

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 21 July 2023

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 27 July 2023 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits
To confirm a date of Wednesday 06/09/2023 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 10
To receive for approval the minutes of the 04/05/2023 and 15/06/2023
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

By receiving this Agenda Pack electronically you will save the Authority approx. £3.56 in printing costs

7.	<u>Development Control Committee Guidance</u>	11 - 14
8.	<u>P/22/756/FUL - Land at Bridgend police station & former cheapside multi storey car park, Bridgend, CF31 1BZ</u>	15 - 50
9.	<u>P/22/484/FUL - Land at Primrose Stables Old Coachman's Lane Court Colman, Bridgend, CF31 4NG</u>	51 - 74
10.	<u>T/22/41/TPO - Western Bank Of Wilderness Lake, East Of Ger Y Llyn, Porthcawl, CF36 5ND</u>	75 - 94
11.	<u>P/21/483/OUT - Land Adjacent To Tondy Ironworks, Tondy, CF32 9TF</u>	95 - 120
12.	<u>P/22/597/FUL - Land Formerly Ffaldau Arms, Victoria Street, Pontycymmer, CF32 8LL</u>	121 - 152
13.	<u>P/22/740/BCB - Porthcawl Comprehensive School, Park Avenue, Porthcawl, CF36 3ES</u>	153 - 164
14.	<u>P/23/291/FUL - 8, Llynfi Court, Maesteg, CF34 9NJ</u>	165 - 174
15.	<u>Appeals</u>	175 - 176
16.	<u>Training Log</u>	177 - 178
17.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.	

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / .643696

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

H T Bennett
A R Berrow
N Clarke
RJ Collins
C L C Davies
S Easterbrook

Councillors

RM Granville
H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes

Councillors

M R John
MJ Kearns
W J Kendall
J E Pratt
A Wathan
R Williams

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 4 MAY 2023

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 4 MAY 2023 AT 10:00

Present

Councillor RM Granville – Chairperson

H T Bennett	A R Berrow	N Clarke	C L C Davies
S Easterbrook	H Griffiths	S J Griffiths	D T Harrison
M L Hughes	D M Hughes	M R John	MJ Kearns
W J Kendall	J E Pratt	MJ Williams	R Williams

Apologies for Absence

RJ Collins

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Stephen Griffiths	Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Euan Sexton	Senior Planning Officer
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer

98. DECLARATIONS OF INTEREST

Councillor J Pratt declared a personal interest in Agenda item 8, as he lived in close proximity to the development subject of the planning application and was the Ward member.

Councillor R Williams declared a prejudicial interest in Agenda item 10, as he had long association with the school subject of the application for many years, as a school governor

99. SITE VISITS

RESOLVED: That a date for any site visits agreed by the Committee or identified in advance of the next meeting by the Chairperson, be convened for 14 June 2023.

100. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development Control Committee dated 23 March 2023, be approved as a true and accurate record.

101. PUBLIC SPEAKERS

There were no public speakers listed to speak at today's meeting.

102. AMENDMENT SHEET

RESOLVED: The Amendment Sheet was accepted by the Chairperson as an urgent item under Part 4, paragraph 4 of the Council Procedure Rules.

103. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the report of the Corporate Director – Communities, outlining the Development Control Committee Guidance be noted.

104. P/22/588/RLX - ST. JOHNS SCHOOL, CHURCH STREET, NEWTON, PORTHCAWL, CF36 5SJ - VARIATION OF CONDITION 1 OF P/21/211/RLX – TREE REMOVAL/TREE RETENTION PLANS & LANDSCAPING SCHEME

RESOLVED: That the above application be granted, subject to the conditions contained in the report of the Corporate Director – Communities and to the following:-

Condition 12 on the report to be amended with three years in the first sentence being changed to five years. The condition will read as follows:

12. If within a period of five years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

Condition 30 of the report to also be re-worded as follows:

30. The development shall be implemented in accordance with the Construction Transport Management Plan – Revision A & Traffic Management Plan TMP/001 Rev A submitted on the 16 June 2021 and agreed by the Local Planning Authority on the 21 June 2021. The construction works shall thereafter be undertaken in accordance with the agreed Construction Transport Management Plan – Revision A & Traffic Management Plan TMP/001 Rev A throughout the construction phase.

Reason: In the interests of highway and pedestrian safety.

The wording of Condition 1 will also be adjusted to refer to the correct Construction Transport Management Plan. Revised Construction Traffic Management Plan and Traffic Management Plan submitted on the 16 June 2021 should be changed to Construction Transport Management Plan – Revision A & Traffic Management Plan TMP/001 Rev A submitted on 16 June 2021.

105. P/14/838/FUL - LAND EAST OF CWMFELIN AND SOUTH OF CRAIG TERRACE/EBENEZER TERRACE, BLACKMILL, BRIDGEND, CF32 8RS - ERECTION OF 28 AFFORDABLE RESIDENTIAL DWELLINGS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

RESOLVED: That the above application be deferred, in order that a key neighbour can be consulted and invited to comment on the latest plans on the application.

106. **P/22/731/BCB - PENCOED PRIMARY SCHOOL, PENPRYSG ROAD, PENCOED, CF35 6RH - PROPOSED MULTI-USE GAMES AREA (MUGA) FLOOD LIGHTING**

RESOLVED: That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992 the Council carry out the above development subject to the conditions contained in the report of the Corporate Director – Communities.

Note: A Member suggested that a timer be set up on the lighting system to ensure that they are switched off at the agreed times and to avoid breaching the conditions. The case officer has reviewed the submission and the system will be fitted with a time switch and an override key.

107. **APPEALS**

RESOLVED:

(1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.

(2) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed the Appeal be dismissed:-

Appeal No. – A/20/3254083 (1896)

Subject of Appeal – Two Static Residential Gypsy Caravans, Two Day/ Utility Rooms, Two Touring Caravans, Improved Access, Internal Driveway And Parking Area, Fencing, Retention Of Hardcore Area & Installation Of A Septic Tank: Land East Of Zoar Chapel, Wern Tarw Road, Rhiwceiliog, Pencoed.

(3) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed the Appeal be allowed and the Enforcement Notice varied:

Appeal No. - C/21/3269231 (1951)

Subject of Appeal - Two Static Residential Gypsy Caravans, Two Day/ Utility Rooms, Two Touring Caravans, Improved Access, Internal Driveway And Parking Area, Fencing, Retention Of Hardcore Area & Installation Of A Septic Tank: Land Opposite Zoar Chapel, Chapel Road (C021), Rhiwceiliog, Pencoed.

(4) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed that the Appeal be allowed subject to Conditions:

Appeal No. - A/20/3265375 (1909)

Subject of Appeal - The Creation Of One Gypsy Family Pitch Comprising Of Two Static Residential Gypsy Caravans, Two Day/ Utility Rooms, Two Touring Caravans, Improved Access, Retention Of Hardcore Area And Installation Of A Package Treatment Plant: Land At No. 2 Gypsy Lane Stables, Wern Tarw Road, Rhiwceiliog, Pencoed.

(5) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed that the Appeal be allowed in that the time for compliance be varied but that the Enforcement Notice be upheld in all other aspects:

Appeal No. - C/21/3269224 (1950)

Subject of Appeal - The Creation Of One Gypsy Family Pitch Comprising Of Two Static Residential Gypsy Caravans, Two Day/ Utility Rooms, Two Touring Caravans, Improved Access, Retention Of Hardcore Area And Installation Of A Package Treatment Plant: Land At No. 2 Gypsy Lane Stables, Wern Tarw Road, Rhiwceiliog, Pencoed.

(6) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed that the Appeal be allowed subject to Conditions:

Appeal No. – CAS-02029-Z348M4

Subject of Appeal - The Erection Of A Class A3 Restaurant And Drive- Thru (Burger King) Together With Associated External Covered Terrace, Screened Refuse Store, Parking, Landscaping And Associated Works: Land At Wickes Car Park, Waterton, Bridgend.

(7) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed the Appeal be dismissed:-

Appeal No. – CAS-02528-C0V8D6 (1983)

Subject of Appeal - Front Garden Development: Erect A Supporting Wall And Boundary Railings; Create Parking Area; Lower Kerb To Allow Access For Parking Area: 87 Ffordd Yr Ehedydd, North Cornelly.

108. TRAINING LOG

RESOLVED: That the report of the Corporate Director – Communities outlining up and coming training sessions on key topics relating to Planning and Development be noted.

109. URGENT ITEMS

None.

The meeting closed at 12:15

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 15 JUNE 2023

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID
IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB
ON THURSDAY, 15 JUNE 2023 AT 10:00

Present

Councillor RM Granville – Chairperson

H T Bennett	A R Berrow	N Clarke	RJ Collins
C L C Davies	S Easterbrook	D T Harrison	M L Hughes
D M Hughes	M R John	MJ Kearns	W J Kendall
J E Pratt	A Wathan	R Williams	

Apologies for Absence

H Griffiths and S J Griffiths

Officers:

Rhodri Davies	Development & Building Control Manager
Stephen Griffiths	Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Michael Pitman	Technical Support Officer – Democratic Services
Philip Thomas	Principal Planning Officer

111. DECLARATIONS OF INTEREST

Councillor S Easterbrook declared a personal interest in Agenda item 8., as a former pupil of Brynteg Comprehensive School.

Mr. P Thomas declared a personal interest in Agenda item 8., as a former pupil of Brynteg Comprehensive School. Close family members of his had also been former pupils at the school.

112. SITE VISITS

RESOLVED: That a date for any site visits agreed by the Committee or identified in advance of the next meeting by the Chairperson, be convened for 26 July 2023.

113. PUBLIC SPEAKERS

There were no public speakers.

114. AMENDMENT SHEET

RESOLVED: The Amendment Sheet was accepted by the Chairperson as an urgent item under Part 4, paragraph 4 of the Council Procedure Rules.

115. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the report of the Corporate Director – Communities, outlining the Development Control Committee Guidance be noted.

116. P/14/838/FUL - LAND EAST OF CWM FELIN & SOUTH OF CRAIG TERRACE/
EBENEZER TERRACE, BLACKMILL, BRIDGEND, CF32 8RS

RESOLVED: (1) That having regard to the above application, the applicant enters into a Section 106 Agreement to:

- i. Provide 6 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council.
- ii. Agree and implement management plans for the future maintenance of the existing watercourse on the eastern boundary of the development site, all storage drainage systems in the private areas of the development, the noise mitigation works, the areas of open space including the Wildlife Protection Zones and all Ecological Enhancement Works. Details of the Management Plan, Management Company (including the funding of the Management Company) and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.
- iii. Enter into a Highways Agreement to secure the adoption of the proposed roads that will serve the development site.

(2) That the Corporate Director Communities be given delegated powers to issue a decision notice granting planning consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions contained in her report.

Proposal:

Erection of 28 affordable residential dwellings, car parking, landscaping and associated works.

117. P/22/811/FUL - BRYNTEG COMPREHENSIVE SCHOOL, EWENNY ROAD,
BRIDGEND CF31 3ER

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.

Proposal:

New artificial hockey turf pitch with associated mesh fencing and sports lighting (to replace existing redgra hockey pitch).

118. APPEALS

RESOLVED:

- (1) That the appeal received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.
- (2) That the Inspector appointed by Welsh Ministers to determine the following appeals, has directed the Appeals be dismissed and in the first of the two dismissals below, that the Enforcement Notices be upheld:-

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 15 JUNE 2023

- i. Appeal No. – CAS-02104-Z1X1Y3 (1966)

Subject of Appeal – Alleged unauthorised log cabins for mixed use of holiday let and private use, Nantmwth Fach Farm, Shwt.

- ii. Appeal No. – CAS-02105-X9F1N2 (1967)

Subject of Appeal – Unauthorised timber cabin – Material change of use, Nantmwth Fach Farm, Shwt

- iii. Appeal No. – CAS-02106-M5G1L1 (1968)

Subject of Appeal – Retention of log cabin for use as a holiday let for tourism purposes and the construction of a proposed adjacent toilet and shower block, Nantmwth Fach Farm, Shwt

- (3) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed the Appeal be allowed, subject to the Conditions contained in the report of the Corporate Director - Communities:

Appeal No. - CAS-02592-K3Y2Z3 (1985)

Subject of Appeal - Roof top extension (Revised) (Resubmission of P/22/152/FUL): 11 Rest Bay Close, Porthcawl.

119. LISTED BUILDING CONSENT DELEGATION

The Development and Control Manager presented a report, the purpose of which, was to seek approval to the changes to the Planning Code of Practice (PCP) necessary for Council Officers to proceed with the determination of applications for listed building consent for Grade II buildings without the need for referral to Welsh Ministers.

He reminded Members, that at a meeting of Development Control Committee on 9 January 2023 Members were advised that notification had been received from Cadw that it was minded to grant Listed Building Consent Delegation to the Council subject to acceptance of a number of requirements.

The requirements were set out in the report to the Development Control Committee on the above date, a copy of which was attached at Appendix A to the cover report.

The report to Development Control Committee on 9th January included a recommendation that the report be referred to Council for agreement to amend the Constitution as described in paragraph 4.4 of the report, along with any other necessary amendments.

On 17 January 2023 the Council received confirmation from Cadw of its intention to award delegation from 1 February 2023 in the form of a signed Direction, a copy of which was attached as Appendix B ("the Direction") to this report.

A further report was presented to Council on 8 February 2023 and the necessary changes to the constitution were agreed. As part of that report Council were informed that any amendments required to the current scheme of officer delegation which has been adopted by the Development Control Committee as part of the PCP would be reported back to the Development Control Committee for decision.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 15 JUNE 2023

The existing Scheme of officer delegation is in the PCP (attached at Appendix C to this report) and included powers for Officers, where appropriate, to determine applications for Listed Building Consent subject to the requirement to notify Welsh Ministers in line with Section 13 of the Planning(Listed Buildings and Conservation Areas) Act 1990. The PCP will require a change to allow Officers to determine applications for Listed Building Consent for Grade II buildings without the need for referral to Welsh Ministers, on any application for Listed Building Consent, if officers have received and adhered to the advice of the Senior Conservation and Design Officer, Moira Lucas.

The suggested amendment would be to Schedule 1 of the PCP, with a new heading being added to Schedule 1 as follows:- "Listed Building Consent Delegation". Under that heading the paragraphs detailed in paragraph 3.3 of the report, should be inserted.

RESOLVED: That the Development Control Committee approved the proposed changes outlined in paragraph 3.3 of the report to the Planning Code of Practice.

120. **TRAINING LOG**

RESOLVED: That the report of the Corporate Director – Communities outlining the training sessions in respect of the various topics outlined in the report, be noted.

121. **URGENT ITEMS**

None

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

STANDARD CONDITIONS

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

STANDARD NOTES

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
 - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - increase in the volume of a building;
 - increase in the height of a building;
 - changes to the site area;
 - changes which conflict with a condition;
 - additional or repositioned windows / doors / openings within 21m of an existing building;
 - changes which alter the nature or description of the development;
 - new works or elements not part of the original scheme;
 - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

Request for a Site Visit

Ward Member request for Site Visit

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits cannot be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

Inappropriate Site Visit

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

Format and Conduct at the Site Visit

Attendance

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

Officer Advice

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

Code of Conduct

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

Record Keeping

A file record will be kept of those attending the site visit.

Site Visit Summary

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

REFERENCE: P/22/756/FUL

APPLICANT: Bridgend College

LOCATION: Land at Bridgend Police Station & former Cheapside multi storey car park, Cheapside, Bridgend CF31 1BZ

PROPOSAL: Demolition of existing buildings and construction of a further and higher education facility (Use Class D1), theatre (Use Class Sui Generis), café (Use Class A3) including sprinkler tank, refuse store, cycle store, roof plant and associated public realm, landscaping, highways and engineering works

RECEIVED: 7 November 2022

APPLICATION/SITE DESCRIPTION

The proposed development involves the redevelopment of two adjacent brownfield sites - the former Bridgend Police Station (vacated in Nov/Dec 2022 and now demolished) and the former multi-storey car park at Cheapside (Brackla 1) to the eastern side of Bridgend Town Centre.

The two areas form an L-shaped site of approximately 0.935Ha and it is defined by the adjacent Aldi store and car park, the one-way road system on Cheapside, the railway, the Asda store and car park, Brackla Street Shopping Centre and Brackla Street.

The proposal revolves around the provision of an educational facility for Bridgend College to replace its existing campus on Cowbridge Road. The existing campus is suffering from sink holes, would require an extensive refurbishment and is likely to be demolished to remove inefficient and high maintenance buildings from its estate. The 32-bedroom hostel at the corner of the Cowbridge Road campus (Weston House) will remain, however, the remainder of the site will be the subject of a disposal strategy. The Queens Road campus on Bridgend Industrial Estate will also be relocated to the Cheapside site. The relocation of the campus to the town centre forms part of the wider "Town Centre First" initiative and regeneration proposals for the town centre.

It is expected that the development will provide a long-term facility for the wider community and Bridgend town centre in conjunction with funding from the Welsh Government as a carbon net zero project. It offers an opportunity to modernise and rationalise college teaching facilities within a "fit for purpose" campus environment with students benefitting from the greater learning and employment opportunities available from a town centre location.



Fig. 1 – Site Location Plan

The accommodation requirements for the two buildings are expected to support the following departments with ancillary social hub, auditorium, reception, break out areas and meeting rooms:

- Performing Arts
- Visual Arts
- Skills
- Catering and Hospitality
- Wellbeing Centre
- Care and Childhood Studies
- Partnerships
- Health and Beauty
- Step Up
- Independent Living Skills
- Business
- HE

It will include circa 13,100 sq. m. of accommodation across the two sites to provide teaching and learning premises such as standard classrooms, IT suites, multi-purpose studios, catering kitchens, hair and beauty salons, recording and dance studios, design workshops and performance areas. In addition, general facilities such as a learning centre, café/bar, conference rooms and social hubs will be provided for use by the community.

The buildings will range between 3 and 6 storeys with a central courtyard. The new campus will be within easy walking distance of the town, bus station and train station and is therefore considered to be in a highly sustainable location.

It is intended to introduce areas of public realm through the creation of plazas to the northern and southern ends of the main building (Block 01), to strengthen the links and legibility between the two blocks and to promote a strong sense of arrival, particularly at the main entrance off Brackla Street.

The development will include a 200-seat auditorium/theatre and a performing arts centre separate from the purely educational elements of the college that will provide some community uses/classes in the evenings.

The 39 on-site car parking spaces (including 8 disabled parking bays and 5 electric charging spaces) will be managed by the College.

The roof spaces will be largely utilised for plant, PV's and green/blue roofs.

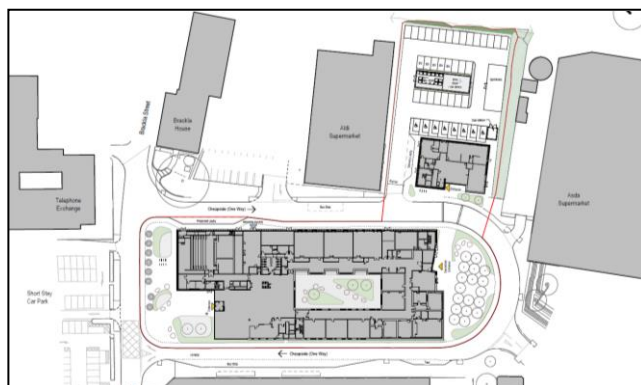


Fig. 2 - Proposed Layout

No Tree Preservation Orders exist on site; however, trees form the site boundary and will be accommodated where possible and in line with the Arboricultural Survey and Report as part of the development. The development is not within a Conservation Area but is close to, and can be seen from, the Bridgend Town and Merthyr Mawr Road Conservation Areas. The site is not at risk of river and/or surface water flooding and it is in Zone A, defined in Technical Advice Note 15: Flooding (2004) as an area that is considered to be at little or no risk of fluvial or tidal/coastal flooding. This situation does not change with the impending adoption of the Flood Map for Planning and a new TAN15. No rights of way are affected by the development.

The application has been supported by the following documents/reports:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Phase One Ecology Report Police Station
- Phase One Ecology Report MSCP
- Bat Survey Report Police Station
- Bat Survey Report MSCP
- Tree Report
- Outline Drainage Strategy
- Transport Assessment
- Travel Plan
- Geo-technical and Geo-environmental Reports
- Noise Assessment
- Energy Statement
- Sustainability Statement

During the consideration of the application, amended plans were received along with an updated PAC Report (as it was identified that there were additional responses to the PAC which needed to be included i.e. comments from the Theatre Trust and public comments 'comment neither in objection/support'), a Hibernation Survey of the Brackla 1 Multi Storey Car Park, a Stage 1 Road Safety Audit, a Staff and Student Travel Survey and Summary and updated Site Investigation Reports (Combined GI Report and Geo-Environmental Desk Top Study Report).

RELEVANT HISTORY

For the Multi-Storey car park site (Brackla 1), the following planning history is of relevance:

P/05/1320/BCB Use of the car park as car boot sale on Sundays (remain car park Mon-Sat) - Unconditional Consent - 29/11/2005.

P/03/340/BCB Use of car park for car boot sales on Sundays only – Conditional Consent - 13/05/2003

For the former Bridgend Police Station part of the site, the following planning history is of relevance:

P/22/802/DPN Prior notification to demolish Bridgend Police Station – Prior Approval not required 23/02/2023.

A/05/8/ADV 3 x spot lit bilingual corporate signs - Conditional Consent
24/03/2005.

A/05/2/ADV External amber led display sign, intermittently illuminated
(internally) – Refused 16/02/2005.

P/98/1067/FUL Disabled ramp entrance to main pedestrian - Conditional Consent
26/01/1999

For the semi-circular public realm area at the southern end of Cheapside, the following planning is of relevance:

P/12/427/BCB Installation of two pieces of public artwork - Unconditional Consent
20/07/2012

PUBLICITY

Neighbours have been notified of the receipt of the application and the scheme has been the subject of site and press notices and re-consultations due to amended plans and documents.

NEGOTIATIONS

The application has been the subject of detailed pre-application discussions, a Pre-Application Consultation (PAC) process and exhibitions.

The scheme has been revised to take into account highway related requirements and Block A has been moved 900mm to the north to avoid an area of unregistered land.

It will also be the subject of a separate “stopping up order” process for certain areas of adopted highway (layby and vehicular entrance into the car park of the former Police Station) fronting Cheapside via the Welsh Government, post decision.

CONSULTATION RESPONSES

Bridgend Town Council – “Bridgend Town Council wish to support the application in principle but provide the following comments:

1) On the external design and fabrics to be used, we raise concerns on the architectural merit of such a prestigious long-term building and question whether the proposed design is too stark in our Town Centre and needs further consideration. We are also concerned at the amount of glass and metal fabrics being utilised and wonder how durable and resistant they will be long term without major costs of refurbishment on a regular basis.

2) Connectivity of the two buildings is mentioned several times in the submission and we wonder why no mention is made of a connecting bridge across Cheapside between the two buildings. This would appear to add to connectivity of operation and is a major opportunity which appears to have been missed.

3) Staff and student numbers estimated on site are noted; but we need to question the thinking behind the parking of transportation vehicles of site users. Some 42 specialised parking spaces are quoted, together with 116 cycle stands. We cannot see any evidence that so many cycle stands are needed; what surveys have been undertaken; and is the project being solely reliant on the use of existing public and private car parks? Have any car parking surveys within Bridgend Town been undertaken? We cannot determine any results to date.

4) It is quite clear – and council accepts – that this will be a full 3-year project and during that time, the heart of Bridgend Town will become a building site with major disruption to the life of the Town Centre. What steps will be taken to mitigate the effects on everyday life?

5) This is a £50 million project and clearly the most important to impact on Bridgend Town centre for several decades. That being so, Council believes that the project should be given the widest publicity with the Bridgend area residents; and to that end, the project is surely worthy of a full-scale exhibition to be staged prior to any final planning permission submission for input of views from the public. Bridgend Town Council is therefore happy to offer the use of our current Council building free of charge – Carnegie House, Wyndham Street, Bridgend Town Centre.

6) In conclusion, Council is fully in support of the general concept of Bridgend College moving into our Town Centre; but the foregoing concerns need to be fully considered.”

BTC reserve their right to speak at future developmental control meetings.

Highways Officer - No objections subject to conditions.

Dwr Cymru/Welsh Water Developer Services - No objection subject to conditions.

Natural Resources Wales – Concerns but no objection subject to conditions relating to biodiversity, land contamination and drainage and, in particular, the submission of the document: ‘Bridgend Further Education College – Block 2 Winter Internal Inspection File Note’ by AECOM, dated February 2023.

Land Drainage Officer - No objection subject to conditions and advisory notes.

Shared Regulatory Services - Public Protection (Noise) - No objection subject to conditions.

Shared Regulatory Services – Environment Team (Ground Contamination) - No objection subject to conditions.

Network Rail - No objection subject to informatives.

Building Conservation Officer – No objections subject to conditions.

The South Wales Police Designing Out Crime Officer – No objections. A set of recommendations have been made towards achieving the Secured by Design (SBD) Gold Award.

REPRESENTATIONS RECEIVED

None

COMMENTS ON REPRESENTATIONS RECEIVED

With regard to BTCs comments, the majority of the points were raised at the PAC stage and have been addressed in the applicant’s PAC Report.

More specifically, the scheme has been designed to balance aesthetics, robustness and functionality with a view to achieving a BREEAM Excellent rating and a carbon net zero development. It is considered that the existing/original buildings (Police Station and Brackla 1 Multi Storey Car park) have come to the end of their useful life and have very little architectural merit. The proposed external materials in the new building will be durable in nature and in common use in modern building construction.

A connecting bridge between Blocks A and B has been considered and discounted on the basis of the cost and potential impact on the highway network.

Safe and secure cycle stands are needed to cater for Bridgend based students and to encourage a modal shift from the private car. There is sufficient capacity in town centre car parks but it is expected that staff and students (and some visitors) will be able to reach the college via sustainable means of travel including private bus services subsidised by the college. In terms of the transport hierarchy priority must be first given to active travel options i.e. cycling and walking followed by public transport. Car based travel is seen as a least favourable option particularly in a town centre setting, which is well served by a range of public transport options.

The Police Station has now been demolished and it is expected that the project will take at least 2 years to complete. A Construction Method Statement will be required by condition to limit the impact of the demolition of the multi storey car park and development on the surrounding area and users.

POLICY CONTEXT

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

The proposed site is also located in the Bridgend Strategic Regeneration Growth Area as defined by Policy SP1 of the LDP, which states that development will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of settlements as set out in the settlement hierarchy.

The site is also subject to Policy SP10 Retail and Commercial Hierarchy of the LDP which defines the site as part of the Bridgend Sub Regional District Centre. Policy SP10 states that all new developments within retailing and commercial centres should provide retail, community or commercial floor space on the ground floor.

The site is currently designated for retail, office, other commercial, leisure and complementary uses and is a key development site in a retailing and commercial centre under LDP Policy REG9(1) – ‘Southside’ – Land at the Brackla Centre, Cheapside, Police Station and the Surface Car Park, Bridgend.

It is also in close proximity to a housing allocation (with an estimated number of 19 units) under Policy COM1(12) – Brackla Street, although that consent (P/06/1127/FUL - Part Demolition of Existing Shopping Centre & Construct New Retail & Residential Accommodation (19 No Units)) was not implemented.

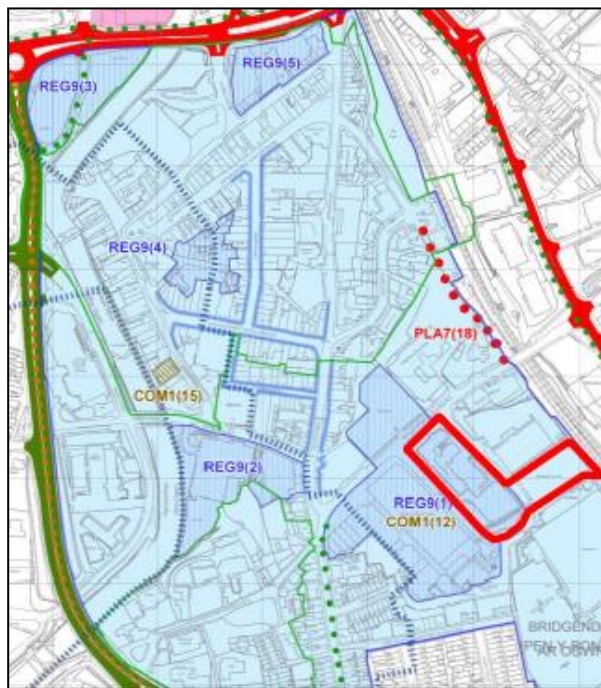


Fig. 3 – LDP Proposals Map Extract (with the site outlined in red)

The proposed use of land would come under Use Class D1 as a Non-residential Educational Institution. In such circumstances, Policy REG9 of the LDP allows the redevelopment or refurbishment of this key regeneration site for complementary uses and such establishments are appropriate in a town centre or close to public transport nodes.

Policy SP2 Design and Sustainable Place Making of the LDP states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

The proposal complies with REG9(1) of the LDP and the principle of development is accepted subject to compliance with the 15 criteria listed in LDP Policy SP2. The supporting text to this policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new development is sensitive to its surrounding environment.

The relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (2013) are:

- Strategic Policy SP1 – Strategic Regeneration Growth Area
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
- Strategic Policy SP5 – Conservation of the Built and Historic Environment
- Strategic Policy SP8 – Renewable Energy
- Strategic Policy SP10 - Retail and Commercial Hierarchy
- Strategic Policy SP13 – Social and Community Facilities
- Strategic Policy SP14 – Infrastructure
- Policy ENV5 – Green Infrastructure
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV15 – Waste Management in New Development
- Policy ENV17 – Renewable Energy and Low/Zero Carbon Technology
- Policy PLA1 – Settlement Hierarchy and Urban Management

Policy PLA2 – Implementation of Regeneration Strategies
Policy PLA3 – Regeneration and Mixed-Use Development Schemes
Policy PLA4 – Climate Change and Peak Oil
Policy PLA11 – Parking Standards

Whilst the current LDP technically expired in 2021, it remains in force as the development plan for the purpose of determining planning applications and is material to this proposal. It is not considered that the application conflicts with policies in the emerging Replacement Local Development Plan (RLDP).

Supplementary Planning Guidance (SPG):

SPG07: Trees and Development

SPG17: Parking Standards

SPG19: Biodiversity and Development: A Green Infrastructure Report

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy which are not duplicated within the Local Development Plan.

The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales 11 (Feb. 2021)

Planning Policy Wales TAN 5: Nature Conservation and Planning

Planning Policy Wales TAN 12: Design

Planning Policy Wales TAN 15: Flooding

Planning Policy Wales TAN 18: Transport

Planning Policy Wales TAN 24: The Historic Environment

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

The planning system and plan-led approach is central to achieving sustainable development in Wales. Up-to-date development plans set the context for rational and consistent decision making and all planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise, (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Collaborative working with those proposing developments and other stakeholders including the local community in a spirit of partnership and inclusiveness should enable the delivery of development outcomes that contribute to improving the social, economic, environmental, and cultural well-being of the residents of the County Borough.

Everyone engaged within the planning system in Wales must embrace the concept of placemaking in development management decisions to achieve the creation of sustainable places and improve the well-being of communities. 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.

More specifically to this scheme, paragraph 4.4.1 of PPW11 states that community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places.

Active and sustainable travel are key tenets of PPW11 and Paragraphs 4.1.31 and 4.1.32 state that planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. The design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs.

Policy 6 of the National Development Framework Wales 2040 (NDF) places a high emphasis on the importance of the Town Centre First principle. The Town Centre First principle stipulates that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town and, where appropriate, the wider region.

The development will form part of the Town Centre First agenda in Bridgend and is considered as a complementary use in the town centre which will benefit other commercial businesses and the wider regeneration of this part of the Sub-Regional Retail and Commercial Centre. The emerging RLDP will strengthen the position for this scheme.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

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

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

THE SOCIO-ECONOMIC DUTY

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

APPRAISAL

The scheme is reported to the Development Control Committee as an application which should be presented to Committee due to its significant public interest.

Beneficiaries of the development would include the students themselves, benefitting from state-of-the-art educational facilities; local businesses and large employers; and the local community which would benefit from the regeneration of the town centre through job creation, raised levels of skills and qualifications in the area and the use of facilities on its doorstep.

DESIGN

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications.

Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character; being of an appropriate scale, size and prominence; using land efficiently; providing an appropriate mix of land uses; having good pedestrian, cycling, public transport and road connections within and outside the site; avoiding or minimising noise, soil and water pollution; safeguarding and enhancing biodiversity and green infrastructure; ensuring equality of access by all; ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected; incorporating appropriate arrangements for the disposal of foul sewage and surface water and contributing towards local, physical, social and community infrastructure which is affected by the development are the relevant criteria for the purposes of this application.

The surrounding architecture and finishes/materials are of relatively poor quality with the use of brick, concrete and stone cladding prominent in the streetscene. However, some modern refurbishments have utilised other materials such as metal cladding panels and large areas of glazing. The immediate area is characterised by large, low-lying buildings set within expanses of parking. There are individual pockets of soft landscaping in the form of wide verges and planted street trees.

The Design and Access Statement advises that various massing studies were explored with an initial focus on:

- Main entrance/strong sense of arrival,
- Circulation/department engagement,
- Courtyard/private, high quality external space,
- Orientation/response to sunlight, and,
- Creating opportunities to engage with future town centre masterplan.

As stated above, the scheme has been the subject of pre-application discussions with the LPA. The key observations related to the physical massing of the proposed structure, materiality, architectural styling (sense of entrance and arrival), importance of the site and its location within the Town Centre and the need for design to reflect the more positive built fabric not the later adjacent constructions; lack of permeability at ground floor level, use of flat roof construction in areas of high rainfall and limited landscaping.



Fig. 4 – Initial Concept Design (Block 01)



Fig. 5 – Revised Scheme (Block 01)

The main building (Block 01) has been set back very slightly from Brackla Street, concentrating the bulk of its mass towards the centre of the site. This lessens the impact on the street scene and provides an opportunity for more public realm onto Brackla Street. The building is also “stepped” in height away from Brackla Street to reduce its immediate visual impact and to ensure that it assimilates into the surrounding built environment. Additionally, utilising a stepped form of massing removes an overwhelming physical sense of built dominance and creates a more organic response to the topography of the site.

The proposed palette of materials has improved following consultation leading to a proposal that is generally lighter and less industrial in tone. The scheme utilises aluminium cladding, partial artificial stone cladding, glass, and brick and cementitious cladding. Whilst the use of cementitious cladding is not supported by the Council’s Building Conservation and Design Officers, the final details will be agreed via condition.

The design tries to draw people into the main building by creating a focal entrance beneath the central block. This allows the building entrance to be read and understood in a more meaningful way, creating a greater sense of setting and entrance. However, the entrance could be more obvious and legible for users (students and the wider community) and will be the subject of a condition along with the condition requiring the submission of specifications for the proposed materials and finishes.



Fig. 6 – Proposed Streetscene fronting Brackla Street

The inclusion of projecting architraves is welcomed as is the single square picture window facing Brackla Street. However, this feature could be more pronounced to make a greater statement as a building of its time and function. There is also possible scope to incorporate a green wall feature within the building fabric although it is accepted that they can cause significant maintenance implications and are less successful on north facing facades (with the Block 01 entrance facing north).

One of the main design considerations for this development relates to its potential impact on the setting of Conservation Areas. The nearest Conservation Areas to this site are the Bridgend Town Centre Conservation Area to the north-west and Merthyr Mawr Road Conservation Area to the south-west.



Fig. 7 – Conservation Areas

Paragraph 1.25 of the TAN24 are of particular relevance to this scheme and states:

“1.25 The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.”

Given the height of the proposed building (Block 01) and its prominence in the streetscene, it was necessary to undertake an exercise to assess its impact on views from the relevant Conservation Areas. The two main views from the west and the view of the building from the closest point of Bridgend Town Conservation Area to the north (see below) suggest that it will not have a significant detrimental effect on the setting of the respective Conservation Areas and will not result in excessive additions to the streetscene. At the same time, the building will have a positive visual presence in the town centre to help students with wayfinding.



