

## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/185/FUL

**APPLICANT:** MR PHILIP POPP  
C/O BREE DAY LTD 20 CHURCH STREET TWICKENHAM MIDDLESEX

**LOCATION:** LAND OFF CHURCH STREET PONTYCYMMER BRIDGEND

**PROPOSAL:** DEVELOPMENT OF 5 DETACHED HOUSES WITH ASSOCIATED GARAGES

**RECEIVED:** 19th March 2015

**SITE INSPECTED:** 15th April 2015

### APPLICATION/SITE DESCRIPTION

The application proposes the construction of five detached dwellings and garages on land at the southern end of Upper Church Street, Pontycymmer. The submitted layout shows that access to the site will be obtained via the lane leading from the southern end of Upper Church Street to an existing garage compound that also links to an access track leading to Fforch Las Farm. Three of the proposed dwellings (Plots 1, 2 & 3) are positioned on the eastern side of the access with their frontages facing the access track with the remaining two plots (Plots 4 & 5) located in the north eastern quadrant of the site facing south westerly onto a turning head and access from the main access lane.

All the proposed houses are detached three bedroom properties with the dwellings on Plots 3, 4 & 5 having a single storey garage attached to their side elevations. The dwelling on Plot 2 will be allocated a detached garage, which is shown on the western side of the access lane in the south western corner of the application site. The garage to serve Plot 1 is located at the eastern end of the turning head/access to Plots 4 & 5 and will partially form the boundary between Plots 1 and 5. The footprint of the dwellings will measure 9.6m by 5.6m and each will be two storey with hipped roofs reaching a ridge height of 7.4m.

The ground floor will accommodate entrance hall, kitchen/dining area and lounge whilst the first floor will accommodate a landing, three bedrooms and a bathroom.

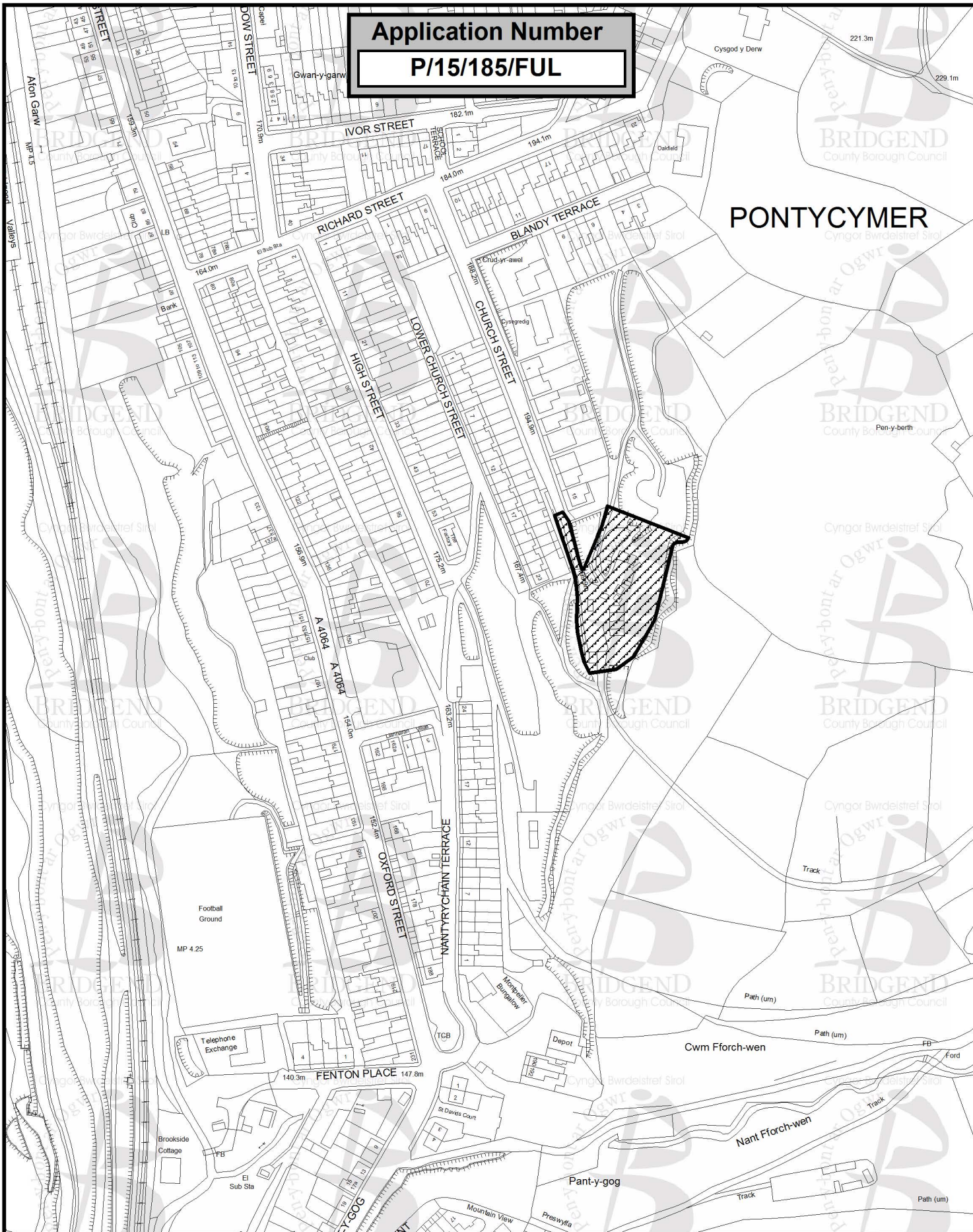
The attached garages on Plots 3, 4 and 5 will measure 6.1m by 3.3m and will have a hipped roof reaching a maximum of 4.5m in height. The detached garages will also measure 6.1m by 3.6m with a hipped roof reaching 3.25m in height.

