

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



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

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

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



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 4 December 2020

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely via Skype for Business on
Thursday, 10 December 2020 at 14:00.

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Approval of Minutes 3 - 8
To receive for approval the minutes of the 29/10/2020
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet 9 - 12
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 13 - 16
7. P/20/263/FUL - Land at former St. John's School, Newton, Porthcawl, CF36 17 - 54

By receiving this Agenda Pack electronically you will save the Authority approx. £1.92 in printing costs

5SJ

- | | | |
|-----|--|----------|
| 8. | <u>P/20/266/CAC - Land at former St. John's School, Newton, Porthcawl, CF36 5SJ</u> | 55 - 62 |
| 9. | <u>P/19/659/FUL - Plot adjoining 40 Bryn Road, Ogmere Vale, CF32 7DW</u> | 63 - 82 |
| 10. | <u>Appeals</u> | 83 - 88 |
| 11. | <u>Use of Planning Performance Agreements and other Cost Recovery Measures for the Determination of Planning Applications</u> | 89 - 94 |
| 12. | <u>Welsh Government Consultation Document Regulations Establishing the Procedure for the Preparation of Strategic Development Plan and Associated Matters</u> | 95 - 100 |
| 13. | <u>Urgent Items</u>
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Councillors:

SE Baldwin
JPD Blundell
RJ Collins
SK Dendy
DK Edwards
RM Granville

Councillors

A Hussain
MJ Kearns
DRW Lewis
JE Lewis
JC Radcliffe
JC Spanswick

Councillors

RME Stirman
G Thomas
MC Voisey
KJ Watts
CA Webster
AJ Williams

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 OCTOBER 2020

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN REMOTELY VIA SKYPE FOR BUSINESS ON THURSDAY, 29 OCTOBER 2020 AT 14:00

Present

Councillor G Thomas – Chairperson

SE Baldwin	JPD Blundell	RJ Collins	DK Edwards
RM Granville	A Hussain	MJ Kearn	DRW Lewis
JE Lewis	JC Radcliffe	JC Spanswick	RME Stirman
MC Voisey	KJ Watts	AJ Williams	

Apologies for Absence

SK Dendy and CA Webster

Officers:

Rhodri Davies	Development & Building Control Manager
Gareth Denning	Policy Team Leader
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Julie Jenkins	Team Leader Development Control
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Kevin Stephens	Democratic Services Assistant
Leigh Tuck	Senior Development Control Officer

416. DECLARATIONS OF INTEREST

The following declarations of personal interest were made:-

Councillor S Baldwin – Agenda Item 7, as a member of Bridgend Town Council
Councillor K Edwards – Agenda Item 8, as he had dealt with the case on behalf of the applicant.

417. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 17 September 2020, be approved as a true and accurate record.

418. PUBLIC SPEAKERS

None.

419. AMENDMENT SHEET

There was no Amendment Sheet issued in respect of today's meeting.

420. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report of the Corporate Director - Communities be noted.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 OCTOBER 2020

421. P/20/422/FUL - 66 NOLTON STREET, BRIDGEND

RESOLVED: That the above application be granted subject to the Conditions contained in the report of the Group Manager, Planning and Development Services.

PROPOSAL: Change of use from shop (use class A1) to hot food takeaway (Use Class A3)

422. P/20/470/FUL - 12 CROWN ROW, MAESTEG

RESOLVED: That the above application be granted subject to the Conditions contained in the report of the Group Manager, Planning and Development Services.

PROPOSAL: Retention of a new timber fence on top of an existing boundary wall

423. P/20/559/FUL - 63 PENDRE, BRIDGEND

RESOLVED: That the above application be granted subject to the Conditions contained in the report of the Group Manager, Planning and Development Services.

PROPOSAL: Change of use from use class C3 (dwellinghouse) to C4 (House in Multiple Occupation)

424. APPEALS

RESOLVED:

1. That the Appeals received as listed in the report of the Corporate Director – Communities, be noted.
2. That the following Appeals Decisions as contained in the report of the Corporate Director – Communities and decided by the Inspectors appointed by the Welsh Ministers since the last report to Committee, be noted:-
 - (a) A/20/3249036 (1888) – Retention of change of use to a gym, Unit 11 Queens Court, Bridgend Industrial Estate – Appeal **Allowed** subject to Conditions (see Appendix A to report).
 - (b) A/20/3250766 (1899) – Construct a single garage (re-submission of P/19/949/FUL), 20 Bridgend Road, Porthcawl - Appeal **Allowed** subject to Conditions (See Appendix F to report)
 - (c) A/20/324/6041 (1892) – Erection of one single storey dwelling (bungalow) 31 Felindre Road, Pencoed – Appeal **Dismissed** (See Appendix B to report)
 - (d) A/20/3253366 (1894) – Outline application for 2 detached dwellings, former BT Repeater Station, Island Farm Road, Bridgend – Appeal **Dismissed** (See Appendix C to report).
 - (e) D/20/3256506 (1997) – Single Storey extension to rear, 20 Upper Street, Maesteg – Appeal **Dismissed** (See Appendix D to report).
 - (f) D/20/3257637 (1998) – Demolish existing side structure and replace with 2 storey extension; raise roof of dwelling to provide first floor accommodation; dormer to front elevation with Juliet balcony, 45 West Drive, Porthcawl - Appeal **Dismissed** (See Appendix E to report.)

425. REPLACEMENT LOCAL DEVELOPMENT PLAN UPDATE

The Corporate Director – Communities submitted a report, the purpose of which was to update the Development Control Committee on the Replacement Local Development Plan.

The Strategic Planning Policy Team Leader advised that the current Bridgend Local Development Plan (LDP) was adopted by Bridgend County Borough Council on 18 September 2013 and sets out the Council's objectives for the development and use of land in Bridgend County Borough over the 15 year plan period 2006 to 2021 and its policies to implement them.

He advised that an up-to-date LDP is an essential part of a plan-led Planning system in Wales. The Council is statutorily required (under Section 69 of the Planning and Compulsory Purchase Act 2004) to undertake a full review of the adopted LDP at intervals not longer than every 4 years from the date of adoption. As such, a full review of the adopted LDP was triggered in September 2017.

LDPs also have to be based on robust evidence to ensure that critical land-use issues are identified and properly addressed. Some of the evidence base studies that underpin our existing LDP policies are out-of-date and need to be updated and/or replaced in order to fully understand the land-use requirements of the County Borough up to 2033. The material weight attached to the existing LDP and its evidence base will progressively diminish from 2021 onwards as the contextual local situation evolves thereby placing the Council in an increasingly tenuous position and open to challenge from the development industry. Similar circumstances in other Local Authorities (RCT and Caerphilly) have recently resulted in certain sites being granted planning permission at appeal despite being out of accord with the extant Development Plan.

The Strategic Planning Policy Team Leader advised that The Minister for Housing and Local Government had written to all Local Planning Authorities in Wales on 24 September 2020 regarding the end date of LDPs. The Minister had confirmed that LDPs adopted prior to 4 January 2016 will remain extant and the basis for determining planning applications until replaced by a further LDP. However, in view of the considerations set out in the above paragraph, the Strategic Planning Policy Team Leader advised that, whilst the Minister's letter does confirm that the existing LDP will remain the basis for determining planning applications until it is replaced, this factor alone does not override the urgent need to address the shortfall in the County Borough's housing land supply and to refresh the evidence base. The existing LDP still needs to be reconsidered and replaced if it is to deliver future housing requirements for the County Borough up to 2033.

The Replacement LDP would avoid 'planning by appeal' and ad hoc development coming forward outside the development plan system and not in accordance with the Plan's strategy. The latest population and household projections have been duly considered and a Local Housing Market Assessment, Infrastructure Delivery Plan and Employment Study are being produced. Consideration has also been given to the policy aspirations linked to the Cardiff Capital Region City Deal, together with wider contextual matters and other evidence based studies.

The Officer continued by stating that consultation on the Deposit Plan is due to commence in early 2021 following conclusion of detailed technical scrutiny of candidate sites proposed for development. As well as delivering new homes to meet the needs of newly forming households, the LDP will also provide the scale of growth needed to secure investment in infrastructure, facilities and additional benefits for local communities including recreation provision, employment opportunities and affordable

housing. The planned increase in housing supply will also act as a key driver of economic growth across Bridgend and the wider region.

The Welsh Government has advised that it is of paramount importance that progress on the Replacement LDP continues at pace in order to ensure that the County Borough has an up-to-date Development Plan, for the reasons given in paragraph 3.9 of the report.

A Member asked if the timetable for the introduction of the new LDP was on target.

The Strategic Planning Policy Team Leader confirmed that consultation on the Deposit Plan would take place between January and March 2021. This meant that there had been a delay in the original planned timetable, but the delay had been unavoidable due to the current pandemic. It was anticipated that the new LDP would be introduced in mid-2022.

A Member made the observation that she was aware that, as part of the proposals for the new LDP, there would be an increased amount of S106 funding contributed by site developers for proposed new developments. She hoped that there would not be an influx of developments from housing developers, prior to the deadline date for this increased funding, for the likes of new schools and open space play areas/equipment.

The Strategic Planning Policy Team Leader confirmed that the new drafts of Supplementary Planning Guidance (SPG's), including a revised formula for the calculation of S106 contributions for new proposed housing developments and education facilities etc, had been forwarded onto known developers, so that they were able to accommodate these in their necessary Viability Appraisals. The revised SPG's for the new calculation of S106 monies would only be accounted for in the new LDP he added, as opposed to the one currently in existence.

RESOLVED:

That the Development Control Committee noted the contents of this report that detailed Welsh Government's advice that it is of paramount importance that progress on the Replacement LDP continues at pace in order to ensure that the County Borough has an up-to-date Development Plan:

- for assessing planning applications and preventing speculative planning applications (i.e. avoiding 'planning by appeal');
- to ensure sustainable economic growth and assist in the post Covid recovery; and
- to ensure delivery of affordable housing and critical new infrastructure.

426. ENDORSEMENT OF REGIONAL TECHNICAL STATEMENT 2020

The Senior Strategic Planning Policy Officer presented a report the purpose of which was to seek endorsement of the Regional Technical Statement(RTS) in order to meet the requirements of National Planning Policy and agree the progression of the Statement of Sub-Regional Collaboration.

The report gave some background information and as part of this, it was confirmed that a Statement of Sub Regional Collaboration (SSRC) is required to be prepared by the Cardiff City Authorities (referred to in the report), as part of the evidence base needed to support each Local Development Plan (LDP). The Senior Strategic Planning Policy

Officer further confirmed that the timescale for preparing SSRCs will need to be geared towards the timescale for the earliest LDP submission within that sub-region. The purpose of the SSRC is to confirm that all constituent LPAs within a particular RTS sub-region accept the individual apportionments for aggregates for their individual Authority areas as set in the latest Review of the RTS and that (as a minimum) the RTS requirements for that sub-region as a whole will be met.

The calculation of the apportionments set out in the RTS followed a four-stage process. Each stage and its relevance to Bridgend was set out in some detail in paragraphs 4 of the report and covered:-

- Stage 1 – Setting the National Level for future aggregates provision;
- Stage 2 – Calculation of the Regional Split between North and South Wales;
- Stage 3 – Calculation of Sub-Regional and LPA Apportionments;
- Stage 4 – Sand and Gravel and Crushed Rock total Apportionment

In addition to the SSRC, the Bridgend LDP will also need to safeguard primary aggregate resources. This will mean that relevant resources of both crushed rock aggregates and land-based sand and gravel should be safeguarded within the LDP in accordance with detailed advice based on the use of British Geological Survey mapping.

The Senior Strategic Planning Officer concluded his submission, by confirming that the LDP would also need to safeguard railheads in order to provide a full range of sustainable transport options (whether or not they are currently utilised).

There were no Members questions in relation to this report.

RESOLVED:

That the Development Control Committee noted the Regional Technical Statement that will be reported to Council for endorsement.

427. **URGENT ITEMS**

None.

The meeting closed at 15:02

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE 10 DECEMBER 2020

AMENDMENT SHEET

The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
7	13	P/20/263/FUL

An objector has submitted a representation claiming that an application for 120 houses on land to the east of Danygraig Avenue, Porthcawl was refused on highway grounds.

This is not the case as there was no such application but we did receive a screening opinion request in 2017 under the Environmental Impact Assessment Regulations and the Highway Authority's advice at that time was as follows:

“Given the location of this site, outside of the defined settlement boundary within the Local Development Plan, I recommend that the Development Planning Manager is consulted to determine if the proposal is acceptable in principle before commissioning any Transportation related studies.

Due to the location and the amount of development proposed, I consider that a Transportation Assessment (TA) will need to be provided as part of any outline or detailed planning application submissions.

To ensure that the traffic generated by any development does not have an adverse effect on highway safety or the free flow of traffic, it is envisaged that a number of junctions within Newton and Porthcawl will need to be assessed within the TA. As a general guide the most eastern junction being the A48/A4106 roundabout in Tythegston, and the most western being the M4/A4229 Roundabout in Cornelly and all junctions in-between, especially the Bridgend Road/Manor Grove/Danygraig priority T Junctions. In addition to the above junctions it should be noted that there is no public transport provision along New Road, Porthcawl and as such the junctions along Bridgend Road and New Road should also be included.

The applicant should also be advised to develop an appropriate TA scoping brief with the Highway Authority in order to ensure that an acceptable TA is submitted; with the relevant junctions assessed, acceptable traffic generation figures and traffic distribution rates used, and the correct assessment factors/parameters applied.

It is considered that the development of between 130-180 dwellings will increase pedestrian movements along Danygraig Avenue and Bridgend Road which will lead to an increased risk of conflict between vehicles and pedestrians accessing the local schools and public transport links. The TA must consider the requirements of the Active Travel (Wales) Act 2013 and address this concern, with appropriate highway safety improvements investigated and provided where necessary (such as improved walking and cycling routes, pedestrian crossing facilities, traffic calming measures, gateway features, signage, street lighting, reduced speed limits etc).

In accordance with advice provided by the Welsh Government in PPW, the Councils LDP document, and the DfT's Manual for Streets document, measures to reduce the reliance on the private motor vehicle and improve the sustainability credentials of the site must also be considered.”

Members are advised that at no point did the HA advise that the development would be stopped due to traffic problems as that could not be quantified without the above traffic studies being undertaken and presented for analysis.

JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
10 DECEMBER 2020

This page is intentionally left blank

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

N.B. – Due to the Covid 19 pandemic, physical site visits will not be possible for the foreseeable future and virtual site visits will be provided where it is deemed necessary

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/20/263/FUL

APPLICANT: Taylor Wimpey UK Ltd
c/o LRM Planning, 22 Cathedral Road, Cardiff CF11 9LJ

LOCATION: Land at former St John's School, Newton, Porthcawl CF36 5SJ

PROPOSAL: Demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments, landscaping, public open space, SUDS and associated works

RECEIVED: 2 April 2020

APPLICATION/SITE DESCRIPTION

The application seeks full Planning permission for the demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments (together with a contribution towards off-site affordable housing provision), landscaping, public open space, sustainable drainage systems and associated works at the former St John's School, Newton, Porthcawl.

The application site extends to approximately 2.5 ha and comprises the former St John's School. The site is situated centrally within the village of Newton with the coastal town of Porthcawl located directly to the west of the application site. The site currently comprises a number of vacant buildings and playing fields that were formerly part of St John's School.

The site is located within Newton Conservation Area and has vehicular access off Church Street with pedestrian access from Birch Walk. A Public Right of Way runs along the southern boundary of the site. There are a number of protected trees on the site and the site is surrounded by a number of detached and semi-detached residential dwellings with St Clare's School located to the north of the site.



Fig. 1 - Site Location Plan

Background

The original application for the site (submitted in April 2020) sought full Planning

permission for the demolition of the existing former school buildings and ancillary structures and the construction of 74 residential units (including 13 affordable dwellings), landscaping, open space and associated works.

Significant concerns were raised by the Local Planning Authority (LPA) after consideration of the original scheme and the comments received from the local community. As a result of a number of collaborative and constructive meetings undertaken between the LPA and the developer, a number of significant changes have been proposed with amended plans submitted on 9 November 2020 proposing the following changes:-

Amended Development Proposals

- **Reduced Unit Numbers/Density**
Significant reduction in density from 74 to 57 dwellings now proposed representing a reduction of over 20% compared to the original scheme. The reduction in density, coupled with changes to the house types and inclusion of landscape drainage strips has resulted in the reduction in the number of and the prominence of vehicle parking through the development.
- **Enhanced Gateway Entrance**
A key feature of the revised design is the enhanced entrance which is formed around a block paved shared surface courtyard area and bound by reused stone walling leading to a new central green/public open space.
- **Improved Streetscape**
A shared surface runs through the site connecting the main land parcels with landscaped strips included along the highway edge that seek to soften the built form but also act as sustainable drainage features. In addition there are changes in surfacing materials together with the introduction of street trees.
- **Additional Connectivity**
The green corridor through the site is maintained and improved through the introduction of a new central green/public open space and protected pedestrian link which provides a dedicated pedestrian route through the middle of the site (east to west). Furthermore, additional pedestrian links have been included to assist with pedestrian movement through the site and into the wider footpath network with routes directly overlooked by proposed dwellings to provide natural surveillance.
- **New Rectory**
A new bespoke 'Rectory' house type has been introduced at the site entrance that attempts to reflect the form, design and features of the original school building.
- **New Apartment Building.**
A revised apartment building is now proposed which has been reduced in height and incorporates a simple palette of materials and design features more in keeping with the Conservation Area.
- **Improved Materials & Detailing.**
The materials palette has been amended and refined to provide a simple mix of facing materials which are considered to better reflect the character and appearance of the Conservation Area, including render and recon stone and slate. Roof designs/pitches have been revised with bay windows, simplified cill and header details and chimneys included on key buildings to align with the detailing found within the Conservation Area.

The revised scheme now proposes the demolition of the old school buildings on the site

including the existing Rectory building located to the east of the site and the proposed erection of 57 residential dwellings on the site.

The proposed dwellings will comprise 9 x 3 bedroom houses, 40 x 4 bedroom houses and 8 affordable residential dwellings comprising of 1 bedroom flats. The affordable flatted development will comprise a pair of two storey apartment blocks located at the north-eastern part of the site. The proposed layout will comprise a vehicle entrance from Birch Walk and a centrally positioned tree lined avenue within the site that will be used as a pedestrian/cyclist route through to Church Road.

The tree lined avenue will effectively divide the upper and lower parts of the development with an area of public open space proposed at the entrance to the site. There is also a vehicle entrance proposed off Church Street to serve three dwellings located at the south-western corner of the site. Car parking will be provided through a combination of detached garages and off-street parking spaces. The proposed layout also comprises an enhanced gateway entrance which is formed around a block paved shared surface courtyard area and is bound by reused stone walling leading to a new central green/public open space. The inclusion of a green public open space area links in with the tree lined pedestrian and cyclist route and is overlooked by a number of dwellings on the site. The internal road layout has been amended to include a more inclusive road design with changes in surfacing materials together with the introduction of street trees.

Two additional pedestrian accesses are proposed, one at the southern part of the site with access from the tree lined avenue to the proposed three dwellings off Bryneglwys Avenue and the other to the north of the site in front of the apartment blocks which will link onto Birch Walk.