Fig. 8 – Impact on Views from the west



Fig. 9 – Impact of views from the north

Conditions are attached to the recommendation requiring additional detailed specifications of the materials and finishes proposed for the buildings and a revised design for the main entrance into Block 01.

In conclusion, it is considered that the proposed development complies with Policies SP2 and SP5 of the LDP and advice contained within Planning Policy Wales and TAN12 and TAN24.

HIGHWAY IMPACTS AND ACCESSIBILITY

In terms of the highway implications of the development, the scheme, Transport Assessment, Travel Plan, Stage 1 Road Safety Audit and Recommendations and the Staff and Student Travel Survey, have been considered in detail by the Highways Officer.

The college campus will effectively replace a Police Station and Multi Storey car park and their associated levels of traffic. The primary pedestrian approach to the building will be from the west via the town centre. The main entrance to the building will be directly linked to the public space, set back from Brackla Street.

The existing vehicular one-way system around Cheapside will lead to the Block 02 car park access which will also be the main servicing point for the buildings; where deliveries will come to the college and be distributed to other parts of the campus.

Deliveries for productions within the auditorium will arrive at the layby to the east of Block 01. The parking to the rear of Block 02 will be for vehicles (accessible, minibuses and charging points) and bicycles (to meet the college's functional requirement) and will be under 24-hour surveillance. Secure bicycle parking in this location will be supplemented by visitor 'Sheffield hoops' at both building main entrances.

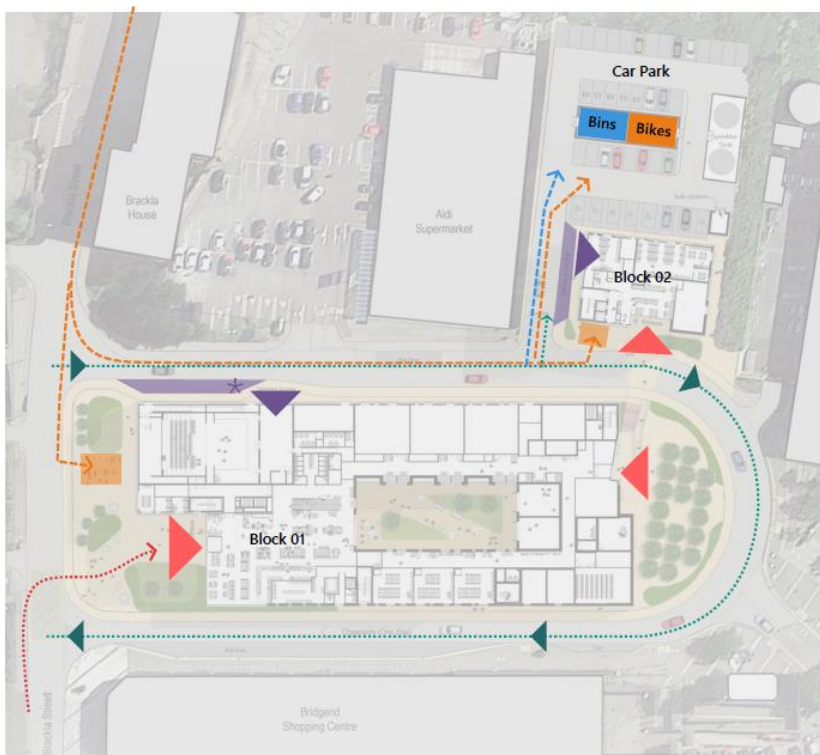


Fig. 10 – Access Proposals

The connection between the two buildings is critical to the success of the campus. Block 02 will house support functions (IT, Estates, Marketing) and it is anticipated that there will be significant interaction between the two buildings. Given the college is split over the two sites it is considered that it will not be able to operate without both parcels being developed out, particularly given the parking, refuse and servicing arrangements. To ensure that this eventuality does not occur, a planning condition is attached to the recommendation.

Refuse collection will need to take place on a twice weekly basis. The refuse store will be within an enclosed secure storage space at the rear of Block 02 with louvred doors for ventilation purposes.

All teaching spaces will be wheelchair accessible where practicably possible. Accessible WC and Shower provision will be included as required to encourage sustainable means of travel to the facility. Interior finishes will be selected in consideration of the visually impaired. A hygiene and sluice room with hoist will be provided in addition to the standard accessible washroom facilities provided elsewhere in the building.

Measures will be adopted to tackle security and community safety issues covering design, layout and management issues including:

- Staffed reception desk 24/7 in Block 01 and Staffed Ground Floor presence in Block 02.
- Suitable CCTV to communal internal areas and external areas, including full coverage of building perimeter and entrance points.
- Suitable lightning scheme to external areas, including the courtyard and internal communal areas.
- All external access points to be provided with appropriate access control.
- Access control to main entrance to be only activated during certain hours. visitors can gain access to the building.
- Reception desk placed with clear coverage to main entrance and main circulation routes between the building entrance and lift core.
- Fire prevention and evacuation, including a sprinkler system as required by building regulations.

Highway safety concerns were raised with regard the proposed delivery layby on Cheapside, in the vicinity of its junction with Brackla Street and close to the entrance to Aldi car park.

In order to address these concerns, a Stage 1 Road Safety Audit has been undertaken and submitted to support the proposed layby as well as the general layout of the site. This has raised the need for some minor modifications which have been demonstrated can be achieved. The independent auditor has also confirmed that they considered the location and suitability of the layby and reached the conclusion that this is unlikely to pose a road safety issue on the basis that the arrangement is not atypical with delivery drivers that would use the layby likely to be familiar with such arrangements; the forward visibility to the layby for drivers accessing Cheapside from Brackla Street is sufficient; and the use of the layby is likely to be relatively low, further reducing any potential conflict with its use.

A draft scheme is shown below indicating bollards and footpath realignment. However, this more detailed modified scheme will require a supporting Stage 2 Road Safety Audit and consequently a “scheme” condition is requested for the layby.

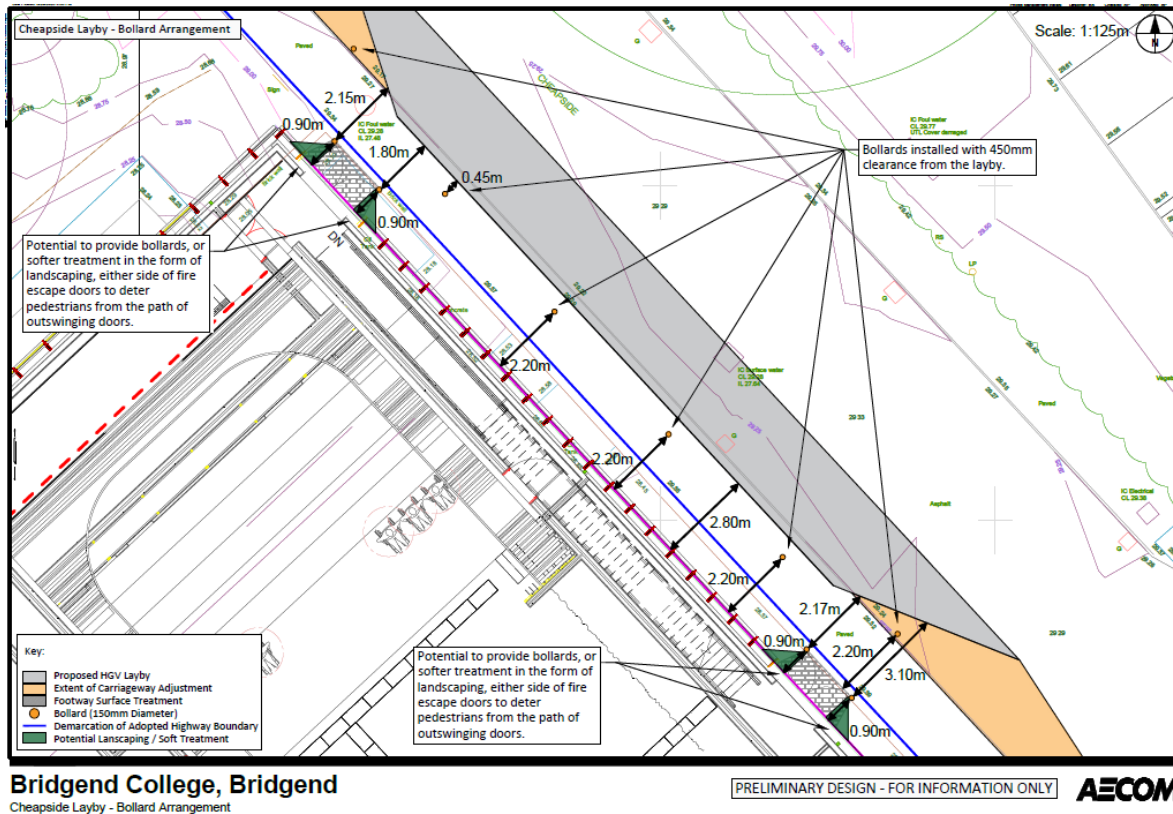


Fig. 11 – Draft Scheme with Road Safety Audit Recommendations

The applicant is aware that a fee of £8,000 will be necessary in relation to the discharging of a requested condition relating to a revised scheme of waiting and loading restrictions along Cheapside as required by the Highway Authority. This will be secured by separate legislation and processes.

It is also noted that the scheme proposes modifications to areas which are currently adopted highway (i.e. the layby and current vehicular entrance into the former Police Station car park) and a “stopping up order” will be required. This process will need to be undertaken under the appropriate Section of the Town and Country Planning Act 1990 following the granting of consent.

This process is completely separate from the planning process and is administered by the Welsh Government. However, the Highway Authority will be a statutory consultee in the legal consultation process associated with the stopping up order. The applicant has already prepared a Combined Incoming Services Layout which confirms the extent of services that currently exist within the highway and their connection to the former Police Station premises. Diversions will be required in order to accommodate the proposed development. More specifically, a LV cable and communication cable have been identified to be diverted from the footway area nearest the former police station reception to the existing highway area further south.

The site is located within the town centre and accordingly the minimal quantum of parking proposed (39 spaces including 5 electric charging spaces and 8 disabled parking spaces) is considered to be in accordance with the aims of Planning Policy Wales 11.

The close proximity of the site to more sustainable means of transport (bus stops, bus station, train station etc.) will further encourage a modal shift away from the private car in line with the measures contained within the submitted Travel Plan. The surrounding

streets are the subject of parking restrictions and there is sufficient capacity within the town's public car parks to accommodate staff or students who insist on driving to the college or do not have easy access to any other means of travel.

However, it should be noted that the vast majority of the circa 1200 students using the site (of which only around 800 will be at the campus at any one time) are not of driving age and there are existing free contracted school bus services from Pontypridd, Hirwaun/Aberdare, Treherbert/Treorchy, Maerdy, Pontyclun, Llanharry and St. Athan in the Vale of Glamorgan.

It is to be expected that this development which will attract a lot of users both students, staff and visiting members of the public will require significant supporting infrastructure including active travel and public transport options. This may not be fully realised until the facility has been in operation for a period of time. As such the travel plan will be monitored annually and the current bus services will eventually utilise the stops on Cheapside rather than the ones currently in use on Coychurch Road on the proviso that the college bus services do not affect the public bus services emanating from these bus stops.

The staff and student travel survey has also identified the more popular/heavily used pedestrian routes to the new site i.e. the routes that locally based students are likely to utilise. This in turn will inform an active travel survey and audit of the routes by the developer with a scheme of improvements to be submitted to and agreed by the LPA in conjunction with the Highway Authority and subsequently implemented by the applicant prior to the beneficial occupation of the new college campus.

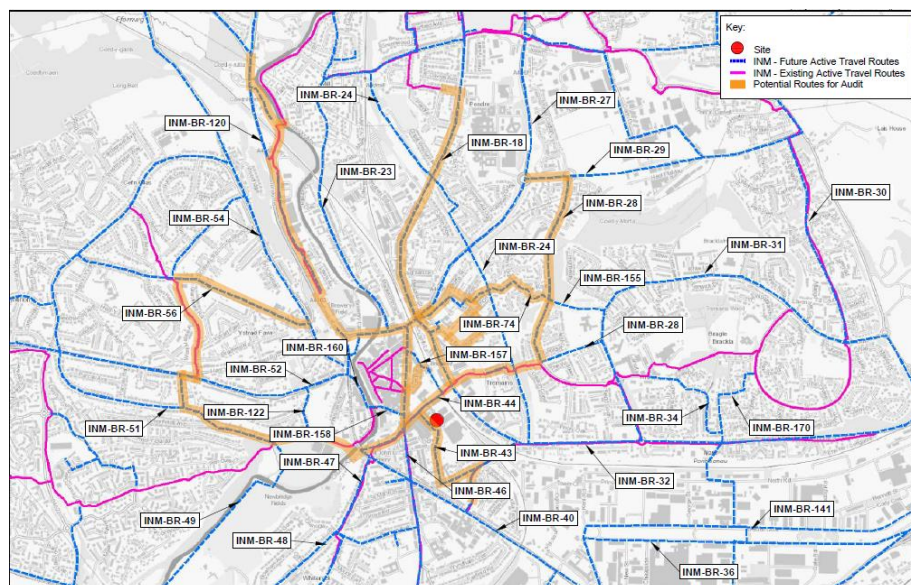


Fig. 12 – Identified Active Travel Routes

Having regard to the above and the implementation of the proposed measures and active travel improvements, the highway safety, accessibility, servicing and parking implications of the development have been addressed and the scheme therefore accords with Policies SP2, SP14 and PLA11 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG17, Planning Policy Wales 11 (February 2021) and TAN18.

BIODIVERSITY AND LANDSCAPING

In terms of biodiversity, Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6(1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: 1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment," 2. That there is "no satisfactory alternative," and 3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range."

The application has been supported by a Bat Report and Preliminary Ecological Assessments for both parts of the site (former Police Station and Brackla 1 MSCP), an Arboricultural Report and a Winter Hibernation Survey of the Brackla 1 Multi Storey Car Park.

To meet the Low Zero Carbon requirements for the development and to reflect the contemporary architecture, sedum flat roofs are to be utilised. The roof will be low maintenance, provide ecological enhancements to the area and will incorporate the sustainable urban drainage of the site.

The local ecosystem will be further enhanced through the introduction of planting within the central courtyard and in the areas of public realm to the front of Block 01 and between Blocks 01 and 02. Planting will be easy to maintain and will improve and enhance the ecological value of the area. Tree planters are proposed fronting Brackla Street due to the presence of significant below ground services in this area.

Although no evidence of bats has been found within the buildings, there is potential for hibernating bats to utilise the exterior aspect of the voids in the MSCP and the cavity between the exterior and interior walls on the northeast (rear) face. As these features could not be fully inspected at the time due to accessibility issues and the poor condition of the MSCP, the demolition will proceed under the recommended methods.

NRW welcomes the submission of the Hibernation Survey and notes that although hibernating bats were not found to be using the building during the winter inspection, the report notes constraints to the survey and indicates that the presence of hibernating

bats could not be conclusively ruled out. The survey report proceeds to make recommendations for pre-demolition inspection, methods and timing.

NRW as a statutory consultee supports the recommendations in the accompanying ecological reports subject to a condition requiring adherence to the measures stipulated.

The supporting tree report concludes that the site has the potential to accommodate development whilst retaining the trees of value. If the health and stability of the trees are maintained, and the suggested strategies are implemented (i.e. a suitable development design; tree protection methods; Arboricultural site supervision and tree after care), the development could be conducted with no adverse impact on the important trees in or around the site.

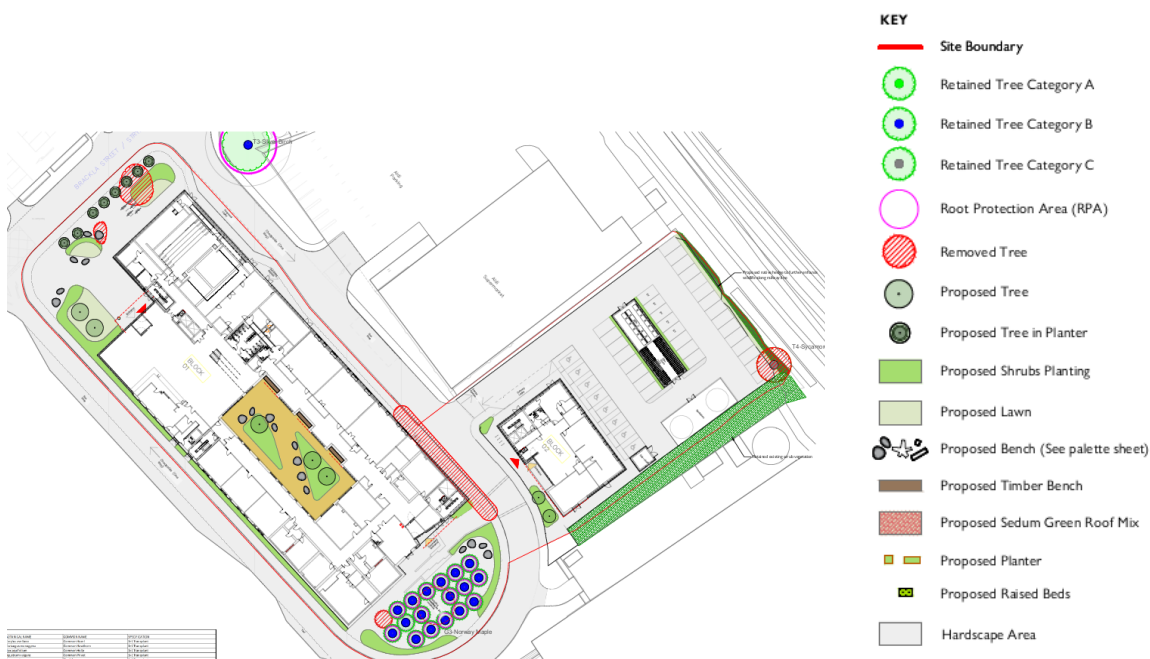


Fig. 13 – Landscaping Proposals

In conclusion, and subject to conditions, it is considered that the scheme complies with Policy ENV6 of the LDP and will satisfy the Council’s “biodiversity and resilience of ecosystems duty” under Section 6 of the Environment (Wales) Act 2016 and guidance contained within TAN5: Nature Conservation and Planning (2009). Therefore, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

DRAINAGE, GROUND CONTAMINATION AND NOISE

The Council's Land Drainage Engineer and Dwr Cymru/Welsh Water have not objected to the development and recommend the imposition of conditions requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. Any future drainage scheme for this site will ensure that there are no adverse impacts on third party land.

The application form states the proposed development is not located within a flood risk zone, is not located within 20m of a watercourse and does not increase flood risk elsewhere. The application form also states that foul water will be disposed via the main sewer. A foul drainage layout has been provided. The applicant shall contact DCWW to discuss the proposed connection to the public sewer.

The application form states surface water will be disposed via SUDs. A surface water drainage strategy has been provided, which identifies that surface water will be disposed to the main sewer via a green roof and geocellular attenuation. The applicant shall contact DCWW to discuss the proposed connection to the public sewer.

The plans suggest the development is over 100 sq. m. in area and therefore a SAB application is required and a SAB pre-application has been submitted to the SAB Officer for comment.

The Shared Regulatory Services (Ground Contamination) Officer and NRW have reviewed the reports including the update SI report from December 2022.

The report is based on a detailed desk study of the site, followed by site investigations on accessible parts of the site; at the time limited to open ground/parking areas adjacent the police station.

Investigations have confirmed significant thicknesses of made ground associated with infilling of former quarries on site. Assessments undertaken to date have identified hydrocarbon contamination and the presence of asbestos fibres in the shallow soils. Monitoring has identified a risk from ground gas, classifying the ground gas regime as 'CS2', although there is the potential for variations in the made ground across the site with the need for further monitoring.

Post demolition site-based investigations, including geoenvironmental sampling, are required in previously inaccessible areas; depending on the ground conditions encountered this may include the need for additional ground gas monitoring.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, 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 or recycling 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.

SRS and NRW suggest the imposition of modified conditions to ensure that the recommendations set out within the report are completed in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy ENV7 of the Bridgend Local Development Plan (2013).

The Shared Regulatory Services (Noise) Officer has reviewed the application proposals and noise report entitled "Bridgend College - Town Centre Project - Stage 2 Acoustic Report" dated 8th April 2022 and, based on the recommendations of the survey, it is advised conditions are attached to the recommendation.

Network Rail has no objection in principle to the proposal but due to it being next to Network Rail land and their infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway they have included asset protection comments which the applicant is strongly recommended to action. The informative notes are attached to the recommendation.

CONCLUSION

Having regard to the above, on balance, this application is recommended for approval because the development complies with Council and National policies.

The new campus is a vital component of the College's plans for the future by providing a modern and fit for purpose educational facility for the wider benefit of the County Borough, that will be a catalyst for the "Town Centre First" initiative and wider regeneration proposals for the town centre.

It will successfully assimilate into the context of the site without having any detrimental impacts on surrounding neighbouring amenities, visual amenities, the setting of adjacent Conservation Areas, biodiversity, highway networks and will contribute towards Active Travel provision to and from the campus.

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 reports:-

Site Location Plan – Drwg. No. 90002 Rev. 1

Site Plan – Drwg. No. 90001 – P02

Ground Floor Plan – Drwg. No. 01000 – P02

1st Floor Plan – Drwg. No. 01001 – P02

2nd Floor Plan – Drwg. No. 01002 – P02

3rd Floor Plan – Drwg. No. 01003 – P02

4th Floor Plan – Drwg. No. 01004 – P02

5th Floor Plan – Drwg. No. 01005 – P02

6th Floor Plan – Drwg. No. 01006 – P02

GA Plan Block 02 – Drwg. No. 01301 Rev. 1

Elevations Sheet 01 - Drwg. No. 02103 Rev. 1

Elevations Sheet 02 - Drwg. No. 02104 Rev. P01

Planning Elevations – Drwg. No. 02202 Rev. P01

Planning Sections – Drwg. No. 03100 Rev. P01

Planning Sections – Drwg. No. 03200 Rev. P01

Developed Soft Landscape Plan – Drwg. No. 006(PL03)

Developed Hard Landscape Plan – Drwg. No. 007(PL02)

Indicative Soft Landscape Palette Sheet

Indicative Hard Landscape Palette Sheet

Below Ground General Arrangement – Drwg. No. 0422-ACM-XX-XX-DR-C-10001 P05

Drainage Strategy Technical Report by AECOM

Winter Hibernation Report by AECOM

Preliminary Ecological Appraisal (Police Station) by AECOM

Preliminary Ecological Appraisal (MSCP) by AECOM

Bat Survey Report Summer Surveys (Police Station) by AECOM

Bat Survey Report Summer Surveys (MSCP) by AECOM

Arboricultural Report by ArbTS - Arboricultural Technician Services Ltd.

Transport Assessment by AECOM

Travel Plan by AECOM

Updated GEO-ENVIRONMENTAL DESK STUDY REPORT by Red Rock Geo (Dec. 2022)

Stage 2 Acoustic Report by AECOM

Noise and Vibration Survey by AECOM

Energy Statement by AECOM

Sustainability Statement by AECOM

Stage 1 Road Safety Audit and Recommendations by AECOM

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

2. Notwithstanding the plans hereby approved, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority prior to their use on site. 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 amenities of the area.

3. Prior to their implementation on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted to and agreed in writing by the Local Planning Authority. 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 and the campus is secure.

4. Notwithstanding the plans hereby approved, a revised design for the main entrance into the main building (Block 01) from Brackla Street shall be submitted to and agreed in writing by the Local Planning Authority prior to the construction of Block 01. Development shall be carried out in accordance with the agreed details prior to the building being brought into beneficial use.

Reason: To ensure that the main entrance is legible to future users of the campus and community facilities.

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

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

6. The two campus buildings (Blocks 01 and 02) hereby approved shall not be brought into beneficial occupation independently of one another.

Reason: For the avoidance of doubt as to the scope of the consent and to ensure a satisfactory form of development and a cohesive college facility as both buildings are co-dependent on each other in terms of facilities and services

7. No development shall take place, apart from site clearance and demolition, until a Construction 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 routing of HGV construction traffic to/from the site
- 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
- vii. the provision of temporary traffic and pedestrian management along Brackla Street and Cheapside

Reason: In the interests of highway safety.

8. Notwithstanding the submitted travel plan, a revised College travel plan shall be submitted to and approved in writing by the local Planning Authority and implemented within 6 months of the beneficial use of the development. Such a plan shall contain updated targets, measures and initiatives relating to the encouragement and promotion of the use of sustainable transport for journeys to and from the college. The plan shall also include options for the migration of dedicated college bus services from Coychurch Road to facilities on Cheapside, Nolton Street and/or a new facility on Brackla Street within 12 months of beneficial use of the proposed buildings. The plan shall be subject to periodic review and monitoring, with annual reports prepared by the college and submitted to the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport to and from the college.

9. Notwithstanding the submitted drawings, within 12 months of the date of this consent, a scheme for the provision of 40 long stay staff cycle parking stands, 133 long stay student cycle parking stands and 8 short stay cycle parking stands shall be submitted to the Local Planning Authority. The agreed scheme shall implemented before the development is brought into beneficial use and retained as such in perpetuity.

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

10. Notwithstanding the submitted drawings no development shall commence on Block 02, apart from site clearance and demolition, until a revised scheme for the provision of 39 off-street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

11. Within 12 months of the date of this consent, a revised scheme of waiting and loading restrictions along Cheapside shall be submitted to and approved in writing by the Local Planning Authority and the necessary traffic order shall be confirmed. The required signage and roadmarkings shall be provided and clearly demarcated in permanent materials in accordance with the approved scheme prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

12. No buildings shall be brought into use until such time as the Potential Routes for Audit identified in orange on Plan Nos. 60672360-AR-001 and 60672360-AR-002 have been surveyed/audited and a scheme for active travel improvements along those routes has been submitted to and approved in writing by the Local Planning Authority. Such a scheme of improvements shall be implemented as approved within 6 months of the development being brought into beneficial use.

Reason: In the interests of promoting sustainable travel and Highway Safety.

13. Prior to the beneficial use of the new facilities, a scheme of pedestrian/cycle direction signage, including a timetable for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall include for the revision and removal of existing direction signs to the current Cowbridge Road Campus and shall be implemented in accordance with the approved scheme.

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

14. Within 12 months of the date of this consent, a Delivery and Servicing Management Plan shall be submitted to the Local Planning Authority. Such scheme shall cover deliveries to both blocks 01 and 02 by use of the proposed layby and the rear yard/car park and include for maximum vehicle sizes and swept path analysis. All servicing and delivery vehicles movements to the college shall be made in accordance with the approved delivery management plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

15. Prior to the beneficial occupation of the college campus, a student college transport management plan shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall cover college operated buses and mini-buses and include for pick up/ drop off locations and timings. All college buses and mini-buses shall be operated in accordance with the approved college transport management plan once the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

16. Within 12 months of the date of this consent a scheme for the provision of an uncontrolled pedestrian crossing point between blocks 01 and 02 shall be submitted the Local Planning Authority. The scheme shall include for appropriate signage and roadmarkings. The crossing, signage and roadmarkings shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

17. Notwithstanding the submitted drawings, within 12 months of the date of this consent a detailed scheme for the proposed delivery layby and revised footway arrangements to the North East of Block 01 shall be submitted to the Local Planning Authority. The scheme shall include for appropriate signage, roadmarkings and street furniture and be supported by a stage 2 and 3 road safety audit. The scheme shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for delivery purposes in perpetuity.

Reason: In the interests of highway safety.

18. Within 12 months of the date of this consent a detailed scheme for the removal of the existing police station access and layby and replacement with new footway arrangements shall be submitted to the Local Planning Authority. The scheme shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such in perpetuity.

Reason: In the interests of highway safety.

19. Notwithstanding the submitted drawings no development shall commence on Block 02, apart from site clearance and demolition, until a scheme for the provision of a car park access barrier at Block 02 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include for appropriate signage and roadmarkings. The barrier, signage and roadmarkings shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

20. No development shall commence on Block 02, apart from site clearance and demolition, until a Car Park Barrier Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The car park barrier at Block 02 shall be operated in accordance with the approved Car Park Barrier Management Plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

21. The proposed increased sound insulation performance criteria values for rooms adjacent to any performing arts as detailed in table 3.5 of the acoustic report entitled: Bridgend College - Town Centre Project - Stage 2 Acoustic Report (project number 60672360) dated 8th April 2022 shall be implemented in full.

Reason: To protect neighbouring amenities in accordance with Policy SP2 of the Bridgend Local Development Plan.

22. The rating levels of all fixed and mechanical plant when assessed in accordance with BS4142: 2014 shall not exceed the levels specified in table 1 below at any residential premises.

Table 1

Time	Noise rating level
Day (0700-23.00)	42dB LAeq,1 hour
Night (2300-0700)	28dB LAeq, 15mins

Reason: To protect neighbouring residential amenities in accordance with Policy SP2 of the Bridgend Local Development Plan.

23. Prior to the installation of any fixed and mechanical plant at the development site, a further noise report detailing all plant and noise levels, including any proposed mitigation measures shall be submitted to and agreed by the Local Planning Authority in order to demonstrate that the plant noise limits in Table 1 will be achieved.

Reason: To ensure a satisfactory form of development and to protect neighbouring amenities in accordance with Policy SP2 of the Bridgend Local Development Plan.

24. No development shall take place, apart from demolition and site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include:

- a scheme of works detailing the control of noise from construction, details of equipment to be employed and operations to be carried out and best practice in accordance with BS5228 Code of Practice for noise and vibration control on construction and open sites and any mitigation measures that are identified as necessary to control the noise at sensitive receptors.
- Approximate timescales of each operational phase.
- Operational hours which shall not be outside the hours of 08.00-18.00 hours Monday to Friday, 08.00 hours -13.00 Saturdays and no working on Sundays or Bank Holidays.
- A scheme of vibration monitoring for any operations that are indicated to give rise to vibration undertaken at locations to be agreed with by Shared Regulatory Services.
- A scheme for implementing effective liaison with local residents and dealing with complaints.
- Loading and unloading of plant and materials.
- Wheel washing facilities.
- A scheme of works detailing the mitigation and control of dust from the operations during the construction of the development.

Reason: To protect neighbouring amenities in accordance with Policy SP2 of the Bridgend Local Development Plan.

25. Within 12 months of the date of this consent details of existing ground levels and proposed finished ground and floor levels shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

26. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of all external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular the retained vegetation by the railway line;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.

Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

27. Notwithstanding the submitted landscaping scheme, prior to the beneficial occupation of the Block 01, an updated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority showing additional planting within the wider campus. The development shall be implemented in accordance with the approved scheme and the planting shall be retained and maintained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and in the interests of biodiversity.

28. The landscaping scheme shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

29. A 5-year landscape management plan, including management responsibilities and maintenance schedules for all habitat and landscaped areas shall be submitted to and approved in writing by the local planning authority prior to the beneficial use of Block 01. The landscape management plan shall be carried out as approved.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

30. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution to the water environment.

31. Prior to the commencement of any development works, except clearance works and demolition, a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

- 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

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

The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (ii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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

33. Prior to the commencement of the development, except clearance works and demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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.

34. The remediation scheme approved by condition 33 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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.

35. 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.

36. 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.

37. 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.

38. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

- Provide an agreement in principle from DCWW for foul and surface water disposal to the public sewer;
- The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

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

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

As the development is over 100m², SAB approval will be required. From 7 January 2019, new developments of 2 or more properties or greater than 100m² of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

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

- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii) indemnify the County Borough Council against any and all claims arising from such works;
- iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

It is a requirement under Section 153 of the Highways Act 1980 that any doors must be located and fitted so as not to open out over the highway.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

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

Potable Water Supply

The proposed development is crossed by water mains. Please ensure a 3 metres easement of the 6" UPVC main and a 3 metres easement of the 110mm Profuse main. Please see attached Guidance Notes.

To satisfy the above drainage condition, the applicant must:

- Provide an agreement in principle from DC/WW regarding the proposed foul connection to the public sewer;
- Confirm use of the rainwater harvesting system;
- Provide detailed drawings of the proposed oil separators, pervious paving, rainwater harvesting tank and geocellular soakaway tank;
- Provide final version of maintenance plan once SuDS products are known.

Adequate provision should be made to store all waste material produced and any receptacles to hold it e.g. wheelie bins, fully within the curtilage of the college. The applicant's attention is drawn to the fact that it is an offence under the Highways Act 1980 to obstruct the highway with such objects and that action will be considered to prevent any obstruction.

The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings/structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Hard landscaping plans show parking areas are to be situated adjacent to the railway; which is at or below the level of the development. Suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

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

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background papers

None

This page is intentionally left blank

REFERENCE: P/22/484/FUL

APPLICANT: Mr B Brinkley c/o Hayston Developments & Planning Ltd, Hayston Bridge, Johnston, Haverfordwest, SA62 3HJ

LOCATION: Land at Primrose Stables Old Coachman's Lane Court Colman Bridgend CF31 4NG

PROPOSAL: Use of land as a travelling show persons accommodation yard for family members to include three mobile lodges/caravans, two communal day rooms and associated works

RECEIVED: 6 July 2022

APPLICATION/SITE DESCRIPTION

The application site is a level triangular parcel of land, measuring approximately 0.16ha. It is situated immediately to the south of the M4 motorway cutting and fronts the eastern side of Old Coachman's Lane, approximately 3km to the northwest of the centre of Bridgend.

A Public Right of Way (Footpath NEW/8/28) runs along the northern site boundary with the southern boundary adjoined by an electricity substation and an underground reservoir, owned by Dwr Cymru Welsh Water. The site shares an access point onto Old Coachman's Lane with the substation and reservoir. The site can be seen in figure 1 below:

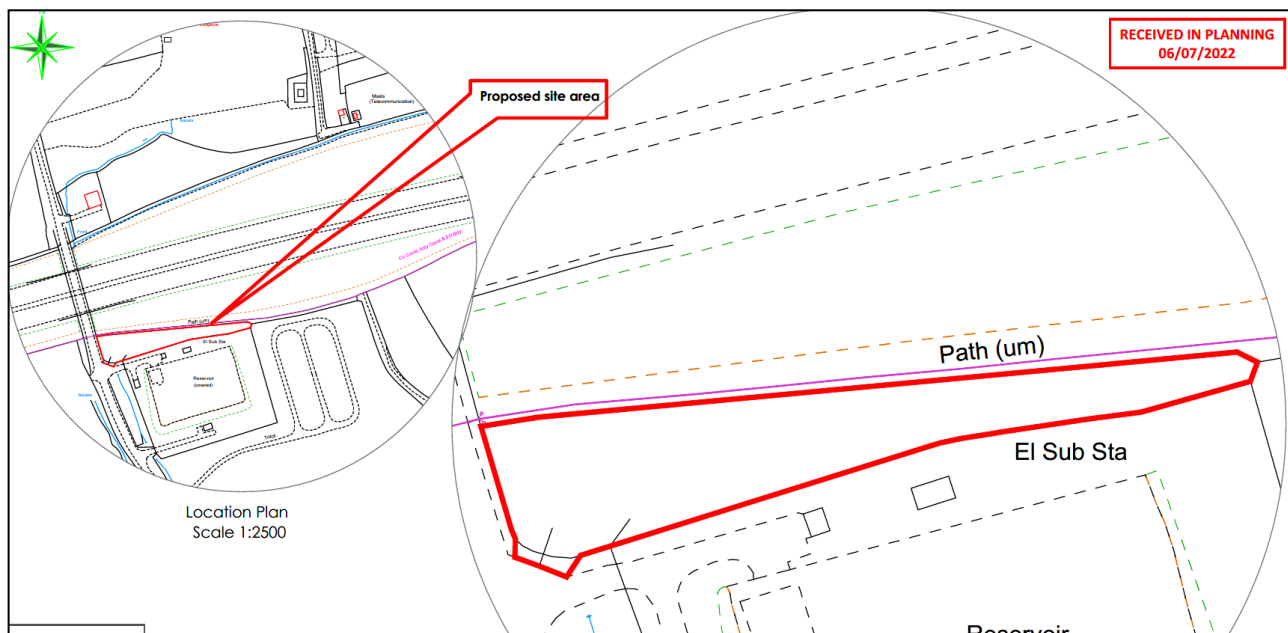


Figure1 site Location plan

The application comprises the following components:

- The provision of one 3-bedroom and one, 2-bedroom mobile lodges/caravans to meet the definition of a caravan in the Caravan Sites Act 1968, the 2006 Order and Section 56 of the Mobile Homes (Wales) Act 2013
- The construction of an 'L' shaped single storey pitched roof communal day/utility room at the easterly end of the yard area, measuring 10.8m x 4.8m with a projecting front wing measuring 4.7m x 2.3m and a maximum height of 2.3m to the eaves and 3.6m to the ridge. This will be constructed on concrete foundations with the external walls constructed in rendered block work with painted timber cladding under a blue/black slate or interlocking tiles.

