

# 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 / 643694 / 643513  
Gofynnwch am / Ask for: Gwasanaethau Democraidd

Ein cyf / Our ref:  
Eich cyf / Your ref:

**Dyddiad/Date:** Dydd Gwener, 10 Ebrill 2025

Annwyl Cynghorydd,

## **PWYLLGOR DATBLYGIAD A RHEOLI**

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli trwy Siambra y Cyngor, Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr, CF31 4WB / o bell Trwy Timau Microsoft ar **Dydd Iau, 17 Ebrill 2025 am 10:00**.

## **AGENDA**

### **1 Ymddiheuriadau am absenoldeb**

Derbyn ymddiheuriadau am absenoldeb gan Aelodau.

### **2 Datganiadau o fuddiant**

Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deuol o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.

### **3 Ymweliadau Safle**

I gadarnhau dyddiad dydd Mercher 28/05/2025 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.

### **4 Cymeradwyaeth Cofnodion**

Ffon/Tel: 01656 643643

Facs/Fax: 01656 668126

Ebost/Email: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Negeseuon SMS/SMS Messaging: 07581 157014 [Twitter@bridgendCBC](mailto:Twitter@bridgendCBC)

Gwefan/Website: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

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

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

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

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

# 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



5 - 14

I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 23/01/2025 a 20/02/2025

## 5 Siaradwyr Cyhoeddus

I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).

## 6 Taflen Gwelliant

Bod y Cadeirydd yn derbyn taflen gwelliant pwylgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.

## 7 Canllawiau Pwyllgor Datblygiad a Rheoli

15 - 18

## 8 P/24/652/FUL - Deolydd Maple, Heol Wern Tarw (Stryd Yr Eglwys), Rhiwceilioq

19 - 52

## 9 P/24/696/FUL - Melin Bryngarw, 4 Ffordd Abergarw, Abergarw, CF32 9LH

53 - 68

## 10 P/24/148/FUL - Iard Marlas A Padog, Y Pil , CF33 4PE

69 - 106

## 11 Apeliadau

107 - 130

## 12 Diweddarriad i Aelodau ynghylch cais gan Marubeni Europower

131 - 152

## 13 Rhestr Hyfforddiant

153 - 154

## 14 Materion Brys

I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Bydd hwn yn gyfarfod Hybrid a bydd Aelodau a Swyddogion mynchu trwy Siambry Cyngor, Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr / o bell Trwy Timau Microsoft. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet\_committee@bridgend.gov.uk neu ffoniwch 01656 643148 / 643694 / 643513 / 643159

Yn ddiffuant

**K Watson**

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

**Dosbarthiad:**

Cynghorwr:

A R Berrow

RJ Collins

C L C Davies

S Easterbrook

RM Granville

H Griffiths

S J Griffiths

D T Harrison

M L Hughes

D M Hughes

M R John

W J Kendall

J Llewellyn-Hopkins

J E Pratt

R J Smith

A Wathan

R Williams

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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 23 JANUARY 2025

COFNODION CYFARFOD Y PWYLLGOR RHEOLI DATBLYGIADAU A GYNHALIWYD YN HYBRID YN SIAMBR Y CYNGOR - SWYDDFEYDD  
DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR, CF31 4WB AR DDYDD IAU, 23 IONAWR 2025 AM 10:00

Yn bresennol

Y Cynghorydd R M Granville – Cadeirydd

A R Berrow

S Easterbrook

D M Hughes

Yn Bresennol yn Rhithiol

C L C Davies  
W J Kendall  
A Wathan

S J Griffiths  
J Llewellyn-Hopkins  
R Williams

M L Hughes  
J E Pratt

M R John  
R J Smith

Swyddogion:

Rhodri Davies  
Gillian Dawson  
Craig Flower  
Robert Morgan  
Jonathan Parsons  
Michael Pitman  
Oscar Roberts

Rheolwr Rheoli Datblygiadau ac Adeiladu  
Cyfreithwraig - Cynllunio  
Arweinydd Tîm - Ceisiadau Cynllunio Bach  
Prif Swyddog - Rheoli Datblygiadau Prifffyrdd  
Rheolwr Grŵp - Gwasanaethau Cynllunio a Datblygu  
Swyddog Cymorth Technegol - Gwasanaethau Democrataidd  
Prentis - Adran y Gwasanaethau Democrataidd

**86. Ymddiheuriadau am Absenoldeb**

Penderfyniad	Derbyniwyd ymddiheuriadau am absenoldeb gan R J Collins, H Griffiths a M J Kearn
Dyddiad y Penderfyniad	23 Ionawr 2025

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 23 JANUARY 2025

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**87. Datganiadau o Fuddiant**

Penderfyniad	Gwnaethpwyd y datganiadau canlynol o fuddiant personol yn Eitem 7 ar yr Agenda.  Y Cynghorydd M John - Fel un o aelodau'r ward  Y Cynghorydd S Easterbrook - Gan fod aelodau'r teulu yn berchen ar dir yng nghyffiniau'r safle cais arfaethedig.
Dyddiad y Penderfyniad	23 Ionawr 2025

**88. Ymweliadau Safle**

Penderfyniad	<u>PENDERFYNWYD:</u>	Cytunwyd ar ddydd Mercher, 05/03/2025 fel dyddiad ar gyfer arolygiadau safle arfaethedig oedd yn codi yn y cyfarfod, neu'n cael eu hadnabod cyn cyfarfod y Pwyllgor nesaf gan y Cadeirydd.
Dyddiad y Penderfyniad	23 Ionawr 2025	

**89. Cymeradwyo Cofnodion**

Penderfyniad	<u>PENDERFYNWYD:</u>	Derbyn cofnodion cyfarfod y Pwyllgor Rheoli Datblygiadau dyddiedig 12/12/2024 fel gwir gofnod manwl gywir.
Dyddiad y Penderfyniad	23 Ionawr 2025	

**90. Taflen Ddiwygiadau**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 23 JANUARY 2025

Penderfyniad	Nid oedd Taflen Ddiwygiadau i'w hystyried yn y cyfarfod heddiw.
Dyddiad y Penderfyniad	23 Ionawr 2025

**91. Canllawiau'r Pwyllgor Rheoli Datblygiadau**

Penderfyniad	<u>PENDERFYNWYD:</u>  Bod Aelodau yn nodi blaen adroddiad y Pwyllgor Rheoli Datblygiadau.
Dyddiad y Penderfyniad	23 Ionawr 2025

**92. P/23/218/FUL a P/24/788/HAZ - Tir ym Mrynenyn a Bryncethin, Pen-y-bont ar Ogwr**

Penderfyniad	<u>PENDERFYNWYD:</u>  Bod y Pwyllgor, mewn perthynas â'r ceisiadau cynllunio arfaethedig uchod, yn gwneud y canlynol:-  (1) Y dylid cynnal Cyfarfod Arbennig o'r Pwyllgor Rheoli Datblygiadau er mwyn ystyried Cais P/23/218/FUL a P/24/788/HAZ ddydd lau, 20 Chwefror 2025. (2) Y dylai fformat ar gyfer diwrnod y Pwyllgor Rheoli Datblygiadau Arbennig fod fel y'i disgrifir yn yr adroddiad, ond y gallai gael ei newid yn ddibynol ar y Cadeirydd yn cytuno gyda'r Cyfarwyddwr Corfforaethol - Cymunedau neu Reolwr Grŵp y Gwasanaethau Cynllunio a Datblygu. (3) Y dylai hawliau siarad ar gyfer Gwrthwynebwyr gael eu hymestyn i 10 munud yr un ar gyfer dim mwy na thri unigolyn, a bod yr amser i'r Ymgeisydd ymateb hefyd i gael ei ymestyn i 10 munud.
Dyddiad y Penderfyniad	23 Ionawr 2025

**93. Ymateb CBS Pen-y-bont ar Ogwr (Awdurdod Cynllunio Lleol) i  
Ymgynghoriad Llywodraeth Cymru ar Hyrwyddo Gwasanaeth Cynllunio  
Gwydn sy'n Perfformio'n Dda**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 23 JANUARY 2025

Penderfyniad	<u>PENDERFYNWYD:</u>	Bod aelodau yn nodi cynnwys yr adroddiad ac ymateb yr Awdurdodau Cynllunio Lleol i Ymgynghoriad Llywodraeth Cymru (cyfeirir at Atodiad 2 yr adroddiad).
Dyddiad y Penderfyniad	23 Ionawr 2025	

**94. Cofnod Hyfforddiant**

Penderfyniad	<u>PENDERFYNWYD:</u>	Y dylid nodi adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau yn amlinellu Sesiynau Hyfforddi yn y dyfodol i Aelodau am Gynllunio a Datblygu.
Dyddiad y Penderfyniad	23 Ionawr 2025	

**95. Eitemau Brys**

Penderfyniad	Nid oedd unrhyw eitemau brys
Dyddiad y Penderfyniad	23 Ionawr 2025

Er mwyn edrych ar y drafodaeth bellach a gafwyd ar yr eitemau uchod, cliciwch y ddolen hon

DEVELOPMENT CONTROL COMMITTEE – THURSDAY, 20 FEBRUARY 2025

COFNODION CYFARFOD ARBENNIG O'R PWYLLGOR RHEOLI DATBLYGU A GYNHALIWYD YN HYBRID YN SIAMBR Y CYNGOR, Y SWYDDFEYDD DINESIG, STRYD YR ANGEL PEN-Y- BONT AR OGWR, CF31 4WB DDYDD IAU, 20 CHWEFROR 2025 AM 14:00 O'R GLOCH

Presennol:

Y Cyngorydd RM Granville – Y Cadeirydd

A R Berrow  
D T Harrison  
A Wathan

S Easterbrook  
D M Hughes

H Griffiths  
M R John

S J Griffiths  
J Llewellyn-Hopkins

Presennol yn Rhithwir:

RJ Collins

C L C Davies

W J Kendall

J E Pratt

Swyddogion:

Rhodri Davies  
Gillian Dawson  
Craig Flower  
Mark Galvin  
Rachel Keepins  
Robert Morgan  
Janine Nightingale  
Jonathan Parsons  
Michael Pitman  
Philip Thomas  
Leigh Tuck

Rheolwr Cadw Rheolaeth ar Ddatblygu ac Adeiladu  
Cyfreithiwr - Cynllunio  
Arweinydd Tîm – Cymwysiadau Bychain  
Uwch Swyddog y Gwasanaethau Democratiaidd - Pwyllgorau  
Rheolwr y Gwasanaethau Democratiaidd  
Prif Swyddog – Rheoli Datblygu Prifyrdd  
Cyfarwyddwr Corfforaethol - Cymunedau  
Rheolwr Grŵp Cynllunio a Datblygu  
Swyddog Cymorth Technegol – y Gwasanaethau Democratiaidd  
Arweinydd Tîm Rheoli Datblygu – y dwyraint  
Prif Swyddog – Rheoli Datblygu Prifyrdd

DEVELOPMENT CONTROL COMMITTEE – THURSDAY, 20 FEBRUARY 2025**Ymddiheuriadau am Absenoldeb**

Y Penderfyniad Wnaed	Derbyniwyd ymddiheuriadau am absenoldeb oddi wrth yr Aelodau canlynol:- Y Cynghorwyr M L Hughes, MJ Kearn, R J Smith ac R Williams.
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025

**97. Datganiadau o Fuddiannau**

Y Penderfyniad Wnaed	Gwnaed y datganiadau o fuddiannau canlynol:-  Y Cynghorydd S Easterbrook – buddiant personol yn eitemau 6 a 7 ar yr Agenda, gan fod ganddo aelodau o'r teulu yn byw yng nghyffiniau safleoedd y ceisiadau.  Y Cynghorydd M John – buddiant personol yn eitemau 6 a 7 ar yr Agenda fel Aelod y Ward ar gyfer yr ardal a buddiant rhagfarnus yn eitem 7 ar yr Agenda.
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025

**98. Siaradwyr Cyhoeddus**

Y Penderfyniad Wnaed	Y siaradwyr cyhoeddus ar y ceisiadau cynllunio a grybwylir isod oedd y canlynol:-  P/24/788/HAZ - Y Cynghorydd T Thomas, Aelod y Ward; Y Cynghorydd I Curzon, Cyngor Cymuned Llansanffraid-ar-Ogwr; L Till ac C Owen (gwrthwynebwyr y cais) a G Corbett, Marubeni Europower ac E Avery, Gwasanaethau Ymgynghori RPS.  P/23/218/FUL - Y Cynghorydd T Thomas, Aelod y Ward; Y Cynghorydd I Curzon, Cyngor Cymuned Llansanffraid-ar-Ogwr; L Till, C Owen ac N Kern (gwrthwynebwyr y cais) a T Nishino ,Marubeni Europower a D Barry, Gwasanaethau Ymgynghori RPS.
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DEVELOPMENT CONTROL COMMITTEE – THURSDAY, 20 FEBRUARY 2025

	Siaradodd y Cyngorydd M John hefyd ar P/23/218/FUL, ac ar ôl hynny gadawodd y cyfarfod ar unwaith yng ngoleuni'r ffaith ei fod wedi datgan buddiant rhagfarnus yn y cais hwn yn gynt yn y cyfarfod.
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025

**99. Taflen Ddiwygiadau**

Y Penderfyniad Wnaed	<u>PENDERFYNWYD:</u>	Bod y Cadeirydd yn derbyn Taflen Ddiwygiadau'r Pwyllgor Rheoli Datblygu fel eitem frys yn unol â Rhan 4 (paragraff 4) o Reolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried y diwygiadau angenrheidiol i Adroddiad y Pwyllgor, er mwyn cymryd i ystyriaeth sylwadau hwyr a diwygiadau yr oedd angen eu cynnwys.
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025	

**100. Canllawiau'r Pwyllgor Rheoli Datblygu**

Y Penderfyniad Wnaed	<u>PENDERFYNWYD:</u>	Bod y Pwyllgor yn nodi adroddiad safonol Cyfarwyddwr Corfforaethol y Cymunedau yn amlinellu Canllawiau'r Pwyllgor Rheoli Datblygu.
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025	

**101. P/24/788/HAZ – Tir ar Stad Ddiwydiannol Brynmenyn, Brynmenyn, CF32 9TX**

Y Penderfyniad Wnaed	<u>PENDERFYNWYD:</u>	Bod Caniatâd Sylweddau Peryglus yn cael ei roi ar gyfer y cais uchod, yn amodol ar yr Amod yn adroddiad Cyfarwyddwr Corfforaethol y Cymunedau:-
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	<p><u>Cynnig:</u></p> <p>Caniatâd Sylweddau Peryglus ar gyfer storio a defnyddio ym mhroses ddiwydiannol Atodlen 1 Rhan 2 Rhif 15 (Hydrogen) yng Nghyfleuster Cynhyrchu Hydrogen arfaethedig HyBont.</p> <p>Yn amodol ar gynnwys yr Amod bellach a ganlyn y cytunodd yr Aelodau arni yn y cyfarfod:-</p> <p>‘2. Yn ystod oes weithredol y Cyfleuster Cynhyrchu Hydrogen, rhaid cadw stocrestr bob amser i gofnodi cyfanswm yr Hydrogen sy'n bresennol ar y safle ar unrhyw un adeg ar unrhyw ddiwrnod penodol. Bydd y stocrestr ar gael i'w harchwilio o fewn un (1) diwrnod gwaith i gais ysgrifenedig ddod oddi wrth yr Awdurdod Sylweddau Peryglus.</p> <p>Rheswm: Sicrhau nad oes mwy na'r uchafswm o hydrogen a ganiateir ar y safle ar unrhyw un adeg.’</p> <p><u>Sylwer:</u></p> <p>Ni chymerodd y Cyngorydd M John ran yn y bleidlais mewn perthynas â'r cais hwn.</p>
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025

## 102. P/23/218/FUL – Tir ym Mrymenyn a Bryncethin, Pen-y-bont ar Ogwr, CF32 9TX

Y Penderfyniad Wnaed	<p><u>PENDERFYNWYD:</u></p> <p>Yn amodol ar Lywodraeth Cymru yn dileu'r Cyfarwyddyd Dal a gyhoeddwyd dan Erthygl 18 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 sy'n atal rhoi caniatâd cynllunio, rhoi caniatâd i'r cais uchod, yn amodol ar yr Amodau (a'r Nodiadau) y manylwyd arnynt yn adroddiad Cyfarwyddwr Corfforaethol y Cymunedau:</p> <p><u>Cynnig:</u></p> <p>Datblygu cyfleuster cynhyrchu hydrogen gwyrdd gydag electrolyswyr, storfa hydrogen, gorsaf ail-lenwi hydrogen, adeilad gweinyddol, is-orsaf a generadur wrth gefn; gyda mynediad, cylchrediad, lle parcio, goleuadau, wal 8 metr o uchder, ffensys diogelwch, tirweddu caled a meddal, a seilwaith draenio (pibell hydrogen wedi'i hepgor) ar dir ym Mrymenyn. Ynghyd â gosod gorsaf gynhyrchu trydan ffotofoltäig solar (fferm solar), yn cynnwys paneli solar ar y ddaear, gwrthdroyddion, unedau trawsnewid, adeilad rheoli a storio,</p>
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DEVELOPMENT CONTROL COMMITTEE – THURSDAY, 20 FEBRUARY 2025

	<p>offer switsio ac is-orsaf; gyda mynediad, cylchrediad, lle parcio, goleuadau, ffensys diogelwch, tirweddu caled a meddal, seilwaith draenio a lle adeiladu caeedig dros dro, ar dir ym Mryncethin. Y safleoedd i gael eu cysylltu drwy gyfrwng gwifren drydan danddaearol.</p> <p><u>Sylwer:</u></p> <p>Ni chymerodd y Cynghorydd M John ran yn y bleidlais mewn perthynas â'r cais hwn, oherwydd y buddiant rhagfarnus yr oedd wedi ei ddatgan yn gynt yn y cyfarfod.</p>
Dyddiad Gwneud y Penderfyniad	20 Chwefror 2025

Er mwyn gwyllo'r ddadl bellach a gafwyd ar yr eitemau uchod, cliciwch ar y ddolen hon, os gwelwch yn dda, (*to be inserted after document translated*)

Daeth y cyfarfod i ben am 17:54.

