

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO DEVELOPMENT CONTROL COMMITTEE**

**22 FEBRUARY 2024**

**REPORT OF THE CORPORATE DIRECTOR COMMUNITIES**

**UPDATE TO MEMBERS REGARDING AN APPLICATION BY MULBERRY HOMES LTD.**

**APP. NO. P/21/301/FUL - LAND REAR OF WAUNSCIL AVENUE EXTENDING TO THE REAR OF MORFA STREET, BRIDGEND - ERECTION OF 70 DWELLINGS, COMMUNITY ROUTE AND ASSOCIATED PLAY AREA AND PUBLIC OPEN (WHICH IS NOW THE SUBJECT OF AN APPEAL)**

**1. Purpose of Report**

- 1.1 The purpose of this report is to update Members of the Development Control Committee on a recent appeal against non-determination for a proposed residential development on land to the rear of Waunscil Avenue, Bridgend.

**2. Connection to Corporate Well-being Objectives/Other Corporate Priorities**

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**.
- 2.2 **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.

**3. REPORT**

- 3.1 Planning application P/21/301/FUL was originally submitted to the Local Planning Authority on 24 December 2020 but validated on 20 April 2021 following the submission of the Environmental Statement and Pre-Application Consultation Report.
- 3.2 Following an extended period of consultation, the Council provided the Applicant's agent a review of the Application setting out the Council's objections to the scheme, in terms of principles and details. Notwithstanding the fundamental objections to the development proposal, the Applicant's agent sought to engage with the Local Planning Authority to address the technical concerns.
- 3.3 On 31 May 2022, an updated Environmental Statement (**ES**) was submitted which included a Preliminary Ecological Appraisal, Arboricultural Impact Assessment and Transport Assessment. A detailed response to all other technical matters that had been raised through the consultation response was also included. Re-consultations were undertaken, and the Application was advertised in accordance with the regulations.
- 3.4 On 28 July 2022, revised site layout plans were submitted that sought to address a number of matters including concerns regarding car parking for plots 26-60. Revised engineering drawings including minor changes to the site drainage were also attached to the agent's communication.
- 3.5 The final revision to the ES was submitted by the Applicant's agent on 30 September 2022. This was in response to additional documents and plans that had been prepared in connection with the Application, in particular the update to the Preliminary Ecological Appraisal and Transport Assessment. Re-consultations were again undertaken, and the Application was advertised in accordance with the regulations.

- 3.6 On 23 December 2022, Mulberry Homes Ltd. (“**Appellant**”) submitted an appeal against non-determination (“**Appeal**”) to Planning and Environment Decisions Wales (**PEDW**). In an email dated 21 November 2023, PEDW confirmed that an appeal had been received and validated. Under the delegated powers given to the Group Manager Planning and Development Services, it has been resolved that a refusal notice would have been issued for Application P/21/301/FUL. The reasons for refusal would have been as follows:
1. *The proposed development, by reason of its design, does not promote the provision of Accessible Natural Greenspace on this land contrary to Policy COM 13 (9) of the Bridgend Local Development Plan and consequently the development of this site for housing would be to the detriment of nature conservation, biodiversity and the quality of life of local residents and the wider community and contrary to the objectives of the Bridgend Local Development Plan and advice contained within Future Wales – the National Plan 2040 and Planning Policy Wales 11 (Feb. 2021).*
  2. *The proposed development does not accord with the Council’s Placemaking Policy SP2 and the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 11 for the following reasons:*
    - (i) *The development will not safeguard and enhance existing green infrastructure on site and no information has been provided as to how net benefit for biodiversity will be achieved through securing immediate and long-term, measurable, and demonstrable benefits on site.*
    - (ii) *The house design (standard house types) and housing layout will create a poor ‘townscape’, dominated by parked cars and lacking character, variation, and architectural detail.*
    - (iii) *The scale and proximity of the housing, with specific reference to Plots 15 and 16, 20-25 and 26-42 will unacceptably affect the living conditions of existing residents through a loss of privacy and a domination of outlook, exacerbated through a failure to safeguard and enhance existing landscape features.*
    - (iv) *The lack of garden space for future residents, (Plots 11, 12, 14, 15, 19, 20, 63, 64 and the terrace on plots 66-69) will provide a poor living environment for future residents of these properties.*
  3. *The proposed development fails to provide and/or secure the required upgrade of the current MOVA system operating on the junction of Tremains Road/Coychurch Road/Asda to sufficiently mitigate the impact of the development on the highway network, contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (Feb. 2021).*
  4. *The proposed layout does not provide adequate off-street parking facilities and would therefore generate a greater demand for on street parking to the detriment of highway safety, contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 17: Parking Standards (2011).*
  5. *Insufficient information has been submitted with this application to demonstrate that surface water from this development could be managed in accordance with the Statutory Standards for Sustainable Drainage Systems – Designing, Constructing, Operating, and maintaining surface water drainage systems published by Welsh Government in 2018 and Policy SP2 of the Bridgend Local Development Plan 2013.*
- 3.7 A copy of the Officer’s Report is attached as **APPENDIX A** to the Development Control Committee Report and has formed the basis of the Council’s statement in respect of the planning Appeal.
- 3.8 Members should be aware that the Council has submitted its statement to PEDW and a decision on the Appeal is expected in Spring 2024.

**4. Effect Upon Policy Framework and Procedure Rules**

4.1 None

**5. Equality Act 2010 Implications**

5.1 None

**6. Well-being of Future Generations (Wales) Act 2015 Implications**

6.1 None

**7. Financial implications**

7.1 The Appellant has not made an application for costs as part of the Appeal process.

**8. RECOMMENDATION**

- (1) That Members note the resolution of the Group Manager Planning and Development Services to refuse Application P/21/301/FUL for the reasons set out above and in the Officer's Report, attached as **APPENDIX A**
- (2) Officers will report the outcome of the Appeal to a future DC Committee meeting as part of the standard Appeals agenda item.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**  
22 February 2024

**Contact officer:** Phil Thomas  
Team Leader - East

**Telephone:** (01656) 643173

**Email:** [Phil.Thomas2@bridgend.gov.uk](mailto:Phil.Thomas2@bridgend.gov.uk)

**Address:** Planning and Development Services  
Communities Directorate  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Background documents:**

**Appendix 1** P/21/301/FUL – Officer's Report dated 13.12.2023 (Refusal)

- REFERENCE:** P/21/301/FUL
- APPLICANT:** Mulberry Homes Ltd c/o Tetlow King Planning, Unit 2, Eclipse Office Park, 3 High Street, Staple Hill, Bristol, BS16 5EL
- LOCATION:** **Land rear of Waunscil Avenue extending to the rear of Morfa Street Bridgend CF31 1TG**
- PROPOSAL:** Erection of 70 dwellings, community route and associated play area and public open.

### **APPLICATION/SITE DESCRIPTION**

Mulberry Homes Ltd have submitted, through their agent, a detailed application to construct 70 dwellings and an associated community route, play area and open space on land that lies to the rear of properties on the Brackla Housing Estate, to the east and residential areas in Bridgend Town, to the west.

The application site has a lengthy and complex planning history which is addressed later in this report. It is a long linear strip of land passing between housing areas of different types and ages. It was formerly railway land with the rail line running partly through a cutting, and partly on an embankment. Along its northern section the line ran on a raised embankment, about four to five metres above the level of existing properties on Charles Street, Vernon Street and Herbert Street. The sidewalls of existing neighbouring properties on the western side of the embankment are situated close to the site boundary. Properties on the eastern side of the embankment have a similar relationship and whilst the difference in levels may not be so great, a number of properties on Heol y Coed Rise, Heol Brynglas, and Clos y Waun directly face the embankment.

The southern part of the site is where the railway went into cutting, but it has since been filled to the same level as the adjoining land. Properties on the eastern side form part of the Brackla Housing Estate and comprise mainly bungalows that face towards the site at varying distances on Chorleywood Close and Gwaun Coed. A number of two storey units occupy the southern plots on Gwaun Coed. The properties on Waunscil Avenue to west are all two storey units and are part of a post-war social housing scheme which have garden lengths which are generally similar reflecting the planned nature of the site. Boundaries are defined by a mix of wall, fences, trees, and hedgerows along much of the development site. A number of trees are protected at the rear of 28 Gwaun Coed.

The site is approximately 730 metres in length stretching from the boundary with 39 Charles Street in the north to 66-68 Waunscil Avenue in the south. The width of the site varies from about 21 to 45 metres. It is overgrown and enclosed with some self-seeded trees and hedgerows along the boundaries.

The proposed housing development will access the public highway from Waunscil Avenue over a section of highway that currently provides vehicular access to the adjacent units and pedestrian access into the Brackla Housing Estate to the east and over the existing railway bridge. The Waunscil Spur will be modified to provide vehicle and pedestrian access into the site, as detailed on the submitted layout plans. From a new 'T' junction, new estate roads will run in a northerly and southerly direction serving Plots 1-25 (25 units) to the south and Plots 26-70 (45 units) to the north.

The highway construction which will include a carriageway, footpath, and community path, (Active Travel Route) will follow a north-south alignment on the western boundary of the site, over the two watermains that lie beneath ground. Dwellings on the southern part of the site are served off two private drives (plots 1-5 and plots 12-19) with the remaining units

accessing the highway via parking spaces/driveways alongside the dwellings.

Two house types are proposed on the southern part – the KK3S, a 3-bed semi-detached dwelling of the following dimensions: footprint (including porch) of 12.2m x 4.3m with a pitched roof accommodating a dormer to the front and roof lights to the rear reaching a height of 10.2m and the JEN, a 3-bed detached of the following dimensions: footprint (including porch) of 9.8m x 5.5m with a pitched roof including small pitched roof dormers on the front and rear reaching a height of 10.1m.

Plots 1-11 occupy a central position on the site, fronting either the new estate road or private drive with the rear elevations looking toward the eastern site boundary that is shared with a number of properties on Gwaun Coed. Set back from the rear boundaries of the respective plots range from 5.5m to 8.2m.

Plots 12-19 comprise 8 units fronting a private drive/shared surface with the rear boundaries of the plots immediately adjoining plots 11 and 20 on the submitted layout. Rear gardens on these plots again vary in length from 5.2m to 10m. The orientation of this group of dwellings is such that the side elevation of plots 15 and 16 will run parallel to the eastern boundary of the site which is immediately shared with the rear gardens of 25-28 Gwaun Coed. The 10.2m high house type will be positioned a minimum of 2.2m from the new boundary that will be formed with the removal of on-site vegetation.

Plots 20-23 will also occupy the central part of the site fronting the estate road and will be positioned between 10.5m and 14m from the shared boundary with 28 Gwaun Coed which is currently defined by existing trees and vegetation. Plots 24 and 25 are set back a greater distance from the highway to accommodate the required parking arrangements and distances from the rear elevation of the proposed dwellings to the site boundary range from 9m to 10.6m.