- c) There is a second rectangular single storey pitched roof communal / utility room at the westerly end of the yard measuring 16.8 m x 5.4m. This will be constructed on concrete foundations with rendered block walls and a slate roof.
- d) Surface water from the caravans/lodges and the day/utility room will be disposed via soakaways and foul water will be disposed to an underground private treatment plant.
- e) The yard will be surfaced in permeable hardcore with a minimum of 8 car parking spaces provided together with vehicle turning facilities.
- f) The existing access point will be re-surfaced and any gates will be set back a minimum of 5.5m and will open inwards. Visibility splays of 2.4m x 43m in both directions will be provided at the site entrance onto Old Coachman's Lane.
- g) A small children's play area will be provided on the easterly side of the site where additional native species trees and shrubs will be planted. The existing peripheral trees and hedging will be retained.
- h) A 2.5 high timber fence will be constructed along the northern boundary; the existing hedgerow and Dwr Cymru Welsh Water boundary will be retained

Access to the site will be via the existing road junction and gated driveway.

Regarding drainage, it is proposed to sustainably drain the site and sewerage will be dealt with via a treatment plant in the eastern corner of the site. Full details have not been provided at this stage.. The proposed layout of the site can be seen below in Figure 2:

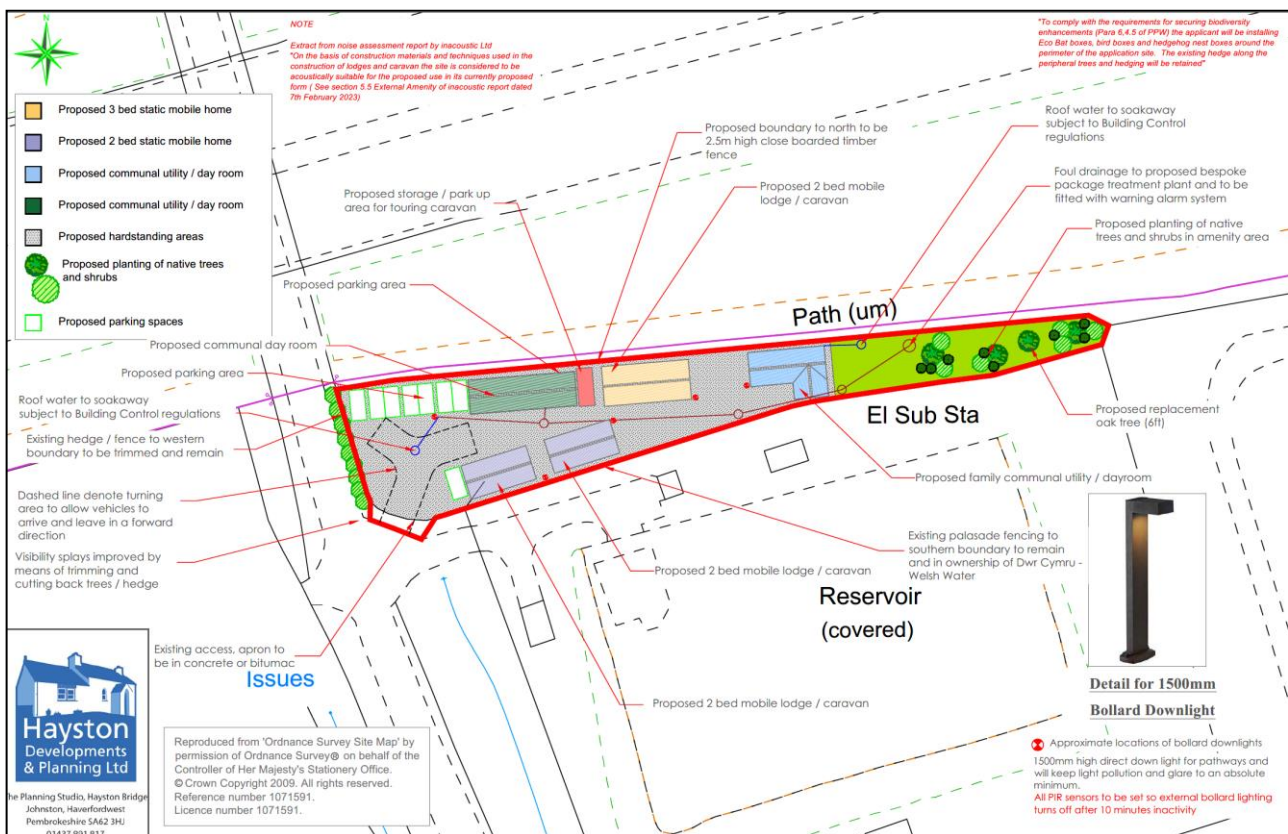


Figure 2 Site Layout

RELEVANT HISTORY

P/20/103/FUL Construction of 4 stables - Approved 29/09/2020

P/21/104/FUL Retain a caravan on site to be used for storage, shelter and security whilst building stables - Approved 10/05/2022

CONSULTATION RESPONSES

Cllr Heidi Bennett – Requested the application be determined by the Development Control Committee as there have been concerns raised by her constituents around a variety of material issues such as highway and pedestrian safety, and visual and residential amenity, ecology etc

Transportation Officer (Highways): No objection subject to condition.

Land Drainage: No objection subject to conditions.

Dwr Cymru Welsh Water: No objection.

Shared Regulatory Services (Neighbourhood Services): No objection subject to conditions.

Shared Regulatory Services (Environment): No objection subject to conditions.

Local Authority's Ecologist: No objection subject to conditions.

Natural Resources Wales: No objection.

Rights of Way Officer: No objection.

REPRESENTATIONS RECEIVED

The application has been advertised on site. The period allowed for response to consultations publicity has expired.

Six letters of objection have been received from (10 Clos Y Talcen; 38 Chantal Avenue; 60 Graham Avenue; Gamekeepers Cottage, Pen Y Fai; Nest Bungalow, Penyfai and Orchard House, Heol Eglwys). The objections raised are summarised as follows:

Highway and Pedestrian Safety concerns

- a) The proposal does not provide sufficient car parking versus number of units and intended use which would result in vehicles parking on narrow access road causing a danger to public.
- b) The site has poor vehicular access served only by a narrow country lane - proposal does not allow for sufficient space to accommodate associated travellers show equipment / vehicles.
- c) The community buildings will have large numbers of users attending (insufficient parking to accommodate such use).
- d) The proposed site does not have a safe point of access and egress onto a public network road that can accommodate the traffic that would be attributable to the development. The entrance and visual splay to allow safe access, is insufficient to mitigate the risk.
- e) Whilst the site is noted to be near Penyfai, Aberkenfig and Cefn Cribwr, it is not able to be considered as 'well related to community services or facilities' - it is placed in an area where there is no safe walking route to any local small settlement, school or shops. There are narrow lanes and blind bends. The roads are unlit, and no pavement or active travel route serves this area, nor is there a bus route – not to any of the local settlements nor from them. There is no public transport service.

Visual Amenity concerns

- a) Proposal is out of keeping with countryside location

Ecology concerns

- a) Objections are based on the impact on the local countryside environment, this being a greenfield site - an ecological report should be expected as residents are aware of bats and dormice inhabiting the area. Such a development in this area does not have due regard to the protection of local amenity or the local environment.
- b) The question re existing trees etc is answered in the negative but this is not true. This week Nov 1st 2022, several broadleaf trees have been cut down.
- c) Under Biodiversity the area is near NRW sites and has a lush country landscape teeming with wildlife and biodiversity. Residents would request an ecological report be provided.
- d) Trees and hedges: The applicant has ticked 'no', the answer should be 'yes' as there are mature trees and in place.

Public Right of Way

- a) There is a concern that site boundaries are being expanded to encroach on the current PROW and query whether the map is up to date with the existing fence line very recently being removed by the landowner.

Policy issues

- a) The proposed site is not an earmarked site for such a development in the current LDP, and whilst the replacement LDP is on deposit, it has not yet been approved by WG and may still be subject to change.
- b) Residents note there has been no community consultation and query whether this site has been set for this purpose in the existing adopted LDP (recognising a replacement plan is under development but has not yet been adopted).

Waste concerns

- a) Waste disposal – the application states no provision for this but how can 3 families and others using day rooms safely and in an environmentally friendly way, exist without adequate waste provision?

Other concerns and issues

- a) The allowance of mobile lodgings means it will be difficult to control the number of dwellings located on the site
- b) The description on the redacted form is incorrect (previous submission)
- c) The existing use is inaccurately described. The parcel of land is currently used as a dump.
- d) a static caravan recently received retrospective planning in July 2022 for the purposes described 'secure shelter and storage'. This is not the case.
- e) On the form there is a question - Is it currently vacant? The applicant has ticked 'No'. However, no one occupies or maintains the land.
- f) Waste storage and collection. This is ticked 'no'. This causes concerns for residents – proper waste collection and recycling should be in place.
- g) I was not made aware by the Local Authority that this was even submitted!
- h) An allegation has been made that the applicant is known to the police.
- i) An allegation has been made that the applicant has fly tipped on land which does not belong to him next to Laleston Cemetery.
- j) The site notice was allegedly removed by the applicant.
- k) The applicant, originally from Bridgend, has a sister who works for Bridgend Council.
- l) A separate application was submitted for the same type of site, in a different area of Bridgend, but was denied as locals were given the chance to submit their thoughts. We, however, have not been able to do that.

RESPONSE TO REPRESENTATIONS RECEIVED

Highway and Pedestrian Safety concerns

- a) The site provides 8 spaces which is sufficient parking for the size of the development
- b) Access has been designed with the appropriate vision splays and considered to be acceptable for the use. No commercial activities will take place at the site.
- c) This is a private site for the applicant and his family. There communal buildings are for their use only and not the public.
- d) Access and egress to the site has been addressed within the report
- e) The site being dependant on the use of a car and there being no safe alternatives will be addressed within the appraisal section of the report.

Visual Amenity concerns

- a) The impact the development has upon the countryside location will be addressed within the appraisal section of the report.

Ecology concerns

- a) The application has been assessed by the Local Authorities Ecologist who has advised that they have no objection to the proposal. The following sections of the report details how ecology and biodiversity would be enhanced at the site. The main body of the site has little biodiversity interest, the main interest is the surrounding trees and hedgerows which would be retained protected and enhanced.
- b) It has been mentioned that some trees have been felled on this site, whilst its regretful to lose trees this is sometime required to facilitate development. However, the trees that have been felled were not protected. As such no permission was required for them to be felled and the applicant being the landowner would be able to fell trees on his own land.
- c) The application has been assessed by NRW and the Local Authority Ecologist who have no objections to the proposed development subject to conditions to protect and enhance the site.
- d) There are trees and hedgerows on and adjacent to the site which have been addressed within the report and conditions imposed to protect and enhance hedgerows.

Public Right of Way

- a) The Local Authority's Public Rights of Way Officer has advised that the public right of way has not been encroached upon. The right of way is close to the M4 boundary fence and there are no issues with the erection of a fence along the applicant's boundary.

Policy issues

- a) This site was not allocated in the existing Bridgend Local Development Plan (LDP) as the family's needs were not identified when the existing LDP was prepared. However, the Council has a statutory duty to carry out an assessment of the accommodation needs of Gypsies and Travellers under Part 3 of the Housing (Wales) Act 2014 at least every 5 years. If an assessment identifies need for additional pitches, the Council has a legal duty to ensure that need is met. The family's needs for a showperson site have been identified through the 2020 Gypsy and Traveller Accommodation Assessment and the Council is therefore duty bound to meet these needs.

For this reason, the site is proposed as a showperson site allocation within the Replacement Local Development Plan, which was approved by Council (on 19th October 2022) for submission to Welsh Government and Planning and Environment Decisions Wales for independent examination. While the examination is still ongoing, the identified need and proposed allocation was discussed at the recent Hearing Session and no issues were raised by the Inspector.

Moreover, this application has been submitted in advance of the Replacement LDP being adopted and has been assessed under existing LDP policies. The existing adopted LDP recognises that additional Gypsy and Traveller needs can arise and contains criteria-based Policy COM6 to make provision for any additional need arising throughout the existing LDP period. The application has been assessed and determined on its merits against existing Policy COM6 and the existing LDP as a whole.

- b) The site is not specifically allocated under the existing LDP and would therefore have not been subject to public consultation when the existing LDP was prepared. However, the site was proposed as part of the Replacement LDP, which was subject to public Deposit Stage consultation from 1st June 2021 to 27th July 2021. The outcome of the consultation exercise is detailed within the Deposit Consultation Report (SD4), which is available to view on the Replacement LDP Examination Library webpage.

Moreover, this application has been subject to the statutory 21 day period of consultation required for planning applications.

Waste concerns

- a) Issues relating to waste disposal has been addressed within the following report and can be addressed via a suitably worded condition

Other concerns and issues

- a) A condition can be imposed to restrict the number of Mobile homes allowed on the site.
- b) The description of development has been changed to reflect the current development.
- c) The applicant has provided an accurate planning history of the application site
- d) The applicant applied for retrospective consent as they had already sited a temporary caravan on the site.
- e) The applicant has provided the planning history of the site with the application form
- f) This has been addressed within the report and a condition has been recommended
- g) Publicity of the application has been undertaken in accordance with The Town and Country Planning (Development Management Procedure) (Wales) Order 2012
- h) This is not a material planning consideration
- i) This is not relevant to this planning application and therefore will not be taken into consideration
- j) The local Planning Authority is satisfied that the application has been publicised in accordance with The Town and Country Planning (Development Management Procedure) (Wales) Order 2012
- k) This is not a material planning consideration
- l) This is not relevant to this planning application and therefore will not be taken into consideration. The application has been advertised correctly and the public able to make comments if they wished to do so.

RELEVANT POLICIES

National Planning Policy and Guidance

Planning Policy Wales (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015

Planning Policy Wales Edition 11 states in para 4.3.25 that “*Local authorities are required to assess **the accommodation needs of Gypsy and traveller families.***” It is therefore important that local planning authorities have policies for the provision of Gypsy sites in their development plans.

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which 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).

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle” as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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.

Other Guidance

Planning Circular 05/2018 – *Planning for Gypsy and Traveller and show people sites Caravan Sites*, provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers and how local authorities and Gypsies and Travellers can work together to achieve this aim.

Designing Gypsy and Travellers Sites May 2015

Local Policies

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

Strategic Policy

- Policy SP2: Design and Sustainable Place Making
- Policy SP3: Strategic Transport principles
- Policy SP4: Conservation and Enhancement of the Natural Environment
- Policy SP6: Minerals
- Policy SP7: Policy Waste Management
- Policy SP12: Housing

Topic Based Policy

- Policy PLA4: Climate Change and Peak Oil
- Policy PLA11: Parking Standards
- Policy ENV1: Development in the Countryside
- Policy ENV5: Green infrastructure
- Policy ENV7: Natural resource protection and Public Health
- Policy ENV9 : Development in mineral safeguarding areas
- Policy ENV15: Waste Management in New development
- Policy COM6: Gypsy and Traveller Sites

Supplementary Planning Guidance

SPG7: Trees and development

SPG17: Parking Standards

SPG19 – Biodiversity and Development

APPRAISAL

In assessing the proposal against the above policies and guidance it is considered that the main issues are (i) whether the principle of development is justified in this countryside location, having particular regard to the principles of sustainable development, the impact on the character and appearance of the area and any biodiversity interests (ii) the proposal's effect on highway safety and if harm is found in respect of issues (i) and (ii) (or one or the other of them) whether this would be outweighed by other material considerations, namely the need for a Gypsy/Traveller/show persons site, the availability of alternative sites, and (should the need arise) the personal circumstances of the intended occupiers.

Principle of the Development

Paragraphs 29-34 of Planning Circular 05/2018 – Planning for Gypsy and Traveller and show people sites Caravan Sites, refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and advises that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

In terms of the local and national policy background to the development, the application site is located outside of any settlement boundary as defined by LDP Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted 2013 and is, therefore, located in the countryside where Policy ENV1 Development in the Countryside of the LDP ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

“Development in the countryside of the County Borough will be strictly controlled. Development may be acceptable where it is necessary:

- 1) *Agriculture and/or forestry purposes.*
- 2) *The winning and working of minerals.*
- 3) *Appropriate rural enterprises where a countryside location is necessary for the development.*
- 4) *The implementation of an appropriate rural enterprise/ farm diversification project.*
- 5) *Land reclamation purposes.*
- 6) *Transportation and/or utilities infrastructure.*
- 7) *The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure.*
- 8) *The direct replacement of an existing dwelling.*
- 9) *Outdoor recreational and sporting activities; or*
- 10) *The provision of Gypsy Traveller accommodation.*

Where development is acceptable in principle in the countryside it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form, and detail for its context.

Criterion 10 of Policy ENV1 identifies the provision of Gypsy and Traveller accommodation as a suitable exception to the strict control of development in the Countryside. The proposal is for ‘Travelling Show Persons Accommodation’ and Section 108 of the Housing (Wales) Act 2014 defines ‘Gypsies and Travellers’ as including ‘members of an organised group of travelling show people’. Accordingly, the principle of the proposed development in policy terms is considered acceptable subject to other criteria and for that reason accords with Policy ENV1 and guidance contained in Circular 005/2018.

Policy COM6 of the LDP provides a framework against which proposals for Gypsy, Traveller and Travelling Show people sites will be assessed. The policy states:

Sites and/or pitches to accommodate gypsies and travellers residing in or resorting to the County Borough will be permitted where they satisfy the following criteria:

1. *There is an identified need for a site and/or pitch.*
2. *In sequential order of preference, it has been demonstrated that there are firstly no suitable sites or pitches available within existing settlement boundaries; or secondly that a site or pitch cannot be located within the curtilage of an existing development within the countryside.*
3. *Are well related to community services and facilities.*
4. *Capable of being served by utilities including waste disposal and recovery.*
5. *Can accommodate residential and home-based business uses without detriment to amenity and character of the area.*
6. *Capable of being screened and suitably landscaped to a standard compatible with either its urban or rural surroundings; and*
7. *Provide an appropriate layout, in terms of pitches, amenity buildings, hard standings and open spaces.*

Circular 005/2018 sets out guidance on the planning aspects of finding sustainable sites for 'Gypsies and Travellers' who are defined in the Circular as follows: persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

Circular 005/2018 makes it clear that LPAs should use the Accommodation Assessments when determining planning applications for Gypsy Sites including Private Sites. In addition, the Housing (Wales) Act requires local authorities to undertake Gypsy and Traveller Accommodation Assessments (GTAA) and includes a duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified in those Assessments.

Taking each of the criteria of Policy COM6 as follows:

In terms of **critterion 1**, the Council commissioned a refreshed Gypsy and Traveller Accommodation Assessment (GTAA) in 2020, which was completed in 2021. The GTAA covers the period 2018-2033 and identifies the additional pitch provision needed for Gypsies, Travellers and Show people in the County Borough. For the first 5 years of the GTAA period, a need for 5 additional pitches was identified, and for the remainder of the GTAA plan period, a need for 2 additional pitches was identified. This equates to a total need of 7 additional pitches over the entirety of the Replacement LDP period (2018-2033). All identified need was for permanent pitches and there was no need identified for local transit site provision. The site owner took part in the GTAA and 3 of the 7-pitch need identified within the County Borough arose from the site owner's family. The application seeks to develop 3 mobile lodges/caravans and 2 communal day rooms which would meet the family's accommodation needs up until 2033 as identified within the GTAA.

In terms of **critterion 2**, Circular 005/2018 makes it clear that 'sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries.' In this instance, there is considered to be a lack of alternative sustainable locations within or adjacent to existing settlement boundaries. Furthermore, the applicant has purchased this site as a permanent private pitch which will be used solely for his immediate family members, and this will provide a year-round home for his wife and children.

In respect of **critterion 3**, whilst the site is considered to be relatively isolated from community services and facilities, Circular 005/2018 emphasises that an 'over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate.' In this case particularly with the need identified by the GTAA it would be considered inappropriate to refuse the application based on such grounds.

In terms of **critterion 4**, the site has an existing water and electricity supply. In common with the majority of properties in the surrounding area there is no public sewer available therefore a private treatment system is proposed to serve the development with surface water being disposed via a soakaway. No adverse comments have been received from the Council's Land Drainage Team, NRW or Welsh Water. Details of foul and surface water drainage can be dealt with through a suitably worded condition. Domestic waste will be placed at the site entrance and collected by the Authority's waste collection service

In relation to **critterion 5**, the policy requires sites to be able to accommodate residential and home-based business uses without detriment to amenity and character of the area. The applicant does not intend using the site in connection with his commercial vehicle business as his current business premises on the Waterton Industrial Estate are secure. Conditions will be imposed to prevent any commercial uses in the future. Homeworking from the existing and proposed caravans should be able to take place without having any detriment to amenity or the character of the area. Any impacts would be on the occupants of the site only.

With regards to **critterion 6**, as described above, the site represents a wedge of land between the M4 motorway and Dwr Cymru/Welsh Water's underground reservoir. The site will be screened by vertical timber fencing and existing trees and hedging will be retained and replanted/thickened where required and supplemented with additional landscaping and planting. The proposed static caravans/lodges and the day/utility room are low level structures which are reasonably unobtrusive and will therefore have a minimal impact on the character and appearance of the surrounding landscape. As such it is considered that the proposed development would be reasonably screened and would have no significant impact on its rural setting.

Criterion 7, Welsh Government published guidance in 2015 to assist Local Authorities and others in the development and improvement of Gypsy and Traveller sites. The guidance considers site design, site facilities, and site safety and more specifically layout, access, boundaries, pitch design, the hardstanding, and the amenity block. The layout will be determined by several factors including the number of families to be accommodated, type and location of facilities or amenities, access issues and the environment and aesthetics of the land to be developed. Smaller sites are however easier to manage. Site orientation, privacy – balancing the need to provide a degree of privacy whilst ensuring a sense of community is maintained is important. Although the caravans on the submitted layout are sited relatively close, their positions are off set to avoid any direct overlooking.

The layout of the pitch will depend on the overall site design. However, an important element in the design and size of pitches is the intended capacity. In this case, sufficient space is available, just, to provide the required amenity block, mobile home, touring caravan, associated services, parking for 8 vehicles and turning area without appearing cramped or being visually prominent. Even though the site is relatively small the site also provides landscaping and a small open space area to the east for the future occupant to enjoy. As such it is considered that the layout is sufficient for this scale of development.

Overall, the development would appear to generally accord with the Welsh Government guidance on designing Gypsy and Traveller Sites and therefore criterion 7 of Policy COM6.

The application site is also located within a high purity limestone safeguarding area and buffer zone. Policy ENV9 Development in mineral safeguarding zones states *“Development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate that:*

- 1. If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and*
- 2. In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and*
- 3. In the case of temporary development, it can be implemented, and the site restored within the timescale the mineral is likely to be required.”*

In this case, the site takes up a small area and is located between the M4 Motorway and the Dwr Cymru/Welsh Water underground Reservoir. Working this resource in such a small, constrained site would be very unlikely given the limited resource and constraints caused by the M4 and Reservoir. As such it is considered that the proposal would comply with policy ENV9.

Impact on Visual Amenity

The site lies outside any designated settlement boundaries and, for the purpose of planning policy, is within the open countryside. The site itself does not have any special landscape or other such designation.

The development site is bordered to the North by a large mature tree, a fence and a hedge row which form the boundary of the site between a public right of way and embankment to the motorway. To the South of the site is Welsh Water's enclosed reservoir - this is a large open grassed area with trees and hedgerows surrounding the site. To the East of the site are trees and open countryside. The site is accessed from the West where it will utilise the existing Welsh Water access onto the main road. There is an existing timber close boarded fence that runs along this boundary and an existing hedgerow with some immature trees. The hedgerow is not in a good condition and could be improved.

It is proposed to erect new close board fencing to the Northern Boundary to provide privacy from the right of way and to minimise noise to the site. The hedgerow at the front of the site (west) will be retained and replanted to thicken and enhance it. A condition can be imposed to ensure this.

The site is well screened from the wider surrounding area and the proposed hedgerow enhancement and fencing would improve this situation further. The applicant also proposes to enhance the eastern side of the site with landscaping to compensate for the loss of a tree that was felled and to enhance the biodiversity characteristics of the site. Details of the planting have not been provided; however, a condition can be imposed to ensure this is implemented and suitable planting and trees are provided. This will further screen the site.

It is acknowledged that the introduction of caravans of a uniform design, new communal buildings which are finished in slate roofs with rendered walls, hardstanding and a new access will have an impact on the rural character and appearance of the site. The applicant has taken advice from the Local Planning Authority in relation to the layout and design of the site. The proposal is considered to be of an appropriate scale and size and its low scale together with its location, being sandwiched between the motorway and Welsh Water reservoir, would minimise any impacts.

Views of the development from the road would be minimal with only the tops of the roofs being visible and this would lessen over time once the planting has established. Apart from the small vista of the gated entrance (which is set back from the main road), views into the site would be restricted.

The applicant has advised that any external lighting for the caravans and the utility/day room will be low in intensity and will direct light downwards however details of the lighting have not been provided. A condition can be imposed to ensure any lighting would retain dark corridors around the site and to minimise any impact upon the countryside location.

In view of the above and subject to conditions, it is considered that the proposed development is not so visually incongruous or detrimental to the overall character and appearance of the area to warrant a refusal on such grounds and the development is therefore considered to be accords with Policy COM6 and SP2 (2) and SP2(3) of the Bridgend Local Development Plan (2013) in this respect.

Impact on Residential Amenity

Due to the remote and isolated nature of the application site within the open countryside, it is considered that the proposed development will have no adverse impact on any existing neighbouring amenities and therefore the development is considered to accord with Policy SP2(12) of the LDP (2013) and advice contained within the Council's Supplementary Planning Guidance SPG02: Householder Development.

Noise

The applicant has provided a Noise Assessment by InAcoustic dated Feb 2023 to support the application. This has been assessed by Shared Regulatory Services (Noise). The noise report recommends that no habitable room windows should face the northern boundary along which should be a 2.5m acoustic barrier (such as a close boarded fence or equivalent). The planning statement and justification report also states that no commercial activities should take place at the development. Accordingly, SRS advise that the development is acceptable in terms of noise impacts.

Subject to conditions relating to the Acoustic fence being implemented and retained, the static homes located to the north boundary having no habitable windows on the Northern façade, the parking of vehicles and no commercial activities being operated from the site, the scheme is acceptable. These requirements will be secured via a suitably worded condition.

Highway and Pedestrian Safety

The national guidance for Gypsy, Traveller and Showpeople Sites confirms that whether public or private they should be identified having regard to highways considerations. Vehicle movements for Gypsy and Traveller sites should be assessed on an individual basis for each site and should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

In this case it should be noted that the Highway Authority have engaged with the applicant and the applicant's agent to negotiate an internal arrangement within the site that can accommodate all the uses without spilling out onto the highway.

The site is located on a country lane which is noted to carry local traffic only. Therefore, it is considered that the proposed development and the associated increase in traffic movements on Old Coachman's Lane can be accommodated without generating a material increase to the detriment of highway safety.

With regards to the sustainability credentials of the site, it is considered that the site is not well located to promote walking and cycling to local shops and services. In addition, public transport is not within a reasonable walking distance. It is considered that the future residents of the site will rely wholly on the private motor vehicle for even the shortest of journeys.

Notwithstanding the above, paragraph 39 of Welsh Government Circular 005/2018 makes it clear that, "over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate". On the basis that the

application is for a traveller's pitch on a site included for such purposes in the Local Authority's emerging LDP, a highway policy objection would be unjustified.

Therefore, having regard to the advice with the application of circular 005/2018, together with recent appeal decisions regarding Gypsy and Traveller sites, the Local Authority's Highways Officer has no objection. This is however subject to conditions to ensure the site is only used by Gypsy, Traveller and Show persons, the car parking area is completed in permanent materials, that the vision splays are provided and maintained and that no gates are within 5m of the carriageway. These will all be secured via suitably worded conditions

Rights of Way

The Council's Rights of Way Officer has been consulted and advises that Footpath 8 Newcastle Higher would appear to abut the northern boundary of the proposed development. They have advised that none of the works associated with the proposed development would adversely affect the public footpath. They have asked that the applicant be advised that the storage of materials on the footpath would not be permitted as access needs to be maintained along the footpath at all times for members of the public. This will be added as a note. As such the Rights of Way Section have no objection to the proposal

Drainage

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

Foul Drainage

The Local Authority's Land Drainage Officer has advised that foul drainage will be to a package treatment plant that will require registration with NRW.

NRW have advised they have no objection to the proposed development as submitted and understand that the development is not in a sewered area and that foul drainage is to be discharged to a private sewerage system, i.e., a package treatment plant.

NRW have advised the applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with them. Septic tanks and small sewage treatment works may be registered as being exempt from the requirement to obtain an environmental permit if certain criteria are met. A note can be attached advising the applicant of NRW's comments.

Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any pre-application consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. NRW have advised that the applicant has not undertaken consultation with their Permitting Team.

Dwr Cymru/Welsh Water has advised they have no objection as the proposal does not connect to a public sewer

Surface Water

The application form states that surface water will be disposed to a soakaway. These must be constructed in accordance with BRE Digest 365 and/or Building Regulations Approved Document Part H. The proposal includes two dwellings therefore a SAB application is required. The drainage officer has suggested the creation of rain gardens with the driveway and patio being specified to be constructed using permeable paving to reduce the surface water runoff generated by this development.

As such the Local Authority's Drainage Officer has no objection subject to a condition relating to preventing surface water from entering the public highway and a condition relating to a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements and infiltration tests. These recommendations will be imposed via suitably worded conditions.

Ecology

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

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

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

The site currently has permission for a stable and a grassed area for grazing which has little ecological interest. The main ecological value is around the perimeter where there are several trees and hedgerows. It should be noted for clarity that there was one large tree in the middle of the site, however, this was felled some months ago. The tree was not protected and as such no permission was required for it to be felled.

The applicant has confirmed that all other trees and hedgerows around the site are to be retained. The Local Authority's Ecologist has recommended a condition detailing how the retained trees and vegetation will be protected during the development, and this will be secured through a suitably worded condition.

The applicant has advised that any external lighting for the caravans and the utility/day room will be low in intensity and will direct light downwards. However, full lighting details have not been provided and a condition will be imposed to ensure details of any external lighting are provided to make sure that dark corridors around the site are maintained.

The planning statement also references tree planting and incorporating bat and bird boxes into the development. As such the Local Authority's Ecologist has recommended the submission of a landscaping plan that includes species to be planted, locations, numbers and densities, and a maintenance plan for how these will be cared for following planting. The plan should also include details and locations of any proposed ecological enhancements such as bird and bat boxes. This can be imposed via a suitably worded condition.

The Local Authority's Ecologist has also advised that the site has invasive species present including Himalayan Balsam. This species is listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981) which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. As such they have recommended that the applicant submit an invasive species management methodology for approval by the Local Planning Authority before being implemented. This can be imposed via a suitably worded condition. As such the Local Authority's Ecologist has advised that subject to the above recommendations and ecological enhancements, they have no objection to the proposal.

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

Land Contamination

Shared Regulatory Services (SRS) Environment Team have advised that contamination is not known at this site, however, the potential for this cannot be ruled out and the 'unforeseen contamination' condition is recommended.

They have also advised that should there be any 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 chemicals 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 have also recommended 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 ENV7 of the Bridgend County Borough Council Local Development Plan

Waste Management

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

CONCLUSION

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

This application is recommended for approval on the basis that the development is, in principle, acceptable in this countryside location. Consistent with national planning policy, the adopted LDP advocates strict control in such areas. However, the provision of Gypsy and Traveller Showperson's accommodation is cited as a potential exception.

On balance, and having regard to the objections raised, it is considered that the proposal represents an appropriate form of development that would have no unacceptable impacts on the visual amenities of the open countryside, residential amenity, drainage, ecology, environment, or highway safety and the proposal is therefore recommended for approval.

Accordingly, the proposed development is considered to accord with Policies SP2, SP3 SP4 SP6, SP7, SP12, PLA4, PLA11, ENV1, ENV5, ENV7, ENV9, ENV15 and COM6 of the Bridgend Local Development Plan (2013).

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

RECOMMENDATION

(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:

01b -A3- AVH858 - Location Plan
02k - A3 - AVH858 - Site Plan
03e - A3 - AVH858 - Day Room Floor Plan
04e - A3 - AVH858 - Day Room Elevations
05e - A3 - AVH858 - 2 Bed Lodge Floor Plan (orange on site plan)
06e - A3 - AVH858 - 2 Bed Lodge Elevations (orange on site plan)
07e - A3 - AVH858 - 2 Bed Lodge Elevations (orange on site plan)
08c - A3 - AVH858 - 2 Bed Lodge Floor Plan (blue on site plan)
09d - A3 - AVH858 - 2 Bed Lodge Elevations(blue on site plan)
10d - A3 - AVH858 - 2 Bed Lodge Elevations (blue on site plan)
11b- A3 - AVH858 - Treatment Plant Details
12c- A3 - AVH858 - Communal Day Room - Floor Plan
13c- A3 - AVH858 - Communal Day Room - Elevations
Noise Assessment by Inacoustic dated Feb 2023
Planning Statement by Hastings Development and Planning Ltd.

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

2. The site shall only be occupied by Gypsy, Traveller and Showperson's as defined by paragraph 2 of Circular 05/2018.

Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy, Traveller and Show person's, due to the special personal circumstances of the applicant, and to comply with Policy COM 6 of the Bridgend Local Development Plan.

3. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan) shall be stationed on the site at any one time. Any caravans positioned on the site shall be capable of being lawfully moved onto the public highway without division into separate parts.

Reason: To ensure a satisfactory form of development, to protect the safety and free flow of traffic on the surrounding highway network, to protect public amenity and to

comply with Policy SP2, ENV1 and COM 6 of the Bridgend Local Development Plan.

4. The Communal Utility/Day rooms shall only be used in conjunction with the associated 3 pitches and not as separate units of accommodation.

Reason: For the avoidance of doubt and to ensure compliance with Policy SP2, ENV1 and COM6 of the Bridgend Local Development Plan.

5. When the land ceases to be occupied by Gypsy/Traveller/Showperson's, the use shall cease and all caravans, structures, materials and equipment brought on to or erected on the land or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its original condition before the development took place within 6 calendar months of that date.

Reason: Due to the special personal circumstances of the applicant, and to comply with Policy SP2, ENV1 and COM6 of the Bridgend Local Development Plan.

6. Notwithstanding the submitted plans, prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that dark vegetated corridors tree lines around the site are retained. All external lighting shall be implemented in accordance with the approved details prior to the beneficial occupation of the site and retained as such thereafter in perpetuity.

Reason: To protect the visual amenities of the open countryside and ecology and to comply with Policy SP2, ENV1 ENV5 and COM 6 of the Bridgend Local Development Plan.

7. Notwithstanding the submitted plans, no development hereby approved shall commence until a scheme detailing the 2.5m high acoustic barrier along the Northern boundary has been submitted to and agreed in writing by the Local Planning Authority. The barrier shall have a minimum mass of 10kg/m², have no gaps between the fence or the ground, be continuous throughout its length and rot proof. The boundary treatment agreed by the Local Planning Authority shall be installed as approved prior the first beneficial use of the development and maintained and retained thereafter in perpetuity.

