel, Holly hocks and Spanish bluebells.'*

The PEA also went on to note: *'The line of trees on the eastern boundary provides the most significant potential connectivity with the adjacent garden habitats, which connect in turn with the treelined verges of the nearby M4 motorway to the east. It is recommended that the trees and the open aspect is retained and enhanced as part of the development. This could retain and enhance what little connectivity exists at present, benefitting nesting birds and small mammals, including hedgehog. Fence boundaries in any new development should include gaps on the lower edge to provide access points for hedgehog.'*

*The habitat type combined with the very limited extent and connectivity suggest that protected species are highly unlikely to be present. However, due to suitable habitat associated with the nearby Kenfig National Nature Reserve, and potential roosting opportunities within St Mary Church to the west of the survey site, there is potential for the survey site to be near bat commuting routes and provide opportunistic foraging opportunity. It is therefore recommended that new roosting provision is incorporated into the new development in the form of incorporated bat boxes or similar, high up on the east and / or west-facing gable ends.'*

The Green Infrastructure Statement submitted with the Application noted: *'The existing habitats and green infrastructure within the site boundary comprise the poor semi-improved grassland and bramble scrub making up the majority of the site, a section of hedgerow in poor condition and a number of trees along the boundary.'*

*The existing trees have been assessed by Treescene Arboreal Consultants. They include:*

- 1 x Italian Alder (*Alnus cordata*)



- 5 x Wild Cherry (*Prunus avium*)
- Group of young Sycamore (*Acer pseudoplatanus*)

*Following the assessment by Treescene, one of the cherry trees has been deemed to be in poor physiological condition and is recommended for removal. All of the other existing trees will be retained as part of the development.*

*It is proposed to enhance the green infrastructure within the site boundary by improving the hedgerow along the western boundary, planting new native-species. It is proposed to enhance the green infrastructure within the site boundary by improving the hedgerow along the western boundary, planting new native-species.'*

In this case the proposed site is located within a defined settlement and the proposal is located within a property with limited biodiversity value. Subject to retention of the identified trees, provision of new hedgerow planting and bat boxes, bee bricks and bird nesting boxes within the design of the new dwelling, the measures would be considered sufficient to enhance biodiversity at the site. Conditions can be imposed to ensure this is implemented. As such the proposal is acceptable in terms of biodiversity.

On balance the proposed development is considered to be compliant with Policy SP3 DNP6, 7 and 8 of the Replacement Local Development Plan (2024) and is therefore acceptable in terms of biodiversity.

### **Highway Safety**

Policy SP5: Sustainable Transport and Accessibility of the RLDP states that new development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to local services. Development must be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks. Active travel is to be encouraged and reliance on private car use should be reduced.

Policy PLA11 of the RLDP stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards. Consideration must be given to electric and Ultra Low Emission Vehicles.

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 5-bedroom property would be provided with parking for two vehicles within an integral garage and parking for a further two vehicles on the driveway area in front of the house. Access to the property would be via the existing single width unadopted private access lane and a short section of ‘*shared access*’ at the front of the plot which appears to form part of the *Former Post Office* property.

The Council’s Highways Officer has provided the following observations on the proposed development:

*‘It should be noted that this Application has been subject to a pre planning Application and continued dialogue with the highway authority to reach a point in which a residential*

scheme would be acceptable, in highway terms, at this location. The Applicant has sought to address the concerns and objections raised by the Highway Authority for the previously refused planning consent in 2019 (P/19/195/FUL refers). In addition, the speed limit changes to 20mph across Wales have revised the vision splays required as part of the 2019 Application and are now achievable as part of this application.

The issues which have been addressed relate to the access lane and the ability to improve the surface of the lane and remove the vegetation which restricts the width of the lane. The Applicant has provided a survey of the lane which shows that from boundary to boundary the access the lane measures 3.7m at its widest point and 3.4m at its narrowest point. The Association of Chief Fire Officers has clarified that 'a 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances.' The distance from the highway to the dwelling is 32m therefore in an emergency situation a fire appliance could reach the property from the highway and would not need to use the lane, however the widths measure evidence that emergency services could reach the dwelling using the lane if needed.

