

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



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

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

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



Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli yn Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr CF31 4WB ar **Dydd Iau, 28 Mawrth 2019** am **14:00**.

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deul o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Ymweliadau Safle
I gadarnhau dyddiad dydd Mercher 8/5/2019 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.
4. Cymeradwyaeth Cofnodion 3 - 8
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 14/02/2019
5. Siaradwyr Cyhoeddus
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
6. Taflen Gwelliant
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.

Ffôn/Tel: 01656 643643

Facs/Fax: 01656 668126

Ebost/Email: talktous@bridgend.gov.uk

Negeseuon SMS/ SMS Messaging: 07581 157014

[Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidi testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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

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Yn ddiffuant

K Watson

Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddiol

Dosbarthiad:

Cynghowrwy

JPD Blundell

NA Burnett

RJ Collins

SK Dendy

DK Edwards

RM Granville

Cynghorwyr

MJ Kearn

DRW Lewis

JE Lewis

JC Radcliffe

JC Spanswick

RME Stirman

Cynghorwyr

G Thomas

MC Voisey

KJ Watts

CA Webster

AJ Williams

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 14 CHWEFROR 2019

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD YN SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR CF31 4WB DYDD IAU, 14 CHWEFROR 2019, AM 14:00

Presennol

Y Cynghorydd G Thomas – Cadeirydd

JPD Blundell	NA Burnett	DK Edwards	RM Granville
MJ Kearns	DRW Lewis	JC Radcliffe	JC Spanswick
RME Stirman	MC Voisey	KJ Watts	CA Webster
A Williams	AJ Williams		

Ymddiheuriadau am Absenoldeb

SK Dendy a/ac JE Lewis

Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Gareth Denning	Prif Swyddog Adran 106
Lee Evans	Uwch Swyddog Cynllunio
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Mark Galvin	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Rod Jones	Uwch Cyfreithiwr
Richard Matthams	Arweinydd Tîm Cynllunio Datblygiadau
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

216. YMDDIHEURIADAU AM ABSENOLDEB

Cafwyd ymddiheuriadau am absenoldeb gan yr Aelodau canlynol:-

Cynghorydd JE Lewis
Cynghorydd S Dendy

217. DATGANIADAU O GYSYLLTIAD

Datganodd y Cynghorydd Amanda Williams gysylltiad rhagfarnus â'r cais canlynol, oherwydd roedd hi wedi'i wrthwynebu ac wedi gwneud penderfyniad ymlaen llaw yn ei gylch – P/18/929/RES

218. YMWELIADAU SAFLE

PENDERFYNWYD:

Bod y Pwyllgor yn cytuno ar y dyddiad dydd Mercher 27 Mawrth 2019 ar gyfer archwiliadau safle arfaethedig oedd yn codi yn y cyfarfod, neu a ddynodwyd cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd

219. CYMERADWYO'R COFNODION

PENDERFYNWYD:

Cymeradwyo Cofnodion cyfarfod y Pwyllgor Rheoli Datblygu dyddiedig 3 Ionawr 2019, fel cofnod gwir a chywir.

220. SIARADWYR CYHOEDDUS

Nid oedd unrhyw siaradwyr cyhoeddus.

221. TAFLEN DDIWYGIADAU

Nid oedd Taflen Ddiwygiadau.

222. CANLLAWIAU'R PWYLLGOR RHEOLI DATBLYGU

PENDERFYNWYD: Nodi crynodeb Canllawiau'r Pwyllgor Rheoli Datblygu fel y manylir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.

223. P/16/609/FUL – TIR RHWNG 47 A 49 WOODLAND AVENUE, PORTHCRAWL, CF36 5HW

PENDERFYNWYD: (1) O ystyried y cais canlynol, bod yr ymgeisydd yn mynd i Gytundeb Adran 106 i:-

- i. sicrhau nad yw'r Woodland Hall/Neuadd y Sgowtiaid yn cael ei dymchwel ac ni chaiff unrhyw ddatblygiad ei gychwyn hyd nes i'r Awdurdod Cynllunio Lleol dderbyn a chydabod iddynt dderbyn copi o'r dogfennau cyfreithiol sy'n dangos bod Neuadd Gilgal wedi'i chaffael gan Gymoedd i'r Arfordir ac yn cael ei phrydlesu i'r Sgowtiaid a bod tystiolaeth ysgrifenedig fod y Sgowtiaid wedi symud yn gorfforol i Neuadd Gilgal.
 - ii. darparu 30% o'r unedau preswyl fel unedau tai fforddiadwy yn unol â Chanllawiau Cynllunio Atodol Tai Fforddiadwy
 - iii. darparu cyfraniad ariannol am y swm o £8,510 tuag at welliant pellach i'r lle adloniant yn Heol Y Goedwig, Porthcawl.
- (2) Bod y Cyfarwyddwr Corfforaethol - Cymunedau yn cael grymoedd llawn i gyhoeddi hysbysiad penderfynu'n rhoi caniatâd mewn perthynas â'r cais hwn ar ôl i'r ymgeisydd ddechrau'r Cytundeb Adran 106 a grybwyllwyd uchod, yn amodol ar yr Amodau yn ei adroddiad i'r Pwyllgor, dyddiedig 3 Ionawr 2019.

Cais

Dymchwel y strwythurau presennol ac adeiladu 10 annedd a gwaith cysylltiedig

224. P/18/954/RLX – TIR YM MOOR LANE, PORTHCRAWL, CF36 3EJ

PENDERFYNWYD: Caniatáu'r cais uchod, yn amodol ar yr Amodau a'r Nodiadau yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau:-

Cais

Amrywio Amod 1 P/17/554/RLX i newid uchder unedau'r cabanau o 3.05m i 5 m.

225. P/18/929/RES – MEYSYDD CHWARAE YM MHARC DERWEN, PEN-Y-BONT AR OGWR

PENDERFYNWYD: Gohirio'r cais uchod i gyfarfod nesaf y Pwyllgor er mwyn i'r Aelodau gael cyfle i ymgymryd ag Archwiliad Safle Pwyllgor llawn.

Cais

Ailbroffilio a thirlunio'r cloddiau ar ochr ddeheuol y meysydd chwarae.

226. APELIADAU

PENDERFYNWYD: (1) Nodi'r Apeliadau y manylwyd arnynt yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau, a dderbyniwyd ers ei adroddiad diwethaf i'r Pwyllgor.

(2) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i gadarnhau'r Apeliadau canlynol wedi rhoi cyfarwyddwyd i'w Gollwng:-

Rhif Cod. Testun yr Apeliadau
A/18/3213353 (1841) Adeiladu 2 annedd deulawr ar wahân – Plot 65, Duffryn Oaks Drive, Pencoed.

A/18/3214133 (1843) Sied wyna newydd arfaethedig: Tir i ochr ddeheuol Pant Hirwaun, Heol-Y-Cyw.

A/18/3215516 (1846) Addasu gweithdy ac adeiladu estyniad ochr i ddarparu annedd un llawr ar wahân; israniad o'r ardd gefn i ddarparu man amwynder, parcio etc: 63 Ogwy Street, Nantymoel.

(3) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i gadarnhau'r Apêl ganlynol wedi cael cyfarwyddyd eu bod yn cael Caniatâd, yn amodol ar yr Amodau, i wneud y canlynol:-

Rhif Cod. Testun yr Apeliadau
A/18/3215314 (1844) Amrywio Amod 4 P/16/844/FUL ac Amod 2 P/17/940/RLX mewn perthynas â defnyddio'r grisiau dur: Fflat llawr cyntaf a gardd gefn, 12 Suffolk Place, Porthcawl

D/18/3216843 (1847) Adeiladu modurdy dwbl ar wahân gyda lle storio yn y llofft (Ailgyflwyno cymeradwyaeth P/16/331/FUL gyda diwygiadau): Bradford Cottage, Llangeinor

227. COFRESTR SAFLEOEDD YMGEISOL CYNLLUN DATBLYGU LLEOL (CDLL) NEWYDD PEN-Y-BONT AR OGWR

Cyflwynodd y Cyfarwyddwr Corfforaethol – Cymunedau adroddiad, a'i bwrpas oedd hysbysu'r Pwyllgor Rheoli Datblygu ynghylch y gofrestr Safleoedd Ymgeisiol (sydd ynghlwm yn **Atodiad 1**) a dderbyniwyd gan bartïon cyfrannog yn dilyn galwad i gyflwyno'r safleoedd hynny rhwng 14 Medi a 9 Tachwedd 2018.

Cynghorodd Arweinydd y Tîm Cynllunio Datblygu fod Cynllun Datblygu Lleol (CDLI) Newydd Pen-y-bont ar Ogwr yn strategaeth lefel uchel y mae'n rhaid i'r Cyngor ei baratoi. Mae'r CDLI yn gosod mewn termau defnydd tir holl flaenoriaethau ac amcanion

y Cynllun Corfforaethol. Bydd angen i'r CDLI Newydd i'r dyfodol fynegi mewn termau defnydd tir amcanion a blaenoriaethau lles Cynllun Lles Bwrdd Gwasanaethau Cyhoeddus Pen-y-bont ar Ogwr.

Hysbysebwyd yr alwad am safleoedd fel y manylwyd ym mharagraff 3.2 yr adroddiad ac, erbyn y dyddiad cau ar 9 Tachwedd 2018, cafodd 172 o safleoedd eu cyflwyno a'u coladu mewn 'Cofrestr Safleoedd Ymgeisiol' a atodwyd i'r adroddiad.

Manylodd yr adroddiad ar y camau nesaf mewn perthynas â phroses y ddogfen hon.

Pwysleisiodd Arweinydd y Tîm Cynllunio Datblygu i'r Aelodau ei bod hi'n bwysig ailadrodd yn ystod y cam hwn nad yw cyhoeddi unrhyw safle yn y Gofrestr Safle Ymgeisiol hon yn cadarnhau unrhyw statws neu awgrym y bydd yn cael ei symud ymlaen i gael ei gynnwys mewn cynigion cyn adneuo neu'r CDLI adneuo ac nid yw'n awgrymu unrhyw ffafriaeth gan yr Awdurdod Cynllunio Lleol mewn perthynas â'i haeddiant. Mae hyn yn cynnwys unrhyw safleoedd a gyflwynwyd gan Adrannau Mewnol y Cyngor.

Pwysleisiodd hefyd nad dogfen ymgynghori â'r cyhoedd yw'r gofrestr hon ond casgliad feithiol o'r safleoedd a gyflwynwyd.

Rhoddodd Paragraff 4.8 yr adroddiad wybodaeth o ran y dulliau y mae'r Tîm Cynllunio Datblygu wedi rhoi cyhoedduswyd i'r Gofrestr ac wedi sicrhau ei bod ar gael.

Rhoddodd Arweinydd y Tîm Cynllunio Datblygu wybod y byddai cost yr CDLI Newydd yn cael ei thalu o'r gyllideb Cynllunio Datblygu ac yn cael ei gyflwyno gan y staff Cynllunio Datblygu gyda chyingor arbenigol a thystiolaeth a gafwyd gan ymgynghorwyr a thrwy gydweithredu gydag awdurdodau cyfagos yn ôl yr angen.

PENDERFYNWYD: Bod yr Aelodau'n nodi cynnwys y Gofrestr Safleoedd Ymgeisiol.

228. **CYNLLUN DATBLYGU LLEOL (CDLL) NEWYDD PEN-Y-BONT AR OGWR 2018-2033 GWELEDIGAETH AC AMCANION DRAFFT, TWF A DEWISIADAU GOFODOL**

Cyflwynodd y Rheolwr Cynllunio Datblygu adroddiad i'r Pwyllgor Rheoli Datblygu ar y weledigaeth a'r amcanion drafft, y dewisiadau twf a strategaeth ofodol ar gyfer Cynllun Datblygu Lleol (CDLI) Newydd Pen-y-bont ar Ogwr.

Esboniodd fod y 3 adroddiad technegol (sydd ynghlwm fel atodiadau A, B ac C i'r adroddiad eglurhaol) wedi darparu gwybodaeth gefndir mewn perthynas â'r weledigaeth a'r amcanion drafft, y dewisiadau twf a'r dewisiadau strategol gofodol a gynigir ar gyfer yr CDLI newydd.

Bwriedir i'r adroddiadau technegol hyn lywio'r ymgysylltiad a'r cyfranogiad cyn adneuo parhaus a hefyd llywio'r gwaith o baratoi'r strategaeth ddethol a chamau dilynol paratoi cynlluniau:

- Adroddiad Technegol 1: Gweledigaeth ac Amcanion Drafft (sydd ynghlwm fel Atodiad A);
- Adroddiad Technegol 2: Dewisiadau Twf Strategol Drafft (sydd ynghlwm fel Atodiad B);
- Adroddiad Technegol 3: Dewisiadau Strategaeth Ofodol Drafft (sydd ynghlwm fel Atodiad C).

Amlinellodd rannau nesaf yr adroddiad grynodedbau gweithredol yr Adroddiadau Technegol uchod a rhoddodd y Rheolwr Cynllunio Datblygu grynodedb o bwyntiau allweddol pob un er budd yr Aelodau.

PENDERFYNWYD: Bod y Pwyllgor Rheoli Datblygu'n cymeradwyo cynnwys Adroddiadau Technegol 1, 2 a 3 (sydd ynghlwm â'r adroddiad yn Atodiadau A, B ac C) fel sail i baratoi'r ddogfen Strategaeth a Ffeirir a fydd yn cael ei chyhoeddi ar gyfer ymgynghoriad cyhoeddus ffurfiol ym mis Hydref/Tachwedd 2019.

229. ADRODDIAD DIWEDD Y FLWYDDYN – PERFFORMIAD CYNLLUNIO 2018

Cyflwynodd y Rheolwr Rheoli Datblygu ac Adeiladu adroddiad ar berfformiad cynllunio mewn perthynas ag amryw feysydd Cynllunio a Rheoli Datblygu, ystadegau a gwybodaeth gysylltiedig y manylwyd arnynt yn yr atodiadau canlynol:-

Atodiad A – Cytundebau Adran 106
Atodiad B – Ystadegau apeliadau
Atodiad C – Camau gorfodi etc
Atodiad D – Ystadegau Rheoli Adeiladu
Atodiad E – Arolwg Bodlonrwydd Cwsmeriaid
Atodiad F – Arolwg Chwarterol Rheoli Datblygu Ion – Medi 2018
Atodiad G – Tablau'r Fframwaith Perfformiad 2017/18
Atodiad H – Cwynion (yn 2018)

Amlinellodd Paragraff 3.5 yr adroddiad rai o'r pwyntiau allweddol sy'n codi yn sgil coladu'r data mewn perthynas â'r uchod, ac ehangodd y Rheolwr Rheoli Datblygu ac Adeiladu ar hyn er budd yr Aelodau.

O ran lefelau bodlonrwydd cwsmeriaid, ychwanegodd yn ystod y cyfnod 2016-2017, credai 62% o ymatebwyr yr arolwg fod Pen-y-bont ar Ogwr wedi rhoi cyngor cynllunio da yn erbyn cyfartaledd Cymru o 62%. Ar gyfer 2017-2018, cytunodd 50% o ymatebwyr fod yr Awdurdod Cynllunio Lleol wedi rhoi cyngor da (yn erbyn cyfartaledd Cymru o 60%). Gellir priodoli'r dirywiad mewn bodlonrwydd cwsmeriaid i nifer o ffactorau fel cyfradd ymateb isel (14%) oherwydd y posibilrwydd o flino ar arolygon a'r ffaith bod cwsmeriaid sy'n derbyn gwasanaeth da yn ei ddisgwyl ac nad ydynt yn teimlo'r angen i lenwi'r arolygon.

PENDERFYNWYD: Bod yr Aelodau'n nodi'r adroddiad.

230. COFNOD HYFFORDDI

PENDERFYNWYD: Nodi adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau sy'n rhestru sesiynau hyfforddiant sydd ar ddod i Aelodau fel rhan o Gofnod Hyfforddiant y Pwyllgorau.

231. EITEMAU BRYD

Dim un.

Daeth y cyfarfod i ben am 15:11

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

REFERENCE: P/18/983/FUL

APPLICANT: LINC CYMRU & ABERTAWE BRO MORGANNWG UHB

LOCATION: FORMER SUNNYSIDE COUNCIL OFFICES & MAGISTRATES COURT SITE, SUNNYSIDE ROAD/GLAN Y PARC, BRIDGEND CF31 4AJ

PROPOSAL: DEVELOPMENT OF 59 DWELLINGS, HEALTHCARE CENTRE AND ASSOCIATED WORKS INC. ACCESS, LANDSCAPING AND CAR PARKING

RECEIVED: 11 December 2018

APPLICATION/SITE DESCRIPTION

The application by seeks Planning permission for the redevelopment of the former Magistrates Court and Council Offices site at Sunnyside Road, Bridgend.

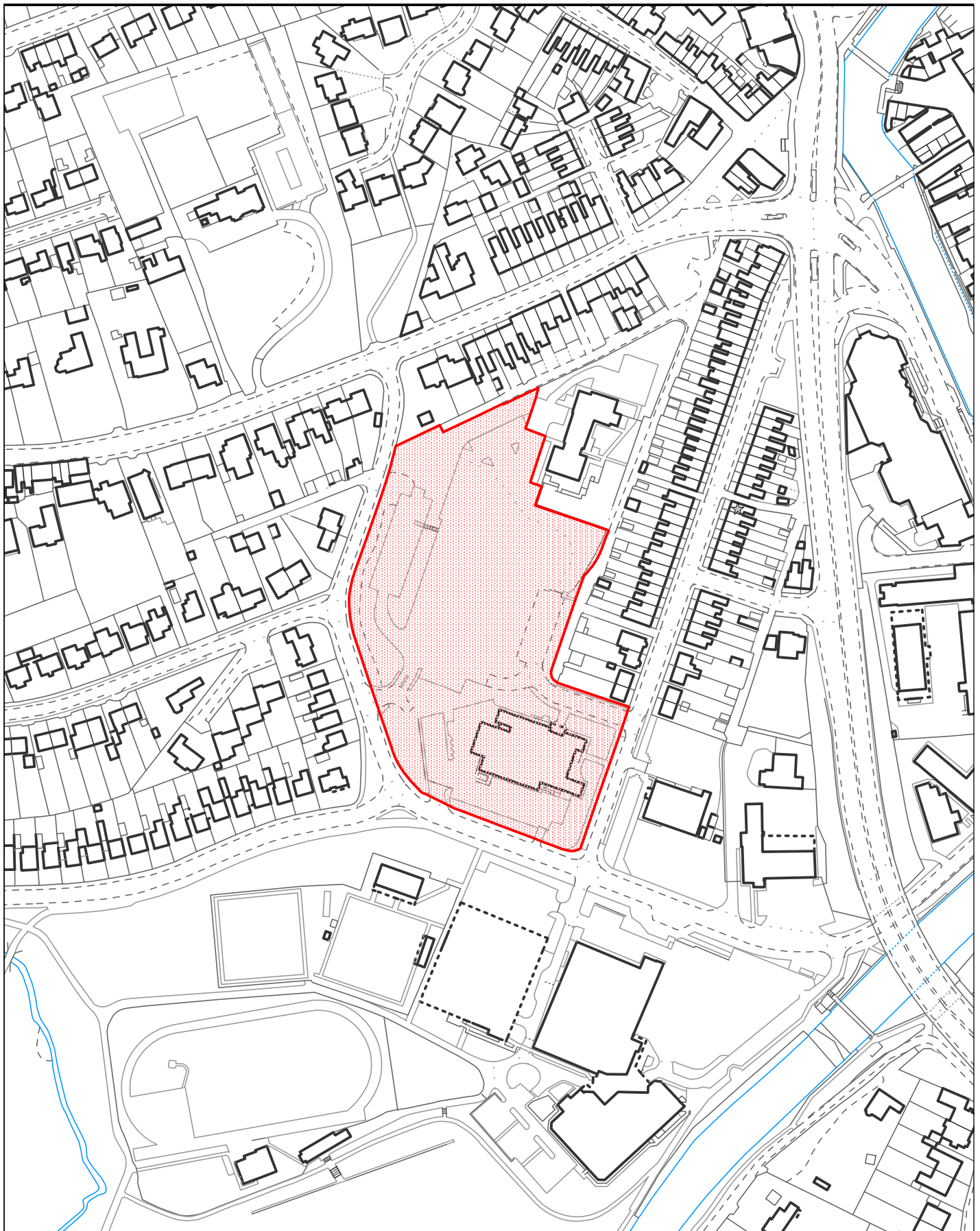
The proposed 'Wellness Village' will comprise 59 affordable homes, a healthcare centre and associated works including parking, landscaping and access arrangements.

Proposed Site Layout



It is proposed to construct a total of 59 affordable dwellings on this site in a mixture of 1 bed bungalows (3), 2 bed bungalows (2), 1 bed apartments (19), 2 bed apartments (9), 2 bed houses (15), 3 bed houses (8) and 4 bed houses (3).

The residential element of the overall scheme is split into three distinct areas – the central core of bungalows bookended by short terraces, the block of apartments to the east of the site which encloses the central communal courtyard and the long terraces of two storey dwellings with private rear gardens on the upper level to the west and north of the site.



COMMUNITIES DIRECTORATE

 Mark Shephard

 Corporate Director - Communities

 Civic Offices

 Angel Street

 Bridgend CF31 4WB

 Telephone (01656) 643643

P/18/983/FUL


Former Sunnyside

Council Offices

& Magistrates Court

Sunnyside Road

BRIDGEND



 Scale 1 : 2,500

 Date 21/03/2019

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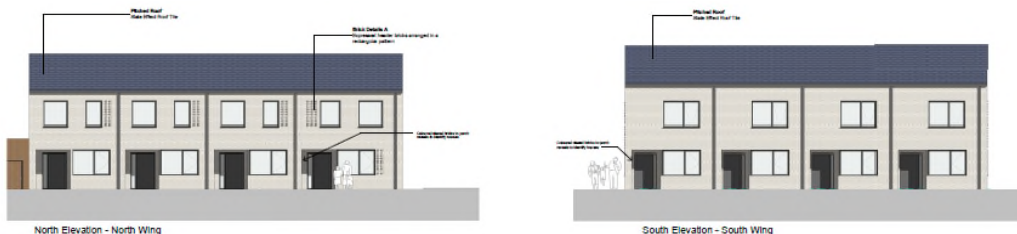
 Countryside Council for Wales. ©Crown Copyright and database right 2011. Ordnance Survey 100018813.

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The bungalows are located towards the centre of the site and are designed to accommodate mobility impaired users.



The bungalows are bookended by two short perpendicular rows of two storey, pitched roof dwellings.



The three-storey apartment block sits towards the centre/east of the site, providing one and two bedroom self-contained apartments, as well as cycle parking for residents. The apartment building has cut-through routes at ground floor level to allow pedestrian access through and into the central communal courtyard beyond.

The apartment block appears to have a flat roof to reduce its bulk and scale but a shallow mono-pitched roof is set behind short parapets at the front and rear.



The remainder of the two storey houses are in terraces and positioned to the western (a row of 12 terraced properties) and northern (a row of 6 terraced properties) sides of the site, backing onto Glan y Parc and the rear of the properties along Park Street.



Originally, the scheme included for the redevelopment of the Ty'r Ardd building with a further 21 affordable units but this element does not form part of this application.

As well as the residential units, the site will accommodate parking, landscaping, an informal play space, a natural play space, a community growing area and communal gardens.

The central communal courtyard space will provide an open environment for occupiers of the apartments, houses and bungalows surrounding this space to interact and relax. At the southern entrance to the site there is a large green public open space with space for communal growing opportunities for the local community and natural play. A further informal terraced space for play and recreation is located to the north- west of the site.

The proposed Health Centre will replace and incorporate existing local surgeries including Ashfield Surgery, Merthyr Mawr Road (GP Services), Newcastle Surgery, Llangewydd Road (GP Services) – both of which form the Bridgend Group GP Service, Quarella Road Clinic (Contraception and Sexual Health Services) and the Bryntirion Clinic (Podiatry and Orthotic Services).



The three-storey, flat roofed, rectangular building is to be positioned towards the south-eastern corner of the site and will provide consulting and treatment accommodation for the local health board surgeries, General Practitioners' surgery, specialist dentist unit and a retail pharmacy unit. Refuse stores and an Ambulance/servicing pull in bay are proposed to the northern end of the building with access from Sunnyside Road.

The development site measures approximately 1.9 ha in area and is broadly flat, other than a raised plateau along its western boundary, which then banks up towards the road at Glan-y-Parc where a series of trees currently enclose the site.

The site comprises an area to the north where the former Sunnyside Council offices stood and the recently demolished Magistrates Court building to the south-east. It lies to the south-west of the Ty'r Ardd Registry Office and a two way access road is to be retained to this facility through the site via Sunnyside Road.

Vehicular access to the Magistrates Court, prior to its closure, was via Glan y Parc and Sunnyside Road, whilst access to the site of the former Council offices was historically from Glan-y-Parc.

The access to Ty'r Ardd will be retained via Sunnyside Road and it is proposed that the healthcare facility and associated car park will be accessed from Sunnyside Road and a primary access point opposite Park Court Road to cater for patients. The residential element of the site will be accessed via an entrance off Glan y Parc although egress will be onto Sunnyside Road as the access into the Home Zone area is a one way system. The scheme will include for cycle parking facilities to encourage sustainable forms of travel.

The buildings will be predominantly finished with a pale buff brick to be in keeping with the local context. Varied detailing of the brickwork will help to break up the massing and provide visual interest, amongst the houses, flats and healthcare centre.

Elements of off-white render will also be incorporated into the houses to introduce variety to the terracing. The apartment blocks will include metal cladding and glazed brickwork, as well as a similar pale buff brick detailing. The healthcare centre will also include metal cladding, timber cladding and feature signage that will complement the appearance of the building as well as making it clear and legible for future users whilst differentiating it from the residential part of the scheme.

In terms of scale and massing, the largest elements of the scheme are the Apartment Block and the Healthcare Facility. The main living quarters part of the Apartment Block is approximately 11.15m in height from ground level and the two stairwell elements to the rear (west) and either end of the block are approximately 12m in height. The Healthcare Facility is approximately 12.5m in height above a 1.2m raised plinth.

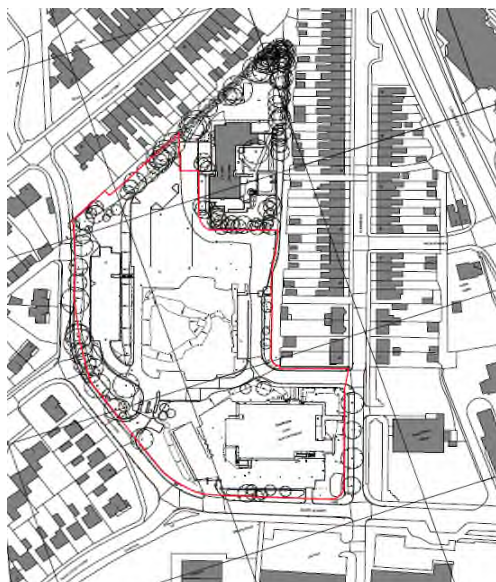
The site provides approximately 80 residential car parking spaces and 66 car parking spaces for the healthcare facility. The number of parking spaces provided for the healthcare facility is in excess of the total number of parking spaces provided at the existing surgeries (27) and it is proposed that staff will park in the nearby Halo Leisure Centre car park. A new pedestrian crossing is proposed across Glan y Parc to improve cycle and pedestrian access to the main entrance into the Healthcare Centre.

A proportion (5) of the gardens to the rear of the row of twelve terraced properties (West Terrace) are outside of the area under the applicant's control and therefore are outside of the application site and this will need to be regularised through a revised scheme for this part of the site to ensure that the dwellings have sufficient private outdoor amenity space.

It is intended that sustainable methods of heating and power are proposed for this site including a connection to a Combined Heat and Power (CHP) system based at Halo Leisure Centre which will also serve the Civic Offices. Connection to the heat network will result in the entire site being free from fuel/carbon emissions with reduced energy costs however. This element lies outside the scope of this current Planning application.

Other sustainable initiatives on this site include PV panels to the healthcare centre, which will help the building to attain the BREEAM 'Excellent' accreditation as required by the funding source, along with low air permeability, high thermal performance of building fabric, natural ventilation for the healthcare centre, low energy LED lighting, car charging points and battery storage units.

Existing Site Layout (prior to the demolition of the Magistrate's Court)



The western and southern parts of the site are bounded by the main road at Glan y Parc, on the opposite side of which are dwellings to the west, and the Bowling Club (and athletic track beyond) and Halo Leisure Centre to the south. The eastern boundary adjoins Sunnyside Road and the curtilage of the former Water Board Offices (now occupied by BCBC IT Dept) and the rear boundaries of dwellings along the western side of Sunnyside Road.

The site lies within the Primary Key Settlement of Bridgend and is in a highly sustainable location within easy walking distance of the town centre and its associated services and facilities. Whilst it is not allocated for a specific use in the Local Development Plan (LDP), the extant consent for an 80 bed care home on the site (with a potential future second phase for 40 extra care apartments), its sustainable location, the need for more affordable housing generally and the ABMU's proposals to improve the healthcare provision for the residents of Bridgend are all material Planning considerations in the determination of this application.

Part of the site lies within the C1 Flood Risk Zone (i.e. areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as identified under TAN15: Development and Flood Risk (2004).



The site is close to, but outside, the Newcastle Hill Conservation Area to the north and is adjacent to the recently designated Air Quality Management Area along Park Street.

RELEVANT HISTORY

P/18/464/DPN - Prior notification for demolition of Bridgend Magistrates Court to make way for redevelopment of the site – DPN approved 15/8/18

P/15/104/FUL - Demolish existing offices & replace with care home & associated works – Conditional Consent 21/5/15 (see site layout as approved below)



PUBLICITY

Neighbours have been notified of the receipt of the application and the scheme has been the subject of site and press notices due to the scale of the development.

NEGOTIATIONS

The application has been the subject of pre-application discussions with the Local Authority, two design review meetings with the Design Commission for Wales and public consultation exercises with local residents and other key stakeholders in the local community through two public meetings held during the summer of 2018 as part of the statutory pre-application consultation exercise.

CONSULTATION RESPONSES

Bridgend Town Council Observations – The Town Council wish to be invited to any site meeting, reserve the right to make representations at the DC Committee meeting and request to be consulted on any S106 contributions that may be offered by the applicant. They object to the development on the following grounds:

- The application appears deeply flawed in its concept – the thinking behind amalgamating four well established surgeries and clinics on a single site makes no geographical sense.
- The location is very restricted in terms of existing housing developments and highway infrastructure – access to the facility would be by motor vehicle via Angel Street, Rice Street/Sunnyside Road or Glan y Parc due to poor bus services and there will be nowhere to park within the complex so surrounding streets would be saturated when the official car parks are generally full to capacity.
- These Health Centre problems will be compounded by the housing element – it will exacerbate an already hopelessly inadequate parking facility.
- The removal of a considerable number of mature trees and vegetation is unacceptable when we are being urged to preserve the environment.
- Whilst acknowledging that the site must be developed, social affordable housing targets have been met in this area and the centralised Health Centre makes no geographical sense for patient need.
- There continues to be a need for sheltered accommodation complexes and retirement bungalows and the site would be ideal for these facilities being on flat land close to the town centre.
- Given the proximity of the Evergreen Hall, there is no need for a Village Hall on the site, which was original mooted but abandoned.
- The development does not take the future well-being of existing residents into account – the impacts on local infrastructure, the environment, air pollution along surrounding highways have not been addressed.

Head of Street Scene (Highways) – Concerns are raised with the level of parking for both the residential element of the scheme and the future users and staff of the healthcare centre. However, due to the sustainability credentials of the site and subject to the implementation of the measures included within the Travel Plan (and the imposition of conditions and informatives to secure the necessary parking management, active travel routes and acceptable accesses and egresses), the scheme is acceptable in Highway terms.

Dwr Cymru/Welsh Water Developer Services - No objection subject to conditions and informative notes to ensure that the surface water from the site does not connect to the foul sewer, as per the submitted drainage strategy.

Head of Street Scene (Land Drainage) - No objection to the foul water proposals for the scheme subject to conditions and advisory notes however, a holding objection is lodged due to the location within a C1 Flood Zone and the proposed use of infiltration for surface water disposal.

Shared Regulatory Services – Land Contamination - No objection subject to conditions.

Shared Regulatory Services – Public Protection (Noise) - No objection subject to conditions and confirmation that at least 50% of the garden area used for sitting out will achieve acceptable levels and if not, provision of additional mitigation will be necessary with respect to the design of these dwellings.

Shared Regulatory Services – Public Protection (Air Quality) – A concern has been raised but the development is acceptable subject to a condition to require further modelling of the potential impact of the scheme on the AQMA at Park Street, further monitoring of pollution levels in the area and a scheme of mitigation measures to successfully reduce any impact on the AQMA.

Natural Resources Wales - An objection has been received on the basis that the site is in the C1 flood zone and the proposal does not technically comply with advice contained within Technical Advice Note 15: Development and Flood Risk.

REPRESENTATIONS RECEIVED

The occupier(s) of the following addresses have submitted their concerns/objections to the scheme:

10, 12, 16, 17, 18, 23, 24, 26, 27, 31, 34, 36, 54, 80, 87, 89, 93, 99 Parkfields Road
18, 36, 39, 43, 46, 55, 67, 69, 71, 79, 81, 82, 89, 109, 165 Park Street
1b, 6, 8, 12, 15, 21, 25, 30, 32, 34, 38, 40, 74 Park Court Road
22, 40, 56, 58, 59, 61, 62, 63, 66, 69, 70, 71, 84 Sunnyside Road
9, 39, 48 Greenfields Avenue
8, 63 West Road
8, 15, 24, 48, 51, 90 Heol y Bardd
6, 8, 10, 12, 14 Glan y Parc
2 Elmsfield Court
19, 41 Newcastle Hill
18, 39, 48, 63, 78, 93, 99, 109 Oaklands Road
Cae Dre Cottage,
1 Coed Cae'r Odin
80 Heol Castell, Coity
14 Manor Drive, Coychurch

A small number of other representations were received from individuals but despite reminders being sent, they were not accompanied by their addresses. However, their points are consistent with the objections already made by other residents in the area.

A link to a 400+ name online petition was also submitted under cover of one of the representations. At the time of writing, the number of signatures had reached 475.

The concerns/objections of the local population can be summarised as follows:-

Air Quality/Pollution

- There is already concern and monitoring around this area with regard to air pollution.
- The health centre will increase traffic and therefore air pollution due to a continuous turnover of traffic visiting the site as well as slow moving traffic looking for a space to park.
- The effect on the general health and wellbeing of the local community.
- The AQMA for Park Street is a material consideration and it is likely that many users of the site will access it via Park Street.

- The site is not topographically suitable for more development and will have further adverse implications for the health and wellbeing of residents.
- The standing traffic witnessed by residents contradicts the modelled road speeds in the Air Quality Assessment.
- The construction period will further impact air quality in the area.
- The air quality in the area will be further impacted by cars circling the area whilst patients are being dropped off.
- The pollution control measurements are inaccurate and the actual pollution levels must be higher.
- The scheme will make the environment worse for asthma sufferers.

Surrounding Highway Network

- The roads cannot cope with current levels of traffic and Park Street is gridlocked in the mornings and evenings.
- Glan y Parc is used as a shortcut and there have been many minor accidents on this road.
- The traffic monitoring was carried out when schools were closed and at quiet times of the day which is not a true reflection of the situation around this area.
- The health centre will generate increased levels of traffic in this already busy part of Bridgend.
- The area is constantly used by visiting schools and buses causing traffic congestion.
- The roads are very narrow and will not cope with more traffic.
- The healthcare centre is expecting over 600 visits by car per day.
- What route will visitors take in order to reach the medical centre when travelling from Newcastle Ward?
- An increase in traffic using Angel Street will put people off using the Rhiw Car Park.
- The entrance/exit via Sunnyside Road is right at the point where the road narrows.

Lack of Public Transport Alternatives

- Visitors to the site will have to use private cars or taxis.
- There are no bus services from the Cefn Glas area.
- The subsidies for the two buses along Oaklands Road have been cut.
- People will not walk from the bus station.

Highway Safety

- Children will be put at risk by the increase in traffic in the area.
- Traffic from Cefn Glas will have to stop to turn right onto Glan y Parc which has caused "concertina" type accidents.
- The development will impede fire service/ambulance response times, risking lives.
- The surrounding junctions will be blocked by vehicles queuing to visit the health centre.
- The proposed access points and visibility splays are substandard.
- Extra traffic will result in more potholes.

Parking

- The surrounding roads are already congested by people parking their cars here to visit the town centre, work in the town, to visit the leisure centre and to use the train station.
- The car parks at the recreation centre and bowls club are full during the working day.