Fig. 2 - Proposed Revised Site Layout

The proposed dwellings will be two storeys in height, comprising of detached and semi-detached designs with detached garages. There are 9 house types proposed for the private dwellings and these will all be constructed in a mixture of materials such as concrete grey roof tiles, reconstructed stone cladding in silver and white render with bay windows, chimneys, porch canopies, UPVC windows/doors and aluminium up and over garage doors.

House Types Easedale and Gosford comprise a kitchen, dining room, lounge, WC and hallway on the ground floor with three bedrooms (1 en-suite) on the first floor.



Fig. 3 - Example of a Gosford (Stone) House Type

House Types Wortham, Dunham, Trusdale, Midford, Manford and Manford Special will comprise a dining room, kitchen, lounge, hall, utility room with 4 bedrooms, en-suites and bathroom on the first floor and the Ransford has an extra study room with four bedrooms (2 en-suite), bathroom and landing area at first floor.



Fig. 4 - Example of a Manford (Render) and Ransford House Type



Fig. 5 – View of Street Scene

The application also proposes the erection of a pair of two storey apartment buildings located to the north of the site which will comprise 8 x 1 bedroom apartments (4 apartments per block). Each flat will comprise a kitchen, lounge, bedroom and bathroom with two flats located on the ground floor and two flats located on the first floor. Both apartment buildings will include a gable roof design with a single storey, front projecting pitched roof extension providing the entrance to the first floor flats, side elevation windows and will be finished in white render with sash style windows and chimneys with each flat being served by a front entrance door. Both apartment buildings will be slightly elevated due to the existing site levels of the site and will be served by 8 parking spaces and shared amenity space to the rear.



Fig. 6 - Proposed Elevations and Floor Plans of Apartment Buildings

The application also proposes the demolition of the old school buildings located on the site which comprise a number of two storey rendered buildings and portacabin style buildings with particular reference to the large two storey double bayed window building known as the Rectory which is currently located at the existing pedestrian entrance of the site.



Fig. 7 - Photograph of Existing Rectory Building

The proposal comprises the demolition of these buildings and the relocation and replacement of the existing Rectory building. The proposed Rectory building will be placed further forward than its current position within the site and will be located at the entrance to the site. The proposed replacement building is of a similar design to the current Rectory building and will be occupied by a 4 bed detached dwelling.

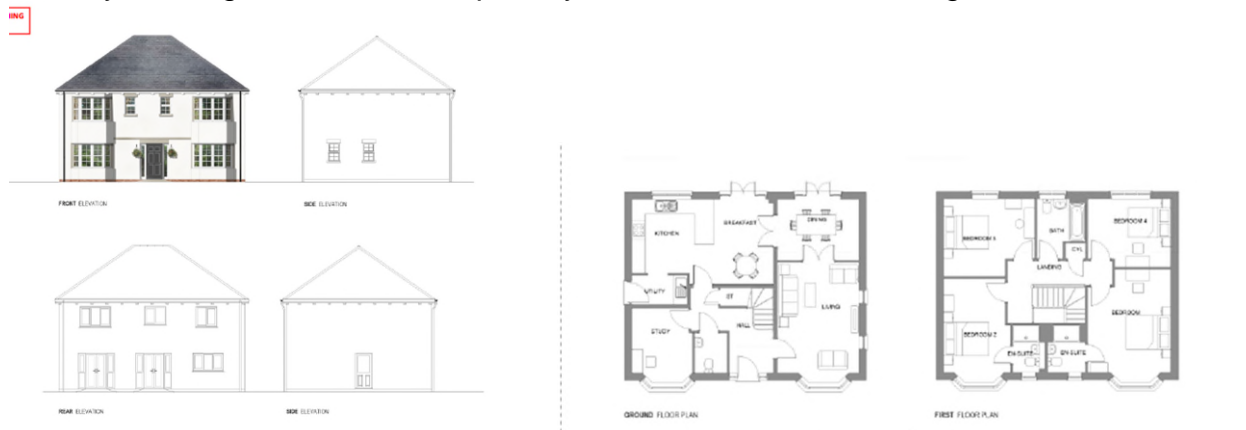


Fig. 8 – Proposed Elevations and Floor Plans of the Replacement Rectory House Type

As the old school buildings are located within Newton Conservation Area, the proposal to demolish them will require Conservation Area Consent (P/20/266/CAC refers).

The proposed scheme will also facilitate the implementation of a comprehensive tree removal and retention programme which will include the removal of poor quality and dangerous trees throughout the site, the retention of a number of the better quality trees within the site and the retention of the trees along the tree lined avenue. The proposed scheme will also include landscaping, planting and ecological mitigation.

The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Heritage Impact Assessment
- Transport Statement
- Ecology Report
- Tree Survey/Tree Constraints Plan/Tree Protection Plan/Tree Retention and Removal Plan
- Archaeology Appraisal
- Site Investigation Report
- Drainage Strategy
- Landscaping Scheme
- Air Quality Assessment
- Noise Report
- Lighting Assessment
- Pre Application Consultation Report

RELEVANT HISTORY

P/97/568/FUL – Increase height of old boundary wall fence and gate
 Approved (with conditions) – 15/07/1997.

PUBLICITY

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity was extended and expired on 28 May 2020. Amended plans were received and a re-consultation was undertaken which expired on 23 November 2020.

CONSULTATION RESPONSES

Cllr Ken Watts (Local Member) – raises concerns regarding the footpath opposite the allotments and what is to be put in place to prevent people parking on the verge and obstructing the entrance to the proposed three dwellings off Church Road and also regarding the parking on the bend of Birch Walk, parking restrictions and traffic calming required to slow vehicles down.

Porthcawl Town Council - advise that there is a footpath linking the driveway from Plot 1 to the main east west footpath across the site but there is not one from Plot 53 to the main footpath, this is highly likely to become a preference route for anyone in Plots 47 to 57- can a footpath be added there?. Bat mitigation strategy to follow Sections 5.44 and 5.45 of the Ecological appraisal report with Planning pre-start conditions to ensure that bat boxes are sited on mature trees within the site prior to demolition of existing buildings. Is it possible for more of the properties to the south of the site to exit the development via Church Road rather than Birch Walk? bearing in mind the fact that Church Street formed the main entrance for the school when it was open.

Transportation Officer (Highways) – No objection subject to a number of conditions and a S106 agreement for a Road Traffic Order.

Land Drainage – No objection subject to two conditions requesting the submission of a comprehensive drainage scheme and infiltration tests prior to works commencing on site. The SAB officer has been involved with the Planning meetings and has provided feedback regarding a sustainable drainage application. The applicant shall submit a sustainable drainage application once the infiltration test results have been completed and once a revised Geotechnical Report has been received supporting the use of partial infiltration at the site.

Head of Public Protection (Noise) – No objection to the revised scheme and amended noise report subject to conditions requesting details of an acoustic fence to be erected along the northern elevation of the site.

Glamorgan Gwent Archaeological Trust (GGAT) – No objection subject to conditions

Welsh Water Developer Services – advise that the proposed development is located within 3m of a public sewer. The developer has indicated that they wish to divert the public sewer and is advised to contact Dwr Cymru Welsh Water to apply to undertake the works.

Designing Out Crime Officer – Supports the proposed scheme.

Destination and Countryside Manager – No objection subject to a condition regarding the findings and recommendations of the submitted Ecological and Tree reports.

REPRESENTATIONS RECEIVED

On submission of the amended plans (received by the Local Planning Authority on 9 November 2020), all neighbouring properties were re-consulted. This provided an extended time-period for further comments to be submitted for consideration by the Local Planning Authority on the proposed changes to the scheme.

Two letters of support for the proposed development were received from neighbouring residents.

A large number of objections have been received from neighbouring residents with regard to the proposed development including responses from Suzy Davies (MS), Dr Jamie Wallis (MP) and the Porthcawl Civic Trust Society. The main issues have been summarised as follows:

- Proposed dwellings are now larger and the significant footprint has not significantly decreased;
- Increased traffic along Birch Walk and Danygraig Avenue;
- Increased traffic problems and congestion at junction of Manor Grove and Bridgend Road especially at school drop off and pick up times;
- Submitted traffic survey is inaccurate and flawed as survey was undertaken on the weekend not showing congestion experiences on Danygraig Avenue during school times;
- Increase in on-street parking due to insufficient parking within the site;
- Reduction in the number of vehicles using this site has not been reduced because the proposed four bed dwellings has increased significantly hence additional vehicles over the reduced three bed dwellings;
- The proposed single site access/exit for all entry and exit points on Birch Walk will again cause heavy traffic concerns in and out of the site both during construction and after construction;
- Impact on ecology/wildlife;
- Increase in pollution as a result of the proposed development;
- Privacy/overlooking/overshadowing/overbearing;
- Loss of light and views;
- Proposed dwellings are unsustainable;
- Concerns over security of properties and location of proposed walkway;
- Noise and disturbance as a result of the development;
- Surface water concerns due to loss of trees and vegetation;
- Land ownership and boundary concerns;
- Effects of proposed buildings on the natural environment;
- Lack of parking;
- Loss of ancient footpath;
- Loss of trees/wildlife/plants;
- No provision of new social facilities;
- Impact on surrounding highways;
- Concerns of flooding and impact on sewerage system and water table;
- No public transport serving the area any longer;
- Non-compliance with government guidance regarding motor vehicle electrification;
- Concerns over timing of submission of application due to the Covid 19 restrictions;
- Loss of outdoor recreation space as stated in BCBC outdoor sport and Children's play space audit;
- Inclusion of a tree for removal located in a neighbour's property;
- Disruption during demolition and construction phase;
- Increase in anti-social behaviour;
- Re-use of site for a more appropriate use such as allotments;
- Concerns over the loss of the existing historic property – should be restored and offered for sale as a main residence;
- Proposal off Church Street will affect the parking for the allotment holders at St John's church site;

- Concerns of traffic and safety along Church Street due to lack of footpath and blind bend;
- Detrimental impact on the existing area and ambience of a quiet residential area;
- Design of proposed dwellings are out of character with the Conservation Area and will set a precedent for other developments in the area;
- Proposal does not seek to preserve or enhance the Conservation Area;
- Decrease in dwellings on this site will be negated by the proposed residential development at Cypress Gardens (P/20/729/OUT refers).

COMMENTS ON REPRESENTATIONS RECEIVED

- The majority of the concerns raised have been addressed within the appraisal section of this report.
- Land ownership, boundary disputes and loss of views are not material Planning considerations.
- The Highway Authority is not aware of any ancient footpath that crosses the application site.
- 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.
- During the Covid-19 pandemic, BCBC Planning Department decided to maintain as normal a service as possible and to continue to process Planning applications. All reasonable steps have been taken to allow people to comment on the application and initially the Local Planning Authority extended the consultation period for people to view the plans and comment on the application. Those people who were unable to view plans were advised to contact the Case Officer directly.
- With regard to the inclusion of a tree for felling being in an adjacent neighbour's garden as a result of the proposed development, further investigation has resulted in an allegation that the tree has been included into the neighbour's land as a result of encroachment. This matter has been referred to the Council's Enforcement Officer for further investigation.
- Planning application P/20/729/OUT was submitted to the Local Planning Authority on the 25 September 2020 for Outline consent with all matters reserved except access for a proposed residential development of 20 dwellings on land to the north and east of Cypress Gardens, Porthcawl. This application is currently being considered by the Local Planning Authority and it is expected to be determined in December 2020.

RELEVANT PLANNING POLICIES

Local Policies

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5– Conservation of the Historic and Built Environment
- Policy SP14 - Infrastructure
- Policy PLA1 – Settlement Hierarchy and Urban Management

- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-use of a Building or Land
- Policy COM4 – Residential Density
- Policy COM5 – Affordable Housing
- Policy COM11 – Provision of Outdoor Recreation Facilities
- Policy ENV6 – Nature Conservation
- Policy ENV8 – Heritage Assets and Regeneration

Supplementary Planning Guidance:

SPG02: Householder Development

SPG07: Trees and Development

SPG13: Affordable Housing

SPG16: Education Facilities' and Residential Development

SPG17: Parking Standards

SPG19: Biodiversity and Development

National Policies

Planning Policy Wales (PPW – Edition 10) November 2018.

The Place Making Charter Wales (2020) – Design Commission for Wales

TAN5: Nature Conservation

TAN10: Tree Preservation Orders

TAN11: Noise

TAN12: Design (2016)

TAN18: Transport

TAN24: Historic Environment

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.

APPRAISAL

The application is referred to Committee to consider the objections raised.

The application seeks full Planning permission for the demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments together with an off-site contribution, landscaping, public open space, SUDS and associated works.

The main issues to consider in the assessment of this application are the principle of development, justification for the loss of the existing Rectory building and impact on the

Newton Conservation Area, impact of proposed design, scale, layout and materials, impact on neighbouring properties, drainage, ecology, noise, air quality, archaeology and highway safety.

Principle of Development

The site is located within the main settlement of Porthcawl as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. The site is also located in the Porthcawl Strategic Regeneration Growth Area (SRGA) as defined by Policy SP1 Regeneration-Led Development which states that development will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of settlements as set out in the settlement hierarchy. The spatial strategy of the LDP seeks to focus development within SRGAs and the settlements detailed in PLA1.

Policy COM3 Residential Re-use of a Building or Land states that 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 policy protects the building or land for an existing or alternative use. With a capacity in excess of 10 dwellings, the proposed site would classify as a windfall site under Policy COM3 capable of making an important contribution to the overall housing supply. The site is not allocated for a specific use and therefore, residential development would be acceptable in principle subject to other LDP Policies.

Policy COM7 Protection of Social and Community Facilities states that all proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

- 1) A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
- 2) In the view of the Local Planning Authority, the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

The school ceased operating in 2014 and has remained vacant since and as such, the proposal complies with criterion 2 of LDP Policy COM7 as the existing facility is not considered to be required for the current use any longer.

It is also important to note that sections of the site are included as playing fields associated with the former school use in the Outdoor Sports & Children's Playing Space Audit 2017. PPW 10 paragraph 4.5.3 states *Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater.*

Notwithstanding the above, TAN 16 Sport, Recreation and Open Space Annex A states *Areas which are privately owned may have amenity value, although access will not be possible without the agreement of the land owner.* The site is privately owned and has not been in use since 2014 and therefore, the playing field and playing area are considered to be inaccessible for public use. As such, the proposed loss of open space is unlikely to have a detrimental impact upon accessible open space in the immediate area. Furthermore, the proposal will provide and incorporate open space within the development scheme which will enable greater public accessibility.

Accordingly, the proposed development is considered to accord with Policy SP1, PLA1, COM3 and COM7 of the Bridgend Local Development Plan (LDP) (2013) subject to compliance with other policies set out in the LDP.

Justification for the loss of the existing and replacement of the Rectory building and impact on the Newton Conservation Area

The site is located within Newton Conservation Area as defined by Policy SP5(2) Conservation Areas and their settings. Policy SP5 states that development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact.

With regard to the proposed demolition of the existing school buildings including the existing Rectory building, this is being considered in detail under a separate Conservation Area Consent submission (P/20/266/CAC refers). Whilst the demolition of the existing school buildings on site is considered acceptable, concerns were raised initially at the loss of the existing Rectory Building.

Since the application was submitted, a fire has caused significant damage to the Rectory building and an updated condition report has been submitted for the purpose of the determination of the application for Conservation Area Consent. The proposal for a replacement “Rectory” House type which reflects the architectural features of the original building albeit in an adjusted location to accommodate a satisfactory access road into the site, creates a landmark building at the proposed entrance gateway.



Fig. 9 – Existing Rectory Building and Proposed Replacement Rectory House Type

This attractive gateway including an area of public open space, enhancement of the public realm and the use of appropriate materials and architectural details on the dwellings facing onto the gateway, has created an attractive focal point on entering the site and is considered to reflect the unique identity and distinctiveness of the area.

The replacement Rectory dwelling as part of an entrance feature to the site, along with the proposed improvements in design of the gateway and the uplifted design quality of the site as a whole, is considered acceptable on balance, justifies the loss of the existing building and will offset the impact caused by the demolition of the original Rectory building and the loss of historic fabric.

Accordingly and in view of the additional information submitted, the retention of the original features of the building and the overall contribution the proposed replacement Rectory building makes to the entrance to the site, the demolition of the existing buildings and Rectory building is considered acceptable as the proposed scheme is considered to preserve and enhance the character and appearance of the Newton Conservation Area which accords with Policy SP2, SP5 and ENV8 of the Bridgend Local Development Plan (2013) and the advice contained in Planning Policy Wales (Edition10, 2018).

With respect to the impact on the setting, character and appearance of Newton Conservation Area, the proposed development site is located to the eastern side of Newton Conservation Area. The Conservation Area was designated in August 1973 and its special character and appearance is described as *introspective groups of buildings contribute to the pleasant visual quality of its winding streets and lanes. Its original form and character and intimate scale have survived and this is perhaps its most attractive aspect. Stone boundary walls, enclosed gardens, some with rocky outcrops, and extensive tree belts to the east and north are intrinsic factors in the creation of the village scene. Buildings are of a variety of styles and materials, the older ones possessing stonewalls and slated roofs*". Particular architectural strengths that contribute to the special character of the area include *the widespread use of stone and white painted render on C19th and C20th buildings throughout the Conservation Area and the consistent use of the local pennant stone on boundary walls creating an integrated quality to the heritage environment*.

The draft Conservation Area appraisal for Newton Conservation Area (2014) states this part of the Conservation Area (character area 4) *has notable heritage qualities based on historic buildings and it will be important that any new development respects the heritage qualities of the buildings and retains the open spaces and protects the belts of trees*. It is considered that the land which forms part of the proposed development site and the former Rectory building make a positive contribution to the Conservation Area despite the subsequent fire damage to the Rectory building and its deterioration and regardless of the site being currently "secluded and inaccessible" which are factors that have been considered significant in the applicant's assessment of the site's contribution to the Conservation Area.

A Local Planning Authority has a statutory duty to give special consideration to the desirability of preserving or enhancing the character or appearance of a Conservation Area and Planning Policy Wales (2018) states *there is a strong presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area or setting to an unacceptable level. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed*.

The Council's Conservation Officer initially raised concerns regarding the proposed scheme which failed to address and reflect the character of the Conservation Area.

Following a number of meetings and discussions with the applicant and agent, the update to the Heritage Impact Assessment (HIA) received on 9 November 2020 reiterates that the Rectory building is "the only part of the remaining school complex that has heritage significance" which is limited to its "aesthetic and evidential values". It is concluded by the applicant that the site overall makes a "small" or "limited" contribution to the character or appearance of the Conservation Area in terms of the Rectory building and the open space. The original HIA also referred to the continued survival of the arrangement of space shown on historic maps and the mature trees that define the edges and sub-divide the internal space. The updated assessment submitted by the applicant concludes that the proposed development of the site will have a significant impact on the Conservation Area but suggests the character *would be left unchanged and therefore should be acceptable*.

As stated above, the proposed changes to the layout and the creation of an attractive gateway including the replacement Rectory building, an area of public space, enhancement of the public realm and the use of appropriate materials and architectural details on the dwellings facing onto the gateway are considered to enhance the character

and appearance of the Conservation Area. In addition, the uplift of materials and inclusion of key features such as chamfered bay windows, chimneys, porches, stone surrounds, hipped roofs, sash windows and the use of pennant stone throughout the entire site also seeks to enhance the existing features of the Conservation Area, making a positive contribution to the area.