However, it should be noted that the measurements provided by the Applicant can only be achieved with the surface of the lane being in good condition and resurfaced. The Applicant has now included the length of the lane within the Application and served the relevant notices on the landowner and as such the Highway Authority must accept that the intention to resurface the lane is agreed by the developer. We note some concerns with regards to the ownership of the lane, however this is a private matter between the developer and the owner. As the improvements to the lane are fundamental to the acceptability of this Application then I have requested a 'Grampian style' planning condition to ensure the lane is improved before any works commence on site.

In addition to the above and improve visibility splays the Highway Authority request a scheme of lining to push forward the give way line at the junction of the lane and Heol Las. This will ensure that the visibility splays are improved and meet standards for the speed of Heol Las. In addition, we have added a condition which seeks to ensure that the public right of way access point adjacent to the site access has the required visibility splay for pedestrians.

Finally, it is noted that the parking provision for the proposed dwelling accords with the adopted parking standards SPG17 and is considered acceptable.

As a result of the above the Highway Authority offers 'No Objection subject to the following conditions:

1. No development shall commence whatsoever until a scheme detailing the resurfacing of the access lane from the site access to the adopted highway (Heol Las), revised location of the give way lines at the junction of Heol Las and installation pedestrians in the highway signage on Heol Las, has been submitted to and agreed by the Local Planning Authority. The agreed scheme shall be implemented before any works commence on the site including any works relating to ground clearance or demolition. The agreed resurfacing and give way lining shall be retained in perpetuity.  
Reason: In the interests of highway and pedestrian safety.
2. 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 purpose of parking in perpetuity.  
Reason: In the interests of highway safety.

3. 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 shall provide for:
- The timing of HGV construction traffic to/from the site in order to avoid the AM and PM peak traffic for residents using Heol Las and the access lane.
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
- Reason: In the interests of highway safety.

4. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at the access from the site to the lane/public footpath and the junction of the lane with Heol Las, at any time.
- Reason: In the interests of highway safety.

Following the re-consultation of the proposal, a number of further representations were received which raised additional transportation concerns, particularly around the use and acceptability of the shared access lane. The Council's Highways Officer has provided clarification of the issues raised:

- There are already 5 dwellings off the lane which is the maximum number allowed off an unadopted lane under current legislation.

*'There is no specific national legislation which restricts the number of dwellings which can be accessed from a private drive/lane. Each Local Authority has its own guidance, which takes in many factors such as location, house type, availability of parking within each dwelling and most importantly how pedestrians access the dwellings as some examples of factors the HA consider.'*

*In Bridgend we have no written policy regarding private drives and there has been historic guidance from the Highway Authority to the LPA that any more than five dwellings would be the point at which further analysis and consideration is required. I note that the objector has indicated that the private lane is already serving five dwellings, however it is considered that the primary pedestrian access for Ivy Cottage and Byways Cottage have an entrance gate located on Heol Las and therefore residents do not have to walk along the lane to access those two dwellings. Therefore, the lane is considered as serving three dwellings by pedestrians and therefore the proposed new dwelling does not increase the number of dwellings to beyond five and is considered acceptable in this instance. In addition, the proposal is seeking to improve the access lane which in turn creates a positive and useable walking route. The resurfacing of the lane will remove the current barriers to walking by existing residents on a poorly and very uneven surfaced lane. This aligns with current national planning policy in promoting walking and cycling through the Active Travel Act.'*

- To bring the lane up to highway standard to allow the council to adopt it and thus allowing more properties would cause total gridlock for all 5 of the current properties as each has access via the lane.