- Indiscriminate parking causes obstruction and this issue will get worse after this development.
- Most households have two cars and the development does not provide sufficient parking within the site.
- There is not enough parking provision for the staff and patients visiting the healthcare centre.
- The level of parking provided within the site is unrealistic given the volume of patient throughput that a public health facility would generate.
- The car park is going to be used by visiting shoppers instead of the pay and display car parks in the town centre.
- The surrounding streets should be restricted to residents only.
- Will there be a condition that new residents cannot have a car or more than one per dwelling? Will visitors only arrive on foot?
- Could the plans be adapted to provide an underground car park?
- Large vehicles and refuse lorries find it difficult to navigate through the surrounding streets.
- There is a lack of provision for visitors.
- Grass verges on surrounding streets are being parked on.
- Existing members of Halo Leisure Centre are already concerned at the lack of parking availability.
- Both existing surgery sites have ample on-street parking provision.

Lack of Public Participation

- The submission of Planning documents over the festive period when many are away was a calculated move that proves the lack of engagement.
- The PAC Report highlights objections from residents.
- At both public engagement sessions, residents strongly objected to the three storey flats and suggested they be two storey only.
- A very positive spin was placed on the concerns.
- The documents insinuate that BCBC has already agreed to the proposal.

Lack of Capacity in the Foul Sewer Network

- Concerns are raised about the adequacy of the sewerage system which is already stressed.
- Residents have experienced blocked drains and problems with sewage coming up into their gardens

Density of Development

- There are too many units on the site.
- The local hospital is full and the lack of care homes results in “bed blocking”.
- The site is a residential site earmarked by BCBC for 40 units.
- The size of the site could be expanded by the selling off of the Registry Office.
- There is no need for more housing in Bridgend.
- There is no demand for social housing in Bridgend – Suzy Davies AM has stated that Bridgend has already exceeded its required quota.

Height of the Apartment Block

- The three storey block of flats is out of keeping with the surrounding area – it will dwarf/overwhelm/intimidate the row of terrace houses on Sunnyside Road.
- The argument that there used to be a large building on the site, which was set further back, does not take into account that it was used as an office building Mon-Fri 9am-5pm.

Lack of Capacity at Local Schools

- Primary and Secondary Schools in the catchment should be assessed for capacity and further thought should be given to it.

Noise Pollution

- Noise during the construction period and once the site is occupied.

Light Pollution

- The development will inevitably include security lighting causing additional artificial light pollution at night.

Loss of Trees and Habitats

- Trees have already been felled on the site despite a promise not to do so.
- It is essential that no trees are allowed to be cut down to counteract the pollution.
- The trees are important for bats.
- The trees help with drainage.
- The UK Government ratified the Paris Agreement.
- Planting new trees will take decades to establish/mature.

Alternative Proposals

- The site should be developed with homes for the elderly or starter homes for the young as it is close to the town centre and other facilities.
- Residents in rented properties do not look after the property or gardens as evidenced by other sites managed by Linc.
- The applicant's priorities are primarily economic in nature.
- The earlier development proposal for a Care Home/Nursing Home was unsuccessful but that would have received full support.
- The site should be used as a public open air facility or Municipal Park where older or less sports minded people might want to find a place to sit and relax close to the town centre.
- The residential element should be replaced by up to 12 executive 4/5 bedroom homes to actually improve the area.

Increased Flood Risk

- The flood maps suggest that a significant proportion of the site will be at risk of flooding.
- The large areas of car parking and areas of hardstanding will limit the ability of the land to function properly as a floodplain.
- The mitigation measures and flood safety proposals are not long term solutions and represents an ongoing risk to property.
- Years ago, residents were allocated with flood prevention bags from floodline and this development will affect their properties and safety.
- After heavy rain, water does not drain from the rear of gardens.
- The raising of the floor levels will affect neighbouring properties.
- There is often standing water in rear garages and the drainage is not adequate.
- The development will not meet the Sustainable Drainage Systems requirements as required from 7 January 2019.
- Why move existing surgeries that are not in a flood zone to this site which is?

Loss of Privacy/Impact on Residential Amenities

- The apartment block will look directly into properties and rear gardens along Sunnyside Road.
- The community/area will not be as safe as before.

Devaluation of Property

Combined Heat and Power Network

- This will result in further disruption and chaos when the pipes are laid.
- This will not be in place before the healthcare centre is up and running.

How does this scheme benefit Bridgend and the taxpayers of this area?

A recent application for a small nursery on Glan y Parc was refused.

The Local Ward Member (Cllr. David White) has requested that this scheme be referred to DC Committee Members and has registered a request to speak at the meeting on behalf of his constituents.

The Local Assembly Members (Carwyn Jones AM and Suzy Davies AM) have submitted their constituents' concerns with the development.

Carwyn Jones AM has highlighted the concerns of his constituents as follows:

- Traffic – the inevitable increase in traffic in the area, an estimated 1,103 daily visitors to health centre and more than 40 medical and administrative staff travelling to and from work, is of concern and will put significant pressure on an already congested area of Bridgend and will contribute to the air pollution problem in Park Street.
- Parking – the Parkside residents are deeply concerned about provision for the new development. It is likely that many patients will make the journey by car especially as the local bus service may be withdrawn in the near future – adequate parking facilities are required for new residents and users of the health centre.
- Housing Density and Privacy – residents are concerned that the new flats may overlook their properties and gardens and have raised concerns about density of the development in comparison with the surrounding area.

Suzy Davies AM has objected to the development on the following grounds:

- The location of the health centre in such close proximity to existing houses in a confined area with limited access, does pose some problems that need addressing.
- Concerns have been raised about air quality and traffic
- Traffic flow is already heavier on this stretch of Park Street than originally intended.
- Joining the road never feels danger-free and the prospect of 600 car visits a day is a concern.
- New families in this location will generate more pedestrians and school runs at the same time as the health centre will be at its busiest.
- As children will be affected by this decision evidence is required of voluntary due regard on the part of the Planning Authority of Article 12 of the UNCRC (UN Convention on the Rights of the Child).
- The WG are far more conscious of the adverse effects of poor quality created by traffic and the growth in respiratory ill health and due regard should be given to the principles of the Wellbeing of Future Generations Act and that decision makers are clear as to their responsibilities under the Act.
- Evidence should be provided of how the Planning Authority has met its due regard requirement with regard to Welsh language impact – is this development near Welsh Medium schools or feeder nurseries.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised by local residents are addressed in the appraisal section of this report however, of the remaining comments:

- disturbance and noise during the construction period is not a valid material Planning consideration,
- the pollution control measurements by the Council's Shared Regulatory Services Officers are accurate and collected on a regular basis,
- the use of the area/Newbridge Fields by visiting schools and organisations is a pre-existing condition,
- the use of the car park will be regulated by the Healthcare Centre Managers,
- it is understood that the process to introduce a resident parking permit scheme in the area is at an advanced stage of the consultation process and it is expected that this will be in place soon,
- the Housing Association can restrict the number of cars owned by residents via the contract if it is deemed to be necessary although this cannot be controlled through the Planning system,
- an underground car park would not be physically possible and/or economically viable on this site,
- the submission of the application prior to the end of the year was in order to avoid the potential delays caused by having to submit a corresponding Sustainable Drainage System application which came in to force on 7 January 2019,
- BCBC has not already agreed to the proposal,
- the site is not allocated for any uses and the reference to the Joint Housing Land Availability Study and BCBC earmarking the site for 40 units stems from the original intention to develop 40 extra care apartments as the second phase of the extant consent for an 80 bed care home on this site.
- all applications are considered on their own merits and any future application on the current registry office site at Ty'r Ardd will be considered in terms of its potential impact on this scheme and the surrounding area.
- BCBC's Housing Policy and Strategy Manager has confirmed that there is still a clear demand for social housing in Bridgend which will be partially satisfied by this development. The demand as at 21 March 2019 for the Sunnyside area (Bridgend Town Centre/Broadlands/Cefn Glas/Bryntirion/West House/Laleston) is as follows:

Floor Level	Bedrooms Required						Grand Total
	1	2	3	4	5	6	
1+	335	29	35	35	6	1	441
Ground or 1+	65	22	13	7	2	1	110
Grand Total	400	51	48	42	8	2	551

- the proposed lighting scheme for the healthcare centre will be controlled via the imposition of a condition,
- the recent proposal for a Care Home/Nursing Home on this site was approved by the Local Planning Authority (LPA) and not refused as suggested,
- devaluation of property is not a material Planning consideration,
- the scheme will benefit the residents of Bridgend by providing a much needed modern healthcare facility,
- the recent application for a small nursery on a nearby residential street (2012) is not comparable to this proposal.

In response to the comments received from Local AMs that are not addressed in the appraisal section of this report:

- Article 12 of the UNCRC (respect for the views of the child) states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Whilst the UNCRC is not strictly relevant to the Planning System, Planning Policy Wales sets out the land use Planning policies of the Welsh Government and its primary objective 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. A well-functioning Planning system is fundamental for sustainable development and achieving sustainable places and the Local Planning Authority implements these aims in the determination of applications and in formulating Local Development Plans.

- Planning Policy Wales 10 (December 2018) includes a section on "The Welsh Language and Placemaking" and advises that considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for Planning permission however, decisions must not introduce any element of discrimination between individuals on the basis of their linguistic ability and should not seek to control housing occupancy on these grounds. The Council's School's Programme Manager has confirmed that the site is within the catchment area for the Welsh Medium Ysgol Gymraeg Bro Ogwr Primary School (which also has Nursery provision) and any Education contribution could be allocated to the school depending on capacity.

POLICY CONTEXT

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

Strategic Policy SP2 – Design and Sustainable Place Making
Strategic Policy SP3 – Strategic Transport Planning Principles
Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
Strategic Policy SP13 – Social and Community Facilities
Strategic Policy SP14 - Infrastructure
Policy PLA4 – Climate Change and Peak Oil
Policy PLA11 – Parking Standards
Policy ENV5 – Green Infrastructure
Policy ENV6 – Nature Conservation
Policy ENV7 – Natural Resource Protection and Public Health
Policy ENV15 – Waste Management in New Development
Policy ENV17 – Renewable Energy and Low/Zero Carbon Technology
Policy COM3 – Residential Re-Use of a Building or Land
Policy COM4 – Residential Density
Policy COM5 – Affordable Housing
Policy COM8 – Provision of Health and Well-Being Facilities
Policy COM11 – Provision of Outdoor Recreation Facilities
Policy COM14 – Provision of Allotments and Community Food Networks

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development

SPG08: Residential Development

SPG12: Sustainable Energy

SPG13: Affordable Housing

SPG15: Community Facilities and Residential Development

SPG16: Educational Facilities and Residential Development

SPG17: Parking Standards

SPG19: Biodiversity and Development

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

Planning Policy Wales 10 (PPW10)

Chapter 2: People and Places: Achieving Well-Being Through Placemaking (paras. 2.8, 2.13, 2.14)

Chapter 3: Strategic and Spatial Choices (paras. 3.21, 3.24, 3.46, 3.51)

Chapter 4: Active and Social Places (paras. 4.1.18, 4.1.26, 4.1.39, 4.1.51, 4.2.17, 4.2.25, 4.4.3)

Chapter 6: Distinctive and Natural Places (paras. 6.4.25, 6.6.25, 6.7.1, 6.7.14)

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN1 – Joint Housing Land Availability Studies (2015)

TAN2 – Planning and Affordable Housing (2006)

TAN5 - Nature Conservation and Planning (2009)

TAN11 – Noise (1997)

TAN12 – Design (2016)

TAN15 – Development and Flood Risk (2004)

TAN18 – Transport (2007)

Local Development Plan Policy SP2 (Design and Sustainable Place Making) states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

- 1) *Complying with all relevant national policy and guidance where appropriate;*
- 2) *Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;*
- 3) *Being of an appropriate scale, size and prominence;*
- 4) *Using land efficiently by:*
 - (i) *being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and*
 - (ii) *having a preference for development on previously developed land over greenfield land;*
- 5) *Providing for an appropriate mix of land uses;*
- 6) *Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;*
- 7) *Minimising opportunities for crime to be generated or increased;*
- 8) *Avoiding or minimising noise, air, soil and water pollution;*
- 9) *Incorporating methods to ensure the site is free from contamination (including invasive species);*

- 10) *Safeguarding and enhancing biodiversity and green infrastructure;*
- 11) *Ensuring equality of access by all;*
- 12) *Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*
- 13) *Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;*
- 14) *Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and*
- 15) *Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.*

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

APPRAISAL

The application is being reported to Members due to the number of objections received, including ones from the Town Council and Assembly Members, and due to a call-in request by a local Ward Member.

The main considerations in the determination of this application relate to:

- the principle of residential and health care facilities in this location and the density of development,
- the design and layout of the buildings and whether they are in keeping with and enhance their surroundings,
- the potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- the impact of the scheme on the natural environment
- the proximity of the development to the recently designated Air Quality Management Area along Park Street and its future impact on that AQMA
- the potential impact on surrounding residential amenities
- the siting of the development within a C1 Flood Zone and its effect on flood risk
- the drainage of the site and
- whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

The Principle of the Development

The site is located within the primary key settlement of Bridgend as defined by Policy PLA1 (Settlement Hierarchy and Urban Management). This Policy and Policy PLA3 (Regeneration and Mixed Use Development Schemes) (although the site is not specifically identified) encourage the regeneration of brownfield and under-utilised sites within settlement boundaries for an appropriate mix of land uses including residential, community and employment uses. In this regard, the proposals for the development of 59 dwellings and a healthcare centre are considered acceptable in principle. The Housing Policy and Strategy Officer has also confirmed that there is still a high demand for this type of residential accommodation within the Bridgend area.

Policy COM3 (Residential Re-Use of a Building or Land) states that residential developments within settlement boundaries 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 land for an existing or alternative use. Whilst the consent for the 80 bed care home is still extant, the site is not allocated for a particular use and the buildings on the site

(former Sunnyside Council Offices and Magistrates Court) have been demolished.

Policy COM8 (Provision of Health and Well-Being Facilities) states that appropriate new medical related development in association with existing health and well-being facilities will be permitted provided the development would bring benefit to health care. It goes on to state that the Council will work with the Health Board to identify sites. This scheme will provide a much needed modern, fit for purpose and multi-use facility in Bridgend Town Centre.

Paragraphs 2.8 and 2.13 of PPW10 advise that decisions must seek to promote sustainable development and support the well-being of people and communities across Wales including seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals in line with the Act's Sustainable Development Principle and that these principles support the culture change needed to embrace placemaking and ensure that Planning facilitates the right development in the right place.

Paragraph 3.51 of PPW10 also advises that previously developed land such as this site should, wherever possible, be used in preference to greenfield sites where it is suitable for development and 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.

The development is acceptable in this location in principle and, subject to detailed design criteria, accords with Policies SP2, PLA1, COM3 and COM8 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained Planning Policy Wales 10 (December 2018).

In addition to the above, Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development. In fact, the development should positively contribute to sustainable development goals.

The Density of Development

Policy COM4 (Residential Density) of the LDP states that new residential developments will be built to a density of at least 35 dwellings per hectare (dph).

In this instance, the portion of the site to be developed by Linc Cymru Housing Association for 59 units (made up of 3 x 1 bed bungalows, 2 x 2 bed bungalows, 19 x 1

bed apartments, 9 x 2 bed apartments, 15 x 2 bed houses, 8 x 3 bed houses and 3 x 4 bed houses) equates to approximately 1.3 ha in area. This would result in a minimum of 46 dwellings when calculated at 35 dph and whilst the proposed 59 units exceeds this minimum density, this is acceptable and can be partly attributed to the relatively large number of apartments within the scheme (28).

As stated above, the site is not allocated for any specific uses and the reference to the Joint Housing Land Availability Study and BCBC earmarking the site for 40 units probably originates from the original intention to develop 40 extra care apartments as the second phase of the extant consent for an 80 bed care home on this site.

The development density therefore accords with Policy COM4 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

Design and Layout

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

A Design and Access Statement has been produced which aims to demonstrate that the redevelopment will not have a detrimental impact on the surrounding area.

A condition is attached to the recommendation requiring additional detailed specifications of the materials and finishes proposed for the new residential units and healthcare centre. The signage proposed for the healthcare centre and the pharmacy element of the building will be the subject of separate Advertisement Consent applications. A separate condition will also be imposed requiring full details of the lighting scheme for the building.

The scheme has successfully addressed the potential effects of the redevelopment proposals on the area and through the imposition of conditions, it is considered that the buildings will preserve the appearance of an area which lies to the south but outside the Newcastle Hill Conservation Area and is characterised by terraced properties and large Civic/Recreational Buildings.

Paragraph 4.1.18 of PPW10 advises that well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy and where children can play.

The development is based on "Homezone" principles and includes communal courtyard gardens, informal spaces, natural play spaces and a community growing area.

The Secured by Design Officer is also generally amenable to the design, site layout and principles of the development subject to the implementation of his suggestions regarding defensible spaces, landscaped areas, lighting, surveillance of parking/cycle storage areas, CCTV for the healthcare centre and security. A copy of the comments will be appended as part of the informative notes for the information of the developer.

It is therefore considered that the proposed development complies with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG08, Planning Policy Wales 10 (December 2018) and TAN12:

Design.

Highway Network, Highway Safety and Parking Provision

Paragraph 3.46 of PPW10 states that a broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning Authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation and community facilities (including libraries, schools, **doctor's surgeries and hospitals**), within existing urban areas or areas which are, or can be, easily reached by walking or cycling and are well served by public transport.

Paragraph 4.1.26 of the same document advises that the Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment or in order **to access health**, leisure or other services or facilities.

In terms of the highway implications of the development and the overall scheme, the Traffic Assessment and Travel Plan which accompanied the application have been considered in detail by the Head of Street Scene (Highways).

The site of this development is currently vacant having previously accommodated a 5 storey office block and a Magistrates Court. These have since been demolished and the only consent which exists on the site is for a Care/Nursing Home.

Whilst the fall-back position of the site in terms of the consented Care Home is, therefore, a lesser traffic generator than the current proposal, the application is supported by a Transport Assessment that has been independently audited by the Highway Section's consultants.

The impact of the development upon the signalised junction of Park Street with the A473 has been modelled and it is considered to be nearing, or at, capacity in the current situation with the development traffic being "marginal".

Whilst the Independent Audit suggests that funding should be sought towards the upgrade of the signals, the cost is estimated to be in the region of £50k however, the impact of this individual scheme in isolation is not considered sufficiently detrimental to justify seeking the full cost of the scheme from the developer.

A small partial/proportional contribution will also be hard to justify without any match funding from another source. In this instance it is noted that the reconfiguration of the signals and the easing of the existing congestion along Park Street could assist the aims of the Authority in addressing the Air Quality Management Area at Park Street (although this is not guaranteed) and the signals upgrade could be secured as part of the overall scheme to mitigate the impact of the development on the AQMA at Park Street which could then form part of the Council's Action Plan for the area.

In terms of parking provision, paragraph 4.1.51 of PPW10 advises that a design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles, the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning Authorities must support schemes which keep parking levels down, especially off-street

parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

The supporting Transportation Assessment considers the ability to access the site via public transport and indicates that the nearest bus stops (with a reasonable frequency of service) are located on Park Street (in the vicinity of St Leonards Road).

The proposed on-site parking quantum is reliant on a relaxation based on the sustainability credentials of the site which the bus stops contribute to. Whilst a pedestrian route exists, via Parkfields Road and the Public Right of Way, the high traffic volumes along Park Street make it extremely difficult to reach the bus stop facilities.

In order to accept the use of Public Transport as a means of securing a parking quantum discount, it is considered that a pedestrian crossing will need to be provided on Park Street in the vicinity of the junction of St Leonards Road, with the west bound bus stop being relocated slightly.

The proposed healthcare facility will provide a combination of treatment and consulting rooms together with a pharmacy. It is considered that the proposed facility will generate a maximum parking requirement of 136 parking spaces and 1 commercial space.

The sustainability credentials of the site are noted and a reduction of 30% could be applied thereby reducing the parking requirement to 95 spaces on the proviso that a suitable Travel Plan for the healthcare facility is submitted and the above crossing point/bus stop scheme is implemented.

Notwithstanding the reduced requirement, the site layout plan details only 66 spaces within the car park. This 29 space shortfall gives rise to significant concerns for the Highway Authority in respect of the potential for indiscriminate on-street parking to the detriment of highway safety throughout the development and in the surrounding area which serves as the main access to the Fire Station.

Notwithstanding the above, owing to the sustainable location of the development close to the town centre and the need for affordable housing and a modern healthcare facility in Bridgend Town, it is considered that an objection to the scheme on this basis could not be easily defended at appeal.

Accordingly, the development would only be acceptable from a parking perspective if the entire suite of measures, as outlined below, are incorporated into the proposals:

- A detailed review of the healthcare facility parking identifies that a reduced quantum of 95 spaces should be provided with 67 for use by patients and 28 for staff. It is considered that by removing the northern entrance to the car park and by rearranging the northern end of the car park (and the proposed disabled parking spaces to share adjacent hatched areas), it is possible to provide a total of 71 spaces (including 7 disabled bays). This will enable full provision for patients with 4 nominal spaces for on-call/peripatetic staff use. The resulting shortfall in parking (24 spaces) would therefore be restricted to staff parking who could use adjacent public car parks and be controlled by the provision of public car park staff passes and a Parking Management Plan (with a suitable complaints procedure/process) together with a scheme of further on street parking restrictions to prohibit loading. This will require a financial contribution from the developer.

- The layout of the residential part of the site with narrow “Homezone” carriageways, a one way street and a triangular “square” adjacent to the North Terrace is not considered to be suitable for adoption by the Highway Authority and will need to be retained as private highway and thus the responsibility of the developer. Given the one-way nature of the access, it is considered necessary to provide a cycle path to enable residents to go against the flow of traffic to reach the wider cycle route on Angel Street.
- In order to retain a necessary degree of control and to limit the highway impacts of this development on surrounding areas, it is considered that the developer should enter into a Section 106 Agreement to:
 - operate the healthcare facility in accordance with a Travel Plan to be submitted.
 - operate the healthcare facility in accordance with a Parking Management scheme to be agreed with the LPA.
 - make a financial contribution of £9,500 towards the provision of Traffic Regulation Orders, Roadmarkings and signage in the vicinity of the site.
 - confirm an undertaking to provide 24 public car park passes for staff use in perpetuity.

Having regard to the above and the implementation of the proposed measures and improvements, the acknowledged highway safety and parking implications of the development can be addressed successfully and the scheme therefore accords with Policies SP2, SP3, SP14 and PLA11 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG17, Planning Policy Wales 10 (December 2018) and TAN18.

Trees and Biodiversity

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

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

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

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,"

2. That there is "no satisfactory alternative," and
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

Paragraph 6.4.25 of PPW10 advises that planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

The Ecological Assessment of the application site states that the habitats on-site are of no more than Local value for wildlife, though the site has potential for protected species chiefly comprising nesting birds, common reptiles and some foraging bats. The assessment highlighted a tree with moderate bat roost potential however, this has since been felled. Furthermore, the old Magistrates Court Building has recently been demolished. The remainder of the trees around the site are the subject of a pending Tree Preservation Order which will be confirmed once the individual trees that are to be retained and/or removed as part of the redevelopment of the site have been identified and agreed with the Local Planning Authority.

The Tree Survey assessed 99 trees/tree groups, which ranged from Category A (high value) to Category U (in a condition that cannot be reasonably retained) trees. Of these 99 trees, at least 27 are proposed to be removed. The main reason put forward in the submitted Tree Survey Report for the felling of these trees is their physiological condition. The majority of the trees to be removed are Category U trees with some Category C trees (low value). No Category A or B trees will be lost as part of the scheme.

The landscaping proposals show a range of new trees and shrubs to be planted and the planting schedule lists a range of tree species including a native shrub hedge, an edible hedge and a mix of native, amenity and fruit trees. The number of trees that are proposed to be planted exceeds the number of those that will be lost. There is also a range of other landscaped areas proposed, including species-rich meadow areas and species-rich lawn, as well as amenity areas and ornamental planting.

On the basis of the submitted documents, the Council's Ecologist does not object to the application however, he considers the tree felling should be limited to an absolute minimum and trees to be retained should be protected during the course of the construction period. These details will be secured via suitably worded conditions. Furthermore, other conditions are attached to the recommendation to secure the following:

- A Construction Ecological Management Plan to show how wildlife will be protected during works, to include (but not be limited to) a reptile method statement, a bird nesting method statement and an arboricultural method statement in accordance with BS5837 (including sensitive felling of any trees with bat roost potential). This Plan should include who is responsible for implementation;
- A 5-year Biodiversity Management Plan for all habitats within the site boundary which will aim to ensure that retained and newly created habitats are managed appropriately and become suitably established. This Plan should include who is responsible for implementation;

- A bird and bat box scheme (to enable biodiversity enhancements within the site);
- A sensitive lighting plan showing how lighting will not impact upon the peripheral vegetation.

Biodiversity enhancements such as a bat/bird box scheme and landscaping proposals would go some way towards satisfying Section 6 of the Environment (Wales) Act 2016 which, as mentioned above, 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'.

BCBC's Green Infrastructure SPG seeks to inform schemes and provide practical advice in respect of ecological enhancements and the resilience of ecosystems and this document should be referred to in drawing up these proposals.

In conclusion, the trees that are worthy of protection will be retained and the site is of limited ecological interest. Therefore, it is considered that, overall, there will be no significant adverse residual impacts on the natural environment and biodiversity provided that the suggested conditions are attached to the recommendation. The development therefore accords with Policies SP2, SP4, ENV5 and ENV6 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG07 and SPG19, Planning Policy Wales 10 (December 2018) and TAN5.

Public Protection (Air Quality, Noise and Ground Contamination)

Policy SP4 of the LDP promotes the conservation and enhancement of the natural environment. The Policy illustrates that development proposals will not be permitted where they have an adverse impact upon the quality of natural resources, including water air and soil.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity.

Paragraph 3.21 of PPW10 advises that Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, as well as the promotion of travel patterns which facilitate active lifestyles. The Planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as**doctor's surgeries and hospitals.**

Paragraph 6.7.1 of PPW10 suggests clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the Planning system.

Paragraph 6.7.14 of PPW10 states that proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to **limit or constrain** any effects that do occur.

Between the time the initial scheme was being developed and the submission of the application, the Park Street area was formally designated as an Air Quality

Management Area. Bridgend's Park Street Air Quality Management Area (AQMA) was established due to elevated and exceeding levels of annual mean NO₂.

An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

For the construction phase of the proposed development, a medium risk has been identified with respect to dust as a result of construction phase activities (earthworks, construction and trackout). With regards to the element of risk associated with the construction phase of the development, it is considered necessary to apply a condition for a Construction Environmental Management Plan which will outline a detailed Dust Management Plan with appropriate measures prior to the development proceeding.

For the operational phase of the development, the report utilises detailed dispersion modelling to depict whether existing and future residents will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}).

For operational purposes, in order to determine potential impacts to air quality as a result of increased traffic movements associated with the development, the air quality modelling considers an understanding for a baseline scenario (2017) and a projected year of opening scenario (2021). The modelling adopts best practise guidance and considers worse case predictions by performing additional sensitivity testing.

The AQA concludes that the overall effect of the proposed development, in terms of road traffic impacts, will be 'not significant'. The SRS Officer does not fully agree with this statement and has underlying concerns from an air quality perspective for the impacts generated by the proposal.

Utilising EPUK and IAQM guidance, the level of significance, in terms of the amount of % change to the air quality levels, is classified. As documented, 14 existing sensitive receptor locations and 6 future sensitive receptors have been examined, quantifying the level of impact predicted at their locations. In total, there is 1 identified sensitive receptor (Receptor 6) subjected to a slight adverse impact for annual mean NO₂ levels, for the proposed year of opening (2021). Receptor 6 is confirmed as a residential property at 91 Park Street.

The potential impact for annual mean air quality levels at all other receptors for the proposed year of opening is classified as negligible. It is also confirmed that the short term 1 hour air quality objectives for NO₂ and PM₁₀ will not be breached.

Drawing reference to Receptor 6 (91 Park Street), there will be a slight adverse impact for annual mean NO₂ for a 2021 'With Scheme' scenario, rising from 38.4µg/m³ 'Without Scheme' to 38.6 µg/m³ 'With Scheme'. Adopting the results derived by the Worse-case Sensitivity Test, annual mean NO₂ levels for a 2021 scenario shows a rise in annual mean NO₂ levels from 40.1µg/m³ 'Without Scheme' to 40.4 µg/m³ 'With Scheme'.

The Worse-case Sensitivity Test therefore portrays worsening of the annual mean levels even further beyond the annual mean NO₂ air quality objective set at 40µg/m³. Although it may be argued that the Worse-case Sensitivity Test is a conservative approach, an adverse impact to air quality is prevalent and documented by the report.

Receptor 6 lies within the boundary of the AQMA and it is apparent from the modelling undertaken that annual mean NO₂ levels are forecasted to worsen with the proposed development in place. Air that is just barely compliant with the objectives is not 'clean' and still carries long-term health risks. Nitrogen dioxide and particulate matter currently have no safe threshold defined and the lower the concentration of those pollutants the lower the risks of adverse health effects in the exposed population. Therefore, whilst compliance with the national air quality objectives is essential, it is desirable to keep levels of pollution as low as reasonable practicable.

The submitted AQA in support of the proposed development indicates that forecasted air quality levels (annual average NO₂) at sensitive receptor locations in proximity to the development will comply with national air quality objectives (not based upon the Worst-case understanding) however, these levels are not considered to be 'safe' levels due to the minimal head room between the modelled and the national air quality objectives.

Without the guarantee of sufficient mitigation measures local residents within the Park Street AQMA will be susceptible to worsened air quality.

As the submitted AQA demonstrates that the new development will cause potential for adverse impacts to already poor air quality, an additional burden will be placed on the resources within Shared Regulatory Services and as such, additional air quality monitoring will be needed to review air quality levels at an increased resolution, particularly for NO₂ levels.

In order to provide a more detailed understanding of air quality in the area and gather further evidence in terms of supporting air quality datasets, it is suggested that an investment is made in automatic and non-automatic monitoring capabilities. The proposed indicative costing for such capabilities would total £11000 excluding VAT.

It is proposed that this development should contribute a proportional and equitable figure towards this cost via a S106 Agreement.

Following a meeting with the developer and consultant, it was agreed that the air quality assessment submitted in accordance with the Planning application identified that, as a result of the proposed development and generated traffic movements, 1 sensitive receptor (Receptor 6 - 91 Park Street) would be subjected to a slight adverse impact for annual mean nitrogen dioxide (NO₂) levels, for the proposed year of opening (2021).

At 91 Park Street the annual average NO₂ is scheduled to rise from 38.4µg/m³ to 38.6µg/m³ with the proposed development in place. Although the levels do not breach the annual average limit value of 40µg/m³, the impact is regarded as 'slight adverse' and needs to be treated with caution, especially with the implementation of the air quality management area and the Council's responsibility to put together an effective air quality action plan to address poor air quality identified by the designation of the Park Street AQMA.

The Air Quality Consultants also prepared a technical note which indicated that the projected adverse impact at 91 Park Street would be negligible by 2023. The technical note stated the following:

In those circumstances where a single development can be judged in isolation, it is likely that a moderate or substantial impact will give rise to a significant effect and a negligible or slight impact will not have a significant effect, but such judgements are always more likely to be valid at the two extremes of impact severity.

From a Local Air Quality Management perspective and adopting BCBC's own policy as well as Welsh Government's best practise guidance, the proposed development cannot be viewed in silo and the potential for cumulative impacts as a resultant of future development in the area should be considered instead, especially if a negligible impact is not projected until 2023.

Although 2018 annual datasets were not available when devising the scope of works for the supporting AQA, there are significant concerns from an SRS/BCBC perspective whereby most recent annual average NO₂ datasets examined along Park Street are significantly elevated.

The datasets recorded an annual average figure of 59.5µg/m³ in 2018 at site OBC-110 (101/103 Park Street). This level does not only exceed the NO₂ annual average air quality objective set at 40µg/m³ but is also encroaching on the 1 hour objective set as 200 µg/m³ not to be exceeded more than 18 times per year.

It was accepted by the air quality consultants that any remodelling with the revised understanding for levels recorded during 2018 would not change the outcome significance for the proposed year of opening. It would be a concern to see an adverse impact experienced at these raised levels, especially if the development would influence the projected levels to surpass the 1 hour objective for NO₂.

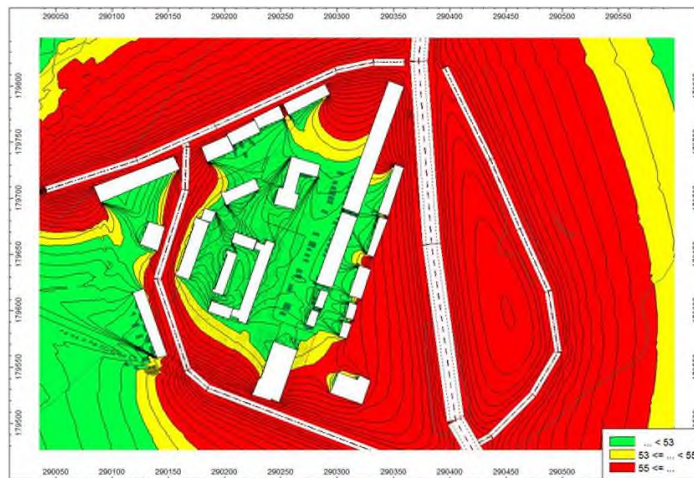
In conclusion, SRS advise that a Planning condition be attached to any recommendation for approval in order to undertake a detailed air quality assessment and proactively devise and implement a mitigation scheme, including measures to ensure positive benefits to air quality at identified sensitive receptors located on Park Street and within the established Air Quality Management Area boundary. The air quality assessment and mitigation scheme will need to be submitted to and approved by the Local Planning Authority and could form part of the Council's Comprehensive Action Plan for the AQMA with a view to de-designating it as an AQMA in the future.

In terms of noise, the scheme is generally acceptable subject to conditions however, it is evident that the noise levels in some rear gardens range from 53dB immediately in front of the rear façade of the dwelling up to 60dB in the garden area closer to the road (LAeq16hours), with the Lday, evening and night being 64, 61 and 56dB respectively.

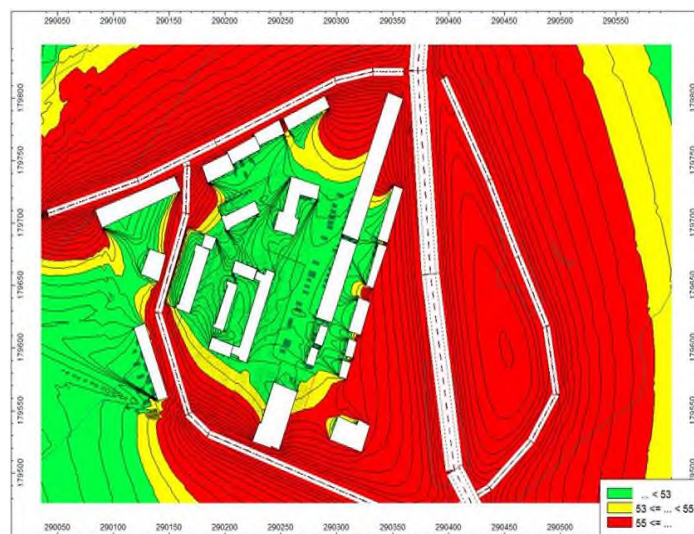
Furthermore, this does not include any additional increase in noise from the increased traffic generated as a result of patients using the new healthcare centre and the applicant was requested to provide confirmation that at least 50% of the garden area used for sitting out will achieve acceptable levels and, if not, additional mitigation with respect to the design of these dwellings would be required.

In response the Noise Consultant has advised that the latest 2018 WHO guidelines recommend that noise levels in external amenity spaces should not exceed 53dB Len from road traffic noise. The previous 2014 WHO guidelines recommended that external amenity noise levels should not exceed 55dB. They have modelled the site with a new legend which shows in green, areas where noise levels (Len) are lower than 53dB, in yellow, where noise levels are between 53 and 55dB Len and in red, where noise levels are above 55dB (Len). This was done in order to clearly assess the areas complying and non-complying with the 2018 WHO guidance.

The noise map below shows the external noise levels (Len) as originally modelled. It is shown that noise levels within the gardens facing Glan y Parc are mostly above 55dB Len. This model did not include for a garden fence.



The noise map below shows the external noise levels (Len) with the inclusion of a garden fence around the gardens facing Glan y Parc and the gardens of the North Terrace properties. It is now shown that noise levels within the gardens facing Glan y Parc are all below 53dB Len. In order to provide an adequate level of screening, the garden fence should be solid with no gaps and have a minimum height of 1.2m.



It is therefore shown that with the inclusion of the garden fence, the external noise levels (Len) within the gardens are mostly below 53dB Len and therefore comply with the new 2018 WHO guidance.

The landscaping plans have been amended to indicate 1.8m high, close boarded fences to the rear of the properties to the west and north to attenuate the noise levels to an acceptable degree.

In terms of ground contamination and having regard to the previous use of the site, although the standard conditions are requested, the SRS Officer noted that the ground gas assessment was incomplete.

Further to the Public Protection Officer's comment requesting that the gas assessment element of the Ground Conditions Assessment Report be finalised, an updated and complete assessment report was submitted. The SRS Officer has confirmed that the details are acceptable and a condition relating to the implementation of the approved gas protection measures will be added to the recommendation.