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

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

## **STANDARD CONDITIONS**

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

### Time-limits on full permission

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

### Time-limits on outline permissions

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

### Variation from standard time-limits

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

## **STANDARD NOTES**

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

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

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

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

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

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

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

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

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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

### **Format and Conduct at the Site Visit**

#### **Attendance**

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

## **Officer Advice**

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

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

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

## **Code of Conduct**

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

## **Record Keeping**

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

## **Site Visit Summary**

In summary site visits are: -

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

## **Frequently Used Planning Acronyms**

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

# Agenda Item 8

REFERENCE: P/23/652/FUL

APPLICANT: Mr & Mrs Evans, Evans & Preece c/o Hayston Developments & Planning Ltd, The Planning Studio, Hayston Bridge, Johnston, Haverfordwest, SA62 3HJ

LOCATION: **Maple Meadows Wern Tarw Road (Church Street) Rhiwceiliog Pencoed**

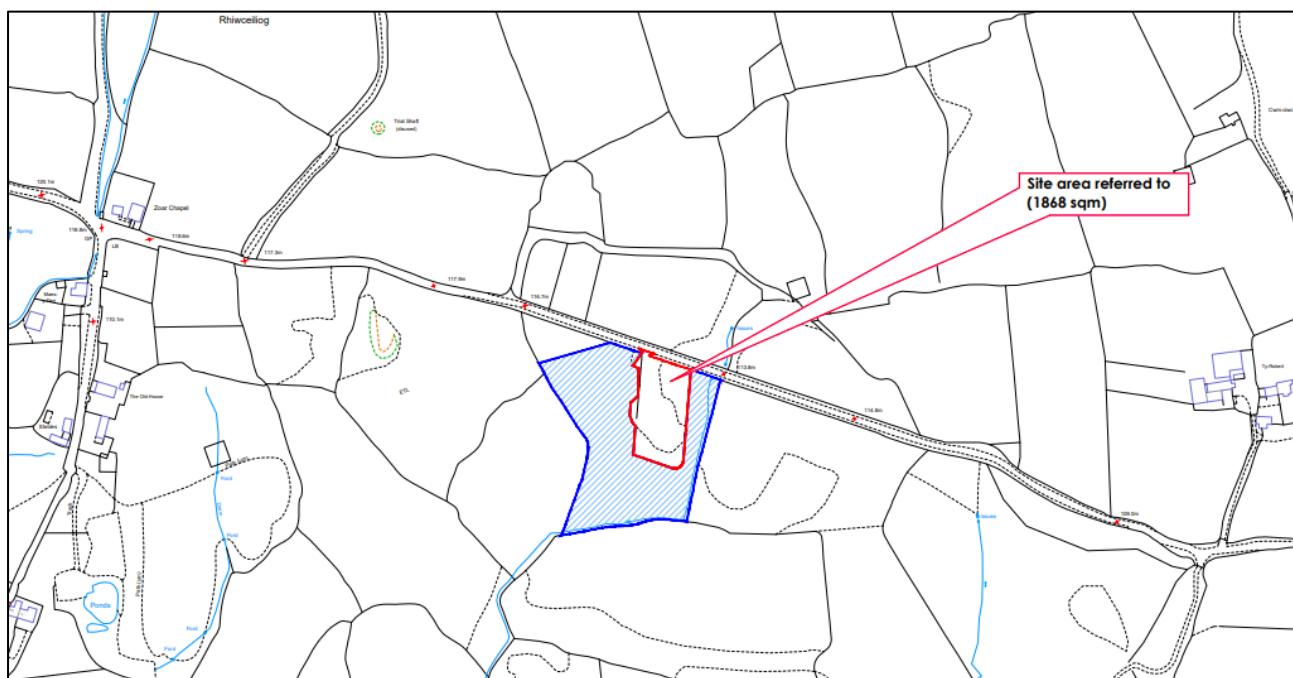
PROPOSAL: Three residential traveller pitches with day/utility room, static caravan and tourer with ecological restoration scheme and ecological mitigation, improved access, internal driveway, parking areas, boundary fencing and installation of private treatment plant

RECEIVED: 19 October 2023

## APPLICATION/SITE DESCRIPTION

Hayston Developments and Planning Limited have submitted this Application on behalf of Mr Jamie and Mrs Jordan Evans, Mr Nathan and Mrs Ellie Evans, Mr Danny and Mrs Amy Preece.

The Application proposes to create three gypsy pitches on land in the open countryside to the north of Pencoed.



**Figure 1 Site Location Plan**

The roughly rectangular site measures approximately 0.26 hectares and is situated on the southern side of Wern Tarw Road, Rhiwceiliog approximately 350m to the east of Zoar Chapel and 1.5km northwest of Brynnau, Rhondda Cynon Taff (RCT). The surrounding area edged in blue (in the Applicant's control), extends to a further 0.84 hectares. The site slopes gently in a southerly direction and is covered in hardcore and occupied by a series of caravans and other buildings and structures. There is an existing access onto Wern Tarw Road at the northerly boundary of the site. Trees and shrubs are located along the three other boundaries.

The Application proposes the following works:

- The creation of three Gypsy pitches.

- Each pitch will have a free-standing utility/day room measuring 7m x 4.4m x 2.5m high to the eaves and 3.7m to the ridge, on a concrete base, and will be constructed in blockwork with a timber or composite cladding finish under a slate tiled pitched roof.
- The provision of one touring caravan and two parking spaces per pitch.
- The caravans and day/utility rooms will be provided with soakaways for rainwater and foul water will be disposed via a Klargeter (or similar) private treatment plant package with an associated drainage field on land within the Applicant's ownership.
- The retention of the improved access, surfaced in tarmac or concrete for the first 5m, with an internal surfaced driveway leading to parking and turning areas for each plot.

The retention and extension of the perimeter timber fencing, existing laid hardcore, except areas designated for Ecological Restoration and enhancements detailed in the Ecology Reports that have accompanied the Application. Additional planting and biodiversity enhancements detailed in the reports will be implemented as part of the development. The Application is supported by the following plans and documents: Planning Statement and Justification Report

Appendix A (i)	Private & Confidential Report on the Applicant's personal details and gypsy status (under the Data Protection Act 2018).
Appendix A (ii)	Supportive Letter from TGP Cymru Travelling Ahead: Gypsy, Roma and Travelling Advice and Advocacy Service (Dated 19/10/23)
Appendix B	Summary of the Ecology Reports / Mitigation
Appendix C	Ecological Impact Assessment (Elite Ecology) August 2023
Appendix D	Phase 1 Geo-Environmental Report (Dice Environmental) June 2023
Appendix E	Biodiversity Impact Assessment Report & The Biodiversity Metric 4.0 Calculation Tool (Elite Ecology) June 2023
Appendix F	Ecological Restoration Plan (Elite Ecology) August 2023
Drawing 01c	Expanded Location Plan at Scale A3 @ 1:2500
Drawing 02d	Location and Block Plan at Scale A3 @ 1:2500 and 1: 500 respectively
Drawing 03d	Site Plan at Scale A3 @ 1:500
Drawing 04e	Overall Site Plan at Scale 1:250
Drawing 05a	Floor Plan and Elevations of Proposed Utility / Day Room at Scale A3 @ 1:50 and 1:100 respectively
Drawing 06b	Sectional Elevation showing existing in context at Scale A3 @ 1:200
Drawing 07b	Klargester Treatment Plant Details
Drawing 08c	Aerial Photograph Showing Land Subject to Restoration Project
Drawing 09	Boundary fence panels @ scale A3 1:20

Reproduced below is the Overall Site Plan which shows the layout of the pitches with the position of the static mobile homes, utility/day rooms, touring caravans, access roads and hardstanding areas and grassed amenity areas identified.

The proposed ecological restoration and mitigation measures are also detailed and will comprise the following:

## Ecology Restoration Measures and Ecology Mitigation

- Marshy grassland to be retained and restored  
See Elite Ecology Report dated May 2023 for full details
- Broadleaf woodland to be retained and restored  
See Elite Ecology Report dated May 2023 for full details
- Scattered scrub to be retained and restored  
See Elite Ecology Report dated May 2023 for full details

- Amphibian Hibernacula
- Bird Boxes
- Eco bat boxes
- Hedgehog boxes
- Invertebrate boxes



Figure 2 - Overall Site Plan

The Ecological Impact Assessment that accompanied the Application has been produced due to the concerns raised within the appeal decision (March 2023), related to the impact of the proposed development on the Hendre-Uchaf Site of Importance for Nature Conservation (**SINC**).

The report describes the baseline conditions, and the potential effect of the proposed development on ecology. Desktop and field surveys, including a Preliminary Ecological Appraisal, Bat Survey and Great Crested Newt Habitat Suitability Index have been carried out.

The results have informed the impact assessment having regard to the Chartered Institute of Ecology and Environmental Management's (**CIEEM**) Guidelines for Ecological Impact Assessment (2016). The Guidelines require an assessment of likely significant effects on important ecological features, and as such, does not require consideration of effects on every species or habitat that may be present within the project site. To determine whether there are likely to be significant effects, it is first necessary to identify whether an ecological feature is '*important*,' and therefore whether an effect upon it could be significant, and thus, material in decision making.

The submitted Ecological Impact Assessment examines effects on important ecological features with reference to the extent, magnitude, duration, timing, frequency, and reversibility of the impacts. For each ecological feature within the relevant study area, the baseline is identified and evaluated. For each important ecological feature, relevant impacts are characterised; effects defined and their significance assessed; mitigation identified and residual impacts reported.

The field survey work recognises that the Application site has undergone significant development works in 2019/2020, including the importation of significant amounts of hardcore. To assess the impacts of the works, the submitted report identifies habitats that were on site prior to the development and deduced using a combination of satellite imagery, the Bridgend County Borough Council (**BCBC**) SINC Review 2011 (specifically a review of the SINC of Hendir-Uchaf), and the Preliminary Ecological Appraisal completed by Elite Ecology in July 2019. In addition, an assessment of the habitats on site currently has been carried out for comparative purposes and to assess the extent of the environmental impacts of the development. The following habitats were noted:

- Scattered Shrub
- Broad-Leaved Scattered Trees
- Semi-Improved Grassland
- Marshy Grassland
- Native Species Rich Hedgerows with Trees

Each of these habitats were deemed to have been of high protected species potential.

The assessment has also attempted to identify the site's 'potential' (before development commenced), to support protected species and listed the following:

- Amphibians
- Badgers
- Bats
- Birds
- Flora
- Hazel Dormice
- Hedgehogs
- Invertebrates
- Reptiles
- Water Vole

Overall, the Ecological Impact Assessment states that the unauthorised works had a high impact on the habitats located on and immediately off- site due to the loss of significant amounts of ecologically valuable habitat caused by the felling of trees and scrub, and the importation of significant amounts of hardcore and rubble.

An Ecological Restoration Plan is proposed as part of this development and states that the site must be restored to its previous state circa 2018 (pre-development of the site), and a new habitat will be provided in accordance with the plan below:

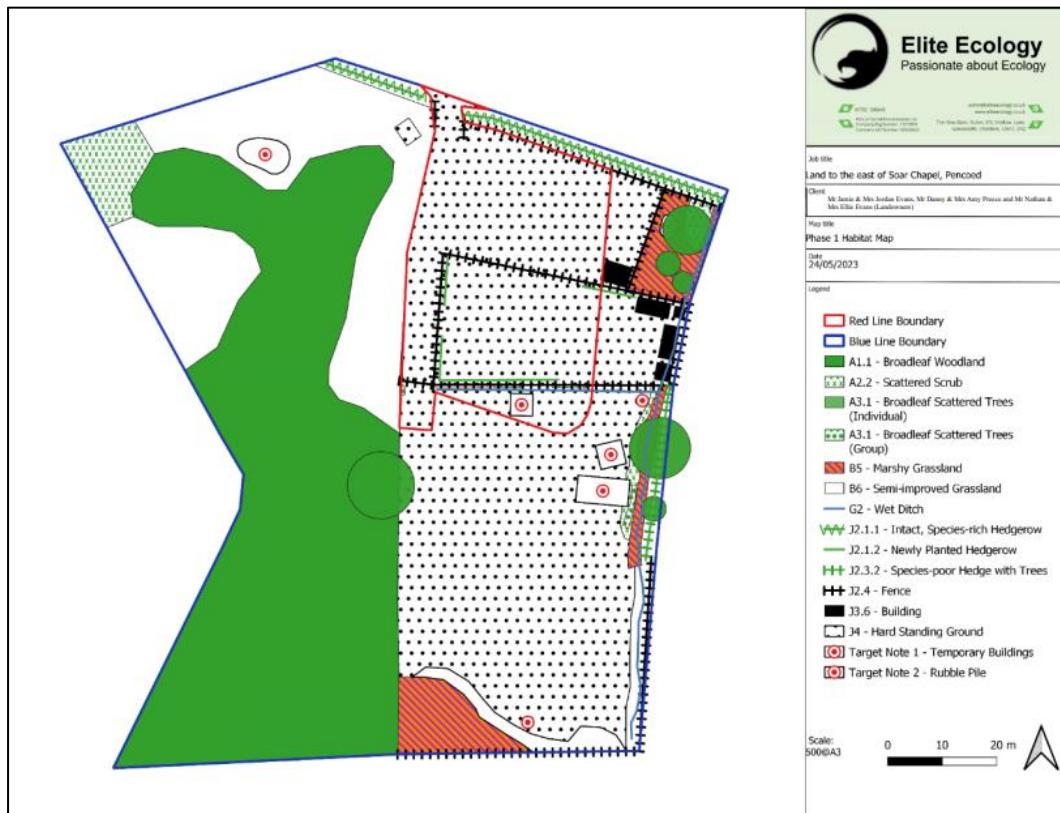


Figure 3 – Baseline Habitat – Existing Site Conditions (Red Outline – Proposed Development site)



Figure 4 – Proposed Habitat – Ecological Restoration Plan

The following habitats works are proposed as part of the Ecological Restoration Plan:

**Existing Hard Standing Ground Removal:** a large area of hard standing ground has been created to the south of the site, created through dumping rubble, road shavings, materials from buildings (artificial slates), and concrete railway sleepers. This will be removed from the site and disposed of responsibly. After the hardcore has been cleared, the soils should be excavated at a depth of 0.5m to ensure roots of Invasive Non-Native Species (INNS) have been extracted

and contaminated soil is removed.