Reason: In the interests of the residential amenities of future occupiers and to comply with Policy SP2 and ENV7 of the Bridgend Local Development Plan.

8. Notwithstanding the submitted plans, no development hereby approved shall commence until details of the entrance gates shall be submitted to and agreed in writing by the Local Planning Authority. The entrance gates shall be set back not less than 5 metres from the nearside edge of the adjoining carriageway. The entrance gates shall be completed in strict accordance with the agreed details prior the first beneficial use of the development and maintained and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety and the visual amenities of the site and to comply with Policy SP2 of the Bridgend Local Development Plan.

9. The parking, and turning area hereby approved 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 and turning thereafter in perpetuity.

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

10. The proposed vision splays of 2.4m x 43m in both directions shall be provided before the development is brought into beneficial use and retained in perpetuity. 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 any time.

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

11. No commercial activities shall take place on the land including the storage of commercial plant or material.

Reason: In the interests of visual amenity, residential amenity and highway safety and to comply with Policies SP2, ENV1, ENV7 and COM 6 of the Bridgend Local Development Plan.

12. No more than one commercial vehicle per caravan plot shall be kept on the land for use by the occupiers of the caravans and they shall not exceed 3.5 tonnes in weight.

Reason: In the interests of visual amenity, residential amenity and highway safety and to comply with Policies SP2, ENV1, ENV7 and COM 6 of the Bridgend Local Development Plan.

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

Reason: To ensure a satisfactory form of development in the interests of the visual amenities of the area and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan

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

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

15. 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 shall be implemented prior to the beneficial use of the site.

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

16. Notwithstanding the submitted plans, within 3 months of the date of this consent, details of soft landscape works, and supplementary hedgerow planting shall be

submitted to the Local Planning Authority. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate, an implementation programme (including phasing of work where relevant) and details of its management. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The agreed landscaping works shall be carried out in the first planting season after the date of this consent in accordance with the approved details and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

17. No development hereby approved shall commence until a scheme detailing the proposed bat, bird and Hedgehog boxes around the applications has been submitted to and approved in writing by the Local Planning Authority. The agreed bird, bat and hedgehog boxes shall be implemented in accordance with the approved scheme prior to the first beneficial use of the development and retained thereafter.

Reason: To provide a net benefit to biodiversity, in accordance with Policy 9 of Future Wales and to ensure compliance with ENV5 of the Bridgend Local Development Plan.

18. Prior to the commencement of works on site, an invasive species management plan detailing treatment and management methods for the control of Himalayan Balsam at the site shall be submitted to and approved in writing by the Local Planning Authority. This methodology should also include how the works will mitigate for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities, Himalayan balsam is listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981) which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. and to accord with Policy SP2 and ENV5 of the Bridgend Local Development Plan.

19. 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 the trees and hedgerows on and around the perimeter of the site. The development shall be carried out in accordance with the agreed details.

Reason: To ensure all existing trees are protected throughout the construction of the development, in the interests of visual amenity and to ensure the development complies with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

20. No development shall commence until a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the clearance and construction of the development has been submitted to the Local

Planning Authority. All waste shall be treated in accordance with the agreed waste plan.

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

21. 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 Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

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

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

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

23. 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 Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. 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 the approved scheme.

Reason: To ensure that risks from imported aggregates (other than virgin quarry stone)

to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan.

24. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

This application is recommended for approval on the basis that the development is, in principle, acceptable in this countryside location. Consistent with national planning policy, the adopted LDP advocates strict control in such areas. However, the provision of Gypsy and Traveller Showperson's accommodation is cited as a potential exception. On balance and having regard to the objections raised, the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity of the open countryside, residential amenity, drainage, ecology, environment, or highway safety and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3 SP4 SP6, SP7, SP12, PLA4, PLA11, ENV1, ENV5, ENV7, ENV9, ENV15 and COM6 of the Bridgend Local Development Plan (2013)

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

B) DRAINAGE ADVISORY NOTE

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

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

No surface water is allowed to discharge to the public highway

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

- Confirm proposed foul and surface water disposal method including discharge point;

- Provide a construction management plan identifying how surface water runoff will be managed during the construction phase to protect existing properties on lower levels;
 - Proposed a registration document from NRW for the package treatment plant;
 - The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).
- In order to satisfy the drainage infiltration test condition the following supplementary information is required:
- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk);
 - Provide surface water drainage layout (including location of proposed soakaway, if required).
 - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
 - Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
 - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
 - Provide a timetable for its implementation; and
 - Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

C) NRW NOTE:

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any pre-application consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. We therefore advise that if the applicant has not undertaken consultation with our Permitting Team (telephone 0300 065 3000), they should do so at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the environmental permitting requirements.

The Applicant should note that a grant of planning permission does not guarantee a Permit or exemption will be granted. Notwithstanding a grant of planning permission, a proposal may be deemed to be unacceptable (e.g. because the permitting application process identifies an unacceptable environmental risk or because there is a feasible connection to mains sewer).

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Works Near a Watercourse

Due to the proximity of the site to watercourses, all works at the site must be carried

out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

D) RIGHTS OF WAY NOTE

The applicant is made aware that the storage of materials on the footpath would not be permitted as access needs to be maintained along the footpath at all times for members of the public.

**JANINE NIGHINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: T/22/41/TPO

APPLICANT: BCBC - Communities Directorate, Level 3, Civic Offices, Angel Street, Bridgend, CF31 4WB

LOCATION: Western bank of Wilderness Lake, East of Ger Y Lyn, Porthcawl CF36 5ND

PROPOSAL: Selectively fell, coppice and crown reduce a line of failing trees on the western bank of the Wilderness lakes. The tree species comprise: Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp.

RECEIVED: 5 October 2022

APPLICATION/SITE DESCRIPTION

The application seeks to undertake a variety of tree works at The Wilderness, Porthcawl. The programme of works includes the selective felling, coppicing and crown reduction of a line of failing trees on the western bank. The tree species comprise Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp. The trees are protected under Glamorgan County Council Tree Preservation Order No.01 (1953), are located in an area designated as a Site of Importance for Nature Conservation (SINC POR-6-5) and are also situated within an Ancient Semi Natural Woodland (15542).



Figure 1 - Area of Tree Works Outlined in Red

Members should be made aware that the Local Planning Authority has been advised that tree work has been undertaken in recent years at The Wilderness by a number of different parties without consent. Notwithstanding this and due to the complexities of the site, only the tree works listed in this application's Tree Report, compiled by Steve Ambler and Sons Tree Specialists Ltd. received on 3 April 2023, should be considered in the determination of the application.

The comprehensive Tree Report, compiled by Steve Ambler and Sons Tree Specialists Ltd. provides information regarding the species, location, condition and recommendation of proposed works to the trees the subject of this application. The report advises interalia that the following works are required: -

Tree No	Tag No	Species	Remarks	Recommendation	Photo Ref
G1	202	Goat Willow	Small group of willow, having been poorly pruned to the path side, with subsequent weakly attached regrowth. Fractured stem at 2.5-m AGL and leaning over the lake. Fracture developing on a stem at 3m to the path side.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	1
1	203	Ash	Twin stemmed specimen from base. Ash dieback disease (<i>Hymenoscyphus fraxineus</i>) HS1. The two stems lean out from the lake bank, initially at 45 degrees soon to straighten, and 60 degrees respectively. Their lever arm, transfers wind loading forces down to the root system, and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Monitor annually health during the summer months in light of Ash dieback disease, infection.	-
2	204	Goat Willow	Historic, incipient root plate failure, with tree leaning at 45 degrees, predisposed to the lake. Several branches are causing abrasion damage in contact with tree stems on the lake edge.	Climb and dismantle crown, and then coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	2
3	N/A	Goat Willow	Root plate failure with a fractured and failed buttress. The tree is now resting in the lake. May cause an obstruction for open water management activities. May cause an obstruction for fisherman as its only 5m from a fishing platform.	If it can be retained without causing an obstruction - significantly shorten it to 2m from the lake edge to avoid the build of sediment spurs, and facilitate any dredging operations. The tree is likely to produce new shoots and restabilise. Monitor stability every 3 years.	3
4	205	Goat Willow	Tree growing out from edge of the lake bank, leaning at 60 degrees. Crown dieback by an estimated 20%. Saprophytic fungi noted at the stem base in association with a localised decay pocket. Its lever arm, transfers wind loading forces down to the root system, and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased.	Climb and dismantle crown, and then coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	-
5	206	Italian Alder	Standing dead with crown intact. The path side stem was historically removed at 1m AGL. Ivy clad stem. The target is formed by the lakeside path and fishing platform.	Unsafe to climb. Use a winch to fracture and reduce to a 5-8m monolith in order to retain standing deadwood if possible – otherwise fell.	4
G2	207, 208	Common Alder & White Willow	Two fractured and failed specimens from base. The retained stem of the willow now has an inadequate basal stem diameter to support it. In addition this large wound will be a site of decay, further weakening this basal section of stem.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Monitor basal decay and stability every 3 years.	5
6	209	White Willow	Root plate failure, with the tree now resting in the lake. This may cause an obstruction for open water management operations, and for the fisherman as it blocks casting from the nearby fishing platform.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. The tree is likely to produce new shoots and may restabilise. Monitor stability every 3 years.	6
7	210	White Willow	There are structurally weak, developing compression forks with included bark, at 1.5m, 3m & 3.2m AGL.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	7
G3	N/A	Common Alder, White Willow & Goat Willow	This group comprises of Common Alder x 12; White Willow x 14; Goat Willow x 2 along the lakeside edge of the whole survey site. These trees are leaning at an acute angle from the edge of the lake bank and are predisposed to failing into the lake. Their lever arm transfers wind loading forces down to the root system and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased. In such scenarios the bank becomes destabilised and a site of soil erosion. Some coppice work has	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Trees to be marked with a paint spot prior to works commencing, in order to ensure the correct trees are identified.	8

		already occurred to this effect along this embankment but further work is recommended.		
--	--	--	--	--

It was noted that T5, an Italian Alder (*Alnus cordata*), was described as being standing dead and in a dangerous condition in the Tree Report (highlighted in bold above). The report also advised that the condition of the tree presented a significant liability, and the immediate implementation of the recommended remedial work was required. The Tree Report considered the option of monolithing to 5-8m in order to retain some standing deadwood at the site if possible but if that could not be done the tree would need to be felled. Due to the close proximity of both the lakeside path and fishing platform, an Exemption was issued on 24 February 2023 which allowed the applicant to undertake felling before waiting for a decision to be made on the application.

The Tree Report from Steve Ambler and Sons, Tree Specialists Ltd., advises that the trees were assessed on 11 November 2022 and were inspected from ground level. The report states: -

'The tree cover along the west bank often has a closed canopy other than the occasional gap formed by fishing platforms and sections of recently coppiced trees. Whilst the recent tree works have been undertaken in the absence of a management plan and the appropriate permission under its statutory designation (Tree Preservation Order), this report finds that the works generally have caused no harm from an arboricultural perspective but in fact, improved the current situation for all the reasons cited later in the report. It is notable that many other trees are leaning from the bank over the lake and, therefore, the shading issue here is somewhat exacerbated.'

The Tree Report goes on to explain the reason for the type of work recommended: -

*'In accordance with the recommended management of the SINC designation (Reference : POR6-S (Dated 2011)), coppicing is considered here, along with pollarding as viable management options. Thinning is not considered appropriate as all of the tree species along the west bank will vigorously produce shoots from cut stumps (coppice) and, therefore, regenerate from the base, or higher up the stem in the case of pollarding. The exception would be the few Italian Alders (*Alnus cordata*) that coppice less reliably, although will regenerate via the production of root suckers, as does Common Alder (*Alnus glutinosa*) to a lesser extent and which are also light demanding. Both Willow and Alder species respond well to coppicing or pollarding, both of which are ancient traditional forms of management, undertaken for varying reasons.'*

The Tree Report states in summary:

'This Report finds that in consideration of the above information, the management of woody vegetation along a lake embankment in this instance, and generally, is highly important for the following reasons (1) to diversify habitat conditions, (2) provide varying levels of shade and light (3) prevent windthrow (4) maintain bank stability (5) improve the longevity of species, and (6) to create a well-structured stand of trees.

Clearly it is about providing diverse habitats, and therefore this should be developed holistically across the site so management phases can be planned to create as much habitat variation as possible, which includes diverse stands of woody species at varying stages of development, ultimately across the whole range from identifying future ancient and veteran trees, to young coppice regrowth and naturally regenerated saplings, at the other end of the spectrum. This will require management interventions aimed to create a dynamic, diverse habitat through the careful manipulation of light levels, through regular

and relatively low-impact operations, thereby providing varying conditions that will favour differing species.'



Figure 2 - Photographs taken by Steve Ambler & Son's Tree Specialists Group 1, Tree 2, Tree 3



Figure 3 - Tree 5 (Exemption), Group 2, Tree 6



Figure 4 - Tree 7, Group 3, Turgor pressure on pathway

The Tree Report compiled by the applicant advises of the reason(s) for the work: -

'Funding for this work has been provided through the CTNN (Cwm Taf Nature Network) project that is funded through Welsh Government's Enabling Natural Resources and Well-being scheme. The Wilderness forms one of the 20 sites across Bridgend, Rhondda Cynon Taff and Merthyr Tydfil County Boroughs, where in part, the aim is to work with local groups in delivering biodiversity benefits. In this instance the CTNN is looking to work with the Porthcawl Angling Association to assist with the management of the lake to help support this fishery which is under stress through the increasing sediment levels and consequential drop in water and dissolved oxygen levels. In addition, the proposed tree works support of the site's ecological potential through seeking to help retain the lake's open water feature and retain this wetland's amenity value for visitors.'

Ideally the Angling Association would wish to dredge the lake to remove the build-up of sediment and detritus, but this is not feasible on financial grounds as the dredging would run into hundreds of thousands of pounds. Any dredging has the added issue relating to the disposal of the sediment which would need to be treated as contaminated waste. However, and albeit on a small scale, through the control of bankside vegetation it is possible to help mitigate organic material getting into the lake.'

RELEVANT HISTORY

T/98/5/TPO (The Wilderness) – Granted consent 22-01-98.

Felling within woodland

T/99/59/TPO (5 Woodland Avenue) – Granted consent 05-11-99.

Lopping branches of Poplar tree

T/99/69/TPO (5 Woodland Avenue) – Granted consent 30-12-99.

Coppicing of Poplar tree

T/02/3/TPO (Land rear of Ger y Lyn) – Granted conditional consent 20-02-02.

Lop branches overhanging gardens and remove decaying trees.

T/05/82/TPO (48 Ger y Lyn) – Refused (No further action taken on appeal) 26-01-06.

Fell unknown species of tree.

T/11/61/TPO (36/37 Ger y Lyn) – Granted consent 16-11-11.

Felling and remove 2 Elder trees and thin out coppice of Sycamore trees by 50%

T/13/1/TPO (The Wilderness) – Granted consent 04-02-13.

Fell dead Elm trees leaving 2m stump and fell twin stemmed Poplar tree.

T/13/2/TPO (The Wilderness) – Granted consent 04-02-13.

Cut back branches, remove deadwood and sever ivy at base of elm and poplar trees.

T/13/28/TPO (Land opposite 1 Ger y Lyn) – Granted consent 04-07-13.

Cut back limb overhanging carriageway.

T/13/40/TPO (The Wilderness) – Granted consent 12-09-13.

Fell and remove 5 dead trees.

T/16/10/TPO (The Wilderness) – Granted consent 21-03-16.

Various works to trees including lopping, felling, thinning to remove health and safety risk to park users.

PUBLICITY

The application has been advertised on site via three notices, which were erected on 6 February 2023 at the northern and southern entrances to The Wilderness and on a footbridge adjacent to the west bank.



*Figure 5 - Site notice locations and plan
1. Ger y Lyn, 2. Footbridge, 3. Heol y Goedwig, 4. Location plan*

Neighbours have been notified of the receipt of the application.

The period allowed for response to the original consultations and publicity expired on 27 February 2023 but was extended as a result of a reconsultation exercise.

The application was received on 5 October 2022 but due to the nature of the proposed work, an independent Tree Report was requested and submitted on 3 February 2023, along with a further Tree Report compiled by the applicant in support of the application and an amended description of proposed works.

A reconsultation exercise was undertaken on 6 February 2023. Porthcawl Town Council, two Local Members, 51 adjoining neighbours and two unnotified responders were re-consulted advising of the receipt of the additional Tree Reports and the amended description. A further reconsultation exercise was undertaken as a result of the receipt of an amended Tree Report on 3 April 2023, which included a revised description of works to Area G3 and an amended location plan. All statutory consultees, neighbours and unnotified responders were again reconsulted on 17 April 2023.

CONSULTATION RESPONSES

Porthcawl Town Council: *'However, and albeit on a small scale, through the control of bankside vegetation it is possible to help mitigate organic material getting into the lake.'* (Quote from BCBC's Tree Report)

This does not suggest that the destruction of wildlife habitat is, on its own, a solution to the issue identified. Would it not therefore be better to ensure that there is a real viable solution ahead of any removal of natural habitat?'

A further objection from Porthcawl Town Council was received on 5 May 2023 as a result of the reconsultation: -

'The trees are protected under the TPO regulations. Porthcawl is losing far too many of its protected trees, by doing this we are destroying the wildlife habitat that has been thriving at The Wilderness for hundreds of years, when will this destruction and vandalism of our countryside stop.'

Councillor N Farr: 'After reading the independent report and meeting with officers I do not have any objections to the work as it has been deemed it is necessary.'

Natural Resources Wales: Standard advice notes were received in response to the consultation. The advice states interalia: -

'We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).

This guidance is designed for use by planning authorities when making decisions on development proposals affecting Ancient Woodland.

Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. We advise that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, given that Ancient Woodland is irreplaceable unless there are wholly exceptional reasons...Where a decision maker is satisfied there is a wholly exceptional reason, every endeavour should be made to minimise and compensate for loss...Although a compensation strategy cannot fully compensate for loss of Ancient Woodland it should include:-

- planting new native woodland or wood pasture to improve the resilience of Ancient Woodland

- restoration of or managing other Ancient Woodland, including plantations on ancient woodland sites, and wood pasture
- proposals connecting woodland and ancient and veteran trees separated by development with green infrastructure
- long-term management plans for new woodland and Ancient Woodland
- planting individual trees that could become veteran and ancient trees in future
- monitoring the ecology of the site over an agreed period.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.'

REPRESENTATIONS RECEIVED

Objections to the application have been received from the occupiers of the following properties:

44 Lewis Place
 134 Newton Nottage Road
 38 Pant Morfa
 137 Newton Nottage Road
 37 Esplanade Avenue
 20 St David's Way
 39 Ger y Lyn

The concerns are summarised below which incorporate comments received as a result of the reconsultation process: -

- The previous tree work was undertaken illegally and without permission. Significant and lasting damage to this wildlife habitat has occurred. Appalled by what's been done and what is planned.
- Previous tree works undertaken have decimated the Wilderness, has impacted on public enjoyment of the area and more trees should not be felled.
- Current application looks like a deliberate, cynical attempt to seek legitimacy.
- A public investigation should have been held to hold those accountable.
- The previous tree work has resulted in active nests being lost, less wildlife in the area, loss of habitat and a decline in songbirds by 99%.
- Birds have been forced to relocate as a result of the gaps left. Some birds have been there 25 years.
- A fine should be issued for those responsible for undertaking previous tree works without permission and they need to put right the wrongs they did.
- The manner in which the previous work was undertaken resulted in healthy trees succumbing to infection, disease and instability and the sequencing of work was questionable.
- The previous work left debris in and around the lake causing a blocked outlet pipe and resulted in the flooding of paths and gardens in Woodland Avenue.
- Machinery damaged the branches of other trees in the area.
- The TPO exists to preserve the woodland character of the area. The lake and fishing activities should not have priority.

- The ecological benefit of trees with regards to CO2 levels mean the trees should not be felled.
- Object to the felling of any trees as it is a place of beauty, it offers exercise and relaxation, is used by both walkers and children and people enjoy feeding the wildlife.
- The proposed work is equivalent to the removal of half a mile of wooded hedgerow.
- No bird survey was carried out prior to the previous work being undertaken and this current application does not include a proper evaluation of the impact on birdlife.
- The felling should not be undertaken between spring and autumn due to bird nesting / bat roosting opportunities.
- Consideration needs to be given to the wildlife in the trees, especially the birds, plus the ducks and swans on the water.
- Felling of trees will have a negative impact on the local environment and wildlife.
- Loss trees will lead to loss of habitat for birds and other animals as they provide protection against the elements and food and are essential to life. A guarantee needs to be provided regarding replacement trees.
- Disruption to local ecosystem and possible decimation in the population of species of birds and other animals. Birds will be forced to relocate, and their numbers will contract according to space available.
- BCBC does not care about displaced birds.
- Reason given for the work is a falsehood and illogical as leaves can blow into the lake from anywhere which means all the trees would have to be felled.
- Coppicing produces growth with just as many leaves.
- Solution would be to dredge the lake but due to a lack of funds and time, the trees are being used as scapegoats as the job can't be done properly.
- If the plan is to dredge the lake, the trees do not require removal.
- Siltation more likely caused by soil erosion and leaves falling into the water is a natural process. Leaves in the water provide food, shelter and case building materials for invertebrates.
- Other alternative options need to be considered.
- The cutting down of trees is merely a penny-pinching exercise and a quick fix for the sake of the Angling Society.
- Dispute the reason for the works is bank damage as the leaning trees were holding the bank together during recent floods. Actual cause of bank damage is angling platforms, which do not allow stabilising plants to grow underneath them. Trees are being killed for no other reason than they are leaning a bit.
- Lake level not fixed so defining trees on the edge is open to wide interpretation, according to the water levels at the time.
- Objection to removal of Weeping Willows due to their contribution to both wildlife and the environment. Leaves falling from them is entirely natural. Willows are adapted to wetland flood areas and are biological filters which provide many ecological benefits as their roots absorb excess water and also provide a nectar source for bees, butterflies and moths.
- Removal of the trees is to make way for development or other projects.
- Removal of trees will affect the waterfowls' ability to roost and rest which have been a feature of The Wilderness for years.
- Tree 3 – no work required as it appears healthy, and its removal would leave the local ducks and water birds with nowhere to sit and roost. The bird activity around the tree stopped the lake from freezing over in winter. Tree 3 is a well-loved local landmark and people feed the ducks which live on it.
- The Wilderness provides wellness for both mental and physical health and people travel a distance to visit The Wilderness.
- Adverse effect on the aesthetic appeal of the area as the pond and surrounding trees contribute greatly to the charm of the area.
- Replacement trees are required to offset the loss of those felled.

- Alders do not respond well to coppicing and will probably be killed outright.
- The trees should not be removed before they fall in the lake, only after.
- One tree (Photograph 8 – Group 3 in Steve Ambler’s Tree Report) has already been felled but is contained within the report for proposed felling.
- Tree Tag 202 should be pruned rather than coppiced as this contributes to the ecology and character of the area as it forms an arch with the Ash tree opposite.
- Tree Tag 203 – no real evidence of Ash Dieback and it should remain.
- Wilderness Lake has a build-up of sediment, *partly* due to issues such as the ongoing input of leaf and other organic matter but *main* reason is because of the toxic runoff from the dual carriageway and *other* surrounding roads. Said toxins carry poisonous pollutants such as PAHs (Polycyclic Aromatic Hydrocarbons) and are entering the lake. With climate change this is only expected to rise with increased rainfall. The bigger picture lies in the runoff from the surrounding roads, and more recently, albeit an accident; the sewerage coming from Fulmar Road, running down Newton Nottage Road, and flowing directly into the Wilderness Lake. Concerns that the dual carriageway and other surrounding roads’ filtering systems are not being cleaned robustly, nor on a regular basis.
- Tree 6 (Photo 6 – White Willow) is of vital importance to moorhens and coots as the birds have nested there in the past. It provides a habitat for birds even in winter.
- Tree No.206 is dead but could be a possible habitat for bats and nesting birds.
- Alders and Willows coppiced under previous work have died.
- Concerns about the suitability and competence of the contractor to be employed to undertake the work - their report is biased with a conflict of interest.
- Felling of the trees would result in lack of shade during hot weather.
- No tree survey undertaken with previous work, dead trees were left standing, and trees dumped around the park on wildflowers causing a mess.
- Siltation often caused by soil erosion and Weeping Willows prevent soil erosion. It makes no sense to remove them.
- Alternative solutions, such as selective pruning or transplanting, should be explored.

Comments received from 4 Ger y Lyn (incorporating comments received following the reconsultation): -

- Concerns raised regarding the proposed works being undertaken during bird nesting season.
- Diseased or dead trees need to be felled for safety reasons, but will they be replaced.
- Vandalism of saplings and creation of dens within the area.

Comments received from 21 Woodland Avenue (incorporating comments received following the reconsultation): -

- No objection to remedial maintenance works taking place to the town’s essential flood defences. However, the proposed works are limited in nature with only one bank being considered and no action to resolve the problems of the lake’s gradual conversion into a marsh because ongoing silting problems are not being addressed. The works should also include the removal of all fallen trees within the lake.
- The lake is part of the flood prevention plan and fallen leaves result in high silting levels and increase the probability of local flooding. Recent flooding was as the result of high-water levels in the lake and a water table rise. Anything which reduces silting levels in this lake would be welcomed.
- Query why routine maintenance of the town’s flood defences requires planning permission.

- No consultation received regarding the planting of 30 trees to the south of The Wilderness. Question whether the spacing of the trees is sufficient and the choice of species as Rowan is poisonous to dogs, Hawthorn has thorns and Elder is considered a fast-growing intrusive weed.
- Query the future maintenance of the planted trees in order to ensure no potential risk to nearby housing.
- Change of use from recreational park to forestry without planning consent.
- Planting of trees and blocked drainage in Upper Field.

COMMENTS RECEIVED FROM THE APPLICANT IN RESPONSE TO PORTHCAWL TOWN COUNCIL'S OBJECTIONS

The applicant was asked to comment on the original objections received from Porthcawl Town Council. Their response is reproduced below: -

'Disagree with 'destruction of habitat'. Coppicing is a recognised woodland management technique that in part seeks to ensure the longevity of the trees that are currently falling into the Lake. Any management would be undertaken outside of the bird nesting season.

Dredging and the disposal of dredged material is a very expensive operation and not something the Council nor to my knowledge is Porthcawl Angling Association pursuing. However, albeit on a small scale through selective thinning of some of the suppressed trees on the bank, trees that are falling into lake can be removed, which cause anoxic conditions in the lake that undermines the lake's ecology through reduced oxygen levels. The selective removal of the failing trees also reduces the issue of root plate failure and soil getting into the Lake.

Trees in the lake also add to the issue of the lake stabilisation and moving towards a marsh habitat. This is contrary to the Wilderness lakes' Site of Importance for Nature Conservation designation, that identifies the Lake as an important habitat feature.

Ideally the management of the bank side vegetation would be part of an on-going management regime involving local interest groups, volunteers and woodland groups such as the woodland charity Llais y Goedwig.'

COMMENTS ON REPRESENTATIONS RECEIVED

In response to Porthcawl Town Council's further objections, Tree Preservation Orders (TPOs) do offer protection to trees, but the existence of a TPO does not mean that works cannot be permitted when justified on arboricultural grounds.

Reference to Porthcawl losing far too many of its protected trees is noted but since 1 January 2020, only four applications have been granted under the TPO regulations for trees to be removed within the Porthcawl Town Council area. The trees the subject of the four applications were fully assessed by professionals and supporting Tree Reports were received. The works were, therefore, fully justified on arboricultural grounds.

With regards to the Town Council's comments regarding the destruction of habitats, the point is addressed in the Comments from the Applicant section set out above.

Natural Resources Wales (NRW) in their comments on the application indicate that the loss of any Ancient Woodland should be resisted but where a decision maker is satisfied there are wholly exceptional reasons for such works, every endeavour should be made to minimise and compensate for any loss. In this instance, the exceptional circumstances relate to the preservation of the main feature of the Site of Importance for Nature Conservation, namely the lake. It should be noted that, although some of the trees are considered to be mature in age, none of them would be classed as veteran trees and only

one is proposed to be felled. NRW note that although a Compensation Strategy cannot fully compensate for the loss of Ancient Woodlands, it should include planting of new native woodland or wood pasture to improve the resilience of the Ancient Woodland. As a mix of native tree planting has been implemented to the south of The Wilderness, this addresses any concerns raised by NRW.

With regard to impact on protected species, it is noted that the submitted tree report states: *'the trees have negligible bat potential as they don't exhibit bat roost features such as fissures, cracks, hazard beams or missing limbs.* However, should consent be granted for the tree works, a note will be included on any consent issued advising the applicant of the obligations regarding bat legislation. This is not a material consideration to the determination of an application for tree works.

The detailed objections from the occupiers of neighbouring properties, summarised above will each be answered in turn:

- It is acknowledged that previous tree works were undertaken without consent at the site in recent years. This application must be assessed on its own merits and the previous works undertaken and their aftereffects are not material planning considerations. It is not possible to apply retrospectively for any works to trees and, in this respect, the application is not an attempt to seek legitimacy. It is understood that tree felling works were carried out to improve the quality of The Wilderness Lake for users and for the longevity of the lake and this has been reinforced by the recommendations and conclusions of the two tree assessments, one of which was independent (Steve Ambler and Sons Tree Specialists Ltd).
- Queries by residents regarding enforcement action have been noted. The taking of any enforcement action by the Council is a matter of discretion for the Council and any such action must be taken in the public interest and not as a punishment.
- The Wilderness is designated a Site of Importance for Nature Conservation (SINC – POR-6-S). The qualifying features are listed as open water and scrub. The secondary features are semi-natural broadleaved woodland and semi-improved neutral grassland. Therefore, one of the two main reasons for the area's designation as a SINC is the open water feature. In terms of this designation, the management of the lake would have priority with the woodland being of secondary importance. One of the recommendations for future management listed on the SINC citation is 'local woodland management by thinning / re-coppicing as needed, to maintain good canopy structure and encourage diverse woodland ground flora' which corresponds with the Tree Reports. TPOs may exist to preserve the woodland character of the area but that does not mean consent cannot be granted to undertake work to the trees situated within the TPO.
- It should be noted that only one tree is proposed to be felled (an Italian Alder) and the rest are proposed to be coppiced and, therefore, should regenerate over time. The provision of shade is not a material planning consideration.
- Whilst the ecological contribution both trees and hedgerows make to the environment is acknowledged, the amount contributed is dependent on their condition. The trees have been assessed and found to be of poor quality, with few lower lateral branches and top-heavy crowns ('lion tailing'). The work, in this respect, is not considered to be the equivalent to the removal of a hedgerow, as a standard hedgerow would typically offer more foliage density from ground to crown level and, therefore, more habitat diversity.

The trees aren't being removed in the sense that they are being felled and nothing will be put in their place. The selective management of these trees uses a technique known as coppicing which has been in place for hundreds of years and helps to stimulate new bushy growth in broadleaved trees. In essence this is similar to hedgerow management where hedges are laid, and the cut stems then regrow from the point of cutting resulting in a thick hedgerow.

- Wildlife Surveys are not required as part of the determination of tree applications. Should consent be granted, a note is always included advising the Tree Surgeon / Arborist of their responsibilities with regards to bird and bat legislation. The note also includes the annual timeframe for bird nesting season. The territories of woodland / garden birds and waterfowl can vary greatly and usually overlap slightly. Due to the condition of the trees BCBC's Tree Report advises that there is little opportunity for nesting and, should a nest be discovered, the tree would be left, and the birds allowed to fledge. The report also advises that the works will be programmed outside of the bird nesting season. BCBC's Tree Report states that the trees do not exhibit bat roost features.
- The works are for selective coppicing and crown reduction operations, not felling. These operations are well recognised tree techniques e.g., BS3998:2010 - Tree Works Recommendations and they are aimed at managing this line of trees not removing them as felling implies. Coppicing broad leaved trees stimulates new growth, particularly in respect of tree species such as willow. Currently the trees are competing for space and light and require selective management to avoid issues such as whole tree failure and poor tree form through suppressed growth. The coppicing will also benefit ground flora through greater light penetration to the lake banks side floor.
- As the Tree Report describes the condition of tree No.206 as unsafe with a Priority 1 classification, an exemption was issued under the regulations on 24 February 2023 permitting the removal of this tree (an Italian Alder). Notes were included within the exemption advising the enquirer of the obligations regarding bird and bat nesting legislation.
- Dredging and the disposal of dredged material is not a viable option as it is a very expensive operation and the relative impacts associated with such a process would have to be considered in balance with any benefits to the amenity of the area. Furthermore, it is not a solution the Council would be able to pursue and dredging is not for consideration as part of this application, which relates to works to protected trees. Whilst the falling of leaves into the lake is a natural process, BCBC's Tree Report has advised if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This could compromise the main reason for the designation as a SINC which may undermine the area's continued protection. The trees have been examined by a professional and coppicing is recommended, not pruning. The transplanting of trees is not a viable option due to the cost, potential of failure and, above all, the condition of the trees subject of this application.
- The Tree Report submitted by Steve Ambler Tree Specialists Ltd. advises that a number of trees either have current or potential mechanical failure due to the root plate lifting. This issue has additional impact of bank erosion and lake sedimentation.

- Whilst the water levels of the lake may vary due to flooding or drought events, this is not a material planning consideration. The basis of the assessment of the application is for the works to the trees and their location has been clearly identified in both the Tree Reports and on the location plan.
- The proposal does not include any works to or removal of Weeping Willows (e.g. *Salix babylonica*). The willow trees in question, Goat Willow (*Salix caprea*) and White Willow (*Salix alba*) are falling into the lake which causes the tree and its canopy to lean. Works will be undertaken outside of the bird nesting season. In addition, the trees will not be removed in the long term. The tree works are employing a coppicing approach which is a traditional form of management. Coppicing stimulates bushy new growth of deciduous trees including willow trees. If no works were undertaken, the trees would continue to fall into the lake, and they would be lost. However, by undertaking selective coppicing, a sustainable form of tree management is being employed. In doing so, greater light penetration will reach the lake bank floor that will benefit ground flora and other species such as invertebrates. Whilst the falling of leaves into the lake is a natural process, BCBC's Tree Report has advised if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This could undermine the main reason for the site's designation as a SINC and potentially compromise its future protection.
- In the Deposit Local Development Plan, The Wilderness is designated as Open Space and is protected by policy. In this respect, no development or other projects are proposed for the site.
- This is a selective operation and the whole of the lake is surrounded by vegetation that provide opportunities for bird resting perches. The freezing of the lake is not recognised as a regular occurrence. Feeding birds has implications for encouraging vermin such as rats which have negative impacts on birds and wildlife through predation.
- Tree 3 (Goat Willow) has been assessed by a professional Arborist and found to have a root plate failure with a fractured and failed buttress and is resting in the lake. The tree is not proposed to be removed but to be shortened to 2m from the lake edge to avoid the build-up of sediment spurs. The tree is likely to produce new shoots and restabilise.
- Tree 6 (Photo 6 – White Willow) has been assessed by a professional Arborist and found that due to root plate failure, it is now resting in the lake. The tree is not due to be removed but coppiced so it should produce new roots.
- Whilst the importance of both mental and physical health is acknowledged, they are not material planning considerations in respect of tree applications. However, the area's contribution as a valued open space is recognised through its protection in the Deposit Local Development Plan's Open Space Audit.
- The works are required in order to prevent the build-up of sediment in the lake and, ultimately, is an attempt to protect and retain the lake feature. Apart from one dangerous Italian Alder, none of the trees will be felled. The trees are proposed to be coppiced and as a result, they should regenerate and regrow over time.
- According to the Woodland Trust, Alder trees can respond well to coppicing. The trees have been assessed by a professional Arborist and it is recommended they are coppiced.