Having considered the public protection impacts of the proposed development, particularly on the nearby AQMA at Park Street, it is considered that, through conditions, the scheme in isolation will not have a significant and detrimental impact on the environment by way of noise, air quality or ground contamination and it therefore accords with Policies SP2 and ENV7 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

Neighbouring Residential Amenity

In response to the residents' concerns regarding the scale of apartment block and its impact on their residential amenities, the scheme has been carefully assessed against recognised standards and advice contained within the Council's SPG02: Householder Development.

In terms of overlooking and distances between habitable windows and between windows in the new development and nearby rear gardens, the scheme ensures a distance of at least 42m between the eastern elevation of the apartments and the rear elevations of the properties along Sunnyside Road. This is far in excess of the standard minimum distance of 21m between habitable room windows and is acceptable in this regard.

Likewise, the windows are at least 23m from the extreme ends of the adjoining rear gardens, in excess of the minimum 10.5m as stipulated in the guidance, so the scheme will not have a detrimental impact on the privacy of existing adjoining occupiers. In addition, the rear gardens will still be separated from the apartment block by the existing rear access lane serving Sunnyside Road garages, a landscaped verge and the internal access road which will continue to serve the Registry Office building at Ty'r Ardd.

In terms of the potential impact of the development by way of overbearing/shadowing, it is considered that, despite its three storey height (albeit with a flat roof), the apartment block, due to its orientation to the east and the fact that it is so far removed from existing properties along Sunnyside Road, will not have such an adverse effect on neighbouring properties.

The development therefore accords with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG02 and Planning Policy Wales 10 (December 2018).

Flood Risk

Paragraph 6.6.25 of PPW10 states that development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

NRW reviewed the Hydraulic model prepared by the consultants, JBA, and are satisfied that the model correctly informs the Flood Consequences Assessment (FCA).

NRW note that the conclusions and recommendations section of the hydraulic model review provide details of changes which should be undertaken to the model, however they do not consider that these changes will significantly affect the findings and their position.

The Planning application proposes a highly vulnerable development. NRW's flood risk map, which is updated on a quarterly basis, confirms the site to be within Zone C1 of the Development Advice Maps (DAM) contained in TAN 15 and the 1% (1 in 100 year) fluvial and 0.1% (1 in 1000 year) annual probability flood outline of the River Ogmore. NRW consider that the application site is not shown to be flood free in the 1% Annual Event Probability (AEP) plus climate change event as required in Table A1.14 of TAN15 and the predicted depths of flooding exceed the guidance contained within Table A1.15.

In both the 1% AEP plus climate change and 0.1% AEP events, increased flooding to existing residential properties has been shown as a result of the proposed development. TAN15 clearly states that there should be no increased flooding elsewhere as the result of a proposed development.

NRW consider that the modelled flood depths within the ancillary areas of the proposed site to be a 'danger to most' in accordance with the hazard rating matrix. Parts of the car park area adjacent to the healthcare centre have flood depths to 0.5m in the 1% AEP plus climate change flood, with an area close to the boundary of the site flooding to depths in excess of 1m in this scenario.

Therefore, given the nature of the proposed development and the findings of the FCA, NRW object to this application on the grounds of flood risk.

Whilst objections have been received from NRW and the Council's Land Drainage Officer on the basis that the site is in the C1 flood zone and the proposal does not technically comply with Technical Advice Note 15: Development and Flood Risk, this is considered to be an overly rigid interpretation of compliance with TAN15.

NRW suggest that flood risk to the site cannot be overcome which, if accepted, would permanently blight the site (and other town centre locations) from potential redevelopment. Although NRW's comments on matters of flood risk and their right to object as a Statutory Consultee are respected, TAN15 and PPW10 ultimately place the responsibility for interpreting and applying Planning policy on the LPA. More specifically, as established in Section 3.4 of TAN15, it is for the Planning Authority to be satisfied that a proposed development is justified and consequences of flooding are acceptable.

The applicant's consultant has provided an additional information note to explain the actual impact of the development and to address the results that are provided as reasons for the objection by NRW:-

The application site is not shown to be flood free in the 1% Annual Event Probability (AEP) plus climate change event as required in Table A1.14 of TAN15

Table A1.14 makes it clear that the recommended frequency threshold "should not be regarded as prescriptive" and are "indicative". They consider that complex sites, such as the Sunnyside Wellness Village, is a prime example of where a LPA should apply discretion and planning balance.

The addendum note goes on to say that the FCA makes no effort to avoid the fact that the site is partially flooded in the 1% AEP plus climate change event. Although some flooding of the site occurs, it is limited to ancillary areas, essentially the healthcare centre car park.

TAN15 is silent about how ancillary areas of development should be treated however, it has been generally accepted that there are cases when flooding of ancillary areas (e.g. gardens, play areas and car parks) is acceptable where necessary and safe.

For this reason, the development has been carefully designed to ensure that all built development is flood free for the 1% AEP plus climate change event. The consultant believes that the development proposals therefore comply with the primary objective of paragraph A1.14.

In addition to this, the healthcentre car park will be managed by the healthcentre staff and they will be in the optimum position to monitor weather and flood alerts and to safely close the car park and evacuate the site in a timely and safe manner, if necessary. On implementation of an emergency flood plan, cars will be prevented from entering the car park and the centre will be evacuated of all members of the public and staff which should account for the car park users.

The site is also protected by the River Ogmores flood defences during the 1% AEP event. It is only when climate change is applied that these defences are overtopped resulting in much of Bridgend becoming flooded, not just this site. BCBC is aware of the situation which has the potential to restrict the redevelopment of the town. The Council is currently looking for strategic options to protect the town during a future 1% AEP plus climate change event. Therefore, it can be reasonably expected that flood defences through Bridgend will keep ahead of climate change due to the compelling need to protect people and property and to maintain a sustainable town centre.

The proposed development is at the periphery of the 1% AEP plus climate change extent and therefore, will be amongst the first to benefit from any improvements to the town's defences. The consultant notes that a similar interpretation of future climate adaptation plans was recently accepted in approving a Housing Association scheme in Swansea.

The predicted depths of flooding exceed the guidance contained within Table A1.15

The developer contends that all built development satisfies the recommended thresholds in Table A1.15. The only area of non-conformance relates to the health centre car park which is a trade off with increasing flood risk elsewhere.

If the car park were to be raised this would have further consequences for flooding elsewhere.

A1.15 states *The following table, which should not be regarded as prescriptive provides indicative guidance on what is considered tolerable conditions for different types of developments and Each site must therefore be considered individually and a judgement taken in the context of the particular circumstances which could prevail at that site.*

Consequently, the LPA has the ability to consider the unique nature of flood risk and development in Bridgend and the application of A1.15 to the Sunnyside development.

A comprehensive and detailed FCA has been prepared, informed by the latest methods in detailed flood modelling and the LPA can evaluate the evidence provided and the proposed flood mitigation measures against the “indicative guidance” of A1.15.

In both the 1% AEP plus climate change and 0.1% AEP events increased flooding to existing residential properties has been shown as a result of the proposed development

The NRW response states that TAN15 clearly states that there should be no increased flooding elsewhere as the result of a proposed development however, Section 7.3 of TAN15 states that there should be minimal impact of the proposed development on flood risk generally.

Within the guidance in A1.12, this is then described as *No flooding elsewhere*. The FCA demonstrates that the development will not result in an increase in the flood extent, thus satisfying the requirement of A1.12. Any development within a built-up area (e.g. garages, walls, fences and extensions) will in some way alter flood flows and levels within a sophisticated computer model.

Having regard to the above and following a detailed appraisal of the off-site effects of the proposed development, the consultant concludes that the proposed development will have no impact on flood risk in the surrounding area. The assessment finds that the development does not change flood frequency, extent or flood hazard and will have only negligible and localised effects on flood depths within an area already flooding to significant depths.

The following measures are recommended in the Flood Consequence Assessment report to ensure that the proposed development is safe and acceptable:

- Building finished floor levels should be raised in line with Figure 4-3 to ensure they are flood-free in the 1% AEP plus climate change event.
- The surrounding ground levels within the proposed development should be as low as practically possible to ensure adverse third-party flood risk impacts are limited. The healthcentre car park should have a typical maximum of 16.8m AOD to provide floodplain storage and flood water conveyance routes during extreme flood events.
- The occupants and managers of the proposed site should sign up to the NRW flood warning service to provide warning in the event of an extreme flood event.
- A Flood Action Plan should be developed and adopted to ensure the correct action is taken in the event of a flood alert being issued.

The Council was faced with very similar flood risk issues in their determination of the Rhiw car park redevelopment (P/15/60/FUL refers) in 2015. The development of a multi-storey car park, commercial and residential development exemplified the challenges of managing flood risk and sustainable development in Bridgend. That development faced almost identical issues of compliance with A1.14 and A1.15, off-site impacts and an objection from NRW. Indeed, the flood depths within the ground floor car park were predicted to exceed 2.7m and flood depths elsewhere increased by 100mm, much greater values than expected at the Sunnyside development.

The Rhiw development demonstrates that it is possible to arrive at a decision that differs from NRW’s opinion but still considers all aspects of TAN15 and the guidance contained within it.

TAN15 also recognises that much of urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable that, despite the overall aim to avoid flood risk areas, some existing development will be vulnerable to flooding and fall within Zone C (the application site falls within Zone C1).

Some flexibility is therefore necessary to enable the risks of flooding to be addressed and quantified, whilst recognising the negative economic and social consequences if policy and Planning decisions were to preclude investment in existing urban areas and the benefits of reusing previously developed land.

TAN15 confirms that further development in such areas, whilst possibly benefitting from some protection, will not be free from risk and could, in some cases, exacerbate the consequences of a flood event for existing development. It calls for local authorities to use balanced judgement in their decision making. TAN15 does however, indicate that development should only be permitted within Zones C1 and C2 if it can be demonstrated that:-

- (i) its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- (ii) its location in Zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region, and
- (iii) it concurs with the aims of PPW and meets the definition of previously developed land and
- (iv) the potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

In reference to the above criteria, the proposed development will contribute to the regeneration of Bridgend through the re-use of previously developed/brownfield land in a sustainable location.

It is considered that the proposal is justified and that the minimal risks/consequences of flooding are acceptable.

Having regard to the above and the implementation of the measures and advice as outlined in the FCA, it is considered that the development accords with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018) and TAN15.

Foul and Surface Water Drainage

In terms of foul drainage from the site, Dwr Cymru/Welsh Water (DC/WW) has previously been informed of the proposed development and responded through the formal pre-application consultation process as a Statutory Consultee.

DC/WW advise that there is no objection to the development in principle subject to standing advice. Only foul flows could be accommodated within the existing public sewerage system.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there are no issues with water supply at this site.

The accompanying 'Drainage Strategy Plan' indicates discharge of surface water flows to a private soakaway system and DC/WW offer no objection to these proposals as they will not consider communication of surface water to the public sewer, on the basis of supporting evidence that demonstrates soakaway systems are a viable option.

In terms of the surface water drainage strategy for the site, the submitted drawing identifies that highway drainage will be served by a separate drainage network discharging to the existing private sewer at two points. The applicant should note that the development only has a prescriptive right to connect to the private sewerage network at existing connection points.

Flows from the proposed dwellings and healthcare centre are proposed to connect to a separate network which discharges to a privately maintained geo-cellular soakaway.

Based on the information provided in regard to the presence of limestone within the ground assessments and the area being within an area of high risk of limestone cavity formation, BCBC will not permit the use of infiltration at this site and therefore, the applicant will need to consider an alternative method of surface water disposal.

It is recommended that a pre-commencement condition be attached to the recommendation requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. Any future drainage scheme for this site will ensure that there are no adverse impacts on third party land.

Having regard to the above and the suggested conditions, the development can accord with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

S106 Obligations/Requirements

To offset the potential impacts of the development, the applicant will need to enter into a Section 106 Agreement in conformity with Policy SP14 Infrastructure.

As a proposal for 59 dwellings, the application triggers Policy COM5 (Affordable Housing) which seeks 20% affordable housing on sites of more than 5 dwellings within Bridgend. Although the housing element of the scheme provides 100% social rented accommodation, the affordable housing target should be secured through a Section 106 Agreement to ensure adherence with COM5 at 20% provision in perpetuity.

In accordance with SPG16: Residential Development and Educational Facilities, current school numbers indicate that Secondary and Post-16 provision is currently oversubscribed in this catchment but space exists within Nursery and Primary Schools. Based on the proposed development mix and the formulas within the SPG, there is currently a requirement for 5 x secondary and 1 x Post-16 places to be created which equates to a financial contribution of £115,669.

With regards to Policy COM11 (Provision of Outdoor Recreation Facilities), it is acknowledged that the proposals contain a combination of natural play areas, informal play spaces and community growing areas. It is also noted that a pedestrian crossing is proposed on Angel Street/Glan y Parc which will enable residents to access the existing Halo Leisure Centre, Bowls Club and athletics track and the various community, recreation and play facilities at Newbridge Fields.

In terms of highway related Planning obligations/requirements, the Highway Authority is seeking a Section 106 agreement to:

- operate the Health Care facility in accordance with a Travel Plan to be submitted to and approved by the Local Planning Authority.
- operate the Health Care facility in accordance with a Parking Management scheme to be agreed with the Local Planning Authority.
- make a financial contribution of £9,500 towards the provision of Traffic Regulation Orders, Roadmarkings and signage in the vicinity of the site.
- confirm an undertaking to provide 24 public car park passes for staff use in perpetuity.

In conclusion, subject to agreement of the above Planning obligations, the proposal complies with LDP Policies PLA1, COM5, COM11 and SP14 and advice contained within SPG13, SPG15 and SPG16, Planning Policy Wales 10 (December 2018) and TAN2.

CONCLUSION

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Factors to be taken into account in making planning decisions (material considerations) must be planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

On balance and having regard to the above weighing up of all material considerations relevant to this scheme, which include the concerns of the residents relating to highway safety, parking provision, flood risk and air quality/public health, in planning terms, it is considered that a development of this type and nature within a highly sustainable location on previously developed and vacant land close to the Town Centre is acceptable in this specific location due to the benefits of the scheme outweighing the impacts on surrounding residents by way of residential amenities, noise, air quality and lighting; any impact on the character and appearance of the site and surrounding streets by way of indiscriminate parking or its potential impact on biodiversity in and around the site.

The application is therefore recommended for approval, subject to conditions, improvements and mitigation measures which will sufficiently limit the impact of this development.

RECOMMENDATION

(A) That the applicant enters into a Section 106 Agreement to:

- (i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council in accordance with Policy COM5 and SPG13;
- (ii) Provide a financial contribution of £115,669 towards the provision of 5 secondary school places and 1 Post-16 place in accordance with SPG16;
- (iii) Provide a contribution in the sum of £9,500 to fund legal traffic regulation orders, roadmarkings and signage in the vicinity of the site; and,

(iv) Operate the Health Care Centre in accordance with a Travel Plan and a Parking Management Plan (including a commitment to provide/fund 24 public car parking passes for Healthcare Centre staff) to be agreed in writing by the Local Planning Authority.

B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to conditions as follows:

1. The development shall be carried out in accordance with the following approved plans:-

Site Location Plan - SWV-ASL-00-XX-DR-A-0901 Rev P5 – received 11th December, 2018

Proposed Block Plan SWV-ASL-00-XX-DR-A-0910 Rev P4 – received 11th December, 2018

Proposed Site Masterplan – Phase 1 - SWV-ASL-00-GF-DR-A-0914 Rev P4 – received 11th December, 2018

West Terrace – Ground Floor GA - SWV-ASL-10-GF-DR-A-0100 Rev P6 – received 11th January, 2019

West Terrace – First Floor GA - SWV-ASL-10-01-DR-A-0101 Rev P6 – received 11th January, 2019

Western Terrace – Roof Plan - SWV-ASL-10-RF-DR-A-0102 Rev P4 – received 11th December, 2018

Western Terrace – Elevations - SWV-ASL-10-ZZ-DR-A-0110 Rev P5 – received 11th January, 2019

North Terrace – Ground, First and Roof GA - SWV-ASL-20-ZZ-DR-A-0100 Rev P4 – received 11th December, 2018

North Terrace – Elevations - SWV-ASL-20-ZZ-DR-A-0110 Rev P3 – received 11th December, 2018

Central Block – Ground Floor GA - SWV-ASL-30-GF-DR-A-0100 Rev P4 – received 11th December, 2018

Central Block – First Floor GA - SWV-ASL-30-01-DR-A-0101 Rev P4 – received 11th December, 2018

Central Block – Roof Plan - SWV-ASL-30-RF-DR-A-0102 Rev P4 – received 11th December, 2018

Central Block – Elevations - SWV-ASL-30-ZZ-DR-A-0105 Rev P3 – received 11th December, 2018

Apartments – Ground Floor GA - SWV-ASL-40-GF-DR-A-0100 Rev P5 – received 11th December, 2018

Apartments – First Floor GA - SWV-ASL-40-01-DR-A-0101 Rev P5 – received 11th December, 2018

Apartments – Second Floor GA - SWV-ASL-40-02-DR-A-0102 Rev P5 – received 11th December, 2018

Apartments – Roof Plan - SWV-ASL-40-RF-DR-A-0103 Rev P4 – received 11th December, 2018

Apartments – Elevations Sheet 1 - SWV-ASL-40-ZZ-DR-A-0110 Rev P3 – received 11th December, 2018

Apartments – Elevations Sheet 2 - SWV-ASL-40-ZZ-DR-A-0111 Rev P2 – received 11th December, 2018

Apartments – Sections - SWV-ASL-40-ZZ-DR-A-0115 Rev P3 – received 11th December, 2018

Healthcare – Ground Floor GA - SWV-ASL-50-GF-DR-A-0100 Rev P13 – received 11th December, 2018

Healthcare – First Floor GA - SWV-ASL-50-01-DR-A-0101 Rev P13 – received 11th December, 2018
Healthcare – Second Floor GA - SWV-ASL-50-02-DR-A-0102 Rev P13 – received 11th December, 2018
Healthcare – Roof Plan - SWV-ASL-50-RF-DR-A-0103 Rev P10 – received 11th December, 2018
Healthcare – Elevations - SWV-ASL-50-XX-DR-A-0110 Rev P4 – received 11th December, 2018
Healthcare – Sections - SWV-ASL-50-ZZ-DR-A-0115 Rev P4 – received 11th December, 2018
General Arrangement North - SWV-ASL-00-XX-DR-L-0005 Rev P2 – received 18th March, 2019
General Arrangement South - SWV-ASL-00-XX-DR-L-0006 Rev P2 – received 18th March, 2019
Sections – Sheet 1 - SWV-ASL-XX-00-DR-L-0007 Rev P1 – received 11th December, 2018
Sections – Sheet 2 - SWV-ASL-XX-00-DR-L-0008 Rev P1 – received 11th December, 2018
Trees to Remove - SWV-ASL-XX-00-DR-L-0009 Rev P1 – received 11th December, 2018
Planting North - SWV-ASL-XX-00-DR-L-0010 Rev P1 – received 11th December, 2018
Planting South - SWV-ASL-XX-00-DR-L-0011 Rev P1 – received 11th December, 2018
Plant Schedule - SWV-ASL-XX-00-DR-L-0012 Rev P1 – received 11th December, 2018
Mitigation Measures included in the Flood Consequences Assessment by JAB Consulting (October 2018)

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

2. Notwithstanding the plans as hereby approved, prior to the commencement of development a revised layout/scheme for the Western Terrace shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the development is wholly within the application site area that is under the control of the applicant. Development shall be carried out in accordance with the agreed details.

Reason: For the avoidance of doubt as to the extent of the development and to ensure a satisfactory form of development.

3. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that

flood risk is not increased.

5. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole SS90792603 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of, or detriment to, the environment.

6. No development shall take place, including any site clearance until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing of HGV construction traffic to/from the site in order to avoid Sunnyside Road and Park Street supplemented with a scheme of temporary traffic management
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in demolition and construction of the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. the provision of temporary traffic and pedestrian management on Sunnyside Road, Glan y Parc and within the site to provide a segregated route to Ty'r Ardd.
- viii. the phasing of the site clearance and construction.

Reason: In the interests of highway and pedestrian safety in the vicinity of the site.

7. No development shall commence until a scheme for the provision of a relocated westbound bus stop from outside 127 Park Street to outside 135 Park Street, together with an uncontrolled pedestrian crossing refuge outside 135 Park Street, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall include a Stage 2 Safety Audit which shall be submitted to and agreed in writing by the Local Planning Authority before any works commence. The scheme as agreed shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

8. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage with Glan y Parc and Angel Street between the site access (opposite 14 Glan y Parc) and the junction with Sunnyside Road being set back and a 3.0m wide segregated, shared active travel route being provided, which shall include for a crossing to appropriately link into the existing active travel route on the southern side of Angel Street. The scheme shall include for signage and roadmarkings and be supported by a Safety Audit and shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

9. No development shall commence until a scheme to permanently stop up the existing Magistrate's Court access onto Angel Street in the south eastern corner of the site access and to reinstate the existing vehicular crossing as a footway/cycleway (including full details of the pedestrian crossing at this point across Glan-y-Parc/Angel Street to provide safe pedestrian access to the Healthcare facility from the public car parks at Halo Leisure Centre and the Bowls Club) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

10. The existing vision splays of 2.4m x 43m to the site access off Glan y Parc (opposite 14 Glan y Parc) shall be retained in perpetuity.

Reason: In the interests of highway safety.

11. The proposed healthcentre car park access off Angel Street shall be provided with vision splays of 2.4m x 43m in both directions prior to the development being brought into beneficial use and the vision plays shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

12. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing an improvement to the Sunnyside Road site access which provides for a 1.8m footway along the northern side of the access, 6m radius kerbing, a 2.4m x 43m vision splay to the north and a 2.4m x 25m vision splay to the south. Such a scheme shall include for the removal of the existing adjacent roadside tree and shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety.

13. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

14. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a 3.0m wide shared community route within the site which will provide a link between the site access onto Glan y Parc and the North Terrace and Ty'r Ardd, which shall appropriately link into the shared active travel route existing footway community route on the Southern side of Angel Street. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

15. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a 1.8m wide segregated footway linking the Ty'r Ardd Registry Office to the maintainable footway on the western side of Sunnyside Road. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

16. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a continuous boundary treatment along the eastern site boundary linking the eastern boundary of Ty'r Ardd to the southern boundary of 86 Sunnyside Road to restrict pedestrian access to the rear lane on the Western side of Sunnyside Road. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

17. The proposed healthcare building shall be used as a healthcare facility and a pharmacy and in accordance with the submitted plans and for no other purpose including any other purpose in Class D1 or Class A1 of the Schedule to the Town and Country Planning (Use Classes) order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt and in the interests of highway safety.

18. No development shall commence until a scheme for the provision of a revised Healthcare facility car park has been submitted to and agreed in writing by the Local Planning Authority. The revised car park shall provide for the removal of the secondary northern vehicular entrance and realignment to facilitate 71 spaces including 7 disabled spaces. The healthcare facility car park shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for patients parking only in perpetuity.

Reason: In the interests of highway safety.

19. No development of the healthcare facility shall commence until a scheme for the provision of 32 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the healthcare facility is brought into beneficial use and shall be retained as such thereafter in perpetuity.

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

20. Prior to the commencement of the healthcare facility including the pharmacy a scheme for the provision of a Traffic & Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All servicing and delivery vehicle movements to the healthcare facility shall thereafter be made in accordance with the approved Traffic & Delivery Management Plan once the development is

brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

21. No development shall commence on the residential parcel of the site until a scheme for the provision of allocated car parking spaces to each unit at a ratio of:

- 1 space per 1 and 2 bedroom units
- 2 spaces per 3 and 4 bedroom units

has been submitted to and approved in writing by the Local Planning Authority. The spaces shall be implemented as agreed before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

22. No dwelling shall be occupied until the individual driveway and parking bays serving the respective dwelling have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout and shall be retained thereafter for parking purposes in perpetuity.

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

23. No development shall commence on the residential part of the site until a scheme for the provision of 1 secure cycle parking space per bedroom per unit has been submitted to and approved in writing by the Local Planning Authority. The spaces shall be implemented as agreed before the development is brought into beneficial use and retained as such thereafter.

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

24. No dwelling shall be occupied until the access road serving the respective dwelling has been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout and shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety

25. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development.

26. Prior to the beneficial use of the healthcare centre complex commencing, full details of the proposed means of illumination of the building and car park shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

27. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP. The CEMP shall include a reptile method statement, a bird nesting method statement, an arboricultural method statement in accordance with BS5837 (including sensitive felling of any trees with bat roost potential) and who is responsible for its implementation.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area and in the interests of biodiversity and nature conservation and to satisfy the Council's biodiversity and resilience of ecosystems duty under Section 6 of the Environment (Wales) Act 2016..

28. No development shall take place until a plan showing those trees to be retained and those to be removed has been submitted to and approved in writing by the local planning authority. Development shall thereafter take place in accordance with the approved plan.

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

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

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

30. A 5 year landscape management plan, including management responsibilities and maintenance schedules for all habitat and landscaped areas, other than domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site and prior to the beneficial use of the Health Care Centre. The landscape management plan shall be carried out as approved.

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

31. All the trees and planting shown on the landscaping details as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

32. Prior to the beneficial use of the site, a biodiversity enhancement scheme in the of the installation of Bird and Bat boxes around the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved and retained in perpetuity.

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

33. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

35. The remediation scheme approved by the above condition must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

36. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

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

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

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

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

40. Prior to any above ground development works associated with the proposal, the applicant is required to develop a scheme of mitigation measures associated with the proposal. The applicant is required to undertake a detailed air quality assessment to quantify how the devised mitigation scheme will provide positive benefits to air quality at identified sensitive receptors located on Park Street and within the established Air Quality Management Area boundary. The air quality assessment shall consider the impacts to NO₂ & PM₁₀ and look to include most recent receptor locations monitored by the Council. The air quality assessment and mitigation scheme will need to be submitted and approved by the Local Planning Authority.

If appropriate mitigation measures to protect existing residents and future occupiers of the development cannot be implemented to ensure compliance with existing national air quality objectives then the development must not proceed.

Reason: To safeguard the amenity of existing and future residents.

41. Prior to the beneficial use of the development a scheme for the installation of any air conditioning, extraction and condensing units shall be submitted to and agreed in writing by the Local Planning Authority for those units. The scheme shall include the location of the units and noise levels. The scheme shall be implemented as agreed and prior to beneficial use.

Reason: In the interests of residential amenity.

42. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the sound insulation measures of the glazed elements of the building façade, the non-glazed elements and the ventilation strategy recommended in sections 7.3 and 7.4 of the Hydrock Acoustic Report dated 6th December 2018 to control the noise from road traffic that will be experienced internally and referenced in tables 1-3 below. The scheme shall be implemented in full as agreed.

Reason: In the interests of residential amenity.

43. The cumulative noise emitted from fixed plant, equipment and building services (which includes all extraction systems, air conditioning and condensing units) shall not exceed the noise rating levels specified in Table 4 below when measured (or where this is not possible, calculated or a combination of both) and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard)" at any residential premises. The noise limits in table 4 are 'free-field' levels at any height above ground and 1.0m from the nearest noise sensitive property façade. It applies to the overall combined operation of building services plant and equipment without any specific tone or character. If the plant noise will contain specific tones or intermittent character, then a further penalty shall be applied in accordance with BS4142.

Reason: In the interests of residential amenity.

44. No fixed plant and equipment shall come into operation until a noise report detailing the number, type, location and noise levels being emitted from all fixed plant and equipment serving the development hereby permitted, and any mitigation measures to ensure that the rating noise levels specified in table 4 above from fixed plant and noise breakout from the building services have been achieved, are submitted to and approved in writing by the local planning authority. The sound levels shall be determined by measurement and/or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: In the interests of residential amenity.

45. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment. Development shall be carried out in accordance with the agreed plan prior to the beneficial occupation of the dwellings or healthcare centre commencing.

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

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Any scaffolding erected on or adjacent to the highway must be agreed with the Highway Maintenance Manager. The developer should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

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

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

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

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

The delivery parking area shall be defined by thermoplastic paint or a similar alternative.

The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" – 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

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

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

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

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

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

The advice provided by the Secured by Design Officer (see attached) shall be considered and incorporated within the scheme where possible.

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

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

In respect of the above condition for a travel plan the applicant is advised to consider the Travel Plan Guide for Developers at the following internet address:
<http://www.bridgend.gov.uk/web/groups/public/documents/manuals/050232.pdf>

Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Council prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

REFERENCE: P/18/929/RES

APPLICANT: Persimmon Homes West Wales Dragon House, Parc Y Ddraig, Penllergaer Business Park, Swansea, SA4 9HJ

LOCATION: Playing fields at Parc Derwen Bridgend

PROPOSAL: Reprofilng and landscaping of earth bank on southern side of playing fields

RECEIVED: 23 November 2018

SITE INSPECTED: 14 January 2019

APPLICATION/SITE DESCRIPTION

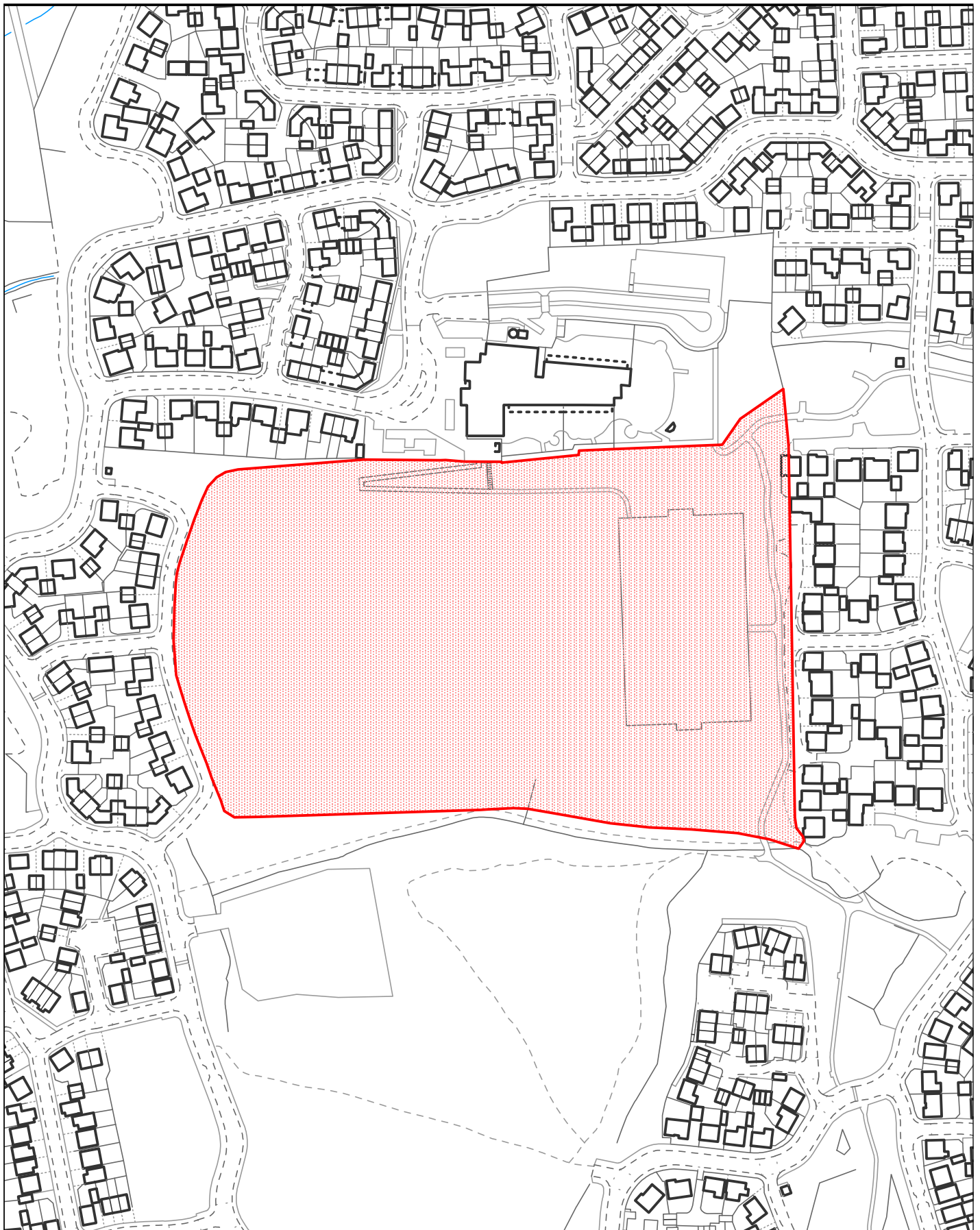
This application was deferred from the Development Control Committee on 14 February 2019 to allow for a site visit to be undertaken. Reproduced below is a copy of the report:-

‘The application seeks approval of Reserved Matters in respect of the provision of a MUGA and sports playing fields including the retention of the reprofiling and landscaping of the earth bank on the southern side of the playing fields at the Parc Derwen Development Site, Coity.

The original approval for the playing fields (P/16/501/RES) required the development to be undertaken in accordance with approved plans, one of which related to the finished levels for the site. This plan indicated that there would be a gradual slope of the land to the south of the MUGA and playing fields down to the mature hedgerow running along the southern site boundary.



Plan identified within Condition 1 of P/16/501/RES showing Finished Levels



The applicant has confirmed that, during the implementation of the above approval, it was discovered that there had been a burden of additional earth/material arising from the development of the school. Initially, this was moved to form a bund to the south of the playing fields and, following the service of a Breach of Condition Notice, a retrospective application to vary Condition 1 of the 2016 approval to retain the bund and earth levels as created (P/18/178/RLX refers).

The variation of condition application included a plan showing spot heights across the area of land to the south of the MUGA and included the finished floor levels of the properties in Trem Y Llwyfen facing onto this site. From a review of that plan it was evident that land levels adjacent to the southern boundary of the MUGA increased between approximately 1m-1.8m over a distance of 16m.



Photograph showing land levels in relation to the MUGA. (April 2018)

Further to the south, the land levels fall more steeply by 6.8m over a distance of approximately 31m down to the hedgerow, which marks the northern boundary of the footpath.



Photograph show slope from top of mound to hedgerow (April 2018)

The application was refused in June 2018 for the following reasons:-

1. The development is detrimental to local visual amenities by reason of its scale, siting and external appearance in a prominent location forming part of, and lying adjacent to, public playing fields and a recreation area, a multi-use games area, public footway and a cycle path and in full view of the occupiers of adjoining residential properties in Trem Y Llwyfen contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
2. The development by reasons of its land profile and appearance would be generally out of character with the surrounding landscape to the detriment of the visual amenities of the area contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
3. Insufficient details in respect of the construction and land drainage arrangements have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.
4. The plan referred to in condition 1 of approval of Reserved Matters P/16/501/RES relates to the finished levels across the entire playing field facility whereas the submitted plan provides amended details of only a section of the area covered by the approved plan. Therefore, insufficient details have been submitted to enable the Local Planning Authority to assess whether the remainder of the development has been undertaken in accordance with the approved reserved matters details.

Since that time further earth works have been undertaken, which have removed the mound on the southern side of the MUGA and effectively spread the material westwards. The following photograph shows the current levels that have been created.



Photograph showing land levels (January, 2019)

With regard to the southern slope down to the hedgerow, the following photograph shows the new gradient that has been created.



Photograph show slope from top of mound to hedgerow

It will also be evident from this photograph and the following image taken from the top of the earthworks looking towards the properties in Trem Y Llwyfen that no landscaping of the area has been undertaken and the area is currently bare earth.



The application site forms part of the playing field/recreation facilities, which are centrally located within the Parc Derwen Development Site and lies to the south of the Coety Primary School.



RELEVANT HISTORY

P/16/501/RES – Provision of Multi-Use Games Area & Sports Playing Fields – Conditional Consent – 05/09/16

P/18/178/RLX – Vary condition 1 of consent P/16/501/RES to refer to amended levels – Ref – 01/06/18

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 29 January 2019.

CONSULTATION RESPONSES

Head of Street Scene (Drainage) - It appears that the application seeks to retain the levels of the earth bank as it exists today. The embankment was formed as part of the construction works associated with the new sports pitches. Existing ground levels have been raised by approximately 3-4m from original levels. The site visit did not identify any potential drainage issues. No further surface water consideration is required.

Councillor Amanda J Williams - I cannot agree or object to this application as the documents do not in any way tell me what Persimmon intend doing with the bank and why the permission is needed? Is it that they want to leave the small area of banking, whereas original planning was for it to be level. If so then I object as the area looks scruffy and it

will be a money saving exercise to maintain it as it is. If it is for some other element then I would possibly consider agreeing.

REPRESENTATIONS RECEIVED

10 Trem Y Llwyfen - Although I can see that there has been some recent improvement to the profiling and landscaping of the earth bank, it is still much higher than we were originally told it would be. This biggest issue I have with it being so high is that it means members of the public when walking their dogs across it are at the perfect level to see into my bedroom which I think is inappropriate. I know other occupiers in the street share this feeling.