The parapet walls of the retained railway bridge represent the split between the southern and northern parts of the site and will accommodate the pedestrian/cycle links to the Brackla Housing Estate to the east.

Five house types are proposed on the northern part – the KK3S, which is detailed above, the MR a 4-bed detached dwelling of the following dimensions: footprint of 9.5m x 6.6m with a pitched roof reaching a height of 8.8m; the KTP, a 4-bed, 2.5 storey semi-detached/terrace unit of the following dimensions: footprint of 4.6m x 9.9m with a pitched roof including a dormer on the front and roof light on the rear reaching a height of 10m; the D, a split-level, 2/3 storey 3-bed terrace unit of the following dimensions: 9.6m x 4.8m with a pitched roof measuring 8.1m. Eaves height will measure 5m at the front and 7.4m at the rear and the FOG – Flat over Garage house type being a 2-bed coach house of the following dimensions: 12m x 5.9m with a pitched roof reaching a height of 7.8m

Plots 26 to 60 will front the estate road and overlook the eastern site boundary which is in part shared with existing properties on Chorleywood Close. Apart from plots 26 & 27, the dwellings will be in blocks of three units with narrow pathways providing limited space between the units and creating almost a terrace of 35 units. Parking bays will front all the units with the rear elevations being set back just over 11m from the eastern boundary which is currently defined by a mix of trees, vegetation and the rear fences and walls of the properties on Chorleywood Close. Plans indicate that much of the existing vegetation will be cleared to accommodate the development.

Plots 61 and 62 will be occupied by two detached 4-bed units although their orientation is not clear on the submitted layout plan. They appear to face a southerly direction with plot 61 overlooking parking spaces that will serve the property and plot 62 overlooking an extended

turning head at the northern end of the new estate road. Rear garden lengths vary, (between 7m and 8m) and will face the side elevation of Plot 70 which is the 'Flat Over Garage' unit. Parking for plot 62 will be provided under the FOG unit.

Plots 65 to 69 will accommodate the terrace of 3-bed units and will be constructed across the falling levels, necessitating the split-level design. The two-storey frontage will overlook a shared surface that will serve the FOG on plot 70 and a parade of car parking spaces. The rear three storey elevation will look down over a play area and the community route as it travels north on the former railway embankment to the east of Herbert Street, Vernon Street and Charles Street. The rear gardens of the properties are not properly defined on the submitted plans but have an approximate length of 6.5m.

Plots 63 & 64 will accommodate a pair of 2.5 storey units facing south and fronting a bend in the estate road. Positioned toward the western boundary of the site, they will lie just outside the easement of the watermains and east of the proposed community route, (Active Travel route). Parking will not be provided on plot but in a parking area of shared surface driveway/turning area. Rear garden lengths range from 6.3m to 10.6m.

Plot 70 is the Flat over Garage unit that will front the shared surface driveway/turning area at the northern end of the site. It will provide spaces for Plots 62, 68 and 69 beneath the living accommodation and on bays fronting the unit. No private amenity space is provided for this unit.

In addition to the 70 units of living accommodation, the application proposes the construction of a community route for pedestrians and cyclists along the entire length of the site with links to the surrounding streets. The route lies adjacent to the western site boundary and will follow a generally straight alignment until it negotiates the change in levels at the point where the filled railway embankment terminates and the graded land transitions to the original railway embankment. The route will then run along the plateau at the top of the embankment and includes connecting paths to existing pedestrian links at the rear of Vernon Street with a stepped access provided onto the existing footway on the southern side of Charles Street. The route terminates at the high point of an embankment above the A4061 – Rotary Way. The submitted drawing for the northern part of the site indicates tree planting alongside the new route and describes the areas as POS – public open space, although these form part of the supporting embankment. The areas of open space and equipped play area on the graded land at the northern end of the housing represents the formal open space and play provision for the submitted scheme.

The application is subject to an Environmental Impact Assessment, following a direction issued by Welsh Government in 2008. The following documents have accompanied the application:

- Environmental Statement and Appendices by Tetlow King Planning (Amended September 2022)
  - Need for Proposal
  - Planning Context
  - Social and Economic Context
  - Views and Analysis of the Site
  - Ecology and Nature Conservation
  - Soils, Geology, Contamination, Water Quality and Hydrogeology
  - Traffic and Transport Sustainability
  - Utilities
  - Design Principles
- Environmental Statement – Non-Technical Summary by Tetlow King Planning

(Amended September 2022)

- Design and Access Statement by Tetlow King Planning (December 2020)
- Planning Statement by Tetlow King Planning (December 2020)
- Financial Viability Assessment by Laurence Rae Associates
- Pre-Application Consultation Report with Appendices by Tetlow King Planning (April 2021)
- Arboricultural Impact Assessment by Ascerta – August 2022 (inc. Tree Protection Plan)
- Preliminary Ecological Appraisal by Ascerta – September 2022 & Ecological Update Report by David Clements Ecology Limited
- Transportation Assessment by Laurence Rae Associates (submitted on 24/12/2020) & Transport Assessment Update May 2022
- Ground Investigation Report by CJ Associates Geotechnical Limited (August 2018) with Bore Hole Logs
- Gas and Groundwater Monitoring Results 2018 & 2019
- Site Investigation – Environmental Statement – Potential Landfill Contamination (December 2008) by CJ Associates Geotechnical Limited
- Existing Boreholes and Levels – Drawing No: 2811/SERV/01 – Revision A by Laurence Rae Associates Ltd
- Site Cross Sections 20-410 – Drawing No: 2811/CS/10 by Laurence Rae Associates Ltd
- New Storm and Foul Sewers Diversion of Gas and Water Mains – Drawing No: 2811/SERV/10 – Revision A by Laurence Rae Associates Ltd
- New Storm Sewer Outfall to Tremains Road – Drawing No: 2811/SERV/11
- Longitudinal Sections Community Path Road 1, Road 4, and Waunscil Spur – Drawing No: 2811/LSECT/02 by Laurence Rae Associates Ltd
- Planning Layout Refuse Vehicle (Site Layout South) Drawing No: 1000-10 Rev B (8)
- Community Path Connection to Rear Access Driveway – Drawing No: 2811/CP-CON/01 by Laurence Rae Associates Ltd

## RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/00/282/OUT	Residential Development (Application in Outline).	Refused.	27/12/2000
P/01/36/OUT	91 Dwellings (Application in Outline)	Refused	
Appeal 1293	Appeal against the refusal of permission P/01/36/OUT	Allowed Subject to conditions.	27/03/2002
P/02/604/FUL	Application P/02/604/FUL for the erection of 107 units was refused planning permission. The subsequent appeal was dismissed.		
Appeal 1320	Appeal against non-determination of P/02/604/FUL	Dismissed	12/02/2003
P/03/237/FUL	Application P/03/237/FUL sought full planning permission for the construction of 86 dwellings and again was subject to a planning appeal – the appeal was dismissed.		
Appeal 1354	Appeal against non-determination of	Dismissed	22/04/2005

P/03/237/FUL

P/04/976/RES	Application P/04/976/RES sought consent for the approval of reserved matters pursuant to outline planning application P/01/36/OUT. An appeal was lodged against non-determination and dismissed.		
Appeal 1412	Appeal against non-determination of P/04/976/RES	Dismissed	22/04/2005
P/05/396/RLX	Application P/05/396/RLX sought consent to vary the standard condition imposed on the outline planning permission to allow an additional two years for the submission of an application for reserved matters.	Refused	
Appeal 1448	Appeal against refusal of permission for P/05/396/RLX	Allowed subject to conditions	26/10/2005
P/06/506/RES	95 dwellings together with associated parking, open space, and community route.	Refused	
Appeal 1518	Appeal against non-determination of P/06/506/RES	Dismissed	21/06/2007
P/08/349/FUL	Erection of 75 Dwellings	Minded to Refuse	
Appeal 1579	Appeal against refusal of permission P/08/349/FUL	Dismissed	15/02/2010
P/10/853/FUL	Erection of 75 Dwellings	Refused	13/05/2011
Appeal 1669	Appeal against the refusal of permission P/10/853/FUL	Dismissed	15/06/2012
P/17/75/FUL	Erection of 2 pairs of semi-detached houses (4) on former railway cutting (infilled) including associated site works.	Refused	22/06/2017
Appeal 1806	Appeal against the refusal of application P/17/75/FUL	Appeal Withdrawn	4/08/2017

### **CONSULTATION RESPONSES**

**Brackla Community Council:** Following consideration of the Planning Application as well as detailed discussions, the Community Council wish to highlight the following points as evidence and argument against the above Planning Application:

1. The history of the applications by this Company previously registered as Paddle Homes Ltd is well documented and listed in para 2.17 of the Agents Planning Statement. We fully support the previous reasons for refusal of these applications by Bridgend County Borough



Council (BCBC) and the subsequent planning appeals by the Applicant that were dismissed by the Planning Inspectorate.

2. The Community Council feel that the Local Authority should recognize the numerous concerns that residents and we have raised over almost twenty years and the need to retain this valuable Greenfield asset. Whilst this application may fall outside of the parameters of section 70A of the Town and Country Planning Act 1990 (as amended) this should be a factor of consideration on this development. We are minded in the requirements laid down in the Development Management Manual and five ways of working, and as a general principle, that planning is concerned with land use from the point of view of the public interest.

3. More specifically we understand that the land in question was previously used as a railway track for the Vale of Glamorgan Railway and that no permanent structure was ever present. This fails to meet the definition of previously developed land as laid out in section 3 of PPW Edition 11. Therefore, we feel this parcel of land should not be classed as a brownfield site but recognised as an important green wedge with all that entails so far as the latest Welsh Government legislation and priorities dictate.

4. Furthermore, we consider this parcel of land as forming a natural green wedge boundary which clearly fits the purpose of a greenbelt preventing the coalescence of merging the settlements of Bridgend Town and Brackla as stated in para 3.67 of PPW Edition 11.

5. The David Clements Ecology report summary states "All of the habitats within the site are considered to be of Local Value to wildlife. The mosaic of grassland, scrub, trees, and woodland are known to support a range of common and widespread bird species, foraging bat species, invertebrates, and reptiles. Some of these species are known to be of conservation importance but only in the local importance. Local residents and we believe in the importance of Well-being through Placemaking and retaining this natural environment plays a key role in this. European protected species legislation should ensure that proposals of development works should not contravene this protection.

6. The same report makes reference to the issue of Japanese knotweed on this site which appears not to have been managed by the landowner and we feel that BCBC should consider taking action under the Town and Country Planning Act 1990 Wales through a section 215 notice to address this matter and the overgrown nature of the site.