- To wait until a leaning tree has fallen in order to remove it is not considered to be good practice both from an arboricultural viewpoint or on health and safety grounds. The trees are in close proximity to both a well-used footpath and lakeside platforms so a major consideration in respect of the removal of a tree would be the safety of users of the area.
- The site was visited on 2 June 2023 and this particular tree (tree in Photograph 8 – Group 3) was located to the north of the western bank and had not had any work undertaken to it. The tree was, therefore, still in situ.
- The trees (Tree Tag 202 - a small group of Goat Willow) have been assessed by a professional and have been found to have been previously poorly pruned, have weakly attached regrowth, a fractured stem with a further fracture developing and are leaning over the lake. The coppicing of the trees is, therefore, recommended.
- The Tree Report was compiled by a professional Arborist with over 25 years of experience in both the public and private sectors. The tree (Tree Tag 203) was assessed and was found to be suffering from Ash Dieback. Coppicing was recommended and annual monitoring undertaken due to the disease.
- General climate conditions and the source of pollution cannot be taken into account and are, therefore, not material planning considerations with regards to applications for works to trees. The main consideration of the application is the condition of the trees and that responsibility for the assessment of the application lies with the Local Planning Authority. The trees are proposed to be coppiced and as a result, they should regenerate and regrow over time.
- Concerns about the suitability and competence of the contractor are unjustified and are not material to the determination of this application.

The detailed comments from the occupiers of 4 Ger y Lyn and 21 Woodland Avenue summarised above will each be answered in turn as follows:

- Should consent be granted, a note is always included advising the Tree Surgeon / Arborist of their responsibilities with regards to bird and bat legislation.
- Only one tree is proposed to be felled (an Italian Alder), the rest are proposed to be coppiced.
- Neither vandalism nor the creation of dens are Planning matters. Any evidence of acts of vandalism should be reported to South Wales Police.
- Each application is judged on its own merits and the Local Planning Authority cannot make recommendations for additional works to be included within the application.
- BCBC's Tree Report advises that the proposed works on a small scale, through the control of bankside vegetation, will help to mitigate organic material getting into the lake and reduce silting levels.
- Consent is required to undertake works to the trees on the western bank of The Wilderness as they are protected by a Tree Preservation Order (Glamorgan County Council Tree Preservation Order No.01 (1953)).

- From a planning perspective, the tree planting did not require planning consent and, in this respect, no change of use has occurred. A consultation exercise, therefore, was not required.
- The trees have been planted by experienced professionals who have planted many trees and using the same spacings that have been applied at the Wilderness. The choice of trees are native species which are an extremely common feature throughout the country's parks and gardens. The mix of trees planted to the south of The Wilderness are Birch x 10, Field Maple x 5, Rowan x 10, Hazel x 7 and Common Oak x 2. It should be noted that no Elder trees were planted.
- Should consent be granted for the application, a condition will be included which requires a Management Plan for the recently planted trees to the south of the site to be submitted and agreed in writing by the Local Planning Authority.
- The objector also provided a photograph illustrating recent tree planting having been undertaken to the north of the site. It should be noted that Bridgend County Borough Council does not own this land and it does not form part of this application. Blocked drainage is not a material planning consideration.

APPRAISAL

The application is referred to Committee due to the objections received from Porthcawl Town Council and a number of local residents.

The application seeks to undertake a variety of tree works at The Wilderness, Porthcawl. The works involve the selective felling, coppicing and crown reduction to a line of failing trees on the western bank. The tree species comprise: Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp.

A site visit was undertaken on 9 March 2023 with the Case Officer and their Team Leader in attendance. The Wilderness is a Public Open Space situated to the north of Porthcawl. The site is roughly rectangular, mostly level area with a children's play area to the north and a large lake to the south. A variety of habitats are present within the site, including open water, amenity grassland, woodland, wet grassland and scrub.

The lake to the south was surrounded by woodland and the trees on the western bank are the subject of this application. The Wilderness Lake scheme was proposed by Porthcawl Urban District Council and constructed in the mid-1970s. The lake forms part of the town's flood attenuation system and links up via a drainage system to Porthcawl Marina to the south and Pwll y Waun, a natural lake situated approximately 500m to the east.

A small linear woodland was situated on the western bank of the lake, which was orientated north / south. A footpath runs through the centre of the woodland and joins Heol y Goedwig in the north with Ger y Lyn in the south. A small housing estate (Ger y Lyn) was situated to the west of the woodland.



Figure 6 - Case Officer's Photographs – 1 & 2 looking south, 3 & 4 looking north

The woodland to the west of the footpath appeared to be marginally denser than that bordering the lake. A variety of tree species were present within the site and along the western bank of the lake. The trees on the bank appeared to range in age from young to mature and were a variety of sizes.



Figure 7 - Case Officer's Photographs – Trees in the lake

It was noted during the site visit that many of the trees were overhanging the lake and some of the more mature trees were near horizontal within the water. These particular trees appeared to have failed at some point but, as they were still rooted, were still growing into the lake. Some of the upright trees did not have particularly good form with few lower branches and high crowns. This appeared to be due to their close proximity to each other and their density had resulted in them being in competition for light.

Evidence of the previous works undertaken was present along the bank, along with some subsequent regrowth. In certain areas along the footpath, root heave was present, with tree roots having forced their way through the tarmac resulting in an uneven surface.

A second site visit was undertaken on 15 May 2023, with the Case Officer and applicant in attendance. The purpose of the site visit was to examine the planting which was undertaken in Spring 2023.

The applicant advised that the planting was undertaken to the south of The Wilderness and to the north of Woodland Avenue. An existing line of trees was situated between the planting and the properties in Woodland Avenue.



Figure 8 - Location of planted trees

The trees were planted as whips in Spring 2023 and consisted of a variety of native species, namely Birch (x10), Field maple (x5), Rowan (x10), Hazel (x 7) and Common Oak (x2). A total of 34 trees were planted and all had thrived except one. The applicant advised that the whip which had failed would be replaced during the next planting season.



Figure 9 - Case Officer's photographs of planting to the south of The Wilderness

Site visits have confirmed that a large amount of tree planting has also taken place on land to the north of The Wilderness. This land is not within the ownership of the Council, and it is possible that the tree planting had been undertaken by the private landowner. Notwithstanding the fact that this area is still protected by a Site of Importance for Nature Conservation (SINC POR-6-S), any potential issues arising from the planting of these particular trees would not be a planning matter and planning consent was not required to undertake the planting of the trees.

A third site visit was undertaken on 2 June 2023 purely to address issues raised regarding the tree in photograph 8 in the Tree Report. In attendance were the Case Officer, applicant and a representative of Steve Ambler and Sons Tree Specialists Ltd.

It had been claimed by an objector that the tree illustrated in Photograph 8 (Group 3) had already been cut to stump level and, therefore, illegally felled. It was, therefore, queried why the tree was included in the Tree Report. Whilst on site it became immediately apparent that the tree in question was still in situ. The tree was located to the north of the western bank and had not had any work undertaken to it.



Figure 10 Photograph 8 in Tree Report and Case Officer's site visit photo

During the site visit, the applicant also confirmed that they had sought advice regarding a Natural Resources Wales Felling Licence and had been advised that The Wilderness was exempt on the basis that it is Public Open Space.

The Wilderness is designated a Site of Importance for Nature Conservation (SINC – POR-6-S), the qualifying features for which are listed as open water and scrub. One of the recommendations for future management listed on the SINC citation is 'local woodland management by thinning / re-coppicing as needed, to maintain good canopy structure and encourage diverse woodland ground flora'. Whilst it is acknowledged that leaves falling into the lake is a natural process, if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This may compromise the main reason for the site's designation as a SINC which ultimately could undermine the area's continued protection. In this respect, the works listed within the Tree Report are in line with the SINC's recommended management programme.

With the exception of the Italian Alder, which has since been approved to be removed as an urgent Exemption, none of the trees are proposed to be felled. Coppicing is an effective ancient woodland management technique which allows woodlands to slowly regenerate. Whilst it is acknowledged that there will be some short to medium term loss to the amenity value in this particular area, few of the trees appear to be in good condition and many were suffering from defects, as confirmed by the Tree Report. The age range of the trees is between 10 and 20 years old and, as a result, their current biodiversity contribution is limited. Due to the coppicing techniques employed, it is hoped that this small section of the woodland will regenerate over time.

Should consent be granted, the requirement for the planting of a replacement tree to compensate for the loss of the Italian Alder will be waived in this instance, due to the tree planting which has already been undertaken to the south of The Wilderness. The ratio of planting is 1 tree lost to 34 planted, resulting in a gain of 33 trees for the area. The planting of a variety of native species will help to make the woodland at The Wilderness more resilient to any pests and diseases and enable future generations to enjoy the amenity space. The new planting is considered to be a suitable form of biodiversity enhancement which should also help to contribute towards the long-term ecological balance of the area.

The Tree Report from Steve Ambler Tree Specialists Ltd. recommends that the site be covered by a 5-year plan of tree works. To enable controls over the on-going management, it is recommended that a condition be imposed on this consent requiring the agreement of a detailed programme of works and its implementation. The 5 year period for implementation should ensure that the impact on the amenity value of the area is limited as only a specified number of trees will be coppiced every year.

It is considered that, due to the large number of trees which are to remain on the site, the proposed programme of implementation of the work over the space of 5 years and the native planting which has been undertaken to the south of The Wilderness, the proposed works will not have an adverse impact on the public amenity value of the area in the long term.

The works, on balance, can be justified in the interests of safety, good arboricultural practice and for the continued preservation of the Site of Importance for Nature Conservation.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable long-term loss of public amenity.

RECOMMENDATION

(R54) That permission be GRANTED subject to the following condition(s): -

1. The tree works shall be undertaken in accordance with the following:

Tree Condition Inspection & Management of Lakeside Trees Report – Steve Ambler & Sons Tree Specialists Ltd – Received 3 April 2023.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2. Within 3 months of the date of this consent, a Management Plan for the newly planted trees to the south of The Wilderness shall be submitted to and agreed in writing by the

Local Planning Authority. The scheme shall include a plan showing the location and species of each tree, operations associated with the establishment of the new trees and a future management plan and shall be implemented in perpetuity. Should any of the trees either die or fail to thrive within a period of five years, it shall be replaced with a tree similar to that originally planted.

Reason: In order to ensure the future amenity value of the trees in the landscape.

3. No further tree works shall be undertaken until a detailed programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The tree works shall be carried out in accordance with the agreed programme of implementation over the space of 5 years from the date of this consent.

Reason: To avoid doubt and confusion as to the extent and scheduling of the proposed work

***THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

- a. This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable long term loss of public amenity.
- b. All works shall be carried out in accordance with good arboricultural practice.
- c. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643160/643196 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established. It is essential that before any work take place there should be a full investigation for bats by an appropriately qualified and licensed person to determine the site's significance. Suitably qualified ecological consultants can be found by in the first instance telephoning the National Resources Wales (0300) 0653000.
- d. The applicant is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.
- e. The applicant is advised that there are other protected trees within the site which are not subject of this application. These trees should remain protected at all times.
- f. The Arboriculturalist/Tree Surgeon is reminded that it is their responsibility to ensure the stability of the trees requiring maintenance is not compromised as a result of these works.
- g. The Tree Surgeon/Arborist is strongly advised that it is their responsibility to ensure the safety of the users of the adjacent footpaths when the works are being undertaken.
- h. The applicant is advised that should any tree work be deemed necessary which is not included within the Tree Report, a new application for the work will need to be submitted to the Local Planning Authority.

- i. The Local Planning Authority advise of the following information, should invasive non-native species be found to be present on the site. Invasive non-native species can cause problems for native wildlife and infrastructure. Whilst it is not an offence for a landowner to have an invasive non-native species growing on their land, under Section 14(2) of the Wildlife and Countryside Act 1981, it is an offence to plant or cause any species listed in Schedule 9 of this Act to grow in the wild. This means that any actions which cause the spread of invasive non-native species, including Japanese knotweed, such as strimming, flailing or moving contaminated soil, or allowing the plant to spread to a neighbouring property, may constitute an offence. In order to avoid contravening the Wildlife and Countryside Act (1981) the Council's Invasive Non-Native Species Policy, it is recommended that you seek professional help and contact Gareth Bowen (Invasive Species Officer) on gareth.bowen@bridgend.gov.uk to discuss the necessary steps you need to take towards eradicating the invasive species from your land.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/21/483/OUT

APPLICANT: Mr V Hughes c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

LOCATION: Land adjacent to Tondy Ironworks Tondy CF32 9TF

PROPOSAL: Demolition of existing offices (former Resource Centre for Groundwork Trust) and proposed 6 detached houses in outline with all matters reserved

RECEIVED: 21 May 2021

APPLICATION/SITE DESCRIPTION

Outline planning consent is sought for the demolition of an existing building and the construction of 6 detached dwellings. All matters of detail have been reserved for future consideration.

The site is located within a woodland area, in an elevated position to the west of Maesteg Road in the community of Tondy. The remains of the Tondy Ironworks, which are both a listed building and a Scheduled Ancient Monument (SAM), lie some 40m to the north-west of this application site. Part of the site also lies within the Derllwyn Road Conservation Area. The nearest residential properties form part of the Ffordd Haearn Estate and comprise a row of semi-detached and detached stone-faced bungalows, the rear gardens of which are approximately 30m from the north-eastern boundary of the application site.

Where layout is a Reserved Matter, the application must state the approximate location of buildings, routes and open spaces included in the development proposed as part of an illustrative layout plan. A 1:500 scale layout plan has accompanied the revised application to address this requirement – see below:



Figure 1 – 1:500 Site Layout Plan

The indicative layout plan proposes development on the footprint of the existing resource centre and associated hardstanding areas and into the areas of adjacent trees and woodland. The six plots are generous in size and will front the existing access road. Parking will be provided alongside each of the dwellings. Site sections suggest that the dwellings will be constructed on or slightly above existing ground levels.

Retaining walls will be constructed within the rear garden of the majority of the plots to form a 3m long patio area beyond each dwelling. The remaining garden areas will slope down at various gradients towards the application site boundary. The principal elevation of the dwellings would face south, towards the existing woodland with other significant windows facing north over the pond and landscaped area, with views out towards the Scheduled Ancient Monument of Tondu Ironworks.

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwellings. The supporting planning statement indicates that the maximum parameters are at this outline stage given as:

Width – 10m
 Depth – 12m
 Ridge Height – 10m.

Where access is a Reserved Matter, the application must state the area or areas where access points to the development proposed will be situated. Access will be gained via the existing junction and road that serves Ffordd Haearn, Tondu Ironworks and the Former Resource Centre Building. From the 'T' junction, the 9.0m wide carriageway with footways rise then narrows to form separate points of access to the Ironworks site and application site.

No elevational details are provided at this stage although the supporting statement suggests that the palette of materials will complement the nearby Conservation Area and listed building/scheduled ancient monument and will include slate roofs, stone and render on the walls and grey or white fenestration.

The application has been accompanied by the following plans and technical reports: -

- Proposed Site Layout Plan – Drawing 21 400 02D received on 15/8/2022
- Engineering Layouts and Site Sections – Plots 1-3 102-1 received on 23/2/2022
- Engineering Layouts and Site Sections – Plots 4-6 102-2 received on 23/2/2022
- Access Tracking Drawing No: 101 received on 23/2/2022
- Site Survey Plan received on 23/5/2022
- Existing Site Layout Plan received on 18/5/2022
- Planning Statement – by Plan R Ltd received on 16/8/2022
- Tree Survey, Categorisation & Constraints Report in accordance with BS 5837:2012 (Survey Phase 4.4, 4.5 & 4.6) by Steve Ambler and Sons Tree Specialists Ltd.
- Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August and November 2022
- Tree Protection Plan/Site Layout Overlay
- Coal Mining Risk Assessment by Rhondda Geotechnical Services received on 23/2/2022
- Preliminary and Detailed Ecological Appraisals by MPS Ecology – March 2021 & December 2021
- Assessment of Heritage Impact on the Setting of the Remains of Tondu Ironworks – a Scheduled Ancient Monument and other Designated Heritage Assets by Marloes Conservation Limited – June 2023.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/97/869/OUT	Reclamation and re-development for residential, business and industrial uses	Withdrawn	09/03/2000

P/99/982/OUT	and a heritage park Heritage visitor centre, recreation facilities and infrastructure	Conditional Consent	06/06/2000
P/01/500/RES	Cycle and Education Resources Centre	Conditional Consent	15/08/2001
P/00/827/RES	Cycle and Education Resources Centre	Conditional Consent	16/02/2001
P/16/637/FUL	Change of Use of Engine House from B1 to B1 and D1 uses (Mixed Use)	Conditional Consent	30/09/2016

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Ynysawdre Community Council	<p>Ynysawdre Community Council has very strong reservations on the proposed development. This is another threat to the quality of life for the residents of Tondu, not in keeping with the area and inappropriate housing for the use of this land. The environmental value of woodland and wildlife being sacrificed for executive homes is unreasonable and disproportionate to the impact on many other residents. It would have more community value if it were adding affordable homes with less footprint. This on top of the 430 homes now being developed. Tondu is being saturated with development destroying vast acres of valuable green spaces. Trees felled which are never replaced with new.</p> <p>Will the Public Rights of Way be affected? The historic kilns which should be saved. The history of the area has been obliterated where it should be saved for future generations who should learn about local historical heritage.</p> <p>The community council suggests amendments to the application: this would be an opportunity to provide social housing and a block of flats, affordable for families would be a better use of the land and would have less impact on the environment.</p>
Councillor Tim Thomas (Local Member)	<p>I object to the proposal on the following grounds:</p> <p>The proposal will do nothing to ease the problems of lack of affordable or social housing which is in chronic need locally.</p> <p>The impact the development will have on biodiversity including woodland that is home to species including bat populations.</p> <p>The development will add additional strain to already at capacity road network. It is my understanding that access will be via the turnoff on Iron Way which is already difficult to gain access to and from.</p> <p>The development will have an adverse effect on the local character of the area with close proximity to the Ironworks.</p>
Councillor James Radcliffe (former Local Member)	<p>I have no comment to make on the application, however, as there have been some concerns expressed locally, I would like the application referred to committee.</p>

Transportation Officer (Highways)	No objection subject to conditions.
Rights of Way	No objection.
The Ramblers	No objection.
Land Drainage	No objection subject to conditions.
Dwr Cymru/Welsh Water	No objection subject to conditions.
Shared Regulatory Services Environment Team: Land Quality	No objection subject to conditions.
Shared Regulatory Services: Neighbourhood Services – Noise	No objection.
Cadw	<p>24 May 2022: We consider that the application is inadequately documented, and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance.</p> <p>This planning application is for the demolition of existing offices (former Resource Centre for Groundwork Trust) and proposed 6 detached houses in outline with all matters reserved [Affecting Footpath 16 Ynysawdre]. Located at, Land adjacent to Tondu Ironworks, Tondu, CF32 9TF.</p> <p>Located within a 2km search buffer of the application area are the above designated historic assets.</p> <p>The proposed development is located some 40m south of scheduled monument GM433 Remains of Tondu Ironworks and is likely to be visible from it. This will be a material consideration in the determination of this application (see Planning Policy Wales 2021, section 6.1.23): However, no information on this issue has been submitted with the application and therefore we are currently not in a position to provide your authority with advice. Consequently, your authority should request more information on this issue to be provided. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared by a competent and qualified historic environment expert in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017). Once this information has been submitted, Cadw should be reconsulted on this application.</p> <p>Revised comments received on 28 June 2023: Having carefully</p>

	<p>considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic park and garden.</p> <p>The application is accompanied by a Heritage Impact Appraisal produced by Marloes Conservation Limited. This work assesses the impact of the proposed development on the designated historic assets above. It concludes in relation to the registered parks and gardens that the proposed development will have no impact due to intervening woodland and the distance separating the proposed development from the registered parks and gardens.</p> <p>We concur with this conclusion; the proposed development will have no impact on the setting of registered parks and gardens PGW(Gm)5(BRI) Bryngarw and PGW(Gm)65(BRI) Coytrahen House.</p> <p>Regarding the scheduled monument GM433 Remains of Tondu Ironworks, the report concludes that retention of existing wooded areas surrounding the development site and new planting to ensure a sufficient density to such woodland will mean the proposed development will be substantially screened in views from the monument and that overall, the impact on setting will be positive as the proposed woodland management will ensure screening is maintained. However, the retention and creation of woodland unrelated to the scheduled monuments historical setting does not add an additional positive contribution to it. As such, we conclude that the proposed development will have no effect on the way that the scheduled monument is experienced, understood, and appreciated and consequently, the proposed development will have no impact on the setting of scheduled monument GM433.</p>
South Wales Police - Designing out Crime Officer	No objections. Comments have been provided on the proposed car parking arrangements, lighting, boundary treatment, etc. A copy of the observations has been passed to the applicant's agent.
The Coal Authority	No objection subject to conditions.

REPRESENTATIONS RECEIVED

The application has been advertised on site.

Neighbours have been notified of the receipt of the original application and the submission of amended plans. The period allowed for response to consultations/publicity expired on 5th April 2023.

Letters of objection have been received from the occupiers of the following properties in response to the publicity undertaken in respect of the original submission and revised plans and documents:

Original Submission:

5, 8, 10, 12, 52 and 54 Ffordd Hearn (Iron Way)
1 Pen yr Heol, Penyfai
8 Lock's Lane, Porthcawl

Revised Plans:

8, 10, 12, 16 and 52 Ffordd Hearn (Iron Way)
1 Pen yr Heol, Penyfai

The following is a summary of the representations received:

- Impact on Heritage Assets – original developers of Iron Way were refused consent on the basis that the development was too close to listed buildings/schedule ancient monument – too much housing in conservation area
- Building is an asset that could be still put to use – could be a visitor centre for tourists
- The visual impact in terms of the proposed layout and density of the development would become the main focus of the landscape leading up to the Grade II listed historic building of the former Tondu Iron Works.
- The development would result in a loss of trees and woodland – this will have a significant environmental impact – the area provides habitats for birds and bats
- The area is used for recreational purposes and should not be lost to development
- Local infrastructure (roads, school's surgeries etc) cannot cope with additional development – adjoining land will already have a significant impact
- The increase in traffic will generate noise with the access road directly behind the boundary fence of a number of properties
- The dwellings will be on elevated ground overlooking the bungalows in Iron Way - this will lead to a loss of privacy. This would be a particular problem during the Autumn and Winter months when there are no leaves on the trees immediately behind our rear garden fences.
- Little information provided about the scale and siting of the development
- All rights of way should be maintained and not affected by the development

A letter has been received from a resident claiming an interest in the land and the areas adjacent – they oppose the demolition works and development.

Tondu and Aberkenfig Community Association has very strong reservations on the proposed development. They comments as follows:

This is another threat to the quality of life for the residents of Tondu, not in keeping with the area and inappropriate housing for the use of this land. The environmental value of woodland and wildlife being sacrificed for executive homes is unreasonable and disproportionate to the impact on many other residents. It would have more community value if it were adding affordable homes with less footprint. This on top of the 430 homes now being developed. Tondu has been saturated with development destroying vast acres of valuable green spaces. Trees felled which are never replaced with new. Will the Public Rights of Way be affected? The historic kilns which should be saved. The history of the area has been obliterated where it should be saved for future generations who should learn about local historical heritage. The Association suggest amendments to the application: this would be an opportunity to provide social housing and a block of flats, affordable for families would be a better use of the land and would have less impact on the environment.

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections raised align with the main considerations in the assessment of this

application and are addressed in the appraisal section of this report. The following comments are offered in response to the other issues raised:

Building is an asset that could still be put to use: The condition of the building does not demand demolition and it could be put to a different use. The Council is however required to consider the merits of this application and not alternative uses. Furthermore the building does not enjoy any protected status nor has any architectural or historic merit.

The area is used for recreational purposes and should not be lost to development: the site has no formal designation in terms of recreation but a number of rights of way pass through and alongside the site.

All rights of way should be maintained and not affected by the development: the public right of way that passes through the site on the access track has recently been diverted – (Public Path Diversion Order NO. 3 2022 refers). All other rights of way outside the site which includes a section of the national cycle route will be unaffected by the development.

The increase in traffic will generate noise with the access road directly behind the boundary fence of a number of properties: colleagues in Shared Regulatory Services have examined the application details and have not highlighted any concerns regarding noise from development traffic. The Council would impose conditions controlling the hours of construction as part of an agreed construction method statement.

Little information provided about the scale and siting of the development: as the application seeks only to agree the principle of the development, detailed plans of the housing are not required at this stage. The parameters of the development in terms of the size of the housing have been submitted for consideration.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA3	Regeneration and Mixed-Use Development Schemes
Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil
Policy SP3	Strategic Transport Planning Principles
Policy PLA5	Development in Transport Corridors (Llynfi)
Policy PLA8	Development Led Improvements to the Transportation Network – Access to Land West of Maesteg Road, Tondu
Policy PLA9	Development Affecting Public Rights of Way
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP5	Conservation of the Built and Historic Environment
Policy COM1	Residential Allocations in the Strategic Regeneration Growth Areas (31)
Policy COM3	Residential Re-Use of a Building or Land
Policy COM4	Residential Density
Policy COM5	Affordable Housing
Policy COM11	Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance:

SPG5	Outdoor Recreation Facilities and New Housing Development
SPG7	Trees and Development
SPG13	Affordable Housing
SPG16	Educational Facilities and Residential Development
SPG17	Parking Standards
SPG19	Biodiversity and Development

National Policies

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy, which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5	Nature Conservation and Planning
Planning Policy Wales TAN 11	Noise
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 18	Transport
Planning Policy Wales TAN 23	Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO-ECONOMIC DUTY

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

APPRAISAL

The application is referred to the Development Control Committee for determination in response to the request from the Local Member and in view of the number of material objections received from residents and the Community Council.

The main considerations in the assessment of this application relate to the following:

1. Whether the principle of developing this site in the manner proposed is in accord with the policies of the Bridgend Local Development Plan (2013)
2. The effects on the surrounding highway network and the sustainability of the access arrangements
3. The effect on the character and appearance of the area with specific reference to the site's biodiversity interests and heritage assets
4. The effect on the living conditions of the occupiers of the nearest residential properties
5. Whether Coal Mining Legacy issues will affect ground conditions/stability and the future development of the site and finally
6. Whether the development can provide an acceptable level of affordable housing and community facilities to accord with local policies and guidance.

Whether the principle of developing this site in the manner proposed is in accord with the allocating policies of the Bridgend Local Development Plan (2013)

The application site lies within a larger area of 43 hectares identified in the adopted Bridgend Local Development Plan (LDP) 2013 as a regeneration and mixed-use development on a former opencast site. Policy PLA3 (10) describes the site as a brownfield and under-utilised site within a defined settlement. Some development has already taken place within the policy allocation, with residential development to both the south and south-west of the application site. Retail uses including a supermarket and smaller units have also been built in the southern part of the site along with a Waste Transfer Station.

Specifically, PLA3(10) allocates the site for up to 538 residential units, employment uses and improvements to the Transportation Network (access to land west of Maesteg Road). To date, consent has been granted for a total of 636 units, exceeding the allocation by 98 units. The figure of 636 is made up of 186 units that have already been constructed on the southern part of the regeneration area and the 450 units that were consented under application P/16/366/OUT. Llanmoor Homes are in the process of implementing the 2016 application but with a reduced quantum of development. The reserved matters application that followed proposed 405 units, reflecting development constraints. Technically, the six units proposed under this application would exceed the figure quoted under Policy PLA3 (10) when added to implemented/consented schemes but only by 59 units. The remaining requirements of the policy namely the employment site and improvements to the transportation network have been secured under consents P/16/366/OUT and P/19/915/RES. This includes the construction of the new link road, as a by-pass to part of Maesteg Road and the associated changes to the connecting roads and traffic light-controlled junctions.

On a matter of principle, the development of this brownfield site for housing accords with the allocating policies of the Bridgend Local Development Plan (2013). Paragraph 3.55 of Planning Policy Wales does however indicate that not all previously brownfield land is suitable for development because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage. All these matters are relevant to the determination of the application and will be considered in the following sections.

The effects on the surrounding highway network and the sustainability of the access arrangements

The adequacy of the highway network to accommodate the development on this site have been raised as objections to the scheme by a number of parties.

All development proposals should promote safe, sustainable and healthy forms of

transport through good design, enhanced walking and cycling provision, and improved public transport provision. Reducing congestion, the need to travel, reliance on the private car and improving road safety are some of the principles that should be incorporated into development schemes.

Access to this site will be via the existing junction on the A4063 that serves Ffordd Haearn, Tondu Ironworks and the Former Resource Centre Building. This 'A' road is part of the strategic road network of the county borough and development that would (a) adversely affect safe and efficient movement along this route and/or (b) create or exacerbate harm to the environment and/or (c) not be capable of mitigation will not be permitted.

The transportation implications of the proposal have been considered against this policy framework and it is noted that the number of units proposed has been reduced from the original submission. In traffic generation terms, the 6 units is commensurate with the traffic generation of the existing office use on this site. Any occasional traffic generation above the extant use would be within the daily fluctuations of traffic in the area and would not result in a detrimental effect on the capacity of the local highway network. As a result, it is considered the proposal is accepted in traffic generation terms.

Additional information has also been supplied, in the form of swept path drawings/analysis that demonstrate that the largest vehicle (refuse/re-cycling/delivery) will access the proposed development in a safe manner. The turning-head at the end of the proposed driveway will have to be amended at the detailed stage to ensure that vehicles will be able to enter and leave in a forward gear. A condition will be imposed to address this matter.

Active Travel provision is key on any new development, and it is noted that the latest layout plan has been revised to show a continuous 1.8m footway leading from the development site to Iron Way and the wider connections. Informal routes are also available within the woodland that would connect the new properties to the national cycle route to the south and the wider network.

Overall, the development is compliant with national and local highways and transportation policies.

The effect on the character and appearance of the area with specific reference to the site's biodiversity interests and heritage assets

The potential for the development to result in the loss of trees and woodland and the consequential impacts on biodiversity have been highlighted by the community council, the local action group and the local member.

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The application has been accompanied by a preliminary ecological appraisal (PEA) which determined the baseline conditions on site and adjoining through a combination of desk-based consultation and ecological site surveys. The habitats within the site were assessed for their potential to support legally protected or otherwise notable flora or fauna. The survey also incorporated a subjective ground-based assessment of the potential of the building and the mature woodland to support bats. The ecology report confirms that the areas of broadleaved semi-natural woodland are of high ecological value and holds the potential to support a variety of protected species, including bats. These areas should be retained and protected as far as is reasonable. The site also provides suitable habitat for Dormice, Great Crested Newts and Badgers although none were recorded on site. In order to protect species, sensitive clearance and precautionary methods would need to be followed prior to and during construction. The site and the wider woodland area support an assemblage of woodland bird species. Nesting boxes should be provided to compensate for any loss of nesting features due to tree removal. The ecology survey also noted a number of stands of Rhododendron and Japanese Knotweed on site which would need to be eradicated through a program of works. In conclusion, the ecology report proposed compensatory, and enhancement works which would include the provision of native wildflower seed mixes and trees of local provenance within the landscaping proposals, bat and bird nesting boxes in appropriate locations on the new dwellings and trees and small holes within the boundary fencing to allow hedgehogs to forage and pass freely through the site. It is suggested that the eradication of invasive species will improve the ecological value of the woodland.

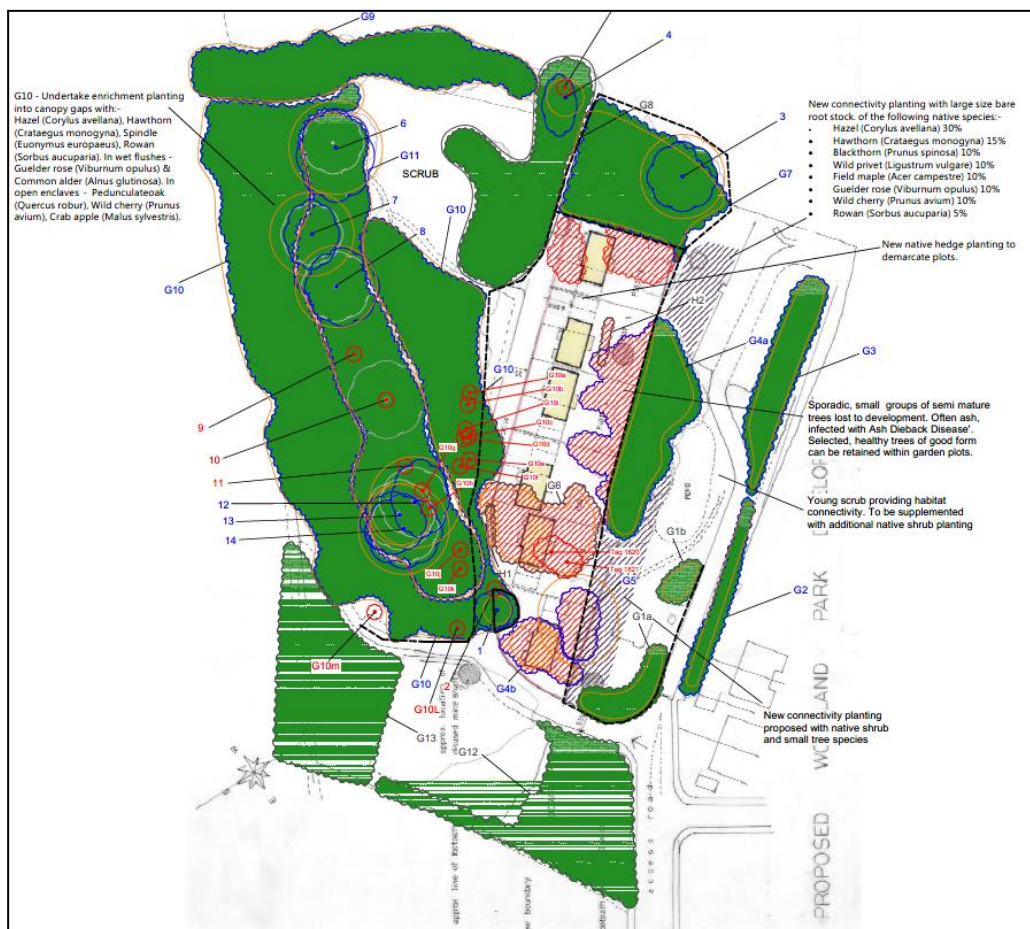
Recognising that the trees on site provide the highest ecological value, there was concern that any loss, if not justified on arboricultural grounds would result in the loss of habitat and also affect the connectivity between the woodlands around the site which are likely to provide an important route for bats. In addition, the introduction of the built development among the retained trees could cause compaction of roots, potentially leading to the decline of the trees. The trees are not only important in terms of biodiversity but also define the character of the landscape which forms the setting of the adjacent listed buildings/structures.

The Tree Survey, Tree Categorisation and Tree Constraints Plan which accompanied the original planning submission highlighted conflicts between the development and trees with losses being evident. Negotiations followed and a revised layout plan was submitted proposing a reduction in unit numbers from 9 to 6. An Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement and further ecology report were also commissioned which sought to address the initial objections to the development.

The reduction in unit numbers minimised the impact of the development on the trees and biodiversity interest but the development would still require the removal of trees.

The arborists responded to the continuing concerns, confirming that the partial loss of the early mature tree cover on the northern side of plots 3, 4, & 5 (G4a) is limited and in response to Ash dieback disease. Much of the dense wooded section on the bank will be retained. G4a and G4b comprise of mostly native species, however they also have an element of non-native, invasive bamboo species, and *Rhododendron ponticum*. Both of which should be eradicated to the benefit of the native ground flora and the promotion of natural tree regeneration overtime. A small hedgerow (H1) and a group of trees (G6) will be removed to accommodate plots 2, 3. H1 & G6 have been awarded a 'C' retention category rating, and in accordance with BS 5837 'should not necessarily pose a constraint to development'. Two trees within G6 were regarded as unsafe to retain with very limited life expectancy. Subsequently one of these has since failed. Hedge 1 as well as being 'C' category, is species poor and comprises of the non-native oval-leaved Oval leaved privet. Plot 1 which lies at the eastern end of the site, close to the entrance, is heavily constrained by existing trees. A group of native trees and a pair of non-native Western red cedar will be removed to accommodate the dwelling on this plot.