Materials of construction have been specified as facing brickwork with feature band and plinth in a contrasting colour with natural slate roofs. Doors, windows, rainwater goods will be white uPVC and garages fitted with a powder coated up and over door, colour to be confirmed.

The site is currently occupied by a number of garage type structures, some of which appear to be of corrugated metal sheeting and others of a more modern concrete construction. Whilst the land in this area slopes steeply from east to west, much of the application site is relatively flat although the north eastern section of the site lies at a higher level than the access lane and the remainder of the site. The eastern boundary of the site is marked by steep rock faces, parts of which are partially covered with vegetation. The western site boundary runs along the access lane with the land dropping away sharply onto an undeveloped area of land covered with vegetation and accessed from Lower Church Street.

Application Number

P/15/185/FUL



PONTYCYMER



Scale 1:2,500

Date Issued:  
15/07/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
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O:/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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## RELEVANT HISTORY

**P/07/1284/OUT** REFUSED 14-04-2008  
OUTLINE APPLICATION FOR 5 DETACHED DWELLINGS AND GARAGES

**P/09/257/OUT** APPROVED 28-08-2009  
+conditions  
OUTLINE APPLICATION FOR 5 DETACHED DWELLINGS AND GARAGES

**P/12/538/RLX** Conditional relax 01-10-2012  
EXTEND OUTLINE PERMISSION P/09/257/OUT FOR A FURTHER 3 YEARS (5 DETACHED DWELLINGS AND GARAGES)

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 24th April, 2015.

## NEGOTIATIONS

The applicant was advised of the requirements of Policy COM5 in respect of affordable housing which would result in either one of the dwellings being provided or alternatively a financial contribution to off site provision. It was highlighted that the Policy acknowledges that the provision of affordable housing may adversely impact on the viability of the scheme.