7. The loss of habitat, mature trees and hedgerows would increase the carbon footprint for this area and coupled with a considerable increase in traffic flow, air pollution would also be increased. This would go against UK/Welsh Government key planning principles and Environmental legislation aimed at maximizing environmental protection and limiting the negative ecological impact.

8. The CJ Associates report of 2008 recognised the site is in a radon affected area and remedial measures would be necessary to reduce these levels below the government action level which was exceeded at the time of the report. This coupled with high methane gas readings and potential other contamination on the site would potentially only be exacerbated should any development be permitted.

9. The lack of a supporting Sustainable Drainage Systems (SuDS) report with this application makes it difficult to fully assess exactly how the developer proposes to deal with the considerable groundwater found on this site. The redirecting of the main sewer coupled with years of Building work is likely to cause unnecessary disruption and noise for adjoining properties. A great many elderly and long-established residents live within the

vicinity of this proposed development and the potential adverse impact to their well-being should be avoided at all costs. Many feel the approval of the development will impact on their privacy as their properties are currently not overlooked at all.

10. Section 6 of the Planning Application form indicates no known or suspected contamination for all or part of the site which appears to be at odds with the support documentation accompanying their Application.

11. Section 13 of the planning application form does not provide a clear indication of what we will be permitted by Welsh Water/DWR Cymru at this stage, and this will be critical to the development going forward.

12. Section 14 of the planning application form indicates that no provision has been included to incorporate areas to store and aid the collection of waste and no arrangements have been made for the separate storage and collection of recycled waste which is of great concern to us given the volume of development proposed.

13. Section 23 of this application form was obviously completed prior to the Agent realizing the need for a Pre-Application Consultation in Wales.

14. We commend and support the Welsh Government's goal to encourage walking, cycling and the use of public transport however we do not feel that this has yet been embraced extensively in the area, illustrated by many households still owning in excess of two cars. We feel that parking on the site will be inadequate, and this has been partly recognised in the Agent's rather small-scale plan under the heading Location Plan with red line A3 where they hope to widen an area of land at Waunscil Avenue to accommodate 'informal visitor parking'.

15. Realistically local opportunities for work are restrictive with the majority of these potential new residents have to commute by car to their place of work.

16. We understand that this area of land covered in Location Plan with red line A3 is owned by Valley 2Coast Housing and whilst the Agent includes the area within their red line boundary V2C are not shown under section 27 of the planning application form regarding land ownership certificates. This will need to be addressed and requisite notice given to V2C to comply with planning.

17. We believe the traffic report is somewhat optimistic regarding the overall impact on traffic from the development, due to the number of homes proposed and the fact that the increase in traffic linked to the local school, Penybont has not been taken into account. The traffic flow on Waunscil Avenue will also, we believe, further exacerbate the congestion ingress/egress of vehicles onto Cowbridge Road and subsequent motor pollution for existing local residents.

18. We believe that as one of the largest private housing estates in Europe, Brackla has reached saturation point in terms of further development, especially on the scale of this proposed site and the surrounding infrastructure, facilities and services are already oversubscribed.

19. We note that the Applicant has made no provision for affordable housing in their submission but are clearly aware of the requirements of policy COM5 and flag up the potential impact that this may have on the viability of this development stating that such a requirement will be subject to negotiation with BCBC. Based on the knowledge that previous applications have seemingly been refused on this matter we would have expected some form of pre-application discussion take place as part of the planning

application form process to clarify their actual intentions with this submission insofar as affordable housing inclusion. No pre-application indicated with BCBC in section 25.

20. We understand that the location of this proposed development has not been listed as one of the Candidate sites for the next Replacement LDP 2018-2033 and therefore is unlikely to support the Preferred Strategy compatibility especially as it is potentially a greenfield site.

For all the reasons stated above, the Community Council object to the application and recommend that it be rejected. Furthermore, the Community Council wish to recommend that the Landowners consider gifting this important protected asset to one of the many organisations throughout Brackla who will nurture and develop this land.

**Bridgend Town Council:** Object on the following grounds:

70 dwellings and associated services constitutes severe over intensification of construction on the restricted land available, in what can only be described as a narrow 'ribbon' development, sandwiched between existing and long-standing sections of residential properties.

The only vehicular and major pedestrian access for the entire development appears to rely on the existing Waunscil Avenue 'gap' which has been purposely left open over decades to allow free pedestrian access between the New Brackla Estate and Bridgend Town Centre. A single access would be wholly unacceptable in times of emergency. For example, should the Waunscil Avenue 'gap' become blocked, residents of any new development as proposed, would become trapped within a confined space with no alternative escape routes.

The recreational provision is wholly inadequate for a development of 70 dwellings – many of which would be likely to house families with young children. The proposed play area appears to be located outside the 'envelope of dwellings' and therefore distant from the majority of potential users.

70 dwellings will generate many additional vehicles and parking facilities within the site appear totally inadequate for so many extra vehicles. Suggested figures of increased traffic to and from the development would appear to be on the low side and highly speculative. The configuration of the highways within the development relies on the close proximity to the rear gardens of Waunscil Avenue and Napier Close and the light pollution from this highway, especially at night, would prove unacceptable to existing residents and cause noise disturbance at all hours.

The entire land in question forms an established green wedge of major environmental habitat between Old Brackla and New Brackla and is much used and enjoyed as an adventure play area by young people and by dog walkers from this part of urban Bridgend Town. The land is 'wild' in nature for the important purpose of providing an urban habitat for a myriad of wildlife and vegetation and contains extensive shrub and mature tree cover to enhance and enrich the local environment and retain a clear buffer between Old and New Brackla. Its loss would be a travesty and grave mistake in these times of attention to the richness of flora and fauna and the need to protect it. It could not be easily replicated once destroyed and eradicated from this locality. No amount of 'new landscaping' would achieve this.

That no social housing is provided within the development of 70 dwellings.

**Cllr Ian Williams – Local Member – Bridgend Central:**

I object to this application for the following reasons:

It's not in the LDP.

There's no social housing.

There's insufficient access.

The area is overdeveloped.

Loss of green space in an already overdeveloped area.

**Cllr Steven Bletsoe – Local Member Bridgend Central:**

I would like to raise a number of objections to the application based on my position as elected BCBC member for Bridgend Central.

This land is not designated as “housing” in the adopted LDP, whilst I know that we are in a housing shortage situation, I do not feel that this site, or the proposal properly deals with addressing that shortage. Which brings me on to a related point, this development has ZERO social housing provision and therefore does not meet the satisfactory level required for that either. My personal opinion is that every development of this size should provide some social housing.

I am also extremely concerned around the access into/out of the development with it not being satisfactory for the number of anticipated car journeys that a development of this size would generate. Waunscil Avenue is already struggling with the capacity it already serves with cars parked along its entire length and the plans state that a small area will satisfy informal visitor parking. For 70 properties? Nowhere near enough, and this plan would increase the strain that Waunscil Avenue already experiences.

Finally, the plans state that there is an associated play area, I have looked at the plans and cannot see anything at all, let alone something that would be big enough to satisfy this development.

**Cllr John Spanswick – Local Member Brackla West Central**

Due to the scale of the proposed development and the planning history of the site, I request that this matter be referred to the Development Control committee should officers be minded to recommend approval. In addition, it would be advisable for a full committee site meeting to take place prior to any report being submitted to the Development Control committee.

**Cllr Lyn Walters – Former Local Member Bridgend Central:**

The basis of my objections are as follows:

- Access to the new development along Waunscil Avenue is unsafe – there will be too much traffic along a narrow and busy road.
- Loss of green space and wild habitat
- This proposal is not within the current LDP.

**Cllr N Burnett - Former Local Member Bridgend Central:**

I am concerned by the narrow access road off Waunscil Avenue which will be the only vehicle access to this development. This is already a congested residential street, with insufficient parking for the number of properties. Cars are parked all along the street bumper to bumper day and night and also along the grass verges. Visibility both turning into and out of the street would be very poor. I am concerned for the safety of pedestrians and particularly school children walking to Penybont and to Brackla primary. I am also concerned for the safety of motorists and the need to reverse from the access road into the main highway.

I am concerned by the lack of visitor parking and by the narrow nature of the road and development. Parking at the side of the development would cause access issues by Waste disposal vehicles, emergency vehicles. Visitors would look to park in Waunscil Avenue, which is already suffering from poor on street parking.

I am concerned by the loss of this important green lung and natural boundary between the two very urban areas of old and new Brackla. This land is a wildlife haven and much used green space.

I am concerned by the lack of affordable housing planned for this site. This area is in great need of affordable homes to allow families to stay living within the town.

### **Transportation Officer (Highways)**

The Highway Authority are mindful that since the previous observations of 9/9/21 several pieces of correspondence were exchanged, virtual meetings held, and a physical site meeting held with the Agent and the Transport consultant for the scheme. As a result, the situation in respect of the points of concern / objections progressed from those previous views and the following comments are provided as the updated position: -

#### **Active Travel**

The proposed development occupies part of the corridor of INM route INM-BR-24 and to this end the development proposals show a community route being provided along part of the site.

The route being proposed within the developed area of the site is considered broadly acceptable and can be suitably conditioned. Furthermore, it is considered that the provision of a spur path at the south-eastern corner of the site will enable it to be linked with existing section of active travel route (INM /BR-24) which heads South toward Coychurch Road. Again, this could be sought by condition. On the area of the site to the North of the developed area there is proposal to continue a route North partway along the remainder of the site (former railway embankment) and provide a ramp / link to the existing network at the rear of Charles Street / Vernon Street. This will enable INM-BR-24 to link with what is intended to be upgraded to become INM-BR-74. Accordingly, from an Active Travel perspective it is considered that the site has the ability to connect to the immediate network and would be acceptable.

Whilst the remainder of the site, to the North of Charles Street / Vernon Street, could be utilised toward the provision of the continuation of INM-BR-24 there are difficulties with linking to Rotary International Way to the North (this would be the corridor for INM-BR-27). In this instance it is considered that seeking the extension of the active travel route through this portion of the site would be unreasonable and may ultimately generate concerns of security and anti-social issues until such time as the two routes do connect meaningfully.

#### **Traffic generation**

The proposed development of 70 dwellings falls below the standard threshold for a TA given in TAN18 (100 dwellings) however it is considered that there are prevailing highway concerns in respect of capacity issues to the South of the site at the junction of Tremains Road with Coychurch Road sufficient to warrant an assessment. Notwithstanding the initial submission, significant work has been undertaken by the applicant in respect of the vehicular traffic generation of the site and the impact upon the above-named junction. In this regard it is considered that the concerns in respect of the capacity of this junction could be offset by a S106 financial contribution of £4,860 towards the re-phasing of this existing signalised junction and its neighbouring signalised junction (Tremains Road/ ASDA superstore). This sum would cover modifications to the signals (primarily additional signals heads at the ASDA junction), modification of the controller specification, site

commissioning, and MOVA data set modification & validation (at both junctions). Such works to rephase the junctions will facilitate greater capacity sufficient to offset the peak time traffic generation of the proposal.