The arborist has submitted a tree retention/tree loss plan based on the submitted site layout drawing which is reproduced below:



In numerical terms, of the total site covered by trees (1.97 hectares), 8% of the coverage will be lost to accommodate the development. Recognising the requirements of both national and local planning policy to mitigate and compensate for any loss of trees and/or biodiversity interests, mitigation has been offered in three ways: 1). New planting is offered as mitigation with a view to improving the habitat connectivity along the eastern boundary with the use of native species. There are two sections identified on the plan above for new planting. This is aimed at improving the wooded corridor between the woodland to the north and the pond. 2). Enrichment planting with native species is proposed for the main woodland 3). Native hedgerow planting to demarcate plot boundaries.

Addressing the concerns about the loss of connective woodland and the impact on bats, the arborist and consultant ecologist suggest that this could only relate to the loss of trees affecting plots 2 and 3 (G6) which is relatively modest in scale and would not negatively affect the movement of bats, some species of which will cross open areas up to 50m wide. As mitigation, connectivity will be enhanced on the northern side of the site through the planting of native tree and shrub species, along with hedges to demarcate plot boundaries to provide habitat corridors through the development area.

Concerns that the proposed plot fencing will result in the compaction of roots have been considered in the Arboricultural Method Statement. If undertaken as specified, under the recommended supervision of a Project Arborist through an Arboricultural Watching Brief, the impact of this operation should be negligible. Fencing location will be offset to accommodate the retention of trees along the leading edge of the retained woodland to the rear of plots 3-5.

The applicant's consultant arborist and ecologist maintain that the scheme has evolved through the design process, with the development primarily occurring within the footprint of the existing building and car park and formal grounds. Full consideration for the woodland setting and the advice provided by officers has informed the layout. Mitigation and enhancement measures can be secured through the grant of planning permission that will exceed the proposed tree losses and will see the introduction of additional new native species. Additionally, if the tree survey recommendations are fully implemented, the control of non-native invasive species within the wooded groups will also occur, which will be beneficial for a local ecology perspective.

Based on the technical reports submitted in respect of arboriculture and ecology, the impacts of the development can be mitigated, and enhancements secured which will meet the national and local policy tests. Critical will be the wording of the planning conditions to ensure that adequate controls will be in place to guide the future development of this site.

The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. This Council has the responsibility for considering the historic environment as part of their role in determining planning applications. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

The application site forms part of an area of Archaeological Significance which includes schedule ancient monuments, listed buildings, (Tondy Ironworks) and the Derllwyn Road Conservation Area. The Tondy Ironworks, which is listed and a scheduled ancient monument, lies some 40m north of the application site. Policy SP5 of the Bridgend Local Development Plan states that development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact. As the heritage assets lie outside the application site, a Heritage Impact Assessment has not accompanied the application

Residents have expressed concerns about the impact of the development on local Heritage Assets and suggest that the development is too close to the former ironworks. Further development will only diminish the character of the conservation area.

The application proposes the demolition of a relatively modern office building on site which

is supported in terms of the above policy, as it contributes little to this historic environment.



Figure 2 Photo of the Existing Office Building

Concerns about the scale of development, the loss of trees and a lack of information as to how the dwellings would respond to the changing the topography and by extension the nearby heritage assets were highlighted early in the processing of the application. Initial plans included gabion baskets as retaining features on the boundary closest to the scheduled ancient monuments and listed building. It was however acknowledged that the form of the development on the indicative plan and palette of materials (render, stone and slate roofs) reflected traditional workers housing within the Derllwyn Road Conservation Area and the more recent development at Ffordd Haearn.

A revised site layout plan reducing the unit numbers was accompanied by cross-section drawings, illustrating the proposed modest retained terraces to the rear of the dwellings with the remaining garden areas following the existing site topography. Some form of boundary treatment would be required to define the termination of the gardens but that would be a detail to be agreed at a later stage. Beyond this boundary would be the new tree and hedge planting to compensate for the losses on site. The applicant's planning consultant suggests that this approach would minimise the impact on trees and the setting of the heritage assets. In a planning statement to accompany the revised plans, the agent suggests that there is very little intervisibility between the proposed site and the Engine House. The retained trees on the development site will screen much of the built form from the scheduled ancient monument. As indicated above, significant mitigatory planting is proposed on the northern boundary of the site which over time will 'hide' the development from the important heritage assets.

In responses to concerns offered by Cadw, the applicant's agent submitted an Assessment of Heritage Impact on the Setting of the Remains of Tondu Ironworks and other Designated Heritage Assets. The report recognised that the development was on the edge of what is considered to be one of Wales's most important industrial sites but offered the view that the layout had been carefully designed to retain existing planting of woodland providing natural screening of views both into and out of the site. This was demonstrated

through the commissioned Arboricultural Report and proposals which includes a Woodland Management Plan.

The heritage assessor indicated that the removal of a late C20, office building would help to secure the amenity and improve the quality of the area. The assessment concluded that the proposals would improve the setting of the character and appearance of the area to the south of Tondu Ironworks Scheduled Ancient Monument and the area to the south of the Derllwyn Road Conservation Area. The proposals would also have no impact on the setting of the other heritage assets due to their separation by the existing woodland on the site which it is proposed to retain, and their distance. By meeting the requirements of Planning Policy Wales and TAN 24, the proposals further met the requirement of the Bridgend Local Development Plan 2006-2021

In responding to the Heritage Assessment, Cadw noted the assessor's conclusion that the retention of existing wooded areas surrounding the development site and new planting to ensure a sufficient density to such woodland would mean the proposed development will be substantially screened in views from the monument and that overall, the impact on setting will be positive as the proposed woodland management will ensure screening is maintained. Cadw suggested that the retention and creation of woodland is unrelated to the scheduled monuments historical setting and does not add an additional positive contribution to it. However, Cadw concludes that the proposed development will have no effect on the way that the scheduled monument is experienced, understood, and appreciated and consequently, the proposed development will have no impact on the setting of scheduled monument. Accordingly, Cadw have no objection to the development.

Section 66(1) of the Listed Buildings Act 1990 requires the local planning authority when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In this case taking into account the submitted Heritage Assessment, comments from Cadw and the mitigating screening outlined above it is not considered that the setting of the listed building would not be negatively impacted. Overall, the development of this site could enhance the wider conservation area and safeguard the setting of the listed building and scheduled ancient monument. Much however will depend on the retention and management of the trees on site, the implementation of new planting along the critical northern boundary and a layout and house designs that will contribute to this historic environment. Before any application is submitted for this development, a site-specific brief will have to be agreed with the Local Planning Authority.

The effect on the living conditions of the occupiers of the nearest residential properties

Residents have been invited on the comment on the various layout plans that have been submitted with this application and have consistently raised concerns that the elevated position of the new dwellings will overlook the properties on Ffordd Haearn (Iron Way) which would result in a loss of privacy. This would be a particular problem during the Autumn and Winter months.

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. At a local level, Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

The application site occupies elevated ground to the south-west of properties on Ffordd Haearn (Iron Way). From the OS maps, some 28m separate the rear boundaries of 2-16 Ffordd Haearn (Iron Way) from the application site. Although the submitted layout plan only shows an indicative position of the dwellings, the distance between habitable room windows will be even greater, probably closer to 40m in most cases. Even accounting for the difference in site levels which is not insignificant, the levels of privacy for the existing residents will not be significantly compromised. The retention of the trees on site, particularly on the northern boundary will provide screening although leaf fall will diminish the benefits during autumn and winter. Again, at this stage it is difficult to fully appraise the impacts of the dwellings, as their scale and form has not been finalised, but it seems unlikely that overshadowing or loss of outlook would be a significant factor. Although the Council may agree the principle of the development, it will have an opportunity to carefully consider the development of the site to ensure that the layout and design does not significantly compromise the amenities of residents.

The living conditions of the future residents of the development must also be considered but again given the indicative nature of the layout no firm conclusions can be drawn. It appears that parking can be provided on plot to accord with the Council's guidelines and the garden areas would appear to be reasonably generous in area. However, to minimise the impact of the development works on trees, retaining works will need to be minimised. Cross-section plans indicate modest terraces beyond the rear elevations of the dwellings. What is lost in depth is however made up in the width of the plot. Tree retention is critical to the acceptability of this scheme and that will mean that future occupiers will have to live with mature trees shading gardens and limiting light to habitable rooms. Experience does suggest that in such situations, pressure is placed on the Council to allow works to protected and retained trees. All works would however need the consent of the Council as the trees are protected. Management of the retained trees will be key and it is proposed that a management plan be agreed for the trees that future occupiers of the plots will have to follow. This should ensure the well-being of the trees but also a requirement to re-plant should any of the retained trees fail.

At this stage of the planning process on the basis of the information available, the quality of life and well-being of both existing and future residents should achieve an acceptable level that accords with the Council's policies and guidelines. It will however be necessary to impose conditions to control the future development of the site.

Whether Coal Mining Legacy issues will affect ground conditions/stability and the future development of the site

When considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to the surface of landfill or mine gases.

Much of this application site lies within the Coal Authority's designated Development High Risk Areas, with the presence of several mine entries on, or adjacent to the site. A Coal Mining Risk Assessment has accompanied the application which has been examined by the Coal Authority.

The Coal Mining Risk Assessment acknowledges that there are coal mining legacy features present, including recorded mine entries, which pose a risk to the development. Based on their review of available information the report author concludes that intrusive site investigations should be carried out on site in order to investigate if shallow coal workings are present beneath the site and to locate the mine entries. The report author

recommends that appropriate remedial works should also be carried out to ensure that the risks posed by these features are properly addressed.

The Coal Authority records indicate that there is a recorded mine entry within the site and a further three mine entries within 20m of the site boundary. The recorded positions of these mine entries may be subject to significant departure from their actual locations. The mine entry recorded as being in the centre of the site should be located and its condition assessed. The three features recorded as being off site should be subject to on-site investigations to discount, or confirm, their presence within the site boundary. If these features can be proven to be off-site, we would still expect detailed consideration to be given to the potential risk posed to the development by the collapse of off-site mine entries. Prior to any investigations being designed and undertaken it would be prudent to carry out a positional review of the mine entries from source data.

The mine entries should be located, where possible, and their zones of influence calculated in order to inform appropriate no build zones around these features. The Coal Authority would expect the same calculated no build zones to be defined around the off-site mine entries. These works should then inform the layout of the development in order that the application is able to demonstrate that adequate separation has been provided between the new dwellings, the mine entries and their no build zones. The Coal Authority have indicated that the indicative layout plan that has accompanied the application may need to be amended.

Intrusive site investigations of shallow coal workings and the mine entries will be required and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority have no objections in principle to the development but have requested that conditions are imposed on any consent requiring the following:

- Intrusive site investigations, the findings of which including any remediation works and/or mitigation measures necessary to address land instability arising should be agreed.
- Submission of a layout plan which identifies the exact locations of the mine entries, as established, their calculated no build zones and how these relate to the development proposed in order to demonstrate adequate separation between these features and any buildings.
- Before occupation, a signed statement confirming that the site is, or has been made, safe and stable for the approved development.

The Coal Authority's requirement to undertake intrusive site investigation works had the potential to impact on the site's arboricultural and biodiversity interest. The applicant's geotechnical consultant has confirmed that the works will consist of rotary boreholes, followed by a shallow soil strip to locate the old shafts. These investigations will be carried out entirely within the existing car park. No trees are within this area and no site clearance works will be necessary.

National policy confirms that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. Based on the evidence submitted with the application and the comments from the Coal Authority, there is no indication that any ground instability could not be addressed by mitigations works. A recommendation to approve would appear to align with national

and local policy. Changes to the indicative site layout plan may be necessary but that would be addressed as part of a revised or new planning application.

Whether the development can provide an acceptable level of affordable housing and community facilities to accord with local policies and guidance

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise. The Council does acknowledge that development costs including the costs of implementing planning agreements, may result in a scheme being unviable and in such circumstances the Council may consider the benefits of the development may outweigh the benefits of seeking to secure all infrastructural requirements.

Policy COM5 of the LDP requires 20% of the proposed housing in this area to be affordable and this will be secured by agreement. As such, 1 of the units should be provided as affordable housing of an appropriate tenure to be agreed between the applicant and the Council or alternatively a financial contribution, to an equivalent benefit, could be sought towards off-site provision

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on educational facilities within the catchment area. However, capacity exists within local schools to accommodate the number of children generated by the proposals, so no contribution is required.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Children's Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM11:

- A development of 6 dwellings would lead to an estimated development population of 14 (based on an average of 2.34 people per house)
- The total amount of outdoor recreation space required should of approximately 336sqm of Outdoor Sport and 168sqm of Children's Play Space.

The proposed development does not include provision on-site, although access to informal open space surrounding the site is readily available. In these circumstances and considering the scale and constraints of the site, a financial contribution towards off-site provision should be secured as part of the consent. This will however be calculated at £470 per dwelling for children's play space and £569 per dwelling towards outdoor sport facilities.

CONCLUSION

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the planning authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused brownfield sites for housing has been part of the plan strategy at a national and local level.

Such support is not however unqualified and Policy SP2 of the LDP demands a high quality of design for all development and represents the starting point for all planning applications.

This site lies within the settlement of Tondu and is underutilised, previously developed land which is accessible by all modes of transport but importantly those other than the private car. Although it has the potential to achieve a number of national and local sustainable placemaking outcomes, there are a number of design challenges including the retention of trees, the implementation of works to mitigate and compensate for their loss and measures to secure biodiversity enhancements on site.

The indicative layout plan and supporting evidence suggest that the aforementioned challenges can be addressed. Conditions will be key to managing the future development of this site.

On balance, the application is considered acceptable.

RECOMMENDATION

(A) That the applicant enters into a Section 106 Agreement to:

- i. Provide a minimum of 20% of the units as affordable housing with the type of unit(s), location within the site and affordable tenure to be agreed by the Council or a financial contribution towards off-site provision of affordable dwellings to an equivalent value.
- ii. Provide a financial contribution of £6,234 on the commencement of development towards the provision/upgrading of children's play space and outdoor sports facilities in the vicinity of the application site.
- iii. Comply with the Design Brief and Phasing Plan to be agreed in respect of condition 2.
- iv. Agree a programme for the management of all retained trees and new tree and hedge planting on the development site and adjacent woodland area

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting Outline consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement subject to the following conditions in addition to the standard Reserved Matters conditions: -

1. No more than 6 dwellings shall be constructed on the application site and the development hereby permitted shall be developed generally in accordance with the following plans and documents:

- Proposed Site Layout Plan – Drawing 21 400 02D received on 15/8/2022
- Engineering Layouts and Site Sections – Plots 1-3 102-1 received on 23/2/2022
- Engineering Layouts and Site Sections – Plots 4-6 102-2 received on 23/2/2022
- Access Tracking Drawing No: 101 received on 23/2/2022
- Site Survey Plan received on 23/5/2022
- Existing Site Layout Plan received on 18/5/2022
- Planning Statement – by Plan R Ltd received on 16/8/2022
- Tree Survey, Categorisation & Constraints Report in accordance with BS 5837:2012 (Survey Phase 4.4, 4.5 & 4.6) by Steve Ambler and Sons Tree Specialists Ltd.
- Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August, and November 2022
- Tree Protection Plan/Site Layout Overlay
- Coal Mining Risk Assessment by Rhondda Geotechnical Services received on 23/2/2022

- Preliminary and Detailed Ecological Appraisals by MPS Ecology – March 2021 & December 2021

Reason: To ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions and the sites biodiversity interest.

2. Prior to submission of the first of the Reserved Matters application, a Design Brief and Phasing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Design Brief and Phasing Plan will have regard to the submitted site layout plan, site sections, the recommendations in the arboricultural implications assessment, method statement and coal mining risk assessment and shall accord with the planning conditions contained in this Notice. The Design Brief and Phasing Plan shall include, as a minimum, the following elements:

- a. Details and timing of all site investigation works
- b. Details of engineering works including site drainage and all retaining works affecting each residential plot
- c. Tree removal/tree retention works including timing with reference to the Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August, and November 2022
- d. Details of ecology/tree mitigation and enhancement works including details and timing of implementation
- e. Finished site levels
- f. Road layout incorporating a turning head suitable to accommodate a 11metre refuse vehicle
- g. Building Footprints – including parking and amenity areas
- h. Scale of development
- i. Materials of construction (roofs, walls, windows, doors, boundary treatment etc.)

All applications submitted for development on site must accord with and be carried out in accordance with the agreed Design Brief and Phasing Plan

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

3. No trees, shrubs or hedges within the site which are shown as being retained on the Design Brief and Phasing Plan to be agreed under condition 2 above shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

4. The development shall be carried out in accordance with the following tree protection measures:

- a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

5. No development shall take place, including any works of demolition/site clearance, until a Construction 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 routing and timing of HGV construction traffic to/from the site.
- 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 safety.

6. Prior to the submission of the first Reserved Matters application, further site investigation works shall be carried out in accordance with a methodology that is first to be submitted to and approved in writing by the Local Planning Authority to establish the risks posed to the development by past coal mining activity on site. Within 3 months of the site investigation works being carried out, a detailed report including remediation works and/or mitigation measures necessary to address land instability arising from coal mining legacy shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the future occupiers of the development.

7. Prior to the submission of the first Reserved Matters application a layout plan shall be submitted to the Local Planning Authority which identifies the exact locations of the mine entries, as established, their calculated no build zones and how these relate to the development proposed in order to demonstrate adequate separation between these features and any buildings.

Reason: In the interests of the safety of the future occupiers of the development

8. Prior to the submission of the first Reserved Matters application an assessment of

the risk from mine gas* shall be submitted to and agreed in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person**. The report of the findings shall include:

- I. a desk-based review of all available coal mining and geological information relevant to the application site and the proposed development; a preliminary assessment of the risks to the proposed development from mine gas; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.
- II. an intrusive investigation and monitoring programme*** to assess the site for the presence of gases which may be present, if identified as required by the desk-based review.
- III. an assessment of the potential risks from mine gas to human health and property.
- IV. an appraisal of gas protection options and justification for the preferred option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL: AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL: AIRE, Buckinghamshire. ISBN 978-1-905046-39-3.

* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

***Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries require a Coal Authority Permit.

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

9. Prior to the commencement of any development, a mine gas* protection scheme and verification plan must be carried out by or under the direction of a suitably qualified competent person** and submitted to and agreed in writing by the Local Planning Authority. The submissions shall include the proposed details of the scheme to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, together with a verification plan to demonstrate the effectiveness of the scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL: AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL: AIRE, Buckinghamshire. ISBN 978-1-905046-39-3.

* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

10. Prior to the occupation of any dwelling, a verification report undertaken by or under the direction of a suitably qualified competent person*, demonstrating the completion and

effectiveness of the protection scheme approved by condition 9 above must be submitted to and approved in writing by the Local Planning Authority.

* A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

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

The report of the findings shall include:

I. a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages

II. an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study

III. an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at

IV. an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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

12. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing

any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

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.

13. The remediation scheme approved by condition 12 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

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.

14. Prior to the occupation of any of the dwellings on site, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason: In the interests of the safety of the future occupiers of the development

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

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

16. 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.

17. 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.

18. *** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a. To satisfy the condition 15 the applicant must:

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

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

This page is intentionally left blank

REFERENCE: P/22/597/FUL

APPLICANT: FDH Property Ltd Unit 4D, Old Pill Farm Industrial Estate, Caldicot, NP26 5JH

LOCATION: Land formerly Ffaldau Arms, Victoria Street, Pontycymmer CF32 8LL

PROPOSAL: Construction of a two-storey frontage block accommodating 6 No. 2 bed. residential apartments, together with a rear detached 2/3 storey residential apartment block, accommodating 4 No. 2 bed and 2 No. 1 bed residential apartments with under croft parking, associated works and landscaping.

RECEIVED: 26 August 2022

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the construction of two blocks of residential accommodation on the site of the former Ffaldau Arms, Victoria Street, Pontycymmer. The block fronting Victoria Street will be two-storey and accommodate 6 No. 2 bed. Apartments. The 2/3 storey building at the rear will accommodate 4 No. 2 bed and 2 No. 1 bed residential apartments with under croft parking.



Figure 1 – Site Location Plan

The application site relates to the former public house that was fire damaged and demolished some 15 years ago. The site lies off the eastern flank of Victoria Street, being part of the A4064 main road which runs through the centre of the village of Pontycymmer. The land is set amongst a cluster of commercial properties which congregate opposite the prominent road junction with Commercial Place.

The application site is largely overgrown with self-seeded shrubs having not been maintained for some time. A handful of more mature trees are sited on the eastern perimeter and partly upon rising land which falls against an embankment to Meadow Street which is set at a much higher ground level to the east.

A two-storey commercial property lies immediately to the north, separated from the former public house site by a narrow pedestrian path, which also leads to the Pontycymmer Constitutional Club, set at an elevated back land position and partly overlooking the application site. That path also leads to a rear service lane.

The former public house site also adjoins a terrace of commercial properties which all front onto Victoria Street, being part of the commercial centre of Pontycymmer. The commercial buildings are in various stages of disrepair and largely boarded up and vacant. They include a café, hairdressing salon and hot food take-away, with the first floors of which given over to residential flats. A surfaced off-street parking area lies in front of each set between a continuous pavement and the edge of the carriageway. There is a bus stop around 20m from the site.

The application site lies within the Local Settlement of Pontycymmer as defined by Policy PLA1 of the adopted Local Development Plan (2013). The site also lies within the District Centre of Pontycymmer, as defined by Policy SP10 of the Local Development Plan (2013).

The two-storey block fronting the site will measure 17.2m wide by 13.5m in depth with a pitched roof to a height of 9.4m (5.4m at the eaves). The building will have a glazed entrance foyer and stairwell with a projecting canopy providing access to the six apartments. The building will be finished with blue/black artificial slate to the roof, render to the upper floors with a buff brick on the lower level with brick on end lintels and concrete sills to window openings.

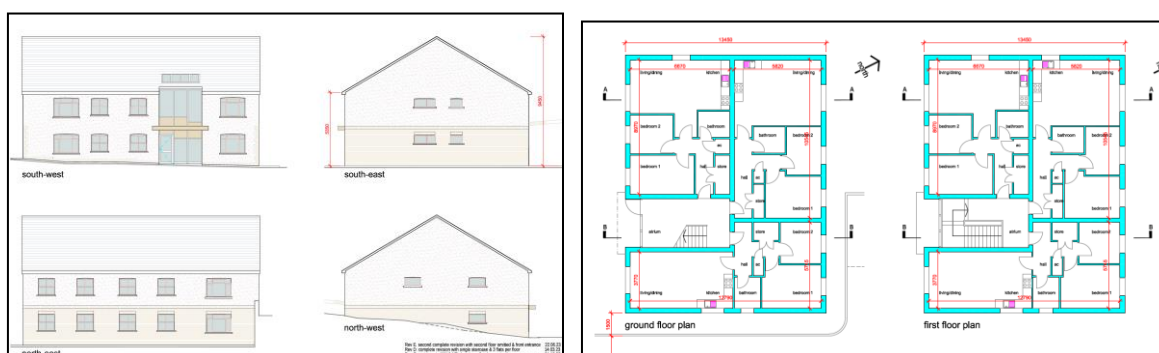


Figure 2 - Proposed elevations and floor plans of front block

The rear 2/3 storey residential apartment block will measuring 20m wide by 11.5m in depth with a pitched roof to a height of 7.6m to ridge 4.2m at the eaves at the rear elevation increasing to 10.2m ridge to 6.8m on the front elevation. The increase is due to the change in levels of the site. This can be seen in figure 3 below. The building has a feature projection gable and pitched roof dormers to the front elevation (south).

Access is provided at the rear elevation with a projecting stairway and canopy that provides access to all the apartments. The lower level of the apartments provides a parking area and cycle storage. The building will be finished with blue/black artificial slate to the roof, render to the upper floors with a buff brick on the lower level with brick on end lintels and concrete sills to window openings.



Figure 3 - Proposed elevations and floor plans of rear block

Externally the site will provide 1 parking space per apartment, 2 visitor spaces, cycle storage, an external amenity area for residents and a bin storage area and associated engineering works and landscaping. This is shown in figure 4 below.

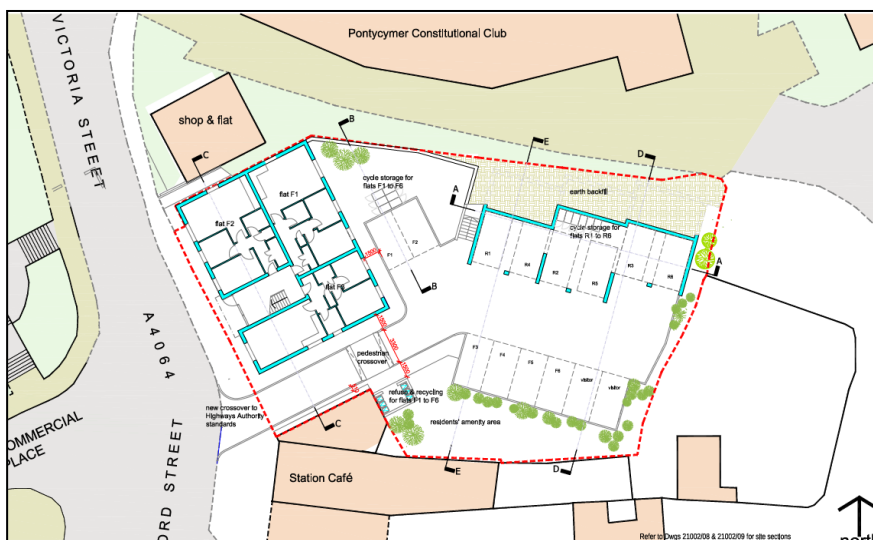


Figure 4 - Proposed layout site plan

The following documents were submitted in support of the application:

- Design and Access Statement by Evans banks dated Aug 2022
- Coal mining Risk Assessment by Blanford Consulting
- Flood Consequences Assessment by Francis Sant dated Aug 2022
- PAC Report by Evans Banks Planning dated Aug 2022
- Transport Statement Rev A by Evans Banks dated April 2023
- Preliminary Ecology appraisal by Aderyn dated Aug 2022
- Updated Preliminary Ecology Appraisal dated Jul 2023

RELEVANT HISTORY

None

PUBLICITY

A site notice has been displayed and neighbours have been notified of the receipt of the application. The period allowed for response to the most recent consultations/publicity will expire on 24 July 2023.

CONSULTATION RESPONSES

Welsh Water Developer Services: No objection subject to condition.

Highways Officer: No objection subject to conditions.

Natural Resources Wales: Have raised a concern in relation to flooding.

Drainage Officer: No objection subject to conditions.

Coal Authority: No objection subject to conditions

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

Shared Regulatory Services - Environment Team: No objection subject to conditions and an informative note.

Crime Prevention Design South Wales Police: No objection. General comments in relation to security and designing out crime such as fencing, lighting, CCTV etc.

Fire service: No objection.

REPRESENTATIONS RECEIVED

18 letters of objection have been received from Bryn Bedw Street; 89 King Edward Street; 85 Victoria Street; 2 Station Row; 136 Victoria Street; 3 Lower Adare Street; 69 Victoria Street; 12 Albany Road; 2 St. James Church, Church Terrace, Blaengarw; Flat 2 Victoria Street; 6 Garw Fechan Road; 40 The Avenue; 6 Albany Road; 4A Oxford Street; 6 King Edward Street; 6 Hillside Gardens and 18 The Avenue (some of these properties have sent in more than one letter of objection). The objections received have been summarised into topic areas as detailed below:

Highways Issues

- a) Not enough parking spaces have been provided the proposal does comply with the provisions of Policy PLA11.
- b) No Visitor parking has been provided.
- c) The A4064 road is already subjected to heavy traffic and the proposed plan has the entry and exit from the development right on a curve which is a blind spot, and the proposed development will certainly add to this.
- d) The additional traffic will increase noise and pollution.
- e) There could be an increase in incidents or accidents.
- f) There is a high risk of accidents already at this area due to corners, gradient of the road both for pedestrians and car users, Pontycymer Square is a bus pick up and drop off point for many local schoolchildren.
- g) The undercroft parking gives the wrong impression to people by use of 'undercroft' alone - it gives the impression the car parking spaces will be underground.
- h) The access point within 10 metres of a junction, cars pulling out of this junction on a steep gradient will find it difficult turning left and avoiding oncoming traffic.
- i) The valleys are not built for large delivery lorries day in, day out, the roads can't cope.

Retail

- a) What are the plans for the commercial units.
- b) The valley currently has empty shops and doesn't need any more, why not use the empty shops in the area.
- c) Current shops are struggling so extra shops are no good as everyone goes to larger stores where things are cheaper.

Residential Amenity

- a) The proposed three-storey buildings at the back of the site will provide an undeterred view of a garden with the consequence of the loss of privacy.
- b) The planned building is too close to 4a Oxford Street which will cause a significant loss of light from the part of the house.
- c) The flats have no outside space.

Visual Amenity

- a) Three storey buildings will also be out of keeping with the current architectural look of the area.
- b) Fourteen flats in a small area is overdevelopment.
- c) The application drawings do not show the elevations of the proposed buildings within the context of the neighbouring and adjoining buildings
- d) The building should be the same scale as the properties either side.

Ecology

- a) There are two mature trees standing on the site. However, those trees are currently on what will become the traffic area in front of parking space F8 so I assume the plan is not to retain them.
- b) The amended plan shows an oak tree was to remain on the land. This oak tree doesn't exist.

Drainage

- a) The proposal is to take all the surface water runoff from the roofs and hard landscaped areas [amounting to the vast majority of the site area] and drain it to the "landscaped pocket" against the boundary of 4a oxford Street. How is this to be done?
- b) I am very concerned about the structural implications of excavating a pond of unspecified depth and size so close to my house and garden. which poses a health and safety risk as children could walk onto the site.
- c) There is a cellar underneath our house and have been informed that the entrance to this cellar was somewhere on the Ffaldau Arms Site. We would like to ask that this is thoroughly investigated before works commence laying foundations etc.
- d) I'm very concerned about the flood risk in the area. The Nant Gelli Wern runs un-culverted under the garden and through the cellar of my property
- e) Please seek a report from Welsh Water for the area. We have been experiencing many floods in the last several years due to heavy rain fall, poor sewage feeder pipes. They cannot cope with the usage.
- f) The applicants claim that the site is NOT "within an area at risk of flooding" but this is contradicted in Section 5 of the Flood Consequences Assessment Report, which states that "NRW have identified that the Flood Maps For Planning, referred to in the proposed revised TAN 15 shows the area at risk of flooding".

Land Ownership

- a) The application form states that the developer is the sole owner of "ALL the land". However it appears from the plans that the upper flight of the external stairs, on the North West elevation of the "Front Block" over sails the red line denoting the boundary of the application site.

PAC

- a) The owner of 4A Oxford Street, has not been consulted on the PAC.

Other

- a) The local Surgery is currently under extreme pressure, are there any plans to alleviate this issue as more housing creates additional pressure?
- b) How will this effect schools as they are under pressure.
- c) BCBC should display these plans on the site, with clear information attached of how to register concerns/comments to allow the community to voice their concerns.
- d) There are several schools and child play areas located nearby, how will you ensure the people who are housed in this accommodation will not pose a threat to the families who use these?
- e) What type of persons will be moving into the Flats we don't want undesirable tenants due to public disorder issues and there being a park nearby
- f) Are these flats going to be rentals. There will be no vetting these people if it's an external landlord.
- g) Concerns over the objectivity of Local Councillors.
- h) If developed for residential purposes it should be family homes.

In addition to the above representations, local Garw Valley ward members have commented as follows:

Cllr. H. Griffiths – “I met with the Applicants several months ago to inspect the site and discuss the application. This site has been left for 15 years since it burnt down. It is rat infested, severely overgrown and a dumping ground for local fly-tippers and I for one would welcome the redevelopment of the site. It is in the most prominent place in Pontycymmer which has historically been a gathering place, this would be a vast improvement to the area and I am supporting the application.”

Cllr. M. Jones – “I have not been approached by any member of the public with representations regarding this development proposal. I assume the application is in line with the revised LDP. Therefore, I have no comment to offer.”

Cllr. M. Lewis – “I haven't received any official objections to these plans. As a resident of Pontycymer I look forward to seeing an improvement to this site.”

COMMENTS ON REPRESENTATIONS RECEIVED

Highways Issues

Highways and Pedestrian safety matters are addressed in the appraisal section of the report. The submitted plans clearly show the parking arrangement.

Retail

The retails units have been removed from the proposal; the scheme is now residential only.

Residential Amenity

Residential amenity is addressed within the appraisal section of the report.

Visual Amenity

Visual Amenity is addressed within the appraisal section of the report.

Ecology

- a) The updated report does not identify any trees within the site that are worthy of retention or prevent any development from taking place. A condition has been imposed relating to landscaping which will mitigate and enhance the biodiversity characteristics of the site and compensate for the loss of any trees to be felled.

- b) The revised ecology report refers to an oak tree however this is on land adjacent to the site; measures will be in place to ensure that this tree is protected during the course of the development.

Drainage

- a) A condition has been imposed to ensure the site will be adequately drained. The development is over 100 sq. m. therefore a SAB application will be required.
- b) No ponds have been proposed as part of this application. Any drainage feature would be carefully assessed as part of the condition or separate SAB application.
- c) The drainage condition and SAB application would need to have regard to any such features.
- d) Flood risk is addressed within the appraisal section of the report.
- e) Dwr Cymru/Welsh Water has been consulted as part of this application and have raised no objection to the proposal.
- f) Flooding has been assessed within the report - the site is currently in zone A as defined within the Development Advice Maps (DAM) contained in TAN15 (2004).

Land Ownership

- a) The development is wholly within the curtilage of the revised red line boundary and does not involve land outside of the applicant's ownership. However, it should be noted that land ownership is not a material planning consideration.

PAC

- a) The PAC report has identified that all adjoining properties have been consulted on the scheme. It should also be noted the PAC report refers to a response from 4A Oxford Street and that 4A Oxford Street has provided several letters of objection during the course of this application.

Other

- a) This is not a material planning consideration as this would be a matter for the Local Health Board, however, this is a small scale development and is unlikely to have any unacceptable impacts on health services/provision particularly as it is likely to provide alternative accommodation for existing residents of Pontycymmer.
- b) There is no requirement for a development of this scale and type to provide a contribution towards Education.
- c) The application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 and the general public have had the ability to view plans and make comments on the scheme.
- d) This is not a material planning consideration.
- e) This is not a material planning consideration.
- f) This is not a material planning consideration.
- g) This is not a material consideration, each application is determined on its own individual merits and considered against relevant National and Local Planning policies.
- h) This is not a material planning consideration.

RELEVANT POLICIES

National Planning Policy:

Planning Policy Wales (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Paragraph 4.2.23 states 'Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable place making outcomes.

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 5 Nature Conservation and Planning
- Technical Advice Note (TAN 11) Noise
- Technical Advice Note (TAN) 12 Design
- Technical Advice Note (TAN) 18 Transport
- Technical Advice Note (TAN) 23 Economic Development

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle" as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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 Planning Policy and Guidance:

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021, and within which the following policies are of relevance:

Strategic Policies

- **Policy SP1:** Regeneration Led Development

- **Policy SP2:** Design and Sustainable Place Making
- **Policy SP3:** Strategic Transport Planning Principles
- **Policy SP4:** Conservation and Enhancement of the Natural Environment
- **Policy SP7:** Waste Management
- **Policy SP8:** Renewable Energy
- **Policy SP10:** Retail and commercial hierarchy
- **Policy SP12:** Housing
- **Policy SP14:** Infrastructure

Topic based Policies

- **Policy PLA1:** Settlement Boundary and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy ENV5:** Green Infrastructure
- **Policy ENV6:** Nature Conservation
- **Policy ENV7:** Nature Resource Protection and Public Health
- **Policy ENV15:** Waste Management in New Development
- **Policy ENV17:** Renewable Energy and low/zero Carbon technology
- **Policy REG7:** Non A1, A2 and A3 uses outside primary shopping frontages
- **Policy COM3:** Residential Re-use of a Building or Land
- **Policy COM4:** Residential Density
- **Policy COM5:** Affordable Housing

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance:

- SPG7: Trees and Development
- SPG8: Residential Development
- SPG13: Affordable housing
- SPG15: Community Facilities and Residential Development
- SPG16: Education Facilities and Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development

APPRAISAL

This application is referred to the Development Control Committee due to the number of objections received.