The proposed redesign of the apartment blocks with the subsequent reduction in height and improved design features and materials, are also considered to reflect the character of the Conservation Area as well as making a positive visual contribution to the appearance of the site and wider area. The inclusion of high quality hard and soft landscaping and the enhancement of the road alignment to more closely reflect the “winding” nature of the lanes and streets in the Conservation Area closely reflects the special character of the Conservation Area.

Finally, the proposed design and materials of the three dwellings located off Bryneglwys Gardens and which form part of the street scene are also considered to reflect the character and appearance of the Conservation Area. The setback location of the dwellings coupled with the raised bank, landscaping and stone boundary wall are considered to soften the appearance of the dwellings within the Conservation Area hence seeking to protect the existing character and making a positive contribution to the visual appearance of the street scene and area.



Fig. 10 – Proposed dwellings off Bryneglwys Gardens

On balance, it is considered that the amended redevelopment proposals for the site submitted on 9 November 2020 are acceptable in the context of the special character and appearance of the Conservation Area and overall, it is considered that there is a neutral effect. Accordingly, the proposed development is considered acceptable and accords with Policy SP2, SP5 and ENV8 of the Bridgend Local Development Plan (2013) and the advice contained in Planning Policy Wales (Edition 10, 2018).

Design/Scale/Layout and Materials

As stated above, following an assessment of the originally submitted scheme and a review of the local community’s objections, the Local Planning Authority raised a number of concerns with the applicant regarding the proposed scheme.

The applicant was advised that the proposed residential scheme failed to respond to any of the place making principles set out in Planning Policy Wales (Edition 10, 2018) and The Place Making Charter Wales (2020) and therefore, did not represent a sustainable form of development or a desirable place to live. There were also concerns regarding the impact of the proposed scheme on the character and appearance of Newton Conservation Area.

In view of this, a number of meetings and discussions were undertaken with the applicant, their agent and the relevant consultees to address the concerns raised above.

Amended plans were received on 9 November 2020 which presented a revised scheme for the site as a whole and sought to address the issues raised by strengthening the focus and incorporating place making principles into the core of the proposed scheme.

Firstly, the number of dwelling units on the site has been reduced from 74 to 57 which allows more space to be created within the site for the inclusion of more open space and also a reduction in the number of car parking spaces. It is considered that this creates a much better living environment with more amenity space as well as reflecting the existing character and appearance of the Conservation Area. The reduction in units on the site has also resulted in a change in house types with 3 and 4 bedroom dwellings being included on the site as well as an uplift in the materials used and features including chimneys, bay windows and porches. This is not only considered to reflect the existing character of the Conservation Area but also relates to the housing estates located at Birch Walk and Danygraig Avenue which are characterised by detached dwellings with quite spacious gardens. The plans below demonstrate the changes in the revised scheme compared to the original submission with regard to the layout of the site:



A major change and key feature of the scheme is the creation of an enhanced gateway at the entrance to the site off Birch Walk.



Fig. 11 – View of Enhanced Entrance Gateway and POS

As discussed above, the existing Rectory building is to be demolished, re-located and rebuilt with the same character and architectural features to form the entrance to the site. The enhanced entrance is formed around a block paved shared surface courtyard, bound by reused stone walling leading to a new central green/open space. This entrance provides a key focal point and sense of place with key buildings orientated to provide a safe space as well as a communal area to share and enjoy. The re-use of existing stone on the site demonstrates the inclusion of and reference to the Conservation Area as well as the contribution to the overall visual appearance of the site and area.

The inclusion of the central area of public open space which links up to the tree line avenue which is the key active travel route through the site for pedestrians and cyclists, provides an important green area and space that serves both the upper and lower part of the site. This accessible area allows community events to take place as well as an open space for children to play and is vital to the health and well-being of the occupiers of the site. It is also worth noting that this area will include a focal point of public art that will resemble the previous use of the site as a school.



Fig. 12 – View of POS and link with tree lined avenue

The overall connectivity and active travel routes through the site have been improved with the retention of the pedestrian/cyclist tree lined avenue corridor connecting Birch Walk and Church Street, as well as the inclusion of two new pedestrian access points through the site, one at the southern part of the site with access from the tree lined avenue to the proposed three dwellings off Bryneglwys Avenue and one at the northern part of the site located in front of the apartment buildings and emerging out on to the top part of Birch Walk. This creates better permeability through the site and integration with the wider community as well as seeking to encourage people to walk than use the private motor vehicle.



Figure 46: Shared Surface - Section, adding Green Infrastructure at a local level

Fig. 13 – Example of Shared surface and inclusion of street trees

A further positive change to the scheme is the introduction of a shared surface that runs

through the site connecting the main land parcels with landscaped strips included along the highway verge, which soften the appearance of the scheme. The road alignment has also been altered on the northern section of the site to include a bend which improves the visual appearance as well as reflects the existing form within the Conservation Area. The change in surface materials and introduction of street trees will also help to slow traffic and create a more attractive pedestrian environment.

The overall palette of materials and finishes to the proposed dwellings has been revised, simplified and improved to reflect the character and appearance of the Conservation Area. The proposed dwellings will now be finished in a white render or bradstone sliver grey stone with a concrete Redland slate in charcoal and blue as all red brick has been removed from the site (albeit retained to be used as plinths) as this is not a material that is found within the existing Conservation Area. The overall quality of the dwellings has also been improved with the inclusion of features such as bay windows, chimneys and porches which again reflect the existing Conservation Area.



- Windows generally set within stone openings;
- Reconstituted stone cill; and
- Reconstituted stone lintel feature.

Fig. 14 – Examples of materials of proposed dwellings

The final amendment relates to the design of the proposed apartment blocks which are to include the affordable housing element of the site. The apartment blocks are located in the north eastern corner of the site and are slightly elevated. Originally the submission proposed 12 flats enclosed in a three storey building. Following further assessment, it was noted that there was no justification for a three storey building on this site as there was clearly no evidence of this type of building within the Conservation Area or surrounding area. In view of this and following very detailed discussion with the Conservation Officer, a revised two storey building with a gable roof design was submitted with a reduction to 8 flats, which is considered to be more in keeping with the character and appearance of the Conservation Area. The internal layout was also re-configured to allow for habitable rooms to face south and away from the MUGA located to the rear as well as a parking area for 8 spaces and a shared amenity area.



Original Design for Apartments

Revised Design for Apartments

The housing apartment blocks have also been reduced in scale and slightly reconfigured

externally and internally to maximise outdoor amenity space and improve natural daylight. This has been achieved through the increase in window opening sizes and the reconfiguration internally to create a more attractive living space. These amendments, along with improvements in hard and soft landscaping are considered to create a visual interest more closely reflecting the special character of the Conservation Area.

In view of the above changes, it is now considered that the revised residential housing scheme has been designed with place making principles as set out in PPW (Edition 10, 2018) at the centre of the scheme and also seeks to adhere to the six place making principles outlined in the Place Making Charter for Wales. The inclusion of the changes seeks to integrate the scheme into the local community and improve movement through the site as well as connect the Newton Conservation Area with Birch Walk and Danygraig Avenue, thus reducing the need to travel as well as promoting a healthy lifestyle by creating a pleasant environment and encouraging active travel. It is also considered that the proposed development now creates a defined, inclusive, welcoming, safe and distinct identity that relates both to the Conservation Area and the wider residential area. The proposal possesses distinctive qualities and values of the Conservation Area and surrounding area as well as respecting the heritage and culture of this unique site. The retention of the natural physical attributes of the site coupled with the proposal for more enhanced landscaping is considered to successfully and positively integrate the proposed scheme with the surrounding area. Overall, the proposed development is considered acceptable and accords with Policy SP2, SP5(2) and ENV8 of the BLDP(2013) and the advice contained in Planning Policy Wales (Edition 10, 2018).

Impact on neighbouring amenities

The application site is located within a predominantly residential area and is surrounded by a number of existing properties. A number of local objections have been received regarding the loss of privacy, security, overbearing and noise.

With regard to the impact of the development on the existing neighbouring residents of Birch Walk with particular reference to 29-41 and 18-19 Laburnum Drive, it is considered there would be no significant overlooking or privacy issues due to the separation of over 30m by the main highway from the site. It is also considered that due to the design of the apartment block, the topography of the site and proposed landscaping along the boundary of the site, there will be no adverse impact on the occupiers of these properties as a result of the proposed development.

With regard to the neighbouring properties located at 8, 10 and 12 Birch Walk, these properties will back directly onto an area designated as open space within the site however, it is not considered this will impact on the existing security these properties currently benefit from as the existing boundary treatment will remain in place and it will be an active residential housing estate with occupied properties located around and overlooking the area in question. The proposed dwellings are also not considered to have an impact on the light received or privacy these properties currently enjoy due to the 21m separation distance between habitable rooms which accords with the Council's Supplementary Planning Guidance SPG02: Householder Development.

It is also considered that the security of the pedestrian and cyclist route through the tree lined avenue will be improved with the design and orientation of Plots 53-56 which will overlook the tree lined avenue providing light and surveillance at all times.

With regard to the impact of Plot 53 on the property known as Hafod, the existing property is a single storey bungalow and is located approximately 10.25m away from the side elevation of the Plot 53 and whilst the proposed dwelling may have some impact on the property due to the current open nature of the site, the proposed dwelling is not

considered to have an unacceptable overbearing impact on the existing property. Furthermore, there are no windows proposed in the side elevation of this property so there will be no loss of privacy or overlooking as a result of siting of the proposed dwelling. It is noted however, that the rear garden area of Hafod is located within close proximity to the proposed parking area and driveway of Plot 53 and in order to protect the privacy of the neighbouring property, it is considered necessary to attach a condition requesting a form of boundary treatment to be erected along this boundary.

With regard to the issue of increase in noise as a result of the development, it is worth noting that the previous use of the site was as a school and the neighbouring properties have enjoyed the peace and quiet of this site since this use ceased in 2014. Furthermore, whilst the use of the site as a residential housing estate for 57 dwellings as opposed to a school may generate more noise, it is not considered to be so significant to have an adverse and significantly detrimental impact on the neighbouring properties especially due to the relatively secluded nature of the site.

Accordingly it is considered that the proposed development will not result in a significant adverse impact on the residents of Birch Walk, Bryneglwys Gardens and in particular the residential property known as Hafod, Church Street in terms of privacy, overbearing, noise or security and therefore, the development accords with Policy SP2 (12) of the Bridgend Local Development Plan (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access/Parking/Highway Safety

The Transportation Officer has assessed the submitted information and has noted that the proposal has been supported by a Transportation Assessment (TA) which has been amended each time to reflect the reduction in unit numbers from the original proposal. The TA concludes that the development would not generate additional vehicle movements on the local highway network to the detriment of the free flow of traffic or highway and pedestrian safety. It also indicates that the volume of development traffic generated in the peak hours is not considered to be a material intensification of existing traffic levels on Danygraig, Manor Grove or Bridgend Road.

In order to validate the TA conclusions, the Highway Authority analysed and audited the data and capacity analysis of the TA. In addition, the Highway Authority undertook basic traffic counts of its own in order to 'sense check' the previous traffic counts used in the TA. A number of points of concern were highlighted to the applicant's Transport Consultants and these were worked through and remedied. The points mainly consisted of the capacity of the junctions, active travel provision and public transport provision. It is noted that there are a number of objections raised relating to the TA and in particular the dates on which the traffic surveys were undertaken. The Highway Authority confirms that junction count traffic surveys were undertaken on Thursday 11 April 2019 and Tuesday 10 March 2020. These days and dates are considered acceptable and within traffic neutral months.

The Highway Authority is also aware that the March 2020 surveys were undertaken some 10 days before the UK was placed into a nationwide lockdown due to the Covid-19 pandemic however, comparisons with other surveys around the County Borough at that time show that the traffic levels were not affected by the impending lockdown and remained at normal levels. Notwithstanding this and as detailed above, the Highway Authority undertook manual traffic counts on 12 November 2020 to provide a sense check against the applicant's traffic counts. The applicant's traffic count for vehicles turning into Manor Grove from Bridgend Road in the AM peak hour was 218 vehicles and the Highway Authority's own count was 167 vehicles. For the same junction in the PM peak the applicant's traffic count was 210 vehicles and the Highway Authority's count was 170

vehicles. It is noted that the Highway Authority's traffic counts are slightly lower however, this is to be expected given the number of people now working from home but it does show that the applicant's data is comparable and is considered acceptable.

It is noted from the objections that the confusion with the traffic survey dates lies in the dates that the Automatic Traffic Counters (ATC) were deployed on Birch Walk which is a different data set collection from the junction counts detailed above. The ATC's were deployed for a whole week from Sunday 17 March 2019 through to Saturday 23 March 2019 (inclusive). The ATCs allowed the applicant's Transport Consultants to determine the 85th percentile speed of vehicles travelling along Birch Walk. The results show that vehicles travelling northbound are on average traveling at 27.6mph northbound and southbound vehicles are travelling at 25.7mph. These speeds equate to a 39m Stopping Sight Distance north (SSD) and 35m SSD south being required at the proposed new entrance to the site. These SSD's can be achieved within land under the applicant's control and are shown on a plan within the TA.

In addition to the above, the applicant's Transport Assessment has provided junction capacity analysis to determine the number of vehicles which can use the junctions (Birch Walk/Danygraig, Danygraig/Manor Grove and Manor Grove/Bridgend Road) affected by the proposed development. This analysis is undertaken by a computer modelling program Junctions 9, formally known as PICADY. The analysis shows that there is significant capacity available in all junctions to accommodate existing base flows and future traffic flows including those vehicles generated by this proposal. As can be seen from the above, the Transport Assessment (TA) is considered to be robust in its methodology and findings.

Notwithstanding the above, it should be noted that the Junctions 9 computer modelling programme is unable to consider and analyse the effects of inappropriate parking and other driver related issues which are often the cause of congestion at junctions. It was noted during the traffic counts by the Highway Authority that the Danygraig/Manor Grove/Bridgend Road junction suffers from indiscriminate parking at the school drop-off and pick-up times and this is also confirmed on Page 10 of the Transport Assessment. To address the above concerns detailed in the Transport Assessment and of the Highway Authority, the applicant will be required to enter into a Section 106 Agreement to fund a Traffic Regulation Order to implement parking restrictions in the form of no waiting and no parking double yellow lines around the junction of Bridgend Road, Manor Grove and Danygraig. This will ensure that indiscriminate parking associated with the school drop-off does not affect the operation of those junctions and those junctions can accommodate the development traffic. In addition, the Traffic Order is considered to assist in the through flow of traffic on the above junctions and is fundamental to the acceptability of this application to reduce the impact of the additional traffic on the local air quality.

It is noted that there are concerns and objections raised with regards to potential future indiscriminate parking associated with the development. The areas of concern are Birch Walk in close proximity to the site entrance and also on Church Street opposite the allotment gardens. As detailed above and to ensure parked vehicles associated with the development do not affect the free flow of traffic on those roads, the applicant will also be required to fund a Traffic Regulation Order to restrict parking on Church Street adjacent to the allotments and also on Birch Walk along the development site's western site frontage, the details of which are to be agreed with the Highway Authority's traffic management section.

The developer will be required to enter into a Section 106 Agreement to fund a financial contribution of £8,000.00 for Traffic Regulation Orders – Parking Restrictions and a 20mph Traffic Order for the internal estate roads of the development to cover the cost of publication of the Orders. The S106 Agreement will be agreed and signed prior to the

granting of any consent.

The proposal provides a quantum of off-street parking which meets the Council's adopted parking standards, SPG17, for new residential dwellings however, it should be noted that the parking standards are maximum standards and lower numbers of parking spaces can be acceptable in certain circumstances. As stated in Planning Policy Wales (PPW) Edition 10 *parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places and local authorities should ensure that new developments provide lower levels of parking than have generally achieved in the past.* In addition, the applicant has provided evidence from the 2011 census data that car ownership in Bridgend County is of a rate which indicates that the proposed number of off-street parking spaces proposed will on average accommodate car ownership for this development. There is no evidence that an increase in bedroom numbers above 3 bedrooms increases car ownership or additional vehicular trips however, any overspill of vehicle parking will remain within the proposed development due to the parking restrictions that will be implemented on Birch Walk and Church Street to ensure that the existing highway network is not affected by parking emanating from this proposal.

Notwithstanding the above, it is noted that the Transport Assessment indicates that proposed visitor parking spaces can be accommodated on-street without providing any evidence on the layout plan. Therefore, to ensure that visitors parking is accommodated within the development a condition is requested for a scheme of indicative visitor parking spaces to be detailed on a plan to be submitted to and agreed by the Local Planning Authority. In order to achieve the lower levels of parking and meet the aims of Welsh Government legislation, the proposed development must prioritise walking and cycling and construct infrastructure accordingly. This will enable future residents to make a modal shift to more sustainable modes of transport for shorter journeys. It is noted that traffic free walking and cycling infrastructure has been provided from east to west within the site which has been designed to promote walking and cycling as detailed above. To further improve the connections it is considered that the private drive of 5 houses adjacent to the public open space would benefit from connecting to the main tree lined active travel shared use route that runs from east to west within the site and to deliver this enhancement a Planning condition is requested.

There is concern that the shared use road, from north to south, does not provide adequate protection for the visual and hearing impaired. Whilst the use of street trees within the shared surface to some extent delineates the carriageway from the pedestrian refuge area, there lacks the physical features for visually impaired to tap against and find an area in which to step aside from oncoming vehicles - the sporadic use of trees may further exacerbate the issue. It is agreed that a shared use surface promotes lower vehicle speeds and adds to the sense of place however, a development must be accessible by all and create a safe space for all users to be able to navigate.

Therefore, to address the above concerns, a condition for a scheme detailing a segregated pedestrian footway to be provided on the eastern side of the main access road to the north and south of the access is required. This will provide a raised area for visually impaired to understand which section of the road is safe for pedestrians and in addition, it will provide an area for the many services that are required such as power, water and telecoms and will also accommodate street lighting which has not been shown on any plans submitted with the application. To ensure that the benefits of a shared surface remain, a condition for a scheme of surface treatment for all internal roads should be submitted to further solidify the shared surface environment and avoid the use of tarmac surfacing usually associated with vehicle dominant roads.

External to the site the applicant has suggested a number of enhancements within the

Transport Assessment to promote walking and cycling to connect with local services and Porthcawl Town however, the suggested enhancements have not been detailed on the most recently submitted plans. In addition, it is considered that the existing footway along Birch Walk which terminates approximately 15m north of the proposed access to the site should be continued to meet the recommencement of that path further north. It is therefore considered necessary to attach a condition to secure the additional footway and to ensure the enhancements are provided before beneficial use of the site commences.

To meet the aims of the Active Travel Act and Wellbeing of Future Generations Act, the applicant has provided dedicated cycle parking for the block of flats and has suggested that 24 of the dwellings has a garage in which a cycle can be stored however, this leaves the remaining 25 dwellings without any suitable cycle storage to encourage cycling for shorter journeys and meet the transport hierarchy of TAN18. Whilst Bridgend CBC's parking standards have limited detail on cycle parking for new residential dwellings, the Active Travel Act design guide has superseded the parking standards in this respect. As such the design guide requires dedicated cycle parking for all dwellings and therefore in order to overcome the concern that 25 dwellings do not have cycle parking a Planning condition will be included for the provision of a storage sheds or similar in the gardens of the 25 houses without garages to ensure this proposal meets current legislation.