The applicant's agent has submitted estimated build costs sourced from two reputable engineering and construction companies who have referred to cost information held for similar projects of comparable size, nature and location. In addition, two locally based estate agents have provided house price data. This information has been compared with those used in the Three Dragons Development Appraisal Toolkit and to other schemes within the Borough and it is considered that it is typical of rates that can reasonably be expected of a residential development such as this in this location.

Additional development costs have been submitted relating to the demolition of the existing buildings, site clearance, earthworks, provision of an extended length of adoptable highway and various infrastructural requirements relating to the nature of the site. Whilst, inclusion of such costs is subject to agreement, in this case, the previous planning consent demonstrates that, at the very least, costs will be incurred for extensive earthworks and provision of a length of highway. Even if all of the additional costs are excluded it is still difficult to demonstrate a sufficient level of revenue can be generated to ensure any profit is generated and a financial contribution can be provided.

This information demonstrates that, even if the profit from the scheme is reduced to a minimum, it is still difficult to envisage the scheme breaking even. A level of profit equal to 17-20% has been established as an industry wide acceptable standard in numerous planning appeals. Even if allowance is made for an increase in the house sale prices and a decrease in the actual costs of development, it is impossible to generate a profit level that could be regarded as anything close to this. It is considered that the information submitted by the applicant's agent clearly demonstrates that a contribution to affordable housing is not viable.

Concern was also expressed in respect of the design of the garage roofs, which originally were proposed to be gabled. It was considered that given that the dwellings are to have a hipped roof, the introduction of the gable design to the roofs of the garages, particularly those attached to the dwellings would be incompatible in design terms. Amended drawings have been submitted which now show that all the structures, dwellings and garages will have hipped roofs.

## **CONSULTATION RESPONSES**

### **Town/Community Council Observations**

The Council objects to this development on highway issues, the presence of bats and concerns over the stability of the ground and rock-face.

#### **Councillor R D Jenkins**

I object most strongly to this Planning Application as any houses built on the site would be on toxic ground because there are televisions, washing machines, fridges, and possibly even cars, buried in the ground. All put there by the landowner.

I also believe there are bats inhabiting the quarry and any building work may encourage them to leave.

#### **Head Of Street Scene (Highways)**

No objection subject to conditions.

#### **Destination & Countryside Management**

No objection subject to consideration of bats, Japanese Knotweed and birds.

#### **Head Of Street Scene (Drainage)**

No objection.

#### **Welsh Water Developer Services**

No objection.

#### **Crime Prevention Design S.Wales Police**

Advice on security measures that could be included within the design and construction of the proposed dwellings has been provided for the developer's attention and consideration.

#### **The Coal Authority**

No objection to the proposed development.

#### **Group Manager Public Protection**

No objection.

## **REPRESENTATIONS RECEIVED**

#### **Community Cllr T M Jenkins, 168 Oxford Street**

I wish to register my objections to the Planning Application as the land is polluted due to the owner dumping various household items. The ground is certainly not suitable due to the contamination from Mr Popp's dumping on the site. I also understand that there are bats in residence at the site and these cannot be disturbed.

#### **Heather Griffiths, 11 Higher Church St**

I spoke against the outline planning application and my views have not changed since then. The site is unsuitable for housing, it is a quarry and part filled with rubbish with god knows what. I have lived at this address for over 46 years, the quarry regularly sheds rubble below, and is quite

unstable at times. There are still bats in the area, also the ground is also polluted with Japanese Knotweed which was brought in when the owner infilled from another site. The access road is very narrow and would cause a problem for emergency vehicles.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by the Community Council, Ward Member and local residents:-

**Access** - The development proposes an improvement to the access track and the layout includes parking and turning facilities to serve the proposed dwellings. The Highways Officer has confirmed that, subject to conditions, the scheme is acceptable.

The current use of the site as a turning area is not controlled and is reliant on the agreement of the land owner. It is not considered that the loss of this informal arrangement is sufficient to withhold planning consent.