### **On street parking**

In respect of the above element our parking SPG (SPG17) indicates that residential sites such provide a maximum of 1 space per bedroom per unit (up to a maximum of three spaces per unit). Further visitor provision should be made at a ratio of 1 space per 5 units.

Whilst SPG 17 are maximum standards there are clear statements regarding residential parking a point of origin and not a destination and thus should be treated differently. A sustainability exercise reveals that the site would reach a score of 5 and thus does not achieve the score of 7 necessary to be able to reduce the parking requirements.

Accordingly, with all but one of the 70 units proposed to be 3 or 4 bedroom units this would require each of the 69 plots to provide 3 spaces. Plot 70 (Flat over Garage) is the only exception being a two-bedroom unit which would require two spaces. In addition, there is an requirement for an overall quantum of 14 visitor spaces throughout the development.

The Southern parcel of the site (Plots 1-25) has a site layout which provides for 2 spaces per unit which does not meet the standards. However, it is considered that the plots could accommodate a third space each and it is considered that a condition could seek such provision. The site layout also provides for kerbside space between individual driveways such that visitor parking could be accommodated in an on-street provision without unduly affecting driveways or the turning head.

The majority of the Northern parcel (Plots 26-60) is unfortunately a different situation. Without the units closer together there is no ability to provide parking to the side of the dwellings thus the space available to provide parking is limited to only the front gardens. Therefore, these narrower plots do not provide the same flexibility to increase the parking provision on each plot to meet the standard. Furthermore, the proximity of each vehicle access to its neighbour do not allow for kerbside overspill parking or visitor parking to meet the 42 space shortfall. With the width of the access road limited parking opposite the plots would affect resident's ability to enter and exit their driveways. It is anticipated that such limitations would lead to residents and visitors parking either half on carriageway / half on active travel route or completely on the active travel route to the detriment of pedestrian and highway safety and the encouragement of sustainable modes of travel.

The 10 units at Plots 61-70 again have only 2 spaces provided per dwelling and no visitor parking (2 required). The constraints of this area offer no ability to provide any of the 11 space shortfall such that any overspill parking will likely obstruct access to parking or more likely the ability to turn in the turning head adjacent to plot 60. Such obstruction would create difficulties servicing the properties with deliveries and refuse / recycling vehicles. In such instances vehicles may need to reverse an excessive distance to the site access adjacent to plot 26.

Accordingly, the Highway Authority opposes this application.

**Right of Way Manager:** The application has been forwarded to the Rights of Way section for comment because it appears that the development may affect a public right of way. Indeed, following receipt of the application, the Definitive Map was checked and I can confirm that Footpaths 2 and 3 Brackla would appear to affect the red line application boundary of the proposed development with Footpath 2 abutting the southern boundary of the site whilst Footpath 3 crosses through the site.

It is noted that the applicant has referred to two footpaths affecting the proposed development in the Design and Access Statement. However, with the prevalence of informal paths in the area, one cannot be confident that the applicant is actually referring to the two registered footpaths as only the one at the southern boundary of the site is marked on any of the plans. Furthermore, they have failed to mention how they would wish to deal with Footpath 3 Brackla, which crosses through the site, on a permanent basis.

On closer inspection of the plans submitted with the application, it would seem that the works associated with the proposed development would adversely affect public footpath 3 Brackla. I have also been unable to determine from those plans if the applicant is intending to store any materials adjacent to or on the footpath whilst construction works are undertaken if planning permission is granted. I should be grateful, therefore, if you would advise the applicant 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.

It is not clear from the application if any works would affect Footpath 2 Brackla which abuts the southern boundary of the site. Therefore, I would request confirmation from the applicant as to whether this footpath would be affected during the construction and completion of the development even if this is simply as a means of access to the site. If, any works associated with the development are likely to have an effect on the public footpath then I would also be grateful if you would advise the applicant that they will be responsible for reinstating the surface of the footpath, should any damage occur during the construction process, to the satisfaction of the Council's Rights of Way Section and at their own cost.

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

The Rights of Way Section would object to planning application until such time as the applicant contacts the Rights of Way Section to discuss the existence of the two public footpaths; how they affect the development; and, what, if any, legal procedures will be required to protect them if the development is granted planning permission.

**Land Drainage** The application form states the development is not located within a flood risk zone, is not located within 20m of a watercourse and does not to propose to increase flood risk elsewhere. A review of the OS database notes the development is proposing to discharge surface water to a culverted watercourse located to the north of the site.

The application form states foul water will be disposed via the mains sewer. An outline 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 to the main sewer. An outline surface water drainage plan has been provided, which identifies that surface water from the southern part of the development will drain to a public surface water sewer and surface water from the northern part of the development will drain to a culverted watercourse. There are two large water mains running parallel to the development, which also cross the inlet to the culverted watercourse. Given the easements associated with these water mains and the H&S issues around access to this location, the proposed discharge location for the northern section of development is not deemed suitable.

The development is over 100m<sup>2</sup> and serves more than 2 properties, therefore a SAB application will be required. Under the new sustainable drainage legislation, drainage serving 2 or more properties shall be adopted by the SUDs approving body and commuted sums are required for adoptable items. From an initial review of the outline drainage plan provided, the plans suggest that the new sustainable drainage legislation has not been considered for this development layout. It is unlikely that DCWW will grant the use of sustainable drainage features for the northern section of development, given the location of two large water mains with significant easement widths and the restricted width of the land associated with the drainage in this area. Based on the current proposals and given the H&S issues around access to the discharge location with DCWW water mains crossing the discharge location, it is unlikely that the current development proposals would comply with the sustainable drainage legislation.

Given the proposed discharge location for drainage serving the northern section of the development, the location of two large water mains running parallel to the site and the location of the water mains in relation to the proposed discharge location for surface water serving the northern part of the proposal, I object to the development proposals. To remove the objection the applicant shall identify an alternative discharge location for the northern section of the development and consider the sustainable drainage requirements serving the wider development.

**Principal Structural Engineer:** No objection subject to conditions.

**Economy and Natural Resources Manager:** I note the submission of the environmental statement and in general I'm in agreement with the ecological and non-statutory recommendations identified in section 7 of the statement. These recommendations include the need for more survey effort. These additional surveys would help address the issue that although a survey of the site was undertaken in February 2021 it relies on surveys undertaken in 2009, 2015 and 2018.

I also support that the site is of high local value as the site contains a number of Section 7 (of the Environment (Wales) Act 2016,) species and habitats. However, the environmental statement doesn't recognise that the development will undermine ecological connectivity in terms of habitat loss as a whole. In this respect, I consider the extent of loss of the various habitats identified is such that it couldn't be mitigated for and no suggestion of compensation for loss is identified elsewhere.

Therefore, I consider that the proposed development is out of accord with Section 6 of the Environment (Wales) Act. This Act 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.

**Dwr Cymru/Welsh Water:** The site layout plan proposes for the development to be located within the easement zones (minimum of 5 meters either side) of these trunk water mains. This includes Plots 64 & 65 as the developer has noted, but also plots 1 & 2 located to the south of the site. The location of the water mains located adjacent to plots 1 & 2 do not appear to be shown on the attached layout drawing whereas our records indicate these water mains carry on south of the development site.

We believe our requirement for trial holes and also a scheme for the adequate protection of the mains may be able to be conditioned. However, this would be subject to the applicant willing to work with us/yourselves on satisfying any condition imposed on the planning consent. We have put together two potentially suitably worded conditions.

1). For the requirement of trial holes and protection scheme for watermain and 2). RAMS



to be submitted demonstrating the integrity of the mains whilst construction works are being undertaken on site.

**Shared Regulatory Services – Environment Team:** The applicant has submitted information from desk based environmental assessments and several phases of site-based investigations undertaken at the development from 2008 to 2019. This includes detailed contamination assessments and limited ground gas assessment undertaken by C J Associates in 2008 and supplementary monitoring in 2018/19. These assessments identify the need for remediation /mitigation works in order to ensure that the development is made suitable for use.

The applicant acknowledges the need for remediation and ground gas protection measures in relation to this. A remediation strategy and verification plan in line with current guidance will need to be submitted for approval in relation to the above. This will need to include, but not be limited to:

- A summary assessment and review of the risks from ground gas and contamination at the development in the context of current environmental standards
- Details of the site-specific proposals for ground gas protection measures and ground remediation
- Details of the verification process and records proposed to validate the completed works.

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, 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.

**Natural Resources Wales:** We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions to any permission granted in respect of land contamination and the submission of construction environmental management plan.

#### European Protected Species

We have considered the additional information submitted. We note that it is stated two trees on site had low bat roost potential and the remainder of the trees on site are comprised of those that did not display any features suitable for bats. As such we have no further comments to make with regard to European Protected Species.

#### Land Contamination

No new information relating to groundwater has been provided. Therefore, our advice and request for five conditions relating to land contamination as set out in our response dated 01/10/2021 remains.

#### Pollution Prevention

No new information relating to pollution prevention has been provided therefore our advice and request for a condition relating to Construction Environment Management Plan as set out in our response dated 01/10/2021 remains.

#### Water Quality – Drainage Scheme

We have considered the drainage information available on your website. With regards to

foul drainage we understand this is to be disposed of via foul sewer (indicated on the application form and drainage plan). We advise you liaise with DCWW regarding the acceptability of the foul drainage proposals. If there are any issues regarding this method of foul water disposal, please reconsult us. In terms of surface water, we requested a condition that included:

- Disposal of surface water drainage
- Installation of oil and petrol separators
- Installation of trapped gullies
- Installation of roof drainage – sealed at ground level.

We note that the drainage plan indicates method of surface water disposal (first bullet point), and the application form confirms that surface water is to be disposed of via mains sewer. We cannot locate any information regarding the last three bullet points. However, we understand that the application will be commented on by the SAB and that these points relating to pollution prevention/water quality should be considered under a SAB application. Should this not be the case please reconsult us.

### Waste on Site

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be reused on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

**South Wales Police – Designing Out Crime:** I am generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. However, I have concerns in respect of the cycle route that runs to the rear of plots 1-5, and the pedestrian route that runs between plots 25 and 26. In respect of the pedestrian route that runs to the rear of plots 1-5, it provides access to the rear gardens of these properties and is not overlooked or direct. In respect of the footpath between plots 25 and 26, such paths between properties have caused issues for properties adjacent to them, with anti-social behaviour occurring on such connections. Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit, and well used. They must not undermine the defensible space of neighbourhoods as the above connections do. Routes must not ideally be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime. Paths ideally should be 3 metres wide.

Ideally both connections would be designed out.

Entry onto the estate must be restricted to the designated routes.