To further increase the sustainability credentials of the site and meet the requirements of PPW10, the installation of Electric Vehicle charging points will be required for each dwelling. It is clearly understood that EV charging point types and specifications vary between vehicle manufacturer and vehicle models, therefore a condition is required for an electrical connection point to be made available on all dwellings (except the flats) that is capable of being converted into a manufacturer specific charging point by future residents.

To protect the residential amenity of the existing residents and protect the free flow of traffic on the surrounding highway network the applicant will be required to provide a Construction Traffic Management Plan (CTMP) which will seek to restrict vehicle movements during peak periods and avoid heavy goods vehicles during school drop-off and collection times and outline the routes and access points that will be used during construction.

Accordingly, the proposed development is considered acceptable in highway safety terms and accords with Policy SP2, SP3 and PLA11 of the BLDP(2013), the Council's Supplementary Planning Guidance SPG17: Parking Standards and the advice contained in Planning Policy Wales (Edition 10, 2018).

Drainage

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

The application form states surface water will be disposed of via SUDs. A surface water drainage layout has been provided. Soakaways must be designed in accordance with BRE-Digest 365 and a minimum of three infiltration tests for each trial hole must be provided. Soakaways must not be situated within 5m of buildings or boundaries. The applicant will be required to provide an agreement in principle from DCWW for surface water disposal to the public sewer.

The Design & Access Statement states:

Rain gardens, swales, and water attenuation areas forming an integrated SuDS strategy.

Surface water soakaways will be required on-site, as no watercourses are available to discharge into. The proposal consists of numerous gravity fed sewer systems which will collect the generated surface water flows from roofs, drives, highways and other hardstanding areas and dispose of this via rain gardens and other SuDS features. The rain gardens will encourage water to permeate near the surface allowing it to spread over a wide area, replacing the need for a single large basin. These drainage systems reduce the hydraulic and hydrological impact on the local area and downstream catchments. Using green spaces, the surface water strategy can be effectively implemented without negatively affecting the primary function of the development. For periods when the volume of water exceeds the infiltration capacity, the rain garden sub base has been designed to ensure containment for the 1:100-year storm event plus climatic changes. An additional overflow pipe will connect with the sewer system as a failsafe to prevent flooding on site.

The Geotechnical & Geoenvironmental Site Investigation Report prepared by the geotechnical contractor raises a number of concerns regarding infiltration proposals at the site. No soakaway tests have been undertaken in any areas associated with the proposed rain gardens utilised for infiltration.

Following the initial consultation, the applicant has taken on board the previous comments made by the land drainage team. The surface water scheme now incorporates a connection to the existing DCWW surface water sewer. The discharge rate to this sewer is 15l/s as agreed with DCWW. The highway drains to the sewer via rain gardens and surface water from residential properties will be disposed via infiltration. Additional infiltration tests are due to be undertaken by the applicant. A revised geotechnical report shall be provided including the revised infiltration test results and suitable note supporting infiltration with the underlying limestone bedrock. Hydraulic calculations have been provided however it is unclear which area these relate to as no manhole schedule has been provided. A revised hydraulic calculation with supporting plan will be required to be provided for the site wide drainage network to confirm the site does not flood during the 1 in 100yr + 30% CC event.

The proposed development consists of 57 dwellings and therefore a SAB application is required. The SAB officer has been involved with the Planning meetings and has provided feedback from a sustainable drainage perspective. The applicant is required to submit a sustainable drainage application once the infiltration test results have been completed and once a revised Geotechnical Report has been received supporting the use of partial infiltration at the site.

Accordingly, the proposed development is considered acceptable and accords with Policy SP2(13) of the BLDP(2013) subject to conditions and the submission and formal agreement of the SAB application.

Protected Trees and Landscaping

A number of trees will be removed to facilitate the development however, the tree loss in relation to the development primarily focuses on the clearance of low quality trees inside the site mainly to create the site access and internal roads as well as to create space to install Plots 14-16. The existing robust tree belts on all boundaries of the site as well as internally are retained thus minimising any wider landscape impacts. Extensive new tree planting within the site is proposed thus mitigating any tree loss and contributing to the visual enhancement of the Newton Conservation Area and wider area. Appropriate tree protection fencing will be put in place to protect the retained trees on the site during the construction phase which is set out in the submitted information and will be secured by condition.

The application has been accompanied by a tree report prepared by Treescene as well as a tree removal plan and tree protection plan.



Fig. 15 – Tree Retention/Removal Plan

The Council's Ecologist has assessed the submitted information and has raised no objection subject to conditioning of the report's findings and recommendations. The applicant has also confirmed that the tree survey has been made available to their ecologist and that all trees on site were subject to an assessment for their bat roosting and nesting bird potential as part of baseline investigations.

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

Other Matters

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 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); and, (e) the adaptability of ecosystems.

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

The three tests that must be satisfied are:

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

An ecological appraisal of the site has been prepared by EDP Ltd and has been assessed by the Council's Ecologist.

The Council's Ecologist has assessed the submitted information and notes the reference to demolition works being subject to a Natural Resources Wales derogation licence as the existing site provides bat day roost opportunities. The Ecologist has requested that the applicant supplies the Local Planning Authority with the related methodology once approved.

The accompanying ecological appraisal makes reference to a master plan that will include an ecological strategy that will provide the ecological mitigation concerning this scheme. A summary of this ecology strategy is included in the ecological appraisal which is considered acceptable. The accompanying documents also include an arboricultural impact assessment and method statement which is considered acceptable and recommended to be included within the conditions of approval.

In view of above, the Council's Ecologist has raised no objection to the development subject to the works being carried out in accordance with the submitted information. Overall, 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.

Public Open Space

With regards to Public Open Space provision, Policy COM11 Provision of Outdoor Recreation Facilities requires provision of 2.4ha per 1,000 people. BCBC have advised the applicant through the course of pre-application discussions that the amount of open space provided on site should be maximised given the current physical characteristics of the site. As such, the applicant proposes to retain and provide a total of 0.49ha of open space within the residential layout of the site for use by the local community in the form of an open/recreational space at the entrance to the site which links to the tree lined avenue. This meets the requirement of 0.47ha calculated in accordance with BCBC's draft Open Space SPG. It is also noted that the applicant has proactively engaged with the Town

Council to discuss improvements that could be made to the local children's play area by way of a financial contribution. The indicative cost of equipping a LEAP standard facility is given as £75,450 in the draft SPG and this should be secured by means of a Planning obligation. BCBC will liaise with the Town Council and local Members to determine how this should be spent.

Noise and Lighting

Initially concerns were raised by the Council's Noise Officer regarding the impact of the MUGA court noise on the potential occupiers of the application site located to the north of the development and the impact of the construction noise on the existing neighbouring residential amenities.

In this respect the Council's Noise Officer advised that with respect to the barrier height the consultant has submitted details on how the attenuation was calculated however, it is noted from the information supplied that the consultant has based the attenuation on a 2.2m barrier whilst it states 2m in the report. In addition, they have calculated the attenuation on a receiver height of 1.0m but this height is even too low for an adult sitting down on a chair. Furthermore, as the height of the fence surrounding the MUGA is 5m, there will be some noise from balls rebounding off the fence when it hits the metal fencing (something that is noted in the noise report) however, as the source height is calculated as being 1.5m it should be assumed that the ball is likely to at least hit half way up that fencing as a minimum and they have only calculated the noise source at 1.5m. Furthermore, there are basketball/netball hoops with back boards so it should be assumed that the balls will be hitting the boards at that height. Therefore, the Noise Officer believes the noise report has underestimated the noise levels at the proposed barrier height of 2m. The Noise Officer has therefore requested that the consultant determines what barrier height is required to achieve the necessary attenuation level based on the correct source, receiver and barrier heights rather than the 2m barrier which is proposed at the moment. The noise levels should be predicted at the closest residential receptor and allow for any appropriate distance attenuation. The noise report also seems to indicate that the noise levels at the façade will be higher than those at the measurement point at the bottom of the garden. Whilst 3dB is added for a façade correction, the noise levels would not be the same at the bottom of the garden compared with where the façade would be. The amended report should also specify the location of the barrier that can be referred to and the minimum mass that is required for the barrier.

In view of the above concerns, an amended noise report was submitted on 9 July 2020 and the Council's Public Protection Noise Officer was reconsulted. Following a further assessment of the amended noise report, it is advised that as a result of the height of the barrier being increased to 2.6m and further information being provided, the previous concerns raised have been addressed. The barrier can be a close boarded fence as detailed in Section 5.2.2 of the acoustic report or equivalent with a mass density of at least 10kg per m², forming a contiguous line with no gaps. Therefore, subject to conditions, the proposal is considered acceptable and accords with Policy SP2(8) of the BLDP(2013).

With respect to construction noise Section 4.5.7 of the report advises *the distance of the noise sensitive receptor to the Proposed Development, as detailed in Table 3, will vary depending on the phase of the Proposed Development under construction. Given the potentially small distances between the construction activities and residential dwellings, noise levels at the receptors may occur above those detailed in Table 11. The noise generated by the earthworks and construction phases of the Proposed Development may therefore exceed Category A in BS5228 at the existing sensitive receptors located in the immediate vicinity of the construction phases of the proposed development* however, there are no predicted levels to determine how loud this will be at the development phase.

The report states *it is possible that vibration due to the operation of various construction plant, and in particular a vibratory roller, may be above the threshold of complaint... It is possible that residential properties would therefore potentially experience some adverse impact. However, these would be transient only and for very limited periods during the works, i.e. when activities take place at the Proposed Development boundaries and goes on to suggest Once the precise building locations, ground conditions for each location and type(s) of piling are confirmed, vibration levels could be estimated and recommendations for control made as appropriate and as the construction programme and methodologies become more defined it is suggested that earthworks and construction vibration be reconsidered and that a detailed strategy for control be implemented.* It will therefore be necessary to include a condition for a Construction Management Plan to be submitted prior to any works being undertaken which adequately predicts both construction noise levels and vibration levels and proposes necessary mitigation works prior to the development in accordance with Policy SP2(8) of the BLDP(2013).

Air Quality

The Council's Air Quality Officer has assessed the submitted Air Quality Assessment Report and advises that for the construction phase of the proposed development, as depicted by Table 7, a medium-high risk has been identified with respect to dust soiling & negligible-low risk with respect to human health. With regards to the element of risk associated with the construction phase of the development, it is considered necessary to attach a condition requesting a suitable Construction Method Statement and Management Plan outlining a detailed Dust Management Plan with appropriate measures be submitted and approved by the Local Planning Authority (LPA) prior to the development proceeding to accord with Policy SP2(8) of the BLDP(2013).

Archaeological Mitigation

Glamorgan Gwent Archaeological Trust has identified that the site has an archaeological restraint. There have been several archaeological reports on the proposal including desk-based assessments by Archaeology Wales (Report no. 1783, dated April 2019) and EDP (Report no. edp5078_r006). Dan-y-Graig Roman Villa, a Scheduled Monument, is located to the north of the proposal and it is likely that the site is located within the associated agricultural land. Clevis House, first mentioned in 1543, is located immediately to the west of the application and St John's Church is to the south west, which was extant by c.1200 and may have been a pre-Norman foundation. It is likely early settlement extending to the south would have been lost to encroaching sand in the 13th and 14th centuries before being reclaimed in the 19th century.

The Rectory was constructed between 1912 and 1913 for Reverend Holmes-Morgan and formed the base for St Johns School which was first established in 1923. The previous construction activities are likely to have had an adverse effect on any below ground archaeological features or structures in the vicinity but there remains the potential to encounter archaeologically significant remains during the course of the proposed development.

As noted in the archaeological assessments such a general archaeological potential is not likely to be adequately addressed by a pre-determination evaluation. Accordingly, it is recommended that a condition is imposed upon any consent granted to require a written scheme of investigation for a programme of archaeological work to be submitted to the Local Planning Authority prior to the commencement of development and on this basis, the Glamorgan-Gwent Archaeological Trust considers that the application is acceptable from an archaeological perspective.

S106 Requirements

Turning to the Planning obligation requirements, the following observations concern the

need for the applicant to enter into a Section 106 Agreement in conformity with LDP Policy SP14:

The size of the site triggers Policy COM5 Affordable Housing which sets a target of 30% for the Porthcawl market area. A scheme of 57 dwellings would therefore need to provide 17 dwellings to achieve compliance with COM5. During the course of extensive pre-application and post submission discussions, the developer has agreed to the provision of 8 x 1-bed social rented apartments to be constructed on-site and transferred to a RSL. A financial contribution will be required in-lieu of the remaining nine affordable dwellings which will be of equivalent value to the provision of 4 social rented and 5 intermediate dwellings on site. This reflects the housing need of the area and has been reached in agreement with BCBC's Housing Strategy team. The off-site contribution will be calculated in accordance with SPG13 Affordable Housing as it will be subject to adjustment in line with market prices at the time of construction. The level of affordable housing proposed is compliant with the LDP.

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on educational facilities within the catchment area. The site is located within the catchment of Newton Primary and Porthcawl Comprehensive Schools. The Education and Family Support Directorate has confirmed that sufficient capacity currently exists in both schools to accommodate the likely number of children generated by the proposed development. Therefore, a contribution to Education provision is not required at this time.

With regards to Public Open Space provision, this matter has been addressed in the report above and therefore the applicant will provide a financial contribution of £75,450 to improve provision off-site to the local children's play area to improve the existing LEAP facility.

Finally, given the status of the site within the context of the Conservation Area designation and to ensure the scheme achieves a standard of design befitting of its setting, it is considered that a public art feature based on and having relevance to the former use of the application site as a school should be secured. It is considered that this should ideally be located at a focal point within the proposal and should be integrated into the central area of open space. In order to secure this through the Planning process, an obligation will be included within the S106 requiring the submission of a Public Art Strategy/Plan. This will require details to be agreed with BCBC of:

- a costed scheme for the provision of public art, including detailed drawings;
- a schedule for implementation;
- a description of commission or selection process;
- evidence of consultation with local residents and Members; and
- details of future care and maintenance of the art work/s.

The applicant has confirmed that they will enter into a S106 agreement to secure the relevant obligations.

CONCLUSION

The application is recommended for approval because the development complies with Council policy and guidelines as sufficient justification has been submitted for the loss of the existing Rectory building and the proposed scheme does not have a significantly adverse effect on the character and appearance of the Newton Conservation Area, surrounding residential area or on the amenities of existing residential properties. All material considerations have been addressed and Officers have fully considered and responded to the concerns of local residents. Whilst it is inevitable that new development

will have some impact on existing residents, it is considered that the impact will not be unacceptable in Planning terms particularly having regard to the mitigation measures proposed. In addition, it is considered that the development will not have an adverse effect on the biodiversity of the site, drainage, noise, archaeology or highway safety in and around the site.

RECOMMENDATION

(R34)

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

- i. Provide 8 affordable housing units on site and an off-site contribution for 9 affordable housing units which will be of equivalent value to the provision of 4 Social Rented and 5 Intermediate dwellings on site. The off-site contribution will be calculated in accordance with SPG13 Affordable Housing as it will be subject to adjustment in line with market prices at the time of construction.
- ii. Provide a financial contribution of £75,450 to improve provision off-site to the local children's play area to improve the existing LEAP facility.
- iii. Provide a financial contribution of £8,000 to fund a Road Traffic Order to designate the development site as a 20mph zone.
- iv. Provide a Public Art Strategy/Plan to be agreed by BCBC to include details of:
 - a costed scheme for the provision of public art, including detailed drawings;
 - a schedule for implementation;
 - a description of commission or selection process;
 - evidence of consultation with local residents and Members; and
 - details of future care and maintenance of the art work/s.

(B) The Corporate Director Communities be given delegated 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 shall be carried out in accordance with the following approved plans and documents:

Site Location Plan

Site Investigation Report prepared by Terra Firma - March 2019,

Lighting Impact Assessment prepared by Hydrock - February 2020,

Topographical Survey prepared by Think Urban

Archaeological Appraisal prepared by EDP

Tree Survey prepared by Treescene

Air Quality Assessment prepared by Air Quality Consultants - June 2019

Pre-Application Consultation Report prepared by LRM Planning Ltd - received 2 April 2020;

Site Layout Plan - edp5078_d005-AF - received 9 November 2020

Site Layout Plan (Colour) - edp5078_d024-K - received 9 November 2020

External Materials Plan - edp5078_d022-M - received 9 November 2020

Boundary Enclosures Plan - edp5078_d023-H - received 9 November 2020

External Finishes Plan - edp5078_d057-B - received 9 November 2020

Street Elevations/Sections- edp5078_d041-B - received 9 November 2020

House Type Plans & Elevations:

Midford (Stone) - edp5078_d025-D - received 9 November 2020

Midford (Render) - edp5078_d026-C - received 9 November 2020

Ransford (Stone) - edp5078_d010-A - received 9 November 2020
 Easedale (Render) - edp5078_d029-C - received 9 November 2020
 Gosford (Stone) - edp5078_d030-B - received 9 November 2020
 Gosford (Render) - edp5078_d031-C - received 9 November 2020
 Mansford (Stone) - edp5078_d032-E - received 9 November 2020
 Mansford (Render) - edp5078_d033-D - received 9 November 2020
 Mansford (Render Special) - edp5078_d050-B - received 9 November 2020
 Rectory - edp5078_d049-C - received 9 November 2020
 Trusdale (Stone) - edp5078_d052 - received 9 November 2020
 Dunham (Stone) - edp5078_d053 - received 9 November 2020
 Dunham (Render) - edp5078_d054-A - received 9 November 2020
 Wortham (Stone) - edp5078_d055 - received 9 November 2020
 Wortham (Render) - edp5078_d056-A - received 9 November 2020
 Double Garage - edp5078_d039-C - received 9 November 2020
 Single Garage- edp5078_d040-C - received 9 November 2020
 Soft Landscaping Plans Sheet 1 - Edp5078_d042e - received 9 November 2020
 Soft Landscaping Plans Sheet 2 - Edp5078_d042e - received 9 November 2020
 Soft Landscaping Plans Sheet 3 - Edp5078_d042e - received 9 November 2020
 Soft Landscaping Plans Sheet 4 - Edp5078_d042e - received 9 November 2020
 Drainage Strategy - 190902_TWC_D_001 B - received 9 November 2020
 General Arrangement (1 of 2) - 190902_TWC_GA_001 B - received 9 November 2020
 General Arrangement (2 of 2) - 190902_TWC_GA_001 B - received 9 November 2020
 Highway Longitudinal Sections - 190902_TWC_H_001 A - received 9 November 2020
 Adoption Plan - 190902_TWC_LA_001 B - received 9 November 2020
 Storm Water Calculations prepared by Think Urban Design – September 2020 - received 9 November 2020
 AIA & AMS Reports prepared by Treescene - November 2020 - received 9 November 2020
 AIA Plan prepared by Treescene - received 9 November 2020
 Tree Protection Plans prepared by Treescene - received 9 November 2020
 Tree Removal Plans prepared by Treescene - received 9 November 2020
 Design & Access Statement prepared by EDP - November 2020 - received 9 November 2020
 Heritage Impact Assessment - edp5078_r004e - received 9 November 2020
 Ecological Appraisal - edp5078_r005b - received 9 November 2020
 Noise & Vibration Assessment prepared by Wardell Armstrong dated November 2020 - received 9 November 2020
 Transport Statement prepared by Lime Transport - 19112.d1Rev G - received 9 November 2020
 Amended Apartments Floor Plans and Elevations – edp5078_d047 – F received 12 November 2020.