**Bats** - The dwellings are sited some distance away from the cliff face and therefore will not physically disturb this European Protected Species and, subject to a condition in respect of lighting, the Ecologist has raised no objection to the application.

**Land Stability** - Concern has been expressed about the stability of the land and the cliff face. The application has been accompanied by a Coal Mining Risk Assessment, which has been assessed by The Coal Authority, who are satisfied that sufficient competent rock cover exists above the shallowest coal seam present beneath the site to ensure that any unrecorded working within this seam would not result in a significant risk to ground stability at the site.

With regard to the cliff face, the previous outline application (P/09/257/OUT refers) was accompanied by a report from a Civil and Structural Engineering Consultancy, which confirmed that following their visual inspection the rock face does not present a hazard.

**Contamination** - The Public Protection Department have recommended that any contamination that is revealed during the course of the development is drawn to the attention of the Authority.

One objector has advised that there is Japanese Knotweed present on the site and this was noted during the site inspection. A condition requiring an eradication protocol prior to any other development commencing has been recommended by the Ecologist to address this element of the contamination.

## **APPRAISAL**

The application is referred to Committee to consider the objections raised by the Community Council, Ward Member and local residents.

The application seeks consent for the construction of five detached dwellings and garages on land at the southern end of Upper Church Street, Pontycymmer. The submitted layout shows that access to the site will be obtained via the lane leading from the southern end of Upper Church Street to an existing garage compound, which is to be improved. Three of the proposed dwellings (Plots 1, 2 and 3) are positioned on the eastern side of the access with their frontages facing the access lane with the remaining two plots (Plots 4 and 5) located in the north eastern quadrant of the site facing south westerly onto a turning head and access from the main access lane.

The principle of development on this site has already been established and it benefits from an

extant outline planning consent.

The proposal is located within the settlement boundary of Pontycymmer, as defined by Policy PLA1 of the Bridgend Local Development Plan. As such, the proposal represents the opportunity to develop under-utilised land within the urban area for residential development in accordance with Policy COM3 of the Local Development Plan.

As a proposal for 5 dwellings, the application triggers Policy COM5, which requires 15% affordable housing provision in the Ogmore, Garw and Upper Llynfi Valley housing market area. As such one of the units should be provided as affordable housing with an appropriate tenure to be agreed.

Alternatively, a contribution towards the provision of affordable housing in lieu of on-site provision may be deemed acceptable. Policy COM5 acknowledges that the provision of affordable housing can affect the viability of residential development, therefore the aforementioned requirements are subject to negotiation with the applicant. The outcome of the discussions with the applicant's agent in respect of this obligation have been provided in the preceding section of the report describing Negotiations. In this case it has been demonstrated that there is insufficient viability in the site to justify any contribution.

The application also triggers the threshold of SPG16 Educational Facilities although in this case sufficient capacity exists within local schools to accommodate any demand generated by the proposals. As such no contribution is required.

Policy SP2 of the Local Development Plan requires all development to 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 and establishes criteria against which development proposals should be assessed. It is considered that criteria 2,3,4,6,7,9,10 and 13 are relevant to this application.

It is considered that, in terms of design, scale and size, the development is compatible with the area. With regard to efficiency of land use, the site is considered to constitute brownfield and the principle of the development has previously been established when outline planning permission was granted in 2009 (P/09/257/OUT) and subsequently effectively renewed in 2012 (P/12/538/RLX refers).

Subject to the imposition of conditions, satisfactory means of access and parking facilities and methods of dealing with contamination together with advisory notes relating to minimising crime, the proposed development is compatible with criteria 6, 7 and 9. Similarly conditions requiring an appropriate lighting scheme will safeguard any potential protected species that may be present in the cliff face and require the provision of appropriate drainage systems to serve the development and thereby ensure the proposed development satisfied the outstanding criteria.