### **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity has expired.

Letters of concern and objection have been received from the owner/occupiers of the following properties:

14, 15, 18, 24, 25, 28, 32, Gwaun Coed  
12, 13, 14, 16, 17, 18, 19, 21, 25 Chorleywood Close  
69, 126, 138, 156, 164 Waunscil Avenue  
70, 72, 95, 101, 103 Morfa Street  
24 Herbert Street  
26 Vernon Street  
23, 29, 33, 34, 39 Charles Street  
2, 4 Napier Close  
5 Tremains Court  
46, 55, 59 Acland Road  
Woodside, High View  
13, 16 Penybank  
42-44 High Street, Slough  
Town Councillor David Unwin (Bridgend Town Councillor)  
Community Councillor Lisa Lewis (Brackla Community Councillor)

A number of objections were submitted by Brackla Community Council from residents on the estate although the property addresses were not given to the Local Planning Authority.

The following is a summary of the objections received from residents in connection with the current application:

- Site is safeguarded by policies of the Bridgend Local Development Plan which define the land as 'Accessible Natural Greenspace' - the site is Green Wedge and should be protected from development - development contrary to adopted development plan.
- Insufficient infrastructure to cater for development – schools, doctors, dentists, hospitals, roads, and drainage – fails to provide affordable housing.
- Development viability is questionable - evidenced by the submitted information.
- Three storey houses would overlook neighbouring properties, (Gwaun Coed, Chorleywood Close and Waunscil Avenue) resulting in a loss of privacy and daylight - out of scale with surrounding development; users of the proposed route would overlook the gardens of neighbouring properties - difficult to assess further as the level plans do not mention the ground height for Chorleywood Close or indeed Gwaun Coed
- Information submitted in Transport Assessment is factually incorrect. Vehicle movements to site would conflict with pedestrians that access the Brackla Housing site - development will exacerbate problems of on-street parking on Waunscil Avenue; greatly increased traffic / footfall to an already busy area.
- Surrounding roads and junctions cannot accommodate the additional traffic that will be generated by the development – construction traffic would have a significant impact on the amenity of residents.
- Proposed parking allocation is deficient and could result in visitors parking in surrounding residential areas - how can a 3-bed house only be allocated a single parking space.
- The provision of footsteps linking to the community route at the end of Charles Street would create a new "leaky cul-de-sac" which is against "safer streets" planning guidance and may increase the vulnerability of the street to crime and anti-social behaviour.

- Plans do not accurately reflect the position of trees on site – existing trees are protected by an order and their root system could be affected by the new development – the development will result in the removal of all trees and vegetation which provide habitat for wildlife and screening for existing properties.
- Japanese Knotweed on site will not be properly managed - no agreed plan for its eradication.
- The site is a haven for flora and fauna – development proposes the complete removal which is not compliant with council and national policy.
- The site has evidence of concentrations of ground gas such as methane, the ground fill nature of the site means that the only viable foundation design will be pile foundations. The piling operation risks the release of such gases into the atmosphere along with the associated dangers of ignition and combustion along with poor air quality. The developer has a poor record of health and safety along with documented substandard building practices. This would compound the issue. Ground conditions have not been accurately assessed.
- Site is crossed by a number of apparatuses that will need to be diverted - this represents a significant development cost.
- Greatly increased noise pollution from traffic and construction
- The Council and Welsh Ministers have rejected this application previously.
- Proposed equipped play area is situated in a totally unsuitable location and out of site of the properties resulting in a possibly unsafe area for young children.
- The site cannot be properly drained – connections to the surface water sewers to the north of the site are unacceptable.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

Many of the objections offered by residents align with the main issues to be considered in the determination of the application and are therefore considered in the appraisal section of this report. Other matters will be addressed as follows:

**The adequacy of infrastructure** to serve the development is a planning consideration although refusing consent on the basis that medical facilities, (doctors, dentists, hospitals etc) cannot accommodate the patients would not be supported at appeal. This goes beyond the scope of planning legislation. The relevant health agencies are consulted when the Council prepares new development plans which include housing allocations. That said, this site would not have been factored into any calculations with regard to the adopted or replacement local development plan.

Evidence with respect to **Development viability** has accompanied the application and examined by officers of the Council. The site constraints will mean that development costs will be high and well above the average, a position accepted by a previous Inspector albeit the evidence submitted by the applicant company at that time was deficient. Consequently, the contributions towards education, affordable housing cannot be realised from this development. The key question is whether the benefits of the scheme outweigh the project's failure to make the contributions to infrastructure. That will be considered further in the appraisal section.

**Japanese Knotweed** is prevalent across the site and will need to be eradicated before any development could commence. It does represent a development cost, but this is a matter that could be addressed by the imposition of a planning condition.

**Site is crossed by a number of apparatus that will need to be diverted - this represents a significant development cost** – this is a further development cost but responses from the Drainage Bodies suggests that this could be dealt with by planning condition.

**Greatly increased noise pollution from traffic and construction** – two issues to be considered here with traffic, noise, and dust potentially being significant during construction. On such a constrained site, so close to existing properties, this will be challenging to control, but conditions require a phasing plan that control the rate of build along with a construction management plan may be able to control the excesses experienced during the building stages. Noise from the built, development – sound of vehicles and other domestic activities has been considered by Inspectors previously and on the basis that the site lies within a built-up residential area in which domestic noise is normal, they have concluded that the proposal would not create an unacceptable disturbance.

**The Council and Welsh Ministers have rejected this application previously** – this is indeed the case and a layout similar to this was dismissed at appeal. It does not however prevent the applicant from applying for planning permission again.

## **POLICY CONTEXT**

### **Local Policies**

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

<b>Policy SP1</b>	Regeneration Led Development
<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA4</b>	Climate Change and Peak Oil
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA7</b>	Transportation Proposals
<b>Policy PLA9</b>	Development affecting Public Rights of Way
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV5</b>	Green Infrastructure
<b>Policy ENV 6</b>	Nature Conservation
<b>Policy ENV 7</b>	Natural Resource Protection and Public Health
<b>Policy COM3</b>	Residential Re-Use of a Building or Land
<b>Policy COM4</b>	Residential Density
<b>Policy COM5</b>	Affordable Housing
<b>Policy SP13</b>	Social and Community Facilities
<b>Policy COM11</b>	Provision of Outdoor Recreation Facilities
<b>Policy COM13</b>	Provision of Accessible Natural Greenspace
<b>Policy SP14</b>	Infrastructure

The Council has also produced the following Supplementary Planning Guidance (SPG) which is relevant to this proposal: -

### **SPG08: Residential Development**

**SPG13: Affordable Housing**  
**SPG16: Educational Facilities and Residential Development**  
**SPG17: Parking Standards**  
**SPG19: Biodiversity and Development**

### **National Policies**

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

**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 15 Development and Flood Risk**  
**Planning Policy Wales TAN 18 Transport**

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

- whether the form of development proposed accords with the site's allocation in the Bridgend Local Development Plan
- whether the accessibility of the site will reduce the need to travel by prioritising walking, cycling and public transport and whether the traffic generated by the development can be accommodated on the existing network without detriment to highway safety.
- the impact of the scheme on the natural environment and whether the scheme provides a net benefit of biodiversity.
- the design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing

- the effect of the development on the existing drainage systems and connected flood risk
- whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission
- whether development viability affects the level of developer contributions that under the terms of the policies of the adopted development plan should be provided

### **Whether the form of development proposed accords with the site's allocation in the Bridgend Local Development Plan**

National Policy confirms that the plan-led approach is the most effective way to secure sustainable development. For the purposes of this application and at this time, the Bridgend Local Development Plan (2013) is the adopted plan. Its replacement is still under examination and its adoption is not likely until the Spring/Summer of 2024.

This application site is located within the primary key settlement of Bridgend as defined by Policy PLA1 Settlement Hierarchy and Urban Management. All development will need to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic, and built environment, (Policy SP2 refers). Furthermore, schemes will need to promote safe, sustainable, and healthy forms of transport through good design, enhanced walking and cycling provision, and improved public transport provision. Policy PLA7 safeguards and allocates a number of strategic transportation improvements which includes a walking/cycling route, running roughly north to south on the application site. Such routes should provide opportunities to reduce congestion and provide enhanced facilities for walking and cycling and encouraging more sustainable travel within the County Borough.

Policy COM3 states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for 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 Council acknowledges that the proposed site would classify as a windfall site under Policy COM3, which could make a contribution to the overall housing supply and affordable housing provision.

Previously developed land, such as the application site should, wherever possible, be used in preference to greenfield sites where it is suitable for development. (Para 3.55 PPW11). In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. National policy does however recognise that not all previously developed land is suitable for development.

Retaining natural greenspace contributes to a healthy environment and mental and physical well-being and Policy COM13 of the LDP promote the provision of accessible natural greenspace (including public open space) wherever suitable opportunities arise. In this respect, the land off Waunscil Avenue, which includes all of the application is identified and protected for such a use, (COM13 (9) refers) – See **PLAN 1**. Areas of Natural Greenspace provide the opportunity for a mixture of activities to be enjoyed by all ages of the community. COM13 promotes the provision of such spaces, which include informal recreation spaces and communal green spaces in and around housing areas. Such areas are important components of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience, whilst improving well-being outcomes. PPW highlights how informal, accessible green spaces can promote nature conservation, biodiversity, and better air quality to enhance the quality of life of individuals and communities.

In Section 4 of the submitted Planning Statement, the applicant's agent indicates that the proposed housing development accords with Policies in SP1 and PLA1 – that being development within a defined settlement and regeneration growth area. In acknowledging that the site is specifically allocated and safeguarded as 'accessible natural greenspace,' it is suggested that compliance is achieved on the basis that only part of the site would be developed - the southern half which would be occupied by housing and the associated highway infrastructure.

The remaining part of the site would accommodate the community route, open space, and play area. Reference has been made to the comments of previous appeal inspectors who suggested that the combination of housing, community route and open space would have the potential of meeting the aims of the Council's development plan. It should be noted that such decisions were made before the current development plan was adopted in 2013 and there is no reference in the wording of Policy COM13 that residential development at the scale proposed, with more than 50% of the useable space being taken by development, is compatible with the policy. Furthermore, a large percentage of the green space that is 'offered' by the development comprises a steep sided, former railway embankment. The Council contend that the retention and provision of green infrastructure and green space is critical for communities if the placemaking agenda and well-being goals of national and local policy are to be achieved.

Having regard to national policy, the allocation will be continued in the Replacement Local Development Plan under Policy COM11. The wording of the policy has been challenged and was considered at the hearing sessions held in March 2023. The agent acting on behalf of the applicant on this submission made representation that the wording of the policy should include, (see italicised text) ...*'the provision of accessible, Natural and Semi-Natural Greenspace (including Amenity Green Space) wherever suitable opportunities arise, including by supporting wider development proposals that enable the realisation of and greater accessibility to such space.* The Council resisted the change to the policy but suggested the text in the supporting paragraph could be amended instead as per the italicised text below.