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

2. Notwithstanding the submitted details, 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 and to enhance and protect the visual amenity of the Newton Conservation Area.

3. Notwithstanding the submitted details, prior to the construction of the residential units on site, a detailed specification for, or samples of materials to be used in the construction of the boundary treatment to be erected on site and a timetable for its implementation shall be submitted and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and timetable.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the Newton Conservation 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 and that flood risk is not increased.

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on plan number edp5078_d005AF - Site Layout Plan.

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 property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

7. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on plan number edp5078_d005AF - Site Layout Plan.

Reason: To enable the Local Planning Authority to control the scale of development.

8. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no windows other than those as hereby approved shall be inserted into the side elevations of the dwellings other than those expressly authorised by this permission.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

9. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

10. Prior to the construction of the dwelling on Plot 53, details of the implementation of a boundary treatment to be erected along the boundary with Plot 53 and the rear of the neighbouring property known as Hafod, Church Street, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwelling and shall thereafter be retained in perpetuity.

Reason: To protect the privacy and residential amenities of the occupiers of Hafod, Church Street.

11. Prior to the occupation of the Plots 23-37, as indicated on site layout plan drawing edp5078_d005AF received on 9 November 2020, a 2.6m acoustic barrier shall be installed along the northern site boundary. The barrier shall have a minimum density of 10kg/m² mass per unit area and be imperforate, rot proof and vermin proof. The design details of the barrier shall be submitted to the Local Planning Authority for prior approval and shall be agreed in writing. The details shall include a location plan showing the exact position of the barrier, construction details and details confirming that the barrier has a minimum mass density of at least 10kg per m². The design shall be implemented as agreed and the barrier shall be maintained in that condition and retained in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

12. Prior to the construction of Plots 23-37 as indicated on site layout plan drawing edp5078_d005AF received on 9 November 2020, details of the glazing and trickle ventilation to be installed in Plots 23-37 shall be submitted to and agreed in writing with the Local Planning Authority to demonstrate compliance with the specifications in Sections 5.3.2 and 5.3.4 of the noise and vibration assessment report by Wardell-Armstrong dated July 2020. The approved details shall be implemented as agreed.

Reason: To protect the residential amenities of the future occupiers of the residential units.

13. No development shall take place, including any demolition and site clearance works, until a Construction Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall include the following information:

- noise management plan identifying details of equipment to be employed, operations to be carried out, predicted noise and vibration levels (at the noise sensitive receptors identified in the noise and vibration assessment report by Wardell-Armstrong dated July 2020), in accordance with BS5228 Code of Practice for noise and vibration control on construction and open sites and any mitigation measures to reduce the noise where this is indicated to be necessary as a result of the assessment

- Approximate timescales of each operational phase
- Operational hours
- A scheme of noise and vibration monitoring for any operations that are identified as necessary in the noise management plan or upon request by the Local Planning Authority where a justified complaint of noise and/or vibration is received
- A scheme for implementing effective liaison with the local residents
- Storage of plant and materials used in demolition and constructing the development
- Wheel washing facilities
- Detailed dust management plan including measures to control the emission of dust and dirt during demolition and construction and the methods to monitor emissions of dust arising from the development.

Reason: To protect the residential amenities of the future occupiers of the residential units.

14. 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 approved programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

15. Site preparation or construction works shall not take place outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays and not at all on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

16. Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape 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 proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, street lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

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

variation.

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

18. No development shall commence until a scheme for the provision of a 2 metre segregated footway on the eastern side of the main north/south shared surface route within the site has been submitted to and approved in writing by the Local Planning Authority. The approved segregated footway shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

19. No development shall commence until a scheme for the provision of a continuation of the footway on Birch Walk adjacent to the site's eastern boundary with crossing points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

20. No development shall commence until a scheme for the provision of an Active Travel route comprising of a 3metre wide, shared use path to link from the private drive of the 5 residential dwellings located adjacent to public open space to the east west tree lined shared use route, is submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to meet the requirements of the Active Travel Act 2013.

21. No development shall commence until a scheme for indicative visitor parking within the site, on-road or off-road, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

22. No development shall commence until a scheme for the surface treatment of the internal highway and footway network has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in the agreed permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

23. No development shall commence until a scheme for a provision of a 2 metre footway with crossing points on the site's western boundary on Church Street linking the cycle and pedestrian shared use route to the Public Right of Way on Bryneglwys Gardens has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to meet the

requirements of the Active Travel Act.

24. No development shall commence 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 in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site and in compliance with Table 8.1 of The Active Travel Act- Design Guide.

25. No development shall commence until a scheme for the provision of bollards or vehicle restraint on the main proposed cycle/pedestrian shared use route between running east to west has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

26. No development shall commence until a scheme for the provision of an external electrical point on each dwelling, capable of connecting to an EV charging point has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of meeting net zero carbon by 2030 targets set by Welsh Government.

27. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Traffic Management Plan shall provide for and where necessary detail on a plan the following measures:

- the routeing of HGV construction traffic to/from the site in order to avoid Newton Village and the local school opening and closing times
- the proposed construction vehicle entrance into the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing local highway network.
- measures to control the emission of dust and dirt during construction
- the provision of temporary traffic and pedestrian management along the proposed new accesses into the site off Church Street and Birch Walk.

The construction works and traffic shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phase.

Reason: In the interests of highway and pedestrian safety.

28. No dwelling shall be occupied until the individual driveway and parking bays serving the 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.

29. No dwelling shall be occupied until the internal access roads serving the dwellings and visitor parking bays 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.

Reason: In the interests of highway safety.

30. Notwithstanding the approved layout plan, no development shall commence in respect of the apartments on Plots 23-30 inclusive until a scheme for the location of refuse and recycling collection points has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail refuse collection points located within a maximum of 5m of the adopted highway. The collection points shall thereafter be constructed in accordance with the agreed design prior to the dwellings which they serve being brought into beneficial occupation and retained in perpetuity.

Reason: In the interests of highway safety.

31. The garages hereby approved shall only be used as a private garage and at no time shall they be converted to a room or living accommodation.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

32. No individual vehicular access from this development onto Birch Walk or Church Street will be permitted.

Reason: In the interests of highway safety and free flow of traffic.

33. No structure, erection or planting exceeding 0.6 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.

34. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

a. The application is recommended for approval because the development complies with Council policy and guidelines as sufficient justification has been submitted for the loss of the existing Rectory building and the proposed scheme does not have a significantly adverse effect on the character and appearance of the Newton Conservation Area, surrounding residential area or on the amenities of existing residential properties. All material considerations have been addressed and Officers have fully considered and responded to the concerns of local residents. Whilst it is inevitable that new development will have some impact on existing residents, it is considered that the impact will not be unacceptable in Planning terms particularly having regard to the mitigation measures proposed. In addition, it is considered that the development will not have an adverse effect on the biodiversity of the site, drainage, noise, archaeology or highway safety in and around the site.

b. To satisfy Condition 4, the applicant must:

- Provide an agreement in principle from DCWW for foul water and surface water disposal to the public sewers.
- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

- c. In order to satisfy Condition 5, the following supplementary information is required:
- Provide a revised geotechnical report supporting the use of partial infiltration at the site and supporting the use of infiltration within areas with limestone bedrock with the underlying limestone bedrock;
 - 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. The applicant is advised that the archaeological work must be undertaken to the appropriate standard and guidance set by the Chartered Institute for Archaeologists and it is recommended and that it is carried out either by a CIFA registered organisation or a MCIFA level accredited member.
- e. 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.
- f. An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.
- g. 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 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.
- h. 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

- i. 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 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.
- j. The developer is advised that works can not proceed until a European Protected Species licence (EPSL) is granted from Natural Resources Wales
- k. The applicant is advised that British Bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection.
- l. Consideration should be given to the provision of nest boxes within the building development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 section 16.0 in the above SPG
- m. If feasible in the proposed scheme, the incorporation of bat bricks, bat tiles and bat boxes into the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG.
- n. Incorporation of biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers
None

REFERENCE: P/20/266/CAC

APPLICANT: Taylor Wimpey UK Ltd c/o LRM Planning, 22 Cathedral Road, Cardiff, CF11 9LJ

LOCATION: Land at the former St Johns School Newton Porthcawl CF36 5SJ

PROPOSAL: Conservation Area Consent for the demolition of the existing school buildings within Newton Conservation Area

RECEIVED: 2 April 2020

APPLICATION/SITE DESCRIPTION

The corresponding application (P/20/263/FUL refers) which seeks full planning permission for the demolition of the existing buildings and the construction of 57 dwellings, including 8 affordable apartments and an off-site contribution, landscaping, public open space, SUDS and associated works at St Johns School, Newton, Porthcawl, is also to be considered as part of this Development Control Committee agenda.

Under separate legislation, an application has been submitted which seeks Conservation Area Consent for the demolition of the existing school buildings on the site which are located within Newton Conservation Area. Following detailed discussions with the developer and the Council's Conservation Officers, amended plans were received on 9 November 2020 which proposed the demolition of the existing school buildings on the site and the replacement/relocation of the existing Rectory building. The application is accompanied by an updated Heritage Impact Assessment and a structural inspection report for the building.

The proposed works include the demolition of the existing old school buildings located on the site which comprise a number of two storey rendered buildings and portacabin style buildings with particular reference to the large two storey, double bayed window building known as the Rectory which is currently located at the existing pedestrian entrance of the site.



Fig. 1 - Photograph of Existing Rectory Building

The proposal comprises the demolition of these buildings and the relocation and replacement of the existing Rectory building. The proposed Rectory building will be placed further forward than its current position within the site and will be located at the entrance to the site. The proposed building is to be replaced by a building of an identical design to the current Rectory building and will be occupied by a 4 bedroom detached dwelling.



Fig. 8 – Proposed Elevations and Floor Plans of the Replacement Rectory House Type

The application site extends to approximately 2.5ha and comprises the former St John’s School. The site is situated centrally within the village of Newton with the coastal town of Porthcawl located directly to the west of the application site. The site currently comprises of a number of vacant buildings and playing fields that were formerly occupied by St John’s School. The site is located within the Newton Conservation Area and has vehicular access off Church Street with pedestrian access from Birch Walk. A Public Right of Way runs along the southern boundary of the site. The site is currently covered by a number of protected trees and is surrounded by a number of detached and semi-detached residential dwellings with St Clare’s School located to the north of the site.

RELEVANT HISTORY

P/97/568/FUL – Renewal of increase height of old boundary wall fence and gate
 Approved (with conditions) – 15/07/1997.

PUBLICITY

The application was advertised on site.
 Neighbours have been notified of the receipt of the application.
 The period allowed for response to consultations/publicity was extended and expired on 28 May 2020. Amended plans were received and a re-consultation was undertaken which expired on 23 November 2020.

CONSULTATION RESPONSES

Porthcawl Town Council – advise that there is a footpath linking the driveway from Plot 1 to the main east west footpath across the site but there is not one from Plot 53 to the main footpath, this is highly likely to become a preference route for anyone in Plots 47 to 57, can a footpath be added there. Bat mitigation strategy to follow sections 5.44 and 5.45 of the Ecological appraisal report with Planning pre-start conditions to ensure that bat boxes are sited on mature trees within the site prior to demolition of existing buildings. Is it possible for more of the properties to the south of the site to exit the development via Church Street rather than Birch Walk, bearing in mind the fact that Church Street formed the main entrance for the school when it was open.

Glamorgan Gwent Archaeological Trust (GGAT) – No objection subject to conditions.

REPRESENTATIONS RECEIVED

Councillor Kenneth J Watts (Local Ward Member) - I have no objection to the demolition of the Rectory as it has little historical interest and has insignificant architectural impact on the Conservation Area. To retain some features i.e. the front elevation and refurbish the

remaining building is clearly not a viable alternative.

A number of objections have been received which relate mainly to the proposed access and the impact of the increased in traffic on Danygraig Avenue and Birch Walk as a result of the development which is being proposed under Planning application reference P/20/263/FUL.

Porthcawl Civic Trust Society object to the proposed development and loss of the former rectory building as if approved the proposed development will permanently destroy the character and setting of the church and historic assets of the surrounding area and will make a nonsense of the Conservation Area.

Four letters of objection have been received from residents with regard to the proposed works to the existing school buildings with particular reference to the former Rectory building as follows:-

39 Birch Walk, Porthcawl – Loss of the existing Rectory building will have a negative impact on the character and appearance of the Newton Conservation Area.

6 Cypress Gardens, Porthcawl - As the building lay in the Newton Conservation Area and proposed development in the new LDP has been rejected, this building should not be demolished.

16 Castleland Street, Barry – objects to the loss of the Edwardian Villa (Rectory) building and calls for its retention and preservation and redevelopment by using the remaining shell to create a great living space.

18-22 Denmark Mansions, London – objects to the loss of the existing Rectory building as it should be preserved to save the heritage of the site.

The objections are addressed in the Appraisal section of the report.

APPRAISAL

The application is referred to Committee to consider the objections raised.

The application is assessed against Policy SP5 of the Local Development Plan (LDP) which requires development to conserve, preserve or enhance the built and historic environment of the County Borough and its setting and in particular, will only permit development proposals where it is demonstrated that they will not have a significant adverse impact on the identified heritage assets such as Listed Buildings and their settings. The Policy is supplemented by Policy ENV8 of the LDP, which states that development which respects and utilise the heritage assets and which preserve, conserve and enhance the local distinctness of the County Borough will be permitted. Development which would materially harm heritage assets and features will not be permitted.

The former Rectory Building has been vacant since 2014 and has fallen into disrepair over the years. In June 2020, a fire broke out inside the building which result in considerable damage to the roof of the building. As a result of this, an updated Heritage Impact Assessment and a structural survey were submitted to the Local Planning Authority for further consideration and assessment.

Section 6.6 of the submitted Heritage Impact Assessment states that consideration has also been given to the contribution which the former school buildings within the site make to the character and appearance of the Conservation Area and concludes:

Thorough investigation demonstrates that only one building ('The Rectory') possesses any heritage significance or makes any contribution to the character or appearance of this designated historic asset. This building, which dates from the early 20th Century is of little architectural merit and is in poor condition. It has also been significantly altered and extended over time and is not listed. However, it is assessed as being of only low or local significance and also as making no greater than a limited contribution to the character and appearance of the Newton Conservation Area.

In assessing this application it is considered that the former Rectory building possesses evidential, aesthetic and community value as it has played a significant role in the history of the area, firstly as a Rectory but also forming part of the educational provision in the area as a boys school jointly with the St Clare's school on the adjacent site. Despite being vacant for a considerable number of years, the recent fire and its deteriorating condition, the building of traditional character retains significant historic merit and qualities which make a positive contribution to the special quality of the area despite its poor condition.

There is a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. TAN 24 states that proposals to demolish such buildings should be assessed against the same broad criteria as proposal to demolish Listed Buildings:

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use.

The original structural report submitted to support this application failed to provide any evidence of the building being structurally unsound. The condition report submitted subsequent to the fire damage in June 2020 stated that the damage to the building is substantial but the masonry façade and internal floors remain intact. The report states *whilst a refurbishment type rebuild is possible, it is unlikely to make economic sense due to how little of the existing building will remain.* An updated assessment submitted on 9 November 2020 states *the loss of roof and ceilings and partial first floor and general weakening has left the masonry in a precarious state.* Loss of restraint from the roof has weakened the masonry panels and resulted in a loss of structural integrity and reduced structural stability which has been augmented by subsequent water damage to the building. The applicant has provided updated costs of repairing the building to bring back into use as a 5 bedroom dwelling and conversion into apartments and there is a considerable conservation deficit to be covered to take this approach.

Consultation with the Council's Structural Engineer has confirmed that the applicant's assessment of the condition of the building is realistic and the conclusion is that to make the property useable will entail a number of works including:

- Propping the external walls;
- Removing the roof and all internal timber elements affected by the fire and rain saturation;
- Removing internal wall finishes that are also likely be affected by the fire;
- Repairing internal and external walls affected by the fire, expansion due to the heat tends to cause cracking to the walls and any such cracks must to be repaired;
- Lintels throughout the property may have to be replaced as many are likely to be timber lintels;
- New windows and doors together with a new roof with slated finish will have to be installed and the building allowed to dry out;
- The internal floors, doors and stairs can then be re-fitted and new plaster finishes applied to the internal surfaces of the walls;
- The propping to the external walls can then be removed;
- Another factor that has to be considered is the thermal efficiency of the building.

The renovation would be considered a major renovation by Building Control and as such the renovated building would have to meet up to date Building Control requirements. This will mean increasing the insulation in the roof, having thermally efficient windows and most likely requiring additional insulation, either internally or externally, on the external walls. If the insulation is external this will alter the external appearance of the property; and,

- New gas, electric and water services will be required throughout.

It can be seen that the amount of work required to bring the building back into use would be extensive. In addition, the above scale of work is likely to prove cost prohibitive. The scale of the work also means the majority of the original building would be lost with only the walls remaining. It is therefore considered that the report submitted by the developer does not overstate the cost and problems they face in bringing the building back into use. In summary, it is considered that before the fire there was more justification for retaining the building but after the fire the extent of the damage is so extensive that little of the original building remains and to bring the building back into use is likely to prove to be cost prohibitive.

2. The efforts made to keep the building in use or secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation

The Council's Conservation Officers have now considered and assessed the various reports on the building and state that prior to the fire, the condition report states that it would not be viable to retain the former property as the cost of its renovation would exceed the value of the renovated property. This may well have been the case but as the building was substantially intact, a case for retaining the structure could be made. Following the fire however, as stated in the second condition report, much of the interior of the building has been lost and then since the loss of the roof in the fire, the interior of the building will be getting saturated by rain. This would include walls as well as the remaining timber elements such as floors, lintels and inserts in the walls. The internal saturation is likely to cause extensive damage particularly in the cold weather when the water in the fabric of the building will freeze and expand and cause further damage. The extent of the fire damage coupled with the damage caused by the saturation by rain water will increase the costs of renovation making the renovation even less cost effective.

Also, the efforts to keep the building in use or to secure a new use including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects the condition and situation. The building has been vacant for a considerable number of years however, no evidence has been submitted by the applicant or the current owners on efforts to keep the building in use or it being offered for sale separately on the open market. No information has been submitted on how the building has been maintained or secured during the period it has been vacant. Nevertheless, the applicant has stated that there is a need to demolish the building in order to realise an acceptable access road into the site that meets highway safety requirements and therefore, the offer of the Rectory building on the market would prevent the ability to implement this access.

3. The merits of alternative proposals for the site, including whether the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

The proposal for a replacement "Rectory" House type which reflects the architectural features of the original building albeit in an adjusted location to accommodate a satisfactory access road into the site, creates a landmark building at the proposed entrance gateway similar to that that would be provided by the retention of the original Rectory building . This attractive gateway which the replacement building forms part of,

includes an area of public space, enhancement of the public realm and the use of appropriate materials and architectural details on the dwellings facing onto the gateway. This will create an attractive focal point on entering the site which has been developed through further discussions with the applicant in light of Officer emphasis on the need to incorporate Planning Policy Wales' place-making principles and to ensure the site reflects the unique identity and distinctiveness of the area. The replacement Rectory dwelling type as part of an entrance feature to the site along with the proposed improvements in design of the gateway and the uplifted design quality of the site as a whole is considered on balance, to offset the impact caused by the proposed demolition of the original Rectory building and the loss of historic fabric.