*'The lane will not be adopted by the Highway Authority and will remain a private access lane in private ownership and maintained privately. The planning condition requirement to*



*improve and resurface the lane is a private matter between the Applicant and the owners of the lane. I have also requested in my original observations that development of the proposed new dwelling cannot take place or even started until the lane has been resurfaced. This will ensure that negotiations with the current lane owners and the Applicant of this Application are agreed before work to the proposed dwelling can take place and that all matters relating to the improvement of the lane, including timing of the works and maintaining continued access are agreed by all users of the access lane.*

*As a result of the above the original observations provided in August remain.'*

As such, and subject to appropriate conditions, the proposed development is considered to be compliant with the Note 9 of SPG02 and Policies SP3, SP5 and PLA11 of the Replacement Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

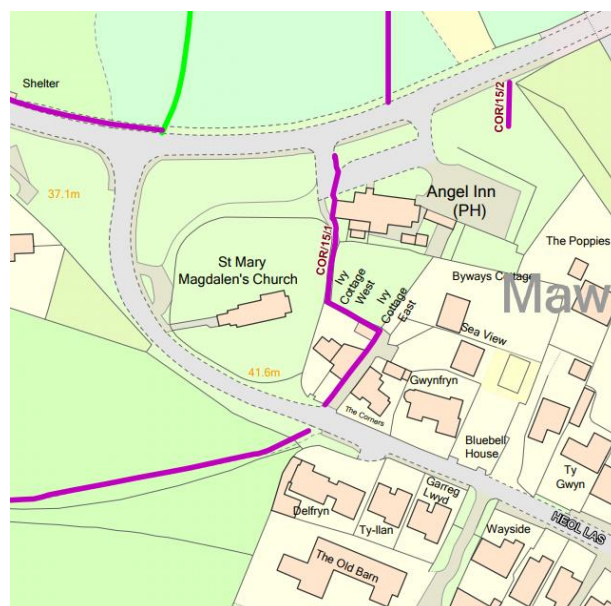
### **Pedestrian Right of Way**

Policy PLA9: Development Affecting Public Rights of Way of the RLDP stipulates that development must link with and seek to minimise impacts on PRow and any predicted adverse impacts on the character, safety, enjoyment and convenient use of PRow must be mitigated.

Policy PLA12: Active Travel of the RLDP states that new development must maximise walking and cycling access by prioritizing their provision within the site. Measures including the improvement of existing Public Rights of Way and signage are to be encouraged.

The Council's Rights of Way and Land Access Officer has advised:

*'Having consulted the Definitive Map and Statement of Public Rights of Way I must advise that the Public Right of Way (PRow) Footpath 15 Cornelly crosses the redline boundary of the Application site. The approximate alignment of the footpath as it is currently shown on the Definitive Map is shown coloured purple on the location plan, a copy of which is attached herewith.*



*I note that the approximate position of the Public Right of Way is acknowledged in the plans submitted and the Application declares that the proposals do not require any diversions or extinguishments of the public right of Way. Having considered the various plans submitted with the Application it appears that the right of way is not affected by the*

*actual development i.e. the construction of one detached dwelling. Therefore, I can confirm that the Rights of Way Section would not object to planning Application P24/31/FUL.*

*The Applicant should be advised, however, that the grant of planning consent does not entitle the developer to obstruct the Public Right of Way. Therefore in the interests of public amenity and to ensure the protection of the Public Right of Way, prior to commencement of development a Public Rights of Way Method Statement should be submitted to and approved in writing by the Rights of Way Manager which demonstrates how the public right of way will remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to ensure that the public right of way is not damaged by the construction. The development shall be carried out in accordance with the approved method statement.*

*Although the Rights of Way Manager does not like to see public rights of way temporarily closed, he does understand that it may be necessary from time to time to temporarily close a route to allow for the implementation of planning permission. However, as an alternative the contractor may wish to employ a banksman, along with suitable signage, to allow the safe passage of machinery to and from the site which may not require a temporary closure.'*

Accordingly, and subject to the imposition of a suitable condition, the proposal is considered to be compliant with Policies PLA9 and PLA12 of the Replacement Local Development Plan (2024).

### **Land Drainage**

Policy DNP9 Natural Resource Protection and Public Health of the RLDP states that development will only be permitted where it can be demonstrated that it will not cause any new or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to 4) Water pollution and the protection of water resources.