"5.3.68 In addition to the benefits of formal recreation provision, PPW highlights how informal, yet high quality and accessible green spaces can promote nature conservation, biodiversity, and better air quality to enhance the quality of life of individuals and communities. Such spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce the effects of urban heat islands. Natural and Semi-Natural Greenspace and Amenity Green Space are less formal in character than Outdoor Recreation Facilities and provide the opportunity for a mixture of activities to be enjoyed by all ages of the community. COM11 promotes the provision of such spaces, which include informal recreation spaces and communal green spaces in and around housing areas. Such areas are important components of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience, whilst improving well-being outcomes in accordance with DNP8. *Development proposals that provide an enhanced level of accessibility to natural and semi-natural greenspace (including amenity greenspace) may be supported subject to other policies in the RLDP.*"

The agent agreed as did the Inspector and it is expected that the revised wording of the policy will be carried through to the adopted plan.

Further justification for the proposed development is offered by the applicant's agent with reference to the application delivering the walking and cycling proposal identified under Policy PLA7 and a suggestion that public funding will not deliver the proposal in the Development Plan period. The route proposed on the submitted plans does connect with the existing network to the south of the site but would terminate at the north with a stepped access to the existing pedestrian routes in Charles Street. With an increasing emphasis on walking and cycling and reducing the reliance on the private car, the Council does acknowledge that the provision of a route would realise a number of goals of the Well-Being



of Future Generations Act. The submission does however lack detail and there is no information provided regarding the phasing of its construction and whether development viability will allow the complete route to be provided alongside the housing and not at the end of the development. Paragraph 4.1.11 of PPW confirms that active travel infrastructure should be put in place early on in a development, and before the people living there move in, to support active and healthy travel patterns from the outset. There are concerns whether this would be achievable.

Residents have expressed concerns regarding the design of the route and its impact on the adjacent housing at the northern end of the site and they have not been fully addressed by the application although a detailed landscaping scheme may offer some mitigation in the medium to long-term.

The Council has identified the site for this transportation proposal over successive development plans but to date has not received the funding to deliver the scheme. That situation may however change to support the objectives of current national policy. Compromising one policy, (the protection of accessible green space) to allow a housing development, which later sections of this report will demonstrate has significant failings with regard to other policy objectives, to enable the delivery of a community route is not acceptable and does not represent an acceptable planning outcome. The Council contend that the principle of developing this site for housing is contrary to both existing and emerging local policy and, critically, aspects of national policy.

**Whether the site will reduce the need to travel by prioritising walking, cycling and public transport and whether the traffic generated by the development can be accommodated on the existing network without detriment to highway safety**

A key objective of Planning Policy Wales – Edition 11 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services, and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, and realising the goals of the Well-being of Future Generations Act.

Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Development proposals must seek to maximise accessibility by walking, cycling and public transport by prioritising the provision of appropriate on-site infrastructure and where necessary, mitigating transport impacts through the provision of off-site measures such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

The proposed development occupies part of the corridor of INM route INM-BR-24 and, to this end, the development proposals show a community route being provided along part of the site. The route being proposed within the developed area of the site is considered to be broadly acceptable and can be suitably conditioned. Furthermore, it is considered that the provision of a spur path at the south-eastern corner of the site will enable it to be linked with an existing section of active travel route (INM /BR-24) which heads South towards Coychurch Road. Again, this could be sought by condition.

On the area of the site to the North of the developed area there is a proposal to continue a route North partway along the remainder of the site (former railway embankment) and to provide a ramp / link to the existing network at the rear of Charles Street / Vernon Street. This will enable INM-BR-24 to link with what is intended to be upgraded to become INM-BR-74. Accordingly, from an Active Travel perspective it is considered that the site has the ability to connect to the immediate network and would be acceptable.

Whilst the remainder of the site, to the North of Charles Street / Vernon Street, could be utilised for the provision of the continuation of INM-BR-24 there are difficulties with linking to Rotary International Way to the North (this would be the corridor for INM-BR-27). In this instance it is considered that seeking the extension of the active travel route through this portion of the site would be unreasonable and may ultimately generate concerns of security and anti-social issues until such time as the two routes do connect meaningfully.

A series of Transport Assessments (TA) have accompanied the application with the latest update being submitted in May 2022 and specifically assessing the impact of development traffic on the Coychurch Road/Tremains Road three arm traffic signal junction and the Coychurch Road/Asda supermarket three arm traffic signal junction.

The original TA which formed part of the Environmental Statement (Chapter 9) reviewed the national and local policy, existing site conditions, an assessment of existing facilities and travel characteristics and a review of trip generation and distribution. The TA concluded that the development was highly sustainable in that it would reduce the dependence on the car, promote walking, cycling and the use of public transport. Furthermore, the proposal would include a significant section of community route which would benefit both new and existing residents in the wider community. Road access within the development had also been designed to meet the guidelines in Manual for Streets, with footways designed to all links and to all dwellings on site.

The junction specific TA references a financial contribution secured by the Council to improve the two junctions in connection with the development of a petrol filling station in the Asda site in 2017. The development did not proceed, and the monies were not paid but on the basis of the applicant's TA, such a contribution is not considered justified. The TA concludes that the increase in traffic signal queue lengths in the a.m. period is minimal. In the evening peak hour without pedestrian phases the reduction in degree of saturation and queue lengths in respect of the development is again minimal. In respect of the pedestrian stage being called, the degree of saturation is greater than 90% but the increase in degree of saturation and queue lengths are small and does not justify an objection to the development on highway safety grounds.

The Council accepted that the scale of development fell below the threshold of 110 units in TAN 18 in terms of the application being accompanied by a Transport Assessment. There are however prevailing highway concerns in respect of capacity issues to the South of the site at the junction of Tremains Road with Coychurch Road which is reflected in the concerns offered by residents, sufficient to warrant an assessment being undertaken.

Significant work has been undertaken by the applicant in respect of the vehicular traffic generation of the site and the impact upon the above-named junction. In this regard it is considered that the concerns in respect of the capacity of this junction could be offset by a S106 financial contribution of £4,860 towards the re-phasing of this existing signalised junction and its neighbouring signalised junction (Tremains Road/ ASDA superstore). This sum would cover modifications to the signals (primarily additional signals heads at the ASDA junction), modification of the controller specification, site commissioning, and MOVA data set modification & validation (at both junctions). Such works to rephase the junctions will facilitate greater capacity sufficient to offset the peak time traffic generation of the proposal.

Turning to the matter of car-parking, the Council's Parking SPG (SPG17) indicates that residential sites such as this should provide a maximum of 1 space per bedroom per unit (up to a maximum of three spaces per unit). Further visitor provision should be made at a ratio of 1 space per 5 units. Whilst SPG 17 quotes maximum standards there are clear statements regarding residential parking as a point of origin and not a destination and thus they should be treated differently. A sustainability exercise reveals that the site would reach a score of 5 and thus does not achieve the score of 7 necessary to be able to reduce the parking requirements.

Accordingly with 69 of the units being three bedroom or more this would require each plot (apart from the FOG on Plot 70) to provide 3 spaces plus an overall quantum of 14 visitor spaces throughout the development.

The Southern parcel of the site (Plots 1-25) has a site layout which provides for 2 spaces per unit which does not meet the standards. However, it is considered that the plots could accommodate a third space each and it is considered that a condition could seek such provision. The site layout also provides for kerbside space between individual driveways such that visitor parking could be accommodated in an on-street provision without unduly affecting driveways or the turning head.

The majority of the Northern parcel (Plots 26-60) is unfortunately in a different situation. With the units closer together there is no ability to provide parking to the side of the dwellings thus the space available to provide parking is limited to only the front gardens. Therefore, these narrower plots do not provide the same flexibility to increase the parking provision on each plot to meet the standard. Furthermore, the proximity of each vehicle access to its neighbour does not allow for kerbside overspill parking or visitor parking to meet the 42-space shortfall. With the width of the access road limited, parking opposite the plots would affect resident's ability to enter and exit their driveways. It is anticipated that such limitations would lead to residents and visitors parking either half on carriageway / half on active travel route or completely on the active travel route to the detriment of pedestrian and highway safety and the encouragement of sustainable modes of travel.

The 10 units at Plots 61-70 again have only 2 spaces per dwelling and no visitor parking (2 required). The constraints of this area offer no ability to provide any of the 11-space shortfall such that any overspill parking will likely obstruct access to parking or more likely the ability to turn in the turning head adjacent to plot 60. Such obstruction would create difficulties servicing the properties with deliveries and refuse / recycling vehicles or by emergency vehicles. In such instances vehicles may need to reverse an excessive distance to the site access adjacent to plot 26.

The deficiencies in the parking arrangements and the schemes failure to mitigate the impact of the additional traffic on the highway network is further evidence of a conflict with planning policies.

## **The impact of the scheme on the natural environment and whether the scheme retains Green Infrastructure and provides a net benefit of biodiversity**

National policy reminds all decision makers that green infrastructure should be a key component of the natural and built environment. It plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work, and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society's wider social and economic objectives and the needs of local communities. In the new Chapter 6 of Planning Policy Wales, Authorities are advised that a green infrastructure statement should be submitted with all planning applications and this document will describe how green infrastructure has been incorporated into the proposal.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. PPW confirms that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Development proposals must consider the need to:

- support the maintenance and enhancement of biodiversity and the resilience of ecosystems.
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global
- Biodiversity Framework
- ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded.
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect, or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air, and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological
- networks by improving diversity, extent, condition, and connectivity.

Paragraph 6.4.5 of PPW states that a net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable, and demonstrable benefit, primarily on or immediately adjacent to the site.

At a local level, criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. Policy ENV5 suggests that development that compromises the integrity and therefore overall green infrastructure should not be permitted while Policy ENV6 requires the retention, conservation, restoration and enhancement of trees, hedgerows and other natural features and habitats first. If not possible, suitable mitigation or compensatory measures will be required to secure biodiversity.

Chapter 7 of the Environmental Statement discusses 'Ecology and Nature Conservation' and references the survey work undertaken in support of the application. The summary of

the 2021 survey by David Clements Ecology Ltd notes that the site does not contain or lie immediately adjacent to any statutory sites of nature conservation value such as SSSIs or LNRs nor any non-statutory sites such as SINCs. Within the site is a mosaic of habitats including grassland, scrub, trees, and woodland which has been left unmanaged. The mosaic of grassland, scrub, trees, and woodland are known to support a range of common and widespread bird species, foraging bats species, invertebrates, and reptiles. Some of these species are known to be of conservation importance but only in the local context and none are of notable significance or exceptional rarity. Areas of hardstanding and Japanese knotweed are considered to be of Negligible Value to wildlife. The surveyor notes that the development of the site is likely to incur the loss of the majority of habitats within the development area i.e., grassland, scrub and scattered trees, and any remaining habitats such as those around the development sites periphery may be subject to some disturbances. The 2021 survey evaluated the majority of the site habitats as of Local value to wildlife, with the exception of the section of broad-leaved woodland which is considered to be of High Local value. The report concluded that although there will be some negative impacts as a result of the proposed development, they were not considered to be of more than local significance, particularly since habitats in the northern end of the site would be retained. Likely impacts, it is suggested could be mitigated and or compensated for through the implementation of various mitigation measures during the construction and development phases. The retention of habitats at the north end of the site, including the broad-leaved woodland, will also provide areas which can be enhanced for biodiversity through additional planting and management.