Accordingly, the proposed works are considered acceptable and accord with Policy SP5 and ENV8 of the Bridgend Local Development Plan and the advice contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note 24: Historic Environment.

The site has been identified by Glamorgan Gwent Archaeological Trust as having an archaeological restraint. There have been several archaeological reports on the proposal, including desk-based assessments by Archaeology Wales (Report no. 1783, dated April 2019) and EDP (Report no. edp5078_r006). Dan-y-Graig Roman Villa (a Scheduled Monument) is located to the north of the proposal and it is likely that the site is located within the associated agricultural land. Clevis House, first mentioned in 1543, is located immediately to the west of the application site and St John's Church which was extant by c.1200 and may have been a pre-Norman foundation to the south west. It is likely early settlement extending to the south would have been lost to encroaching sand in the 13th and 14th centuries before being reclaimed in the 19th century. The Rectory was constructed between 1912 and 1913 for Reverend Holmes-Morgan and formed the base for St Johns School which was first established in 1923. The previous construction activities are likely to have had an adverse effect on any below ground archaeological features or structures in the vicinity but there remains the potential to encounter archaeologically significant remains during the course of the proposed development.

As noted in the archaeological assessments, such a general archaeological potential is not likely to be adequately addressed by a pre-determination evaluation. Accordingly, it is recommended that a condition is imposed upon any consent granted to require a written scheme of investigation for a programme of archaeological work to be submitted to the Local Planning Authority prior to the commencement of development and on this basis, the Glamorgan-Gwent Archaeological Trust considers that the application is acceptable from an archaeological perspective.

CONCLUSION

Conservation Area Consent is recommended because it is considered that the amended proposals for the site submitted on 9 November 2020 are acceptable having regard to national and local Planning policies that seek to ensure that the special character and appearance of the Conservation Area is not adversely affected by development. Overall, the proposed changes to the site will seek to improve its contribution to the Newton Conservation Area in accordance with Policy SP5 and ENV8 of the Bridgend Local Development Plan and the advice contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note 24: Historic Environment.

RECOMMENDATION

(R13) That Conservation Area Consent be GRANTED subject to the following condition(s):-

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

and documents:

Site Location Plan received on the 2nd April 2020;
Structural Inspection Report (Updated) prepared by PHG Consulting Engineers received on 30 October 2020;
and the following amended plans and drawings received on the 9 November 2020:
Site Layout Plan - edp5078_d005-AF
Site Layout Plan (Colour) - edp5078_d024-K
House Type Plans & Elevations - Rectory - edp5078_d049-C
Design & Access Statement prepared by EDP - November 2020
Heritage Impact Assessment - edp5078_r004e

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

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

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

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *

The applicant must deposit a record of the Rectory Building with Bridgend County Borough Council/Royal Commission prior to the demolition of the original Rectory building.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None

This page is intentionally left blank

REFERENCE: P/19/659/FUL
APPLICANT: Mr C Smith: 24 Whiteley Lane, Fulwood, Sheffield S10 4GL
LOCATION: Plot adjoining 40 Bryn Road, Ogmores Vale CF32 7DW
PROPOSAL: Construction of two pairs of semi-detached houses
RECEIVED: 29 August 2019

APPLICATION/SITE DESCRIPTION

This application proposes the development of land on the western side of Bryn Road, Ogmores Vale for four dwellings (two pairs of semi-detached units) and associated earthworks, access and car parking.

The site measures approximately 795 sq. m. and comprises part of the undeveloped western valley side which is relatively steep in nature and colonised with scrub vegetation. The plot of land has been the subject of Planning Permissions dating back to 2004 with the last consent being for four semi-detached dwellings expiring in January 2019. The site directly fronts the public highway, lies opposite a traditional row of terrace properties (6-10 Bryn Road) and shares its northern boundary with the extended side garden of 40 Bryn Road.



Fig. 1 Site when viewed from the south



Fig. 2 Site when viewed from the north

Extensive excavations will be necessary to form the plateaus that will accommodate the dwellings and garden areas. A split level house design is proposed that incorporates two floors of accommodation over a garage on the front elevation with a two storey rear overlooking the terraced garden and rising hillside. The units will be set back some 7.5m from the carriageway edge with the intervening space given to car parking (4 spaces), pathways to the front doors and a footway with cross-overs along the site frontage. Flights of stairs on the side of the properties will provide access to the rear.



Fig. 3 Proposed Site Layout

The dwellings will have a basic rectangular form with each semi-detached block measuring 10.2m x 8.7m and accommodating a garage, WC and stairs on the ground floor with lounge, kitchen/dining area and hall on the first floor. Two bedrooms and bathroom will be above. The pitched roof will reach a maximum of 8.2m from the finished elevated slab level. The eaves height will vary from 7.9m at the front to 4.8m at the rear. Materials of construction will comprise red facing brickwork on the lower storey with smooth render above. The roofs will be finished in an Eternit Slate tile.

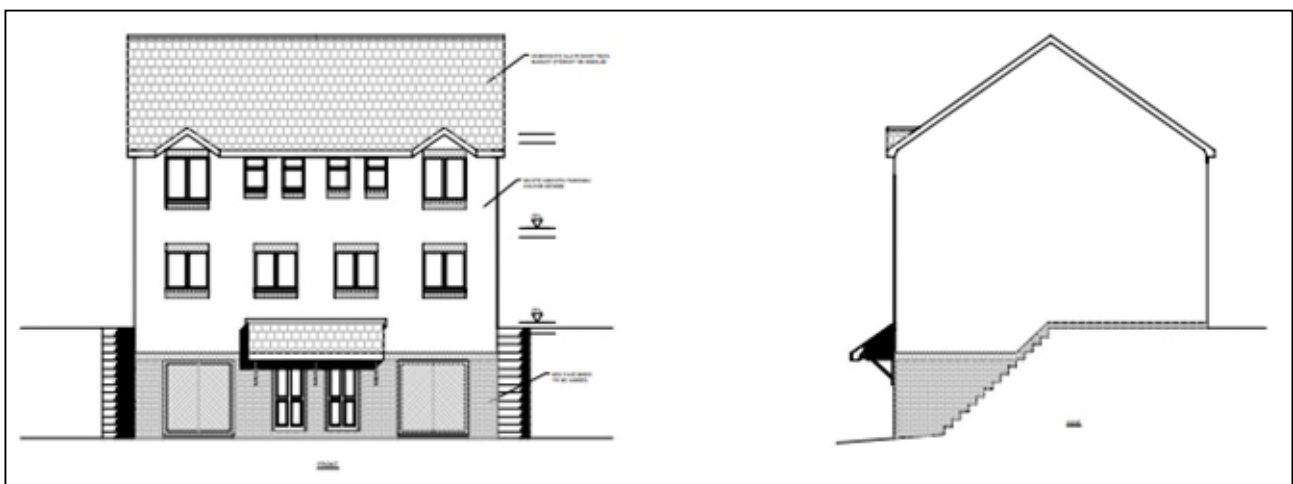


Fig. 4 Front and Side Elevations



Fig. 5 Rear and Side Elevations

Amenity space for the four dwellings will comprise a series of retained terraces, each measuring 5m in depth, the highest of which is 3m above the finished floor level of the dwellings. Steps will allow access to the elevated area of the garden that is on the gradient of the existing hillside and will be enclosed by low post and rail fence.

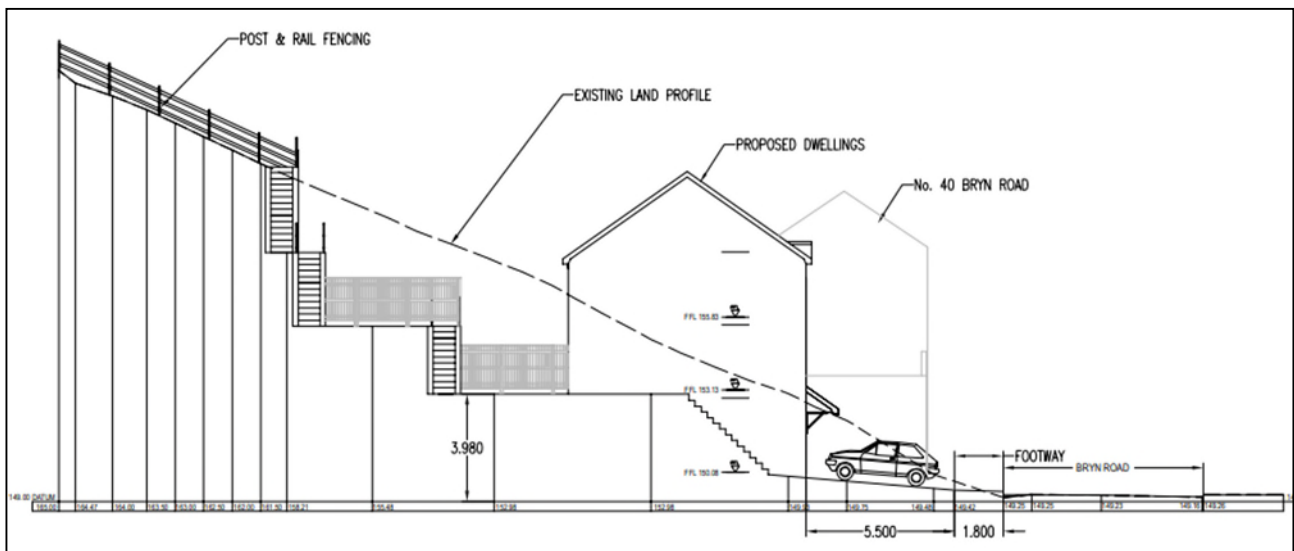


Fig. 6 Proposed Site Sections

In response to concerns raised by consultees, a drainage strategy and Coal Mining Risk assessment have been submitted.

RELEVANT HISTORY

P/04/984/OUT – Outline planning consent for residential development granted on 26th April 2005

P/08/219/FUL – An application to construct 4 town houses on this plot was refused permission on 27 April 2008.

P/08/918/FUL was a resubmission following the previous refusal and proposed the construction of 4 no. semi-detached dwelling houses. Conditional consent was issued on 12 August 2008.

In 2013, the above permission was extended for a further five years under application P/13/870/RLX. That consent expired on 28 January 2019.

PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the submission of amended plans. The period allowed for response to consultations/publicity expires on 4 December 2020.

CONSULTATION RESPONSES

Highways Officer – No objection subject to conditions.

Land Drainage – No objections subject to conditions.

The Council's Principal Structural Engineer – The submitted reports (Coal Mining Risk Assessment) have been examined and I can confirm that they cover my previous concerns regarding the mining risks associated with this site.

Dwr Cymru Welsh Water – We would request that if you are minded to grant Planning Consent for the above development that the recommended advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Biodiversity Policy and Management Officer – The site has been colonised by scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds and reptiles. The applicant should consider the advice within Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach. This SPG provides detailed advice in respect of protected species and the optimum timing of works so as to limit their effect on wildlife and to ensure works proceed within the law. In this respect the bird nesting season is generally considered to be from the beginning of March until August.

Rhododendron ponticum is growing on the adjacent plot. This species is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9 them to grow in the wild. This species of rhododendron is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently this species should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

Given the above, it is recommended that the applicant submit a clearance methodology to the Local Planning Authority for approval and prior to works. This methodology should also include how the works will mitigate for the invasive species at the adjoining plot, monitoring to ensure that the invasive species doesn't spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading

The Coal Authority – The Coal Authority is pleased to note that the applicant has now obtained appropriate and up-to-date coal mining information for the proposed development site and that this information has been used to inform a Coal Mining Risk Assessment (or equivalent) (November 2019, prepared by Enviro Solution) to accompany the Planning application. The report correctly identifies the presence of a coal seam (No 1 Rhondda Rider) outcrop within the site. Despite this coal mining legacy feature the report indicates that with due regard to the historic mining activity, coal geology and information presented within the Coal Authority report, it is considered that no further studies

(including intrusive probe drilling) are necessary relating to potential coal mine workings beneath the site.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the Planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

Shared Regulatory Services – Environment Team - Historical activities at or in the vicinity of the site may have caused the land to become contaminated. This may give rise to potential risks to human health and the environment from contamination and ground gas for the proposed end use. A preliminary contamination and ground gas assessment of the site in line with current guidance is required to identify any associated risks and to determine whether further site based assessment and/or remediation is required to ensure that the site is made suitable for use. Consequently the inclusion of conditions requiring contamination and ground risk assessment and any necessary remediation and/or protection measures is requested. Should there be any importation of soils to develop the garden/landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, 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 requested.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the occupiers of 8, 10, 12 and 40 Bryn Road* both in respect of the original submission and revised drawings. Their concerns are summarised as follows:

- The development will result in the removal of road side parking – exacerbating on street parking problems along Bryn Road
- The development will result in significant excavation works and the transportation of material to and from site – lorries will obstruct the movement of vehicles and would be a danger to pedestrians
- No details provided as to how the excavations works and development site will be retained on the northern boundary which is shared with no 40 Bryn Road – concerns that this will result in land slippage of neighbouring ground
- During construction surface water is likely to run off site into adjoining properties – similar problems elsewhere on Bryn Road
- Noise from a lengthy period of construction
- The development will overlook properties opposite and dominate outlook

*The occupier of 40 Bryn Road had originally requested to speak at the Committee meeting.

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the representations received from residents:

The development will result in the removal of road side parking – exacerbating on street parking problems along Bryn Road

The Principal Officer Highways Development Control has confirmed that the parking arrangements for the development accord with the Council's guidelines and policy. The aim of the guidance is to ensure that new development is accompanied by sufficient parking space for private cars and service vehicles to avoid the need for vehicles to park on street and thereby cause congestion, danger and visual intrusion.

Residents have indicated that parking along Bryn Road is limited particularly in the evening with many of the properties not benefitting from off-street provision. In creating a new footway and vehicular cross-over along the development frontage approximately 5 to 6 on-street spaces will be removed.

Consequently, parking currently used by residents will be displaced further along Bryn Road which, although inconvenient, does not raise any highway safety concerns. Sustaining such an objection at appeal would be challenging given the current policy objective of reducing the reliance on the private car.

The development will result in significant excavation works and the transportation of material to and from site – lorries will obstruct the movement of vehicles and would be a danger to pedestrians

It is evident from the proposed site cross section drawings that a significant quantity of earthworks will be required and in this regard a construction method statement will be required to ensure that the site is developed in a considered manner and does not unduly affect the highway.

No details provided as to how the excavations works and development site will be retained on the northern boundary which is shared with 40 Bryn Road

The applicant's agent has indicated that all necessary measures will be taken to safeguard the neighbour's land. It is understood that the relationship between neighbouring owners during construction operations is governed primarily by common law. The law of tort limits the extent to which a landowner can undertake construction works that either directly or indirectly impinge on adjoining land. Section 6 of the Party Wall Act requires the developer to serve notice on the occupiers of 40 Bryn Road stating what measures are proposed to strengthen or safeguard the adjoining land. This process lies outside the Planning legislation but should offer sufficient safeguards. In this specific case however, a Planning condition will be imposed requiring the details of the measures to retain the land and for those to be agreed before any works commence on site.

During construction surface water is likely to run off site into adjoining properties – similar problems elsewhere on Bryn Road

A Drainage Strategy has been submitted in response to the original objection received from the Council's Land Drainage Section. The means of disposing surface water has been explored in the hierarchical order dictated by Welsh Government advice. Whilst the strategy establishes the broad principles, the detailed design work which includes measures to control the discharge of surface water is still to be undertaken. A Planning condition will be imposed as requested by the Land Drainage Section requiring the agreement of a comprehensive scheme before the commencement of any works including site clearance. Such a scheme will include measures to control run-off during the construction period.

Noise from a lengthy period of construction

Construction noise would be inevitable but noise during anti-social hours could be controlled by other legislation. In these circumstances, it is considered that the disturbance caused by construction noise would not be sufficient to warrant refusing Planning permission

The development will overlook properties (loss of privacy) opposite and dominate outlook

These objections are considered in the appraisal section of this report.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance:

- SPG02 - Householder Development
- SPG17 – Parking Standards

National Planning Policy and Guidance

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

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

Planning Policy Wales – Edition 10 – December 2018 – National Sustainable Placemaking Outcomes: Creating and Sustaining Communities; Making Best Use of Resources; Maximising Environmental Protection and Limiting Environmental Impact; Growing our Economy in a Sustainable Manner and Facilitating Accessible and Healthy Environments.

Planning Policy Wales TAN 12 Design

Local Development Plan Policy SP2 (Design and Sustainable Place Making) is the overarching policy which should be considered in the assessment of all Planning applications. It 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

This application is reported to the Development Control Committee in view of the objections received from local residents.

The main issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the street scene and neighbouring properties, the adequacy of the road network to accommodate the development, the acceptability of the proposed access/parking arrangement and whether any biodiversity interests will be compromised by the proposed works. Considerations of coal mining legacy and the possible impacts on biodiversity interests have been addressed. Site drainage has been considered in the previous section of the report.

Principle of the Development

The application site lies within the residential settlement boundary of Ogmores Vale as defined by Policy PLA1 of the LDP 2013. Policy COM3 states that 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 policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant site under Policy COM3. As the site is not allocated for a specific use, residential development would be acceptable in principle subject to compliance with other LDP Policies and detailed design criteria.

The principle of residential redevelopment of this site therefore accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Impact on the character and appearance of the street scene

Bryn Road is characterised by a mix of house types comprising stone faced traditional terrace properties, rendered semi-detached units and bungalows on the eastern side. A similar mix is apparent on the opposite side but, in general, the units are well above road level reflecting the rising topography of the valley side. That is most noticeable for the more recent self-build units which have incorporated access and parking facilities along

their frontages but also more established properties to the north of the application site. As the extract photo below illustrates, the units rise well above the properties opposite and are more apparent in the street scene.



A similar relationship is proposed for the development of the site with the proposed dwellings set back 7.5m from the carriageway edge but rising to a height of 11m from road level in a split level design. In granting the original Outline consent, it was acknowledged that the green valley side would be urbanised with an elevated form of development which would alter the character and appearance of the street scene. The development of this site follows a similar form and will not be so incongruous as to warrant a refusal of Planning permission. Accordingly, it is considered that the proposed development accords with Policy SP2 (2) and SP2 (3) of the LDP.

Impact on neighbouring amenities and amenities of future occupiers

The requirements of Policy SP2 and the supplementary Planning guidance for householder development provide the framework for an assessment of the development's impact on the living conditions of the nearest neighbours. In this case that relates to the properties to the north of the site (40 Bryn Road) and the dwellings on the opposite side of the road.

The semi-detached dwelling to the north has a similar elevated position facing Bryn Road with its rear elevation enjoying views of the rising valley side. Its principal window openings are on the front and rear but also in the side of a rear two storey annex. From the OS base maps and submitted plans, the aforementioned windows are some 12m from the shared boundary with the application site and currently enjoy a southerly aspect with generous levels of sunlight and daylight although this is partially affected by a line of existing trees in the grounds of the neighbouring property. Given the relative position of the dwellings and the space between, any loss of light or outlook would not be significant even accounting for the elevated form of the dwellings. The levels of privacy afforded to the occupiers of 40 Bryn Road should also not be compromised as no side facing windows looking toward the neighbour are proposed. Furthermore, the terraced gardens in the new dwelling will be formed at a lower level with the existing steep topography offering screening to the neighbour.