13 Trem Y Llwyfen - Objects to the proposal for the following reasons:-

From our understanding, the application seeks to retain the current levels of the land. Even though work has been undertaken to reduce the level of the mound, we and other residents feel that this has not made a significant difference. We wish to object and would like to see the landscape reprofiled as per the original plans. Please can we request that we are kept informed about changes to the landscape.

NEGOTIATIONS

In order to assist assessment of the impact of the development and to clarify the nature of the development, the applicant was also requested to provide a sectional drawing showing the relationship between the land levels which the application seeks to retain and the dwellings in Trem Y Llwyfen facing onto the playing fields.

COMMENTS ON REPRESENTATIONS RECEIVED

On the basis that the submission seeks to retain the existing earthworks rather than comply with the previously approved land profile, the Ward Member's comments have been interpreted as an objection and the following observations are provided in response to this objection and those submitted by local residents:-

Nature of the application - Although the application seeks a fresh approval of Reserved Matters for the MUGA and playing fields, in so far as the development that has taken place failed to comply with a plan identified within Condition 1 of the original approval, which relates to finished levels, this submission effectively seeks to retain the levels as built rather than remove surplus material.

Adverse Impact on Residential Amenities - Local residents consider that due to its size, depth, width, height and massing, the bund/mound causes unreasonable overlooking and loss of privacy and is visually overbearing. The Authority has adopted a privacy standard of 21m between directly facing habitable room windows and on the Parc Derwen Development Site has permitted a minimum distance of 12m between front habitable room windows of different dwellings directly facing each other within the development.

During the processing of the earlier submission in 2018, the following photograph, although not showing the top of the bund/mound in relation to properties in Trem Y Llwyfen, provides an indication of the relationship.



The distance between windows in the front elevations of the dwellings and Trem Y Llwyfen has been measured at just over 12m separation distance to the western edge of the footway/cycle route that runs north/south parallel to Trem Y Llwyfen. Given that the land rises up to the level of the playing fields, it is apparent that the separation distance increases. In this regard the following photograph taken from the top of the created level looking towards the dwellings in Trem Y Llwyfen further clarifies the relationship.



Notwithstanding that the level of the earthworks does not infringe adopted privacy standards, it is considered that a condition requiring landscaping, including the provision of screen planting will soften the visual impact and improve privacy levels even further.

APPRAISAL

The application is reported to Committee to consider the objections raised by the Ward Member and local residents.

As indicated in the description of development, the submission seeks a fresh approval of Reserved Matters to retain the MUGA and playing fields including the land levels on the southern side of the pitches as now created at Parc Derwen, Coity, Bridgend.

Policy COM11 of the Bridgend Local Development Plan requires the provision, or the equivalent value of a satisfactory standard of outdoor recreation space, for all new housing developments. In the case of the Parc Derwen Development Site, as part of a Section 106 Agreement, the developing consortium were required to prepare a detailed playing fields specification for the agreement of the Council and thereafter obtain the necessary planning permission(s) and construct the playing fields in accordance with the agreed specification and approved planning permission. The playing field specification has been agreed and the appropriate approval of Reserved Matters obtained in 2016 (P/16/501/RES refers). It is therefore considered that, in principle, the provision of the playing field is compatible with the above mentioned Development Plan Policy and the Section 106 Agreement attached to the original grant of planning permission for the Parc Derwen Development Site.

In terms of its detail, however, the development, as undertaken, has not complied with the 2016 approval of Reserved Matters in that the profiling of the land in the south eastern corner of the wider playing field allocation has not proceeded in accordance with that approved levels. This initially resulted in the land levels rising to the south of the multi-use games area before falling steeply towards the hedgerow that runs along the southern boundary of the playing field but, following further earthworks, the area immediately adjoining the sports pitches including the MUGA has been flattened to increase the size of the plateau area created for the pitches before the land falls steeply down to the hedgerow.

The acceptability of this variation from the originally approved Reserved Matters has been partly assessed against Policy SP2 of the Bridgend Local Development Plan. This Policy requires all development to contribute to creating high quality attractive sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals can be assessed and it is considered that, in respect of this development, criteria 2,3,6,11,12 & 13 would be relevant.

The first two criteria seek to ensure that developments have a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and are of an appropriate scale, size and prominence. In this case, due to the topography of the area, it was always acknowledged that in order to create a level playing surface for sports, a substantial plateau area would need to be formed with levels rising on the northern side up to the School but falling on the southern side. It is evident that the plateau area has been substantially enlarged on the southern side of the sports pitches which has resulted in a steep slope down to the hedgerow that runs along the southern boundary of the site. The area, at present, comprises largely bare earth although the slope on its eastern side facing Trem Y Llwyfen has grass cover. Notwithstanding that the level that has been created does not conform to those approved in 2016, it is considered that, on balance, the earth works could be acceptable subject to the area being appropriately landscaped.

Criterion 6 requires development proposals to have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. It is appreciated that as a development relating to the landscaping of an area around a recreation facility that public transport and road connections would not be required. With regard to walking and cycling linkages, whilst the gradient of the slope, particularly on its southern side does not promote safe walking or cycling, it is noted that there will be a

dedicated shared/cycle path that runs along the southern side of the hedgerow. In the interests of safety, however, it is considered that a condition requiring landscaping and a means of enclosure will assist in preventing pedestrians/cyclists from falling down the bank.

The next identified criterion (12) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. Whilst some local residents have expressed concerns regarding the impact on their privacy, it is considered that, due to the separation distance between the top of the earthworks and the front elevations of the properties in Trem Y Llwyfen, there will be no unreasonable overlooking or infringement of privacy. The suggested condition of landscaping and means of enclosure would, it is considered, further reduce the impact of the development.

The final criterion requires development proposals to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. In this case, as the development effectively relates to the retention of the profile of the land on the southern side of the sports pitches and MUGA, the disposal of foul sewage and waste is not relevant. With regard to land drainage/surface water, the Drainage Engineers have advised that their site visit did not identify any potential drainage issues.

Although not specifically referred to in the above Policy, consideration has been given to the future maintenance of the area in view of the gradients of the slope that has been created on this southern side of the pitches. Currently it is appreciated that the developer is not undertaking any maintenance or landscaping of the area pending the outcome of this planning application. In addition it is anticipated that, at some point, the responsibility for the entire playing fields facilities will pass to the Local Authority. In light of the foregoing intention to impose a condition requiring a landscaping scheme, it is recommended that the developer discuss the design of any scheme with the Green Spaces & Bereavement Services Manager so as to avoid any maintenance difficulties which may result in the Council being reluctant to adopt the facility in the future.

During the processing of the application, Policies SP2 and COM 11 of the Bridgend Local Development Plan were considered.

CONCLUSION

This application is recommended for approval because the development is compatible with Council policy and, subject to the imposition of appropriately worded conditions, will not adversely affect visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

(R04) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers FSE97206A/100, FSE97206A/700, FSE97206A/3000, FSE97206A/502, FSE97206A/503, FSE97206A/504, FSE97206A/500, FSE97206A/505, FSE97206A/602, FSE97206A/701, FSE97206A/702, FSE97206A/703, FSE97206A/704, FSE97206A/705, FSE97206A/600, FSE97206A/601 & the un-numbered Playing Field Access Ramp and Step drawing received on 22nd June 2016 as amended by the Playing Field Mound Plan and Section (Drg No 10221-200-01) received on 31st January, 2019.

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

2. The multi-use games area and floodlighting, hereby permitted shall not be used outside the following times:-

08:00 to 21:00 hours on any day

Reason: In the interests of residential amenities.

3. The sports and recreation pitches shall not be brought into beneficial use until the drainage system for the site has been completed in accordance with the approved details. Thereafter, no further surface water and/or land drainage shall be allowed to connect directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect existing residents and ensure no pollution of the environment.

4. Notwithstanding the approved plans, within three months of the date of this consent, a landscaping scheme for the slopes of the earth bank on the southern side of the sports pitches and MUGA shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

5. All landscape works shall be carried out in accordance with the agreed scheme and in accordance with a programme to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

6. Notwithstanding the approved plans, within three months of the date of this consent a scheme indicating the position, design and materials of a fence/means of enclosure along the top of the bank before it slopes down to the hedgerow shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fence/enclosure shall be completed in accordance with the agreed scheme and in accordance with a timetable to be agreed in writing with the Local Planning Authority and should be maintained in perpetuity.

Reason: In the interests of safety.

7. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

This application is recommended for approval because the development is compatible with Council policy and, subject to the imposition of appropriately worded conditions, will not adversely affect visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.'

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers
None

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REFERENCE: P/18/139/FUL

APPLICANT: Actseen Limited c/o Mrs A Patel, 4 Adrian Close, Porthcawl, CF36 3LX

LOCATION: Bro Ewenny Nursing Home Ewenny Road Bridgend CF35 5AW

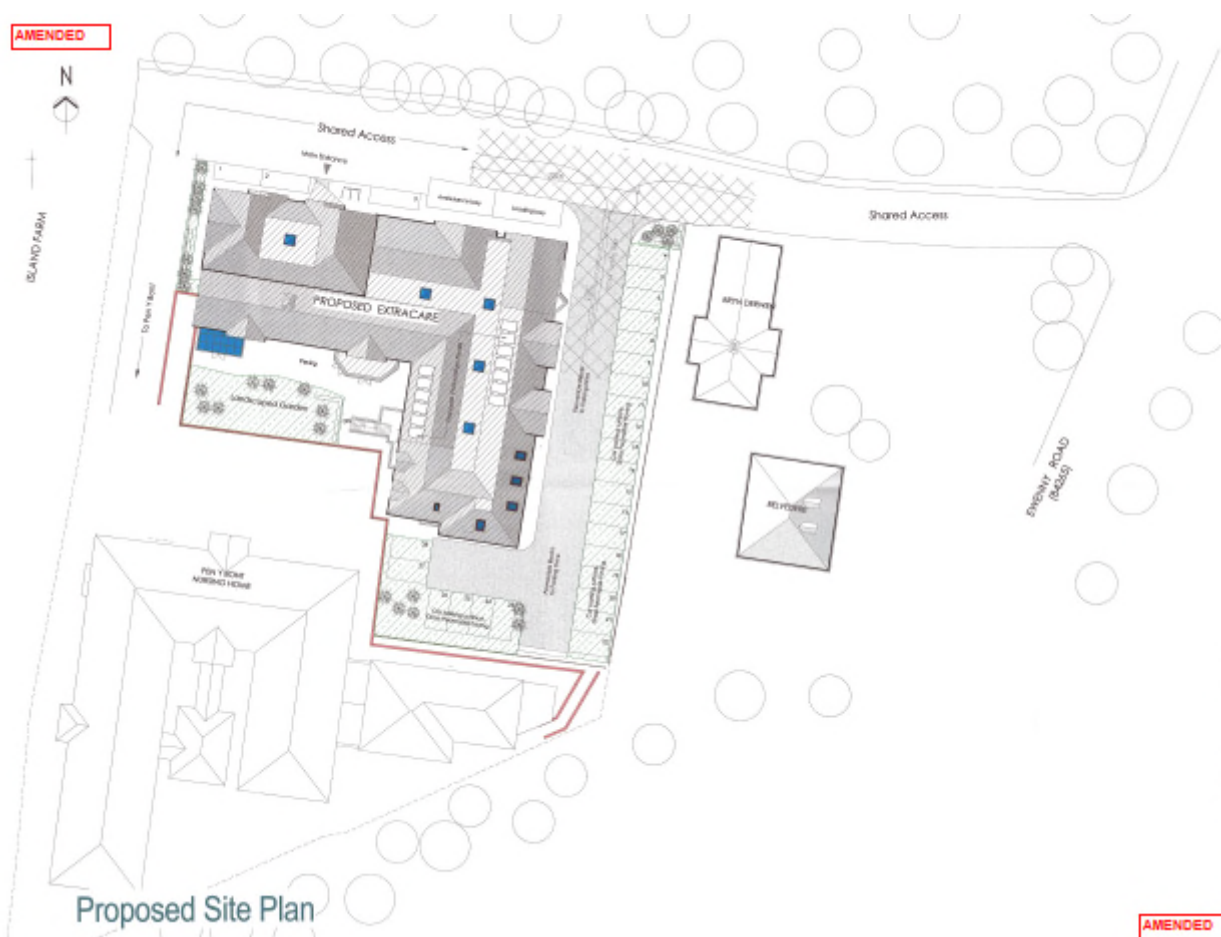
PROPOSAL: Demolition of existing Bro Ewenny Nursing Home and construction of a new extra care facility consisting of 16 care bedrooms and 25 extra care apartments.

RECEIVED: 27 February 2018

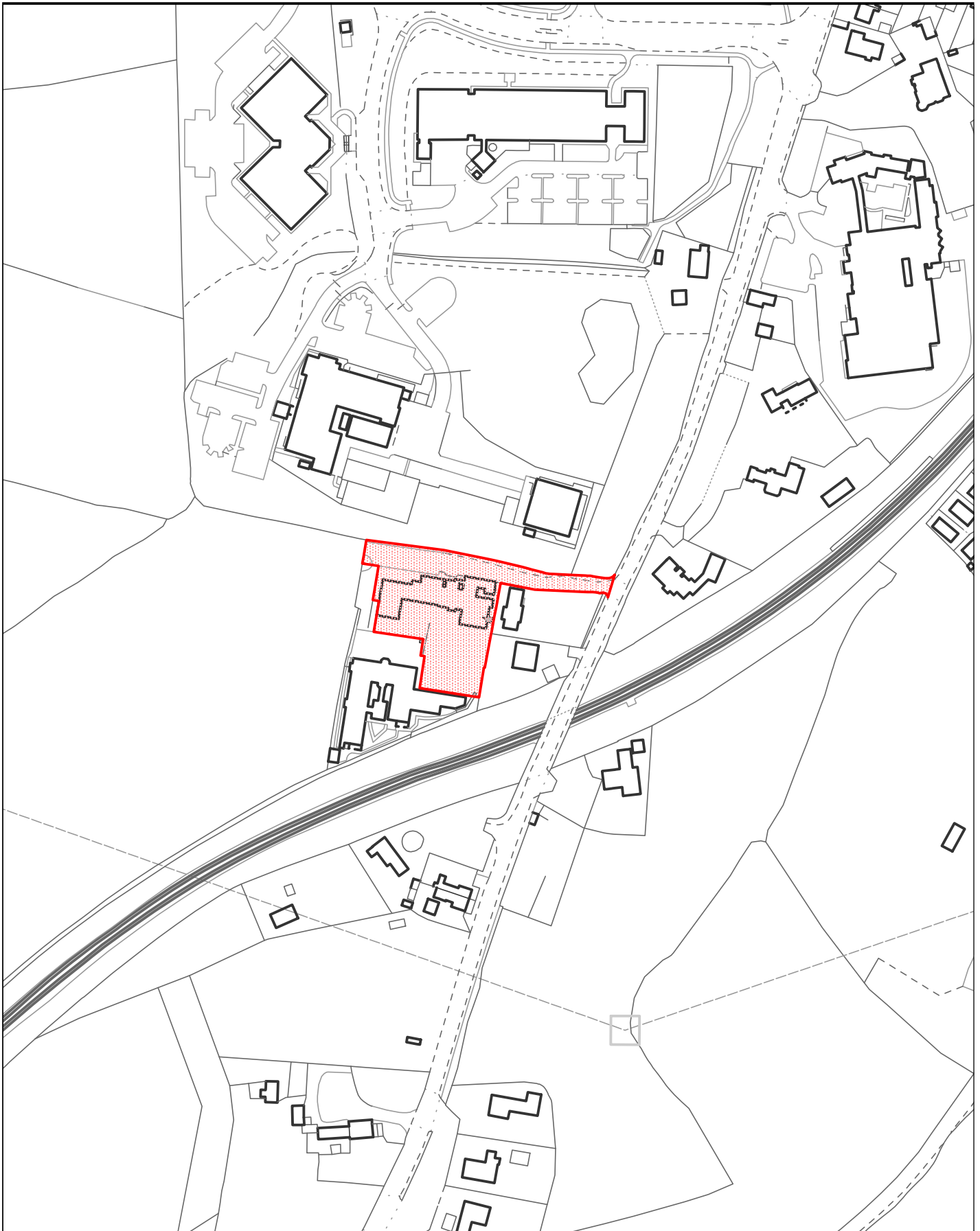
SITE INSPECTED: 4 May 2018

APPLICATION/SITE DESCRIPTION

The application proposes to demolish the existing Bro Ewenny Nursing Home, which contained 39 bedrooms and is currently vacant and semi-derelict to allow for the construction of a new extra care facility comprising a 16 bed nursing home with 25 extra care apartments. The proposed new building will have an "L" shaped footprint which measures 43m across its northern elevation, with a 37m eastern elevation, a width of 16m across its southernmost elevation and a depth of 17m across its western frontage.



It can be seen from the above site plan that vehicular access is retained along the existing shared access, which leads from the B4265 Ewenny Road with a new dedicated parking area created to the eastern side of the proposed new building. Three parking spaces, an ambulance bay and loading bay are to be provided either side of the main entrance to the building. In terms of its scale, the proposed new building will be effectively three storeys in height across part of the northern end and along its western elevation, increasing to four storey in the north western corner.



COMMUNITIES DIRECTORATE

Mark Shephard

 Corporate Director - Communities

 Civic Offices

 Angel Street

 Bridgend CF31 4WB


 Telephone (01656) 643643

P/18/139/FUL

Bro Ewenny Nursing Home

Ewenny Road

BRIDGEND



 Scale 1 : 2,500

 Date 21/03/2019

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 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc

 Countryside Council for Wales. ©Crown Copyright and database right 2011. Ordnance Survey 100018813.

 Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

Elevation drawings



Proposed Elevations (North and East)



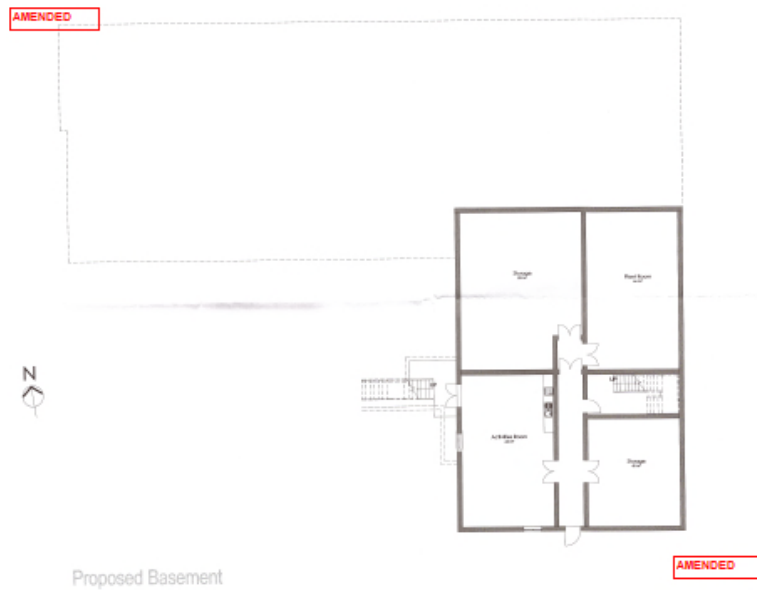
Proposed Elevations (South and West)

External finishes of the proposed new building include slate roofs, white window and door frames, stone headers and cills to window openings, brickwork on the lower levels of the building, with a mix of render and some composite weather boarding on the upper floors. Black rainwater goods and black steel enclosures to the juliet balconies are proposed but decorative timber features will be created in the gables.

Finishes



Internally, the accommodation will comprise:- Basement (south eastern corner of proposed building) – Two store rooms, a plant room and an activities room are proposed.



It is proposed to locate the 16 bed nursing home on the ground floor along with a laundry, resident dining room, kitchen, staff facilities, lift, WCs, office, staff duty areas and a bin store.



It can be seen from the above floor plan that the bedroom accommodation is located in the northern and eastern sections with the communal staff and operational facilities concentrated in the remainder of the northern wing of the building.

At first floor level it is proposed to create eleven, 1 bedroom apartments, a guest room, a communal dining room and lounge, WC, Lift and Storage.

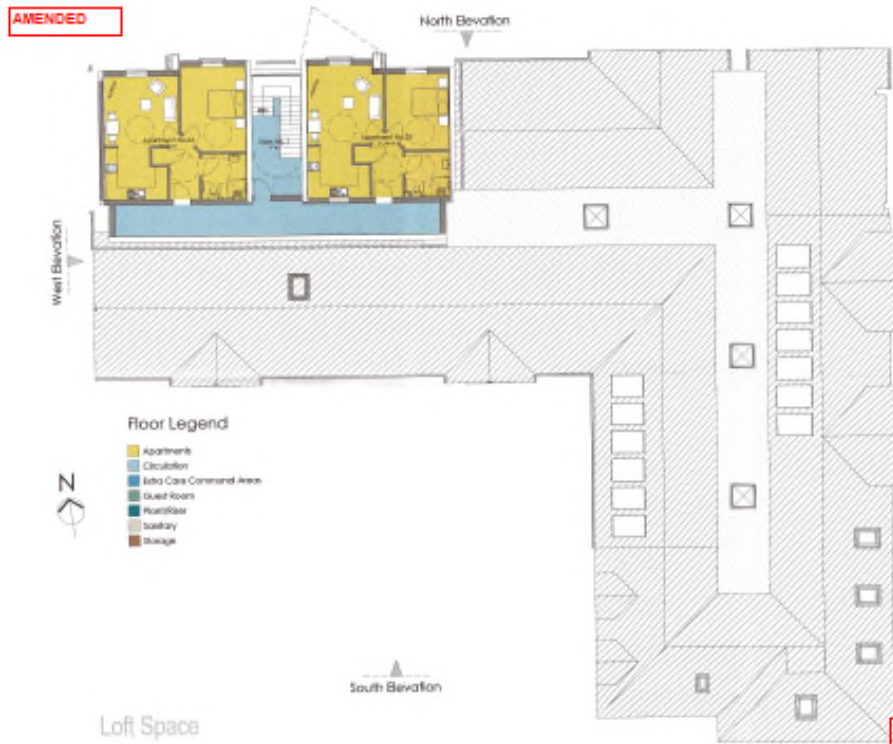


The above floor plan shows that the apartments will occupy all of the eastern wing of the building and approximately two thirds of the northern wing with the communal facilities in the north western corner.

On the second floor a further twelve 1 bed apartments are proposed a second guest bedroom, stores and an activities room.



In the loft space in the north western corner of the building a further two 1 bed apartments are proposed.



The application site is located on the western side of Ewenny Road (B4265) to the south of the Bridgend Science Park. Access to the site is obtained via a shared private driveway that runs along the north site boundary and serves the adjoining Penybont Court Nursing Home whilst providing access to the agricultural land to the west. On the eastern side of the application site are two residential properties Bryn Derwen, which abuts the shared driveway and Belvedere sited slightly to the south east and which benefits from direct access onto Ewenny Road.

A band of trees along the northern side of the driveway effectively separates the site from the Science Park and it was evident during the site inspection that the area immediately to the south of the existing building currently contains mature trees. It can be seen from the Google Map extract reproduced below that a railway line runs to the south of the adjoining Penybont Court Nursing Home and underneath Ewenny Road.



The land in this area slopes from north to south so that the application site is elevated above the adjoining Penybont Court Nursing Home. The following photograph showing the existing western elevation of the building provides an indication of the topography of the site.



It can be seen from the following photograph that the difference in land level at the southern application site boundary with the car park serving Penybont Court is approximately 1.5m



RELEVANT HISTORY

Originally the property was a dwelling house but in 1983 planning permission was granted for its conversion to a residential home for the elderly and since that time, the property has been extended including the construction of a separate 40-42 bed facility to the south of the existing building during the 1990s. In 2007, consent was granted for a conservatory extension (P/07/1022/FUL refers) and subsequently in 2009, following the withdrawal of an initial application (P/09/339/FUL), a submission for the demolition of the existing building to allow for the construction of a new nursing home was approved subject to conditions (P/09/534/FUL refers).

PUBLICITY

The application has been advertised on site and in the local press and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 11 May 2018

CONSULTATION RESPONSES

Councillor M C Voisey - Initially suggested a briefing meeting but following an explanation of the proposed development, no further comments have been raised.

Welsh Water Developer Services - No objection subject to conditions and advisory notes.

Glamorgan Gwent Archaeological Trust – No objection subject to a condition requiring a programme of archaeological work to protect this historic resource.

Destination & Countryside Management - The Ecological Impact Assessment Report has been reviewed and it is noted that it confirms that the existing building is used as an occasional day roost and a night roost for small numbers/individual lesser horseshoe bats and brown long eared bats. It is also a day roost for individual common pipistrelle and soprano pipistrelle bats. The surrounding vegetation is likely to be used by nesting birds during the breeding season with birds seen also associating with the building. The site is also in close proximity (within 600m) of a known lesser horseshoe hibernation and maternity roost.

The Survey report and its recommendations, including the principles of bat mitigation are considered satisfactory. The developer should be reminded that no works can be commenced until a European Protected Species Licence has been obtained from Natural Resources Wales.

Incorporation of the biodiversity enhancements proposed will help contribute to the environmental sustainability of the development and demonstrate the Authority's compliance with Section 6 of the Environment Wales Act 2016.

Head of Street Scene (Highways) - Following a meeting to clarify issues, amended plans were submitted in early January 2019 and there are no objections subject to conditions.

Crime Prevention Design S.Wales Police - It is confirmed that the architect has applied for a Secured By Design Award and therefore advice on security matters is attached for the developer's consideration.

Head of Street Scene (Drainage) - No objection subject to a condition requiring a scheme for a comprehensive and integrated drainage system.

Network Rail (Western Region) - No objection in principle but due to its location next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts on the safety, operation and integrity of the operational railway, asset protection comments have been provided for the applicant's information and consideration.

Bridgend Town Council - No objection

Public Protection - Shared Regulatory Services - Advice on contamination issues has been provided for the information and consideration of the developer.

REPRESENTATIONS RECEIVED

Penybont Court Nursing Home - There is objection to the proposals for the following reasons:-

Overdevelopment of the site – The proposed development looks to significantly increase the property footprint by not only retaining the current northern and eastern footprint but by increasing westwards and southwards to cover more than two thirds of the land area. Moreover, the building will comprise four floors and from its elevated position at its southern-most point be in a dominant position overlooking a number of neighbouring properties.

Previous Planning Consents – Over the years a number of planning consents have been granted on the site which has significantly increased the footprint of the current building over the original building. The current proposal further exacerbates this. The current proposal is not suited to the location in which the original, pre-existing building still exists.

Looking onto neighbouring buildings – A number of surrounding properties have not pursued planning consents over the years and have remained within their footprint for privacy and amenity purposes. This proposal would negate this by expanding out to all boundaries with the creation of a substantial building thereby invading neighbours' privacy at every opportunity.

Loss of Privacy – The southernmost part of the proposed dwelling overlooks a number of bedrooms at our property. The proposal is on an elevated section of ground. Screening with hedging is not a solution as this will remove all light from these bedrooms and they will be in a position of semi-darkness throughout daytime hours. With the extension of the southern façade closer towards Penybont Court, the proposal becomes even more overbearing, which is further exacerbated by the elevated position. The submitted design results in overwhelming encroachment and the southern elevation has apartment windows looking straight into bedrooms at Penybont Court at a closer distance than at present. The southernmost point of the existing building does not contain windows that view Penybont Court. It is considered that this gable end invades the privacy of vulnerable residents in Penybont Court.

Nature & Conservation – The proposal includes the removal of all vegetation to cover the majority of the site with buildings or car parking. The development will rely on surrounding properties for nature and conservation and contribute nothing. Trees, some of which are protected on neighbouring properties would have to be felled or cut back to enable the construction of the proposed building which would be a further blight on the nature and conservation in the vicinity.

The property has been unoccupied for in excess of 10 years and the site would have benefitted in new forms of wildlife, flora and fauna which will be lost as a result of the proposals. The scale of the building, together with unshown footways & fire emergency congregation points, will cover the entire site area leaving no room for any landscaped areas.

Car Parking – 24 parking spaces are provided for a 16 bed nursing home and 25 extra care apartments and this is considered to be insufficient to serve the proposed development. Some of the apartments are two bedrooms and it is anticipated that a significant number of future occupiers will be car owners resulting in at least half the spaces permanently occupied. Alternatively, if residents are not independently mobile, this is likely to result in a requirement for additional care staff. Either way, it is considered that additional car parking will be required particularly due to the lack of public transport and pedestrian footways on either side of the road in both directions.

As operators of the neighbouring 43 bed nursing home we already have to lease an off site car park in order to provide adequate spaces for our staff and visitors and at peak times even this isn't sufficient. With increased demand and limited parking to serve the proposed development this will exacerbate problems. It is noted that the layout fails to provide a designated ambulance spot required by care regulations. The proposed parking provisions as explained in the Design and Access Statement will be insufficient to serve the nursing home and similarly there will be an under-provision for the apartments.

Access Points – At present the property benefits from two points of access located at different points along the northern boundary. The proposals involve access along the whole length of the northern boundary and no consideration has been given to the owner refusing such access, leaving the proposed development compromised. No turning facilities have been included for delivery/waste collection vehicles which creates unnecessary risks to other occupiers.

Highway Safety – No account has been taken of the additional traffic entering or leaving the site onto the main highway. The main road fronting the site is heavily trafficked and it is considered that improvements would be needed to ensure safety for all users at this location. The development itself generates substantial volumes of traffic and neither the private lane nor the junction is suitable to serve this.

Affordable Housing – No account has been taken of TAN 2 – Planning & Affordable Housing.

TAN 12 Design – It is considered that little has been taken on board – there is an absence of an appraising context.

Pre-Application Meetings – Although a pre-application meeting was held, a number of the issues raised have not been reflected in the proposals shown in this application nor have any suggested alternatives. It appears that no account of local views has been taken and the consultation was therefore just a tick box exercise.

Belvedere - Two letters of objection have been received and the following is a summary of their concerns:-

1. Proposed new building occupies all of the plot and dominates the surrounding area – overdevelopment due to scale and footprint of proposed new building.
2. Infrastructure unable to cope with proposed new building.
3. Proposed new building will completely dominate and overshadow adjoining properties due to it being approximately 40% higher.

4. Lack of privacy to the rear of the property and rear private amenity space.
5. Vehicle access & parking – the current access onto Eweny Road is extremely dangerous and parking is non-existent especially at weekends. The access lane is shared with the house, the existing care home and the farmer making it difficult to navigate. It is believed that access for emergency vehicles would be extremely difficult. The removal of the front parking spaces with a similar amount of parking to the side of the new building would indicate that there is no provision to increase parking but plenty of intention to increase vehicle load. The existing lane is in poor condition with no drainage and a new fully serviced two-lane road with full and proper traffic management of the land, junction, traffic lights, roundabout, junction widening (vision splay) would be expected but cannot be seen in the submitted plans.
6. Noise Pollution especially during the demolition and construction phase.
7. Air Pollution – the increased work during the demolition and construction phase and will continue with the normal functioning of a care home of this size.
8. Visual Pollution – This building is huge taking almost 100% of the plot and 40% higher than surrounding properties it will be overpowering and dominate the natural light and skyline.
9. Third Party Flood consequences – the development will have a dramatic effect on the current water table and levels and given that the adjoining properties are at a lower level, will impact on water levels in adjoining gardens to the detriment of foundations, causing damp in the house and ultimately affecting wildlife and the railway embankment.
10. Impact on Wildlife on the site and the surrounding area – I have observed badgers, hedgehogs, woodpeckers, fox, bats, dormice, pheasants and on occasion a peacock in the garden therefore all environmental surveys should be available to demonstrate the predicted effect on wildlife on completion of the building.
11. It is considered that the proposed development will adversely impact on the scenery, tranquillity, privacy and wildlife the new building will thereby take away all existing benefits of this location.
12. Having been so traumatised by this proposal, I considered moving house but discovered that nobody will buy the property due to the threat of this development which overlooks the property resulting in a 30%-40% drop in value.
13. There does not appear to be any justification for the proposed large new building other than corporate greed as research demonstrates that there is a lot of money to be made from the care industry.
14. There would be no opposition to a replacement home but why can this not be built on the existing footprint.

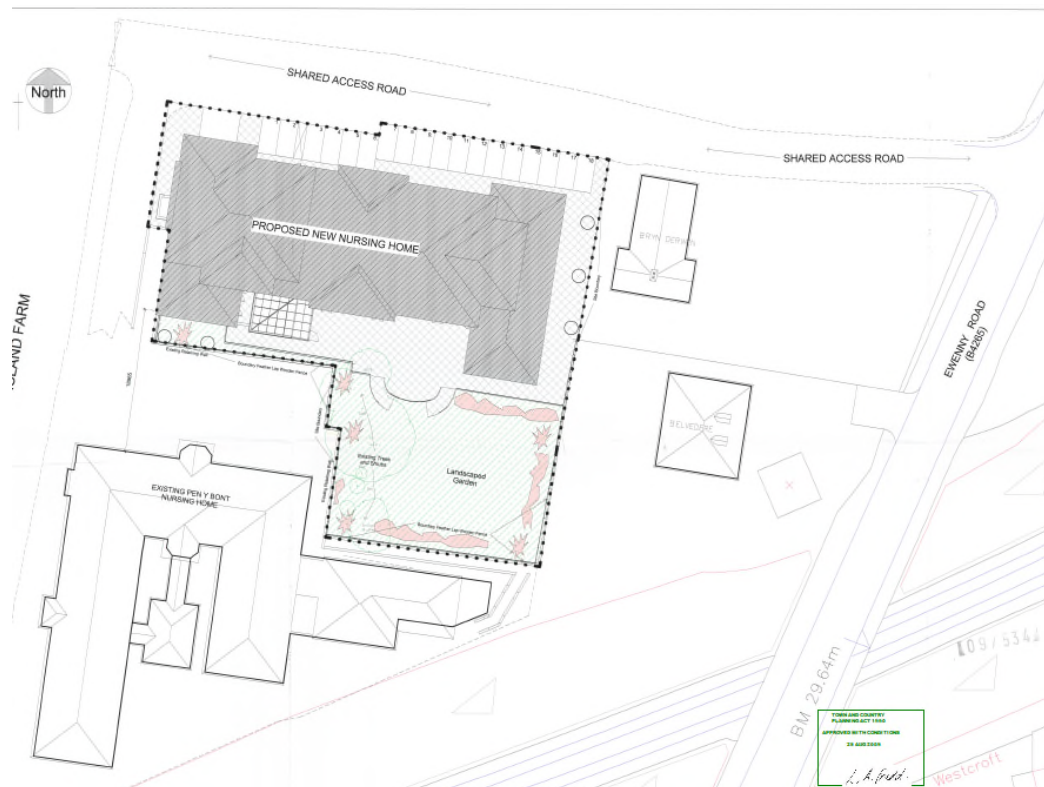
High Winds - Objects to the application for the following reasons:-

1. The height of a four-storey building is not in keeping with the local area.
2. There is insufficient car parking provision to meet the requirements for staff and visitors.
3. Visibility of the main road is very poor when exiting the lane and an increased amount of traffic is likely to lead to more accidents.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by adjoining occupiers/residents:-

Over development – Comparison of the currently proposed development with the scheme for a replacement nursing home approved under reference P/09/534/FUL is difficult given that the two buildings have significantly different footprint designs-



Layout approved by P/09/534/FUL

The L shaped building proposed has a northern frontage that is 7m shorter than the above approved building and is 3.5m shallower on its western side reducing by 1m for the central section. There are significant changes on the eastern side with the proposed eastern wing 12.5m longer but there is a greater separation distance between this elevation and the adjoining dwellings at Bryn Derwen (previously 8m now proposed a minimum of 15.5m) and Belvedere (previously 17.5m now proposed 26.5m). In respect of the Nursing Home to the south, the separation distance between the southern elevation of the western section of the building approved in 2009 and the front entrance of Penybont Court was 18m and this has increased to approximately 26m but on the eastern side the previous 26m separation distance between the two buildings is now reduced to approximately 16m. The other main difference between the two schemes is the location of the parking facilities with the approved scheme providing 18 spaces across the northern frontage of the building in contrast to the 28 spaces proposed in the current application, the majority of which are sited along the eastern site boundary. The approved Nursing Home was to provide 42 beds whereas the current submission proposes a mixed nursing home and extra care facility providing a total of 41 beds. In light of the foregoing, it is considered that the proposed development is not so significantly larger than either the existing building or the scheme approved in 2009 as to warrant refusal on the grounds of overdevelopment.

Loss of Privacy – The southern elevation of the eastern wing of the proposed development does not contain any habitable room windows and therefore there will be no infringement of the privacy of bedroom windows in the northern elevation of the section of this neighbouring Nursing Home directly facing this wing. In respect of the windows in the southern elevation of the northern wing of the proposed development, the 26m separation distance to the front elevation of Penybont Nursing Home exceeds the Council's 21m privacy standard.

Turning to the consideration of the impact on the privacy of the dwellings to the east of the application site, with regard to Bryn Derwen, although there is only a 15m separation distance at its closest, the proposed development has been designed so that the first and second floor windows in this eastern elevation are oriel windows creating angled views so

that direct overlooking does not occur. Departmental records relating to this dwelling suggests that only two habitable room windows at first floor level (serving a bedroom and an office/lounge) face the application site. In respect of Belvedere there will be a separation distance of approximately 26m between the respective frontages and therefore there will be no infringement of the privacy standard in this case.