- **Marshy Grassland:** the marshy grassland found to the south and north-east of the site is to be restored and reinstated.
- **Broadleaf Woodland Creation:** new broadleaf woodland will need to be created in order to restore the site to its previous state. Native Welsh broadleaf tree species must be included within the new woodland mix, as well as elm (*Ulmus procera*), goat willow (*Salix caprea*), and grey willow (*Salix cinerea*) to expand on the existing woodland species onsite.
- **Retained Hedgerows:** All retained hedgerows are to be enhanced through infilling and removing 10m of hedge every 30m, but no more than one third of the hedge is to be removed.
- **Retained Ditches:** All retained ditches are to be reprofiled to a gentle slope with a max depth of 1m over a width of 3m to maximise the structural variation, as well as avoiding any health and safety implications. Water tolerant grass and flower species are to be planted within the ditches.
- **Semi-improved Grassland Creation:** Due to the topsoil onsite having to be removed in accordance with the Himalayan balsam removal protocol, new topsoil will need to be brought to the site before the semi-improved grassland can be reinstated.
- **Control of Aggressive Weeds:** any weeds which grow on site and are thought to be aggressive and pose a threat to the success of the planted trees should be eradicated as soon as possible. These will be identified within a plant identification survey undertaken twice yearly; one in March and one in July. It will be necessary to remove all weeds found on site by hand during the first three years of the project, until the new trees are mature enough to survive.
- **Invasive Species Eradication:** compulsory measures are required to remove Himalayan balsam from the site to prevent the further growth and spread of invasive species.

The following species-specific measures are proposed as part of the Ecological Restoration Plan:

- **Amphibians:** the restoration is to incorporate at least one hibernaculum into the design scheme. They are usually comprised of rubble, rock, log piles, and earth banks.
- **Bats:** three Eco Bat Boxes or similar will be provided as part of the restoration.
- **Birds:** a minimum of four bird boxes should be installed onsite. These should be of the following: (i) Three Small Bird Nest Boxes and (ii) One Apex Bird Box
- **Hedgehogs:** two Eco Hedgehog Nest Boxes will create more opportunities for hedgehogs within the local landscape.

**Invertebrates:** At present, the site is not considered to be of any importance to local invertebrate populations. The proposed development is to incorporate two Bumblebee Boxes are incorporated into the scheme, along with two Bug Hotels. This will enhance the site for the local invertebrate populations, which will thus attract species further up in the trophic level.

Key to the success of the Restoration Plan will be an agreed programme that controls the implantation (timing and phasing of works) and the short-, medium- and long-term management of the newly restored/created habitats. It is estimated that for some habitats, it may be 10 years before it can be assessed whether the habitat has met the target condition.

In the summary section of the Ecological Impact Assessment, it is concluded that if the measures

outlined in the Ecological Restoration Plan are implemented in full, the development works of the three gypsy pitches as proposed will be deemed to have had a negligible impact on the site in the long-term.

However, it is recognised that the unauthorised works have caused a high impact on the SINC of Hendir Uchaf but it is deemed that they have had a negligible impact on other designated statutory sites in the area.

#### RELEVANT HISTORY

<b>P/19/580/FUL</b>	Two static residential gypsy caravans, two day / utility rooms, two touring caravans, improved access, internal driveway and parking area, fencing, retention of hardcore area and installation of a septic tank – Land east of Zoar Chapel, Wern Tarw Road, Rhiwceiliog.	Refused	9 April 2020.
<b>A/20/3254083</b>	Appeal against the refusal of planning permission for the siting of two static caravans – P/19/580/FUL	Dismissed.	24 March 2023
<b>C/21/3269231</b>	Appeal under section 174 of the Town and Country Planning Act 1990 as amended against an enforcement notice issued by Bridgend County Borough Council	Allowed and the enforcement notice varied to extend the time period for compliance from 3 months to 18 months.	24 March 2023

#### PUBLICITY

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

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

#### CONSULTATION RESPONSES

<b>CONSULTEE</b>	<b>COMMENTS</b>
<b>Coychurch Higher Community Council</b>	Following meetings with local members of the public, Members are concerned as to how residents will be directly affected by the proposed planning Application, not least due to the proposed considerable increase in the size.
<p>This Application refers to a parcel of land south of Church Street, that is currently governed by a PEDW appeal decision. This decision directs the owners to clear all unauthorised tipping and construction and return the ecology of the site to its original state by September 2024. It is noted BCBC are to ensure the recovery work is carried out by licenced waste carriers and in accordance with the published ecology recovery plan.</p>	

Following the PEDW appeal it was established that the Inspector's decision was final and that neither party present at the appeal would be at liberty to revisit the issue. As far as Members are of the understanding that PEDW decisions can only be overruled by the High Court and as such, applying for a new planning Application on the current site is therefore, questionable under the regulations.

The Ecological Impact Assessment specifically details evidence of non-native plants and debris that could contain asbestos. Continued construction on this site could cause further contamination to ground, waterways, and natural habitats. This would exacerbate the damage inflicted on an already compromised Site of Importance for Nature Conservation (SINC).

Additionally, access to the proposed site from any direction is via a single-track lane of deteriorating condition, and the increase in large heavy vehicles will almost certainly cause further damage.

Based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), BCBC has noted that the needs identified in the GTAA and provided for by Policy SP7 of the LDP have largely been met. This currently negates the need for any additional traveller pitches.

In conclusion, we question the proposed planning Application, which is considerably larger than the original and is under PEDW /BCBC governance and a stop order. This, as well as continued damage to an area which is protected by its SINC status, gives Members serious cause for concern.

Members respectfully request that clarification of the PEDW appeal decision be revisited and feel strongly that the PEDW appeal decision should remain as it is and consider any changes to this decision should be made by High Court action, as defined in the regulations.

**Councillor A Williams.**

I would be grateful if this Application could be referred to the Bridgend County Borough Council Development Control Committee for consideration and that I am allocated my allotted time to advocate my constituents' concerns on the material planning considerations relating to this Application.

You will recall that P/19/580/FUL was refused by notice dated 6 April 2020, an Appeal Hearing was held on 14th March 2023 followed by a site visit and the Appeal Decision was published on 24th March 2023.

In the Appeal Decision, Mr Thickett (PEDW Inspector) noted that the main issues included:

- whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development.
- the effect of the proposal on the Hendre Uchaf Site of Importance for Nature Conservation (SINC).

- the impact of the proposed development on the character and appearance of the area.

While I understand that this Application must be considered on its own merits, I maintain that these material planning considerations remain relevant to this Application and therefore, it should be refused on the following grounds. I will rehearse some of the Inspector's comments here for Members of the Development Control Committee to consider:-

#### Countryside & Sustainable Development

The site is in the open countryside to the north of Pencoed. Policy COM6(3) of the LDP relates to gypsy and traveller sites and, amongst other things, requires sites to be well related to community services and facilities. It is the view of residents that the site's location does not meet this requirement. In the Appeal Decision, the Inspector noted that national planning policy and guidance emphasises the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car. He went on to note that the site cannot be said to be in a sustainable location and well related to community services and facilities and the proposal, therefore, conflicts with Policy COM6(3) and national policy as set out in Future Wales and PPW. This new Application does not resolve the concerns highlighted by the Inspector and is inconsistent with both local and national policies.

Furthermore, based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), the local authority has noted that the needs identified in the GTAA and provided for by Policy SP7 have largely been met. To my knowledge, this has not changed and therefore there is no requirement for an additional site for Gypsy and Traveller Accommodation.

#### The Hendre Uchaf Site of Importance for Nature Conservation (SINC)

The site is located within the SINC which is characterised by marshy grassland and broad-leaved semi-natural woodland. In his decision notice, the Inspector noted that works carried out by the Applicants has resulted in the loss of around 1,300m<sup>2</sup> of habitat. Policy ENV4 of the LDP states that developments within a SINC should be compatible with the nature conservation interest of the area. The policy resists development which would have an adverse impact on a SINC unless the benefits associated with the development outweigh any harm or harm can be mitigated or compensated.

Policy 9 of Future Wales seeks to safeguard the resilience of eco systems and requires all new development to secure the maintenance and enhancement of biodiversity.

The Applicants had previously commissioned a Biodiversity Impact Assessment and Enhancement Strategy. However, subsequent to this strategy being commissioned, a significant amount of material was deposited on the land to the south of the site, including the area proposed to become the wildlife corridor. It has been almost wholly covered by hardstanding created through dumping rubble, road shavings, materials from buildings (artificial slates) and concrete railway sleepers.

The damage done to the SINC, not only by covering such a large area but with materials that may well be contaminated is likely to be significant. Indeed, the Inspector noted that it is not possible to determine whether the measures set out in the Biodiversity Impact Assessment and Enhancement Strategy are now achievable, never mind likely to be successful and he went on to say that he cannot be satisfied that the harm caused can be rectified by the imposition of a condition. He concluded that the proposed development would have an adverse impact on the SINC and conflicts with LDP Policies SP2(10) and ENV4 and Policy 9 of Future Wales.

Safeguarding, maintaining and enhancing our natural environment and biodiversity is one of the Welsh Government's well-being objectives and sustainable development principles under the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015.

Therefore, I am not convinced that the measures contained within the Ecological Restoration Plan in this new Application sufficiently address the Inspector's previous concerns; I am sceptical that they are achievable in practice; and I am not convinced that they are a genuine attempt to reverse the damage which has already been inflicted on this SINC and mitigate any further ecological damage. Furthermore, the proposed development is contrary to the Welsh Government's Wellbeing Objectives and sustainable development principles as outlined in national legislation.

#### Character and Appearance

The Inspector noted that the presence of the proposed caravans, buildings and domestic paraphernalia would inevitably have an adverse impact on the rural character and appearance of the area. He concluded that the proposal conflicts with LDP Policy SP2(2 & 3) and Policy ENV1 insofar as it requires development to be of an appropriate scale, form and detail. The original Application was for two static residential gypsy caravans and two touring caravans.

P/23/652/FUL is for three residential traveller pitches, each with one touring caravan and a static caravan. In recent months since the appeal hearing, activity at the site has intensified significantly with circa 10 caravans, static buildings and multiple vehicles on site, as evidenced by the Council, which shows a flagrant disregard for the Inspector's decision.

I am therefore not convinced that the Applicant will abide by the proposals contained within the Application to limit the site to one static caravan and three touring caravans as this has not been demonstrated to date. The only conclusion that one can draw is that the approval of this Application will have a further adverse impact on the rural character and appearance of the area and that the development will not be of an appropriate scale.

**Rhondda Cynon Taff Council**

I note that the location of the site is approximately 1.4km from the centre of Brynna and 0.8km from the RCT/Bridgend boundary at its closest point.

Given the small scale and location of the development it is unlikely that there would be any material planning impact to the administrative area of this Authority and therefore I have no objection or further observations to make.

**Transportation Officer (Highways)**

This site was subject of a previous planning Application ref P/19/580/FUL in which there were Highway observations of objection raised in respect of the sustainability of the site and a highway safety reason in respect of pedestrians being generated in the lanes leading to the site. That Application was refused and was the subject of an Appeal ref APP/F6915/A/20/3254083. In the decision notice the Inspector did agree with the highway stance on the first matter and indicated the site was not considered to be in sustainable location. However, this reason was set aside given the status of the Applicant and nature of the Application as a gypsy pitch together with a proven need for such. On the basis of the site not being sustainable it was also therefore concluded by the Inspector that the site "...would be heavily if not solely reliant on the car for trips to the shops, schools etc it is unlikely the proposed development would generate many pedestrian movements." Notwithstanding the above the appeal was dismissed on other grounds related to a SINC.

In addition, the Highway Authority are mindful of a very similar Application (Ref P/20/433/FUL) and subsequent appeal (Ref APP/F6915/A/20/3265375) on a site only 100m West of this current Application. In that case the Inspector similarly dismissed the Highway reasons for objection and ultimately allowed the appeal (with conditions).

Given this recent previous history, an understanding that the same need for accommodation exists and confirmation that the new Applicant also has gypsy status then the Highway Authority would consider it unreasonable to repeat its earlier observations. Accordingly, observations of no objection are offered subject to the imposition of conditions.

**Land Drainage**

No objection subject to conditions.

**Biodiversity Policy Manager (BCBC)**

No objection subject to conditions.

**Natural Resources Wales**

No objection subject to conditions.

**Dwr Cymru Welsh Water** No objection.

**Shared Regulatory Services – Environment Team – Land Quality** No objection subject to conditions.

**Shared Regulatory Services – Neighbourhood Services** No objection subject to conditions.

**The Coal Authority** The Application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the Application site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that the Application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the Applicant obtains coal mining information for the Application site and submits a Coal Mining Risk Assessment to support the planning Application.

However, when considering the nature of this particular development proposal, it does not appear that the structures will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning Application.

Notwithstanding the above, the Coal Authority does recommend that, should planning permission be granted for this proposal Informative Notes should be included on any consent granted.

**National Grid** National Grid Electricity Transmission have no objection provided the statutory safe clearances from our overhead lines are maintained at all times and our guidance information is adhered to.

## **REPRESENTATIONS RECEIVED**

The Department received individual letters of objection from four neighbouring properties and a joint letter of objection from twelve neighbouring properties.

A summary of the individual representations received is as follows:

- Site is in the open countryside – it does not meet the requirement of Policy COM6(3)
- National policy emphasises the importance of minimising the need to travel – the site is not in a sustainable location. This new application does not resolve these concerns

- Local authority has met the needs identified in the GTAA - this has not changed and therefore there is no requirement for an additional site for Gypsy and Traveller Accommodation.
- National and Local Policy resist development which would have an adverse impact on a SINC – damage has been done to the SINC - not possible to determine whether the measures set out in the Biodiversity Impact Assessment and Enhancement Strategy are now achievable.
- The Ecological Restoration Plan in this new application does not address the Inspector's previous concerns - sceptical that they are achievable in practice; and not convinced that they are a genuine attempt to reverse the damage which has already been inflicted on this SINC
- The Inspector concluded that the presence of the proposed caravans, buildings and domestic paraphernalia would have an adverse impact on the rural character and appearance of the area and would conflict with Policy. In recent months since the appeal hearing, activity at the site has intensified significantly with circa 10 caravans, static buildings and multiple vehicles on site, as evidenced by the Council, which shows a flagrant disregard for the Inspector's decision. Not convinced that the applicant will abide by the proposals contained within the application.
- This new application does not resolve the concerns and is inconsistent with both local and national policies.
- Dogs from the sites have injured livestock on neighbouring farms
- Development has resulted in an increase in traffic movements on the lanes serving the site
- Concerned that commercial waste is burned on site
- Land should be restored to agricultural use

The joint letter of objection is re-produced in full below:

*Our objections remain the same as the original Application P/19/580/FUL that was refused by notice dated 6 April 2020, following the Appeal Hearing held on 14th March 2023 and published on 24th March 2023.*

*This Application for three residential Traveller pitches with day/utility room, static caravan, tourer, improved access, internal driveway, parking areas, boundary fencing is essentially the same Application with the exception of an increase of three of everything replacing two of everything and the Septic Tank being replaced by installation of private treatment plant.*

*The Applicants have made no effort to comply with the planning refusal conditions which stay with the land not the owners (despite the change of ownership). They show a blatant disrespect for the Inspector's decision. Development continues with material, deliveries and diggers on site as previously notified. The number of touring and static caravans has increased in excess of 10 at times, along with multiple vehicles which continue to have an impact on residents and pedestrian use of the single-track lane access. The site continues to burn commercial waste daily with an unknown impact on residents' health.*

*In the Appeal Decision, Mr Thickett (PEDW Inspector) noted that the main issues included:*

- *Whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development.*
- *The effect of the proposal on the Hendre Uchaf Site of Importance for Nature Conservation (SINC).*
- *The impact of the proposed development on the character and appearance of the area.*

*This new Application P/23/652/FUL – does not resolve the concerns highlighted by the Inspector and is inconsistent with both local and national policies.*

*The area already has four approved Traveller sites within a 1.5-mile radius with multiple pitches. The area is already at risk of being consumed and residents outnumbered by Travellers.*

*We understand that based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), the local authority has noted that the needs identified in the GTAA and provided for by Policy SP7 have largely been met. Therefore, there is no requirement for an additional site for Gypsy and Traveller Accommodation.*

*Approval of a site located in a SINC area will set a precedent in the area. It will open the floodgates to siting of illegal dwellings or retrospective planning submissions within the protected countryside. The presence of the proposed caravans, buildings and domestic paraphernalia would inevitably have an adverse impact on the rural character and appearance of the areas, needless to say the environmental impact on the natural environment.*

*One of the Welsh Government well-being objectives is about Safeguarding, maintaining and enhancing our natural environment. The continued efforts to develop in this area is not in line with this objective.*

*As stated by the Inspector the site cannot be said to be in a sustainable location and well related to community services and facilities and the proposal, therefore, conflicts with Policy COM6(3) and national policy as set out in Future Wales and PPW. The national planning policy and guidance emphasises the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car.*

*Approval of this Application will have a further adverse impact on the conservation, rural character and appearance of the area. Along with the wellbeing and safety of the area. As already experienced, the Applicants fail to comply with authorities and will have a further detrimental effect on our personal wellbeing and safety in the area, due to increased safety concerns.*

*The already significant increase of speeding domestic and commercial vehicles coming and going from the site has a huge impact on our safety in the narrow lanes that runs directly outside our properties, onwards to the Applicant's site.*

*If this Application on a Special Landscape Area continues to have planning approval it will set a precedent and not be long before the area is consumed, and large additional amounts of protected countryside are lost. It will open the floodgates to siting of illegal dwellings or retrospective planning submissions.*

*Please consider the wellbeing of us as residents in a rural community. We are very anxious about these ongoing developments that are affecting our mental health, safety, and local ecology in a rural community within an identified Special Landscape Area.*

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The issues raised align with the main planning considerations and will be discussed further in the appraisal section of the report.