It should be noted that whilst the occupiers have objected to the development it was not on the basis of the issues raised above. Concerns about the depth of the excavations and the possibility of the neighbouring ground being undermined have been considered in previous sections of this report.

The dwellings opposite the application site are level with Bryn Road and are traditional stone faced terraced units which have habitable room windows that directly front the highway. Residents have offered objections on the basis that the development would dominate outlook and affect existing levels of privacy. As indicated above, a number of dwellings on the western side of Bryn Road have been constructed well above road level, reflecting the rising topography of the valley side. Whilst this is principally for the more recent development, it is the case for 40 Bryn Road which is a much older property. Such an arrangement does present possible concerns with regard to domination of outlook, mindful that many of these properties have enjoyed longstanding views of the rising valley side.

Fig.7 below is based on the cross-section drawing that accompanied the application and highlights the relative position of the proposed dwellings, 40 Bryn Road in the background and the eaves height of a dwelling opposite the application site. The Council's Supplementary Planning Guidance for House Extensions offers some guidance on unreasonable domination. This would be demonstrable where:-

- (i) the development would be 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
- (ii) closer than 10.5 metres to the window.

Measured from the ground floor window in the nearest dwellings opposite, the 25 degree line appears to cross the recessing roof line of the proposed dwellings. A distance of some 16m will however separate the front elevations of the respective properties. To suggest that the development would have no impact on the outlook from a number of the properties opposite would be unreasonable. It is considered however, that the proposed relationship should not be so dominant and overbearing to warrant a refusal of Planning permission on this ground alone. In reaching this view, some weight has been afforded to the similar relationship between other properties on Bryn Road.

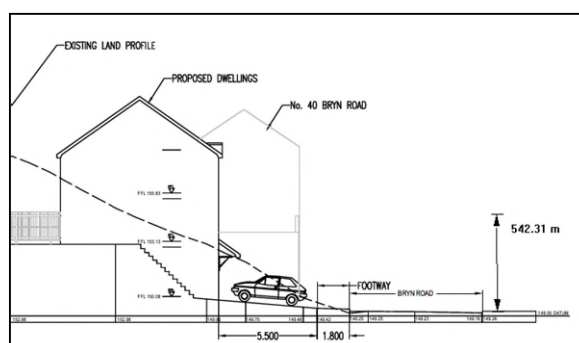


Fig.7 – Cross section showing relationship of development to properties on Bryn Road

The level of privacy that is currently enjoyed by the occupiers of the properties on Bryn Road will be reduced by virtue of the position and elevation of the proposed dwellings. As indicated above, a separating distance of 16m is recorded on the submitted plans. The Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. There are a number of situations where reductions may be acceptable with one being where the overlooking is between windows fronting on to a highway where established building lines are less than 21 metres apart. That relationship is very much a characteristic of Bryn Road as is the elevated nature of a number of units on the western side. For these reasons, it would be difficult to sustain an objection.

In almost all cases, development will have some impact on the living conditions of the occupants of adjacent properties. Here the residents of Bryn Road have enjoyed uninterrupted views and reasonable levels of privacy. That will change as a consequence of this development and the levels of amenity will be reduced but not to a degree that would represent a clear conflict with the Council's policies and guidelines. On balance, the proposed relationships in terms of privacy and outlook are considered acceptable.

For completeness, consideration must also be given to the amenities of the future occupiers of the dwellings which in this case relates to the quantity and quality of the garden space and the outlook particularly from the rear facing windows.

The latest drawings have reduced the number of terraced areas at the rear but have increased the dimensions to provide more useable space – a depth of 10m over two levels. This has two benefits, firstly in improving the outlook by setting back the retaining structures (that on an earlier iteration of the plan would have dominated outlook) and secondly by creating more useable space for these two bedroom units.

The garden areas will not be entirely private and in their elevated form users will be able to look back toward the windows in the adjoining units (proposed). This arrangement is not however uncommon in a valley setting. Overall, the proposed development would provide acceptable living conditions for future occupiers of the properties and there is no direct conflict with the aims of Policy SP2.

The adequacy of the road network to accommodate the development and the proposed access/parking arrangements

The Principal Officer Highways Development Control has not opposed the development subject to certain conditions being imposed but notes that the southern end of Bryn Road, between the site and the junction with Cemetery Road, is of a lesser standard than nearer the site with no pedestrian footways and lacking in frontage development which has led to increased vehicle speeds. As with previous development applications, it is considered necessary to provide a scheme of signing and road markings to highlight the potential presence of pedestrians and to reduce vehicle speeds.

The site is adjacent to an existing footway which is to be extended along the site frontage to provide for safe pedestrian refuge from vehicular traffic. Unfortunately the proposed footway will need to be widened to a minimum of 1.8m which will marginally set back the proposed parking but this does not impact on the proposed location of the dwellings given the acceptability of the parking. This can be overcome by the imposition of a Planning condition.

An opportunity exists to access facilities at the southern end of Ogmores Vale by utilising the lane adjacent to 1 Bryn Road. This can also provide access to the Ogmores Valley Community Route which links to the National Cycle Network but cycle parking will need to be provided for each of the dwellings in accordance with the Active Travel Act Design Guidance at a ratio of 1 space per bedroom.

The proposed dwellings have two bedrooms each and accordingly the parking requirement is two spaces each. Given the localised width of Bryn Road it is considered that the visitor parking requirement of one space can be provided on-street in this particular situation. The provision of one forecourt space and one garage space per dwelling is therefore considered acceptable. The internal dimensions of the garages are also suitable to accommodate the required cycle parking.

Subject to compliance with the proposed conditions this development should be acceptable from a highway safety perspective and compliant with Policies SP2 (6) and PLA11 of the LDP and Supplementary Planning Guidance SPG17: Parking Standards.

Whether any biodiversity interests will be compromised by the proposed works

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); and,
- (e) The adaptability of ecosystems.

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

The three tests that must be satisfied are:

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

The site has been colonised by scrub vegetation, which provides feeding and nesting opportunities for a range of species including bats, birds, and reptiles. The applicant should consider the advice contained in the SPG as the development may encounter nesting birds and or reptiles when undertaking the scrub clearance. In addition, it was

noted that *Rhododendron Ponticum* was growing on the adjacent plot. This species is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause Invasive Species listed under Part II of Schedule 9 to grow in the wild. This species of rhododendron is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently this species should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

It is recommended that the applicant submit a clearance methodology to the Local Planning Authority for approval and prior to works. This methodology should also include how the works will mitigate for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading.

Location in a mining area

The Coal Mining Risk Assessment confirms that the majority of the application site lies outside of the Development High Risk Area. A small section of the south-western extent of the site (garden area) falls within the Development High Risk Area, corresponding to the presence of a coal seam (No 1 Rhondda Rider) outcrop. The proposed mitigation strategy considers the following:

- It is recommended that the risks posed by coal mining related hazards can be mitigated by the recognition of a 'no build zone' affecting the south-western section of the site in close proximity to the identified coal seam outcrop. This would not prevent this strip of land being used for landscaping.
- It should be noted that structural foundations should not be formed within, or within 0.50m of a coal seam.
- With due regard to the historic mining activity, coal geology and information presented within the Coal Authority report, it is considered that no further studies (including intrusive probe drilling) are necessary relating to potential coal mine workings beneath the site.
- The possibility of unrecorded mine shafts has been highlighted in the Coal Authority report. Historical maps do not show evidence of shafts within the site boundary. The potential risk can be dealt with through vigilance during the earthworks stage of construction

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the Planning system and meet the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The proposed development is considered to comply with Policy ENV13 of the LDP.

CONCLUSION

This application is recommended for approval on the basis that the development of this underutilised land within the settlement of Ogmere Vale accords with both national and local Planning policy. Proposals within settlements should however only be supported where they accord with national and local sustainable placemaking outcomes, as set out in Planning Policy Wales 10 (December 2018) and Policy SP2 of the Bridgend Local Development Plan 2013.

On the basis of the scale and siting of dwellings proposed they will be prominent in the street scene but in line with more recent developments on the western side of Bryn Road

and will affect the living conditions and amenities of the nearest residents but not to a degree that would warrant a refusal of planning permission. Other considerations that are material to the assessment of this application, such as access and parking, site drainage, ecology and coal mining risk, are acceptable and can be controlled by planning conditions.

Overall, the broad support for new housing in the settlements of the County Borough offered by Policies PLA1 and COM3 and the opportunity for this site to be developed in a manner that will achieve a high quality which enhances the community leads to the conclusion that this development is acceptable.

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.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers:

Dwg. 19/798/02 – Revision A – Proposed Site Layout

Dwg. 19/798/03 – Revision A – First Floor Layout

Dwg. 19/798/04 – Revision A – Second Floor Layout

Dwg. 19/798/05 – Revision A – Elevations

Dwg. 19/798/07 – Revision A – Proposed Site Cross Sections

Dwg. 19/798/08 – Ground Floor Layout

Recommendations and Mitigation Measures included within:

Coal Mining Risk Assessment by Enviro Solution Ltd – dated November 2019

Drainage Strategy by Castell Bach Engineering dated January 2020

Reason: For the avoidance of doubt as to the extent of the permission granted and to prevent the overdevelopment of the site in the interest of visual and residential amenity and highway safety.

2. 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 of HGV construction traffic to/from the site in order to avoid Bryn Road North of the site
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic management along the Bryn Road

Reason: In the interests of highway safety.

3. No works whatsoever shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority, showing a scheme of traffic calming on Bryn Road between the site and the junction of Bryn Road with Cemetery Road. Such a scheme shall include 30mph roundels, carriageway markings, bilingual 'SLOW' carriageway markings, Pedestrians in road warning signs with appropriate illumination and shall be fully implemented before the development is brought into beneficial use.

Reason: In the interests of highway safety.

4. The site boundary fronting Bryn Road shall be set back and a 1.8m footway provided along the frontage before the development is brought into beneficial use.

Reason: In the interests of highway safety.

5. The proposed parking forecourt 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.

6. No development including site clearance 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 any of the dwellings being brought into beneficial use and maintained and retained in perpetuity.

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

7. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that proper site investigations have been carried out at the site sufficient to establish what ground precautions are necessary in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed buildings in order to minimise any impact which might arise as a result of the excavations on the neighbouring land. The Certificate shall include details of such precautions and these precautions shall be adopted in full in the carrying out of the development for which planning permission is hereby granted.

Reason: In the interests of safety.

8. No development shall commence until there has been submitted to and agreed in writing

by the Local Planning Authority an Ecological Working Method Statement (EWMS) incorporating a methodology for the clearance of vegetation and the eradication of invasive species on site. The agreed working Method Statement shall be followed throughout any clearance works on site.

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

9. No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto including a plan of the area to be monitored. Following completion of an approved monitoring scheme and in the event that gases are being generated, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority.

All required gas protection measures shall be implemented as approved 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. A copy of the verification certificate should be submitted to the Local Planning Authority prior to the first beneficial use of the site.

Reason: In the interests of safety.

* '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 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

10. No development shall commence until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,

- woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012) and implemented prior to any of the dwellings being brought into beneficial use.

Reason: In the interests of safety.

11. No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority 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. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

12. The remediation scheme approved by condition 11 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

13. 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

Reason: To enable the Local Planning Authority to exercise future control over the scale of development as well as the installation of new windows or dormers or the extension of the property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling.

Reason: To enable the Local Planning Authority to control the scale of development.

16. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. This application is recommended for approval on the basis that the development of this underutilised land within the settlement of Ogmores Vale accords with both national and local planning policy. Proposals within settlements should however only be supported where they accord with national and local sustainable placemaking outcomes, set out in Planning Policy Wales 10 (December 2018) and Policy SP2 of the Bridgend Local Development Plan 2013.

On the basis of the scale and siting of dwellings proposed, they will be prominent in the street scene but in line with more recent developments on the western side of Bryn Road and will affect the living conditions and amenities of the nearest residents but not to a degree that would warrant a refusal of planning permission. Other considerations that would material to the assessment of this application such as access and parking, site drainage, ecology and coal mining risk are acceptable and can be controlled by planning conditions.

Overall, the broad support for new housing in the settlements of the County Borough offered by Policies PLA1 and COM3 and the opportunity for this site to be developed in a manner that will achieve a high quality which enhances the community leads to the conclusion that this development is acceptable.

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.

- b. The proposed stopping-up of highway should be dealt with under the appropriate Section of the Town and Country Planning Act 1990.
- c. 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 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.
- d. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- e. In order to satisfy the drainage condition the following supplementary information is required:
 - Provide an agreement in principle from DCWW for the foul and surface water connections to the public sewer;
 - Provide a construction management plan to confirm how surface water runoff will be managed during the construction phase;
 - Submit a sustainable drainage application form to the BCBC SAB

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers
None

This page is intentionally left blank

APPEALS

The following appeal has been received since my last report to Committee:

CODE NO.	A/20/3261549 (1905)
APPLICATION NO.	P/20/359/FUL
APPELLANT	R DERRICK
SUBJECT OF APPEAL	CONVERSION OF EXISTING HOUSE IN MULTIPLE OCCUPATION (HMO) IN TO 2 TWO BED FLATS AND ONE STUDIO FLAT 147 NEW ROAD, PORTHCAWL CF36 5DD
PROCEDURE	WRITTENS REPS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. There is no space available within the curtilage of the site to provide vehicle parking facilities to meet the requirements of the Local Planning Authority and the proposal would lead to on street parking to the detriment of pedestrian and highway safety contrary to Policies SP2 and PLA 11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17: Parking Standards and advice contained in Planning Policy Wales (Edition 10 December, 2018).

The following appeal has been decided since my last report to Committee:

CODE NO.	C/20/3250570 (1889)
APPLICATION NO.	ENF/182/19/ACK
APPELLANT	MISS ELINOR HOPE ROBERTS
SUBJECT OF APPEAL	UNAUTHORISED USE AS A HOLIDAY LET IVY COTTAGE, COURT COLMAN CF31 4NG
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELD.

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

Ymweliad â safle a wnaed ar 27/07/20

gan **Richard E. Jenkins, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29th October 2020

Appeal Decision

Site visit made on 27/07/20

by **Richard E. Jenkins, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 29th October 2020

Appeal Ref: APP/F6915/C/20/3250570

Site address: Land at Ivy Cottage, Court Colman, Bridgend, CF31 4NG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss Elinor Hope Roberts against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, reference numbered ENF/182/19/ACK was issued on 5 March 2020.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the said land from residential to a commercial letting as holiday accommodation.
- The requirements of the notice are to cease the use of the property known as Ivy Cottage, Court Colman for commercial letting as holiday accommodation.
- The period for compliance with the requirements is 3 months after the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

2. Since the prescribed fees have not been paid within the specified period, there is no appeal under ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, has lapsed. The planning merits of the matters that comprise the alleged breach are not, therefore, material to the determination of the appeal.

The Enforcement Notice

3. During the processing of the appeal, views were sought from the parties in relation to whether or not it would be necessary for the enforcement notice to be corrected under the powers outlined in Section 176(1) of the Act. Specifically, it was queried whether or not the alleged breach of planning control and associated requirements of the notice should be corrected to refer to the fact that up to 10 people were staying at the holiday let at the time the enforcement notice was issued. The Council confirmed that it would not object to such corrections being made, although the appellant raised concerns in respect of such matters. However, having considered all of the evidence in relation to this matter, I have ultimately found that such corrections are not necessary. In coming to this conclusion, I have been particularly mindful that the

exact number of occupants was not the determining factor in reaching my overall conclusions.

Reasons

The Appeal under Ground (c)

4. The appeal under ground (c) is that there has not been a breach of planning control. Specifically in this case, it is contended that there has not been a breach of planning control because the use of the Class C3 residential property as a holiday let comprises '*permitted development*' for the purposes of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO).
5. It is well established that the issue of whether or not the use of a single dwelling/house for commercial holiday letting amounts to a material change of use is a matter of fact and degree in each case. In particular, it depends upon the particular characteristics of the use as holiday accommodation. The proposition that the use of a single dwelling/house for holiday letting is never, or indeed always, a material change of use is therefore incorrect. The Council contends in this instance that the commercial letting of the property as holiday accommodation constitutes a material change of use. In coming to this conclusion, it states that the use of the property by up to 10 people at any one time, including those associated with wedding parties and other functions at the adjacent Court Colman Hotel, is over and above what would reasonably be considered as a Class C3 residential use.
6. I am not persuaded that the use of the property by up to 10 people at any given time is, on its own, a reason to conclude that a material change of use has occurred. Indeed, the premises only incorporates 3 no. bedrooms and I have no reason to find that a holiday let of such a scale would necessarily be unattractive to family or other groups that would, for the purposes of their stay, use the property as a single household. As a consequence of the particular characteristics of the use in this case, multiple parties have referred to the property as an '*events house*'. However, such a term remains undefined and is not referred within the enforcement notice. Nonetheless, the submitted evidence is consistent that the use of the property as a holiday let is inextricably linked to the neighbouring Court Colman Hotel. It is also generally consistent that the use causes levels of noise and general disturbance above that typically expected of a residential dwelling.
7. Vehicular access to the appeal property is available via a private lane. However, I was able to confirm at the time of my site inspection that a separate pedestrian access to the rear of the appeal property has been created from the Hotel grounds. Indeed, guests staying at the holiday let are advised to park at the hotel car park and are required to check-in at Court Colman Hotel. This is reflective of the fact that the appeal property is under the same control as the adjacent Hotel, with the appellant's own evidence describing the holiday let as '*merely an extension of that business*'. Such physical and operative linkages between the hotel and appeal property are further reinforced by the fact that a significant proportion of the occupants at the appeal property attend weddings and other functions at the Hotel. Indeed, the evidence indicates that the holiday let use is advertised directly via the Hotel website as a suitable option for wedding parties.
8. As set out above, the holiday let can accommodate up to 10 guests at any one time and it offers a hot tub and outdoor swimming pool. The evidence indicates that there is a tendency for guests at the appeal property to exploit the aforementioned physical linkages with the Hotel and there are multiple reports of the resulting functional

linkages leading to instances of anti-social behaviour at the appeal property. Indeed, a number of interested party representations indicate that the commercial letting of the property causes material harm to the living conditions of neighbouring occupiers, having particular regard to levels of noise and general disturbance that are said to be above that expected of a residential household.

9. I have fully considered the appellant's contention that 'house rules' have been established and note the assertion that outdoor activity is restricted after 21:00 hours. However, the concerns raised in respect of levels of noise and general disturbance are generally consistent and, given that they are not disputed by any cogent evidence to the contrary, I consider that they should be attributed significant weight in the determination of the appeal. I recognise the appellant's contention that the house rules are enforced by the Hotel's night porter. However, such an arrangement simply serves to reinforce the overall finding that the holiday let is used in conjunction with the neighbouring hotel and that it does not have the characteristics of an independent residential household.
10. I have considered the other alleged breaches of planning control cited within the appellant's evidence. However, as such allegations remain largely unsubstantiated and unrelated to this appeal, I do not consider that they assist the appellant's case. I have considered all of the other matters raised, including the contention that independent legal specialists advised that planning permission was not necessary for such a use. However, I have not had sight of such advice or any certificate issued under sections 191/ 192 of the Act and, in any event, I have already set out above that the issue of whether or not the use of a single dwelling/house for commercial holiday letting amounts to a material change of use is a matter of fact and degree in each case. Indeed, it is on this basis that I have considered the appeal.
11. The characteristics of the use therefore lead me to conclude that a material change of use has occurred in this case. As that change of use does not constitute permitted development under the provisions of the GPDO, and as the use does not benefit from a grant of planning permission, it follows that there has been a breach of planning control. For this reason, and having considered all matters raised, I conclude that the appeal under ground (c) must fail.