Having regard to the above, the main issues for consideration in the assessment of this application are the principle of the development, visual impact regarding proposed scale, design and materials, impact on neighbouring properties, ecology, drainage, flooding and highway safety.

Principle of Development

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW and the National Development Framework (NDF) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

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

Policy COM3 Residential Re-use of a Building or Land of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small sites or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3, which makes an important contribution to the overall housing supply and introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use. Residential development is therefore acceptable in principle subject to other LDP Policies.

The site is also subject to Policy SP10 Retail and Commercial Hierarchy of the LDP which defines the site as part of the Pontycymmer District Centre. Policy SP10 states that all new developments within retailing and commercial centres should provide retail, community or commercial floor space on the ground floor. However, Policy REG7 Non-A1, A2 and A3 Uses Outside of Primary Shopping Frontages of the LDP states:

“Changes of use to non-A1, A2 and A3 premises on the ground floor outside of primary shopping frontages but within a retailing and commercial centre will only be permitted:

1. *If for residential purposes:*
 - a. *The premises/floorspace has been vacant for at least two years and has been actively marketed over that time; and*
 - b. *The premises/floorspace does not form part of a purpose-built retail environment or a continuous frontage of three or more existing commercial units.*

2. *If for other purposes, the proposal does not involve the loss of existing A1 floorspace.*

Whenever possible, proposals for a change of use of existing floorspace should be designed so as not to prejudice a future conversion back to a retail or commercial use.”

The proposed development seeks the change of use from the site of a former public house (demolished over 15 years ago) to residential accommodation. However, as the site has remained vacant ever since with the land overgrown, the site is not considered to be associated with an existing retail use class. On balance, the proposed change of use is considered acceptable in relation to Policy REG7.

Turning to the planning obligation requirements, the following observations concern the need for the applicant to enter into a Section 106 Agreement in conformity with LDP Policy SP14:

Affordable Housing

As a proposal of 12 residential apartments, the application triggers Policy COM5 of the LDP regarding affordable housing. In order to ensure compliance with the LDP, the affordable housing target of 15% for the Garw Valley should be secured through a Section 106 Agreement. As such, 2 of the 12 units should be provided as affordable housing of an appropriate tenure to be agreed between the applicant and the Council. Exceptionally, if

on-site provision is considered unfeasible, off-site provision or payment of a commuted sum may be considered as an acceptable alternative.

Public Open Space

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Children's Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM11 of the LDP and SPG 5 – Outdoor Recreation Facilities and New Housing Development:

- A development of 12 No. dwellings that meet the criteria for SPG5 would lead to an estimated development population of 23 (based on an average occupancy rate of 1.5 people per dwelling within proposed 1-bed flats and 2 people per dwelling within the proposed 2-bed houses).
- The total amount of Formal Outdoor Sport space required should be approximately 368sqm based on 12 dwellings.
- The total amount of Children's Playing Space required should be approximately 160sqm, based on 10 eligible dwellings.

Education

The proposed type and mix of development do not trigger the threshold indicated in the Council's Supplementary Planning Guidance (SPG) 16: Education Facilities and Residential Development; therefore, there will be no requirement for a contribution towards Education.

Policy SP14 acknowledges that the provision of planning obligations can affect the viability of residential development; therefore, the aforementioned requirements are subject to negotiation.

In this case the applicant has substantially altered the original scheme in order to satisfy the requirement of the Local Planning Authority. To achieve this, the front block has been reduced in size and scale and the commercial elements have been omitted. This provides a better scale, layout and access, especially for emergency vehicles. It also provides future residents with communal outdoor amenity space. However, in achieving these changes the viability/deliverability of the site has been compromised. This has been discussed at length with the applicant.

The applicant has advised they would still be able provide the 2 affordable units despite the drop in the number of residential units being provided. They have asked the Local Planning Authority. to consider removing the open space/play requirement. The revised layout now has an element of open space for residents which has been achieved by reducing the scale and density of the proposal. In terms of play, it should be noted that there is a play area directly behind the site on Meadow Street, where there are also tennis courts, sport pitches and open grassed areas.

It is considered that the relatively small scale of this development would not have any unacceptable impacts upon these amenities and the small financial contribution would not provide much in terms of enhancements to these facilities. As such, in this case, the benefit to the local area from the re-development of this derelict brown field site, which has been an eyesore for many years, would significantly outweigh the small requirement for a financial contribution towards open space. It is therefore considered that in this case the Local Planning Authority. would only seek to secure 2 affordable residential units. This can be achieved via a Section 106 legal agreement.

In conclusion, the proposal is considered acceptable from a Strategic Planning perspective and complies with the requirements of Policies SP2 and SP14 of the LDP. As such the principle of development is acceptable subject to further design, residential amenity, highways, drainage, ecology and noise considerations addressed within this report.

Impact on Visual Amenity and Character

Planning Policy Wales emphasises the need to embrace the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities, noting (at 3.3) that ‘Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.

To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area’.

Strategic Policy SP2 *Design and Sustainable Place Making* seeks to conserve and enhance the built environment states “*All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.*”

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area.

Within this overarching Policy context and noting especially the need to embrace the principles of placemaking, it is clear that this development has at its heart, a determination to not only improve the visual appearance of the area which has been derelict for many years, but more importantly to create a desirable place to live. The principles behind such a scheme are thus wholeheartedly supported, albeit the assessment below seeks to ensure that the general scale, form and finished layout would not only accord with such aspirations but also have no unacceptable local impacts.

The applicant has taken design steps to provide an attractive modern development that uses a variety of materials, an architectural design to provide a fresh modern looking housing development that makes good use of the topography of the site providing an attractive street frontage. A condition can be imposed to ensure samples of the proposed building materials are submitted to ensure they are appropriate and provide an attractive development.

Landscaping

Some, landscaped areas have been proposed around the site which will add visual interest to the development and will mitigate and enhance biodiversity. Extra details will be required in relation to the planting mix and density to ensure they are appropriate not only in terms of visual amenity but also the biodiversity value. This will be secured via a condition alongside another condition to ensure these areas are appropriately managed, maintained and monitored in the future.

Bin and Cycle Storage

A bin storage area is proposed; however, one is in close proximity to the rear of 4A Oxford Street and no details have been provided of the structure. It is considered that this should be repositioned away from the boundary and closer to the main footpath. As such a condition will be imposed requiring further details to ensure it is adequately sited, screened and will complement the surroundings.

Two cycle stores are shown on the site plan providing 12 spaces. This equates to one secure storage unit per flat. However, no details have been provided and a condition can be imposed to ensure these are provided so that the design and appearance, as well as the practicality of the bin stores, can be considered.

Means of enclosure and retaining structures

The submitted plans do not show any details of the proposed means of enclosures and as such a condition will be imposed requiring details of all new boundary treatments in terms of their design and position. In addition to this, there will also be some retaining structures within the car parking area and to the rear of the site some of the structures would be visible from within the car park/courtyard area however these are not considered to be overly large structures and are required due to the contrasting levels across the site. A condition will be imposed requiring details of the retaining structures.

Visual Amenity Conclusion

The existing site is undoubtedly an eyesore and has been since the demise of the Ffaldau Arms. It has been cleared and is in desperate need of re-development. The design, scale and massing of the scheme have been amended through negotiation together with a proportional increase in the availability of useable outdoor amenity space and biodiversity enhancements. Accordingly, it is concluded that the proposals accord with Policy SP2 of the Bridgend Local Development Plan and reflects the aspirations for design quality within Planning Policy Wales and Technical Advice Note 12: Design (2016)

Residential/Neighbouring Amenity

Policy SP2 of the LDP criterion (12) states *“that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected”*. This has been addressed as follows:

The nearest properties are 4A Oxford Street which is residential property is located towards the South of the site, Square View is located to the North which is a commercial premises on the ground with a flat above and the Pontycymmer Constitutional Club which is located further to the North at a higher level. There are no properties in close proximity to the front of the site (West), and the same applies to the rear as the properties are some distance away and at a much higher level than the application site.

Overbearing and overshadowing in relation to the existing dwellings/buildings surrounding the site

In relation to 4A Oxford Street, the nearest building is the front block which fronts onto Oxford Street. This amended scheme has pushed the building 5.7m from the side of 4A Oxford Street and has been reduced to a 2-storey building having a similar scale to the established buildings in this row. The rear block is over 17m away. It is considered that the proposal is sited a sufficient distance and orientated away from the adjoining property to ensure that there is no unacceptable overbearing or overshadowing impacts.

In relation to Square View, the separation distance between the front block equates to a 1.2m wide pedestrian walkway that allows pedestrian access to the Constitutional Club and land beyond. The proposed development has been reduced in scale to two storeys and, as such, its siting does not raise any concerns. Furthermore, Square View has no side facing windows that would be adversely affected by the proposed development. The rear block is over 21m away. It is considered the proposed development would not have any unacceptable overbearing or overshadowing impact that would warrant refusal.

In relation to The Constitutional Club this is located to the North and is a minimum of 9.5m from both blocks and across an access road. It is considered that, due to the reduced scale and siting, the proposed development would not have any unacceptable impacts in terms of overbearing and overshadowing on this commercial property.

Overlooking in relation to the existing dwellings/buildings surrounding the site

There are four windows in the southern gable end of the front block of the development serving kitchens and bathrooms at ground and first floor levels. There are no side facing windows at 4A Oxford Street. Given the separation distance and orientation of the windows, no issues are raised in terms of overlooking or loss of privacy to any private amenity space. Furthermore, the windows would provide natural surveillance over the main vehicular access into the courtyard.

In relation to the rear block, this has habitable room windows on the elevation facing 4A Oxford Street serving bedrooms and living rooms. However, the separation between windows is approximately 16m and across different levels and the internal courtyard of the site. Given the acute angle between these windows, it is considered that there would be no unacceptable impact in terms of overlooking between habitable room windows or in terms of loss of privacy to the private rear garden of 4A Oxford Street, especially as the proposed windows are more than 16m from the boundary line of the garden.

In relation to Square View the nearest building is the front block of 6 flats. There are side facing windows on the front block - two on the ground floor and two on the first floor which serve a kitchen and bathroom respectively. There are no side facing windows on the side elevation of Square View and, as such, the windows do not raise any issues in terms of overlooking or loss of privacy. Furthermore, the windows would provide natural surveillance over the path that separates the two sites. In terms of the rear block there are no windows that would directly overlook Square View.

In relation to the Constitutional Club, there are windows facing the club, however, as this is a commercial premises no issues are raised in terms of overlooking or loss of residential privacy. In addition, the windows would provide a level of natural surveillance over the access road that serves the Club.

Noise

Policy SP2 Criterion (8) also states "*Development should avoid or minimise noise, air, soil and water pollution*".

The development has now been amended to residential use only, therefore, noise disturbance would not be a concern. There could however be issues with noise during construction and demolition. As such Shared Regulatory Services (SRS) - Public Protection have recommended a condition requiring the submission of a Construction Method Statement to deal with construction times and noise nuisance as well as other matters.

Lighting

In terms of external lighting, no details have been provided with this application. As external lighting may be required for such a development to illuminate external areas, it is necessary to impose a condition to ensure adequate details are provided prior to any lighting being installed to ensure any future lighting does not have any unacceptable impacts upon the amenity of surrounding residential properties.

Overlooking, overbearing, and overshadowing issues within the proposed development

In terms of potential overlooking, the development has been designed to allow an acceptable distance between new units and ensure that the proposal will safeguard the residential amenities of future occupiers. In terms of potential overshadowing and overbearing impacts, the two blocks are well separated and are almost perpendicular to each other and, therefore, would not cause any such issues between the two blocks of flats.

Amenity Space

With regard to on-site amenity space, it is considered that the proposed layout provides adequate private amenity space for future occupiers of the development. Communal spaces are suitably overlooked providing a safe environment for occupiers which will benefit their health and wellbeing. Adequate screening will be provided to ensure a suitable level of privacy is retained.

Noise and Outlook

The block to the rear of the site backs onto the Constitutional Club and has been designed so that the living rooms/spaces are closest to the club so that the bedrooms are furthest away from the potential noise source.

However, the outlook from these rooms will be limited with views over the rear lane and Constitutional Club and oblique views of the Meadow Street playground/open space, playing fields and surrounding open countryside beyond. It is considered that the internal layout of the flats should be amended so that the bedrooms are to the rear of the block overlooking the Constitutional Club with the living space to the front overlooking the courtyard with access to sunlight from the south. This will ensure a better living environment for future occupiers of the flats. The Constitutional Club is an established facility and any prospective purchasers or tenants of the flats will be aware of its existence.

Having regard to the above, it is concluded that while the proposal would introduce new built development close to existing residential properties and commercial units, any impacts from the development have been sufficiently controlled by the design and siting of the development or can be controlled by a condition. As such the proposal would have no unacceptable impacts on residential amenity, and thus complies with Policy SP2 of the Bridgend Local Development Plan.

Access and Parking

Policy SP2 states that all development should have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. Policy PL11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

In support of the application a Transport Statement was provided to address the concerns put forward by the Council's Highways Officer. It has sought to examine the sustainable attributes of this site in relation to National and Local Planning Policy and its proximity to existing, neighbouring residential and commercial development and the ground levels of the site.

In light of the above, the scheme has been revised by removing the proposed ground floor commercial units from the front block and relocating and reforming the proposed access point off the common boundary with Station Café. A 3.3m wide access with 1.5m wide pavement on one side, with a 1m wide pavement on the other has been provided. The amended access will also allow emergency vehicles to enter and leave the site which was hindered by the earlier iteration and proposals for an archway. The proposal will provide each residential apartment with one parking space each (12 spaces) with 2 visitor spaces

and sufficient space to turn so that vehicles can enter and leave in a forward gear. Each parking space will be laid to dimensions of 2.6m x 4.8m. Each apartment will also have a secure cycle storage facility and the front block will be accessed from the street rather than the internal courtyard to encourage active forms of travel to local facilities.

The site is generally considered a sustainable location with good connections to the local public bus network and cycle routes, together with opportunities on foot via an existing network of footways to the nearby facilities and services. A Traffic Speed Survey has been conducted, which illustrated that the 85th percentile speed for vehicles in both directions is 29 mph. Consequently, in accordance with national guidance provided by TAN18, visibility splays of 2.4m x 40m can be provided in both directions along the A4064 road, ensuring that vehicles entering and exiting the site can do so under conditions which preserve road safety standards for all users.

The site was occupied by a public house which was demolished a number of years ago. As a result, it is considered that the site has been abandoned and does not have a 'fallback position' in terms of traffic generation and all traffic emanating from the proposed development is considered new traffic on the local network.

The Highway Authority requested that the applicant undertake a traffic survey to determine the speed of traffic and number of vehicles passing the site. The average daily total of vehicles passing the site was approximately 2100 vehicles, which equates to 175 vehicles an hour. Therefore, it is considered that the increase in trips generated by the residential development can be accommodated by the local highway without resulting in a material increase in traffic levels to the detriment of highway safety.

With regards to historic highway safety in the vicinity of the site, an interrogation of the Crashmap database indicates that there have been 3 'slight' accidents opposite the site in the last 8 years. Therefore, there is no reason to believe that the current highway arrangement would raise any highway safety concerns or that the traffic generated by the proposal would result in an increase in highway safety concerns.

The applicant has also detailed on a plan how the vision splays can be achieved over existing adopted highway extents. As a result, the vision splays are considered acceptable.

Turning now to the off-street parking proposed within the site, it should be noted that the originally proposed parking accessed via an archway through the front block was considered to be an unacceptable solution by the Highway Authority due to the limited height and width of the access.

The applicant has removed this feature and the parking courtyard is now accessed via a dedicated lane with no height restrictions. With regards to the number of parking spaces the applicant has provided 1 space per flat with 2 visitor parking spaces. The Council's adopted parking standards, SPG17, indicates that the maximum number of parking spaces would be 1 space per bedroom. It is considered however that due to the sustainable location of the site and its proximity to established walking and cycling routes and bus stops with parking restrictions (double yellow lines) on the immediate highway to stop inappropriate parking, the proposed parking provision is acceptable. In addition, a reduction in parking at this location meets the aims of current local and national planning policies.

In order to improve the sustainability credentials of the site, the applicant has committed to providing secure and weatherproof cycle parking for future residents as well as electric vehicle charging points. The front block has also been set back by 1m to maximise the depth of the footway abutting the site which will encourage active travel.

Finally, it is noted that the proposed access is located partially over the existing layby which will need to be shortened to ensure that the proposed site access is constructed at a 90-degree angle to the existing carriageway. As a result, the applicant will be required to submit a scheme for the works to the highway before development commences.

In light of the above, the Highway Authority offers no objections to the scheme subject to conditions relating to shortening the layby, electric charging points, cycle storage, no structures in vision splay and alterations to the site front boundary access.

Accordingly, it is considered that the proposed development is acceptable in highway terms and accords with Policy SP2(6) and Policy PLA11 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The Council's Land Drainage Officer has assessed the submitted scheme and states that a review of the OS database confirms that the development is within 20m of a culverted watercourse but not within a flood zone on the current Development Advice Maps. The applicant has taken a precautionary approach and submitted a Flood Risk Assessment to take account of the proposed changes to the NRW Flood Map for Planning and revisions to TAN 15.

The applicant states foul drainage will be disposed of via a connection to the public sewer and the applicant will be required to agree any new connection with DCWW. Dwr Cymru/Welsh Water offers no objection in principle to the foul flows discharging to the public sewer and there is sufficient water supply to serve the development.

The development is over 100 sq. m. therefore a SAB application will be required.

As such the Local Authority's Drainage officer has no objection subject to conditions relating to preventing surface water entering the public highway and into the mains sewer and a condition relating to a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements and infiltration tests. This can be imposed via a suitably worded condition.

The Coal Authority has advised that it should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Flood Risk

The application site is within Zone A of the Development Advice Map (DAM) contained in TAN15 (2004). As such there is no requirement to investigate flooding further, however, during the Pre-Application Consultation process, Natural Resources Wales identified that the new Flood Map for Planning, released in draft in conjunction with the proposed revised TAN 15, has changed the expected risk of flooding in the area. In response, the applicant took it upon themselves to produce a Flood Consequence Assessment (FCA) for the

scheme.

It should be noted that NRW's letter to Local Planning Authority's dated 14th January 2022 States *"in order to ensure that their advice is based on the best available flood risk information they hold, they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. If a site is shown not to be at risk of flooding on the DAM but it is shown to be at risk on the new FMfP, our substantive response will be 'concerns' and we will recommend an FCA is submitted in support of the planning application."*

This is the case with this application as the site is located within Zone A and does not require the submission of an FCA, yet NRW have advised that the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 3 Rivers and the defended flood zone.

They note that the application has been supported by a Flood Consequence Assessment (FCA) produced by Francis Sant Limited, dated August 2022. The proposed use is purely a residential use, which is classified as a 'Highly Vulnerable' use within Section 5.2 of TAN 15. NRW's strict advice is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. However, they acknowledge that the zones identified within FMfP i.e. zones 1, 2 and 3 bear no resemblance to the flood zones set out within the DAM and current TAN15 (2004) i.e. A, B, C1 and C2 and no guidance has been given on how the two relate.

A letter dated 23rd November 2021 from the Welsh Government Minister for Climate Change advised that they were suspending the introduction of the new TAN15 from coming into force until 1st June 2023. The Minister stated within that letter that ***"the existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk."***

In another letter dated 15th December 2022, the Welsh Minister for climate change stated *"In light of the decision to pause the new TAN 15, decisions on planning applications as well as pre-application discussions where flood risk is a consideration must be based on the existing TAN 15. Section 6 of TAN 15 sets out the sequential test to be undertaken by a planning authority to justify the location of development within a flood risk area."*

Local planning authorities have a duty to consult Natural Resources Wales on planning applications for development in flood risk areas¹, where:

- *The land is designated as Flood Zone C2 on the DAM; or*
- *The development is for emergency services development or highly vulnerable development where the land is designated as Flood Zone C1 on the DAM.*

It is standard practice for Natural Resources Wales to be consulted on any development in an area of flood risk (Flood Zone C1 or C2). This should continue.

*Local planning authorities can expect advice from Natural Resources Wales to highlight the FMfP where it clearly affects the context of the application. For example, if a site in DAM Zone C1 will become Zone 3 in the FMfP, Natural Resources Wales will highlight that fact and advise whether a flood consequences assessment should be undertaken. Natural Resources Wales may also draw attention to flood risk on sites where they are consulted for other reasons, if it is currently in Zone A of the DAM but in a flood risk area on the FMfP. This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The **FMfP holds no formal weight** as it is not yet national policy, but best available information may be*

regarded as a material consideration.” (Emphasis added)

A further Written Statement from the Minister for Climate Change was issued on 12th May 2023 and stated *“The focussed consultation on further changes to Technical Advice Note 15 (TAN 15) concluded on 17 April and responses is now underway. It is clear that the issue of Climate Change mitigation, and flooding in particular, are complex. The consultation responses have raised many differing views which need to be fully assessed. There is a substantial amount of detailed work to be undertaken in analysing the responses and, if appropriate, make further changes to the TAN.”*

The Minister further states *“The TAN was originally suspended until 1 June 2023 but the re-consultation now means that this date will no longer be achievable. Given the size and complexity of the task in analysing the responses and making further changes to **the TAN it is unlikely that the new version of the TAN will come into force before the end of this year.**”*

To conclude, the development is not within Zones C1 or C2. There is no requirement under the current framework (TAN 15 2004) to provide a Flood Consequence Assessment for this type of development at this location. As such NRW’s objection in this instance is considered to be unreasonable given that the FMfP has no formal weight and Welsh Ministers have advised that the existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk.

Nevertheless, the applicant has provided a list of recommended measures that they intend to incorporate into the scheme. It is considered reasonable to impose conditions relating to the following:

- Floodproofing measures, as identified in Section 4, are included in the development where necessary.
- Flood doors are used for the entrances.
- A non-return valve is installed on the foul sewer system.
- An emergency evacuation plan is prepared, maintained and effectively disseminated to all future occupiers.
- If available, the development is registered on the flood warning scheme provided by NRW.

Having regard to the flood mitigation measures and the fact that there is a reasoned justification to override the assessment of the scheme against the yet to be adopted Flood Map for Planning parameters in the form of securing the much needed regeneration of a vacant and derelict site in a prominent position at the heart of the village of Pontycymmer, as well as providing much needed accommodation to serve the local population, the scheme is considered to be acceptable in flooding terms.

Taking into consideration all of the flooding issues, the letters and statement from the Welsh Minister and NRW and the mitigation measures proposed by the applicant, as well as the wider regeneration benefits of the scheme, the proposal is acceptable on flooding grounds subject to conditions.

Biodiversity/Ecology

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

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

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

The original application was supported by a preliminary ecology appraisal (PEA) however due to some clearance works on site an updated PEA was undertaken on the 1st of July 2023. This identified that a large amount of scrub across the site had been cleared and put into piles across the site during the winter 2022/23 and outside the bird nesting season.

This clearance has allowed greater access within the site than was possible at the time of the original site visit, especially to the rear of the site where the mature trees had been recorded. The mature *Leylandii* previously identified at the rear of the site are in fact located just over the boundary on a neighbouring plot of land, separated from the survey site by a stone wall approximately 1.5m tall. The Oak tree appears to be located above the site separated from the cleared area by a retaining wall. A group of three Goat Willow *Salix caprea* are located just inside the site in the south-east corner and an Ash *Fraxinus Excelsior* is located in the centre of the eastern end of the site. This has been heavily cut back at some point in the past and consists of a coppiced stump with several regrowing shoots. The other remaining vegetation consists of Elder *Sambucus Nigra* growing along the retaining wall that forms the eastern boundary and the remaining mature willow trees are separated from the majority of the site by a concrete ramp.

The report recommends that tree protection fencing be placed adjacent to the ramp to prevent accidental damage to the trees during construction. The report also recommended enhanced landscaping to ensure connectivity is retained around the site, bird and bat boxes to be erected and that any lighting should avoid the vegetation to the rear of the site.

The Local Authority's Ecologist has reviewed the information submitted with the application and notes the ecological information and the updated ecology survey. It is advised that there is no objection to the proposal subject to conditions to ensure the biodiversity of the site is enhanced and maintained with additional conditions relating to landscaping and its management, bird and bat boxes, tree protection and a clearance methodology. These will all be imposed via suitably worded conditions.

To conclude, the applicant has demonstrated that there is no unacceptable impact upon ecology or protected species and has demonstrated that the biodiversity will be maintained and enhanced and the scheme accords with advice contained with PPW11, Technical Advice Note 5 (Nature Conservation and Planning) and Policies SP2 and ENV5 of the Bridgend Local Development Plan.

Land Contamination

Shared Regulatory Services Environment Team have advised the site has been identified as a vacant overgrown plot, formerly occupied by a public house. Contamination is not

known at this site, however, the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemicals 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 Environment Team requests the inclusion of the conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

Coal Mining risk

The site is located within a development high risk area. The application site and surrounding area includes coal mining features and hazards which need to be considered. The Coal Authority records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depths associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The Coal Authority have advised that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (August 2022, prepared by Blandford Consulting) to accompany the planning application.

The report states that, *'No risk has been identified from the solid geology nor from the mining history of the Site, with the result that no mitigation measures are required'*.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Coal Authority, in its role as statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted as implying that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist.

Shared Regulatory Services (SRS) Environment Team have advised, based upon the information submitted, that the risk of shallow mine workings affecting the site is low and therefore the risk of mine gases is also considered to be low. However, a note can be attached advising the applicant to ensure they also make their own assessment in terms of mine gas.

In light of the above the Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning process and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Fire Safety

The Fire Authority has no objection to the amended proposals. It is noted that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes. It is considered that a note can be attached to inform the applicant of the Fire Authority's response, however, the amended layout shows an adequate access can be achieved and the applicant has advised an adequate water supply will be obtained.

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, and having regard to the objections raised, it is considered that the proposed development would positively transform this derelict site and enhance the character and appearance of the wider area. The development would have no unacceptable impacts on residential amenity, drainage, ecology, environment, flooding or highway safety and subject to the imposition of conditions and the signing of a Legal Agreement to secure affordable housing provision, the residential development is considered to accord with Policies SP1, SP2, SP3, SP4, SP7 SP8, SP10 SP12 SP14, PLA1, PLA11, ENV5, ENV6, ENV7, ENV15, ENV17 REG7, COM3, COM4 and COM 5 of the Bridgend Local Development Plan.

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

RECOMMENDATION

(A) That the applicant enters into a Section 106 Agreement to:

(i) Provide a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council in accordance with Policy COM5 and SPG13;

B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to conditions as follows:

1. The development shall be carried out in accordance with the following approved plans and documents:

Location Plan – Received 10 July 2023
21002-02g site layout - lower level A3
21002-03g site layout - upper level A3
21002-04f front block - sections A4
21002-05d front block - elevations A3
21002-06d front block - plans A3
21002-07b rear block - elevations A3
21002-08b site sections 1 A3
21002-09c site sections 2 A3
21002-10b rear block - plans A3

Design and Access Statement by Evans banks dated Aug 2022
Coal mining Risk Assessment by Blanford Consulting
Flood Consequences Assessment by Francis Sant dated Aug 2022
PAC Report by Evans Banks Planning dated Aug 2022
Transport Statement Rev A by Evans Banks dated April 2023
Preliminary Ecology appraisal by Aderyn dated Aug 2022

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

2. No development shall commence on site, including further site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) Routes of vehicles, plus delivery and construction times
 - d) storage of plant and materials used in constructing the development.
 - e) the erection and maintenance of security hoarding
 - f) wheel washing facilities to prevent deposition of material onto any hard surface road.
 - g) measures to control the emission of dust and dirt during construction.
 - h) Identification of the significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
 - i) Hours of working on site (which must not be outside the following hours 8am-6pm Monday- Friday, 8am -1pm Saturdays with no working Sundays or Bank Holidays, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to nearby properties.
 - j) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, biodiversity, human health and to accord with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

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

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

4. 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.

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to protect the public highway network and to comply with policy ENV7 of the Bridgend Local Development Plan.

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of a shortened layby and new dropped kerb arrangement for the proposed site access has been submitted to and approved in writing by the Local Planning Authority. The revised layby and new access shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to comply with policy SP2 of the Bridgend Local Development Plan.

7. No development shall commence until a scheme for the provision of 2 No. electric car charging points within the rear parking courtyard (1 for each building block) and the ducting installed for two additional electric charging points for future installations, has been submitted to and approved in writing by the Local Planning Authority. The two electric charging spaces shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of promoting sustainable means of travel to and from the site and to comply with policy SP2 of the Bridgend Local Development Plan.

8. 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 any time.

Reason: In the interests of highway safety and to comply with policy SP2 of the Bridgend Local Development Plan.

9. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting the unit to the south of the site. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site and to comply with policy SP2 of the Bridgend Local Development Plan.

10. Notwithstanding the submitted plans and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting and design of the cycle storage areas (12 secure units). The cycle storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual amenity, residential amenity and to ensure adequate cycle storage is provided for future residents and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

11. No development shall commence until a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

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

12. Notwithstanding the submitted plans and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and finish of the bin storage buildings located around the site. The bin stores as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual amenity, residential amenity and to ensure adequate bin storage is provided for future residents and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

13. There shall be no outside storage of bins and recycling equipment except within the designated bin storage areas.

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

14. Prior to the first beneficial use of the development hereby approved, a Flood Warning Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following measures:

- Floodproofing to be incorporated within the buildings, as identified within Section 4 of the Flood Consequence assessment by Francis Sant dated Aug 2022
- Details of the Flood doors to be used for the entrances.
- Details of a non-return valve to be installed on the foul sewer system.
- Details of Flood emergency plans/procedures during an extreme flood event.
- Confirmation that the building is registered with the NRW flood warning service (if available within the area).

The approved scheme shall be fully implemented on site prior to the first beneficial use of the building and retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and to incorporate flood resilient

measures to comply with the requirements of Policy SP2 of the Bridgend Local Development Plan.

15. Notwithstanding the submitted plans, no development shall take place until details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

16. Prior to the first occupation of any of the units hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason: In the interests of visual amenity, and to ensure the long term management and maintenance of all landscaped areas within the site and to ensure the development complies with policies SP2 and ENV5 of the Bridgend Local Development Plan.

17. Prior to the construction of any building, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing artificial nesting sites suitable for house sparrow, swift and house martin and bat tiles/bricks/boxes. The scheme shall include detail and locations of bird nesting boxes and bat tiles/bricks/boxes to new build elements or at other appropriate locations around the site. All approved artificial nesting sites/ and bat tiles/bricks/boxes shall be implemented in accordance with the approved details prior to the first occupation of the building.

Reason: In the interests of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP2 and ENV5 of the Bridgend Local Development Plan as well as the Council's Biodiversity Duty.

18. No development shall take place until a clearance methodology statement for the site, with specific reference to and consideration for reptiles, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed details and recommendations of the methodology statement.

Reason: In the interests of safeguarding biodiversity and ecology and to comply with Policy SP2 and Policy ENV6 of the Bridgend Local Development Plan.

19. No development shall commence on site until a method statement detailing how the

mature trees within and close to the boundaries of the site shall be maintained and protected during the construction works and are compromised by the development. This method statement should be in line with BS5837 Trees in relation to design, demolition and construction. Works shall proceed in accordance with the approved method statement.

Reason: In the interests of safeguarding biodiversity and ecology and to comply with Policy SP2 and Policy ENV6 of the Bridgend Local Development Plan.

20. Notwithstanding the submitted plans a scheme indicating the positions, height, design, materials 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 implemented as approved prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual and neighbouring residential amenities and to ensure compliance with Policy SP2 and ENV5 of the Bridgend Local Development Plan.

21. Prior to the installation of any CCTV cameras on the site, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all cameras indicating their field of view. The scheme shall ensure no residential property is adversely affected by the proposed camera positions. The cameras shall be implemented on site in accordance with the approved scheme and retained as such thereafter.

Reason: In the interests of residential amenity and to prevent any unacceptable overlooking and loss of privacy and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

22. Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining properties and incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation). The lighting scheme shall be implemented on site in accordance with the approved scheme only and retained as such thereafter in perpetuity.

Reason: In the interest of residential amenity, biodiversity and to prevent any unacceptable light spill, and to ensure compliance with Policies SP2, ENV5 and EN7 of the Bridgend Local Development Plan.

23. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure that the development complies with Policy SP2 of the Bridgend Local Development Plan.

24. Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until revised floorplans and associated elevations for the

block of flats to the rear has first been submitted to the Local Planning Authority for approval. The revised drawings shall show the living rooms/spaces overlooking the internal courtyard in order to achieve a better outlook for future occupiers of the flats. The development shall be carried out in accordance with the agreed details and shall be retained as such thereafter.

Reason: To ensure a satisfactory form of development and an acceptable living environment in accordance with Policy SP2 of the Bridgend Local Development Plan.

25. Notwithstanding the submitted plans and prior to the commencement of works on site a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing any retaining walls, including full structural calculations for any walls 1.5m high including details of their finish. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of any residential unit and maintained and retained as such thereafter.

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

26. Notwithstanding the submitted plans, no development shall commence until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

29. 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 risks from imported aggregates (other than virgin quarry stone) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

30. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced. and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

31. THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

On balance and having regard to the objections raised the proposed development, would transform this derelict site, and enhance the character and appearance of the wider area subject. The development would have no unacceptable impact on residential amenity, drainage, ecology, environment, flooding or highway safety and subject to the imposition of conditions and the signing of a Legal Agreement to secure the affordable housing the residential development complies with Policies SP1, SP2, SP3, SP4, SP7 SP8, SP10 SP12 SP14, PLA1, PLA11, ENV5, ENV6, ENV7, ENV15, ENV17 REG7, COM3, COM4 and COM 5 of the Bridgend Local Development Plan (2006-2021).

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

B) ECOLOGY ADVISORY NOTE

Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately.

Where bats or their roosts are present, no works of felling, lopping or pruning shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.

C) COAL ADVISORY NOTE

The applicant should have Note to the comments raised by the Coal Authority's response dated 25th October 2022 in regard to mine gas, foundation design and Sustainable drainage Systems.

D) CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoil's, 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.

E) DRAINAGE ADVISORY NOTE

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

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

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

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

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

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

F) WELSH WATER ADVISORY NOTE

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to

discuss their water efficiency requirements.

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

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

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

G) FIRE SAFETY NOTE

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the applicant require further information in relation to these matters they should contact the fire safety officer.

H) DESIGNING OUT CRIME NOTE

The applicant should have regard to the comments made by South Wales Police Designing Out Crime Officer Dated 22/02/2022

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/22/740/BCB

APPLICANT: BCBC Communities Directorate Civic Offices, Angel Street, Bridgend, CF31 4WB

LOCATION: Porthcawl Comprehensive School Park Avenue Porthcawl CF36 3ES

PROPOSAL: Proposed multi use games area (MUGA) flood lighting

RECEIVED: 27 October 2022

SITE DESCRIPTION

This application seeks full planning permission for new sports lighting consisting of 6 lighting columns at Porthcawl Comprehensive School, Park Avenue, Porthcawl.