The Community Council has queried the validity of the Application and whether indeed a new Application can be considered following the Inspector's decision to dismiss the appeal.

As this Application is materially different to the previous submission and made correctly, the Council is duty bound to make a decision. Weight will however be afforded to the Inspector's decision although the Community Council should be mindful that, in balancing all the relevant considerations, the appeal was only dismissed based on the impact of the works on the SINC.

Concerns raised by residents regarding the burning of materials on site should be referred to colleagues in SRS. Dogs worrying livestock is a matter for the Police.

## RELEVANT POLICIES

### Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033 (**Local Development Plan (LDP)**) which was formally adopted by the Council on 13 March 2024 and within which the following policies are of relevance:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP3	Good Design and Sustainable Placemaking
Policy SP4	Mitigating the Impact of Climate Change
Policy SP5	Sustainable Transport and Accessibility
Policy PLA11	Parking Standards
Policy PLA12	Active Travel
Policy SP7	Gypsy, Traveller and Show peoples Sites
Policy SP8	Gypsy, Traveller and Show peoples Accommodation
Policy SP8	Health and Well-Being
Policy SP10	Infrastructure
Policy SP17	Conservation and Enhancement of the Natural Environment
Policy DNP1	Development in the Countryside
Policy DNP5	Local and Regional Nature Conservation Sites
Policy DNP6	Biodiversity, Ecological Networks, Habitats and Species
Policy DNP7	Trees, Hedgerows and Development
Policy DNP8	Green Infrastructure
Policy DNP9	Natural Resource Protection and Public Health

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

SPG17: Parking Standards

SPG19: Biodiversity and Development

### National Policies

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

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

Future Wales – the National Plan 2040

Planning Policy Wales Edition 12

Planning Policy Wales TAN 5 Nature Conservation and Planning

Planning Policy Wales TAN 12 Design

Planning Policy Wales TAN 18 Transport

Planning for Gypsy, Traveller and showpeople sites (WGC 005/2018)

Managing Gypsy and Traveller Sites in Wales – WG Guidance (May 2015)

Designing Gypsy and Traveller Sites – WG Guidance (May 2015)

### WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the Act are:

- A prosperous Wales

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

The duty has been considered in the assessment of this Application.

## THE SOCIO-ECONOMIC DUTY

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

## APPRAISAL

The main issues as set out by the Inspector in the previous appeal decision on this site are again relevant to the determination of this Application. Since that decision was issued, Welsh Government has published the latest version of Planning Policy Wales – Version 12 and this Council has adopted the Replacement Bridgend Local Development Plan – March 2024. The main issues are:

- whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development;
- the impact of the proposed development on the character and appearance of the area;
- the effect of the proposal including the ecological restoration works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC) and whether the concept of net benefit for biodiversity – i.e. that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before can be achieved on this site;
- the impact of the proposed development on highway safety;
- whether sustainable drainage systems can be incorporated into development to enable the management of surface water and whether ground conditions and site contamination can be controlled through the planning process; and,
- the planning balance.

### **Whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development**

As noted by the Inspector, this Application site lies in the open countryside to the north of the settlement of Pencoed. Policy DNP1 of the Local Development Plan confirms that all development outside defined settlement must ensure that the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it is for...the provision of Gypsy, Traveller and Showperson sites in accordance with COM8.

Policy COM8 states: *Proposals for new Gypsy, Traveller and Showpeople sites, and extensions to existing authorised sites, will be permitted within or adjacent to settlement boundaries where:*

- 1) *Necessary physical, transport and social infrastructure is accessible or will be readily provided.*
- 2) *The site is designed in accordance with appropriate Welsh Government Guidance and Circulars if proposed by a public body.*
- 3) *The scale of the proposal is appropriate with regard to the site's surroundings and setting,*

ensuring it is in proportion to local settled communities.

4) The development will have no significant adverse impacts on people's amenity; and

5) In the case of a transit or touring site, it has good access to the primary highway network.

Proposals for Gypsy, Traveller and Showpeople sites in the countryside, away from existing settlements, will be permitted where:

- a) There are a lack of suitable sustainable locations for sites within or adjacent to existing settlement boundaries.
- b) Necessary physical, transport and social infrastructure is accessible or will be readily provided.
- c) The scale of the proposal is appropriate with regard to the site's surroundings and setting, ensuring it is in proportion to local settled communities; and
- d) There would be no loss of important recreational, amenity or natural heritage value.

The Council's Gypsy and Traveller Accommodation Assessment (**GTAA**) in 2020, which was completed in 2021, covers the period 2018-2033 and identifies the additional pitch provision needed for Gypsies, Travellers and Showpeople in the County Borough. For the first five years of the GTAA period, a need for five additional pitches was identified, and for the remainder of the GTAA plan period, a need for two additional pitches was identified. This equates to a total need of seven additional pitches over the entirety of the LDP period.

All identified need referred to permanent pitches and there was no specific need identified for local transit site provision. Table 9 in the adopted LDP which is reproduced below sets out the different categories of need over the LDP period whilst clarifying how the situation has changed since the GTAA was published:

**Table 9: Gypsy and Traveller Need over the Plan Period**

Type / Location of Need	2020-2025	2025 – 2033	Total Need LDP Plan Period	Allocation Required in LDP?
Residential (Pencoed)	0 pitches	1 pitch	1 pitch	No – relocated to an existing authorised private site and no longer requires assistance.
Residential (Pen-Y-Fai)	3 pitches	0 pitches	3 pitches	Yes - Land is allocated via SP7(1) for 3 pitches
Residential (Coytrahen)	2 pitches	1 pitch	3 pitches	No – consent has been granted to intensify an existing authorised private site and accommodate the 3 pitches.
<b>Total Pitches LDP Plan Period</b>	<b>5 pitches immediate need</b>		<b>2 pitches (2025-2033)</b>	
			<b>7 pitches</b>	

One household has permanently relocated onto an existing authorised site in the County Borough and no longer requires assistance from the Council. Another household has received planning consent to reconfigure an existing authorised site to accommodate three further pitches. The remaining three pitch need arises from one family, most appropriately met through provision of one private three pitch site.

Based on this evidence of need, the Council has made site specific provision for one permanent three pitch site under **Policy (SP7)**, which is intended for private development. The identified

site has been selected based on the guidance contained in Circular 005/2018, as detailed within the Gypsy and Traveller Site Options Background Paper. The site allocation has also been informed by and been subject to close consultation with the respective members of the Gypsy, Traveller and Showpeople community. Since adoption of the RLDP, planning consent has been granted on that site (application P/22/484/FUL refers) to meet the accommodation needs of the respective family. As such, the need identified from the GTAA has been met in full in planning terms. However, the GTAA only identified the needs of families who took part in the process when the RLDP was being prepared and does not account for any newly arising need that may come forward during the remainder of the RLDP period.

In addition to the permanent site identified by **Policy SP7**, it is therefore equally important for the LDP to incorporate a detailed criteria-based policy to meet any future or unexpected need. Hence, COM8 outlines criteria to assess any Gypsy, Traveller or Showperson site proposals that may arise over LDP Plan period, providing a fair, reasonable, realistic and effective means of determining planning applications to enable delivery of appropriate sites. **COM8** will be applicable to proposals submitted to meet the need identified in the GTAA (2020), plus any additional need that may arise throughout the LDP Plan period. Site proposals must be in accordance with advice in Welsh Government Circular 005/2018: Planning for Gypsy, Traveller and Showpeople Sites, which will be a material consideration as appropriate in the determination of any planning applications.

As with the previous appeal, the appellants, albeit different families dispute the findings of the GTAA and, therefore, the level of provision in the adopted LDP. In determining the previous appeal on this site, the Inspector agreed that the appellants' personal circumstances were such that their need for accommodation was genuine. Having examined the statements submitted with this Application, it would be difficult to suggest that the need is not genuine again.

The Council also acknowledge that it has no sites in addition to the one identified under **Policy SP7**, (which was a private site, allocated to meet the accommodation needs of a particular family who took part in the GTAA process rather than any wider need that may arise over the RLDP period). Furthermore, it is also well established that it is not necessary for the Applicants to demonstrate that there are no sites available within settlements or within the curtilage of existing development in the countryside.

**Policy COM8** indicates that new gypsy and traveller sites will be permitted within or adjacent to settlement boundaries where... “*Necessary physical, transport and social infrastructure is accessible or will be readily provided. In the countryside, away from existing settlements, sites will be permitted where... a) There are a lack of suitable sustainable locations for sites within or adjacent to existing settlement boundaries; b) Necessary physical, transport and social infrastructure is accessible or will be readily provided.*”

The site is about two miles from Pencoed and one mile from Brynna. Brynna boasts a primary school, local shop with a post office, take away and a bus stop. The nearest GP surgery is about 2.5 miles away in Llanharan and the closest comprehensive school is about 3 miles away in Pencoed.

Circular 005/2018, ‘*Planning for Gypsy, Traveller and Showpeople Sites*’ states that sites in the countryside can be considered if there is a lack of suitable locations within or adjacent to settlements. The Circular goes on to say that decision makers should be realistic about the availability of transport modes other than the car and avoid an over rigid application of national and local policy which seeks to reduce car borne travel. The Circular was published some years before the most recently adopted plan and the Inspector in his decision letter suggested that it could be argued that it, “*leans towards a generous interpretation of ‘well related’.*”

The Council recognises the advice in the Circular and is mindful of appeal decisions where Inspectors have applied policy in this regard very flexibly. In refusing the previous Application, the Council challenged the Inspector as to at what point is a site too far away from a settlement

to be considered acceptable? The Circular was published and the appeal decisions made prior to the publication of Future Wales and the latest iteration of Planning Policy Wales (**PPW**). National Planning Policy and guidance emphasise the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car. In the Inspector and the Council's view, this later National and local policy weighs against the advice in the Circular.

The lanes to Brynna and Pencoed are narrow, winding and unlit and it is likely that the families on site will be reliant on the private car to get to shops, schools and other facilities. Whilst some trips may be shared and a settled base would reduce journeys between sites currently used by family members, the site simply cannot be said to be in a sustainable location which benefits from good physical, transport and social infrastructure, (Policy COM8 (1) refers).

In summary, the proposal complies with LDP **Policy DNP1(13)** in that gypsy and traveller accommodation may be permitted in the countryside but not **Policy COM8** which directs proposals for new sites to within or adjacent to settlement boundaries where necessary physical, transport and social infrastructure is accessible or will be readily provided. This is not the case, and therefore the proposal conflicts with Policy COM8 (1) and National policy as set out in Future Wales and PPW.

### **The impact of the proposed development on the character and appearance of the area**

Planning Policy Wales confirms that all development in the countryside must be strictly controlled and be of a scale and design that respect the character of the surrounding area, (Paragraph 3.60 paraphrased).

**Policy SP3** of the Replacement LDP sets a higher test in that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment, by:

- 1) Demonstrating alignment with the principles of Good Design; and
- 2) Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.

Residents in their objections have suggested that the granting of consent for this development will have a further adverse impact on the conservation, rural character and appearance of the area.

The Inspector described the wider landscape as a series of irregular shaped fields, loosely dotted by houses and farm buildings. The row of large electricity pylons to the north of the site are imposing features but do not detract from the special characteristics of the landscape to the north of the site. To the west is another gypsy site subject which has been the subject of applications, appeals and enforcement action.

As illustrated on the plans above and described by the Inspector, the Application site is roughly rectangular in shape and slopes gently away southwards from Wern Tarw Road. Three pitches are proposed, as opposed to the two on the refused scheme, each with a static caravan, day/utility room and space to park two vehicles and a touring caravan. In the Council's assessment on the previous Application, it was accepted that the site is not visible or prominent in medium to long term views and it was agreed by the Inspector that the visual impact of the proposed development would be localised. Nonetheless, the presence of the proposed caravans, buildings and domestic paraphernalia would in the view of the Inspector, "*inevitably have an adverse impact on the rural character and appearance of the area.*" For an increased number of pitches with the associated caravans etc, it is reasonable to conclude that the development conflicts with LDP **Policy SP3** (a & b) and **Policy DNP1**, insofar as it requires development to conserve and enhance the countryside. That said, there is an acceptance in **Policy DNP1** and the Circular, that gypsy and traveller accommodation is acceptable in the

countryside should a need be demonstrated, which cannot be met elsewhere. It must follow, therefore, that an element of landscape change is also accepted. Looking southwards from the hillside above the appeal site, the site is largely hidden by the intervening trees and hedgerows and views influenced by the pylons, the large Rockwool factory and long-distance views of Pencoed. The existing hedgerows and proposed landscaping would further help mitigate the effect of the proposed development.

**The effect of the proposal including the ecological restoration works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC) and whether the concept of net benefit for biodiversity – i.e. that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before can be achieved on this site.**

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

Planning Policy Wales 12 (PPW12) states in Paragraph 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* PPW12 further states that: *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

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

Policy SP3 of the adopted Revised Local Development Plan (2024), requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

As the Application site is located within the Hendir Uchaf Site of Importance for the Nature Conservation (**SINC**), any development which would have an adverse impact will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures must be compatible with the nature conservation or scientific interest of the area, (Policy DNP5 (2) refers).

Policy DNP6 of the LDP states: *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 of the LDP states: *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 of the LDP requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

Residents have suggested that to approve this development in a SINC will set a precedent for similar developments is against the Welsh Government’s objective of safeguarding, maintaining

and enhancing our natural environment.

As referred to above, the site is located within the SINC which, in this area, is characterised by marshy grassland and broad-leaved semi-natural woodland. Historically, the works carried out by the previous Applicants resulted in the loss of around 1,300m<sup>2</sup> of habitat. The Inspector in his decision letter noted that a significant amount of material comprising rubble, road shavings, materials from buildings and concrete railway sleepers had been deposited on the land to the south of the Application site and concluded that it would have an adverse impact on the SINC which was contrary to both National and local planning policy.

The Ecological Impact Assessment that has accompanied the Application has been produced due to the concerns raised within the appeal decision (March 2023), related to the impact of the proposed development on the Hendre-Uchaf Site of Importance for Nature Conservation (**SINC**).

The report describes the existing conditions, and the potential effect of the proposed development on ecology. Desktop and field surveys, including a Preliminary Ecological Appraisal, Bat Survey and Great Crested Newt Habitat Suitability Index have been carried out.

Overall, the Ecological Impact Assessment states that the unauthorised works had a high impact on the habitats located on and immediately off site due to the loss of significant amounts of ecologically valuable habitat, caused by the felling of trees and scrub, and the importation of significant amounts of hardcore and rubble.

An Ecological Restoration Plan is proposed as part of this development and states that the site must be restored to its previous state circa 2018 (pre-development of the site), and a new habitat will be provided in accordance with the plan in Figures 3 & 4 of this report. As detailed earlier in the report, the following habitats works are proposed as part of the Ecological Restoration Plan:

- Existing Hard Standing Ground Removal
- Restoration of Marshy Grassland
- New Broadleaf Woodland Creation
- Retained Hedgerows Improved
- All Retained Ditches Restored
- Creation of Semi-improved Grassland Creation
- Control of Aggressive Weeds
- Invasive Species Eradication

Species-specific measures are also proposed as part of the Ecological Restoration Plan and include the following:

- One hibernaculum for amphibians
- Three Eco Bat Boxes or similar will be provided as part of the restoration
- A minimum of four bird boxes should be installed onsite
- Two Eco Hedgehog Nest Boxes will be created
- Incorporate two Bumblebee Boxes along with two Bug Hotels

The Applicant's consultant ecologist confirms that key to the success of the Ecological Restoration Plan will be an agreed programme that controls the implantation (timing and phasing of works), and the short, medium and long-term management of the newly restored/created habitats. It is estimated that for some habitats, it may be 10 years before it can be assessed whether the habitat has met the target condition.

In the summary, the Ecological Impact Assessment concludes that if the measures outlined in the Ecological Restoration Plan are implemented in full, the development works of the three gypsy pitches as proposed will be deemed to have had a negligible impact on the site in the long-term.