Nature and Conservation – An ecological appraisal has been submitted with the application which has confirmed the presence of bats, which are European Protected Species and therefore an appropriate derogation licence will need to be obtained from Natural Resources Wales prior to any works including demolition and site clearance being undertaken. The submitted appraisal includes recommendations for enhancements and it is considered that an appropriately worded condition can require their provision. Overall, therefore, the proposed development will not so adversely impact on nature conservation assets or wildlife as to warrant refusal for this reason.

Car Parking – Amended plans now show that 28 parking spaces are to be provided together with an ambulance bay and a loading bay. The Highways Department is satisfied that the revised parking scheme meets the requirements of SPG17 : Parking Standards in terms of numbers, size of spaces, ability to turn and ambulance provision.

Access Points – The objectors have highlighted that the access from Ewenny Road, which runs along the northern side of the proposed building is a private lane. It is noted that the application has been accompanied by a Certificate B, which confirms that the appropriate Notice has been served on the owner. The applicant's ability to utilise this access and implement any consent that the Authority may be minded to grant would be a matter to be pursued outside the planning system.

Highway Safety – The Highways Department has advised that whilst it would be preferable for the vision splays at the junction to be improved, it is acknowledged that this would involve land outside the control of the applicant. On the basis that there would be a fall back position to reinstate the existing nursing home which has a similar number of beds (39) on the site, it is accepted that the proposed development would not so significantly increase traffic generation as to warrant refusal of the scheme for this reason.

Affordable Housing – Contrary to the objectors view that no consideration has been taken of the requirements of TAN 2 : Planning & Affordable Housing, the Authority has discussed this issue with the applicant's agent and a Section 106 Agreement will be secured to ensure the provision of a number of units with an appropriate tenure.

Design – It is clear that the design of the proposed building has been carefully considered so as to reduce any adverse impact on the neighbouring occupiers/users. Whilst an element of the building will be four storey in scale, this section is located in the north western corner of the building away from adjoining properties. More detailed consideration of the relationship with neighbouring properties in terms of domination and overshadowing will be provided below.

Pre-Application Consultation – The objector's views on the pre-application procedure are noted.

Domination and Overshadowing – Although relating to domestic extensions, the Authority's Supplementary Planning Guidance 02 : Householder Development at Notes 1 & 2 explains how the issue of assessment of unreasonable domination of the outlook of an adjoining property is made. Paragraph 4.1.1 confirms that whilst there is no right to a view, some extensions can appear unreasonably dominant and overbearing when seen from neighbouring houses. It is clarified that each case needs to be assessed on its

individual merits taking into account the distance from and alignment with overlooking windows and the topography of the area. Paragraph 4.1.2 states that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed extension. In addition, for unreasonable domination to be demonstrable, the extension must be either:-

- (a) Higher than a line, perpendicular to the window wall rising at 25 degrees to the horizontal from the mid point of the affected windows or
- (b) Closer than 10.5m to the window.

In this case it is clear that the proposed building does not infringe the daylight protection zone of ground floor windows in Bryn Derwen or Belvedere as measured by (a) above nor is the proposed building within 10.5m of the ground floor windows in either of these properties. It is therefore concluded that the impact on these neighbours will not be so significant as to warrant refusal for this reason.

In respect of the impact on ground floor windows in the northern elevation of Penybont Nursing Home, separate assessments have been made in respect of the western section of this frontage and the eastern section due to the different separation distances between these windows and the proposed new building. There is a separation distance of 26m between the respective windows in the western section of the Nursing Home and the proposed building and notwithstanding the topography of the site, the proposed building will not infringe the daylight protection zone of these windows. The impact on this section of the Nursing Home, therefore, will not be so significant as to warrant refusal of the scheme. With regard to the eastern section of the Nursing Home, the separation distance reduces to 16m and it has been calculated that the second floor of the proposed building will infringe a line perpendicular of the window wall rising at 25 degrees to the horizontal. On the basis that the distance exceeds the 10.5m identified in the guidance and given that the windows in the Nursing Home already face northwards, it is considered that the impact of the proposed development would not be so significant as to warrant refusal.

Noise & Air Pollution – In this regard the objectors concerns appear in the main to relate to the demolition and construction phases of the development rather than the development itself generating these forms of pollution. It is therefore considered a condition requiring a demolition and construction management plan could adequately control these phases.

Third Party Flood consequences – The Land Drainage Section considers that a condition requiring a comprehensive and integrated drainage scheme will adequately address this concern.

Dwr Cymru/Welsh Water (DCWW) has highlighted the presence of a public sewer, which runs along the shared access drive but consider that the proposed development would be situated outside the safeguarding zone for this apparatus. It has also advised that there is a private sewerage pumping station (SPS) serving Penybont Court adjacent to the application site boundary. In order to minimise the effects of noise and odour nuisance, a distance of 15m from the SPS is recommended for habitable buildings. In this case although the proposed new building will be closer, internally the facility has been designed so that staff facilities (on the ground floor) and communal facilities (on the first floor) will be the closest to the location of the SPS. It is considered that this arrangement will overcome any potential nuisance.

Devaluation – This is not a material planning consideration.

Justification – The Local Planning Authority can only assess the planning merits of the

application as submitted and it is not for the Authority to seek to justify the proposals.

APPRAISAL

The application is referred to Committee to consider the objections received from adjoining occupiers.

The application seeks consent for the demolition of the existing Bro Ewenni Nursing Home to allow for the construction of a new care facility comprising a 16 bed care facility with 25 extra care apartments at the former Bro Ewenni Nursing Home, Ewenny Road, Bridgend. The application site is located within the settlement boundary for Bridgend as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP).

Policy SP5 of the LDP states that development will only be permitted where they will not have a significant adverse impact on the built and historic environment of the County Borough and its setting. In particular, development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact on identified heritage assets - in this case areas of archaeological significance.

Policy COM3 states that residential developments within settlement boundaries on windfall and small scale sites, for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. The application site qualifies as a small site under this Policy and would introduce an important element of choice and flexibility to the housing market. The site is not allocated for any other specific use and, therefore, residential development would be acceptable in principle.

In respect of planning obligations, as the proposal relates to 16 care bedrooms with 25 extra care apartments, the application would be exempt from an education contribution but the extra care apartments are considered to be residential units. Due to the scale of the development (25 units), this will trigger Policy COM5 which requires 20% affordable housing as a contribution. In this case the proposed S106 Agreement would seek either 5 of the apartments to be provided as affordable units with an appropriate tenure agreed with the Housing Strategy Manager or a financial contribution of £329,440.00.

In terms of its details, design and appearance, the proposed development falls to be assessed against Policy SP2, which requires that all development contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals can be assessed and in respect of the proposed development it is considered that only criteria 1,2,3,4,6,10,12 & 13 would be relevant.

Criterion 1 requires that development proposals comply with relevant national policy and guidance. National planning policy set out in Planning Policy Wales (Ed. 10) at paragraph 3.51 states that "Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. 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...." It is therefore considered that, in general terms, the redevelopment of the former Nursing Home site with another care facility within the settlement of Bridgend would be compatible with national policy.

Criteria 2 & 3 require development proposals to have a high quality design, which respects and enhances local character and distinctiveness and are of an appropriate scale and

prominence. For the reasons outlined in the previous section of the report, it is considered that the design of the replacement building has been carefully considered and in that it will replace a currently vacant building which is deteriorating in condition, can be considered to be an enhancement on the existing site condition. With regard to the scale of the proposed new building, it is also considered that, for the reasons indicated in the previous section of the report, the submitted proposals are appropriate.

Criterion 4 requires the efficient use of land so that proposals maximise development potential whilst respecting the surrounding development and demonstrates a preference for development on previously developed land over greenfield sites. As indicated above, the application site is considered to constitute previously developed land and when the density of the submitted proposals is compared with the existing building or previously approved redevelopment on the site, it is considered to be appropriate.

Criterion 6 states that proposed developments should incorporate appropriate connections within and outside the site to ensure efficient access. The Highways Department is satisfied that in light of the fall-back position of being able to operate a similarly sized (bed numbers) nursing home on the site, the access and parking arrangements are acceptable.

Criterion 10 seeks to safeguard and enhance biodiversity and green infrastructure and complements Policy ENV6 which requires development or redevelopment in the first instance to retain, conserve, restore and enhance wherever possible. In this case it has been identified in the accompanying Ecological Appraisal that the existing building constitutes a bat roost. The Appraisal recommends suitable mitigation /compensatory measures, which can be required by conditions attached to any consent the Authority may be minded to grant and highlights that a derogation licence will be required prior to any development including demolition and site clearance.

Criterion 12 aims to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. The impacts of the submitted proposals on the adjoining occupiers has been considered and for the reasons outlined in the comments on representations received, the proposed development does not so significantly impact on the privacy and amenities of its neighbours as to warrant refusal.

The final criterion (13) requires development schemes to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. As previously indicated appropriately worded conditions can ensure this provision.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing

goals/objectives as a result of the proposed development.

During the processing of the application Policies PLA1, COM3, COM5, SP2, SP5 of the Bridgend Local Development Plan and Supplementary Planning Guidance (SPG) 17 : Parking Standards and 19 : A Green Infrastructure Approach were considered.

CONCLUSION

The application is recommended for approval because the development complies with Council policy and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. The development will provide a modern extra care facilities on the site of a former Nursing Home, which is currently derelict in parts, thereby improving the existing site appearance, whilst having due regard to the amenities of its neighbours and incorporating appropriate ecological mitigation and compensatory measures.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to :-

Ensure that 5 of the apartments are provided as affordable housing units in perpetuity with an appropriate tenure agreement reached between the applicant/operator and the Housing Strategy Manager or a financial contribution of £329,440.00

(B) The Corporate Direct Communities be given delegated powers to issue a decision notice granting permission for the development on completion of the above agreement subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 178/03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 16, 17, Rev P1 received 7 January 2019.

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

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3. No development shall take place until the applicant (or their agents or successors in title) has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: In the interests of preserving the historic environment of this part of the County Borough.

4. No development shall commence including any works of demolition or site clearance until a demolition/construction method statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall provide for:-

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials during the demolition and construction phases;
- (iv) the erection and maintenance of security hoarding including any decorative displays;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during demolition and construction;
- (vii) internal management arrangements to ensure that safe vehicular and pedestrian access is maintained to the adjoining properties served by the shared private driveway leading from Ewenny Road;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction.

Thereafter the works shall be undertaken in accordance with the agreed method statement throughout the demolition and construction phases of the development.

Reason : In the interests of safety and amenity

5. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into beneficial use and shall be retained in perpetuity.

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

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

Reason: To prevent hydraulic overloading of the public sewerage network to protect the health and safety of existing residents and ensure no pollution or detriment to the environment.

7. The development shall not be brought into beneficial use until space has been laid out within the site in accordance with the approved site layout plan, for 28 cars, an ambulance bay and loading bay, which shall be completed in permanent materials with the spaces individually demarcated in permanent materials. The parking and loading bays shall thereafter be retained in perpetuity.

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

8. Prior to the first beneficial occupation of the development hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved before the development is occupied and be so maintained in perpetuity.

Reason: In the interests of visual and residential amenity

9. No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting

and seeding seasons following the occupation of the building; and, any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and biodiversity.

10. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be implemented as agreed.

Reason: In the interests of visual amenity and biodiversity.

11. Notwithstanding the submitted plans, no external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, so that it can be demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places have been first submitted to, and approved in writing by, the Local Planning Authority prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of residential amenities and to maintain the favourable conservation status of any protected species on site.

12. No development shall commence on site, including any demolition or site clearance works, until a detailed ecological mitigation and enhancement strategy has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall be implemented as agreed.

Reason: To ensure the impacts arising from this development are mitigated and measures to enhance the development are undertaken in accordance with the timing of the development.

13. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval because the development complies with Council policy and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) An European Protected Species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:-

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

(c) The applicant's attention is drawn to the observations provided by Dwr Cymru/Welsh

Water, which highlight the presence of a foul water public sewer within the shared access drive and provide guidance in respect of connections to the public sewerage system and provision of a water supply.

(d) The observations received from the South Wales Police Designing Out Crime Officer, Network Rail, and the Shared Regulatory Services Environment Team are highlighted for the applicant's information and consideration.

(e) In view of the proximity of the railway line, the developer may wish to consider the installation of sound proofing measures to mitigate any noise nuisance that may emanate from the railway operations.

(f) No surface water is allowed to discharge to the public highway.

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

(h) In order to satisfy condition 5 in respect of drainage, the developer's attention is drawn to the observations provided by the Land Drainage Section which clarify the level of information that will be required to be provided to accompany the drainage scheme.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

REFERENCE: P/18/829/FUL

APPLICANT: P & P Builders
c/o LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 9LJ

LOCATION: Land north east of Croft Goch Road, Kenfig Hill CF33 6HA

PROPOSAL: Development of 21 affordable homes and associated works

RECEIVED: 12 October 2018

SITE INSPECTED: 15 November 2018

EOT AGREED: 1 April 2019

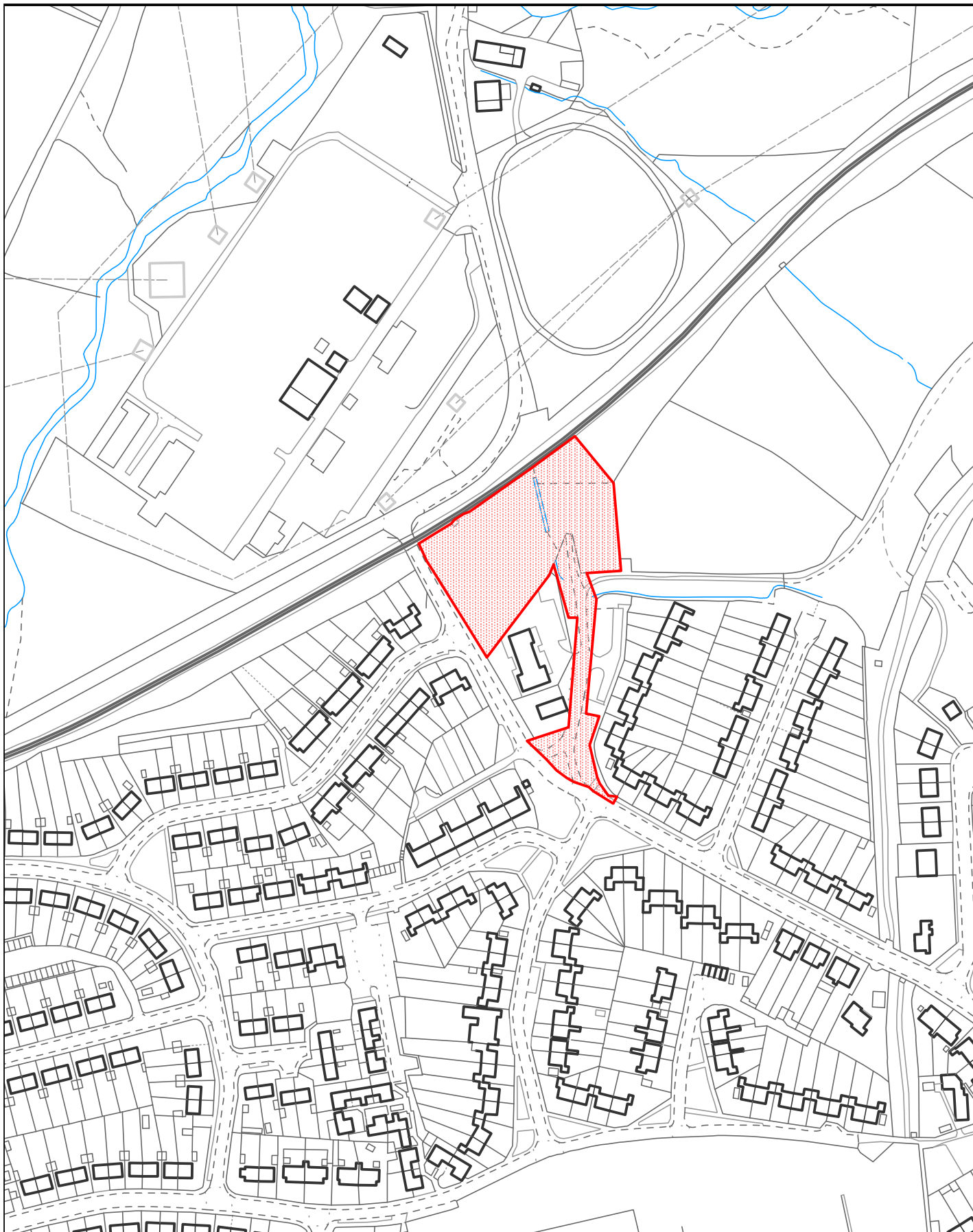
APPLICATION/SITE DESCRIPTION

The application seeks full Planning permission for the erection of 21 affordable homes and associated works on Land north east of Croft Goch Road, Kenfig Hill, Bridgend.

The application site is currently vacant and overgrown with woodland trees, shrubs and scrub. The proposed scheme includes 21 dwellings comprising 12 x 1 bedroom flats, 3 x 3 bedroom dwellings, 4 x 2 bedroom dwellings and 2 x 4 bedroom dwellings with access to amenity space, external drying area and off street parking. The proposed site layout comprises one block of three terraced properties, three two storey semi-detached properties and two three storey blocks of flats with shared parking areas located to the north and south of the site with access to the site from Waterhall Road.

Proposed Site Layout:





Cyngor Bwrdeistref Sirof
 Bwrdeistref ar Obwr

 BRIDGEND
 County Borough Council
**BRIDGEND COUNTY
 BOROUGH COUNCIL**
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COMMUNITIES DIRECTORATE

Mark Shephard
 Corporate Director - Communities

Civic Offices
 Angel Street
 Bridgend CF31 4WB
 Telephone (01656) 643643

P/18/829/FUL

**Land North East of
 Croft Goch Road
 KENFIG HILL**



Scale 1 : 2,500

Date 21/03/2019

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Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

The proposed dwellings on Plots 1-2, 9-13, 20 and 21 will be two storey and finished in a grey smooth concrete roof tile and a mixture of white/cream render and red brick with white UPVC windows and doors and a concrete overhead cill above the front door. Each dwelling will comprise a kitchen/dining room, living room and wc at ground floor with bedrooms and bathroom on the first floor.

**Proposed Elevations and Floor Plans of Dwellings:
Plots 1 – 2 and 9 -10:**



Plots 11-13 and 20-21:



The proposed flats on Plots 3-8 and 14-19 will be three storeys and finished in a grey smooth concrete roof tile and a mixture of white/cream render and red brick with white UPVC windows and doors and a concrete overhead cill above the main entrance. Each flat will comprise a kitchen, living/dining room, bathroom and bedroom with two flats located on each of the three floors.

Proposed Elevations and Floor Plans of Flats:
Plots 3-8:



Plots 14-19:



Access to the site is via Waterhall Road with a 'T-shaped' cul-de-sac road arrangement within the site with access to all properties. The application also proposes the improvement of the existing junction of Waterhall Road with Croft Goch Road with the removal of the existing grass verge and the construction of a wider carriageway and the extension of the existing footpath with vehicle crossover arrangement.

Proposed Junction Improvements:



Amended plans were submitted on 18 January 2019 regarding a revision in the layout of Plots 14-19 and additional information was submitted regarding site levels, acoustic fencing and boundary treatments. A revised Ecological Appraisal and Dormouse Mitigation Strategy was also submitted regarding the site as well as additional information regarding the impact of noise from the substation on the future occupiers of the site.

Amended plans were received on 18 March 2019 which included an internal re-design of the first floor of Plot 9, the insertion of side windows into Plots 9-13 (excluding Plot 12) and details of the increase in height of the proposed acoustic fencing.

The application site is located within the defined settlement of Kenfig Hill as defined by Policy PLA1 of the LDP (2013) and measures 1.4 acres in area. Very steep gradients run from north east to south west. An existing watercourse dissects the site, running north to south from under the railway line and is culverted adjacent to the existing road. An existing railway line runs parallel and lies along the northern boundary of the site and beyond that Pyle Substation, with the western boundary of the site runs parallel with Croft Goch Road. To the east of the site lies Waterhall Road and the site is surrounded by a number of existing residential properties and Dan y Bont Nursing Home.

The application has been supported by the following documents:

- Design and Access Statement prepared by LeTrucco Design;
- Ecological Mitigation Report prepared by EDP;
- Protected Species Survey prepared by Hawkerswood Ecology;
- Noise Assessment prepared by Inacoustic;
- Drainage Strategy prepared by NJP Consulting and Civil and Structural Engineers;
- Tree report prepared by Tree Care Consulting;
- Transport Statement prepared by Lime Transport

RELEVANT HISTORY

P/05/1553/OUT – Residential Development

Approved (subject to S106 Agreement) – 25 October 2006.

P/18/23/FUL - Development of 22 affordable homes and associated works

Withdrawn – 10 September 2018.

PUBLICITY

The application was advertised on site and in the press.

Neighbouring properties were consulted on the application.

The period for publicity/consultation expired on 16 November 2018.

CONSULTATION RESPONSES

Pyle Community Council objects to the development raising the following concerns:

- Access and egress in this area is already extremely problematic and the concern is that the proposed residential development will further exacerbate traffic problems already being experienced.
- Concerns over the impact on and loss of dormice and bats in the area as well as the impact upon breeding and foraging birds.
- Long term impacts of the proposed development upon protected species in the local area
- Proposed development would be contrary to the vision and objectives of Bridgend Local Development Plan 2013.
- Proposed mix of one and two bedroom properties is appropriate for the area.
- Concerns regarding drainage in the area is inadequate with no surface water drainage in place. Further exacerbate the problems.
- Concerns about the impact on the stability of the railway bridge on the edge of the proposed development.
- Concerns about the proximity of the proposed development to the electricity substation in that area.

Head of Street Scene (Highways) – No objection subject to conditions regarding parking, construction method statement and vision splays.

Head of Street Scene (Drainage) – No objections but due to the lack of information submitted with the application has advised that a condition is attached for the submission of a comprehensive drainage scheme prior to any development being undertaken on the site.

Dwr Cymru/Welsh Water (DCWW) – No objection subject to standard advisory notes, but advises that a distribution water main crosses the site and the development is advised to contact DCWW before any development commences on site.

Destination and Countryside Manager (Ecology) – No objection subject to conditions regarding ecological method statement and external lighting plan.

Head of Public Protection (Noise) - No objection subject to conditions regarding details of sound and glazing installation and mechanical air ventilation system (MHVR).

Head of Public Protection (Contamination) – No objection subject to a condition to assess the nature and extent of the contamination of the site in view of its previous use and a number of standard advisory notes.

Rights of Way Manager – No objection subject to the retention of the 1.8m wide existing public right of way.

Natural Resources Wales (NRW) – initially raised significant concerns with the proposed development and requested additional information to be submitted with regard to a revised Dormouse Mitigation Strategy and an updated Ecological Appraisal. In view of the submission of these documents revised comments have been received raising no objection to the proposed development subject to a number of conditions.

Network Rail – objects to the proposed development due to the envisaged increase in usage of the nearby public footpath crossing which results in safety concerns.

Designing Out Crime Officer – No objection to proposed scheme.

REPRESENTATIONS RECEIVED

Bridgend Ramblers raise no objection to the proposed development but require Footpath 14 Pyle to remain open during building works.

Cllr Michael Kearn (Local Ward Member) objects to the proposed development and raises the following concerns:

1. As in the previous application P/18/23/FUL, Natural Resources Wales said that they had significant concerns relating to Dormice found in the vicinity of the proposed development, these are a European protected species. It would appear that this remains a problem since there does not appear to be any clear proposal to protect the natural habitat of this protected species. The current application will destroy an area of woodland containing a large number of mature trees, scrub a, hedgerow and other wildlife.
2. Again, as with the previous application this development remains in close proximity to the railway line. Network Rail continue to object on the grounds that the railway line may not be in constant use at present but cannot confirm that this will remain the case in the future. This lack of confirmation presents potential risks to the safety of anyone residing within near proximity to the line, particularly children and young people. I don't feel that the concerns of Network Rail can be ignored.
3. The proposed development is close to an electricity substation where noise levels have been noted and reported to be high and constant.
4. I raise a fourth objection based on the stability of the land for building residential properties. I believe that the absence of any recent survey considering the possibility of there being old quarry workings below the proposed development and whether these have been satisfactorily filled poses structural risks.

5. Neither does there appear to be a recent survey as to how the stream that runs through the proposed site could impact upon a) the structure of the proposed building or b) if the stream is blocked off how this would impact upon the natural habitat and wildlife.
6. I have read the objections raised by various independent bodies and feel that their expertise should not be overlooked in considering this planning application.

Eight letters of response has been received from the neighbouring properties. Seven raise objections to the development and one expresses concerns. The responses raise the following issues:

- Lack of parking;
- Concerns over layout, visibility, suitability and safety of the proposed changes to the junction;
- Increase in traffic due to the proposed development;
- Increase in noise disturbance and air pollution especially during construction;
- Loss of green space;
- Increase in crime e.g. vandalism, burglaries and fly tipping;
- Visual impact on locality;
- Loss of local habitats, wildlife and woodland area;
- Damage to character of area;
- Loss of privacy;
- Close proximity to railway line, substation and quarry;
- Stability of land due to former use as a quarry;
- Impact on existing stream on site and blocking off to wildlife;
- Impact on dormice and bats due to proposed development;
- Concerns regarding drainage from the site and flood defences.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above have been addressed within the specialist subject areas as identified in the appraisal section of this report.

Inevitably a development so close to existing properties is going to result in some noise and disturbance during the construction period. If the Council were minded to grant planning permission, a planning condition could be imposed controlling the hours of work to preserve the residential amenities of the area.

PLANNING POLICIES

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2013)

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan

(LDP) 2006-2021, which was formally adopted by the Council in September 2013. The following Policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV4 – Local/Regional Nature Conservation Sites
- Policy ENV5 – Green Infrastructure
- Policy ENV6 – Nature Conservation
- Policy ENV13 – Unstable Land
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy COM11 -Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

SPG17 – Parking Standards

SPG19 – Biodiversity and Development.

APPRAISAL

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

The application proposes the erection of 21 affordable homes on land north east of Croft Goch Road, Kenfig Hill.

The main issues to consider in the determination of this application are the principle of the development, design, scale, materials, impact on the character and appearance of the area, impact on neighbouring amenities, ecology, drainage, noise, Public Right of Way and highway safety.

Principle of the Development

The application site lies within the residential settlement boundary of Kenfig Hill as defined by Policy PLA1. Policy COM3 Residential Re-use of a Building or Land states that residential developments within settlement boundaries defined by Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilized land, will be permitted where no other policy protects the building or land for an existing or alternative use.

It is considered that, in principle, the application is a windfall site which results in the re-use of vacant land and therefore, subject to satisfying the requirements of Policy SP2 and other relevant Policies within the Plan, residential development would be considered acceptable.

Design, Scale, Materials and Impact on the character and appearance of the area

The application site is located within a predominately residential area of Kenfig Hill and currently comprises vacant and overgrown land with a number of trees and vegetation at the end of Waterhall Road. Whilst the site currently provides an area of openness and foliage, it is considered that the introduction of 21 residential units would be in keeping with the residential area. Following an assessment of the submitted plans and proposed house types, it is considered that the overall design, scale and materials of the proposed

dwellings reflect that of the surrounding existing residential housing located at Waterhall Road and Croft Goch Road due to the mix of terraced and semi-detached housing designs. The introduction of three storey, flatted development is also considered acceptable due to the location and topography of the site. The proposed development will also result in an adequate level of amenity space to serve the development and the use of soft landscaping such as green hedges and trees is considered to help to reduce the visual impact and will improve the overall appearance of the development. Whilst the removal of the current vegetation and trees will open up the site and the introduction of residential properties will alter the existing character of the area, when reviewing the context of the site as predominately residential and the wider area it is considered that the proposed development would not have a significantly adverse impact on the character and appearance of the area.

Amended plans show internal changes to Plots 14-19 and Plots 9-13 with the insertion of side windows in order to overcome concerns regarding noise from Pyle substation which is located opposite the application site.

Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP 2013.

Impact on neighbouring amenities

With regard to the impact of the development on the existing neighbouring residents of Waterhall Road, it is considered there would be no significant overlooking or privacy issues of the existing residential properties due to the separation by a public footpath, setback nature of the properties and location of the development site. It is also considered that due to the design of Plots 20 and 21, the topography of the site and proposed landscaping along the boundary of the site, there will be no adverse impact on the occupiers of Dan-y-Bont Nursing Home.

With regard to the neighbouring properties located along Croft Goch Road with specific reference to 38 and 39 Ffordd y Goedwig, whilst it is noted that some views may be afforded into these properties due to the elevated nature of the site and design of the buildings i.e. 3 storey, it is considered that there will be no significant adverse impact on the residential amenities currently enjoyed by these properties. This is clearly illustrated on the submitted site levels plan which shows that the proposed building of Plots 14-19 will be located approximately 13 metres away from No.39 and the development therefore complies with the separation guidance between habitable rooms as set out in the Council's Supplementary Planning Guidance SPG02: Householder Development.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties with particular reference to 38 and 39 Ffordd y Goedwig and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Drainage

The Council's Drainage Officer has assessed the submitted scheme and submitted information however, due to lack of information, it is necessary to attach a condition to any consent granted requiring a comprehensive drainage scheme for the site to be submitted to and agreed by the Local Planning Authority prior to any works commencing on site to accord with Policy SP2 (8).

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with

the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

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

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

The three tests that must be satisfied are:

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

Initially, Natural Resource Wales (NRW) raised significant concerns regarding the proposed development. NRW requested additional information to be submitted in respect of a revised dormouse mitigation strategy and an updated ecological survey regarding mitigation and compensation.

On 19 February 2019, a revised dormouse mitigation strategy and an updated ecological survey were submitted by the applicant. NRW was re-consulted on the additional information and has removed their objection subject to a number of conditions. The proposals involve the direct loss of circa 0.5 ha of secondary broadleaved woodland and scrub comprising the westernmost extent of North of Pyle SINC.

The Ecological Appraisal states that although the application site is within a SINC, it is of limited botanical interest and species diversity, having established over former industrial land and human disturbance evidence and the habitats are of limited ecological value per se. The proposals will also result in the erosion of the western boundary of this SINC, equating to circa 5% loss of SINC habitat (with North of Pyle SINC otherwise totalling 9.89 ha).

Based on the evidence provided, as well as having visited the site and reviewed the SINC citation the Council's Ecologist agrees with the assessment that the application site is currently of degraded quality. It has been subject to a degree of tree felling and is largely dominated by scrub, with evidence of fly tipping and garden waste dumping. When considered in isolation it is unlikely to qualify as a SINC and it is of noticeably less intrinsic value than the remainder of the SINC to the east, which makes up the bulk of the

designation. Nevertheless, the application site is designated as a SINC and therefore warrants careful consideration in terms of local and national policy.

Furthermore, the site has been confirmed to support dormouse (a European Protected Species) and also has the potential to support other protected species including bats (five trees have bat roost potential), birds, badger and reptiles. The ecological appraisal concludes that the woodland is of Local Importance overall. The trees of interest for bats were surveyed to a satisfactory standard in line with good practice guidelines and no bats were recorded however, the Ecologist welcomes the recommendation for update surveys prior to any works.

The updated Dormouse Mitigation Strategy and Ecological Appraisal produced by EDP, has addressed the previous concerns in terms of detail provided and identified the proposed compensation site (Bedford Park SINC). It has also devised a strategy to compensate for loss of dormouse habitat and loss of SINC habitat. The mitigation strategy includes on-site habitat retention which is subject to enhancement planting (0.3ha). The landscaping strategy reflects this and includes native buffering and dormouse nest boxes are also proposed however, the bulk of the mitigation strategy involves provision of off-site compensatory measures across connecting land at Bedford Park SINC to the east of North of Pyle SINC. Bedford Park is within BCBC control and it was agreed as the most suitable site to host such compensation. This site currently only receives minimal management by Awen Cultural Trust, mainly comprising grass cutting, litter picking and other 'tidying up' tasks. No formal habitat management currently occurs on the site.

The proposals at Bedford Park SINC comprise bolstering and managing existing dormouse habitat through new planting of native species comprising an area of 0.58ha. The applicant has submitted a costing schedule for these works, the value of which will be provided to BCBC in the form of a commuted sum as part of a Section 106 Agreement. Overall, the total area of dormouse habitat to be lost is 0.5 ha and the total area of habitat proposed to be secured for dormouse over the long-term is 0.88 ha. These works would enhance Bedford Park SINC which is an important site for dormouse and would provide resource for BCBC to fulfil duties under the Environment (Wales) Act 2016. While assessing this development proposal, the ecologist has referred to a number of local and national policies, including BCBC's Biodiversity and Ecosystems Resilience Forward Plan 2018-22 and the LDP. LDP Policy ENV4 recognises the value of SINC's and under the Town and Country Planning System, these sites are a material consideration when determining planning applications. Policy ENV5 promotes the Green Infrastructure approach and Policy ENV6 provides a list of habitats that should in the first instance be retained, managed and enhanced on development sites wherever possible (this includes woodland and trees). Where this is not possible, suitable compensation/mitigation will be required to secure biodiversity interests. In view of the information recently submitted, it is considered that suitable compensation is being provided for this application.

On balance, given the small area of application site, its degraded nature on the periphery of North of Pyle SINC and the level of mitigation and off-site compensation proposed, including a financial sum to enhance and manage the adjacent Bedford Park SINC, there is no objection to the proposals however, as outlined in the Ecology Report, works cannot proceed until a European Protected Species licence (EPSL) is granted from Natural Resources Wales, which will involve the submission of a Method Statement outlining the precise details of the mitigation strategies proposed.

Furthermore, it is considered necessary to attach conditions requesting the submission of an Ecological Construction Method Statement, which will include measures to control any invasive species on the application site, the production of a long-term habitat management plan (5 years) for Bedford Park SINC and the production of a sensitive lighting plan to

avoid adverse impacts on sensitive habitats adjacent to the development, particularly the remaining North of Pyle SINC, to accord with Policies SP2(10), ENV4 and ENV5 of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

Access and Parking

The Council's Transportation Officer has assessed the submitted plans and Transport Statement in support of this application which concludes that the development of 21 dwellings would not materially increase the number of traffic movements on the local highway network. In addition the Transport Statement has undertaken a capacity assessment of the signalised junction of Croft Goch Road and the B4281. That assessment has concluded that the development will result in 1 additional vehicle joining the queue of the Croft Goch Road arm of the signalised junction (in the peak AM hour) and a maximum degree of saturation of 73.4%, which is considered a 'non-material' impact on the local highway network.

In addition to the above the applicant has also engaged a highway consultant to redesign the priority junction of Croft Goch Road and Waterhall Road on the advice of the Highway Authority. The current junction arrangement splits into two 2-way spurs, giving way to traffic on Croft Goch Road. During the site inspection there did not seem to be a split between the spurs for access and egress however, their use was determined by which spur suited the direction of travel. Therefore the increase in vehicles as a result of this development required a rationalised and conventional priority junction, which would provide improved vision splays in both directions, to be constructed.

The speed limit on Croft Goch Road is 30mph which equates to a sight stopping distance or 'Y' distance of 43m (as detailed in Manual for Streets, table 7.1 page 91). The existing 2 spur junction arrangement provided a substandard vision splay arrangement to the north west however, the new proposed junction can achieve the 43m vision splay required in both directions. As a result, the proposed new junction is considered to provide a highway betterment on the existing arrangement. In view of this, the Highway Authority broadly agrees with the findings of the submitted transport assessment in terms of the impact of traffic generated by the development and the benefit of the redesigned junction arrangement subject to detailed engineering agreement with the Highway Development Team.

Notwithstanding the above, the Transport Statement considers that the under-provision of off-street parking is acceptable at this site location (4.4 page 21 refers Lime Transport assessment) however, the Highway Authority disagrees with this conclusion and considers that this site would heavily rely on the use of the private motor vehicle. The nearest bus stop is located some 550metres away from the site and this distance is above the maximum distance of 400m detailed in the Planning for Walking guidance (CIHT 2015). As a result of this concern and to ensure that the parking from this development does not migrate to the junction turning head within the development or onto Waterhall Road, it is considered necessary to attach a condition requiring a scheme of off-street parking for Plots 10-13 to be submitted and agreed. It is considered there is sufficient room to provide additional parking on the frontages of those plots although the provision of this additional parking will still fall short of the required off-street parking as detailed in SPG17 – Parking Standards. The provision of cycle parking and improvements to the walking and cycling routes to the site will help mitigate this minimal shortfall of parking.

With regards to promoting sustainable travel to and from the site, the proposed 3 metre, shared use, walking and cycling route is welcomed by the Highway Authority however, it is noted that at its termination point on Croft Goch Road, no detail has been provided with regards to the provision of tactile paving to indicate its termination and therefore it is

considered necessary to attach a condition requesting a scheme to be agreed. It is also considered necessary to request the submission of a Construction Management Plan to ensure the development does not impact the use of Waterhall Road by existing residents and that the timings of HGV construction traffic movements do not coincide with the local school opening and closing times.