The updated survey work by Ascerta (2021 and 2022) which included an extended phase one habitat survey and a preliminary bat roost assessment of all trees that had potential habitat, confirmed that the development would impact on birds, bats, badgers, reptiles, and hedgehogs as a consequence of the development. Recommendations were offered to avoid impacts including Reasonable Avoidance Measures (RAMs) schemes for various species. Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees, and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings was also suggested.

Trees form an important part of the site's biodiversity interest, and the application was originally accompanied by a tree report that was undertaken in 2008. In August 2022, a revised Arboricultural Impact Assessment (AIA) was undertaken by Ascerta, based on a 2021 survey of the site. In paragraph 5.2 of the AIA, it noted that the development would directly require the removal of the majority of the trees within the main body of the housing part of the site, save for those protected trees within G11 of our survey (G1 of the Tree Preservation Order).

To the north, a community route, play area and public open space were proposed that would require the removal of a small number of trees, as well as the thinning of the existing broad leaved woodland feature. Reference was made to the storm water sewer, water main, gas main and foul water sewer along the western boundary of the southern section of the site and the need to remove vegetation to allow access for maintenance. The long-term retention of trees, particularly within the proposed housing area was not considered viable, irrespective of the development proposals. Mitigation was offered in the report in the form of replacement planting forming part of a landscape strategy for the site. For those trees being retained, protection measures were detailed.

Officers in the Council's Countryside Management Section were in general agreement with the ecological and non-statutory recommendations identified in Chapter 7 of the Environment Statement but were concerned that the requirements had not been incorporated into the submitted planning layouts.

It is the Council's view that the site is of high local value as it contains a number of Section 7 (of the Environment (Wales) Act 2016,) species and habitats and based on the planning submission, the proposed development will undermine ecological connectivity in terms of habitat loss. Both ecological assessors recognise the importance of the broadleaved woodland that crosses the centre of the site. To construct the development including the community route is likely to have a significant impact on this feature which has not been fully considered as part of the submission. The woodland area is important as it forms a connection to the natural green space and Coed y Morfa Site of Importance for Nature Conservation (SINC) that lies to the east of the application site. The ecological reports also identify the scattered trees and hedgerows on the eastern and western boundaries of the filled cutting at the southern end of the site. These features will be cleared to accommodate the development with only the protected trees to the rear of plots 21-25 being retained. Not only does this have an impact on the living conditions of residents that will be considered again in this report, but it will also remove existing green infrastructure that could have been retained and enhanced to form ecological corridors.

Based on the extent of loss of the various habitats identified which is recognised in the submitted ecological surveys, it is difficult to see how net biodiversity will be achieved by this development and how the ecosystems of the site would be in a better state than before the development had taken place. It is the Council's view that the development is out of accord with Section 6 of the Environment (Wales) and will not 'promote the resilience of ecosystems.

**The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing (reference car parking)**

'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' (Paragraph 3.3 of PPW refers). 'The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement' (Paragraph 3.9 of PPW refers).

Placemaking principles have been at the heart of the Council's local planning policies and are a fundamental facet of its approach to development management. Integrating placemaking principles and good design into development schemes at all levels has been the objective and is further re-enforced by national policy. Poor design can not only detract from the character and appearance of an area, but it can also adversely affect people's well-being and quality of life. Considerations of visual impact, loss of light, overlooking, privacy, disturbance, traffic impact and environmental effects are all key in this regard, (Policy SP2 refers).

The Design and Access Statement that has accompanied the application suggests that the development proposals have been designed to take into account the pattern of development in the surrounding area, with the layout reflecting the essentially linear nature of the site. Building heights, it is stated, reflect the variety in the area with building densities ranging across the site. Units at the northern end will provide a termination of the vista. All dwellings will be well served by existing and new footpath/cycleways thus promoting sustainability, encouraging healthier lifestyles, and increased physical activity.

The Council accepts the significant challenges in developing this site which have potentially been made more difficult with both national and local policy raising the bar and requiring

higher quality building design, recognising that, in the past, authorities have delivered 'placeless' estates that lack quality or any sense of identity or distinctiveness. Generally, the requirement is either to take a contextual or contemporary approach. The starting point should be to take cues from the architectural traditions and environmental qualities of the locality.

The context for the southern part of the application site is varied and offers the opportunity of an innovative approach to create public realm with its own distinctive character and identity. The designer's response is standard house types in a linear form, creating almost a row of terraced properties with little or no variation in set back with the street scene being dominated by parked cars, (Plots 24-70) which could be made worse if additional parking is provided at the southern end of the site to address the significant shortfall identified by the Highway Authority. Furthermore, the use of 10.5m housing units represents a poor transition in visual terms from the three-storey post-war housing on the western side of the site to the single storey units developed on the Brackla Housing Estate in the late 1980s. This has significant repercussions for the living conditions of existing residents which will be considered again in this report. The scheme's failure to retain and enhance the existing landscape features on the eastern and western boundaries of the site represents further evidence that the scheme will detract from the character and appearance of the area and will be contrary to national policy and Policy SP2 of the Bridgend Local Development Plan.

Residents, particularly the occupants of properties on Gwaun Coed and Chorleywood Close have opposed the development on the basis that the new housing will, by virtue of their scale and proximity, dominate outlook and result in a loss of privacy as a result of overlooking. Similar concerns have been considered by several Inspectors in previous planning appeals for the development of the site.

As indicated at the beginning of this report, two house types are proposed on the southern part, both 3-bed dwellings that will reach a height of over 10m from ground level. Plots 1-11 have relatively modest rear gardens, well below the 10.5m generally required for new dwellings. Consequently, the new dwellings are relatively close to the shared boundaries with properties on Gwaun Coed. The privacy standard of 21m measured from the rear elevations of the respective properties will however be achieved. The garden lengths of properties on Gwaun Coed however reduces as the estate moves north, a matter not considered by the designer. The 10m high units on plots 15 and 16 will be positioned 2.2m from the new boundary that will be formed with 24-27 Gwaun Coed, dominating the outlook from the rear facing windows and gardens and significantly affecting the living conditions of the occupants. Similar impacts on the occupier(s) of 28 Gwaun Coed are noted with the proposed dwellings on plots 20-25 being located some 9m and 14m from the shared boundary with the neighbouring property. The units on these plots would not only dominate outlook but the garden area would be overlooked, significantly detracting from the level of amenities currently enjoyed by the occupiers.

The rear elevations of the dwellings on the northern half of the site from plots 26-42 will overlook existing properties on Chorleywood Close. A distance of approximately 11m will separate the new housing from the eastern boundary which is currently defined by a mix of trees, vegetation and the rear fences and walls of the properties, all of which are single storey units. Given the scale of the proposed dwellings, (10m to ridge), the modest garden lengths of the nearest dwellings and the loss of all of the existing landscaping features, the development will dominate the outlook and, in a similar way to properties on Gwaun Coed, will detract from the living conditions of existing residents.

Residents on the western side of the application site have also raised concerns regarding loss of privacy and outlook with specific reference to the proposed split-level units on plots 65-69 and the property known as Woodside on Highview. The property is not shown on the

submitted layout but shares a similar orientation to the nearest units on the development site. Whilst overlooking is unlikely to be a significant issue, depending on the finished levels, there is potential for the split-level dwellings to appear overly prominent when viewed from the front of the objector's property. It is not however a direct view which does, to some extent, minimise the impact.

A number of residents on the western side of the railway embankment on the northern part of the site have identified the potential for users of the community route to overlook the neighbouring properties. Submitted sections confirm that the route will occupy the level part of the embankment which rises some 4-5m above the boundaries of properties to the east and west. The proposed route is currently covered with dense vegetation which has prevented an assessment of the full impact of its future use but based on the plans and survey drawings, there is the potential for users of the route to look directly into gardens and habitable room windows. Measured directly from windows on properties to the east of the site, distances of 14-20m are recorded, which will be foreshortened by the levels difference.

The older terrace and semi-detached properties to the east of the site generally lie at an angle to the embankment but views into the gardens and side facing windows from the community route will be possible. The Council is however mindful that the former railway corridor has been safeguarded for the provision of a footpath/cycle route under policies within a number of recent development plans, including the current Local Development Plan. Furthermore, the creation of the link would add to the existing network of dedicated walking and cycle routes and contribute to reducing reliance on the private car. Screening the route in a manner that would completely safeguard the amenities of the residents will be challenging but, with the use of landscaping and appropriate boundary treatments, the impacts could be mitigated. Whilst such details could be secured by conditions, it is disappointing that the submitted application has not addressed this issue which is further evidence of the designer not fully appraising and responding to the context of the development site.

Ultimately the submitted layout will be a place for new residents to live and it is incumbent on the Council to consider the design, layout, and location of the development as this will have a considerable impact on quality of life and sense of community. Retaining and enhancing existing landscape, biodiversity and ecosystem features is important and for reasons already discussed in the report, the layout fails to achieve this objective.

Providing well-designed private outdoor amenity space for all occupants of a development is important even on higher density town centre schemes such as this application. In the past, developments have included poorly considered or inadequate outdoor amenity provision with many gardens not allowing for future domestic extensions/alterations. Garden sizes should therefore be appropriate to the dwelling size and site-specific considerations. Although this Council does not have a standard and would consider a relaxation of garden sizes, this would only be where the design proposes a high quality, innovative scheme or in an urban location where it may be more appropriate to substitute individual gardens for generous balconies/ private elevated terraces and high-quality communal space etc.

This scheme lacks quality and is far from innovative and therefore a relaxation would not be acceptable. It is the Council's view that the amenity of future residents on plots 12, 14, 15, 19, 63, 64 and the terrace on plots 66-69 would be compromised by the less than generous garden areas with the privacy of the occupiers of Plots 11 and 20 affected by being overlooked for the adjoining units (plots 14 & 15 and plots 16 & 17) at a distance of less than 10.5m which is generally regarded as the minimum acceptable. It is noted that the rear elevations of plots 14 and 15 are less than 7m from the side boundary of plot 11.



Overall, the submitted application represents a poor design response that will detract from the character and appearance of the area and will adversely affect the people's well-being and quality of life. The placemaking principles will not be achieved.