The Council's Biodiversity Policy Manager recognises that this is a challenging Application as it is hard to know if the restoration being proposed will indeed restore the land back to how it was before the hardstanding and materials were dumped there, partly as there was no detailed vegetation survey prior to this, apart from the SINC assessment from 2011.

The development which has already taken place is likely to have had an adverse impact on these habitats, and it is clear from the Ecological Restoration Plan (Elite Ecology, August 2023) that there are invasive non-native species present across the site. The Council's Biodiversity Policy Manager states:

*'The Ecological Restoration Plan which looks to restore some of the previously affected areas of the SINC does look promising but due to the past damage of the site, how successful the restoration will be over the long term is difficult to say. The future monitoring and maintenance proposed within this Plan will be very important here. If Consent is granted, the Ecological Restoration Plan and the Appendix B Summary of Ecological Reports should be included in the conditions of approval. I also request, and this should also be included in the conditions of approval, that a suitably qualified ecologist is present and on site for the duration of the works, to ensure the restoration plan is implemented as proposed and that there is no further harm to the SINC during the works. Although the restoration plan includes some invasive non-native species recommendations, an invasive species management plan should be submitted to the local planning authority, which includes details of control, treatment, monitoring and biosecurity methods to ensure they do not spread around or off site.'*

Natural Resources Wales (**NRW**) note that the site is within 500m of Brynna a Wern Tarw Site of Special Scientific Interest (**SSSI**). NRW have reviewed the submitted 'Ecological Restoration Plan' by Elite Ecology and do not consider that it will have a negative impact on the nearby SSSI. NRW note the site's local designation as a SINC and that previous works have already taken place at the site, which means a detailed vegetation survey is not possible. It is therefore difficult to determine what impacts these works would have had on features of the nearby SSSI (e.g. Marsh Fritillary Butterfly). Nevertheless, NRW support the restoration of the site but are unable to determine how effective the restoration would be at this stage.

A key consideration of current National and local policy is whether the proposed development, (pitches and restoration works), would leave the biodiversity and the resilience of the ecosystems on site in a better state than before any development took place. In the Council's view, the baseline position is before any development took place, as all works including the area of the existing pitches are unauthorised.

The Applicant's consultant ecologist has indicated that the restoration plan is as close as like-for-like habitats and species to what was there in the baseline, based on aerial imagery and an examination of the adjoining habitats. This approach is accepted by the Council. The Applicant's ecologist has suggested that demonstrating that biodiversity is in a better condition will only be noticed via monitoring over the years. Implementing the measures in the Ecological Restoration Plan can be secured through this consent but the works represent a significant financial commitment on the part of the landowner to implement and maintain the works and a responsibility on the Council to monitor the situation. Seeking a financial contribution in the form of a bond to cover the costs of the restoration works has been considered and discussed with the Applicant's agent. It has been argued that the cost of the development, which in this case would include the restoration works, is not a material planning consideration and for the scale of works proposed, a bond would be disproportionate.

In this case, the grant of planning permission provides the only means of securing the restoration of the SINC through specified works, a program of implementation and management. The extant enforcement notice will secure the removal of the dumped material but only the re-grading and re-seeding of the land. It will not secure the restoration listed in the preceding paragraphs of this report. Planning conditions are there to enable development proposals to proceed where it would otherwise be necessary to refuse planning permission. Previous planning breaches are not reasons for not imposing conditions and granting consent. Inspectors maintain that if the requirements of the conditions are not met, enforcement powers are available to secure compliance.

On the advice of the consultees, it is considered that the implementation and management of the proposed Ecological Restoration Works will just meet the tests of local and National policy.

### **The impact of the proposed development on highway safety**

Policies SP3 and SP5 of the Bridgend County Borough Local Development Plan require development to be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to services and community facilities. Development will also need to be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks. Measures to mitigate the impact of development on the road network should also be considered.

Residents have highlighted the increase in “*speeding domestic and commercial vehicles coming and going from the site*” and the impact on the users of the narrow lanes that serve the site and other properties.

The Inspector, in his consideration of highway safety, accepted that the occupiers of the proposed development would be heavily if not solely reliant on car for trips to the shops, schools etc. Accordingly, the development was unlikely to generate many pedestrian movements. The refused proposal and the current scheme would however lead to additional car journeys which could impact on the safety of pedestrians using the narrow lanes in the area.

The Inspector, who visited the Application site on a number of occasions in connection with the appeal, encountered walkers on the highways but was of the view that with care and consideration their movements should not be affected by any additional traffic. There was no evidence offered by the Council or indeed residents to suggest that the proposed development would have an adverse impact on highway safety. As local and National policy accepts the principle of gypsy and traveller accommodation in the countryside, it must follow that some sites will be accessed by narrow country lanes. The Inspector concluded that the proposal did not conflict with Council Policy. Although an additional pitch and associated caravans are proposed by this development, the additional movements will not be so significant as to arrive at a different conclusion to the Inspector.

### **Whether sustainable drainage systems can be incorporated into development to enable the management of surface water and whether ground conditions and site contamination can be controlled through the planning process**

The Application form states that 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. A review of the OS database notes the development is not located within 20m of a watercourse and not within a flood zone. Nonetheless, advice at paragraph 8.2 in TAN 15 states that “*Built development ... tends to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off.*” ... “*SuDs can perform an important role in managing run-off from a site and should be implemented, wherever they will be effective, in all new development proposals, irrespective of the zone in which they are located.*”

Criteria g), l) and m) of Policy SP3 of the LDP require that development must avoid or minimise soil and water pollution, incorporate appropriate arrangements for the disposal of foul sewage, waste and water, and respond to the climate emergency by protecting and increasing the

resilience of both ecosystems and communities to address the inevitable effects of climate change.

Policy SP4 of the LDP (point 7) requires development proposals to address the causes and effects of climate change through [among other means] “*...avoiding development that increases the risk of flood, including through the deployment of sustainable urban drainage systems where relevant.*”

The Council's Land Drainage Engineer notes that foul water will be disposed via a package treatment plant and this has been indicated on the foul drainage layout that has accompanied the Application. Details of the proposed package treatment plant will be required and the Applicant will need to liaise with NRW to obtain a registration document for the package treatment plant. NRW have no objection to the proposed foul drainage system but have asked that the advisory notes regarding permits and exemptions for foul private systems be included on any consent notice.

Surface water will be disposed of to a soakaway although no details have been provided to date. Given the development is more than 100 m<sup>2</sup>, a SAB Application will be required. Subject to conditions and notes, the Council's Land Drainage Team have no objection to the proposal.

Natural Resources Wales note that the site is within 8m of a minor watercourse and reference in the Ecological Impact Assessment (dated 2023), to the ditch being negatively affected by dust pollution during previous development works. There is potential that the watercourse could be affected by any further works including the creation of concrete bases for the utility/day rooms, concrete/tarmac for the driveways and parking areas, as well as construction of the day rooms themselves. Run-off from any dust/hardcore is also a potential contamination source. Therefore, due to the close proximity of the watercourse and potential pollution risk, NRW have requested the imposition of a condition requiring the submission and agreement of a Construction Environment Management Plan (**CEMP**) before any further works are carried out on site.

It is considered that the proposed development would not conflict with LDP Policies SP3 and SP4 and National guidance set out in PPW12 and TAN15.

The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim however is not to prevent the development of such land. Key is understanding the risks associated with the previous land use. Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed. Colleagues in SRS have examined the Phase 1 Geo-Environmental Report that accompanied the Application and note that it identifies potential contamination, previously unrecorded, including asbestos that may give rise to potential risks to human health for the proposed end use. In addition, it identifies the potential for mining legacy issues, including mine gas. Before any further works can be carried out a contamination and mine gas assessment will be required and the report will need to identify and necessary remediation and a programme for implementation.

In view of the colleagues in SRS, the conditions and informative statement should ensure that the works proceed in accordance with Chartered Institute of Environmental Health (**CIEH**), best practice and compliance with local and National policies.

### **Planning Balance and Conclusion**

Development Management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. Factors to be considered in making planning

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

National and Local policies are designed to protect the countryside and promote sustainable development. Whilst gypsy and traveller accommodation may be permitted in the countryside (LDP Policy DNP1(13) refers), they should be directed to sites within or adjacent to settlement boundaries where necessary physical, transport and social infrastructure is accessible or will be readily provided, (Policy COM8 refers). Given the location, it is considered that this proposal does not comply with this Policy.

The development impact on the character and appearance of the area is localised with the site not being visible or prominent in medium to long terms views. Nonetheless, the presence of the proposed caravans, buildings and domestic paraphernalia would have an adverse impact on the rural character and appearance of the area in conflict with the objectives of LDP Policy SP3 (a & b) and Policy DNP1, insofar as it requires development to conserve and enhance the countryside.

The Inspector, in reaching his decision on the previous appeal, was of the view that the site was not in a sustainable location and would have a detrimental impact on the character and appearance of the area. However, as no other sites within or closer to a settlement had been identified that could meet the accepted need, subject to certain criteria, a countryside location may be acceptable. Furthermore, it was implicit in National and local policy that if need cannot be met elsewhere, an element of landscape change in the countryside was also acceptable. In the case of the previous Application, the impact on the landscape would be mitigated by the existing trees and hedges and the proposed landscaping and that remains the case for the current scheme. Given the position taken by the Inspector and the weight that must be afforded to the previous decision, it is considered that the demonstrated need and circumstances of the Applicants outweigh concerns regarding sustainability and the impact of the proposed development on the character and appearance of the area.

Based on the previous appeal decision, the key issue is the effect of the proposal including the ecological restoration works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC), and whether the concept of net benefit for biodiversity can be achieved. Based on the submitted Ecological Restoration Works that can be secured through this consent, and the advice of specialist consultees, it is considered that the tests of National and local policy can be met. Furthermore, the grant of planning permission provides the only means of securing the restoration of the SINC through specified works, a program of implementation and management.

For the reasons given above and having regard to all matters raised including the objections lodged by the Community Council and local residents, it is considered that, on balance and subject to conditions, the development proposal is acceptable.

## **RECOMMENDATION**

(R02) That permission be **GRANTED** subject to the following conditions:-

1.	<p>The development shall be carried out in accordance with the following plans and documents:</p> <ul style="list-style-type: none"><li>• Drawing 01c Expanded Location Plan,</li><li>• Drawing 02d Location and Block Plan,</li><li>• Drawing 03d Overall Site Plan Showing Restoration and Ecological Mitigation</li><li>• Drawing 04e Overall Site Plan Showing Restoration and Ecological Mitigation</li><li>• Drawing 05a Floor Plan and Elevations of Proposed Utility/Day room</li><li>• Drawing 06b Sectional Elevation Showing Existing in Context</li><li>• Drawing 09 Supplementary Detail Sheet – Boundary Fence</li></ul>
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	<ul style="list-style-type: none"> <li>• Chapter 7 of the Ecological Impact Assessment by Elite Ecology (August 2023)</li> <li>• Chapter 7 (Conclusions and Recommendations) of Phase 1 Geo-Environmental Report by Dice Environmental 2023</li> <li>• Chapters 2 &amp; 3 of the Ecological Restoration Plan including Appendix c – Ecological Restoration Map by Elite Ecology (August 2023). A suitably qualified person will be appointed to oversee and undertake the Ecological Restoration Works at all times.</li> </ul> <p>Reason: To ensure the development is carried out in accordance with the approved plans.</p>
2.	<p>Before any further works are undertaken on site and within 3 months of the date of this permission, a detailed implementation programme for the agreed Ecological Restoration Works shall be submitted to and agreed in writing by the Local Planning Authority. The Ecological Restoration Works Implementation Programme shall be based on 'Timing, Phasing and Duration of Conservation Measures' detailed in the Ecological Restoration Plan by Elite Ecology and shall be carried out as agreed by the Local Planning Authority.</p> <p>Records of the Ecological Restoration and Landscaping Works shall be kept and an annual review and/or site meeting to assess the condition of the Ecological Restoration, Landscaping and Management Works that are to take place in the forthcoming year shall be submitted to the Local Planning Authority between 31 March and 31 May each year.</p> <p>Reason: In the interests of the character and appearance of the area.</p>
3.	<p>The occupation of the site shall only be by Gypsies and Travellers as defined by Welsh Government Circular 0005/2018.</p> <p>Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, in accordance with RLDP Policy ENV1.</p>
4.	<p>No more than six vehicles shall be kept on the land at any one time for use by the occupiers of the caravans hereby permitted and none of those vehicles should exceed 3.5 tonnes in weight.</p> <p>Reason: To safeguard the character and appearance of the area and living conditions of nearby residents in accordance with RLDP Policy SP2.</p>
5.	<p>No commercial activities shall take place on the land including the storage of commercial plant, machinery, or vehicles, nor burning of commercial waste.</p> <p>Reason: To safeguard the character and appearance of the area and living conditions of nearby residents in accordance with RLDP Policy SP2.</p>
6.	<p>No more than [six] caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968, comprising of [three] static caravan and [three] touring caravans shall be stationed on the site at any time.</p> <p>Reason: To safeguard the character and appearance of the area in accordance with RLDP Policy SP2.</p>
7.	<p>The development hereby permitted shall not be occupied until details of external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p>

	Reason: To safeguard the character and appearance of the area and ecology.
8.	<p>Before any further works are undertaken on this development a landscaping scheme including details of trees and hedgerows to be retained and their protection through the course of the development, shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To safeguard the character and appearance of the area and ecology.</p>
9.	<p>Notwithstanding the submitted plans, no static caravans shall be sited and/or day rooms occupied until details of the external surfaces of the static caravans and day/utility rooms has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the character and appearance of the area and ecology in accordance with RLDP Policy SP3.</p>
10.	<p>No further development shall be undertaken until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:</p> <ul style="list-style-type: none"> <li>• Construction methods: details of materials, how waste generated will be managed</li> <li>• General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.</li> <li>• Soil Management: details of topsoil strip, storage and amelioration for re-use.</li> <li>• Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use</li> <li>• Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.</li> <li>• Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details</li> </ul> <p>The CEMP shall be implemented as approved during the site preparation and construction phases of the development.</p> <p>Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.</p>
11.	No further development shall be undertaken on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface water will be dealt with, including future maintenance

	<p>requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to occupation.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
12.	<p>No further development shall be undertaken on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to occupation.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
13.	<p>The development hereby permitted shall not be occupied until visibility splays of 2.4 by 25m have been provided to the east and west of the access to Wern Tarw Road. No structure over 0.9m shall be placed within the visibility splays nor shall any planting be allowed to grow above 0.9m within the visibility splays.</p> <p>Reason: In the interests of highway safety in accordance with RLDP Policy SP2.</p>
14.	<p>The development hereby permitted shall not be occupied until a water supply of a suitable volume and quality to serve the development hereby permitted has been provided in accordance with details to be submitted to and agreed in writing by the local planning authority.</p> <p>Reason: In the interests of public health and in order to ensure that an adequate private water supply is provided in accordance with RLDP Policy COM6.</p>
15.	<p>Notwithstanding the submitted plans the existing means of access shall be laid out with vision splays of 2.4m x 25m to the East and to the West before the development is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of highway safety.</p>
16.	<p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interests of highway safety.</p>
17.	<p>The access shall be completed in permanent materials for a minimum of 5m from the edge of carriageway prior to the development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p>
18.	<p>The entrance/gates shall be set back not less than 7.0 metres from the nearside edge of carriageway.</p> <p>Reason: In the interests of highway safety.</p>
19.	<p>The development hereby permitted shall not be occupied until a scheme for the provision of traffic signs warning of the presence of pedestrians along Wern Tarw Road / Church Street has been submitted to and agreed in writing by the local planning authority.</p> <p>Reason: In the interests of highway safety.</p>

<p>20.</p>	<p>No further development shall be undertaken on site until an assessment of the nature and extent of contamination 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) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:</p> <p class="list-item-l1">(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present.</p> <p class="list-item-l1">(ii) an assessment of the potential risks to:</p> <ul style="list-style-type: none"> <li>- human health,</li> <li>- groundwaters and surface waters</li> <li>- adjoining land,</li> <li>- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,</li> <li>- ecological systems,</li> <li>- archaeological sites and ancient monuments; and any other receptors identified.</li> </ul> <p class="list-item-l1">(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p> <p>* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.</p> <p>Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.</p>
<p>21.</p>	<p>No further development shall be undertaken on site until an assessment of the risk from mine gas* has been submitted to the Local Planning Authority for its approval. This assessment must be carried out by or under the direction of a suitably qualified competent person**. The report of the findings shall include:</p> <p class="list-item-l1">(i) a desk-based review of all available coal mining and geological information relevant to the Application site and the proposed development; a preliminary assessment of the risks to the proposed development from mine gas; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.</p> <p class="list-item-l1">(ii) an intrusive investigation and monitoring programme*** to assess the site for the presence of gases which may be present, if identified as required by the desk-based review.</p> <p class="list-item-l1">(iii) an assessment of the potential risks from mine gas to human health and property.</p>

	<p>(iv) an appraisal of gas protection options and justification for the preferred option(s).</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.</p> <p>* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.</p> <p>** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.</p> <p>***Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries require a Coal Authority Permit.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
22.	<p>No further development shall be undertaken on site until 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 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p> <p>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 in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
23.	<p>The remediation scheme approved by condition 22 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p>

	<p>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 in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
24.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.</p> <p>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 in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
25.	<p>NOTES:</p> <p><b>A)</b> The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:</p> <ul style="list-style-type: none"> <li>(i) determining the extent and effects of such constraints.</li> <li>(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:</li> </ul> <ul style="list-style-type: none"> <li>- Unprocessed / unsorted demolition wastes.</li> <li>- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.</li> <li>- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and</li> </ul> <ul style="list-style-type: none"> <li>(iii) the safe development and secure occupancy of the site rests with the developer.</li> </ul> <p>Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.</p> <p>The Local Planning Authority has determined the Application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.</p>

**B) Drainage Advisory Notes:**

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

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

To satisfy condition 11, the Applicant must:

- Provide both foul and surface water drainage layouts
- Provide details of the proposed package treatment plant
- Provide an agreement in principle from NRW for registration document of package treatment plant, if required
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event
- Submit a sustainable drainage Application form to the BCBC SAB (SAB@bridgend.gov.uk).