During the processing of the application Policies PLA1, COM3, COM5, ENV5, ENV6, ENV7 and SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 16 (Education), 17 (Parking Standards) and 19 (Green Infrastructure) were considered.

## **CONCLUSION**

Notwithstanding the objections raised it is considered on balance that the development complies with National and Council Policies and Guidelines and does not adversely affect highway safety, privacy, or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

## **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: plan numbers 346-PL200 Rev2, 346-PL201 Rev1, 346-PL202 Rev1 and 346-PL203 Rev1.

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

- 2 No development shall commence until a scheme for the provision of an access drive not less than 3.65m wide complete with turning facilities to cater for calling delivery and service vehicles has been submitted to and agreed in writing with the Local Planning Authority. The access drive and turning facilities shall be completed in permanent materials before any of the proposed dwellings are brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no development which would be permitted under Article 3, Class A of Part 2 to Schedule 2 of the Order shall be carried out anywhere on the access leading to any of the plots within the development without the prior written consent of the Local Planning Authority.

Reason : In the interests of highway safety to ensure that turning facilities will always remain available to users of the maintainable highway of Church Street, Pontycymmer.

- 4 No development shall commence until a scheme for the provision of 2 off street parking spaces per dwelling and 1 visitor space has been submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter be provided in permanent materials in accordance with the agreed scheme prior to the dwelling which they serve being brought into beneficial use and retained as such thereafter in perpetuity.

Reason : In the interests of highway safety.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the attached and detached garages serving the individual plots shall be retained as such at all times and shall not be converted into living accommodation or ancillary business usage without the written consent of the Local Planning Authority.

Reason : To ensure the retention of adequate off street parking space in the interests of highway safety.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A,B,D & E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

- 7 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 buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

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

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

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

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

- 10** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof, yard and surface water will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason To ensure that effective drainage facilities are provided.

- 11** No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and agreed in writing with the Local Planning Authority. The strategy shall:-

(a) Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and  
(b) Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstance should any other external lighting be installed without prior consent from the Local Planning Authority.

Reasons : In the interests of safeguarding biodiversity interests.

- 12** No development shall commence until an invasive non native species protocol detailing the containment, control and removal of the Japanese Knotweed and Himalayan Balsam on the site, has been submitted to and agreed in writing with the Local Planning Authority. The measures identified shall be carried out strictly in accordance with the agreed protocol prior to any other development being progressed on the site.

Reason : To ensure the site is free from contamination and safeguard against the spread of any invasive non-native species outside the site.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS



(a) Notwithstanding the objections received it is considered, on balance, that the application is recommended for approval because the development complies with National and Council Policies and Guidelines and does not adversely affect highway safety, privacy, or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

(b) The developer is advised to consider the stability and strength of the retaining wall supporting the access to the site and any additional loading imposed on it by the improvement to the access and required construction traffic. The developer may also wish to give consideration of the provision of some form of edge restraint/barrier on the western side of the access lane to protect future users.

(c) The developer is requested to consider the provision of nest boxes for both bat and bird species within the development and/or incorporation of bat bricks or bat tiles to provide summer roosting opportunities for bats. Advice can be found in Section 7 of the Authority's Supplementary Planning Guidance 19 A Green Infrastructure Approach.

(d) In order to address the requirements of the drainage conditions the following level of information would be required:-

(i) Design Calculations, Storm Period and intensity, any method employed to delay and control surface water discharged from the site and measures taken to prevent the pollution of the receiving groundwater and/or surface water;

(ii) A timetable for implementation

(iii) 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;

(iv) Ground investigation report sufficient to support the design parameters and suitability of the proposed system.

(e) The presence of any significant contamination which becomes evident during the development of the site shall be brought to the attention of the Council's Public Protection Department.

(f) The observations of Dwr Cymru/Welsh Water's Developer Services are attached for the information and consideration of the developer.

(g) The observations of South Wales Police Crime Prevention Design Advisor are attached for the information and consideration of the developer.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None