The Appeal under Ground (f)

12. The appeal under ground (f) is that the steps required to comply with the requirements of the Notice are excessive and that lesser steps would overcome the objections. In this case, the Notice requires the commercial letting as holiday accommodation to cease.
13. The appellant has referred under such grounds to the access arrangements at Ivy Cottage that enable the property to be accessed directly from the neighbouring Court Colman Hotel. Specifically, the appellant contends that such arrangements alleviate the concerns in respect of traffic and obstruction.
14. Nevertheless, given that I have already set out above that a change of use has occurred, such arguments do little to demonstrate that the requirements of the notice are excessive. Indeed, in the absence of a planning permission to remedy the breach of planning control, the only other remedy available to the Council is the cessation of the unlawful use.
15. I therefore find that the steps required to comply with the requirements of the Notice are not excessive. Rather, I find the requirements to be both reasonable and necessary. For these reasons, I find that the appeal under ground (f) must also fail.

Overall Conclusion

16. Based on the foregoing analysis, and having considered all matters raised, I conclude that the appeal should be dismissed and the enforcement notice upheld.

Richard E. Jenkins

INSPECTOR

This page is intentionally left blank

REPORT TO DEVELOPMENT CONTROL COMMITTEE

10 DECEMBER 2020

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

USE OF PLANNING PERFORMANCE AGREEMENTS AND OTHER COST RECOVERY MEASURES FOR THE DETERMINATION OF PLANNING APPLICATIONS

1. Purpose of report

- 1.1 The purpose of this report is to advise Members of the potential to use Planning Performance Agreements (PPAs) with developers as part of a system of cost recovery in dealing with (mainly) major development proposals but the principle is equally applicable to smaller scale development. A number of other Local Authorities within the area are already using PPAs to deal with certain development proposals and there is increasing evidence that that developers are willing to enter agreements as it provides additional certainty on the outcome of an application.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience and enable them to develop solutions to have active, healthy and independent lives.

3. Background

- 3.1 The main purpose of a PPA is to provide a framework agreed between the Local Planning Authority (LPA) and the applicant or potential applicant about the process for considering a major development proposal. A PPA is a flexible mechanism adaptable to proposals where the issues raised are relatively straightforward to those where the issues are complex, a number of parties may be involved and the process may be staged over a long period. In the case of a Planning application this could range from the pre-application submission to the final agreement of Planning conditions. There is no standard PPA as each one is likely to be unique to its particular circumstances. A PPA is viewed as an efficiency tool which provides a clear timeframe to progress significant development and associated economic benefits as well as where necessary additional resource to ensure service continuity.
- 3.2 The process that the PPA sets out will vary according to the number and complexity of the issues to be considered and the type of development proposed. A relatively

modest development with straight forward issues may not benefit from a PPA approach although some proposals even smaller scale schemes may require specialist input for example ecological, landscape and visual or highways expertise. In this case the determination period will likely be extended and additional resource needed to allow the LPA to make an informed and on balance decision or recommendation. Most large scale or significant development proposals will require some form of additional or extraordinary input and the PPA will agree the extension to determination periods which is allowable under current Regulations.

- 3.3 A PPA could be agreed by way of a mutual understanding between the parties or by way of formal agreement. In most cases some form of written agreement will be required in order to agree timescales. This will be more pertinent when there is a financial contribution over and above the normal Planning fee which would be used to provide any additional resources necessary to determine the application.
- 3.4 It is necessary to point out that that a PPA should not be considered as means of 'buying' a Planning consent or circumventing the normal Planning process. Notwithstanding any agreements, it is a requirement under Planning law for each Planning application to be considered on its merit taking into account all material considerations including national and local land use policy. It will be highly unlikely that a LPA will enter a PPA related to a development that has little or no chance of receiving a favourable recommendation.
- 3.5 The common elements of a PPA are generally considered to be:
- The agreement is usually drawn up prior to the submission of a Planning application.
 - The LPA and the prospective applicant are signatories to this voluntary agreement.
 - As a general principle the agreement should be as simple as possible, consistent with a proportionate approach to the scale of the proposal and complexity of the issues raised.
 - The agreement should include one or more agreed milestones to define the process of considering the development proposed including an agreed date by which an application will be determined by the LPA.
 - The agreed determination date will supersede the normal statutory time limits
 - The simplest PPAs will be an agreement between the Council and the applicant setting an appropriate determination date for a Planning application.
 - More often the PPA will be agreed during pre-application discussions to set out the scope and timetable for pre-application engagement and subsequent submission and determination of the Planning application.
 - An additional financial contribution over and above the Planning fee can be agreed.
- 3.6 There is no direct reference to PPAs in current Welsh Planning law or policy however, the Local Government Act 2003 allows Councils to make charges for additional services. In the case of a PPA, the additional services would include the cost of engaging temporary or agency staff to backfill Officers engaged full time in working on the project or to procure specialist advice assist in the determination of the proposal. The use of a PPA would allow a project management approach to

major developments with a dedicated project manager and/or team whilst not compromising business as usual work streams.

4. Current situation/proposal

- 4.1 The lack of adequate resource of Planning functions within local Authorities in Wales is a national issue identified by both Welsh Government and the Royal Town Planning Institute (RTPI). It is apparent that there is a critical loss of Planning and related skills within local Authorities together with a corresponding impact on the ability to deliver sustainable development in line with national policy. Lack of adequate resource within Planning Authorities is also identified as one of the principal reasons behind delays in the Planning system. The Auditor General for Wales undertook a thorough examination of the Planning System in Wales and specifically its ability to implement the aims and objectives of the Wellbeing of Future Generations Act (Effectiveness of Local Planning Authorities in Wales, June 2019). Further to this, both the Welsh Parliament Public Accounts Committee (Effectiveness of Local Planning Authorities in Wales, June 2020) and Future Generations Commissioner (The Future Generations Report 2020) raised concerns on the ability of Planning teams to deliver key national legislation and policy. Lack of adequate resource within Planning teams is cited as a key risk factor across all these independent reports.
- 4.2 Bridgend is no exception to this national picture and staffing levels within the Group have reduced by 50% over the last 8 years together with a loss of specialist roles including GIS, Minerals Planning and urban design expertise. In order to meet the challenge of resource issues against a need to deliver a vital service against a challenging backdrop of radical changes to policy and legislation, the service has been rationalised and restructured on a number of occasions. The most recent in 2019/2020 reduced business support functions from the service in favour of re-skilling staff to focus on technical work streams as well as introducing more flexible job descriptions to allow easier movement between functions. Further efficiencies have been made by investment in new ICT and by improving revenue streams and introducing more paid for services such as pre-application advice and viability assessments. However, notwithstanding gains in efficiency, critical areas remain particularly with regard to the determination of major Planning applications and highway input to major schemes as well as overall general resilience.
- 4.3 Due to high workloads, increasing complexity of technical submissions as well as the implementation of far reaching national legislation and policy including the critical placemaking agenda, the Service is losing the gains made through efficiency over the last decade and is at risk of failure and potentially considering a reduction in service levels to provide a focus on core statutory functions only.
- 4.4 Bridgend has also seen a number of large development proposals coming forward over the last year. For example, the expansion of the WEPA paper mill in Maesteg was a significant project with subsequent economic benefits both locally and regionally. This application tested the teams quite considerably from pre-application through to post decision and at one point required full time input for a number of Officers. In this case, the project was time sensitive but was delivered on time following the grant of Planning permission although other work streams within the service were delayed as a result.
- 4.5 The use of a PPA in this circumstance would provide an agreed framework for the processing of the application from pre-application stage through to the discharge of

conditions as well as the potential to secure additional resource to assist in covering those staff members fully engaged on the project.

- 4.6 Bridgend is seen as a key area of growth and is identified as such in the forthcoming National Development Framework (NDF) or Future Wales. It is highly likely that other key inward investment proposals will be forthcoming. Added to this is the Replacement Local Development Plan (LDP), due for adoption in mid-2022, which will identify a number of key strategic sites within the County Borough together with the corresponding need for Planning consent. There is demonstrative need for a system of PPAs to be introduced in time to meet the challenge. Furthermore, there is increasing evidence of the willingness of developers to enter PPAs as part of the regular Planning process.
- 4.7 It is proposed to consider the potential for this system within Bridgend with a view to introduce a system of PPAs to be included as part of a revised and updated Pre-Application Advice Service. Bridgend has had a system of paid pre-application advice since 2011 which was radically overhauled in 2016 and updated more recently (April 2019) to include more categories of development. The service has proved successful and popular with prospective developers and results in higher quality development outcomes as well as additional resource income that can be re-invested within the service area.
- 4.8 Principally, PPAs would be used for larger development schemes (major and above) but could also be used for any type of development that requires an extraordinary response from the LPA. This could include renewable energy schemes or essential development on sensitive sites. PPAs could also be used as part of a response to consultations on Developments of National Significance (DNS) applications. These applications are submitted to and determined by the Welsh Ministers via the Planning Inspectorate which takes most of the planning fee. In this case, the Local Authority will be a statutory consultee and will be responsible for discharging the conditions and any subsequent enforcement. It is essential therefore, that any costs incurred by securing critical advice can be recovered from the developer.
- 4.9 It is also proposed to look at additional income streams by applying PPA principles to smaller scale development and 'fastracking' initiatives. These have been implemented to good effect in other Local Authority areas however, any such scheme must be in the interest of sound Planning and not prejudice any other legitimate process.
- 4.10 It is apparent that the use of PPAs within the mainstream Planning process is increasing with a willingness on the part of both developers and decision makers to enter agreements to secure timely consents, added value functions and achieve higher quality development. This is due in part by pressures of resource limitations within LPAs and the increasing complexity of legislation and policy. The Development Control Committee is requested to authorise Officers to explore the use of PPAs within Bridgend and to review its paid for pre-application advice service with a view to seeking the subsequent approval of cabinet for a new charging structure in due course. Added resource secured through PPAs will assist in longer viability and resilience of the Planning and Development service area.

5. Effect upon policy framework and procedure rules

- 5.1 The statutory Town and Country Planning system is governed by the Town &

Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Planning Wales Act 2015 and various Regulations.

- 5.2 The Local Government Act 2003 allows Local Authorities to recover the costs of providing services or improvements to services that they are authorised, but not required, to provide to someone under any enactment, as long as that person has agreed to the provision of the service.

6. Equality Impact Assessment

- 6.1 There are no direct implications associated with this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The statutory Planning system is administered in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

8. Financial implications

- 8.1 The cost of the administering the statutory Town and Country Planning system is met from current budget heads and offset by Planning and pre-application fee revenue. The introduction of a PPA system will strengthen resilience within the service with the potential to increase revenue streams.

9. Recommendation(s)

- 9.1 That Members agree to the principle of introducing a system of Planning Performance Agreements in Bridgend and authorise the Group Manager Planning and Development Services to seek Cabinet approval to take forward a formal system of agreement and charging.
- 9.2 That authority be given to the Group Manager Planning and Development Services to review and make changes to the current Pre-Application Advice Service and scale of charges.

Jonathan Parsons
Group Manager Planning & Development Services
10 December 2020

Contact officer: Jonathan Parsons
Group Manager Planning & Development Services

Telephone: (01656) 643153

Email: jonathan.parsons@bridgend.gov.uk

Postal address: Development Planning
Communities Directorate
Civic Offices, Angel Street
Bridgend
CF31 4WB

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

10 DECEMBER 2020

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

WELSH GOVERNMENT CONSULTATION DOCUMENT REGULATIONS ESTABLISHING THE PROCEDURE FOR THE PREPARATION OF STRATEGIC DEVELOPMENT PLAN AND ASSOCIATED MATTERS

1. Purpose of report

- 1.1 The purpose of this report is to inform Development Control Committee that Welsh Government are seeking views on their policy intent for the subordinate legislation required to establish the procedure for Strategic Development Plans to be prepared across Wales by Corporate Joint Committees. The consultation document can be viewed by clicking on the link here: [consultation-document-town-and-country-planning-strategic-development-plan-wales-regulations-2021.pdf \(gov.wales\)](https://gov.wales/consultation-document-town-and-country-planning-strategic-development-plan-wales-regulations-2021.pdf)

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

2. Background

Local Development Plans and Strategic Development Plans – the current legal framework.

- 2.1 Local Development Plan (LDP) preparation and adoption is governed by provisions in Part 6 of the Planning and Compulsory Purchase Act 2004 (the PCPA). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended (the LDP Regulations), made under that Part, set out the procedure for the preparation of local development plans (LDPs) by Local Planning Authorities (LPAs). The LDP Regulations have to date facilitated the adoption of 22 initial LDPs and 3 LDP first revisions in Wales.
- 2.2 The Planning (Wales) Act 2015 (PWA) gained Royal Assent on 6 July 2015. Amongst other things, it amends Part 6 of the PCPA for the purpose of introducing SDPs, to be prepared by governance bodies called Strategic Planning Panels (SPPs) on the

basis of either a voluntary approach by two or more LPAs or a Ministerial direction. It also makes additional provision so that LDPs must be in general conformity with the National Development Framework for Wales (the NDF) and any SDP prepared in relation to the geographical area in question, while the SDP itself must similarly be in conformity with the National Development Framework.

- 2.3** The policy intent in respect of SDPs is to introduce a more strategic approach to plan making at a scale greater than individual LDPs. Welsh Government state that there is an identified need to improve how the Planning system addresses issues that cross local authority boundaries to reflect how people live their lives today and in the future. SDPs should provide a more consistent, cost effective and efficient approach to Plan Making with key decisions taken once at the strategic level. This will allow larger than local issues such as housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, supporting transport infrastructure which cuts across a number of LPA areas to be considered and planned for in an integrated and comprehensive way. Welsh Government state that this will result in more efficient and effective Planning outcomes for communities.
- 2.4** The Local Government Elections Bill (LGEB) was introduced into the Senedd in November 2019. It introduces Corporate Joint Committees as the Welsh Ministers' preferred means of preparing an SDP in place of SPPs. Accordingly, the Welsh Ministers intend to introduce amendments to the LGEB which will in turn amend Part 6 of the PCPA so that the provisions relevant to SDPs are replicated in all material respects albeit in a new context where the Corporate Joint Committee (CJC) is the sole body responsible for their preparation.
- 2.5** The LGEB confers a power on the Welsh Ministers to establish CJsCs via Regulations. The Minister for Housing and Local Government has confirmed the Welsh Government's intention to establish the first CJsCs as soon as possible. These CJsCs will exercise functions relating to the preparation of an SDP, to the development of Regional Transport plans and in addition, will include a power to promote or improve the economic well-being of its area.
- 2.6** A consultation on the draft Regulations establishing the CJsCs is being undertaken in parallel with this consultation and can be viewed by clicking on the following link: <https://gov.wales/consultations>

3. Current situation/proposal

- 3.1** Welsh Government are seeking views on their policy intent for the subordinate legislation required to establish the procedure for Strategic Development Plans to be prepared across Wales by Corporate Joint Committees. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (the SDP Regulations).

- 3.2 Once a Strategic Development Plan is adopted an LDP will still need to be prepared. LDPs prepared under an adopted SDP will be more focussed in nature, dealing with local issues and policies and will identify site specific allocations, prepared in general conformity with the adopted SDP.
- 3.3 Welsh Government's consultation document seeks views on 9 specific questions.
- 3.4 Question 1: Do you agree the SDP Regulations should broadly mirror the key stages and plan preparation requirements set out in the LDP Regulations, subject to the exceptions referred too? If not, please explain why
- 3.5 Officer response: Agree.
- 3.6 Question 2: Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)? If not, please explain why
- 3.7 Officer response: Agree.
- 3.8 Question 3: Do you agree with the list of general and specific consultation bodies listed in Annex 1? If not, who else do you think should be considered for inclusion and why?
- 3.9 Officer response: Agree.
- 3.10 Question 4: Do you agree with the two stage preparation and consultation approach proposed at Preferred Strategy and Deposit? If not, please explain why and what alternative approach you would suggest?
- 3.11 Officer response: Agree.
- 3.12 Question 5: Do you agree with the particular elements of the procedures and requirements proposed for SDP preparation including proposals from pre-deposit to Deposit stage? If not, please explain why
- 3.13 Officer response: Agree.
- 3.14 Question 6: Do you agree with the proposed approach for submission, examination and adoption of an SDP? If not, please explain why
- 3.15 Officer response: Agree.
- 3.16 Question 7: Do you agree with the proposed approach to monitoring, review and revision of an SDP? If not, please explain why
- 3.17 Officer response: Agree.

3.18 Question 8: Do you agree with the proposed approach for SDP withdrawal? If not, please explain why

3.19 Officer response: Agree.

3.20 Question 9: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them

3.21 Officer response: Whilst the principle of mirroring the current LDP process in a regional strategic plan is generally supported, there is an element of concern that the process was designed specifically for a more local plan and may not reflect the more challenging aspects of strategic policy particularly in terms of engagement. Also, the concept of SDPs is broadly supported but it is also considered that the continued importance of LDPs should not be underestimated as they will still be required at a local level, albeit in a lightened form. As such, it is important that resources remain at a local level to ensure they are adequately undertaken.

4. Effect upon policy framework and procedure rules

4.1 The establishment of CJsCs will result in the transfer of some functions relating to strategic development planning although the exact detail is yet to be established.

5. Equality Impact Assessment

5.1 There are no direct implications associated with this report.

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

6.1 The Well-being and Future Generations (Wales) Act seeks to improve the social, economic, environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. It should be noted that the Planning system is central to achieving sustainable development and the five ways of working are an intrinsic part of the Planning system. The 5 main considerations of the WBFG Act are set out below with an explanation of how this work meets their objective:

Long term: The SDP will introduce a more strategic approach to plan-making.

Prevention: The aim of the SDP and indeed the LDP is to create sustainable places.

Integration: The preparation of the SDP is required by legislation and will need to be in conformity with national Planning policy.

Collaboration: The SDP will require the South-east Wales Local Authorities to work collaboratively to deliver this project.

Involvement: Like an LDP, plan-making at a strategic level will still require involvement from technical and non-technical stakeholders.

7. Financial implications

- 7.1 Strategic Development Plans will be funded by existing Local Government budget heads although the Minister has indicated there may be initial funding available for start-up costs.

8. Recommendation

- 8.1 That Development Control Committee notes the contents of this report and authorise the Group Manager – Planning & Development Services (in consultation with the Cabinet Member for Communities) to formally respond to the 9 specific consultation questions.

Janine Nightingale
Corporate Director Communities

10 December 2020

Contact Officer: Jonathan Parsons
Group Manager – Planning & Development Services

Telephone: (01656) 643153

Email: Jonathan.Parsons@bridgend.gov.uk

Postal address: Development Planning
Communities Directorate
Civic Offices, Angel Street
Bridgend
CF31 4WB

Background documents:

None.

This page is intentionally left blank