The explanation for Policy DNP9 notes that the Council is committed to implementing sustainable approaches to surface water drainage and expects development to incorporate SuDS wherever possible. SuDS mimic natural drainage to improve rainwater infiltration to soil and ground and can be implemented at all scales of development. They may include: green roofs; rainwater harvesting systems; soakaways/infiltration systems; permeable surfaces; rain gardens; detention basins and swales. SuDS can improve a development by creating habitats that enhance biodiversity as well as providing potential amenity and recreational benefits.

The Council's Land Drainage Officer has advised:

*'The Application form states that the proposed development is not located within a flood risk zone, not within 20m of a watercourse nor proposes to increase flood risk elsewhere. A review of the OS database notes the development is not located within a flood risk zone, nor within 20 m of a watercourse.*

*The Application form doesn't state how foul water will be disposed. No foul drainage layout has been provided. The Applicant shall contact DCWW to discuss a proposed connection to the public sewer.*

*The Application form states surface water will be disposed via Sustainable Drainage System. However, no surface water drainage layout has been provided. Please note that infiltration systems must not be situated within 5 m of buildings or boundaries. Infiltration systems must be designed in accordance with BRE-Digest 365 and a minimum of three infiltration tests for each trial hole must be provided.*

*The site is located near an area highly likely to form limestone cavities, therefore any proposal to utilise an infiltration system in this location will be objected to unless a detailed geotechnical report confirming that limestone cavities will not be formed by surface water disposal from the development. It is recommended the Application investigates a connection to proposals to dispose surface water to the main sewer, should infiltration not be viable.*

*Given this development appears to be erecting a new dwelling which is over 100m<sup>2</sup>, a SAB Application is required.*

*From 7 January 2019, new developments greater than 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 contact the Bridgend County Borough Council SAB officer at [SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk) and submit a sustainable drainage Application form to the BCBC SAB...*

*I would request that the following condition be attached to any consent which you are minded to grant.*

*No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface 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 beneficial use.*

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

*To satisfy the above condition, the Applicant must:*

- Provide foul and surface water drainage layouts;*
- Provide agreement in principle from DCWW for foul water (and surface water, if required) disposal to public sewer;*
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30% CC;*
- Submit a sustainable drainage Application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)).*

*And (if an infiltration system is proposed)*

*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 beneficial use.*

#### *Advisory Note*

*In order to satisfy the drainage, condition the following supplementary information is required:*

- Provide proposed SUDS surface water drainage layout (including location of proposed soakaway, (if required);*
- Provide discharge calculations for both Surface and foul water;*



- *Provide the location of rainwater treatment plant and raingardens;*
- *Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE-digest 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.*

The mapping database advises that there is a public sewer located within the highway. Dwr Cymru/Welsh Water have been consulted and have indicated that they have no objections to the proposed development subject to no surface water of land drainage connecting to the public sewerage network.

While it is acknowledged that the site is located near an area likely to form limestone cavities, any surface water system relying on an infiltration system will require a detailed geotechnical report confirming that limestone cavities will not be formed by surface water disposal. As an alternative, the Applicant should consider disposing surface water via an alternative means if the geotechnical report does not recommend use of an infiltration system.

Subject to suitable surface water drainage provision, the proposed development is considered compliant with Policy DNP9 of the Replacement Local Development Plan (2024).

### **Land Quality**

Policy SP3 Good Design and Sustainable Placemaking of the RLDP requires that all development must: h) Incorporate methods to ensure the site is free from contamination (including invasive species).

The Shared Regulatory Services (Environment Team) have reviewed the Application and note that contamination is not known at this site, however the potential for this cannot be ruled out. Accordingly, an '*unforeseen contamination*' condition is recommended.

It is also advised that 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.

Shared Regulatory Services requests the inclusion of conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy SP3 of the RLDP.

Subject to the inclusion of the recommended conditions and advisories, the proposal is considered to be compliant with Policy SP3 of the RLDP.