To satisfy condition 12, the following supplementary information is required:

- Provide surface water drainage layout (including location of proposed soakaway, if required)
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE-digest 365
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

**C) Natural Resources Wales Advisory Notes:**

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Please note, should a permit be required, further information may be required as part of that Application and the Applicant is therefore advised to hold pre-Application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on site. More information, including a step-by-step guide to registering and the relevant Application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the

NetRegs website, which provides further information.

**D) The Coal Authority Advisory Notes:**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

**Shallow coal seams:**

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

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# Agenda Item 9

**REFERENCE:** P/24/696/FUL

**APPLICANT :** Mr & Mrs V Hughes c/o Plan R Ltd, 39 Merthyr Mawr Rd, Bridgend, CF31 3NN

**LOCATION:** Bryngarw Mill, 4 Abergarw Drive, New Road, Brynmelyn CF32 9LH

**PROPOSAL:** Change of use from use class C3 (dwelling house) to use class C2 (Residential accommodation for people in need of care) for one person

**RECEIVED:** 7 November 2024

## DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of this single detached dwelling (Class C3 use), and land around it, to a care home for a single supervised person (Use Class C2: Residential Institution Small Care Home).

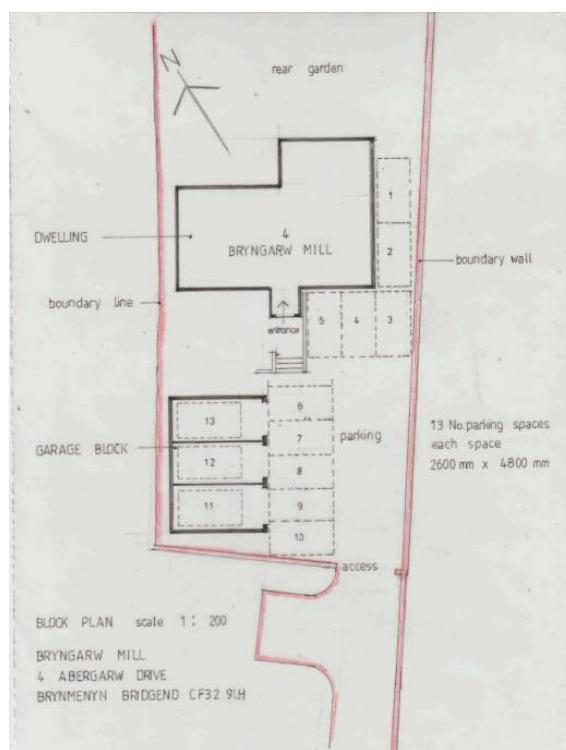
The Application is for retrospective consent as the property has been used as a care home since 1 January 2023.

No alterations have been undertaken or are proposed to the existing dwelling either in floor plan or elevation. External access, parking and amenity areas will remain as existing.

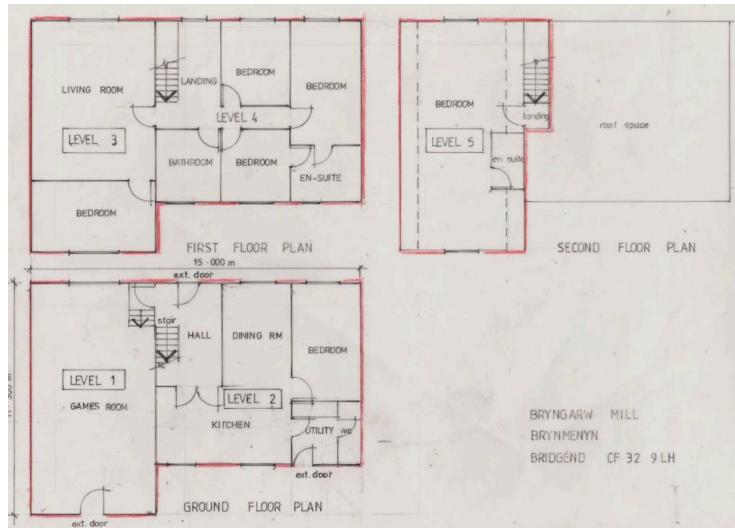
The Application states that there is a 3:1 ratio between care staff and the cared for person. However, with visiting care professionals, there can sometimes be five people present in the property. The carers are present on twelve hour shifts, seven days a week. It is indicated that staff stay over in the evenings.

The property is privately owned and leased to a nursing agency.

The Application was supported by a Planning Statement and a Green Infrastructure Statement together with floor plans.



**SITE PLAN**



**FLOOR PLANS**

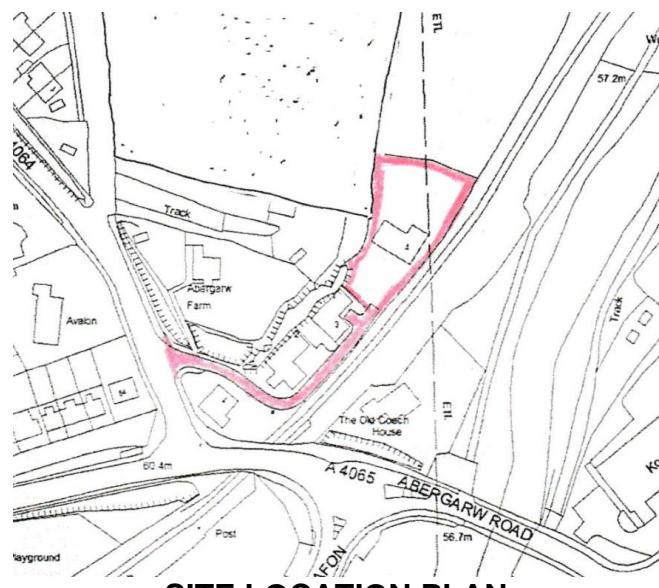
### **SITE DESCRIPTION**

The Application site is located in Brynmelyn, within the defined Main Settlement boundary of the Valleys Gateway, as defined by **Policy SF1** of the Bridgend Replacement Local Development Plan (2018-2033).

Bryngarw Mill, 4 Abergarw Drive is a detached three-storey dwelling located at the end of a private drive which serves four dwellings including the Application site. The dwelling was constructed in 2003 and the adjoining detached garage/workshop was developed following the grant of planning permission in 2005.

The property is located on a large site adjoining the Ogmore Valley walkway and cycleway. The site sits at the bottom of a rock wall which has the appearance of an old quarry face. New dwellings have recently been developed on land on top of this bank.

The site contains a large courtyard to the front of the house with extensive parking. Additional vehicle parking is available within the detached triple garage. Land to the rear of the dwelling is utilised as private amenity space with patio areas and grassed garden beyond.



**SITE LOCATION PLAN**



**APPLICATION PROPERTY (23/01/2025)**



**PRIVATE ACCESS LOOKING TOWARDS APPLICATION PROPERTY (23/01/2025)**



**VIEW FROM PROPERTY LOOKING DOWN PRIVATE ACCESS (23/01/2025)**



**PRIVATE AMENITY AREA AT REAR**

#### **RELEVANT HISTORY**

P/99/461/OUT – Residential development up to 5 dwellings. Granted 03/08/1999

P/00/660/OUT – Extension of land for residential use in connection with consent 99/461. Granted 22/12/2000

P/01/635/FUL – Approval of site access. Granted 10/09/2001

P/02/0772/FUL – Erection of two detached dwellings. Granted 30/10/2002

P/02/486/OUT – Re-site house (Application in outline). Granted 26/07/2002

P/02/857/FUL – Discharge of planning conditions 1 and 7. Granted 04/10/2004

P/05/395/FUL – Triple detached garage and workshop/store. Granted 02/06/2005

P/11/701/FUL – Block of 4no. stables. Granted 09/11/2011

## **PUBLICITY**

The Application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 16/12/2024.

## **CONSULTATION RESPONSES**

**Shared Regulatory Services - Environmental Health** - No observations made.

**Highways** - No objection subject to the imposition of conditions.

## **REPRESENTATIONS RECEIVED**

**Councillor Tim Thomas** – Strongly objects to the proposal as the Applicant has failed to obtain the necessary planning permissions. Care home has resulted in increased crime and anti-social behaviour including vandalism. Impact on community cohesion and amenity of neighbours. Obstruction of private drive by parked vehicles.

In addition, objections have been lodged by two neighbouring properties.

In summary, the matters raised in the representations received from neighbours are:

- Disturbance and anti-social behaviour
- Parking on private driveway area and shared access
- Excessive speed of vehicles using shared access
- Unsuitable use for a residential property
- Inaccuracies contained in the Application including:
  - i.Alleged that use commenced prior to January 2023
  - ii.Stated that foul sewerage is discharged into private system not the mains sewer. Additional persons at property have resulted in a failure of the private foul system which has incurred additional cost on all residents
  - iii.Understood that one of the Applicant s was employed by the BCBC when the use commenced
  - iv.Inaccuracies contained in the application. No hours of operation provided
  - v.Despite site plan details, the site unable to accommodate parking for 13 vehicles
  - vi.3:1 ratio between care staff/cared for person untrue. Alleged that the ratio has never been less than 5:1 and in January 2025 it was 7:1.
- Increase in noise and traffic especially when staffing shift changeovers and increased delivery vehicles including food delivery during evening hours
- Inconsiderate parking on access way and private property
- Access for emergency vehicles blocked
- Vehicles cannot use turning head located within Application property
- Increased vehicle use and impact on condition of shared access
- Damage to private property and the gate which provides access from the shared access to the cycle path and walkway
- Impacts on personal safety
- Effects of re-occurring police, fire brigade and ambulance visits to property
- Considered that legislation states that a person 18 years and older should reside in a secure unit and not within a domestic setting

- Impact on mental health caused by stress and anxiety
- Impact on property values

## COMMENTS ON REPRESENTATIONS RECEIVED

In response to the comments/objections raised by local residents, it is stressed that factors to be considered in making planning decisions must be planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this Application are addressed in the appraisal section of this report. Other matters, such as the impact of a development on property values, are not material planning considerations and will not be addressed further.

Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, is unlikely to result in such serious levels of anti-social behaviour as to warrant or justify the refusal of the planning Application.

There is no compelling evidence to suggest that a care home use of the scale being proposed would result in increased levels of crime or fear of crime within the locality of the Application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is considered that an appropriately managed and supervised, small scale care home, for a maximum of one person, would not cause such anti-social behaviour or the perception of anti-social behaviour to consider recommending that the planning Application be refused in this case.

## PLANNING POLICY

### National Planning Policy and Guidance

National planning guidance takes the form of **Future Wales – the National Plan 2040 (February 2021)** and **Planning Policy Wales (Edition 12, February 2024) (PPW12)**. The following elements of these documents are relevant to the determination of this application.

Paragraph 1.30 of **PPW12** confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.’*

Paragraph 2.2 of PPW12 states *“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.”* Para 2.3 continues *“The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”*

Paragraph 2.7 of PPW12 states *“Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”*

**PPW12** states at paragraphs 2.22 and 2.23 that the Planning system should *“ensure that a post-Covid world has people’s well-being at its heart”* and recognises the *“pivotal role that planners play in shaping our society for the future”* prioritising *“placemaking, decarbonisation and well-being.”*

Paragraph 3.9, **PPW12** states *“The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning*

*considerations.” In paragraph 3.10 it continues: “In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.”*

Paragraph 4.1.34 of **PPW12** states “*In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling...*”

Paragraph 4.1.35 continues “*New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking...*” and “*consideration must also be given to where people will leave their bike at home.*”

Paragraph 6.4.4 of PPW12 states: “*It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.*” It further states “*All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on biodiversity and ecosystem resilience cannot be avoided, minimised or mitigated/restored, and as a last resort compensated for, it will be necessary to refuse planning permission.*”

**PPW12** states at paragraph 6.6.5 that “*The planning system should...ensure sustainable drainage systems are an integral part of design approaches for new development...*” and at 6.6.16 “*Planning authorities should secure better management of drainage and surface water ... by ... ensuring sustainable drainage systems are incorporated into development enabling surface water to be managed close to or at source.*”

### **Technical Advice Notes**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).

### **The Well-being Duty on Public Bodies**

Sections 2, 3, 4 and 5 of the Well-being of Future Generations (Wales) Act 2015 together impose a duty on public bodies to carry out sustainable development, aimed at achieving the well-being goals, in accordance with the sustainable development principle. The public body must act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs.

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 assessment of this Application has been carried out in accordance with this duty.

## **The Socio Economic Duty**

Part 1, Section 1 of the Equality Act 2010, which came into force on 31 March 2021, requires that a county borough council in Wales (among other authorities) “*must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.*”

Whilst the determination of this Application is not itself a strategic decision, the assessment of this Application has been carried out in accordance with this duty.

## **The Biodiversity and Resilience of Ecosystems Duty**

Section 6 of the Environment (Wales) Act 2016 requires 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.*”

The assessment of this Application has been carried out in accordance with this duty.

## **Local Planning Policy and Guidance**

The Development Plan for the area comprises the **Bridgend County Borough Replacement Local Development Plan (2018-2033) (RLDP)** which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

### **Strategic Policy**

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP6: Sustainable Housing Strategy
- Policy SP17: Conservation and Enhancement of the Natural Environment

### **Topic Based Policy**

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP8: Green Infrastructure.

### **Supplementary Planning Guidance**

- SPG17 - Parking Standards
- SPG19 - Biodiversity

## **APPRAISAL**

This Application is referred to the Development Control Committee at the request of a local Member who has raised material planning reasons why the Application should be considered by the Development Control Committee.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the character and appearance of the locality, the amenities of the residents of neighbouring dwellings, traffic and highway/pedestrian safety, biodiversity and the resilience of ecosystems.

## **Principle Of Development**

RLDP Policy SF1 states that “*Development will be permitted within settlement boundaries*

*at a scale commensurate with the role and function of settlements ...”* The policy goes on to identify settlements within the Borough according to a hierarchy as Primary Key, Main or Local.

Supporting text within the RLDP at paragraph 4.3.6 states: “*All settlements have boundaries, which have been reviewed and amended where appropriate to accurately demarcate the urban area from the countryside, assist with the prevention of the coalescence of settlements and provide certainty in terms of where appropriate development will be permitted. Indeed, the LDP will prioritise the re-use and redevelopment of previously developed land whenever and wherever possible.*”

The property forms one of a cluster of four dwelling accessed by a narrow private accessway Abergawr Drive. The detached dwellings are of differing sizes and designs. Bryngarw Mill is a substantial property containing six bedrooms and ancillary accommodation within its curtilage. It could therefore provide for a large family or group of people living together as a single household (including, for example, a multi-generation family group with adult offspring or elderly members, or a foster parent with foster children) in accordance with its existing defined C3 Use classification.