Accordingly, the proposed development is considered acceptable in highway safety terms subject to the above conditions and therefore accords with Policies SP2(6) and SP3 of the LDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Noise

The Council's Public Protection Officer advises that following a good acoustic design process is an implicit part of Government Planning and Noise policy. A good acoustic design process takes a multi-faceted and integrated approach to achieve good acoustic conditions, both internally (inside noise-sensitive parts of the building(s)) and externally (in spaces to be used for amenity purposes). Good acoustic design should avoid "unreasonable" acoustic conditions and prevent "unacceptable" acoustic conditions and is not just compliance with recommended internal and external noise exposure standards.

Good acoustic design must provide an integrated solution whereby a good acoustic outcome is achieved, without design compromises that will affect living conditions and the quality of life, including housing, health and safety and fire safety requirements of the inhabitants or other sustainable design objectives and requirements. ProPG: Planning is a Professional Practice Guidance developed by the Chartered Institute of Environmental Health, Institute of Acoustics and the Association of Noise Consultants Planning which has been produced to provide practitioners with guidance on a recommended approach to the management of noise within the planning system in England, although the same principles would apply here. The document acknowledges good acoustic design is about more than the numbers:-

It is a holistic design process that creates places that are both comfortable and attractive to live in, where acoustics is considered integral to the living environment. Good acoustic design can involve, for example, careful site layouts and better orientation of rooms within dwellings.

Thus sealing of the building envelope is generally unsatisfactory and should be regarded as a last resort. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation (including proposing closed windows and alternative means of ventilation and cooling) should be fully justified in supporting documents and that care should be taken to ensure that acoustic mitigation does not adversely affect living conditions or result in design which is unacceptable in other respects.

Consequently where the noise can be mitigated by layout and design, rather than sealed windows, this should be the overriding factor. Even if the windows were openable, the fact that it is likely to cause a nuisance to the residents when they re-open effectively means they either have to endure the noise or keep their windows closed in any event. Following further discussions between the Public Protection Officer and the developer regarding the concerns raised above, amended plans have been submitted which address the above concerns as follows:-

- An internal re-design of the first floor of Plot 9 has been undertaken which now consists of two bedrooms at the front of the property and a bedroom and bathroom at the rear.
- The bedroom window will be fixed but a second window which is to be openable but obscurely glazed has been installed into the side elevation at first floor level to allow for further ventilation.
- The rear windows of Plots 10, 11 and 13 will also be fixed and side windows inserted at first floor level on the side elevations which will be openable for ventilation but obscurely glazed.
- Plot 12 will be fitted with the MHVR of which details of this will need to be submitted and agreed by the LPA.
- Plots 14-19 have now achieved the necessary design criteria and are considered acceptable.
- The height of the barrier to be raised by 500mm to 2.9m as the sectional diagrams indicates the fence is approximately the same height as the ground floor windows. Amended plans received on 18 March 2019 show the increase in height of the acoustic fence to 2.9m as requested.

Accordingly, it is considered that the proposed development has now addressed the initial concerns raised regarding the impact of noise subject to conditions and therefore accords with Policy SP2 of the LDP (2013).

Public Right of Way

The Rights of Way Manager has assessed the submitted scheme and notes that the developer advised that the increase in width to the start of Public Footpath 14 Pyle, was included at the request of the Highways Department so that it could accommodate bicycles. Following further discussions with the Council's Highways Department, they have confirmed that they would not wish to see an increase in the width of the public footpath, but that their original request purely related to the section of adopted footway leading from the development, along Waterhall Road to Croft Goch Road.

Further to the comments received from the Council's Highways Department the Rights of Way Manager would not wish to see an increase to the width of public Footpath 14 Pyle, and would wish to keep it at 1.8 metres wide. The Rights of Way Manager is pleased that the developer is aware that they will be required to apply to extinguish a small section of Footpath 14 Pyle and that an application will be submitted in due course.

The developer has now confirmed that the width of the Public Right of Way will remain at 1.8m in width and in view of this the Rights of Way Section would remove their objection to the Planning application as the proposed development will not have a significantly adverse impact on Footpath 14 Pyle.

Other Matters

Impact on the existing railway line

The Local Planning Authority has received a formal objection to the proposed scheme from Network Rail raising concerns about any increase in population to the wider area and the potential safety implications due to the location of a level crossing which they assert is within the vicinity of the site. Network Rail explain that they have an existing problem of youths congregating around the crossing and would wish for the developer to consider

mitigation measures to reduce any potential safety concerns given that the crossing can be accessed via a network of public footpaths which pass the application site.

Following further consideration of the proposed scheme and the concerns raised by Network Rail, it is considered that the scheme will not give rise to any justifiable concerns over safety as the referred level crossing is located over 700m walking distance from the site and is not on a route which is necessarily going to attract additional footfall from youths. Also, the Council's Rights of Way Officer has agreed to the imposition of a condition to secure details of a gate which will maintain the public's ability to access the existing PROW but deter vehicular access onto the network which represents a net improvement over the existing situation.

Furthermore, whilst the application site is located immediately to the south of network rail apparatus, this line is not in frequent use with vegetation growth evident along the length of the track and rusted rails. It is considered that the proposed development is unlikely to promote unauthorised access onto the line but will in fact help deter trespass onto the line through the development of the site and provision of enclosures and enhanced woodland planting along the boundary. Notwithstanding this position, it is considered that trespass onto the railway is not a matter material to the determination of this application and is an issue for Network Rail to address.

In view of the above, it is considered that the proposed development would help to reduce any potential for unauthorised access onto the line given that this is currently unhindered and therefore addressed the concerns raised by Network Rail.

Landscaping

The applicant has submitted a landscaping plan and strategy for the site. The strategy includes native planting and the use of trees and hedge planting within the development.

A copy of the landscaping strategy is provided below:



The proposed landscaping seeks to provide adequate screening and mitigation with the existing residential properties and retain as much biodiversity at the site as possible and therefore seeks to enhance the character and appearance of the area. In view of this, the landscaping proposals are considered acceptable and therefore accord with Policies SP2 (10) and ENV6 of the LDP and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

Electricity Sub-Station

It is not clear what Pyle Community Council considers is concerning regarding the proximity of the development to the sub-station however, with respect to noise emanating from the sub-station, this formed part of the assessment of the Public Protection Officer (above) and resulted in amended plans being submitted and conditions being recommended to address outstanding matters (see conditions 15 and 16).

Notwithstanding the above, the electricity industry produces a Code of Practice and substations are required to comply with exposure limits as set down by the industry. As no objection/comment has been received from the industry the development is assumed to be acceptable in this location.

Ground Stability

With regard to the existing culvert and ground stability at the site, the applicant's agent has submitted a letter from NJP Consulting Civil and Structural Engineers acknowledging the existing ground conditions at the site and stating that it is proposed to generally fill the site to achieve the desired finished levels and fill material which will be engineered filled, placed and compacted in accordance with DETR specification. This includes the proposed access road under which the culvert will be situated. The culvert falls outside the zone of influence of the nearest properties. The nearest being Plot 9 which is approximately 6.5m from where the culvert discharges into the watercourse. In view of this, it is considered necessary to attach a condition requesting the submission of an intrusive site investigation prior to any works commencing on site. The report would include the design of any foundations and the construction, formation and reinforcement of the culvert, identify and assess the risk of instability and measures of mitigation as well as future monitoring in order to accord with Policy ENV13 of the LDP (2013).

Contamination

The Council's Contamination Officer has assessed the proposed development and has noted from the assessing previous records that the application site formerly included railway infrastructure.

In view of the previous use of the land, this may have caused the land to become contaminated giving rise to potential risks to human health and the environment for the proposed end use. Consequently the inclusion of conditions requiring a contamination assessment and any necessary remediation works are considered necessary to be attached to any consent granted prior to the construction of the dwelling on the site. 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. Consequently, the inclusion of conditions to ensure the use of suitable materials is also required in order to comply with Policy SP2(9) of the LDP (2013).

Well Being Act

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development

in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

S106 Requirements

Policy SP14 of the LDP requires applicants to enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

Affordable Housing

As a proposal of over 5 dwellings, the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that all 21 dwellings will be provided as affordable which is welcomed. In order to safeguard compliance with the LDP, the affordable housing target of 15% for the Western Settlements housing market area should be secured through a Section 106 Agreement with the units to be transferred to a RSL.

Education

In accordance with SPG 15: Residential Development and Educational Facilities, current school capacities in the area indicate that Primary provision is currently oversubscribed. Based on a development of 9 qualifying dwellings, excluding the 12 x 1-bed flats as per Note 1 of the SPG, there would be a requirement for 2 primary school places to be created which equates to a contribution of £32,626.

Outdoor Sports Provision

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Childrens Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this locality. The proposed site layout does not include for the provision of on-site facilities. A financial contribution will therefore be appropriate to improve the provision of local facilities. The contribution for children's play should be calculated at £470 per dwelling and applied to the 9 dwellings with 2 or more bedrooms = £4,230. The contribution for outdoor sport should be calculated at £569 per dwelling and apply to all 21 dwellings = £11,949

Off Site Mitigation

Due to the loss of the ecology of the site as a result of the development, the applicant is required to provide off site mitigation regarding the re-location of dormice from the site in accordance with SPG19. In view of this, the applicant has submitted a costing schedule

that relates to the offsite mitigation proposals at Bedford Park SINC. Costs cover the planting up of identified areas of land including management and maintenance over the first 5 years of establishment and for up to 20 years thereafter the total planting, management and maintenance costs would equate to approximately £39,907.62 and which is to be secured via a legal agreement.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have a significantly detrimental impact on the privacy or visual amenities of the future occupiers of the site or of the area nor so significantly harm neighbours' amenities in terms of noise, ecology, drainage or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application however, it is not considered that on balance the issues raised outweigh the merits of the scheme.

RECOMMENDATION

- (A)** The applicant enter into a Section 106 Agreement to provide:-
- i. a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council;
 - ii. a financial contribution for the sum of £32,626 (index linked) towards the provision of 2 primary school places;
 - iii. a financial contribution for the sum of £16,179 (index linked) towards the provision of Children's Play Equipment and Outdoor Sport facilities;
 - iv. an off-site habitat mitigation, management and maintenance plan, a financial contribution for planting, management and maintenance costs for the sum of £39,907.62 (index linked) and a programme of implementation.
- (B)** The Corporate Director Communities be given plenary powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:
1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-
 - Application Forms dated 12 October 2018.
 - Drawing No. LT1701.04.102 REV.D received on 12 October 2018.
 - Amended Drawing Nos:
 - LT1701.04.02 REV E – Site Sections;
 - LT1701.04.103 REV E -Plots 14-19;
 - LT1701.04.03 REV F – Landscaping Layout;
 - LT1701.04.07 – Site Layout Plan – Block PlanReceived on 18 January 2019.
 - Amended Drawing Nos:
 - LT1701.04.01 – Site Layout – Prelim;
 - LT1701.04.100 REV E – Plots 1 & 2 and 9 &10;
 - LT1701.04.101 REV E – Plots 11-13 and 20 & 21;
 - LT1701.0404 REV D – Boundary Details;
 - LT1701.04.05 REV G – Boundary Identification Plan;
 - LT1701.90.06 REV A – Boundary and Bin Store Details;Received on 18 March 2019.
 - Design and Access Statement REV A received on 12 October 2018 and REV B

- received on 18 March 2018 prepared by LeTrucco Design Architecture.
- Noise Assessment prepared by Inacoustic (dated 22 March 2018) received on 12 October 2018.
- Ecological Mitigation Report prepared by EDP received on 2 November 2018
- Proposed Drainage Strategy prepared by NJP Consulting Civil and Structural Engineers (dated October 2018) received on 12 October 2018.
- Tree Report prepared by Tree care Consulting received on 12 October 2018.
- Transport Statement prepared by Lime Transport (October 2018) received on 12 October 2018.
- Protected Species Survey prepared by Hawkerswood Ecology received on 12 October 2018.
- Updated Ecological Appraisal and Updated Dormouse Mitigation Strategy prepared by EDP received on 19 February 2019.
- Pre-Application Consultation Report prepared by WPM Planning and Development (September 2016) received on 12 October 2018.
- Offsite mitigation costing schedule prepared by EDP (22 February 2019) received on 27 February 2019.

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

2. Prior to the construction of the residential units on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3. Notwithstanding Condition 1, a timetable for the implementation of the approved boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority prior to the beneficial occupation of the residential units. Development shall be carried out in accordance with the agreed plan and timetable and thereafter maintained in perpetuity.

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the

properties to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the scale of development

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the side elevations of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

8. No development shall commence until a scheme for the provision of 2 off-street parking spaces per dwelling for plots numbers 10-13 has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and free flow of traffic around the junction

9. No development shall commence until a scheme showing the tactile paving to indicate the termination of the shared use route and returning to standard footway on Croft Goch Road, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and thereafter maintained / retained in perpetuity.

Reason: In the interests of highway and pedestrian safety

10. The proposed vision splays shown on drawing LT1701.04.07 shall be provided before the development is brought into beneficial use and retained as vision splays in perpetuity.

Reason: In the interests of highway safety.

11. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

12. The application site shall be limited to no more than 21 dwellings as identified in the Transportation Assessment.

Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

13. No development shall take place, including any works of demolition/site clearance, until a

Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the routing and timing of HGV construction traffic to/from the site in order to avoid the local school opening and closing times.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities and location
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the Waterhall Road and Croft Goch Road.

Reason: In the interests of highway and pedestrian safety.

14. Notwithstanding condition 1 and prior to the commencement of construction, the design details of the acoustic barrier (i.e. height, density, degree of overlap of the acoustic fence panels which are themselves to be over boarded) shall be submitted to and agreed in writing with the Local Planning Authority. The barrier shall be a minimum of 10kg/m² mass per unit area, have no gaps and shall be imperforate, rot proof and vermin proof and able to withstand wind forces. The acoustic barrier as agreed shall be erected along the top of the railway embankment at the location shown on the boundary identification plan LT1701.04.05.REV G prior to the residential units being brought into beneficial use and shall be maintained and retained in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

15. Prior to construction of the dwellings commencing, a scheme of sound insulation measures for the houses on Plots 9-13 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme as agreed shall be implemented prior to the beneficial occupation of Plots 9-13 commencing and shall thereafter be retained in perpetuity. The living room windows to first floor and above to the flats on Plots 14-19 and the rear bedroom windows of Plots 9-13 which overlook the substation shall be installed as fixed pane/non-opening and shall be retained as such in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

16. Prior to work commencing on Plot 12 details of the ventilation scheme, including noise specifications and sound reduction performance shall be submitted to and agreed in writing by the Local Planning Authority. A full scheme of acoustic mechanical ventilation shall be included to all habitable rooms to first floor for Plot 12. A central ventilation/extract system or whole house heat recovery system (MVHR) designed to the latest Building Regulations Part F shall be installed to Plot 12 where sealed windows are being introduced and there is no other ventilation. The applicant shall demonstrate that the sound performance of the acoustic ventilation strategy shall achieve the internal ambient noise levels specified in Table 3 of the Acoustic Noise Report by In acoustics dated 19th March 2018 which comply with BS8223:2014, having regard to the noise levels from the electricity substation at 100 and 315 hertz. The scheme as agreed shall be implemented prior to beneficial use of Plot 12 commencing and shall be retained thereafter in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

17. Prior to construction of the dwellings, the glazing specification for all plots shall be submitted to and agreed with the Local Planning Authority and shall be implemented as agreed. The details shall include the glazing configuration and the minimum acoustic performance as specified in table 10 of the Inacoustics Noise Report dated 22 March 2018. The developer shall demonstrate that the glazing shall achieve the ambient noise levels specified in Table 3 of that report, having regard to the noise levels from the electricity substation at 100 and 315 hertz. For Plots 9-13 which have bedroom windows overlooking the railway line, it shall be ensured that the internal maximum levels are achieved such that <45 dB LAFMax would be achieved on the basis of an 80 dB(A) maxima event profile from train pass-bys.

Reason: To protect the residential amenities of the future occupiers of the residential units.

18. Site preparation or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

19. Prior to the commencement of the development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and; an appraisal of remedial options, and a justification for the preferred remedial option(s). The development shall be implemented in accordance with the approved remediation measures.

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

20. No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

21. No development shall take place until details of an Ecological Construction Method Statement, which will include measures to control any invasive species on the application site has been submitted and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect nature conservation.

22. No development shall take place until details of a lighting plan have been submitted and agreed by the Local Planning Authority. The lighting plan shall include details of the type of external lighting to be used and appropriate mitigation to protect sensitive habitats located along the site boundaries of the site. The development shall be carried out in

accordance with the approved details and thereafter retained in perpetuity.

Reason: To protect sensitive habitats adjacent to the development, particularly the remaining North of Pyle SINC.

23. Prior to the construction of the residential units on the site, details of an intrusive site investigation report shall be submitted and agreed in writing by the Local Planning Authority. The report should include details of the design of any foundations and the construction or formation reinforced of the culvert as well as identify and assess the risk of instability and measures of mitigation as well as future monitoring. The development shall be carried out in accordance with the approved details.

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

24. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or on the future occupiers of the site in terms of noise, ecology, drainage or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application however, it is not considered that on balance the issues raised outweigh the merits of the scheme.
- b) The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru .com](http://www.dwrcymru.com)
- c) The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water (DCWW) in dealing with the proposal the applicant may contact DCWW. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- d) The Public Protection Section draws attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide but not radon gas) being generated at the site or land adjoining thereto and recommends investigation and monitoring of the area.
- e) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be

reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.

- f) Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- g) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h) Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.
- i) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- j) It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed/unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.
- k) In respect of Condition 4, the following information is required:-
 - Provide foul and surface water/highway drainage layout (drawing number 10247-App4) as separate drawing file to review;
 - Provide cross sectional views of the proposed attenuation systems;
 - Provide confirmation of agreement in principle from DCWW with regards to foul drainage connection;
 - Provide technical and maintenance details associated with the proposed surface water attenuation units;
 - Provide an updated maintenance schedule including replacement of the permeable paving system at the end of the design life;
 - Submit ordinary watercourse consent applications in relation to temporary/proposed works to the existing watercourse.
- l) Should the applicant consider that building works would prejudice the safety of the public using the Public Right of Way within the application site, the developer is advised to contact the Rights of Way Officer to discuss a temporary closure.

**JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

Background papers

None

REFERENCE: P/18/163/FUL

APPLICANT: Club Penybont Ltd c/o John Matthews Planning & Development
47 Anglesey Way, Porthcawl CF36 3QP

LOCATION: Penybont Football Club, Llangewydd Road, Bridgend CF31 4JU

PROPOSAL: Provision of a second stand (250 seater) plus tv gantry

RECEIVED: 7 March 2018

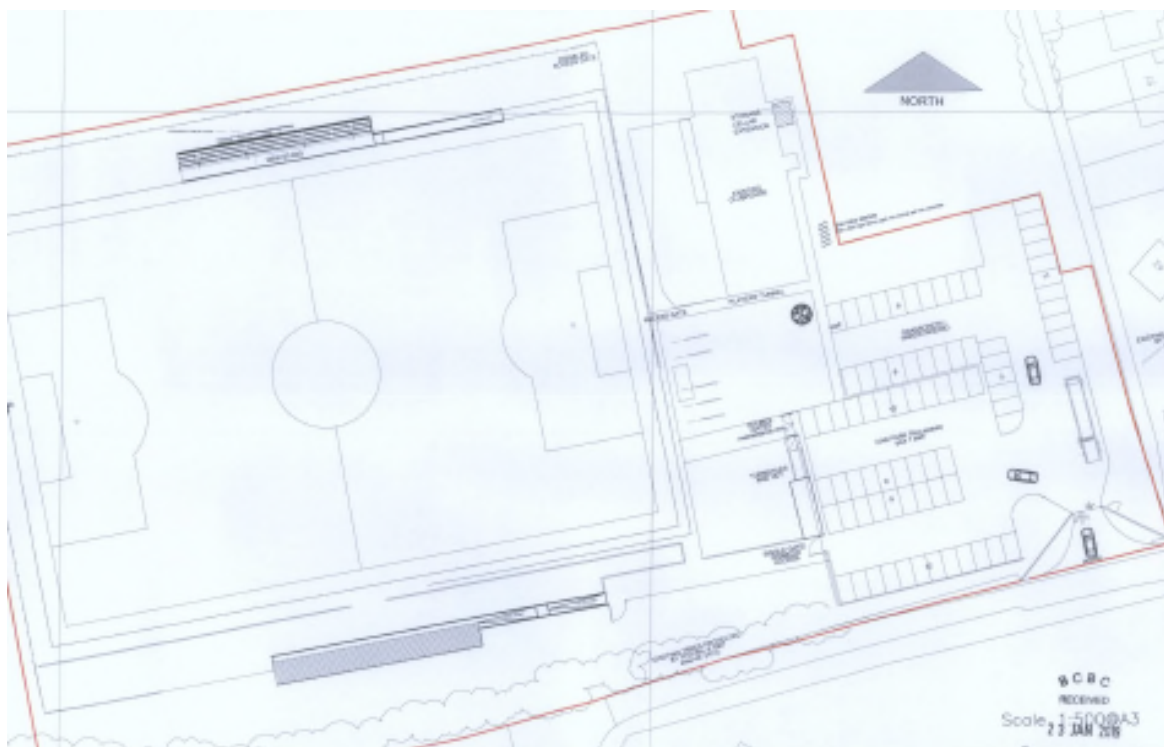
This application was reported to this Committee on 19 July 2018 (copy of report attached as **Appendix A**) and it was resolved as follows:-

A. The applicant enters into a Section 106 Agreement to:-

- a. provide a contribution of £8000 for the application of double yellow lines around the site access, opposite the site access and any areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.
- b. undertake that planning permission P/17/744/FUL will not be implemented.

B. That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to conditions

Following consideration of the resolution above, the Club requested a meeting to consider whether the parking provision was excessive. As a result, the Highways Officer agreed that, as the combined total of seats will now be 500 (as a result of the most recent application for a further 250 seats), 77 spaces would be appropriate along with a Traffic Order for £7000 for yellow lines and 2 commercial/coach parking spaces for the visiting team coach and the outside broadcast TV. An amended plan reflecting this parking arrangement was received on 23 January 2019 as shown below.



In recent weeks the Club have approached the Local Planning Authority and the Highways Department to seek a way forward so that **A.** above and the following recommended conditions 2 and 3 are no longer necessary.

Condition 2

Notwithstanding condition 1, no development shall commence until a scheme of 150 off street parking spaces, 10 staff parking spaces, 1 commercial/TV Media parking space and 1 coach parking space has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall make adequate provision for circulatory vehicular movements and road markings together with a dedicated pedestrian route from the site access to the facilities. The parking area and pedestrian route shall be completed in permanent materials with the individual spaces and circulatory markings clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

Condition 3

Notwithstanding condition 1, no development shall commence until a scheme detailing a widened vehicular access of 6m and segregated pedestrian access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for site frontage set back and vision splays of 2.4m x 43m, shall be implemented in permanent materials before the development is brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of pedestrian and highway safety.

The Club have, to this end, put forward a Unilateral Undertaking (UU) for consideration. The Legal Officer has considered the UU and considers it is fit for purpose should Committee consider the revisions acceptable. The UU proposes:-

- 1. No Welsh Premier League or Welsh Cup fixture shall take place until the Council has been provided with a copy of the Owner's completed legal agreement procuring an additional 35 off-site car parking spaces in addition to its own on-site parking facilities at the car parking facilities of the 3rd Bridgend Scout Group on Llangwydd Road, Bryntirion, Bridgend.*
- 2. Should no suitable site agreement be available as referred to in Paragraph 1 above, no Welsh Premier League or Welsh Cup fixture shall take place at the Site until EITHER the 35 extra off-site car parking spaces have been provided in accordance with a layout to be agreed with the Council and which must be to the complete satisfaction of the Council acting with absolute discretion within the Site OR the Council has implemented a Road Traffic Order which must be paid for by the Owner in the sum of Eight Thousand Pounds (£8000) for the application of double yellow lines around or opposite the Site access and any other areas reasonably deemed necessary by the Council to stop vehicles parking indiscriminately in relation to the use of the Site and affecting the free flow of traffic.*
- 3. The Owner revokes and will not implement planning permission P/17/744/FUL.*

CONCLUSION

In view of the above, the revised application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the

character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

RECOMMENDATION (R34)

A. The Council accepts the Unilateral Undertaking of the Club that:-

1. No Welsh Premier League or Welsh Cup fixture shall take place until the Council has been provided with a copy of the Owner's completed legal agreement procuring an additional 35 off-site car parking spaces in addition to its own on-site parking facilities at the car parking facilities of the 3rd Bridgend Scout Group on Llangewydd Road, Bryntirion, Bridgend.
2. Should no suitable site agreement be available as referred to in Paragraph 1 above, no Welsh Premier League or Welsh Cup fixture shall take place at the Site until EITHER the 35 extra off-site car parking spaces have been provided in accordance with a layout to be agreed with the Council and which must be to the complete satisfaction of the Council acting with absolute discretion within the Site OR the Council has implemented a Road Traffic Order which must be paid for by the Owner in the sum of Eight Thousand Pounds (£8000) for the application of double yellow lines around or opposite the Site access and any other areas reasonably deemed necessary by the Council to stop vehicles parking indiscriminately in relation to the use of the Site and affecting the free flow of traffic.
3. The Owner revokes and will not implement planning permission P/17/744/FUL.

B. That the decision notice granting consent in respect of this proposal be issued subject to the conditions as follows:-

1. The development shall be carried out in accordance with the following approved plans Job No 781-16-10 and Job No 781-16-11 received 7 March 2018 and Job No 781-16-12a received 23 January 2019 with the parking spaces clearly permanently demarcated.

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

2. No other use of the ground, pitches or facilities will be allowed at the site 2 hours prior or 2 hours after any official or friendly fixture of Welsh Premier League or Welsh Cup fixture being staged there.

Reason: In the interests of highway safety.

3. Prior to the first Welsh Premier League or Welsh Cup match day at Bryntirion Park a marshalling scheme shall be submitted and agreed in writing by the Local Planning Authority. The scheme will ensure the presence of a car parking marshal during the staging of all Welsh Premier League or Welsh Cup match days at Bryntirion Park at the

entrance to Bryntirion Park to oversee and manage the smooth flow of incoming and outgoing traffic. The marshal shall ensure that priority is given to incoming vehicles to keep the highway clear in the interest of highway safety.

Reason: In the interests of pedestrian and highway safety.

4. The 6 cycle parking stands shall be implemented before the development is brought into beneficial use and retained as such thereafter in perpetuity.

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

5. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

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

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

7. If an infiltration system is proposed for surface water disposal, no development shall commence on site until suitable infiltration tests, sufficient to support the design parameters and suitability of any proposed infiltration system, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

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

- (a) This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

- (b) The Developer is reminded that consent under the Town and Country Planning Act

1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:-

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

(c) In order to satisfy the drainage conditions the following supplementary information is required:-

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

(d) No surface water is allowed to discharge to the public highway.

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

(f) The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

(g) Some public sewers and lateral drains may not be recorded on Dwr Cymru/Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru/Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers
Appendix A – 19 July 2018 Committee report

REFERENCE: P/18/163/FUL

APPLICANT: Club Penybont Ltd c/o John Matthews Planning & Development
47 Anglesey Way, Porthcawl CF36 3QP

LOCATION: Penybont Football Club, Llangewydd Road, Bridgend CF31 4JU

PROPOSAL: Provision of a second stand (250 seater) plus tv gantry

RECEIVED: 7 March 2018

APPLICATION/SITE DESCRIPTION

The application relates to the existing playing field and clubhouse facility at Llangewydd Road and comprises the provision of a second stand (250 seater) plus tv gantry on the northern side of the football pitch.

The site lies outside the defined settlement boundary and within a designated landscape protection area (SLA). The built up settlement of Bryntirion bounds the site to the south and east and is primarily residential in nature. The land to the north is allocated for residential development in the LDP (Policy COM2(6)) and is also the subject of outline approvals for residential development (P/15/358/OUT & P/17/1043/RLX refer).

The site is surrounded by mature trees and hedgerows, protected under a Tree Preservation Order.

The stand approved under P/16/547/FUL complies with the Football Association of Wales' requirements for the Welsh Football League and, to facilitate the Club's aspirations for promotion to the Welsh Premier League, a further 250 capacity stand and a tv gantry is proposed.

The applicant's agent has provided the following:-

In support of the application, and taking account of the Planning Officer's report assessment of the P/16/547/FUL planning application, it is submitted that the proposed development will be satisfactorily accommodated within the existing Penybont Football Club site:

- a) Without any unacceptable visual, noise or other environmental impacts with regards to the needs to protect the countryside, the Laleston Special Landscape Area, the environmental quality of the surrounding areas, and the amenity and privacy of neighbouring residential areas; and,*
- b) Without any unacceptable access and parking implications as the current access and parking arrangements as approved by the P/16/547/FUL planning permission are sufficient to satisfactorily accommodate the additional 250-seater stand. In this respect, the Authority's SPG17 indicates a requirement of 1 parking space per 15 seats for stadia, and this amounts to a requirement of 34 spaces for the already approved 250-seater stand plus the now proposed additional 250-seater stand. The already approved 44 parking spaces and 10 staff parking spaces are accordingly sufficient to satisfy the requirements of the 2 x 250-seater stands plus the existing clubhouse facility.*

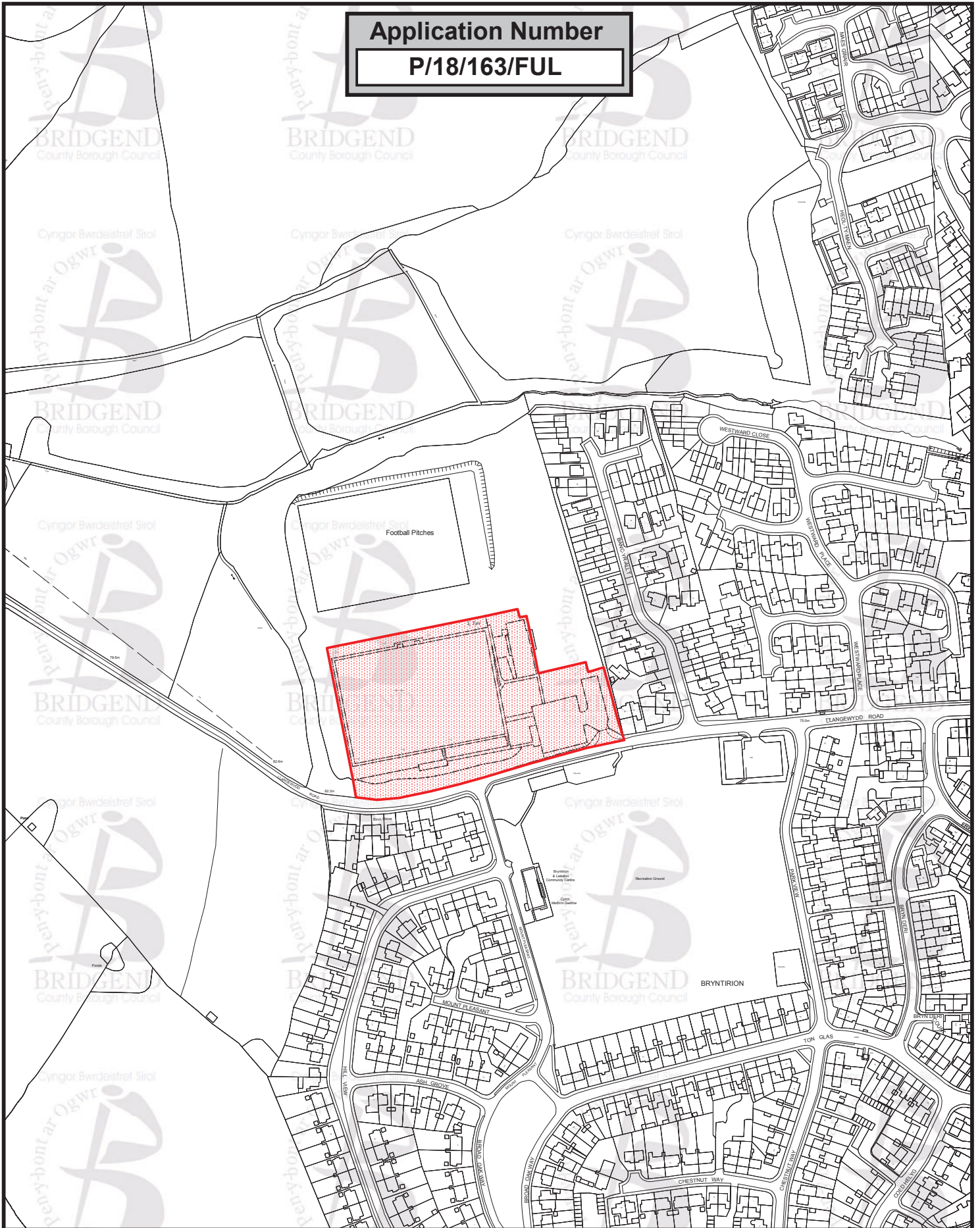
RELEVANT HISTORY

P/97/858/FUL - New clubhouse, floodlights, spectator stand and ancillary works, pitch drainage and car park extension

Conditional Consent - 23 December 1997

Application Number

P/18/163/FUL



Scale 1:1,750

**Date Issued:
11/07/2018**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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P/01/553FUL - Viewing area

Conditional Consent - 6 August 2001

P/06/289/FUL - 2 add pitch floodlighting columns

Conditional Consent 13 April 2006

P/06/935/FUL - Palisade fence enclosure to football pitch

Consent 12 September 2006

P/11/218/FUL - 4 additional flood lights to training area (2 x lamps/10m high columns)

Conditional Consent 13 May 2011

P/16/547/FUL - Extension & enhancement of existing facilities

Conditional consent 13 February 2017

P/17/746/FUL - Rear single storey extension for family room

Conditional consent 5 October 2017

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 9 April 2018

CONSULTATION RESPONSES

Welsh Water Developer Services request advisory notes be included on any consent to ensure no detriment to existing residents, the environment or Dwr Cymru/Welsh Water's assets.

The Head of Street Scene (Highways) has no objection subject to the inclusion of conditions on any consent.

The Head of Street Scene (Drainage) requests the inclusion of conditions on any consent.

REPRESENTATIONS RECEIVED

Representations have been received from 43, 45 and 54 (registered a request to speak at Committee) Banc yr Allt as follows:-

- existing problems with parking and obstruction and existing inconsiderate speeding drivers and therefore more people will create chaos and the area/streets surrounding the club;
- existing problems with noise and foul language;
- floodlights being left on after 10:00pm (sometimes all night);
- the club could not accommodate that amount of people.

COMMENTS ON REPRESENTATIONS RECEIVED

- Whilst the Department can seek to provide facilities for parking through the Planning system, it cannot force people to use the facilities and the problems of parking, speeding drivers and obstruction are a Police matter.
- Noise is a matter for investigation as a Statutory Nuisance by the Public Protection Section.
- The 2011 consent restricted the hours that the floodlights could operate and the Club will be reminded of the condition.
- There is no current limit on the use of the site and capacity issues are outside the scope of the planning process.

APPRAISAL

The application is referred to Committee to consider the objections received.

The site lies within the open countryside where development is strictly controlled. Policy ENV1 of the LDP identifies types of development that may be acceptable and this

includes outdoor recreational and sporting activities. Where development is considered in principle to be acceptable in the countryside then it should, where possible, utilise existing buildings. In this case the site is an existing facility with a stand, clubhouse and car parking already in position and the proposal will not extend beyond current established boundaries. The proposal therefore does not conflict with countryside protection policies.

The land also forms part of the Laleston Special Landscape Area (SLA). Under Policy ENV3(7) of the LDP, development in SLAs is also strictly controlled. However, the site is an existing facility comprising buildings and supporting infrastructure, is located on the very fringe of the SLA and is separated from the wider SLA by mature trees and hedgerows. The development, when seen in the context of the SLA, will be seen against the back drop of the established settlement, which is located directly adjacent. As the development involves the consolidation and extension of the current facility and will not be prominent in the landscape, it is considered that the proposal will not adversely impact on the designated area.

With respect to the visual impact on the local area, the development proposes the replacement of the existing stand. The closest dwellings are approximately 100 metres from the stand. The structure will measure approximately 33 metres in length by 4.0 metres in depth and 4.0m in height, with the tv gantry centrally located and measuring 7.4m in length, 3.4m in depth and 7.2m in height. Externally, the stand will be coloured blue to match the football club's main kit colour and the existing approved stand. The stand is located centrally within the playing fields but will be substantially screened by the existing treeline and hedgerow along the boundaries of the site.

The proposed residential development to the north and the existing residential development to the east are similarly separated by a mature treeline and are some 250 metres and 100 metres respectively from the stand.

Access to the site is gained directly from Llangewydd Road which forms part of the unclassified highway network serving north-west Bridgend and which in turn links to the wider classified highway network serving Bridgend and beyond.

This application is in addition to the already consented 259 seater stand (P/16/547/FUL refers) and as such brings the total quantum to 509 seats. That 2016 planning application originally sought consent for a 500 seater stadium which attracted a number of highway safety related planning conditions to enable that development to go ahead, however, the applicant was not in a position at that time to be able to implement the recommended conditions and the 2016 application was subsequently reduced to a 259 seater stand which, in turn, reduced the number of highway related planning conditions.