### **The effect of the development on the existing drainage systems and connected flood risk**

The planning system has an important part to play in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. The adequacy of drainage infrastructure should be fully considered when determining applications. Planning authorities should encourage the use of sites where existing sewerage and drainage provision problems can be utilised.

Chapter 10 of the Environment Statement (ES) considers the impacts of the provision of utilities supplies to the site and of any existing services at the site including gas, water, foul sewers, storm sewers and electricity. The applicant's consulting engineer has consulted the utility providers to ascertain the location of existing services and their capacity to support the proposal.

Dwr Cymru Welsh Water (DCWW) has indicated that there is capacity within the foul sewers subject to agreement on the actual connections. Details of the existing foul sewers together with possible connection points have been submitted with the application. The applicant has indicated that ground conditions will not permit surface water being disposed to ground so alternatives are being considered.

To the north of the application site, there is an existing 36-inch diameter storm culvert crossing the former railway embankment between Herbert Street and Vernon Street. To the south, there are adopted storm sewers in Tremains Road. The high spot to the development is adjacent to the Waunscil Spur with the site falling away to the north and south. The application proposes an infiltration ditch to the north with controlled discharge into the 36" culvert. To the south, attenuation is proposed on land outside the application site in the car parking area serving the allotments, with a new storm sewer connected to the existing storm sewer to the south. The applicant's consultant indicates that there are limitations on the capacity of the sewers in the Tremains Road area and attenuation will be required to a rate to be agreed with DCWW.

The Council's Land Drainage Team note that foul water will be disposed to DCWW off-site systems to the west of the site. Surface water will also be disposed to the main sewers with the surface water drainage plan indicating the southern part of the development draining to a public surface water sewer in Tremains Road with the northern part draining to a culverted watercourse. The Council's Land Drainage Engineer has indicated that connections to the culvert are unsuitable due to their location and the proximity of the two water mains that cross the inlet to the culvert. The drainage details are therefore deemed unacceptable. Surface water drainage for this development would need to be the subject of a SAB application which is assessed and determined outside the planning process. From a review of the outline drainage plan submitted, the requirements of the sustainable drainage legislation have not been considered. It is unlikely that DCWW will grant the use of sustainable drainage features for the northern section of development, given the location of two large water mains with significant easement widths and the restricted width of the land associated with the drainage in this area.

Based on the current proposals and given the health and safety issues around access to the discharge location with DCWW water mains crossing the discharge location, it is unlikely that the current development proposals would comply with the sustainable drainage legislation. Accordingly, the Council opposes the development on the basis that there are significant doubts as to whether surface water drainage can be provided to serve this

development. Furthermore, any SuDS system could have significant implications for the proposed layout. The applicant was advised that to remove the objection, an alternative discharge location for the northern section of the development should be considered along with sustainable drainage requirements serving the wider development. No revised schemes have been submitted.

**Whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission**

As indicated in the introduction to this report, part of the application site, and the area on which the housing is proposed, is a filled railway cutting. Over many applications, residents have questioned the suitability of the ground to accommodate the development and whether contamination and ground gases could pose a danger to future residents and the wider community.

When considering any development proposal, Planning Policy Wales advises authorities to take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment and to ensure that new development is not undertaken without an understanding of the risks. Development should not take place without appropriate remediation or precautions and consideration should be given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment.

Chapter 8 of the ES considers soils, geology, contamination, water quality and hydrogeology and draws on historical site investigations and more recent testing in 2018/19. Paragraphs 8.92 to 8.116 summarise the investigations into soil and groundwater contamination and indicate that levels are low and could be the subject of schemes of mitigation. Higher levels of methane were observed in one of the boreholes in 2018 and there would be a requirement for further testing before any development commences. It may however be prudent to include ventilation of for each dwelling below the concrete floor slab.

From the information and survey work that forms part of the ES it is clear that the ground conditions represent a significant development constraint, but the applicant does acknowledge the need for remediation and ground gas protection measures.

NRW noted that some preliminary risk assessment, site investigation and assessment have been undertaken but they did not cover the entirety of the redline boundary, and only the southern half of the site. Additionally, the borehole location plan in the 2018 report did not have any boreholes labelled. It was recognised that some groundwater level monitoring has been conducted, however it was unclear how the groundwater level relates to the natural strata/infill material. Groundwater sampling results were presented from 2008, which indicated that the site was not the subject of gross contamination. However, this did not constitute comprehensive groundwater monitoring/assessment.

Notwithstanding the comments referenced above, the consultation responses received from Natural Resources Wales and the Shared Regulatory Services (Environment) have suggested that conditions could be imposed to deal with contamination, remediation (including verification report) and long-term monitoring. Natural Resources Wales are satisfied that remedial options are available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

On this matter, the scheme could potentially address the requirements of both national and local planning policy.

## **Whether development viability affects the level of developer contributions that should be provided under the terms of the policies of the adopted development plan**

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.

Under Policy COM5, a new housing development should include 20% affordable housing which would represent 14 units on this development. A contribution to education would not however be sought as sufficient capacity currently exists in the school to accommodate the likely number of children generated by the proposed development.

The applicant's planning statement acknowledges that Council policy will normally require a level of affordable housing but suggests that development viability can affect the level of contribution. SPG 13 on Affordable Housing does indicate that where viability of providing affordable housing is considered to be an issue, developers will be required to provide information to allow a financial assessment of the costs and anticipated profits of the scheme based on responsibly sourced evidence.

The applicant's engineering consultant has carried out detailed assessments for the site, based on a detailed cost assessment of the works and the predicted sales values of the dwellings. The Development Viability Model (DVM) can include Affordable Housing or Shared Equity Housing and to factor up or down the predicted works costs or selling values. Based on the evidence, the development would not be viable if any level of affordable housing provision were to be made. The DVM has been considered by the Council and the findings cannot be challenged.

Policy COM11 requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. The Council's Outdoor Sports & Childrens 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 70 dwellings would lead to an estimated development population of 164 (based on an average of 2.34 people per house):

- The total amount of outdoor recreation space required should consist of approximately 2624 sq m of Outdoor Sport and 1312 sq m of Children's Play Space

The proposed site layout includes the provision of public open space and an equipped playing area (approx. 96sqm) to the north of the development. A sum of £51,000 should be provided for the maintenance of this equipped playing area. Based on the submitted layout, the level of children's play space falls significantly short of the quantum required policy and again represents a failure to address current policies. This deficiency, along with the scheme's inability to deliver much needed affordable housing and deliver development that meets placemaking objectives, is further evidence that developing this land for housing is not meeting the objectives of local and national planning policies.

## **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 Policies will only permit the use of land where it is not allocated for another use and achieves the placemaking objectives of local and national policy.

To promote nature conservation, biodiversity and to enhance the quality of life of individuals and communities, the Council promotes the provision of accessible natural greenspace and one such area includes the application site. Residential development is in the view of the Council, incompatible with the requirements of the policy and is therefore unacceptable as a matter of principle. The accepted high development costs which have been fully evidenced in the planning submission are not contested by the Council, but the benefits of the development as contended by the applicant company do not outweigh the scheme's inability to deliver affordable housing and contributions to public open space and its future maintenance.

The Council's own placemaking policy (Policy SP2) requires all development to be of a high-quality, creating attractive places which enhance the community in which they are located. For the reasons set out above, the development fails to safeguard and enhance biodiversity and green infrastructure. A net benefit for biodiversity is a requirement of national policy and a development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable, and demonstrable benefit, primarily on or immediately adjacent to the site. This has not been fully demonstrated in the planning submission. The character and appearance of the area will not be enhanced with the lack of green infrastructure, the use of standard house-types and a layout that lacks any sense of place. Furthermore, the scale and proximity of the development to existing properties will adversely affect their living conditions.

Based on the Transport Assessment work carried out by the developer, any impacts on the network and junctions could be off set through the installation of an upgraded adaptive traffic control system at the junction of Tremains Road with Coychurch Road. Monies would have been secured by agreement, had the Council been minded to approve this application. With no other means of delivering the improvements to the junction, concerns about the impact of the development on the network remain.

The Council acknowledges that the development would incorporate a community route that could be used for active travel that would benefit both new and existing residents. Whilst this could help reduce the dependency on the private car and promote, walking and cycling, this is only one aspect of placemaking and the schemes deficiencies elsewhere cannot be set aside simply to allow the construction of the new community route.

Site drainage is a fundamental requirement of any new housing site and whilst other bodies and agencies (SAB Approving Body and Dwr Cymru Welsh Water) regulate surface and foul water disposal, there are significant concerns as to whether surface water can be appropriately managed on this site. If the Council were minded to approve this development, a pre-commencement condition could be imposed but, based on the consultation responses received, this will be another reason for resisting the development of this site.

## **RECOMMENDATION**

(R30) That permission be **REFUSED** for the following reason(s): -

1. The proposed development, by reason of its design, does not promote the provision of Accessible Natural Greenspace on this land contrary to Policy COM 13 (9) of the Bridgend Local Development Plan and consequently the development of this site for housing would be to the detriment of nature conservation, biodiversity and the quality of life of local residents and the wider community and contrary to the objectives of the Bridgend Local Development Plan and advice contained within Future Wales – the National Plan 2040 and Planning Policy Wales 11 (Feb. 2021).
2. The proposed development does not accord with the Council's Placemaking Policy SP2 and the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 11 for the following reasons:
  - (i) The development will not safeguard and enhance existing green infrastructure on site and no information has been provided as to how net benefit for biodiversity will be achieved through securing immediate and long-term, measurable, and demonstrable benefits on site.
  - (ii) The house design (standard house types) and housing layout will create a poor 'townscape', dominated by parked cars and lacking character, variation, and architectural detail.
  - (iii) The scale and proximity of the housing, with specific reference to Plots 15 and 16, 20-25 and 26-42 will unacceptably affect the living conditions of existing residents through a loss of privacy and a domination of outlook, exacerbated through a failure to safeguard and enhance existing landscape features.
  - (iv) The lack of garden space for future residents, (Plots 11, 12, 14, 15, 19, 20, 63, 64 and the terrace on plots 66-69) will provide a poor living environment for future residents of these properties.
3. The proposed development fails to provide and/or secure the required upgrade of the current MOVA system operating on the junction of Tremains Road/Coychurch Road/Asda to sufficiently mitigate the impact of the development on the highway network, contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (Feb. 2021).
4. The proposed layout does not provide adequate off-street parking facilities and would therefore generate a greater demand for on street parking to the detriment of highway safety, contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 17: Parking Standards (2011).
5. Insufficient information has been submitted with this application to demonstrate that surface water from this development could be managed in accordance with the Statutory Standards for Sustainable Drainage Systems – Designing, Constructing, Operating, and maintaining surface water drainage systems published by Welsh Government in 2018 and Policy SP2 of the Bridgend Local Development Plan 2013.

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# PLAN 1