The proposal is to use the property to provide one supervised person in a setting akin to a family home. However, as the staff would not be living at the house but would be there on a rota basis (including overnight) the use could not be considered to form a single household and a change of use of the building to a C2 (Residential Institution) Use is necessary. This Use Class C2 is defined as

*“Use for the provision of residential accommodation and care to people in need of care ... Use as a hospital or nursing home.  
Use as a residential school, college or training centre.”*

If confined to the proposed purpose stated in the application, i.e. residential accommodation for people in need of care for one person, the change of use of the site to this Class C2 Use would align with the existing character of the property and the locality in terms of its land use pattern. A recommended condition would re-enforce the precise description of the development, and preclude the site from being used for a different use, such as a hospital or training centre, which would fall within the same Use Class (and so ordinarily not require planning permission to be obtained before operation).

With this safeguard it is considered that, in principle, the proposed development would accord with the terms of **Policy SF1**, subject to meeting the expectations of further national and local policy and guidance criteria set out below.

RLDP **Policy SP3** requires that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

- 1) Demonstrating alignment with the principles of Good Design; and
- 2) Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.

Planning proposals are expected to demonstrate compliance with criteria a) – o) set out in this policy, as referenced in the following main issues sections.

### **Character and appearance**

Advice in paragraph 2.1 of **TAN 12** is that “*The design of our villages, towns, cities and the*

*urban and rural landscape is important in articulating our nation and our culture. Design is important to our quality of life, and the quality of Wales' varied landscape and townscapes..."* Paragraph 2.8 introduces the objectives of Good Design, which include, "Sustaining or enhancing local character" and "Promoting a successful relationship between public and private space"

**RLDP Policy SP3** requires that all development should meet the following criteria (among others):

- a) Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- b) Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

The development comprises a change of use of the buildings and land, with no alterations to the appearance of the site.

Council-adopted policy and guidance relating to visual amenity is therefore not relevant to the application. As addressed in the "Principle of Development" section above, the use of the property as a small-scale care home would not alter the character of the locality, and would therefore accord with **RLDP Policy SP3**, and advice in **TAN 12**.

### **Residential Amenity**

**Criterion k)** of **RLDP Policy SP3** requires that all development must "*Ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*" The following notes in **SPG 02** are also useful (being indirectly related) to this scheme:

#### Privacy

Bryngarw Mill is a detached property set within a generous site. The separation distances between existing upper floor bedroom windows in the house and the curtilage of neighbouring property is over 25 metres to the southwest.

Land to the north east of the site is in garden with stables and the open countryside beyond. The existing lawned and paved areas to the rear of the dwelling provide plenty of space for sitting out and gardening and would not overlook any neighbouring properties. No alterations to the building, nor any landscaping works are proposed that would increase the opportunity for overlooking from the site to neighbouring properties.

#### Traffic

Neighbours have expressed concerns that vehicle movements associated with the proposed development (staff, deliveries, emergency services) causes disturbance to residents of Abergarw Drive day and night.

The Applicant has stated that on average there is a 3:1 ratio between care staff/cared for person. However, on occasions, with visiting care professionals, there can be up to 5 people present in the house. Staffing shifts changeover at 7am and 7pm meaning that peak movements would generally occur around those times. It is considered that the nature, timings and the volume of vehicular traffic that is generated by and attracted to this proposed use of the site would not differ significantly from that which would be associated with a C3 use.

Other movements such as deliveries could occur throughout the day and possibly evening in the manner of a typical C3 use. On that basis, and in this way, it is considered therefore

that no harm to the amenity of nearby residents would likely be caused by the change of use, in terms of traffic disturbance, or limitation of access to their property.

#### Noise

The care home may result in a noise impact on neighbouring residences. Other than traffic disturbance (as above) the occupant of the home could potentially generate noise of a higher level, greater frequency or different nature than would persons living in a Class C3 dwelling.

In previous applications for C2 uses such as this, it has been established that children and young people in particular are classed as being vulnerable as they come from difficult home circumstances, hence they need to be looked after in settings that can provide them with appropriate care and attention.

In some cases, care may be required for identified physical or mental health support needs but the principal trigger for their accommodation need arises from their necessary removal from less advantageous situations.

It is not appropriate therefore to assume that the potential residents would by default be the cause of any greater disturbance to neighbouring occupiers than would a parented family, or any other household occupying a C3 dwelling.

The Applicant has clarified that Bryngarw Mill has previously been occupied by individual children for durations ranging from 3 weeks to 13 months. The current resident is over 18 years old and therefore falls outside the definition of a child or young person and for this reason the Application has been made for a person with no age limitation.

It is acknowledged that some of the past residents accommodated at the site may have displayed challenging behaviour. The operating procedures for a care home would include a pre-placement assessment for residents and an assessment of the suitability of the property and putting in place management arrangements for challenging behaviours.

Residents are cared for by specialist supervising staff and care workers trained to deal with any situations that might arise. Although not a requirement, in order to grant planning permission, under separate legislation residential homes must be registered with the Care Inspectorate for Wales. As part of this registration regime the operator must demonstrate that they meet and maintain certain legal requirements set out within The Care Standards Act 2000 (Notification) (Wales) Regulations 2011, and The Regulation and Inspection of Social Care (Wales) Act 2016. The management and operation of a home, including supervision of the residents' behaviour, would be assessed, monitored and regulated under this other legislation and therefore it should not be a matter for the planning system to control.

Given the small-scale nature of the proposed care home, the staff ratio indicated and the absence of any alteration to the exterior of the building, it is considered that the proposed development would not cause harm to the amenities of nearby residents in terms of privacy, ease of access or noise disturbance. The proposed change of use would not conflict with RLDP Policy **SP3**, nor with advice in PPW12 in relation to the amenity of nearby residents.

#### **Highway Safety**

Policy **SP5** of the RLDP requires, at **point 2)**, that proposals will be required to “*Be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks;*” and at **point 9)**, to “*Ensure that developments are served by appropriate parking provision, in accordance with the*

*Council's parking guidance...". The policy SP5 continues: "Development that would have a negative impact on the safe and efficient operation of the transport network will not be permitted."*

More specifically, Policy **PLA11** stipulates "All development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards. Consideration must be given to electric and Ultra Low Emission Vehicles." **Paragraph 5.2.77** of the plan's supporting text explains: "On-street car parking can cause problems by reducing road width, thereby affecting the free flow of traffic and adding to hazards for pedestrians, cyclists and other road users. Therefore, applications will be refused where the likelihood of on-street parking occurring will give rise to these concerns."

Car parking requirements are set out in **SPG 17 Parking Standards: (Volume 1)**, including for residential homes. The requirement is for 1 space per resident member of staff, 1 space per 3 non-resident staff, and 1 space per 4 beds.

The Council's Highways Officer has reviewed the proposal and details submitted. It is noted that:

*'The site is served by a private drive arrangement, and the proposed use is not considered to materially increase vehicle movements to / from the site compared to the extant residential use.*

*The existing 6 bedroom property generates a requirement for 3 off-street parking spaces which can be accommodated within the confines of the property. The proposed conversion to a children's home for 1 child would generate a requirement for 2 off street spaces (based on 5 staff suggested with none being considered "resident"). In addition, a visitor parking requirement of ¼ space (at a ratio of 1 space per 4 beds) increases the total requirement to 3 spaces. The property has sufficient space to accommodate these 3 spaces as it benefits from a large driveway and ancillary 3 bay garage with storage above. It is noted that a plan has been submitted which identifies up to 13 spaces can be accommodated on site. As this is not quantum is not necessary for the proposed use and is in breach of the maximum parking quantum it is considered that a scheme for 3 spaces should be sought for the avoidance of doubt in respect of what is being approved.*

*Given the presence of the garages secure cycle parking is provided.'*

The Highways Officer advises that the Highway Authority offers no objection subject to the imposition of a condition requiring the provision of a scheme of parking.

Neighbour comment on the proposed development has raised concerns with vehicle movements and manoeuvring on the private access. A review of the Planning history for the property and neighbouring developments at Nos. 2 and 3 Abergarw Drive indicates that a turning bay was required as per the approved plans on P/02/0772/FUL. This bay is located between the two residential properties and provides a beneficial turning area for all vehicles using Abergarw Drive.

Given the above, the proposal is considered to be acceptable in terms of its impact on the nature and volume of traffic flow to and from Bryngarw Mill, and consequently on the safety and convenience of all users of the highway network in the vicinity of the site. The development would accord with the objectives of Policies **SP5** and **PLA11** of the RLDP, with the guidance relating to car parking set out in **SPG 17**, and with advice contained in **PPW12**.

## Biodiversity

**TAN 5** states: “*Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.*”

**Criterion i) of Policy SP3** of the RLDP requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

**Policy SP4 part 5)** requires development proposals to make a positive contribution towards adapting to the impacts of climate change by (among other things) “*Having a design, layout and landscape which: (i) helps wildlife and habitats to adapt to the changing climate; ...*”

**Policy SP17** of the RLDP states that “*Development which will maintain and, wherever possible, enhance the natural environment of the County Borough will be favoured. Development proposals will not be permitted where they will have an adverse impact upon [among others] 3) Its biodiversity and habitats;*”

**Policy DNP6** states “*All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.*”

**Policy DNP8** requires new development proposals “*to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.*” “*All developments must seek to maximise, as far as practicable, the amount of green infrastructure on the site as well as the interconnectedness of green infrastructure within and around the site to the wider green infrastructure network.*”

The advice contained in **SPG 19**, in particular relating to bats, birds and other protected species and habitats in guidance sheets **B1**, **B2**, and **B4**, is pertinent to the assessment of this scheme.

The site comprises an established residential curtilage which contains hardstanding, outbuildings, the dwelling itself and extensive lawned areas, with little tree or other plant cover, so provides very little in the way of ecologically valuable vegetation.

However, the plot lies on the northern edge of a built-up enclave which is bordered by open grassland to the north east and mature mixed woodland beyond. These surrounding areas provide very good habitat for wildlife. Furthermore, the location and design of this house (which has multiple gable ends and a slate roof) represents a good host candidate for nesting birds and roosting bats. No alterations to the property are proposed, so no survey work has been requested to establish whether bats or birds are already using the building.

Notwithstanding that no physical works to the building are proposed that would affect wildlife on the site, Policy **DNP6** is clear that all developments should make a positive benefit in biodiversity terms.

The Application includes a green infrastructure statement that proposes the installation of a bird box to the rear of the building, which is welcomed. The specification for these features is accepted. Compliance with the measures proposed and a guidance informative would secure appropriate biodiversity enhancement and would ensure that the proposed development would accord with the objectives of **PPW12** and **TAN5**, Policies **SP3, SP4, SP17, DNP6** and **DNP8** of the RLDP, and guidance contained in **SPG 19**.

## **CONCLUSION**

The decision to recommend that planning permission should be granted has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises **Future Wales - the National Plan 2040** and the adopted **Bridgend County Borough Replacement Local Development Plan (2018 - 2033)**.

On balance, and having regard to the objections raised, it is considered that, subject to compliance with the limitations set out in the recommended conditions, the proposal would comprise a form of sustainable development that would have an acceptable impact on the character of this edge of settlement setting, and would respect the amenities of neighbouring residents whilst providing appropriate amenity to the occupiers of the Application site.

The development would not cause danger or inconvenience to users of the highway network, and would provide facilities to enable residents, staff and visitors to adopt active travel modes. The scheme would not harm but would enhance biodiversity and the resilience of ecosystems. Accordingly, the proposed development is considered to comply with Policies SF1, SP3, SP4, SP5, SP17, PLA11, PLA12, DNP6 and DNP8 of the Bridgend County Borough Replacement Local Development Plan (2018 - 2033), with advice contained within the Council's adopted Supplementary Planning Guidance SPG 17 and SPG 19, and with National Policy and guidance set out in Future Wales - the National Plan 2040, Planning Policy Wales Edition 12 (2024) and Technical Advice Notes 5, 12, and 18.

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

## **RECOMMENDATION**

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

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

PLANNING STATEMENT  
GREEN INFRASTRUCTURE STATEMENT  
BLOCK PLAN  
GROUND, FIRST AND SECOND FLOOR PLANS

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

2. The site shall be used as a Care Home only and for no other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). No more than one cared for person shall be resident on the site at any one time.

Reason: To prevent the use of the site for other purposes within Use Class C2 that would be incompatible with the residential character of the locality, in accordance with local and national planning policy and guidance set out in Policies SF1 and SP3 of the adopted Bridgend County Borough Replacement Local Development Plan (2018 - 2033), and in Planning Policy Wales Edition 12 (2024).

3. Within three months of the date of this decision, a scheme for the provision of 3 off street parking spaces shall be submitted to the Local Planning Authority for approval. The approved parking area shall thereafter be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

4. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

#### Section 38 Planning and Compulsory Purchase Act 2004

The decision to recommend that planning permission should be granted has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the adopted Bridgend County Borough Local Development Plan (2018 - 2033).

#### Compliance with local and national planning policy

On balance it is considered that, subject to compliance with the limitations set out in the recommended conditions, the proposal would comprise sustainable development that would have an acceptable impact on the character of its edge of settlement setting and would respect the amenities of neighbouring residents while providing appropriate amenity to the occupiers of the Application site. The development would not cause danger or inconvenience to users of the highway network, and would provide facilities to enable residents, staff and visitors to adopt active travel modes. The scheme would not harm but would enhance biodiversity and the resilience of ecosystems. No damage to the quality or function of the water environment in the locality would result from the change of use. Accordingly, the proposed development is considered to comply with Policies SF1, SP3, SP4, SP5, SP17, PLA11, PLA12, DNP6 and DNP8 of the Bridgend County Borough Local Development Plan (2018 - 2033), with advice in the Council's adopted Supplementary Planning Guidance SPG 17 and SPG 19, and with national policy and guidance set out in Future Wales - the National Plan 2040, Planning Policy Wales Edition 12 (2024) and Technical Advice Notes 5, 12, and 18.

#### Well-being of Future Generations (Wales) Act 2015

It is considered that the decision complies with the sustainable development principle and well-being objectives in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

#### **Background Papers**

None.

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# Agenda Item 10

**REFERENCE:** P/24/148/FUL

**APPLICANT:** Mr & Mrs D Morgan c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

**LOCATION:** Marlas Yard and Paddock Pyle CF33 4PE

**PROPOSAL:** Demolition of cow barn and pig sheds to allow a residential development consisting of 17 units in total. 15 new units and the conservation of existing Listed Barns to provide 2 residential units, including Active Travel route, access, car parking, landscaping, drainage and attenuation, and associated works

**RECEIVED:** 12 March 2024

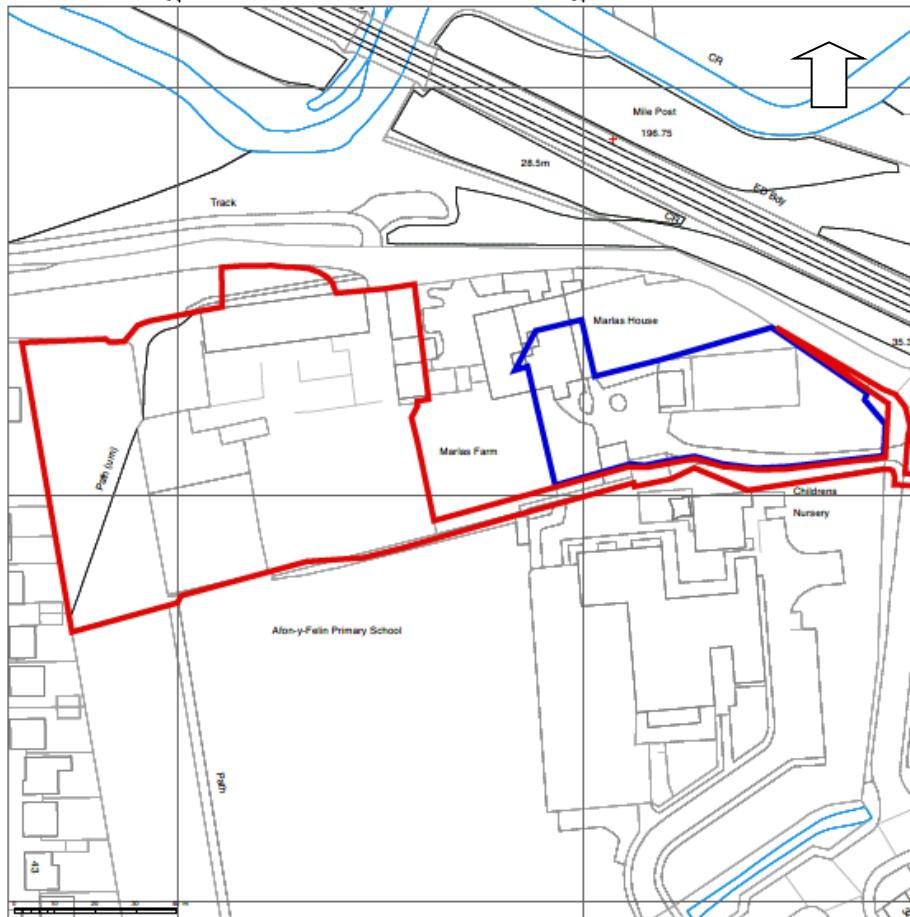
## DESCRIPTION OF PROPOSED DEVELOPMENT

Planning Permission is sought for a residential scheme that, following the submission of amended plans, consists of the provision of 17 new units in total at Marlas Yard, Marlas Farm, Pyle.