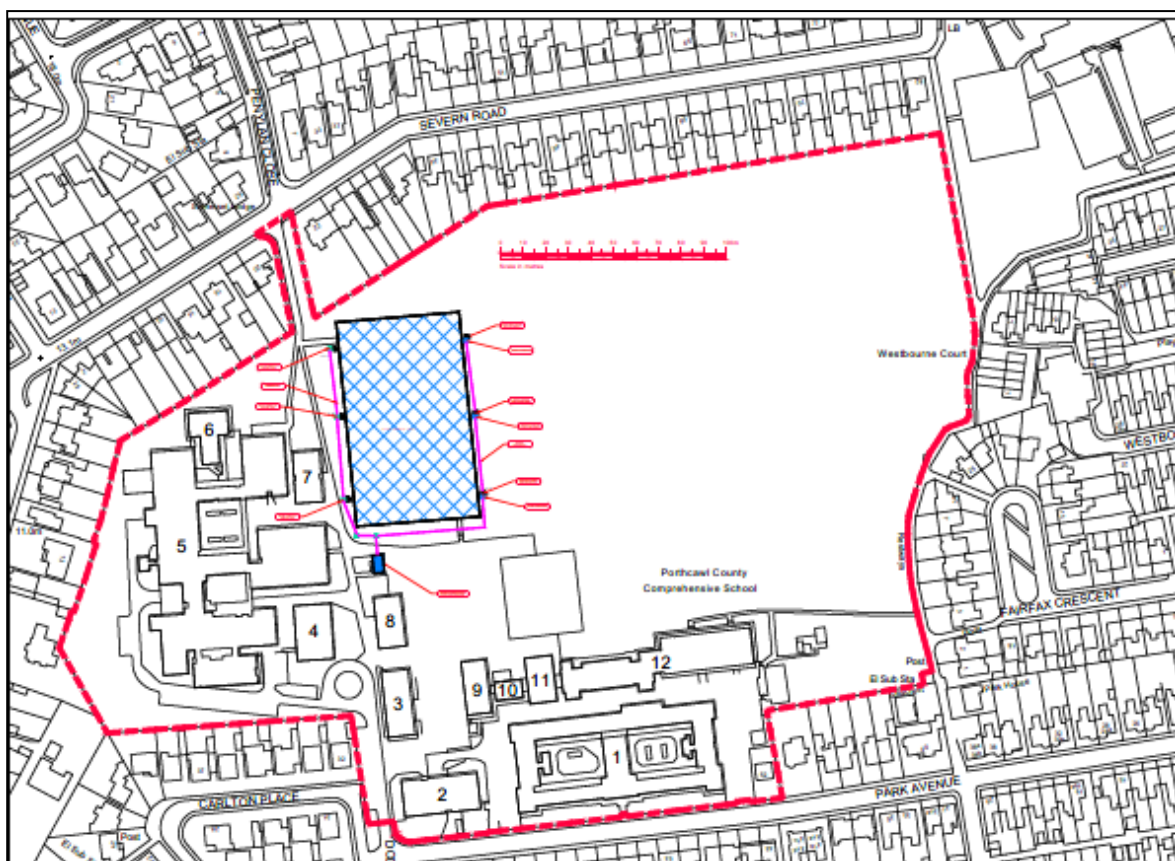


Fig 1: Site Location Plan

The application site lies within the Main Settlement of Porthcawl, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises the site of an existing Multi use Games Area (MUGA) associated with Porthcawl Comprehensive School which occupies the surrounding site.

Surrounding the school site is Severn Road to the North, Windsor Road to the West, Park Avenue to the South and Fairfax Crescent to the East. The area around the school is predominantly residential in character. The nearest properties to the MUGA are Located off Severn Road where the rear boundary is approximately 9.5m from the northernmost edge of the MUGA.

The school has two entrances on Severn Road and Park Street. The location plan in Figure 1 above shows the extent of the school site outlined in red and the existing MUGA

pitch hatched in blue.

DESCRIPTION OF PROPOSED DEVELOPMENT

The existing MUGA already has flood lighting that was erected in 2000. However, this system is old and failing and needs replacing. The proposed LED sports lighting system consists of 6 columns situated around the perimeter of the pitch (3 on either side). The columns measure 15m in height and the floodlights will be aimed down and cowled. At this height and angle, the floodlights will create a narrower floodlight beam that results in less light spill.

It is proposed to operate the flood lights when required between the following hours:

- Weekdays 09:00-21:00
- Saturdays 09:00-19:00
- Sundays & Bank Holidays 10:00-16:00

with the floodlights to be in use following sundown in the evenings with timings to vary throughout the year. The applicant has advised that the lights would be on a timer and would automatically switch off at the set times if they have not already been turned off manually.

The planning application is supported by details of the lighting columns, head unit design and details of the likely levels of light spill that would occur from such floodlights as well as an ecology appraisal. Photos of the existing hockey pitch are shown below.



Fig. 2: Photos of existing MUGA

RELEVANT HISTORY

P/99/1055/FUL - Erection of 6 X 15M Columns and Lights for Floodlighting (All Weather Surfacing) - Approved 06/01/2000

PUBLICITY

This application has been advertised through direct neighbour notification on the 25 November and 19 June 2023. The latest consultation period expired on 3rd July 2023.

CONSULTATION RESPONSES

Cllr Sean Aspey – Declared an interest (personal & prejudicial) owing to the fact that he is a LEA governor on the governing body at Porthcawl Comprehensive School.

Shared Regulatory Services (Housing and Pollution) – No objection subject to condition.

Transportation Officer (Highways) – No objection.

Destination and Countryside Management (Ecology) – No objection.

Porthcawl Town Council: No objection.

REPRESENTATIONS RECEIVED

Four neighbouring properties (7 Westbourne Court, 10 Severn Road, 69 Park Avenue, 35 Carlton Place) are in support of the proposal and two properties (23 Carlton Road and 40 Severn Road) have submitted objections to the scheme.

23 Carlton Road have made the following comments:

- I am concerned at the increase in noise, traffic and parking issues this development will present at potentially increased times of day and weekends.
- The area is already heavily built up with huge congestion and parking issues. There is insufficient parking on school grounds currently which has a negative effect on the local community.
- Any potential development within the school needs first to look at how parking issues could be addressed on school grounds.
- Second, disturbance from noise is a concern in a built-up area.

40 Severn Road have raised the following objections.

- The proposed Muga at the school will be available for public use, which means the lighting may be switched on late into the evening.
- the current light pollution created by the school spotlights mean that the back of our property is constantly lit up throughout the night
- When the flood lights are on at the current games' courts, we suffer significant light exposure, the lights can remain on well after any sports have finished, in the evening time this can be well after 9.00pm at night before the lights are switched off.
- The school has also put large spotlights on the school building which come on 5.30 – 6.00am in the morning.
- We have put up curtains with black out linings to try to stop the light penetrating into the back of our house, particularly the bedrooms, and although the curtains have helped they have not entirely succeeded in preventing the light penetration.
- Generally, there is an awful lot of light pollution coming from the school windows and it's outside grounds lighting. More and larger flood lights around the proposed MUGA are only set to make the light pollution even worse.

- We have also made a complaint of the current light pollution to the Shared Regulatory Services department and are awaiting their response.

RESPONSE TO REPRESENTATIONS RECEIVED

In response to the above comments raised by the occupier of 23 Carlton Road, this application does not relate to the use of the land, as the school already allows the use of this facility outside of school hours. However, there is sufficient car parking located within the school site that could be utilised. This application relates to new floodlighting columns. The MUGA has had lighting since the year 2000.

In response to the comments raised by the occupier of 40 Severn Road, as above this application does not relate to the use of the land, the school already allow their facilities to be used outside of core school times. This application relates to new lighting columns. It is noted that issues with existing lighting from the school has been investigated by the Shared Regulatory Services. The school have confirmed they received a complaint regarding the security lights being left on all night. Investigations confirmed, it was not the school as they checked all their security cameras, and no lights were on. All lights on the school site are turned off by 9.20pm, Monday to Friday and are not on at all over the weekends or school holidays in the winter months. It should be noted that the proposed lighting has been designed to minimise any overspill onto any neighbouring property.

The impacts that the proposed lighting columns would have upon residential amenities and biodiversity are addressed within the appraisal section of this report and the applicant has also confirmed that the lights would be fitted with a timer to automatically switch them off.

PLANNING POLICY CONTEXT

National Planning Policy:

Planning Policy Wales (Edition 11) (PPW11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW11 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW11 Para 4.5.1 states *“Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area’s green infrastructure. They provide a place for*

play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales.”

Para 4.5.6 also states “*Planning authorities should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use. ‘Beyond the Six-acre Standard’, produced by Fields in Trust, is a source of helpful advice to planning authorities on providing open space and outdoor sport and play through the planning system.”*

PPW11 is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 5 Nature Conservation and Planning
- Technical Advice Note (TAN 11) Noise
- Technical Advice Note (TAN) 12 Design
- Technical Advice Note (TAN) 16 Sport, Recreation and Open Space

Local Policies

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

Strategic Policy

- Policy SP1: Regeneration led Development.
- Policy SP2: Design and Sustainable Place Making
- Policy SP4: Conservation and Enhancement of the Natural Environment
- Policy SP13: Social and Community facilities

Topic Based Policy

- Policy PLA1: Settlement Hierarchy and Urban Management
- Policy ENV5: Green infrastructure
- Policy ENV7: Natural resource protection and Public Health
- Policy COM11: Provision of Outdoor recreation facilities

Supplementary Planning Guidance

SPG19 – Biodiversity and Development

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle” as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for

those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

The application is referred to the Development Control Committee on the basis that it is a BCBC application, and an objection has been received.

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

Principle Of Development

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

Policy SP2 Design and Sustainable Place Making of the LDP states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

Policy SP13 Social and community facilities states *"In order to maintain and improve the quality of life of residents the following social and community uses and/ or facilities will be retained or enhanced,"* with Health and wellbeing being one of the categories.

This application is for new lighting to improve the facility and replace dilapidated lighting, as such, it is considered that in principle, subject to satisfying the requirements of LDP Policy SP2, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2013).

Impact on Visual Amenity

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates *"all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment"*.

PPW11 states at paragraph 3.9 *"the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations"*.

The proposed floodlights, which are 15m in height, will be installed with 3 columns either side of the MUGA. Whilst the school is set within its own grounds, the wider area is characterised as residential with a mixture of house types including terraced, semi-detached and detached dwellings that have a variety of designs. The MUGA forms part of a wider playing field area, is set back from the public highway and backs onto residential properties, with views of the site being distanced from publicly accessible spaces. The MUGA already has 3 older lighting columns which are 15m high (the MUGA originally had 6 however 3 have already been taken down on one side).

The proposed floodlights, in isolation, are not considered to be attractive features. However, regard must be given in this case to the purpose of the development and the fact that there are existing lighting columns on site (since 2000). The scheme will utilise

improved LED lighting which has been designed to minimise any overspill outside of the playing area. This will benefit the school as well as the local community by providing improved low energy consumption lighting enabling the existing sports facility to be utilised throughout the year by the school and the local community.

Overall, the development is not considered to be so visually incongruous or detrimental to the overall character and appearance of the area to warrant a refusal of the scheme in this regard. Its visual impact is considered to be acceptable on balance in line with the provisions of Policy SP2 of the LDP.

Impact on Neighbouring and Residential Amenity

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

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

The nearest residential properties are to the North along Severn Road where their back gardens back onto the school grounds. The nearest boundary to the existing MUGA is approximately 9.5m away with other residential properties progressively getting further away. The nearest lighting column is approximately 17m away from the nearest residential boundary. As such, given the nature of the proposal and the separation distances maintained, it is unlikely that the proposed development (flood lighting columns) would have any unacceptable impacts on the residential amenities of neighbouring properties.

Lighting

In terms of light pollution, the proposed floodlighting columns will be situated around the perimeter of the pitch (3 on either side). The columns measure 15m in height and the floodlights will be aimed down and cowled. At this height and angle, the floodlights will create a narrower floodlight beam that results in reduced levels of light spill. It should be noted that the applicant has worked with the Local Authority to minimise any lighting overspill.

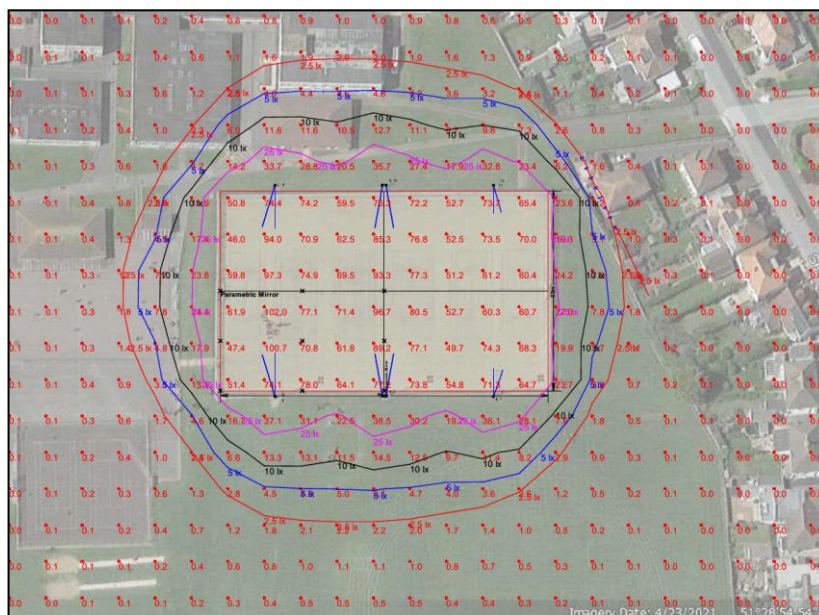


Fig 3: Lighting overspill diagram

Guidance Note 1 for The Reduction of Obtrusive Light (Institution of Lighting Professionals) suggests that in small town centres or urban locations (Zone E3), the maximum level of illuminance permitted to nearby dwellings/premises is 10 lux.

This reduces to 2 lux post-curfew (*post curfew is the time after which stricter requirements for the control of obtrusive lights will apply which is generally 2300hrs*) although in this case no use of the floodlights will be permitted past 21:00 hours which will be imposed by a condition.

The applicant has also advised that the lights would be on a timer which would turn them off at the set time or by a manual switch if they are not being used. The Shared Regulatory Service (SRS) Public Protection Officer assessed the original scheme and advised that they considered this site not to be within zone E3 and suggested the lighting is designed to comply with Zone E2 which is for a small village, or relatively dark urban locations. This requires that the light trespass into windows should be no more than 5 lux.

The applicant redesigned the scheme which shows that no property would have light spill in excess of 5 lux. The submitted lighting plans suggest that the level of light spill at the boundary of any residential or neighbouring properties surrounding the site will be less than 5 lux. The blue line within figure 3 above shows the 5 lux level.

SRS have carefully assessed the revised submission which includes details regarding the lux levels, the lighting columns and details of the proposed hours of operation and have raised no objections to the scheme (it should also be noted that the existing lighting can operate for longer hours than the proposed scheme).

SRS are comfortable that the light power and location of the floodlights have been designed so as to ensure that they would not cause a statutory nuisance to neighbouring residents. They have recommended that the times of operation are restricted by condition.

Noise

Policy SP2 Criterion (8) also states "Development should Avoid or minimise noise, air, soil and water pollution". This application is for lighting columns. The use of the MUGA is already established. It should also be noted that the school does not need permission from the Local Planning Authority to allow their facilities to be used by the public outside of school times. Many schools within the County Borough allow the public to use their sports facilities outside of school - this is managed and controlled by each school independently. This benefits both the school and wider communities.

To conclude it is considered that the proposed development is considered to be acceptable in accordance with criterion (12) of Policy SP2 and guidance contained within PPW11.

Ecology

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

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

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

As part of the submission, an Ecological appraisal was undertaken by Soltys Brewster. The walkover survey identified a limited range of habitats at the school site considered to be of low/negligible ecological value. Most of the school grounds comprise of amenity grassland and hardstanding which provide limited foraging resources for bats, and following a review of the lighting plans, any additional artificial lighting is unlikely to impact any ecologically sensitive habitats or foraging bats. The report suggested that works should avoid the bird breeding season (typically March – September) and if not, then the columns should be checked for the presence of nesting birds prior to any works.

The Council’s Ecologist has assessed the submission, agrees with the findings of the Ecological Appraisal and has raised no objection. There are limited bat records for this part of Porthcawl so it is likely the development will have a negligible effect on bats. However, it is not proposed to use the lights after 9pm. Being turned off at this time between May and September would benefit bats during periods where they are more active. As such the condition mentioned earlier relating to the control of the lights would also minimise any impacts relating to bats.

No biodiversity enhancements have been suggested, however, given the extensive school grounds, it is considered that a condition could be imposed relating to the provision of suitable bird boxes to be erected around the school site. Given the small scale of the development, this would be a suitable enhancement to biodiversity and incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development.

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

Highways

The application relates to 6 new floodlighting columns. It should be noted that the site has benefited from floodlighting since 2000. This application will replace the old lighting with new LED lighting that has been designed to minimise any overspill.

The Council’s Highway Officer has advised that, as this MUGA is already floodlit and used by the community in the evening and weekends, the application will not have a detrimental impact on the local highway network. Therefore, the Highway Authority has no objection to the scheme.

As such, the proposed development is compliant with Policy SP2 of the Local Development Plan (2013) and is acceptable from a highway and pedestrian safety perspective.

CONCLUSION

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

The concerns raised by neighbouring residents have been noted and taken into consideration. It is considered that, on balance, the proposal represents an appropriate and sympathetic form of development that would have no unacceptable impacts on visual amenity, residential amenity, or highway and pedestrian safety and ecology.

The proposal is therefore recommended for approval as complying with Policies SP1, SP2, SP3, SP4, SP13 PLA1, ENV5, ENV7 and COM11 of the Bridgend Local Development Plan (2013).

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 plan/document:

BCB0104054 E01 Electrical Services- proposed MUGA Pitch Flood Lighting Detail 1
BCB0104054 E02 Electrical Services- proposed MUGA Pitch Flood Lighting System
Obtrusive light compliance Report
Revised Lighting Plan dated 14/03/2023 by Thorn Lighting Ltd.
ZG-AGI-0002251612-EX1-R02-140323
Areaflood pro 96645110 AFP L Louvres F+B by Thorn
Ecological Appraisal by Soltys Brewster dated Feb 2023

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

2. The recommendations of Section 5 of the Ecological Appraisal by Soltys Brewster dated Feb 2023 shall be adhered to throughout the construction of the development.

Reason: In the interests of Biodiversity and mitigation and to accord with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

3. Prior to the construction of any building, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing suitable artificial nesting sites for house sparrow, swift and house martin. The scheme shall include details and locations of bird nesting boxes at suitable points within the school grounds as outlined in red on drawing BCB0104054 E02 "Electrical Services- proposed MUGA Pitch Flood Lighting System." All approved artificial nesting sites shall be implemented in accordance with the approved details prior to the installation of the lighting.

Reason: In the interests of Biodiversity enhancements and to accord with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

4. The floodlighting hereby permitted shall only be illuminated between the following times:

- Weekdays 09:00-21:00
- Saturdays 09:00-19:00
- Sundays & Bank Holidays 10:00-16:00

Reason: In the interests of residential amenity and biodiversity and to accord with Policy SP2 and ENV7 of the Bridgend Local Development Plan.

5. Should the local planning authority make such a request in writing, a post-operation survey shall be undertaken and submitted to the local planning authority within one month of such request being made to demonstrate that the light spill beyond the site boundaries does not exceed the levels in approved plan Revised Lighting Plan dated 14/03/2023 by Thorn Lighting Ltd. ZG-AGI-0002251612-EX1-R02-140323. If the survey demonstrates that it does not meet the approved specifications within that plan, any remedial action necessary to achieve such approved levels shall be undertaken within one month of such request being made in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

6. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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

The concerns raised by neighbouring residents have been noted and taken into consideration. The proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity residential amenity, or highway and pedestrian safety, drainage and ecology and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP13 PLA1, ENV5, ENV7 and COM11 of the Bridgend Local Development Plan (2013)

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

This page is intentionally left blank

REFERENCE: P/23/291/FUL

APPLICANT: Aropa Care Group Ltd c/o C2J Architects, Unit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

LOCATION: 8 Llynfi Court Maesteg CF34 9NJ

PROPOSAL: Change of use from dwellinghouse (Use Class C3) to residential care home (Use Class C2) for up to 4 children

RECEIVED: 28 April 2023

APPLICATION/SITE DESCRIPTION

The application seeks full planning consent for the change of use of the existing property from Class C3 – Dwellinghouse to Class C2 – Care Home providing supported living for up to four children.



Figure 1 Site location plan

No changes are proposed to the external fabric and appearance of the existing dwelling building whilst limited internal changes are proposed to support the change of use. Key works proposed include:

- One of the bedrooms at the property (five bedrooms currently existing within the property) converted to a staff welfare room
- Ground floor sitting room converted to staff welfare room



Figure 2 Photograph of existing front elevation

Plans of the existing and proposed internal layouts of the property are re-produced below:

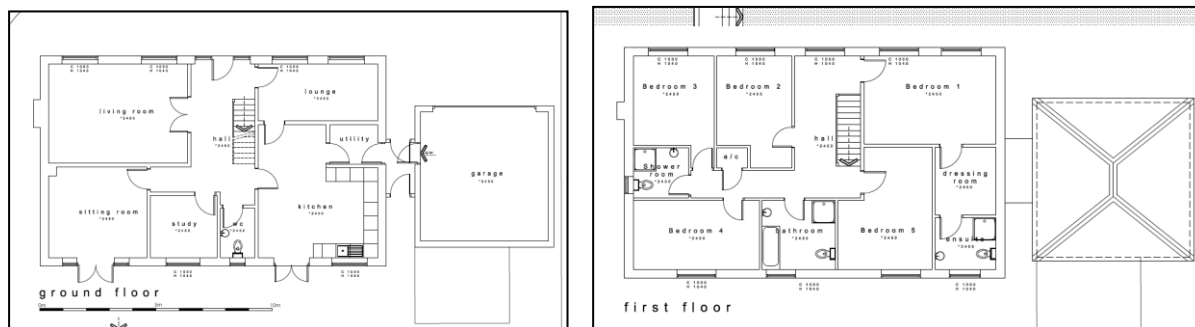


Figure 3 Existing internal layout

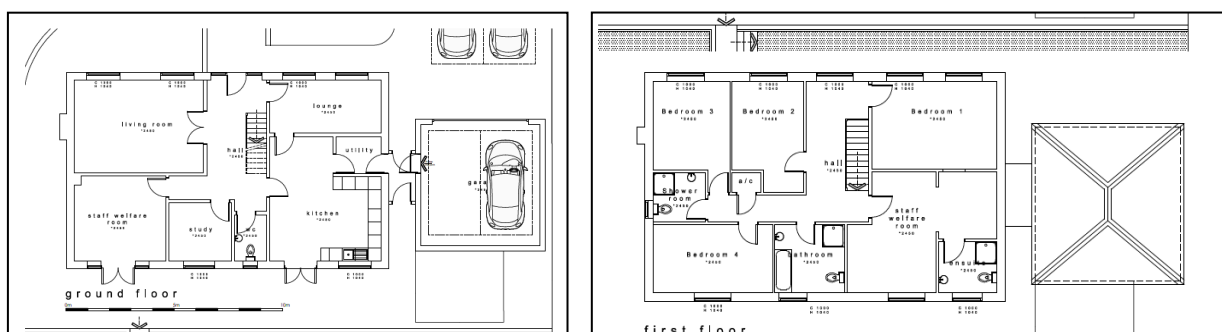


Figure 4 Proposed internal layout

The supporting statement and information submitted with the planning application highlights that:

- The proposal is to change the use of the existing dwelling in order to enable 4 no. children to be cared for on site.
- The applicant (Aropa Care Group Ltd) operates several homes throughout South Wales that provide specialist care for children and this premises will be operated in a similar manner to the other homes.
- Children in the guardianship of Aropa Care Group are usually long-term residents and are being cared for until they are old enough to live independent lives as adults.
- The maximum number of care staff on site at any one time (including a manager) would be four. The care staff and manager would not reside at the property.
- A total of 4 off street car parking spaces would be provided within the curtilage of the site.

The application site is located within the main settlement boundary of Maesteg as defined by the Bridgend Local Development Plan (LDP) Policy PLA1 and comprises a 5-bedroom detached dwellinghouse on a corner plot on this self-build estate developed in the early 2000s.

RELEVANT HISTORY

None relevant to this application.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 9 June 2023

CONSULTATION RESPONSES

Maesteg Town Council: Have no objection to the proposal

SRS – Shares Regulatory Services: Have no objection to the proposal

South Wales Police Designing Out Crime Officer: Has no objection to the proposal

Highways Officer: Has no objection to the proposal

REPRESENTATIONS RECEIVED

A petition signed by a number of residents within Llynfi Court together with individual objections from the owner/occupiers of 9, 10, 14, 19, 25, 26 & 27 Llynfi Court have been received. The objections relate to: -

- Parking/increased traffic
- Noise
- Increase in waste
- Anti-social behaviour
- Covenant on land restricting commercial use

COMMENTS ON REPRESENTATIONS RECEIVED

The objections raised are addressed in the Appraisal section of this report.

With regards to the restriction of land use by way of a covenant, this is a private legal matter and not a material planning consideration.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Well-being of Future Generations Act 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act

in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

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

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

The Socio-Economic Duty

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

APPRAISAL

This application is referred to Development Control Committee for determination due to the number of objections received.

The following main issues are considered as part of this report:

- The principle of development
- The potential impact on the amenities of neighbouring residents
- Parking and Highways Safety
- Impact on visual amenities

The principle of development

The application seeks full planning consent for the change of use of a dwellinghouse (Use Class C3) to residential care home (Use Class C2) for up to 4 children and associated works.

The C2 use class encompasses a number of different uses, including other types of residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

In some circumstances, residential dwellinghouses can be converted into children's care homes without the need for Planning permission. Each proposal has to be assessed on its own merits taking account of various factors such as level of and operational aspects of care. The C3 use class which encompasses residential dwellinghouses, is split into the following three categories:-

- A dwelling house lived in by a single person or family. This category would include foster families.
- Up to 6 people living as a single household and receiving care. This includes supported housing schemes, such as for people with mental health issues or learning disabilities.
- Up to 6 people living as a single household, which do not fall within a C4 use (small house in multiple occupation), such as religious communities.

The level of daily activity at the site would be more intensive and constant than what might reasonably be expected by even a large dwellinghouse and, as such, the overall character of the use would differ materially from that of a dwellinghouse, and such a proposal represents a material change of use. Therefore, the use would fall within Class C2.

The care is to be provided in a family type environment providing facilities for a maximum of 4 children. The staff members will be working on a shift pattern to cater for the needs of the residents with a maximum of 4 members of staff (including a manager) on site at all times.

The application site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2006-2021 and, as such, the conversion of this existing building into a small scale care home of the nature proposed is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2018) which supports the use of suitable previously developed land for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable in principle.

As detailed, this large property is situated within the settlement boundary of Maesteg and it is considered that the conversion of an existing dwelling to a care home of the nature proposed, with no major external or internal works proposed and the visual character of the property being retained, would provide a valuable alternative type of living accommodation in the locality without harmfully or significantly eroding the character and appearance of the existing area. The essential character of the area is derived from single households in large self-build units and the introduction of a small-scale care home of the nature proposed, which is appropriate in a residential setting, can be supported.

Notwithstanding the above, whilst the principle of a residential use such as a care home, is accepted, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the amenities of the area.

Impact on the amenities of neighbouring residents

Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Policy SP2 (Design and Sustainable Place Making) in particular states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

1. *Complying with all relevant national policy and guidance where appropriate;*
2. *Having a design of the highest quality possible, whilst respecting and enhancing local*
3. *distinctiveness and landscape character;*
4. *Being of an appropriate scale, size and prominence;*
5. *Using land efficiently by:*
 - (i) *being of a density which maximises the development potential of the land*
 - (ii) *whilst respecting that of the surrounding development; and*
 - (iii) *having a preference for development on previously developed land over*

- (iv) greenfield land;*
- 6. Providing for an appropriate mix of land uses;*
 - 7. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;*
 - 8. Minimising opportunities for crime to be generated or increased;*
 - 9. Avoiding or minimising noise, air, soil and water pollution;*
 - 10. Incorporating methods to ensure the site is free from contamination (including invasive species);*
 - 11. Safeguarding and enhancing biodiversity and green infrastructure;*
 - 12. Ensuring equality of access by all;*
 - 13. Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*
 - 14. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;*
 - 15. Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and*
 - 16. Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.*

The use as a care home falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987. This class also includes hospitals, boarding schools and residential colleges. A condition would be added to any consent restricting the use to a small care home, which would prevent any further changes to other uses within the same use class. Although the use to a care home is residential in nature, the increased level of care proposed would generate more movements outside the normal scope of a dwelling. However, it is considered that the scale of the proposal would not result in a use that would be detrimental to the general amenities of the area.

In terms of the level of amenity space provided within the site, the plot benefits from a rear garden that would provide a form of external amenity area and waste/recycling bin storage space for the residents of the property.

In terms of the likely impact on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Llynfi Court, it is considered that the proposed use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from its occupation as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property may not intensify to such an extent that it would be incompatible in this residential area.

Whilst the maximum number of children placed at the home is limited to four (and this will be controlled by a Planning condition), the precise operational requirements of the use are not fully known and will ultimately be controlled by the requirements of the Care Inspectorate of Wales. These requirements could result in additional staff, visitors or vehicles movements over the estimates given by the applicant and different shift patterns at times of day which could be more disruptive for nearby residents.

In some circumstances a temporary Planning permission may be appropriate. This includes where a "trial run" is needed in order to assess the effect of the development on the area. In this case, whilst the precise day to day functioning of the care home is not known and there are limited existing examples within the vicinity, the information provided by the applicant indicates that the use could function without materially harming the amenities of nearby residents in terms of noise and disturbance from comings and

goings. As such, there are no conditions except for a cap on the maximum number of children, which could reasonably be imposed.

Objectors raise concerns that the proposed use will exacerbate existing anti-social behaviour in the area. The risk of disorder and the perception of it arising from the proposed use is, in some instances, a material Planning consideration.

In order to carry weight in the determination of a Planning proposal, fear of increased anti-social behaviour must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

Objectors' concerns and anxieties about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a small children's care home would result in a spike in anti-social behaviour in the neighbourhood. Proposals for care homes are not an uncommon occurrence nationally and Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave anti-socially or create levels of noise over and above children living in a 'traditional' family unit.

Inspectors seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is the case that, in addition to holding the relevant Planning permissions, residential children's homes which accommodate children under 18 years old must be registered with the Care Inspectorate for Wales and it is a criminal offence to run a children's home which is not registered with this body. As part of this registration process the applicant must demonstrate that they meet certain legal requirements set out within The Care Standards Act 2000 (Notification) (Wales) Regulations 2011, The Regulation and Inspection of Social Care (Wales) Act 2016 and The Children's Homes (Wales) (Amendment) Regulations 2017. The Care Inspectorate for Wales can take enforcement action where care homes have been shown to fall short of the legal requirements set out within the Acts and can remove a care home's licence.

How the care home would function is a process that would need to be agreed as part of the registration process and, as this is controlled by other legislation, it is not within the remit or gift of the Planning system to seek to control the day-to-day functioning of the care home.

No evidence is available to demonstrate that the children living at this care home would create disturbances or cause an increase in other forms of antisocial behaviour over and above what would normally be associated with a regular dwellinghouse. As such, whilst the fear and perception of anti-social behaviour is a material Planning consideration, there is no reasonable evidence base for the fear in this instance and a refusal cannot be justified on the grounds of residents' fear of an increase in anti-social behaviour in this case.

Parking and Highways safety

Criterion (6) of Policy SP2 states that developments should have good walking, cycling, public transport and road connections to ensure efficient access to the site and this is supplemented by Supplementary Planning Guidance 17 which requires 1 parking space per 1 residential staff member, 1 parking space per 3 non-resident staff and 1 space per 4 bedrooms.

This equates to:

0 residential staff	0 spaces
5 non-residential staff	2 spaces
4 Bedrooms	1 space
Visitor parking	1 space
Total	4 spaces

The applicant has illustrated on a plan that there are 4 spaces available within the curtilage of the property and, therefore, the proposal meets the requirements of the parking standards.

The Council's Highways Officer has advised: -

'During the site visit it was noted that the safety bollards have been removed from the footway along the site frontage. It is not entirely clear how the safety bollards were removed; however the bollards are required to ensure pedestrians are protected when using the footway and to ensure that vehicles do not park on the raised plateau area and in close proximity to the junctions. Therefore, the applicant will be required to submit a scheme of bollard replacement to be agreed by the Highway Authority and implemented before beneficial use of the dwelling.'

The Highway Authority notes the concerns of the local residents and has taken into consideration the comments provided to the LPA. However, during the site visit there was no evidence of inappropriate on-street parking to levels which would raise a highway safety concern. The vehicles using the highway were traveling at slow speeds commensurate with a cul-de-sac arrangement. There was a vehicle parked in close proximity to the junction and it is considered this can be mitigated by the proposed planning condition to restore the bollards. It was noted that vehicles had parked in the turning head which seemed to be residents, however the obstruction of the highway is a matter for the police and should be reported to them, if a highway safety concern is raised. Therefore, we have no evidence before us that the proposal is likely to lead to a material increase in detriment to Highway Safety.'

As such, the Highways Officer has no objection to the proposal, subject to conditions.

Visual Impact

No external works are proposed to the building and, as such, the proposed development would have no adverse impacts on the character of the existing property with the scheme as a whole raising no adverse visual amenity concerns.

Biodiversity

Policy SP4 of the Bridgend Local Development Plan, 2013 (LDP) highlights that development which will conserve, and wherever possible enhance the natural environment of the County Borough will be favoured. Policy ENV6 Nature Conservation of the LDP further emphasises development proposals must retain, conserve, restore and enhance wherever possible existing natural features and habitats. Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

Whilst acknowledging this is a small scale, change of use application, to fully ensure the development proposal meets the requirements of local and national planning policy that *states all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site in this case.

On the basis that the recommended condition is imposed to any approved consent, the proposal is considered to comply with local and national planning policy as well as the requirements of the Habitats Regulations 1994 (as amended) and Section 6 of the Environment (Wales) Act 2016.

CONCLUSION

Having regard to the above and the objections raised, it is considered that, on balance, the proposal is acceptable in Planning terms. The proposed children's care home would be a 'residential type' use in an existing residential unit and area and there is no objection in principle to this use in this location.

The concerns raised by the neighbours are acknowledged, however, in their case and on balance, they are not considered to outweigh the other material issues connected to the development as to warrant refusal.

The proposed parking arrangements would meet the standards set out within Supplementary Planning Guidance 17 and the Highway Authority has not raised any highway safety concerns apart from seeking the reintroduction of the bollards.

A condition is suggested restricting the use to a children's care home only and limiting the number of children living in the home to a maximum of four at any one time.

Accordingly, it is considered that the proposed development is acceptable in terms of the likely impact on neighbouring amenity levels and therefore accords with Policy SP2 (12) of the Local Development Plan.

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:

AL (00) 03 Rev A - received 28 April 2023

AL (00) 04 - received 28 April 2023

Planning Statement - received 28 April 2023

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

2. The premises shall be used as a residential care home for a maximum of four children as specified in the application details and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of safeguarding the general amenities of the area.

3. No development shall commence until a scheme for a staff and visitor parking management plan has been submitted to and approved in writing by the Local Planning Authority. The parking plan shall be implemented before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

4. No development shall commence until a scheme for the provision of safety bollards along the site frontage and raised junction plateaux has been submitted to and approved in writing by the Local Planning Authority. The safety bollard scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

5. Within 3 months of the date of implementation of this consent, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter:

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

In order to comply with Condition 4, the applicant will be required to seek the permission to work on the adopted highway. The applicant is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- a) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- b) indemnify the County Borough Council against any and all claims arising from such works
- c) give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

APPEALS

The following appeal has been decided since my last report to Committee:

APPEAL NO.	CAS-02302-G5W2C0 (1977)
ENFORCEMENT NO.	ENF/57/22/TAC
APPELLANT	ALLEGED UNAUTHORISED FELLING OF TREES M4 CORRIDOR BETWEEN MAWDLAM AND SOUTH CORNELLY
SUBJECT OF APPEAL	MR W R MORGAN & MRS A J MORGAN
PROCEDURE	HEARING
DECISION LEVEL	ENFORCEMENT NOTICE

The Appellants have withdrawn their appeal and no further action will be taken.

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)

This page is intentionally left blank

TRAINING LOG

All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.

<u>Subject</u>	<u>Date</u>
Enforcement (via Planning Aid Wales)	26 July 2023 (Committee Rooms)
Joint LDP update & 20 min neighbourhood training session for DCC Members	6 September 2023
Building in Conservation Areas	2023/4
PEDW Briefing for Members	
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	
Wellbeing and Future Generations Act Commissioner	

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

None

This page is intentionally left blank