### **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)

On balance, it is considered that the proposal is an acceptable development of this residential property, and it would not adversely impact on the character or appearance of the area or setting of listed assets or the amenity of adjoining occupants. Furthermore, the development will result in a betterment of the existing unadopted private access lane and associated drainage along with highway safety improvements. Accordingly, the proposed development is considered to be in accordance with Policies SP1, SP3, SP4, SP5, SP17, SP18, SF1 PLA9, PLA11, PLA12, DNP6, DNP7, DNP8 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

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**

(R02) 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:

### **DRAWINGS:**

REDLINED OS LOCATION PLAN

DRAWING NO 23 FB 02 - REDLINED PROPOSED SITE

PROPOSED SITE PLAN - (RECEIVED BY COUNCIL ON 09/10/2025)

DRAWING NO 23 PB M 06 - ELEVATIONS

DRAWING NO 23 PB M 03 - GROUND FLOOR PLAN

DRAWING NO 23 PB M 04 - FIRST FLOOR PLAN

DRAWING NO 23 PB N 05 - ROOM IN ROOFSPACE

TREE CONSTRAINTS PLAN

### **DOCUMENTS:**

TREE SURVEY - TREESCENE (13/02/2024)

GREEN INFRASTRUCTURE STATEMENT - SPECTRUM ECOLOGY (19/04/2024)

PRELIMINARY ECOLOGICAL APPRAISAL - SPECTRUM ECOLOGY (20/04/2024)

NOISE IMPACT ASSESSMENT - ACOUSTIC CONSULTANTS LTD (10/04/2025)

ASSESSMENT OF HERITAGE IMPACT - MARLOES CONSERVATION LTD  
(09/11/2023)

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

2. The windows and ventilation strategy shall be in accordance with tables 9 and 10 of the acoustic report by Acoustic Consultants Ltd entitled 'Residential Development, Heol Las Bridgend, CF33 4PG' Reference: 11072/CP/JA dated 28/03/25. Prior to installation of the windows and trickle vents, their details shall be submitted to the Local Planning Authority to demonstrate compliance with this condition.

Reason: To ensure that the proposed building control measures adequately mitigate noise effects in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

3. Prior to the commencement of development, a scheme detailing an acoustic barrier along the whole northern boundary of the development site (adjacent to the Angel Inn Public House) shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall have a minimum mass density of 10kg/m<sup>2</sup> mass per unit area and be imperforate, rot proof and vermin proof. The details shall include a location plan showing the exact position of the barrier, construction details and details confirming that the barrier has a minimum mass density of at least e.g. 10kg/m<sup>2</sup>. Prior to the first beneficial use of the dwelling, the acoustic barrier shall be implemented as agreed and the barrier shall be maintained and retained in perpetuity thereafter.

Reason: To ensure that the proposed acoustic screen adequately mitigates noise effects in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

4. Notwithstanding the details submitted, 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 building 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 and retained as such thereafter.

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 in accordance with Policies SP3 and SP18 of the Bridgend Replacement Local Development Plan (2024).

5. Notwithstanding the submitted plans prior to the occupation of the dwelling hereby approved a scheme indicating the positions, height, design, materials planting specification and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use is of the dwelling and retained as such thereafter.

Reason: In the interest of visual and residential amenity and to ensure the development complies with Policies SP3 and SP18 of the Bridgend Replacement Local Development Plan (2024).

6. No development shall commence whatsoever until a scheme detailing the resurfacing and drainage of the access lane from the site access to the adopted highway (Heol Las), revised location of the give way lines at the junction of Heol Las and installation pedestrians in the highway signage on Heol Las, has been submitted to and agreed by the Local Planning Authority. The agreed scheme shall be implemented before any works commence on the site including any works relating to ground clearance or demolition. The agreed resurfacing and give way lining shall be retained in perpetuity.

Reason: In the interests of highway and pedestrian safety in accordance with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

7. 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 purpose of parking in perpetuity.

Reason: In the interests of highway safety in accordance with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).