It is considered that in order for this application to be progressed the original planning conditions required for the 500 seater stand are now applicable to ensure that the increase in users can access the stadium safely and park appropriately.

In order to prevent any on street parking/loading/unloading, it is considered necessary to prevent inappropriate parking around the site generated by this development and, in this respect, double yellow lines are proposed around the site access, opposite the site access and any other areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.

In addition and in order to improve the sustainability credentials of the site to meet the requirements of the Active Travel Act 2013, a condition requiring the provision of cycle parking spaces to promote alternative sustainable transport modes is recommended.

Some concern has been raised that the development will result in the intensification of the facility and increased use resulting in further amenity problems including noise. In planning terms there is no current limit on the use of the site and capacity issues are outside the scope of the planning process. The development must be assessed on its own merits and whilst the applicant's intention may be to facilitate further use, intensification is not in itself a sufficient reason to withhold consent. The site is constrained by its physical boundaries and the development retains existing parking levels and turning facilities within the site. This will not address some of the concerns raised, however, the Local Planning Authority cannot control inconsiderate parking and obstruction is a Police matter. The issue of noise as statutory nuisance is governed by other legislation.

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular:-

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems."

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

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

Given the nature of the development on a previously developed site, it is considered that there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development, which will also extend the provision of recreational facilities in the area.

CONCLUSION

This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

RECOMMENDATION (R34)

A. The applicant enters into a Section 106 Agreement to:-

- a. provide a contribution of £8000 for the application of double yellow lines around the site access, opposite the site access and any areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.
- b. undertake that planning permission P/17/744/FUL will not be implemented.

B. That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the conditions as follows:-

1. The development shall be carried out in accordance with the following approved plans Job No 781-16-10 and Job No 781-16-11 received 7 March 2018.

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

2. Notwithstanding condition 1, no development shall commence until a scheme of 150 off street parking spaces, 10 staff parking spaces, 1 commercial/TV Media parking space and 1 coach parking space has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall make adequate provision for circulatory vehicular movements and road markings together with a dedicated pedestrian route from the site access to the facilities. The parking area and pedestrian route shall be completed in permanent materials with the individual spaces and circulatory markings clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

3. Notwithstanding condition 1, no development shall commence until a scheme detailing a widened vehicular access of 6m and segregated pedestrian access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for site frontage set back and vision splays of 2.4m x 43m, shall be implemented in permanent materials before the development is brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of pedestrian and highway safety.

4. No development shall commence until a scheme for the provision of 6 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter in perpetuity.

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

5. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

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

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

7. If an infiltration system is proposed for surface water disposal, no development shall commence on site until suitable infiltration tests, sufficient to support the design parameters and suitability of any proposed infiltration system, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

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

- (a) This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

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

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

- (c) In order to satisfy the drainage conditions the following supplementary information is required:-

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

- (d) No surface water is allowed to discharge to the public highway.

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

- (f) The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to

the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

- (g) Some public sewers and lateral drains may not be recorded on Dwr Cymru/Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru/Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/18/868/FUL

APPLICANT: Mr Mike James The Old Barn, Mawdlam, CF33 4PH

LOCATION: The Old Barn Mawdlam CF33 4PH

PROPOSAL: Alterations and extensions to existing structure and conversion to 3 dwellings

RECEIVED: 25 October 2018

SITE INSPECTED: 11 January 2019

APPLICATION/SITE DESCRIPTION

Planning permission is sought for the alterations and extensions to the existing structure and the conversion into three dwellings of the residential property known as The Old Barn, Mawdlam.

The application proposes the conversion of the existing detached residential property that also comprises associated granny flat accommodation into 3 dwellings. The proposal would comprise two, three bedroom units and a single four bedroom unit with associated off street car parking and amenity space. The application proposes a number of external alterations to facilitate the subdivision of the plot into three dwelling houses - Plots 1, 2 and 3.

Plot 1

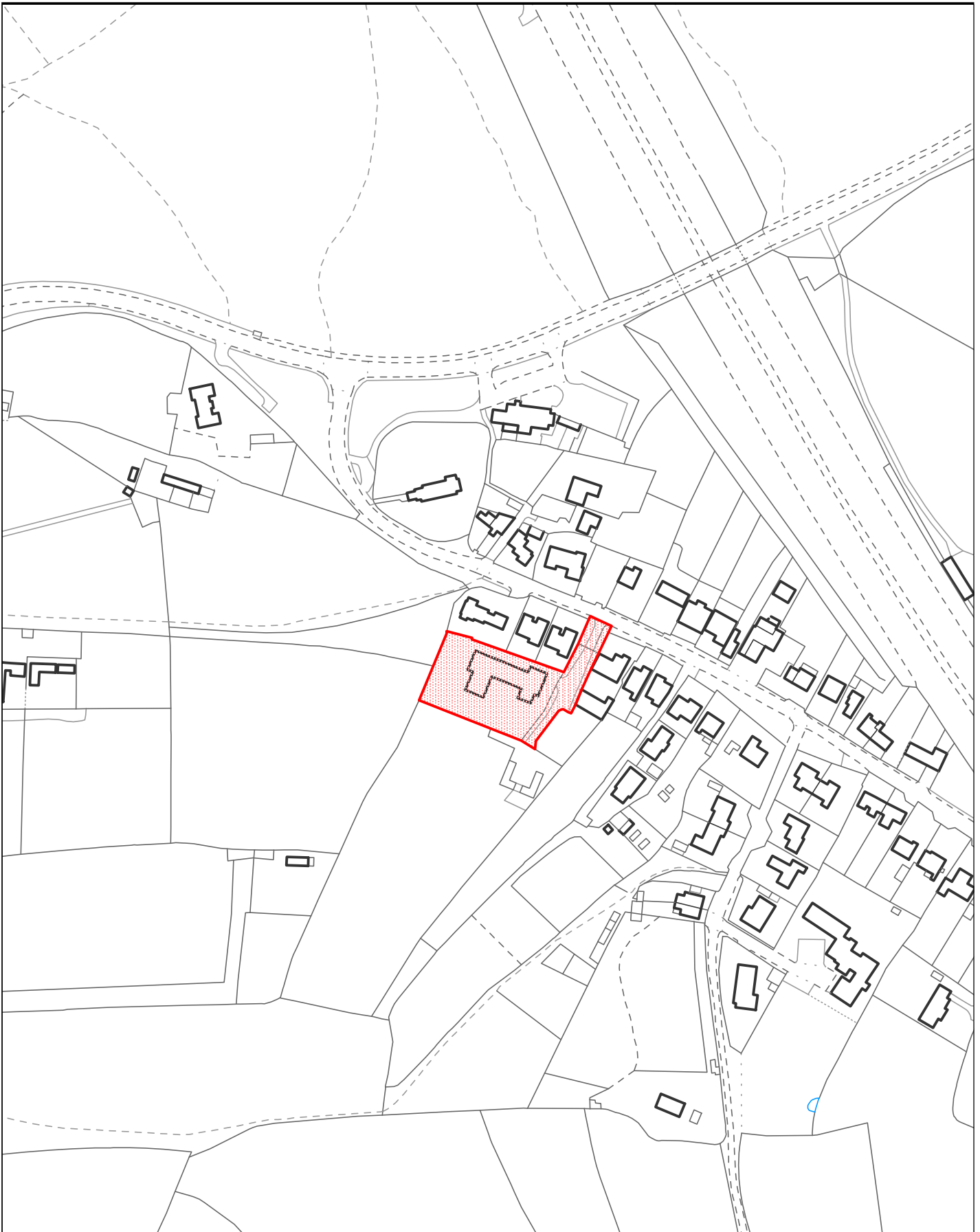
The changes proposed to plot 1 (eastern side of the existing dwelling) include:

- The erection of a single storey dining room extension to the rear, south facing elevation. The extension would have a rectangular footprint measuring 3.4 metres in projection with a 6.7 metres width. The extension would have a flat roof design extending to a height of 3.2 metres from ground level. The extension would have a rendered finish. An external amenity/balcony area would be created above the extension that would incorporate a 1.8m high privacy screen to its west facing boundary. Access to the elevated amenity area would be via a newly created opening at first floor level.
- The erection of a dormer structure to the side, east facing roof plane of the building.
- The insertion of a roof sky light to the east facing roof plane of the building.
- The removal of a single storey, front canopy/car port to the northern side of the building.
- The replacement of a window with an entrance door and window to the east facing elevation of the building.

Plot 2

The changes proposed to plot 2 (central aspect of existing dwelling) include:

- The replacement of an existing window opening with an entrance door within the north facing elevation of the building.
- The demolition of an existing single garage to the north western corner of the building.
- The replacement of a window opening with an entrance door with associated access steps leading into the rear garden amenity space of this plot (to the south elevation).
- The introduction of an area of timber cladding to the rear, south facing elevation of the building at first floor level.
- The replacement of an existing window opening with a larger glazed area to the west facing, first floor elevation of the building.



Cyngor Bwrdeistref Sirof



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BOROUGH COUNCIL**
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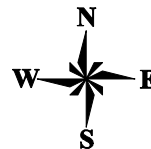
COMMUNITIES DIRECTORATE

Mark Shephard
Corporate Director - Communities

Civic Offices
Angel Street
Bridgend CF31 4WB
Telephone (01656) 643643

P/18/868/FUL

**The Old Barn
Mawdlam**



Scale 1 : 2,500

Date 21/03/2019

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Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

- The cladding of the first floor of the western side of the building (existing rendered walling) with treated timber.

Plot 3

Works to plot 3 (most western side of the existing dwelling) include:

- The erection of a two storey side extension to the western side of the existing building. This extension would have a mixture of rendered and timber clad elevations. It would have a predominantly, pitched roof design set below the ridge height of the main, existing dwelling and measure 5.4 metres by 8.2 metres. It would accommodate a garage and wc at ground floor level with a living room being created at first floor level. A small decking area would be created to the south and western side of the extension which would give access to the side garden space associated with the plot.
- The erection of a first floor extension above the existing annexe to the rear, south elevation of the building. This extension would measure 8.2 metres by 9.6 metres and be finished with timber cladding. It would accommodate a master bedroom, dressing room, kitchen and utility room.
- The creation of an access drive to plot 3, which would be off the existing private drive behind the building (to the south).

Figure 1 – Existing & Proposed elevations of the building

Existing



Received in Planning 15-2-19

Proposed



The application site comprises a large residential property, known as The Old Barn, Mawdlam that is set within a spacious curtilage. The plot is accessed via a private drive off Heol Las and is set within a recessed position behind the residential properties that front onto Heol Las, the main road through the village. The application building is two storey comprising a mixture of rendered and stone facades and has been developed on a relatively flat site that covers an area of approximately 0.27 hectares. The application site is situated within the built up area of Mawdlam and is situated inside the settlement boundary as prescribed by the adopted Bridgend Local Development Plan, 2013.

Two residential plots have recently been developed to the front (north) of the application building (P/15/389/Ful refers) which are screened from the development site by a high tree line and a high boundary fence. Planning permission has also recently been granted to develop a single residential unit towards the east of the application site (P/17/598/FUL refers).

The planning application is supported with a Preliminary Bat Survey and an Ecological Walkover Survey.

Figure 2 – Photographs of the application site

Access drive into plot off Heol Las



Front (north elevation) and eastern side of the existing building



Rear (south elevation) of the application building



RELEVANT HISTORY

88/1170 - Refurbishment of Barn to Provide Dwelling & Garage & Demolition of Existing Barn - Granted 13/10/1988

91/1153 - Conversion and Extension of Existing Barn, Revision of Previous Approved Scheme 88/1170 - Granted 14/11/1991

P/15/389/FUL - Land adjacent to Delfryn, Heol Las - Proposed Residential Development for 2No. Detached Dwellings - Granted 23/11/2015

P/17/206/OUT - Summerville Bungalow, Mawdlam - Demolition and replacement of an existing bungalow with 3 x two storey detached dwellings - Refused (Dismissed on Appeal) 13/06/2017

P/17/24/OUT - Land to the east of the Old Barn - Erection of a single dwelling on vacant garden plot - Granted 06/04/2017

P/17/598/FUL - Land to the east of the Old Barn - Erection of detached 4 x bed dwelling on vacant garden plot (outline consent P/17/24/OUT) - Granted 22/08/2017

NEGOTIATIONS

The proposed development has been the subject of pre application discussions and the applicant was also requested to revise the scheme during the planning application process. These revisions were sought to improve the design of the proposal and to reduce the impact on neighbouring residential properties. During the processing of the application, the applicant was also requested to submit a Preliminary Bat Survey, Ecology Survey and Tree plan.

PLANNING POLICY

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006 - 2021, which was formally adopted by the Council in September 2013, within which the following Policies are of relevance:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA11	Parking Standards
Policy SP1	Regeneration-Led Development
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy ENV8	Heritage Assets and Regeneration
Policy ENV15	Waste Management in New Development

Supplementary Planning Guidance

- SPG 02** Householder Development
- SPG 08** Residential Development
- SPG 17** Parking Standards
- SPG 19** Biodiversity and Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

Paragraph 1.30 confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications’.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.(Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. (Paragraph 3.51 of PPW refers)

Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas.(Paragraph 4.2.22 of PPW refers)

Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. (Paragraph 4.2.23 of PPW refers)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 5 – Nature, Conservation and Planning (2009)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 24 – The Historic Environment (2017)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

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

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 06 March 2019.

CONSULTATION RESPONSES

Welsh Water Developer Services - Raise no objection to the proposal subject to the imposition of standard conditions/advisory notes regarding the drainage of the development.

Destination & Countryside Management - Raise no objection against the application. The information submitted in support of the application, comprising a Preliminary Bat Survey, Ecological Walkover Survey (Ecology Services, February 2019) and a letter produced by Pyle Garden Centre regarding the trees on the site, has been fully reviewed. Whilst the letter submitted in relation to the trees does not strictly satisfy BS 5837:2012, given the small scale of the development, the lack of tree preservation orders on site and the fact that the letter states that 'the trees planted in the shrub beds would not be compromised' - the information submitted is satisfactory. It is also welcomed that a nesting bird box/bat box scheme is proposed. These enhancements would go towards satisfying Section 6 of the Environment (Wales) Act 2016 which 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'.

Cornelly Community Council - Consulted on 15/11/2018 - no comments received on the planning application.

Head of Street Scene (Land Drainage) - Raises no objection to the planning application subject to the imposition of standard drainage conditions.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection to the application. It is advised that information in the Historic Environment Record shows that the development area is within the Merthyr Mawr, Kenfig and Margam Burrows Registered Landscape of Outstanding Historic Importance, and within character area HLCA007: Kenfig and Mawdlam. This is characterised as Post-medieval settlement and agricultural landscape with medieval precursor; medieval and post-medieval fields; distinctive boundaries, ribbon development settlement pattern; post-medieval vernacular buildings; ecclesiastical features; communications: footpaths, tracks and straight lanes; historic associations. The focus of the settlement at Mawdlam is in this area, with both the Church of St Mary Magdalene and the Angel Inn likely to date from the 13th Century. 19th Century Title and OS maps depict buildings around these, one of which forms the eastern part of the application area. Clearly this does not remain in its original form and the immediate area has been disturbed by the creation of the current property and landscaping.

GGAT have therefore considered the likely archaeological impact of the proposed development. As noted, changes to the ground conditions are likely to have already impacted archaeological deposits. Therefore, given the current information, it is

considered the impact of the proposal will not cause an adverse effect on the archaeological resource. There is low potential for the work to encounter previously unknown archaeological remains. As the archaeological advisers to Members, there is no objection to the determination of this application.

Shared Regulatory Services – No objection subject to standard advisory notes/conditions regarding land contamination, imported soil/aggregates and unstable land.

Head of Street Scene (Highways) - Raises no objection against the application subject to the imposition of conditions.

Councillor J H Tildesley - Supports the planning application - highlighting the building is far too large for single or family activity. The previous occupants lived in a tiny portion of this building with the remainder being isolated. The planning application will restore a more moderate size to 3 dwellings, making the site more manageable.

Councillor R Granville - Advises consultation should be undertaken with the Highways Authority.

REPRESENTATIONS RECEIVED

Objections to the initial planning application have been received from the owners/occupiers of the following neighbouring residential properties:

Carreg Llwyd, Heol Las
The Corners, Heol Las
Vistana, Heol Las
Ty Llan, Heol Las
Delfryn, Heol Las
Ivy Cottage, Heol Las.

The objections received are summarised as follows:

1. Loss of residential amenity

The major expansion of the building would result in a significant loss of amenity to the occupiers of the three properties to the North of the site, namely Carreg Llwyd, Ty Llan and Delfryn.

Unneighbourly overlooking of gardens.

The development will increase vehicle movements along the private drive which will increase noise nuisance.

The proposal would dominate adjoining properties.

Neighbours wellbeing will be compromised by the development (with regard being made to the Wellbeing of Future Generations (Wales) Act 2015).

Increase in noise and disturbance.

The nuisance from additional vehicles movements, within the plot, will be exacerbated by the inclusion of gravel driveway areas, this is already being experienced with the current arrangements for the site.

The developers have shown no sympathy for the property or surrounding neighbours which does not instill confidence that this renovation will be managed appropriately.

The application has a complete disregard for the relationship between the development site and those of their neighbours.

The development is considered contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance, which are set to ensure that the general standard of amenity in the wider community is protected in the public interest.

2. New structure to plot 3 resulting in privacy loss and unreasonable domination
The new structure/extension to plot 3 provides a new decked area that would overlook existing/proposed properties. This building when viewed from the main living space of the neighbouring plot (Delfryn) would appear unreasonably dominating as defined within Policy SP2 of the Bridgend Local Development Plan.
3. Loss of character to the original barn building
The character of the barn would be lost by attaching a dwelling on its south western corner and inserting large/numerous glazed areas.
Harmful visual intrusion.
Poor regard to the site context and setting.
Whilst the barn is not a listed building it is a key, historical landmark in Mawdlam and in the past has been renovated sympathetically. Use of uPVC and extensive fenestration is not in keeping with the spirit or detail of the dwelling.
The proposals would not be in keeping with its country surroundings and represent an eyesore.
The barn would be unrecognisable as an historic agricultural building which forms part of the history of Mawdlam.
Altering the building so that it becomes unrecognisable as to its heritage, would be to the detriment of Mawdlam's history for future generations.
The dubious design quality of the development is seeking to create large areas of glazing, a glazed extension, a balcony, uPVC windows, cladding of stone work with timber panelling, which are all a contradiction of the historic facade and alien to the vernacular of the surrounding area.
4. Reduced space around buildings
Claustrophobic and cramped environment that should not be allowed to prevail on any resident of the Borough.
Overdevelopment of the plot with limited amenity space for the new units contrary to the guidance and standards set out in the Well Being of Future Generations (Wales) Act 2015 and Policy SP2 of the Bridgend Local Development Plan.
5. Increased traffic movement and highway safety concerns
Substandard access arrangements for the development.
The distance between a public highway and a proposed dwelling should be no more than 45 metres, which the proposal does not appear to comply with, contrary to LDP policies.
Increased conflict and danger to pedestrians in the village through increased vehicle activity.
Sporadic pavements throughout the village do not adequately accommodate pedestrian movements, with the development proposal only increasing health and safety issues.
There is not a fully inclusive pavement infrastructure within the village which raises major safety concerns.
The village cannot sustain the growth in vehicle numbers associated with the development.
The amount of traffic and pedestrians in the village has continually increased since the 1970s which needs to be given careful consideration when planning the future development of Mawdlam.
In addition to this proposal, permission has already been granted to develop a single dwelling adjacent to the barn, all of which will access and exit at the narrowest point of the village with poor visibility.

Within 5 years the entrance into Mawdlam Village will see a potential increase of one to thirty vehicles with no improved infrastructure to accommodate the vast increase.

The intensification of the access road to the site must bring about concerns in relation to the adequacy and safety of the development in highway safety terms. The Authority must be satisfied and demonstrate that the increased traffic flows associated with the site do not create any increased risk to vehicles and pedestrians on Heol Las who, due to the absence of pavements, are forced to share the highway with vehicles at the drive entrance, which is coincidental to being the narrowest point of Heol Las.

The current access to the Old Barn is wholly inadequate for the proposed development as it cannot satisfy the most basic design parameters required for an access onto a 30mph highway in order to ensure public safety.

The increased traffic flows would have a negative impact on the general standard of amenity in the wider community.

6. Planning application previously refused on site opposite the development site

A planning application for three dwellings on land to the north of the access to The Barn was recently refused planning permission on the basis it comprised over-development and did not satisfy highway safety standards.

There is the potential to develop the site opposite (to the north) of the Old Barn access point which could prove catastrophic in highway safety terms.

7. Ecology/Biodiversity Impact

The area hosts a diverse range of animals and birds and the Council should take professional advice to any approval on the protection of bats which are likely to be using the application site for nesting.

The development would adversely impact the overall natural environment of the village.

8. Adverse impact of bin store

Any proposed bin store to the entrance of the development would be unsightly and would raise hygiene issues.

9. Drainage Concerns.

In light of the increase in people living at the Old Barn, assurances must be made that the development will not adversely affect the drainage of the site and neighbouring properties.

The drainage of the development needs to be appropriately considered and should any neighbouring drainage be adversely affected, remedial works should be carried out at the cost of BCBC.

10. Loss of Trees

Mature trees have been removed from the site.

11. Impact on views

The proposal would have a direct impact on what can be seen from the neighbouring properties.

Following the submission of amended plans the owners/occupiers of Ty Llan and Ivy Cottage have provided correspondence that highlight they raise no objections to the revised development proposal (on the basis bins/recycling containers are not housed at the end of the access drive which would be unsightly and any future development has regard to traffic density).

COMMENTS ON REPRESENTATIONS RECEIVED

1. Loss of Amenity

The planning application has been subject to pre-application discussions and negotiation through the planning stage and is not considered to raise such serious or adverse residential amenity concerns to warrant a recommendation to refuse the scheme. The proposed works and subdivision of the dwelling represent changes and alterations to an existing, established plot that is appropriately screened and offset from the nearest neighbouring plots. The plot is abutted to its immediate northern boundary by three residential plots including two new build properties (P/15/389/FUL refers) however, the changes proposed to the existing northern facade of the building would not unduly compromise or adversely overlook these neighbouring plots. Importantly an elevated walkway proposed to the north western corner of the building has been removed from the scheme and no habitable room windows would harmfully overlook any of the adjacent plots, particularly when compared to the existing situation that exists at the site.

Regard has been given to the Wellbeing of Future Generations (Wales) Act 2015 when considering the proposal and the revised planning application is considered to fully comply with the aims of this Act.

Comments raised about increased vehicle movements to the site generating increased noise and disturbance are acknowledged although this is unlikely to be so adverse to warrant a recommendation to refuse the planning application. The increased vehicle movements when comparing a single unit (with associated annexe) to three units would not be so intensive to justify the refusal of the application. When also considering the characteristics of the site including the level of screening between the nearest properties and the access driveways that includes boundary fencing and tree planting, the proposal would not raise significant noise and disturbance concerns.

The scheme to subdivide and extend the existing property is considered to comply with the key requirements of Policy SP2 and ENV7 of the LDP, and SPG02 Householder Development in terms of safeguarding levels of residential amenity currently enjoyed in the locality.

2. New structure to plot 3 resulting in privacy loss and unreasonable domination

Following the submission of revised plans, the provision of an elevated, external walkway structure to the north-western corner of the building has been omitted from the proposal. No windows are proposed within the new side extension, to plot 3, that would harmfully overlook the nearest neighbouring plot (Delfryn). The new extension would also be positioned over 14 to 15 metres from the boundary with Delfryn and as such would not appear as an unreasonably dominating or overbearing feature when viewed from this neighbouring property. A new area of glazing is proposed to the western side of the existing building although, given the orientation, offset and distances between this new feature and the existing neighbouring residential property (Delfryn), no harmful or direct overlooking of this existing plot would occur.

3. Loss of character to the original barn building

Following negotiation, the proposed conversion and external works to the existing dwelling building are considered to represent a compatible and appropriate residential conversion of an existing, established dwelling. The existing building occupies a relatively isolated and secluded position behind existing plots on the main road through the village of Mawdlam. The 'backland' nature of the development site results in a building that is not significantly visible from general public vantage points, particularly from the main route through the village. Whilst areas of timber cladding would be introduced to the existing building this would be to the least visible rear elevation and to the new extensions being proposed as

part of the works. The surrounding locality hosts properties with varying designs and built form with the proposals not harmfully impacting the general character of the area. The existing building is not a Listed Building and is not positioned within a Conservation Area with the subdivision of the building and the associated works considered a respectful and acceptable form of development that can be supported.

The property already has a mixture of finishes including stone and rendered elevations and uPVC window openings. Forms of cladding have also been utilised on nearby, neighbouring residential properties.

4. Reduced space around buildings

Given the size of the plot, that benefits from a significant existing curtilage, the subdivision of the site to three separate plots would not result in the overdevelopment of the site with appropriate garden space and car parking provision being retained for each of the proposed dwellings.

5. Increased traffic movement and highway safety concerns

The transportation and highway safety implications of the proposal have been fully considered by the Transportation Development Control Officer who has not objected to the development subject to conditions.

It is commented that the proposal seeks permission to convert a large dwelling with granny annexe into three properties. The existing dwelling is currently located at the end of a private drive that serves the application site and a nearby stable block. It is considered, in traffic generation terms, that a private drive can accommodate 5 separate dwellings and as such the proposal does not exceed this, however, to ensure that the private drive can accommodate 2 way traffic and emergency vehicles a condition is suggested for the private drive to be widened.

With regards to the access from the site, the speed limit on Heol Las is 30mph which equates to a sight stopping distance or 'Y' distance of 43m (as detailed in Manual for Streets). It is considered that an adequate vision splay can be provided in both directions to ensure that emerging vehicles can see and be seen, however, on the latest site inspection it is noted that a section of a conifer tree at the site access slightly obscures the vision splay to the northwest. To remedy this concern, a condition is requested which will result in the conifer tree being cleared from the vision splay.

The concerns of the local residents with regards to the increase in vehicular traffic into the village are noted however, it is considered by the Highway Authority that in the main, Heol Las can accommodate the traffic generated by the proposal. In addition, it is considered that the traffic generated from the existing use of the site as a large dwelling and granny annexe would not materially increase as a result of this proposal.

6. Planning application previously refused on site opposite the development site

Whilst regard is given to the planning history of the site and nearby plots the planning application must be judged on its own, individual planning merits. Any future planning applications to develop in close proximity to the current application site would also need to be judged on their individual planning merits at that time.

7. Ecology/Biodiversity Impact

The planning application is supported by a Preliminary Bat Survey and Ecological walkover survey that concludes the site is extremely limited in its ecological interest and does not support any flora or fauna of special note (including bats or nesting birds). The development proposals will result in a net gain for biodiversity through the provision of bat boxes, bird boxes and amenity planting that utilises native species of tree and shrubs. As

such no additional ecological survey work is required and there are no reasons for refusing planning permission on the grounds of nature conservation.

The Council's Ecologist has considered the submitted reports and has raised no objection against the planning application.

8. Adverse impact of bin store

The proposed recycling and waste bins/bags are likely to be stored within the grounds of each plot that all have acceptable levels of amenity space for the storage of such waste/recyclable products. The waste bins/bags would then be presented for collection on the access drive to the site on collection days in a manner similar to other neighbouring properties, which commonly occurs throughout the Borough. Such an arrangement therefore raises no adverse visual or hygiene concerns.

9. Drainage Concerns

Following consultation with the relevant drainage bodies, no objections have been raised against the application subject to the imposition of conditions should permission be granted for the development.

10. Loss of Trees

The planning application site is not affected by any Tree Preservation Orders with the planning application also being accompanied by a tree plan and supporting letter that highlights that minimal tree loss would occur as a result of the proposal. The Council's Ecologist has also considered the submitted information in this regard and raised no objections against the scheme.

11. Impact on views

Loss of and impact on views is not a material planning consideration.

APPRAISAL

The application is reported to Committee in view of the number of objections received against the proposal.

The application seeks full planning permission for the subdivision of this large, detached residential property into three dwelling houses. As part of the proposal, a number of alterations and extension works would be undertaken to the fabric of the existing building to support the subdivision of the existing plot into three units.

The key issues to consider in the determination of this application are the principle of the development proposal, the impact on the visual and residential amenities of the area, highway safety, land drainage and ecology.

Principle of the Development

The application site is located within the designated settlement boundary of Mawdlam as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. Residential properties surround the site with residential use of the site already being firmly established. The use of the site for continued residential purposes does represent a sustainable and compatible use of the plot. Residential development is therefore supported in principle on the site.

Visual Impact

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

In terms of the visual impact of the development proposal, it is acknowledged that a number of external alterations are proposed to the fabric of the existing building that would have a level of impact on the character and appearance of the existing host dwelling, however, given the site context, the acceptable design of the development and the level of negotiation undertaken with the applicant, the proposal does not raise such serious or adverse visual amenity concerns to justify the refusal of the planning application in this regard.

The application site is situated within the built up area of Mawdlam and occupies a relatively secluded and well screened position behind existing properties that front onto Heol Las, the main road through the village. Access to the plot is via a private drive that runs from Heol Las to the eastern side of the application building. The access route also provides access to a stable block positioned towards the rear, south east of the application building. Tree lines screen the access route from the neighbouring properties. The application building is therefore not readily visible from public view-points particularly the main road through the village. Properties within the immediate locality of the application site also vary significantly in their style and appearance, ranging from modest bungalow style properties to large two-storey dwellings. In light of the site context the proposed alterations to the existing dwelling, which have also been revised and modified during the planning process to better reflect and enhance the appearance of the existing building, raise no harmful visual amenity concerns.

Limited changes are proposed to the north facing elevation of the building that faces toward the existing neighbouring properties along Heol Las with a high boundary fence further adding a degree of screening to the site. Changes are proposed to the north-western corner of the building with an area of glazing and a side extension being introduced to the existing structure. However, these are considered appropriate and acceptable forms of development that would have no harmful impact on the existing character of the host building. Changes proposed to the rear (south) facing elevation of the building that include the provision of a first floor extension and a ground floor addition with amenity area above would be undertaken to the least visible elevation of the building, which has a predominantly rendered finish, with no aspect of the physical works being proposed resulting in an obtrusive or visually jarring addition to the building.

The proposed roof dormer is sympathetically designed and whilst areas of timber cladding are proposed on the building, this would not unduly harm the character of the existing building with other properties within the locality incorporating areas of external cladding. A condition is however suggested to control the exact finishing materials for the works and to further ensure the development is sympathetic to the host property and the surrounding built form of the area. On balance, whilst again acknowledging a number of alteration works are proposed, these are required to support the subdivision of the site from one to three residential dwellings. The works are considered respectful to the existing character and appearance of the surrounding locality and raise no adverse visual amenity concerns.

Furthermore, it is considered the site can accommodate three dwellings of the scale and nature proposed without leading to the overdevelopment of the site whilst also accommodating appropriate parking and amenity space for each plot. The proposed plots would be comparable in scale to other residential plots that have been developed in the area including the two new dwellings that have been developed towards the front, north of the site adjacent to Heol Las (P/15/389/FUL refers). Overall, it is considered the

subdivision of the existing plot could be appropriately undertaken without resulting in the overdevelopment of the plot.

Residential Amenity

In terms of the impact on residential amenity and again noting the objections received against the planning application as earlier detailed, it is considered that the proposed three dwellings following the subdivision of the plot would not have a significant adverse impact on the residential amenities of the existing neighbouring properties.

The proposal does have somewhat of a backland/tandem nature, although it would be served off an existing private drive that already serves The Old Barn residential unit and a large stable block. Appropriate side boundary treatments screen the means of access from the adjacent residential properties along Heol Las, with the additional units unlikely to overly intensify the use of the access drive to an unacceptable degree. A recommended condition would also control the means of soft and hard landscaping for the site, including the additional driveway finishes, to ensure an appropriate material that is not disruptive to neighbouring unit is utilised.

The proposed dwellings which would be created primarily within the existing building, would be sited with an acceptable offset from the rear elevations and associated garden spaces of nearby properties with no habitable room windows or external amenity/balcony spaces unduly overlooking the nearby residential properties. Furthermore, existing high boundary treatments that are detailed to be retained as part of the application add a further degree of screening to the development site with no aspect of the development likely to result in any undue overlooking, overshadowing or overbearing impact on neighbouring residential properties.

Overall, the development is considered to comply with Council guidance in terms of amenity protection (SPG 02) and is considered compatible with neighbouring residential properties.

Highway Safety

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal.

As earlier detailed, the proposal seeks permission to convert a large dwelling with granny annexe into three properties. The existing dwelling is currently located at the end of a private drive that serves the application site and a nearby stable block. It is considered in traffic generation terms a private drive can accommodate 5 separate dwellings and as such the proposal would not exceed this.

With regards to the access to and from the site, it is considered that an adequate vision splay can be provided in both directions to ensure that emerging vehicles can see and be seen, however, as noted above, a condition is requested which will result in the conifer tree being cleared from the vision splay.

Furthermore, it is considered by the Highway Authority that Heol Las can accommodate the traffic generated by the proposal with it being considered that the traffic generated from the existing use of the site as a large dwelling and granny annexe would not materially increase as a result of this proposal.

Notwithstanding the above, it is considered that the proposal has the potential to increase pedestrians wanting to access public transport links (bus stop) or the public house, both located at the entrance to the village and the lack of a contiguous footway within the village raises some concern. In order to overcome this concern, promote active travel,

encourage walking for short journeys from the new development and also to warn other road users that there is the potential for pedestrians in the road, a condition is requested for a scheme of pedestrian warning signs and coloured surface treatment to extend along Heol Las from the end of the footway adjacent to the church (St Mary Magdalen's Church) to the re-commencement of the footway adjacent to the residential property known as Delfryn (that fronts the application site).

Overall and subject to the imposition of conditions, the Highway Authority raises no objection against the application.

Land Drainage

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

Ecology

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

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

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

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

The planning application has been supported by a Preliminary Bat Survey and an initial ecology survey that has been fully considered by the Council's Ecologist who raises no objections against the planning application. On this basis and given the nature of the proposal and the characteristics of the application site, it is considered that overall, there will be no significant adverse residual impacts on biodiversity. The proposal is, therefore, considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

Having regard to the above, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the determination of the application however, it is considered that on balance, the scheme does not raise such adverse material planning concerns to warrant the refusal of the application, with the proposal representing an appropriate and compatible form of residential development within settlement limits.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plans and documents:

Ground Floor Plan - Proposed, Draw.No. 1813-P04, received 15 February 2019
First and Loft Floor Plans - Proposed, Draw.No. 1813-P05, received 15 February 2019
Elevations - Proposed, Draw.No. 1813-P06, received 15 February 2019
Preliminary Bat Survey & Ecological Walkover Survey (Ecology Services), received 15 February 2019

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

2. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3. Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable and retained in perpetuity.

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

4. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of any of the dwellings commencing.

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

5. No development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping

such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

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

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

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

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be carried out within the curtilage of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

8. No development shall commence until a scheme for the provision of signage indicating that pedestrians are walking in the road and a scheme for a change of colour treatment of the carriageway surface from the Church to Delfryn on Heol Las, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

9. The carriageway of the existing access road shall be widened to no less than 4.5 metres from the junction with Heol Las to serve the proposed development, prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

10. The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway and pedestrian safety.

11. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway and pedestrian safety.

12. Any entrance gates located on the access to plot 3 shall be set back not less than 5 metres from the south eastern boundary wall of plot 1 to enable vehicles to turn and access and egress in a forward gear.

Reason: In the interests of highway and pedestrian safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- f. Any topsoil [natural or manufactured] or subsoil to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- g. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however, the responsibility for the safe development and secure occupancy of the site rests with the developer.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None

REFERENCE: P/19/59/FUL

APPLICANT: Mr C Morris Delfryn, Heol Las, Mawdlam, CF33 4PH

LOCATION: Delfryn Heol Las Mawdlam Bridgend CF33 4PH

PROPOSAL: Change of use to holiday let above triple garage; alterations to approval P/16/539/FUL to include alterations to glazing, entrance door and roof finish to rear.

RECEIVED: 25th January 2019

SITE INSPECTED: 19th February 2019 & 7th March 2019

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks to regularise unauthorised alterations to a previous planning application approved on 31st August 2016 under planning application reference P/16/539/FUL.

The alterations include the following:

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

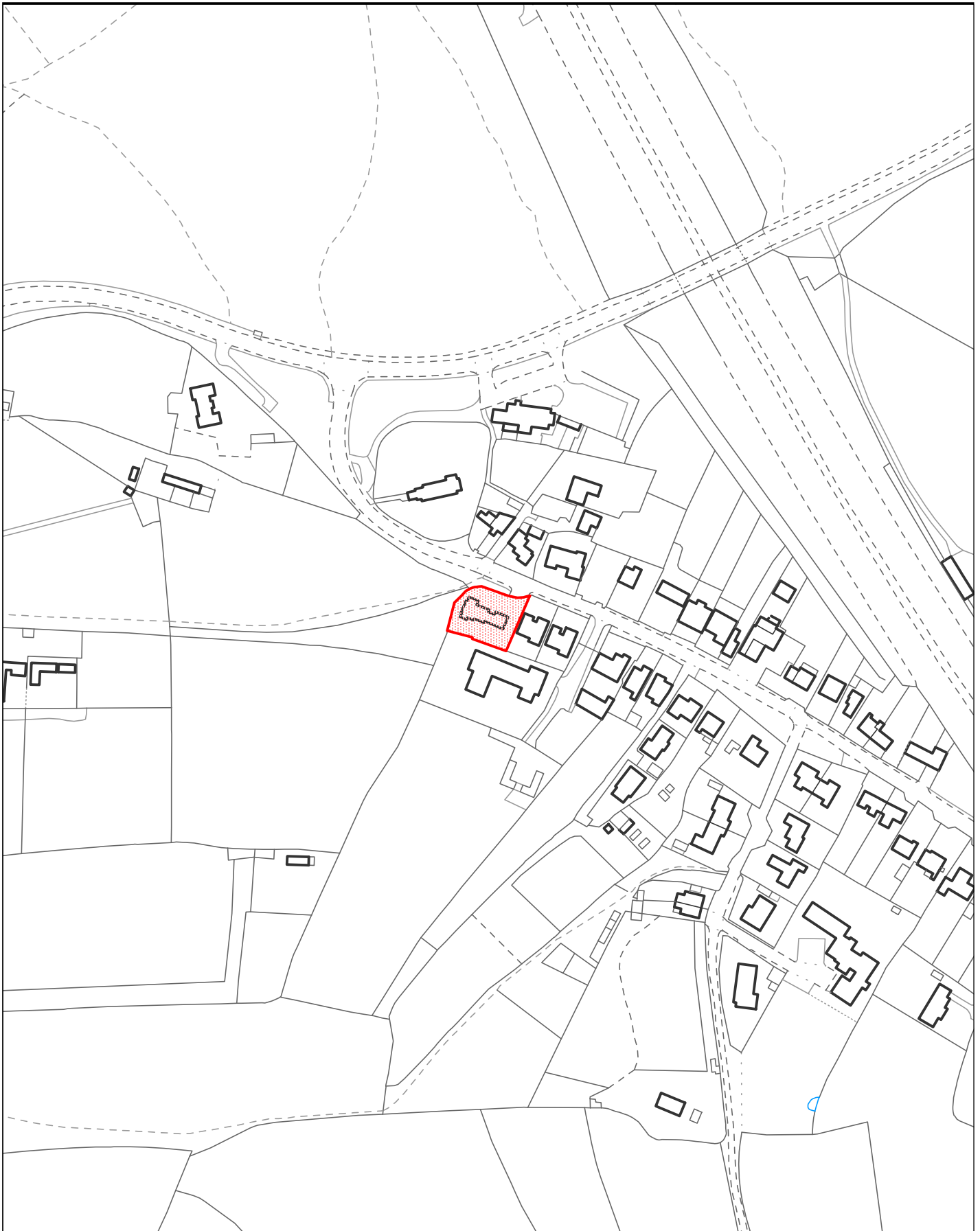
In addition to regularising the alterations mentioned above, the application seeks full planning permission for the change of use of the first floor area above the triple garage into one unit of holiday accommodation. The accommodation will provide one double bedroom, one single bedroom and bathroom with living room and kitchen area. It is self-contained and can only be accessed from the existing access point on the north facing elevation of the property.

SITE DESCRIPTION

The application site is located within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). The site is bordered to the west by open countryside which is demarcated as a Green Wedge, known as Kenfig and Mawdlam, under Policy ENV2(12) of the Local Development Plan (2013).

The site comprises a substantial detached, two storey dwelling with triple garage and room above. It faces north east and is positioned within the centre of the relatively large residential plot. The property benefits from a relatively large residential plot which has a private amenity space at the rear. The amenity space at the front of the property is partly tarmacked and used as a driveway. The land slopes gradually downwards from west to east and the garage is set down from the host dwelling.

The site lies within an established residential area which is characterised predominantly by a mix of house types, including bungalows, semi-detached and detached dwellings of varying design and appearance. There is no uniformity within the streetscene and therefore no defined character.



Cyngor Bwrdeistref Sirol



**BRIDGEND COUNTY
BOROUGH COUNCIL**
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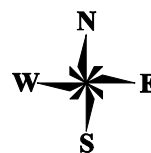
COMMUNITIES DIRECTORATE

Mark Shephard
Corporate Director - Communities

Civic Offices
Angel Street
Bridgend CF31 4WB
Telephone (01656) 643643

P/19/59/FUL

**Delfryn
Heol Las
Mawdlam**



Scale 1 : 2,500

Date 21/03/2019

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RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/16/539/FUL	Additional third garage attachment to existing double garage with room over below a pitched roof, addition of an entrance porch to main entrance door	Conditional Consent	31/08/2016

PUBLICITY

This application has been advertised through direct neighbour notification. A total of five letters of objection have been received from the residents of the following neighbouring properties:

- Ty Llan, Heol Las, Mawdlam;
- Ivy Cottage, Heol Las, Mawdlam;
- Carreg Lwyd, Heol Las, Mawdlam;
- Gwynfryn, Heol Las, Mawdlam
- The Corners, Heol Las, Mawdlam.

The objections are summarised below:

Retrospective Application

1. The objections refer to the planning application being retrospective and mostly state that the applicant intended from the outset to use the first floor of the garage as a holiday let. Several objections state that the applicant has previously operated the first floor of the garage as a holiday let facility which is detrimental to the character of the village of Mawdlam.
2. The objections refer to the approved office and stipulate that the office was never built in accordance with the planning permission because the first floor was fitted as living quarters to be used a holiday let.

Use as a Holiday Let

3. The letters received which oppose the development all refer to the use of the property as a holiday let, stating that the introduction of a holiday let business premises sets a precedent for future planning applications.

Highways

4. Each objection received refers to highway safety and raises concern about on-street car parking within the vicinity of the application site given the lack of availability of off-street car parking facilities.
5. Concerns are also raised about the increase in the volume of traffic that will be permitted if this application is deemed acceptable.

Materials

6. Some letters of objection refer to the materials used in the finish of the extension approved under planning application reference P/16/539/FUL. They state that the materials are not in keeping with the village of Mawdlam and are detrimental to the character of the village.

Noise

7. One letter of objection refers to the impact of the proposed development on noise, stating that “the Angel Pub has a shortcut route opposite and people walking to and from the pub already create noise and now potentially with an extra 2-4 people (at any one time) using Delfryn as a holiday let...coming and going and then residents changing would add to the noise levels”. Concerns are raised about the increase in noise and anti-social behaviour within the village of Mawdlam.

Privacy and Security

8. The letters of objection refer to the ‘as-built’ alterations to the approved garage under planning application reference P/16/539/FUL and state that the alteration in the size of the windows and introduction of two windows on the side elevation impact the levels of privacy afforded to neighbouring occupier(s).

COMMENTS ON REPRESENTATIONS RECEIVED

Retrospective Application

1. The comments relating to the unauthorised use as a holiday let are acknowledged, however they cannot be considered as a material consideration in the determination of this planning application. If a breach of planning control has taken place, the intention of the applicant should be to remedy the effects of the breach. In this case, the correct approach has been taken by the applicant who has applied for retrospective planning permission to try to regularise the unauthorised alteration of the approved planning consent (reference P/16/539/FUL). The retrospective element of the proposal will be considered against the relevant policies and supplementary planning guidance and the acceptability of the overall scheme will be assessed on its own merits.
2. Planning permission reference P/16/539/FUL permitted the erection of an “additional third garage attached to existing double garage with room over below a pitched roof with additional entrance porch to main entrance door”. The first floor element of the approval did not specify an internal layout and therefore the use of the first floor as living accommodation is permissible. The matters raised in the letters of objection which relate to the office being used as a holiday let are therefore disregarded.

Use as a Holiday Let

3. Each planning application received is considered on its own merits and, therefore, any future applications for holiday lets within Mawdlam will be considered in accordance with the relevant planning policies and supplementary planning guidance.

Highways

4. The matters raised which relate to sufficient off-street car parking facilities are addressed in the appraisal section of the report.
5. The concerns of the local residents with regard to the increase in vehicular traffic into the village are noted however, it is considered by the Highway Authority that, in the main, Heol Las can accommodate any increase in traffic generated by the proposal.

Materials

6. The materials installed on the extension approved under planning application reference P/16/539/FUL are not a matter for consideration in the determination of this planning application and, therefore, will not be addressed further.

Noise

7. The impact of the development on privacy and amenity will be considered in the appraisal section of the report however, it is important to note that noise is a statutory nuisance, and is regulated by other statutory bodies (Shared Regulatory Services) under The Environmental Protection Act 1990, The Noise and Statutory Nuisance Act 1993, The Noise Act 1996 and The Licensing Act 2003 and can therefore be dealt with separately and outside of the planning remit.

Privacy and Security

8. The matters raised which relate to overlooking and privacy will be addressed in the appraisal section of the report.

CONSULTATION RESPONSES

CONSULTEE

Cllr R Granville
14th February 2019

COMMENTS

Objects to the proposal on highway safety grounds.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP11	Tourism

Supplementary Planning Guidance 02
Supplementary Planning Guidance 17

House Extensions
Parking Standards

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

Planning Policy Wales Edition 10

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 13

Tourism

Planning Policy Wales TAN 18

Transport

Planning Policy Wales TAN 23

Economic Development

APPRAISAL

This application is referred to the Development Control Committee due to the number of objections received, including one from the Local Ward Member.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states the following:

Residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle.

In addition to the above, Policy SP11 is also relevant. Policy SP11 refers to tourism and states that *appropriate tourism developments which promote high quality accommodation... will be permitted*. The Development Policy Section considers that the change of use to a holiday let is acceptable in policy terms and as such its introduction is acceptable in principle.

DESIGN

Policy SP2 of the Local Development Plan (2013) states *all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment*. Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

The alterations to the approved planning permission (P/16/539/FUL refers) comprise the following:-

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

Given the lack of uniformity within the streetscene and mix of dwelling types that vary in size, scale, character and appearance within the vicinity of the application site, the alterations of the approved garage are considered to be acceptable from a design perspective.

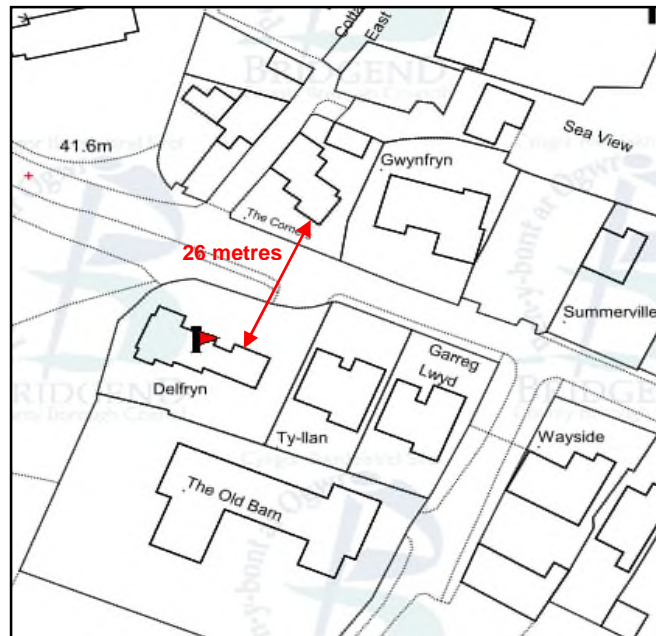
The alterations are not considered to be so detrimental to the character or appearance of the approved garage to warrant a refusal on such grounds and therefore the proposed alterations are considered to be appropriate in size, scale and prominence, in compliance with Policy SP2 of the Local Development Plan (2013).

NEIGHBOUR AMENITY

The occupier(s) of the neighbouring property “The Corners” have raised concern about the alteration of the glazing on the front of the garage, stating “the very large window situated at the front of the holiday let, in its master bedroom, looks directly into our child’s bedroom...[which is]...an alarming invasion of privacy given the proposed purpose of this building”.

Although Supplementary Planning Guidance Note 02 (SPG02) relates to household development, it is considered that the principles are applicable in this instance.

Note 6 refers specifically to privacy and states that development should respect the privacy of neighbouring houses. According to Note 6 the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. The window serving bedroom one at first floor level is not considered to overlook the property to the north east, given the distance between the properties is 26 metres and the fact that they are separated by a highway as shown below:



The increase in size of the first floor window on the front elevation of the garage is not considered to worsen the existing levels of privacy afforded to the occupier(s) of the property known as The Corners and therefore the proposed alteration in the size of the glazing is considered acceptable from an amenity perspective.

In addition to the above, concerns are raised by the occupier(s) of the property to the east of the application site, known as Ty Llan, which relate to the unauthorised installation of two windows at first floor level on the side elevation of the garage approved under planning application reference P/16/539/FUL. The windows serve the bedroom and bathroom.

An obscurely glazed window is installed in the side elevation of Ty Llan which serves a bathroom, which is not a habitable room. Whilst it is acknowledged that the windows in Delfryn directly face the western elevation of Ty Llan, it is considered that any form of overlooking could be addressed by requiring the windows to be obscurely glazed. The primary outlook of the application site is to north and south and the windows on the side elevation do not serve rooms that will be used continuously, however, to ensure the concerns raised by the occupier(s) of Ty Llan are addressed, a condition will be imposed to secure obscure glazing in these windows.

The alteration to the rear glazing at first floor level will not overlook The Old Barn, positioned to the south of the application site. Departmental records confirm that the windows in the northern elevation of the property do not serve habitable rooms and therefore the alteration in the glazing is considered to be acceptable from an amenity perspective.

HIGHWAYS

Significant objections which relate to pedestrian and highway safety have been raised by the occupier(s) of neighbouring properties and Cllr R Granville. The concerns relate to the increase in the volume of traffic caused by the change of use to a holiday let, insufficient off-street parking provision and the subsequent increase in on-street parking and the lack of a public footpath through the village of Mawdlam.

The Transportation, Policy and Development Section notes the concerns of the local residents with regards to the increase in vehicular traffic into the village of Mawdlam however, it is considered that Heol Las can accommodate the traffic generated by the proposal and the change of use to a holiday let will not cause a significant detriment to the

free flow of traffic within the village of Mawdlam given the location of the application site on the western boundary of the settlement.

With regards to off-street parking provision, it is considered that this proposal will result in an increase in vehicles entering and exiting the property and, therefore, to ensure that the drive can accommodate two-way traffic and that vehicles associated with the holiday let are not waiting on the highway, it is recommended that a condition is imposed to widen the driveway access of the application site.

It is acknowledged that on-street parking would have the effect of narrowing Heol Las to the detriment of the free flow of traffic and to emergency service vehicles accessing the village and, therefore, it is considered imperative in this location to secure appropriate off-street parking provision. To ensure this can be accommodated at the application site, the Transportation, Policy and Development Section has requested the imposition of a planning condition which requires a scheme for the provision of six off-street car parking spaces to be provided, prior to the commencement of development. The scheme should provide for three off-street car parking spaces to serve the host dwelling and three to serve the proposed holiday let.

The objections raised which relate to the lack of a public footpath through the village of Mawdlam are noted, however, not all land required for the installation of footpaths is within the ownership or control of the Highway Authority or the applicant and this must be taken into consideration when assessing the planning application.

This application has the potential to increase pedestrian footfall to public transport, the nearby public house or church and the village of Mawdlam. Given that the proposal promotes tourism, it is recognised that tourists will explore the local area and the lack of a contiguous footway raises some concern, particularly given that holiday makers are likely to be unfamiliar with the area. In order to address this concern, warn other road users of pedestrian activity, to promote active travel and to encourage walking for short journeys, it is recommended that a planning condition is imposed. The suggested planning condition requires the provision of signage which indicates that pedestrians are walking in the road and also requires the provision of coloured surface treatment to extend from the end of the footway adjacent to the church to the re-commencement of the footway adjacent to Delfryn.

Welsh Government Circular 016/2014 entitled "*The Use of Planning Conditions for Development Management*" (October 2014) states at paragraph 3.1 that "conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants."

Given the advice provided by Welsh Government, it is considered that the request for the provision of coloured surface treatment is not reasonable or proportionate, given the limited scale of development. Whilst the advice of the Transportation, Policy and Development Section is noted, the condition will be amended to read as follows:

No development shall commence until a scheme for the provision of a signage scheme indicating that pedestrians are walking in the road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.

Subject to the imposition of the recommended planning conditions, the proposed development is considered to be compliant with Policy PLA11 of the Local Development Plan (2013) and is therefore acceptable from a highway safety perspective.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

CONCLUSION

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective.

Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

The application is recommended for approval, subject to the following planning conditions and informative notes:

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans received 25 January 2019 - Site Location Plan and drawing number CM/COU/001.

Reason: To comply with Section 73A of the above Act.

2. The windows on the side elevation of the garage, serving bedroom one and the ensuite at first floor level, and as shown on drawing number "CM/COU/001" received 25 January 2019, shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the holiday let hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

3. The first floor above the triple garage shall be used for holiday accommodation only and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation.

4. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation

5. The ground floor (triple garage) shall be used only for the garaging of private vehicles and for no other purpose whatsoever, including the carrying out of a trade or business.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site and to safeguard the character and amenity of the area.

6. No development shall commence until a scheme for the provision of signage, indicating that pedestrians are walking in the road, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.

7. No development shall commence until a scheme for the provision of 6 off street parking spaces (3 for the dwelling and 3 for the holiday let) has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented as agreed in permanent materials before the development is brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

8. No development shall commence until a scheme for the widening of the driveway access of Delfryn to 3.65 metres has been submitted to and agreed in writing by the Local Planning Authority. The widened access as agreed shall be implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

9. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of site frontage at any time.

Reason: In the interests of highway safety.

10. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective. Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

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APPEALS

The following appeals have been received since my last report to Committee:

CODE NO.	D/19/3220063 (1849)
APPLICATION NO.	P/18/699/FUL
APPELLANT	Mr L NORMAN
SUBJECT OF APPEAL	RETENTION OF FEATHER EDGE WOODEN FENCE AT THE FRONT AND SIDE OF PROPERTY 28 CEMETERY ROAD, MAESTEG
PROCEDURE	HOUSEHOLDER APPEAL
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The boundary fencing, by reason of its scale, height and finish represents an incongruous and prominent element in the streetscene to the detriment of local visual amenities, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 9)(November 2016).

CODE NO.	H/19/3221319 (1852)
APPLICATION NO.	A/18/25/ADV
APPELLANT	MR KEN JACKSON
SUBJECT OF APPEAL	ADVERTISING BOARD FOR JACKSON CABS 4 SUNNYSIDE, BRIDGEND
PROCEDURE	ADVERTISEMENT APPEAL
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed advertisement, by reason of its size, siting and design would constitute an unduly prominent and visually obtrusive feature that would contribute to unwanted visual clutter in the street scene to the detriment of the visual amenities of the locality, contrary to the aims of Policy SP2 of the Local Development Plan (2013).
2. The proposed advertisement, by reason of its size, siting and design would cause a distraction to highway users at the busy signal controlled junction of the classified routes A473/A4061 to the detriment of highway and pedestrian safety, contrary to the aims of Policy SP2 of the Local Development Plan (2013).

CODE NO.	A/19/3221703 (1853)
APPLICATION NO.	P/17/1027/OUT

APPELLANT MR A HEARNE
SUBJECT OF APPEAL OUTLINE APPLICATION FOR 3 DWELLINGS
LAND OFF CONVIL ROAD, BLAENGARW
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposal, by reason of its siting and the location of the access point, combined with the restricted highway network and the topography of the site, would result in an overly engineered scheme that would require extensive earthworks and reprofiling of the land, generating an excessive number of trips and manoeuvres by large vehicles over and above what would be expected during the construction phase of a development, in a predominantly residential area, to the detriment of pedestrian and highway safety in and around the site and the residential amenities of adjoining occupiers, contrary to Policies SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, Nov. 2016).

The following appeal has been decided since my last report to Committee

CODE NO. A/18/3211218 (1840)
APPLICATION NO. P/17/510/OUT
APPELLANT MR & MRS KENNEDY
SUBJECT OF APPEAL OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR
THE PROPOSED REPLACEMENT OF FORMER FARMHOUSE AT
FFOS FARM TOGETHER WITH ASSOCIATED WORKS
FFOS FARM, CWMDU ROAD, MAESTEG
PROCEDURE HEARING
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX A**

RECOMMENDATION

That the report of the Group Manager Planning & Development Services be noted.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers
(see application reference number)

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 5/12/18
Ymweliad â safle a wnaed ar 5/12/18

gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.02.2019

Appeal Decision

Hearing held on 5/12/18
Site visit made on 5/12/18

by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.02.2019

Appeal Ref: APP/F6915/A/18/3211218

Site address: Ffos Farm, Cwmdu Road, Maesteg, CF34 0DG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Kennedy against the decision of Bridgend County Borough Council.
- The application Ref P/17/510/OUT is dated 12 June 2017 and was refused on 6 July 2018.
- The development proposed is an "Outline application with all matters reserved for the proposed replacement of former Farmhouse at Ffos Farm together with all associated works".

Decision

1. The appeal is dismissed.

Procedural and Background Matters

2. Planning Policy Wales (PPW) Edition 10 was issued in December 2018 and replaces PPW Edition 9. Both main parties were given the opportunity to make further submissions in light of the advice in the revised PPW. I have taken into account the further submissions made by the appellants in terms of the revised PPW, therefore I do not consider any prejudice would arise in my dealing with this appeal on the basis of its content. Whilst I note the comments made by the Council in regards to the appellants introducing additional financial information at the same time as their response to the revised PPW, nonetheless this information in broad terms only confirmed the discussions that were made on the day of the hearing at which time the Council were able to respond; I do not consider any prejudice would arise in my dealing with this appeal on the basis of this additional information.
3. The appellants in their grounds of appeal draw attention to the fact that a dwelling was previously sited on the holding until relatively recently and that this dwelling was unlawfully demolished by another party. The appellants grounds of appeal refer, in addition to the main issue discussed below, to the proposed dwelling subject to this appeal constituting a replacement dwelling and arguments in favour of its replacement. However, it is clear from the appeal documentation that the dwelling subject to this appeal is for a new rural enterprise worker's dwelling on a new rural

enterprise¹; it is on this basis that the Council determined the application and I see no reason to take a contrary view. Matters relating to the lawfulness of the historical dwelling that was sited on the holding or its replacement is a matter for the appellants to explore with the Council outside of this appeal process and as a result I have not considered this issue any further in my determination of this appeal.

4. The Council disputes that the proposed new dwelling has been planned on a sound financial basis but accepts that the other 'tests' set out within TAN 6² have been met; having regard to the submitted evidence, there is no reason for me to take a contrary view in terms of the other tests.

Main Issue

5. The main issue in the appeal is whether the proposal satisfies the financial test as set out in national planning policy for a new rural enterprise dwelling.

Reasons

6. The appeal site is located in a field which is currently overgrown with vegetation and is situated within open countryside near to the settlement of Maesteg; in broad terms the appeal site occupies the same area where the previously mentioned demolished dwelling was located. Near to the site lies an existing farm complex where a number of farm buildings are located in addition to a static caravan; the caravan is used in connection with the rural enterprise in terms of providing temporary accommodation to the appellants.
7. Although PPW states that new house building and other new development in the open countryside should be strictly controlled, it recognises particular circumstances of housing need which can only be met through the provision of individual dwellings in the countryside. These circumstances relate primarily to the operational needs of farming and forestry where an essential need for workers to live at or close to their place of work has been established; policy ENV1 of the adopted Bridgend Local Development Plan (LDP), in part, reflects the stance taken in PPW.
8. National guidance within TAN 6 sets out how a proposal for a rural enterprise dwelling should be assessed; it is supplemented by a Practice Guidance³ (PG). In regard to TAN 6 the proposed development constitutes a new dwelling on a new rural enterprise. The relevant TAN 6 test refers to clear evidence the proposed enterprise has been planned on a sound financial basis.
9. In terms of the proposed development, a financial test should show that the rural enterprise and the activity concerned is financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time. The submitted financial information⁴ considered by the Council prior to their determination of the proposal indicated that the business accounts for 2015/16 showed a deficit, whilst & 2016/17 showed a modest profit; none of this financial information indicated

¹ As confirmed by the appellant at Annex 16 of their appeal bundle

² Technical Advice Note 6 – Planning for Sustainable Rural Communities July 2010 – (TAN 6)

³ Practice Guidance, Rural Enterprise Dwellings – Technical Advice Note 6 Planning for Sustainable Rural Communities, December 2011

⁴ Referred to in detail within the appellants' submission

a salary for a full time agricultural worker⁵, nor did the appellants additional financial information⁶ in the form of five-year financial projections.

10. The Council also argue that the appellants' inclusion of external funding sources such as income received by Mrs Kennedy for work away from the enterprise, and funds from Mr Kennedy's pension skew the financial projections in favour of the appellants. Whilst the appellants argue TAN 6 does not explicitly state that additional income cannot be obtained for the running of the new rural enterprise, however, the fact of the matter is that the appellants intend to rely heavily on external sources of funding to generate their projected profit margins and this is without factoring in other sources of income such as the Welsh Government's Glastir Organic and Glastir Advanced schemes. The use of external financial sources to run a business can lead to indebtedness and increased financial liabilities. In this case, bearing in mind the proposed enterprise will rely significantly on external sources of income unrelated to the actual funds generated by the agricultural enterprise itself, this casts significant doubt as to the long-term viability of the business, especially when the other costs associated with the business are factored into the calculations.
11. Based on the submitted evidence, as clarified by the document submitted at the hearing by the Council, and those other documents submitted by the appellants afterwards, if the appellants other funding sources as referred to above are excluded, i.e. Mrs Kennedy's external income and Mr Kennedy's pension, and a cost figure is included to acknowledge the salary for a full time agricultural worker, then it is apparent that the 5 year projected net farm income would not realise any positive figures. Notwithstanding this approach, the appellants argue the Council have not factored in the capital from the overhead costs which should be reintroduced to the overall calculations, the result of which leads to a healthy positive net farm income. The reason given for reintroduction of the overhead costs was stated in broad terms to allow for a comprehensive set of accounting figures to be presented, with the inference being this is typical accounting practice; I was not persuaded by this argument which in relation to the financial forecasts was only introduced at the hearing and to my mind was ambiguous, especially when the actual financial forecasts as originally submitted to the Council did not appear to adopt such an approach.
12. The PG highlights that in terms of a new rural enterprise dwelling that future financial projections are notoriously hard to formulate. In the absence of conclusive and unambiguous evidence relating to future net farm income over a sustained period I do not consider the appellants have proven a case that the new enterprise would be viable and therefore justify the erection of a new dwelling; the proposed development does not therefore meet the financial test as prescribed in TAN 6. I consider at this stage that granting planning permission for a permanent dwelling would be premature as I have not found the viability of the enterprise for a sustained period of time to be conclusively proven. Where a proposal meets the other tests as set out in TAN 6, PPW and the PG advocate temporary accommodation for a limited period to assess the matter, rather than a permanent dwelling. The Council acknowledged the validity of this approach at the hearing and indicated the appellants may wish to pursue this course of action outside of this appeal process.

⁵ As agreed by the parties at the Hearing to be £16588

⁶ Referred to in detail within the appellants' appeal bundle

13. In terms of funds available to allow for the building of the proposed dwelling, the appellants state that their existing house would be sold and re-invested into the new business, along with additional savings⁷. The Council queried, based on average build costs of a dwelling of the size as indicated in the outline planning application, whether it could be built with the assets the appellants state would be available. The appellants explanation that their current house was mortgage free and could be re-mortgaged pending its sale to finance works to the proposed new dwelling, in addition to use of their other assets, lacked detailed information concerning actual built costs associated with the new dwelling in comparison to average build costs, and also lacked any significant detail in terms of the likelihood of a mortgage being successfully obtained to progress works, or the sale of the existing house being achieved at an acceptable price; the absence of substantive evidence in this regard injects further doubt into the future financial viability of the proposed new enterprise and the funds available to progress any new dwelling.
14. Overall, for the reasons given above, the proposed development does not meet the financial test as prescribed in TAN 6. The proposal therefore conflicts with national and local planning policies, and guidance contained within TAN 6 and the PG.

Conclusions

15. Due to the specific circumstances applicable to the proposed development, and after taking account of all the evidence before me, for the reasons given above, I conclude that the appeal should be dismissed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Declan K Beggan

INSPECTOR

⁷ Refer to page 9 of appellants statement of case

APPEARANCES

FOR THE APPELLANT

Gail Jenkins	Appellant's Agent
Mr & Mrs Kennedy	Appellants
Neil Bevan	Accountant

FOR THE LOCAL PLANNING AUTHORITY:

Hayley Kemp	Principal Planning Officer
Richard Matthews	Planning Policy Manager

ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING

1. Council's notification letter and list of those notified.
2. Council document entitled "Aid to Council's discussion on appellants financial forecast" and appellants annotated response to this document.
3. Plan indicating extent of Nant Cwn Du Bath SINC.

ADDITIONAL DOCUMENTS SUBMITTED AFTER THE HEARING

1. Written response to revised PPW from appellant including reference to financial forecasts data as discussed at the hearing.
2. Council's response to appellant's further submissions.

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REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

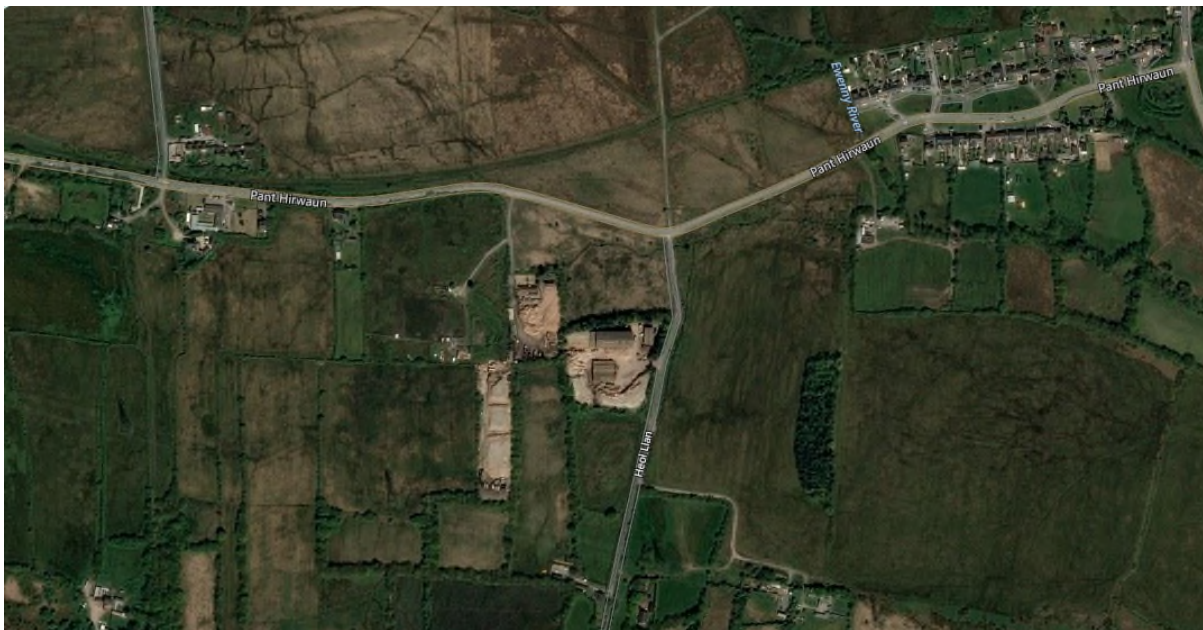
28 March 2019

REPORT OF THE GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES BRIDGEND COUNTY BOROUGH COUNCIL LOCAL PLANNING AUTHORITY

SOUTH WALES WOOD RECYCLING LTD SITE, HEOL LLAN, NEAR HEOL Y CYW

1. Purpose of Report

- 1.1 This report seeks to provide Members with an update on the situation at South Wales Wood Recycling Ltd.



2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 The wood processing company, South Wales Wood Recycling Ltd, started operating from the former Lock's Yard site on Heol Llan in approximately 2012/2013.
- 3.2 There have been several applications on the site since this time, the most recent consent being P/16/659/RLX, which also includes the former Yeoman's Nursery Site.
- 3.3 During this time there have been several Enforcement investigations in respect of the height of the wood piles, operating hours, vehicular movements and wood being deposited on the highway.

- 3.4 A Breach of Condition Notice was served on South Wales Wood Recycling Ltd on 4 September 2015 in relation to the operating hours of the site – the condition states that the opening hours for the receipt of waste wood shall only occur between 08.00 hours and 18.00 hours Mondays to Saturdays and not at all on Sundays, Bank and Public Holidays. The Company continued to breach the condition and the matter was heard in the Magistrates' Court on 14 March 2016 where local residents were in attendance to give their evidence on the breaches. The Company pleaded guilty to some of the charges whilst other charges were discontinued. As no evidence was required the witnesses were not needed.
- 3.5 The Company pleaded guilty on four counts and received a total fine of £2880, a victim surcharge of £120 and costs of £1200.
- 3.6 Following the determination of a new application to regularise and control the operations on the whole of the site (P/16/659/RLX refers), a Breach of Condition Notice was served on 23 July 2018 in relation to the lorry movements from the premises. The site was monitored by the Enforcement Officer and local residents and no further breaches were noted.
- 3.7 A Breach of Condition Notice was then served on 7 August 2018 in respect of the layout of the former Yeoman's Nursery site. The Notice was to be complied with by 7 October 2018.
- 3.8 At the same time, an Enforcement Notice for a material change of use was served on 7 August 2018 in relation to the wood stored on land to the south west of the site which was in the ownership of South Wales Wood Recycling Ltd but fell outside of the application site. The wood was to be removed by 16 October 2018.

4. Current Situation

- 4.1 Officers visited the site on 17 October 2018 to ascertain whether the requirements of the Notices were adhered to and as it was apparent that they had not been, a Statement was prepared for consideration of prosecution in the Magistrates' Court. It was also noted that, at this time, a significant number of staff had been made redundant.
- 4.2 Officers visited the site again on 14 November 2018 when it was noted that certain areas of the site had been cordoned off. The Officers were advised that this had been done in order to comply with the Health and Safety Executive's (HSE) requirements.
- 4.3 The prosecutions of South Wales Wood Recycling Ltd for the breach of both Notices were listed for a hearing in the Court on 25 January 2019. Prior to the case being heard the Company went into liquidation. Natural Resources Wales had a trial listed for the same day against South Wales Wood Recycling Ltd. The Company did not attend Court and the Council's case was withdrawn as it was considered that it is not in the public interest to pursue this matter further.
- 4.4 The Lock's Yard part of the overall site is now under the management of the landowner and a meeting has been undertaken in order to assess the current use of the site. Whilst South Wales Wood lorries and equipment may still be within Lock's

Yard, South Wales Wood Recycling Ltd no longer exists as an entity/business and as such, is not operating from the site.

- 4.5 However, another, new company (I Wood Recycling) are storing HGVs on Lock's Yard overnight and are also operating a wood recycling service processing wood which is currently removing the large stockpiles of wood material from the site in order to comply with the Notice. As it appears that the recycling operation will continue in conjunction with South West Wood Products Ltd. (who supply biomass plants) after all the stockpiles of wood material have been removed, the use is likely to require a new planning application to be in place and a meeting will be arranged with the operators to review the use of the site and the extent of the site which could conclude with the LPA seeking a new planning application in order to regularise the operations going forward. The site is still being regularly monitored and Officers are in dialogue with the operators during this initial period to clear the site of historic stockpiles of wood through South West Wood Products Ltd.

5. Wellbeing of Future Generations (Wales) Act 2015

- 5.1 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

- 5.2 The duty has been considered in the production of this report.

6. Recommendation

- 6.1 That Members note the content of this update report.

Jonathan Parsons

Group Manager Planning and Development Services

Contact Officer

Rhodri Davies

Development and Building Control Manager

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TRAINING LOG

All training sessions are held in the Council Chamber unless otherwise stated.

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Gethin Powell, <i>Highways & SUDS Drainage Engineer</i> / Rhodri Davies, <i>Development & Building Control Manager</i>	“Sustainable Drainage Systems, SuDS Approving Bodies and land drainage issues in general – The New System”	9 May 2019	12.45pm
Rhodri Davies, <i>Development & Building Control Manager</i>	“A review of key DC Committee decisions/schemes”	20 June 2019	12.45pm
Jonathan Parsons, <i>Group Manager Development</i> / Richard Matthams, <i>Development Planning Manager</i>	“LDP – Preferred Strategy”	1 August 2019	12.45pm
Neil Price, <i>Biodiversity Policy and Management Officer</i>	“Latest on biodiversity in Planning”	12 September 2019	12.45pm
Gaynor Thomas, <i>School Programme Manager</i>	“Education contributions – new draft SPG”	24 October 2019	12.45pm

Recommendation:

That the report of the Corporate Director Communities be noted.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES**

Background Papers

None.

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