8. 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 shall provide for:
- i. The timing of HGV construction traffic to/from the site in order to avoid the AM and PM peak traffic for residents using Heol Las and the access lane.
  - ii. the parking of vehicles of 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

Reason: In the interests of highway and pedestrian safety in accordance with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

9. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at the access from the site to the lane/public footpath and the junction of the lane with Heol Las, at any time.

Reason: In the interests of highway and pedestrian safety in accordance with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

10. The scheme of landscaping and biodiversity enhancement outlined in the GREEN INFRASTRUCTURE STATEMENT - SPECTRUM ECOLOGY (19/04/2024) and PRELIMINARY ECOLOGICAL APPRAISAL - SPECTRUM ECOLOGY (20/04/2024) shall be carried out prior to the development hereby permitted being brought into beneficial use and retained as such thereafter. Should any plants die, become diseased or damaged within 5 years of the implementation of the landscaping proposals, they shall be replaced by plants of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason To safeguard the character and appearance of the area and enhance biodiversity in accordance with Policy SP3 and DNP6 of the Bridgend Replacement Local Development Plan (2024) and Chapter 6 of Planning Policy Wales and Policy 9 of Future Wales (Edition 12)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), 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 location 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, and to accord with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

12. 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), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason: In order to safeguard the amenities of the location 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 Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

13. 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 location 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, and to accord with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

14. 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 in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

15. 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 in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

16. 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 in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

17. Prior to commencement of any development on the site a Public Rights of Way Method Statement should be submitted to and approved in writing by the Local Planning Authority which demonstrates how the public right of way will remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to ensure that the public right of way is not damaged by the construction. The development shall be carried out in accordance with the approved method statement.

Reason: To prioritize the provision of active travel facilities in accordance with Policy PLA12 of the Bridgend Replacement Local Development Plan (2024).

18. 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 in accordance with Policy DNP9 of the Bridgend Replacement Local Development Plan (2024).

19. Where an infiltration system to manage surface water drainage is proposed, a detailed geotechnical report confirming that limestone cavities will not be formed by surface water disposal from the development shall be submitted to the Local Planning Authority. Where this is confirmed, no development shall commence on the site until as 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 beneficial use.

Reason: In order to suitably manage surface water drainage in accordance with Policy DNP9 of the Bridgend Replacement Local Development Plan (2024).

20. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface 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 beneficial use.

Reason: In order to suitably manage surface water drainage in accordance with Policy DNP9 of the Bridgend Replacement Local Development Plan (2024).

21. No development shall take place on the site until the consent holder, or their agents or successors in title, has secured agreement for a written scheme of historic environment investigation and mitigation for the Application site and the adjoining Listed church, its church yard and stone walls which has been submitted by the consent holder and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the approved scheme.

Reason: To identify and record any features of historic or archaeological interest discovered during the works, in order to avoid or mitigate the impact of the development works on the archaeological resource or Listed asset in accordance with Policy SP18 of the Bridgend Replacement Local Development Plan (2024).

22. Notwithstanding the submitted plans No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on Tree constraints plan. The approved development shall be carried out in accordance with the agreed detail during any clearance, demolition and throughout the course of the development.

Reason: To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policy SP3 and DNP7 of the Bridgend Replacement Local Development Plan (2024)

23. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

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.

b) DWR CYMRU/WELSH WATER ADVISORIES

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 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. The presence of such assets may affect the proposal. In order to assist us 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.

#### c) LAND DRAINAGE ADVISORIES

In order to satisfy the drainage conditions the following supplementary information is required:

- Provide proposed SUDS surface water drainage layout (including location of proposed soakaway, (if required));
- Provide discharge calculations for both Surface and foul water;
- Provide the location of rainwater treatment plant and raingardens;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE-digest 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.
- Provide foul and surface water drainage layouts;
- Provide agreement in principle from DCWW for foul water (and surface water, if required) disposal to public sewer;
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30% CC;
- Submit a sustainable drainage Application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)).

#### d) ARCHAEOLOGICAL ADVISORIES

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.'

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

#### **Background Papers**

None