The Application proposes the demolition of a former cow barn and pig shed (existing storage shed) to allow the residential development, with 15 new units being created and the conversion of the existing barn building on the eastern side of the yard area (curtilage listed), to provide an additional 2 units of accommodation. The development proposal also includes the provision of an active travel route, car parking, vehicle access, landscaping, drainage and attenuation, and associated works at the site.

A separate Listed Building Consent Application has been submitted in addition to this planning Application (App. No. P/24/149/LIS refers).

**Figure 1 – Site Location Plan**



The Application proposes the comprehensive re-development of the yard area into a residential site, comprising a mixture of one, two, three and four-bedroom units of a detached, semi-detached and linked nature. The existing, historic hay barn building adjacent to the vehicle access to the site off Marlas Road Lane, which forms a curtilage listing to the main Grade II Marlas Farm House to the east, would be converted to two independent units of a one bedroom and two bedroom nature, as part of the scheme.

Vehicular access would be gained from the north (utilising the existing access point) with a main spine road providing access into the site with public open space, landscaping and car parking/turning space which would be created from the main access point.

In detail, the works include the provision of:

- 4 bed house - 5 no. in total
- 3 bed house - 3 no. in total
- 2 bed house - 2 no. in total
- 1 bed house - 1 no. in total
- 1 bed flat - 6 no. in total.

The site proposal also contains an active travel route (3m wide) located on the southeast corner of the site, passing to the south of the farmhouse and adjoining new build houses, which would then join with Marlas Road close to the light-controlled bridge junction. An existing detached garage would be demolished/partially demolished to allow the provision of the active travel route. A pedestrian/cycle crossing point across Marlas Road to the east is also proposed to provide connections to the wider footway/footpath network.

**Figure 2 – Proposed Site Layout**



The arrangement of dwellings seeks to embrace a more informal and evolved approach, incorporating a diverse range of unit styles, varied vernacular and offering contemporary interpretations of historic farmstead buildings. The layout features varying orientations, incorporates green space and significant landscaping to maintain a sense of greenery and openness. The design principles aim to minimise the impact on the historic setting and respect the agricultural history and historic development of the site.

The external materials of the new buildings would comprise a variety of finishes, including slate roofs, smooth render, rough cast render, stonework, vertical wooden cladding, brick work and uPVC windows.

**Figure 3 – Street Scene Drawings**



The historic hay barn, first built in C16th (as detailed by the Applicant's heritage statement), backs onto the eastern boundary of the site, as illustrated below (**Figure 4**). Despite alterations, the barn remains as the only historical structure from the original courtyard farmstead. Sympathetic conversions of the single storey and two-storey barn structure are therefore proposed that seek to minimise the impact on the historic structure. The converted barn would incorporate hardwood painted windows and heritage appropriate materials including a front boundary and stone walls.

**Figure 4 - Existing main Elevation of the barn buildings.**



## **SITE DESCRIPTION**

The Application site is situated within the Main Settlement of Pyle as defined by Policy SF1 *Settlement Hierarchy and Urban Management* of the Bridgend, Replacement Local Development Plan (RLDP) 2024, and also located within the *Pyle, Kenfig Hill and North Cornelly Sustainable Growth Area* as defined by Policy SP1 Regeneration and Sustainable Growth Strategy.

The main Application site comprises a broadly rectangular parcel of land with a narrow linear strip extending eastwards (proposed active travel route) and covers an area of approximately 7070 square metres. Marlas Yard and Paddock is a broadly flat site in its eastern sector but slopes downwards to the northwest as the site extends westwards. The area is made up of a variety of historic and modern agricultural style buildings with a more grassed area and open feel as the site extends westwards to the large, relatively modern build housing estate adjoining the western boundary of the site. A number of stone walls, small buildings, hard standing areas and vegetation/planting exists across the site.

The site is located on the north-western edge of Pyle, immediately south of Marlas Road Lane. A primary school, including open playing fields are situated to the immediate south of the site ('Afon Y Felin Primary School'). The mainline railway line and Afon Cynffig exist further towards the north of the site, beyond the highway and an area of mature planting (including an Area Tree Preservation Order – TPO (1953 – Glam Cc NO.01). Kenfig Dune System is located further to the west of the site, and open countryside with a network of fields and hedgerows exist to the north of the railway line and river.

Although not readily visible from the Application site, the site is situated approximately two-hundred metres south from the Grade II\* listed Llanmihangel Mill, which has a leat and dam designated as a Scheduled Ancient Monument, and approximately 1 kilometre south-east of the Grade II\* listed Llanmihangel, the site of a C12th monastic grange and a C16th house. The railway bridge to the north of the site is also Grade II Listed.

**Figure 5 – Site Aerial showing wider context.**



The main farmhouse that is situated to the immediate east of the Application site is listed by Cadw as a Grade II Building, with the reason for designation including '*an unusual complex of buildings largely of C17 origin, with some original detail*'. Marlas Farm, as highlighted by the Applicant's supporting information, is described as one of the oldest farms in the Borough of Kenfig with it being presumed that the earliest buildings on the site were constructed by the Thomas family who were the owners from 1543. These early structures include the Hay Barn within this Application.

In the mid-20<sup>th</sup> Century there was a substantial expansion of agricultural activities on the site. The entire yard and paddock subject of this Application saw the erection of a dense cluster of structures and sheds. Evidently during this period the site operated as a bustling working farm. Since its earliest origins and through to the mid-late 20<sup>th</sup> Century it has seen agricultural structures situated in relatively close proximity to the Grade II listed house and associated hay barns.

**Figure 6 – Historic Photograph of the site (provided by the Applicant)**



The farm was intensively occupied by a complex of agricultural buildings in various courtyard groupings, although most of these, save for a large barn style structure to the northeast of the yard area, have been removed with the west of the site having a generally more open feel. The stone hay barn that remains is listed by virtue of being '*curtilage buildings*' to the main house and is currently used for incidental storage only. There remains a more modern, large storage/barn building along the northern aspect of the site (former pig and cow shed) that would be demolished to accommodate the proposal.

As detailed, the immediate surroundings of the site have witnessed substantial development including the erection of the nearby school, and modern housing developments.

Supporting information and documentation submitted with the Application highlight that the yard and historic paddock are no longer actively used for its historic agricultural purpose in service of the adjacent fields. Instead, it is detailed that the land is utilised for light industrial activity and storage purposes. It has been detailed that the yard has, for around 20 years, been used by various businesses subletting the premises, including a scaffolding company.

**Figure 7 – Photographs of the site and surroundings**



The amended planning Application is supported by a comprehensive level of information, including:

- Layout plans and elevation details
- Pre-Application Consultation Report
- Design and Access Statement
- Access Statement
- Green Infrastructure Statement
- Heritage Statement
- Energy Statement
- Habitats Regulations Assessment Report
- Tree Survey/Tree Constraints Plan
- Preliminary Ecological Appraisal
- Preliminary Bat Roost Assessment
- Bat Emergence Survey Report
- Updated Ecological Walkover Survey
- Highway Infrastructure and Access Report (Road Safety Audit)
- Transport Statement

## **BACKGROUND AND SUBMISSION OF AMENDED PLANS**

The Application proposals have been subject to pre-Application discussions and the scheme significantly evolved, revised and amended since the initial pre-Application discussions and over the duration of the planning Application process.

In 2020 the Applicant /agent originally presented a '*volume housebuilder*' approach to the re-development of the site, that included the provision of a total of 28 units. The approach was deemed overly intensive, unsympathetic and needed re-thinking to appropriately address the impact on the setting of the historic assets.

**Figure 8 - Original Pre-Application Layout**



Following initial input and further pre-Application discussions with Conservation Officers, Planning Officers and Highway Officers the scheme evolved into a submission comprising the provision of a total of 24 units. As highlighted in the Applicant's Design and Access Statement:

*'This new proposal adheres to principles aimed at minimising the impact on the historic setting. These principles are grounded in an understanding of the site's evolution and a commitment to re-contextualising Marlas House and its attached hay barns within a development that respects the significance of its agricultural history and setting.'*

*We agree that adopting a volume house builder approach directly contradicts the historical use of the site and its setting...we therefore propose an approach to residential design that is centred around the concept of an 'evolved settlement', deviating from the formulaic nature associated with mass-housing intended for density and profitability.'*

**Figure 9 - Original Application Plans (now superseded).**



Following careful consideration of the originally submitted plans, concerns were again raised in respect of the overall design, number of units and highway safety issues with the scheme. A number of discussions and meetings were subsequently then held with the Applicant/agent to further address the concerns and enhance the scheme, whilst improving the overall layout of the site in line with the recommendations of both the Council's Highway Officers and Conservation Officers.

On 6 February 2025 (supplemented by an updated site layout plan received 12 March 2025), the Applicant submitted final revisions to the proposal that is now to be considered by Members (**as illustrated in Figure 2 above**).

#### **PRE - APPLICATION CONSULTATION**

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (**PAC**) was carried out by the Applicant.

The consultation exercise took place between 6<sup>th</sup> February and 5<sup>th</sup> March 2024. The consultation involved notifying residents within the surrounding area, together with Ward members and specialist consultees.

In addition to the specialist and community consultees, a total of three responses were raised in respect of the proposal at that stage (each raising concerns with the development). The objections raised at the PAC stage are summarised as follows:

- Highway safety
- Loss of views
- Loss of farmland
- Overpopulated area already

- Daily disruption

These issues have been addressed within the PAC report, however, they are relevant and have also been considered later within this report.

### **EIA Screening**

The Application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (and therefore is not deemed EIA development).

### **RELEVANT PLANNING HISTORY**

P/24/149/LIS - Listed Building Consent for the demolition of cow barn and pig sheds to allow a residential development consisting of 17 units in total. 15 new units and the conservation of existing Listed Barns to provide 2 residential units, including Active Travel Route, access, car parking, landscaping, drainage and attenuation, and associated works – Pending

P/24/192/LIS - Marlas Farm, Marlas Road, Pyle – Listed Building Consent for roof and internal repairs further to fire damage – Granted 14/01/2025

P/21/586/LIS - Marlas Farm, Marlas Road, Pyle Listed Building Consent for the demolition of a detrimental 1980s extension within the central courtyard at Marlas House, comprising demolition by hand and considered repair works to safeguard the surrounding dilapidated historic fabric – Granted 08/11/2021

P/18/756/FUL - Land east of Marlas House, Marlas Road, Pyle - Two houses plus car parking using existing access – Granted 20/12/2018

### **NEGOTIATIONS**

As referred to above, the scheme has been subject to significant negotiation and the submission of amended plans. The Applicant was also asked to clarify ownership of the site and the associated access area with evidence submitted in the form of plans and a supporting solicitor letter that the Applicant does have appropriate control over the point of vehicular access to the site (which is reflected in the submitted ownership certificate presented with the Application).

The Applicant/agent also submitted various information and documentation to support their claims that the site is not a working farm and hasn't been for some time. The Applicant/agent was also requested to undertake an updated ecological appraisal/walkover for the site.

### **PUBLICITY**

The Application has been advertised on site and by press notice.

Neighbours were notified on the receipt of the original Application and have been invited to provide observations on the latest, set of amended plans received 6 February 2025. The period allowed for response to consultations/publicity has expired.

### **CONSULTATION RESPONSES**

**Cornelly Community Council** - Concerns are raised by Members of Cornelly Community Council about the access road in Marlas Lane being narrow, with the additional problem of the traffic lights and no footpath. Parking per property is limited. Overdevelopment in the area, which is an area where swifts nest.

**Highways Officer** - No objection subject to conditions.

**Conservation and Design Officer** - No objection subject to conditions.

**Countryside Management Officer (Ecologist)** - No objection subject to conditions.

**Natural Resources Wales (NRW)** - No objection subject to conditions.

**Land Drainage Officer** - No objection subject to conditions.

**Dwr Cymru Welsh Water** - No objection subject to conditions/advisory notes.

**SRS Environment Team (Land Quality)** - No objection subject to conditions.

**SRS Environment Team (Noise)** - No objection subject to condition.

**South Wales Police** - No objection with general design comments raised.

**Fire Service** - No objection with general comments raised.

**Education, Early Years and Young People Directorate** - No objection, comments raised that suitable arrangements need to be put in place to ensure the disturbance to the nearby school during the construction phase is minimised (for example scheduling particularly noisy construction activities outside of school hours and pre-notifying the school of potentially disruptive activities).

**Coal Authority** - No objection.

**Heneb (Glamorgan - Gwent Archaeology)** - No objection, it is advised the site is located outside of any Archaeological sensitive area. However, a condition is recommended to ensure a historic building survey is undertaken prior to any works commencing given the demolition proposed and Listed status of the buildings on the site.

**Neath Port Talbot County Borough Council (Neighbouring Authority)** - No objection to the scheme.

**Cadw** (when commenting at pre-Application stage) - No objection/comments, advising there would be no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development.

**Public Rights of Way Officer** (when commenting at pre-Application stage) - No objection, advising there are no registered public rights of way or claimed rights of way affecting or abutting the area in question.

## **REPRESENTATIONS RECEIVED**

Following the advertisement of the original Application submission, letters of objection were received from the occupiers of 16 residential properties (from the local and wider locality).

It is also noted Dr. Charles Smith (former Cllr.) raised the following comment on the scheme: '*the demolition of the listed buildings should be avoided if at all feasible*'.

Following receipt of amended plans and re-advertisement of the Application, objections were subsequently received from the occupiers of 1 neighbouring residential property.

The following is a summary of the concerns and objections received from residents:

**Loss of farmland** - the proposal would take away land that is grazed by sheep and lambs. This is a working farmyard; development would lead to loss of income of a local business which have farmed on the site for four generations. The claim that it is not a working farm is false. It should not be permitted in the context of the challenging background farmers face and the reliance upon local supply, the proposal would have serious knock-on effects for the business. Building more houses would impact the livelihood of the current farmer and their family and generations of farming activity would be lost.

The main cow shed/yard/paddock is in constant use, most recently housing livestock with the paddock used for sheep/lamb grazing. An integral part of any farm business is a dry area away from pasture and arable land to house cattle during the winter, lambing, TB tests, Ministry inspections, storage of fodder, silage and straw bales, and store machinery – without a yard the farming business cannot function.

**Negative impact on the converted listed barn building and the Grade II Listed Farm House** - the farm is steeped in history and the conservation value of the Grade II Listed Marlas House and its associated existing agricultural buildings/yard setting will be unacceptably and irretrievably damaged because the proposed residential development will totally change the historical agricultural use and physical appearance of the listed building and its setting. The proposal will neither preserve nor enhance this important historic asset.

Cadw's conservation principles statement regarding historical value, states:

*"An historic asset might illustrate a particular aspect of past life, or it might be associated with a notable family, person, event or movement. These illustrative or associative values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present. Of course, the functions of an historic asset are likely to change over time and so the full range of changing historical values might not become clear until all the evidential values have been gathered together. Historical values are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them".*

The proposed plans are a reckless challenge against the heritage values of Cadw and BCBC - stone walls and historic features would be completely lost. It is poor that the proposed plans target the Granary (called Hay Barn in plans) building, and it can be carved up and turned into dwellings with unsympathetic modern external features such as dormer windows added. The re-development merely adds to the depreciation of our local heritage.

The land surrounding both Marlas Farm and Hall Farm has been sold for housing over the years. The farms have therefore both lost much of their original character already. The impact on the original buildings by the surrounding developments is often commented on as a shame by visiting historians and Cadw, a repeat should not be made at Marlas Farm.

Everything within the boundary walls is within a conservation area, and development of the proposed plans show a reckless attitude towards the site.

**The Application is out of character with the main farmhouse building** - the farmhouse building at Marlas Farm is a building of significant historic importance to the area and the current Application may impact and harm the existing structure and area. The building materials identified in the pre-planning Application and subsequent documents do not adequately address the need to match the properties in the surrounding area and especially the Grade II listed house.

**Overdevelopment of the site with too many houses being proposed within a car centric proposal** - internal layout also not easily accessible to fire emergency services and waste recycling lorries.

**Detimental impact on Marlas Farm House existing levels of residential amenity and privacy** - the development would increase the impact of noise, dust and disturbance to the existing property at Marlas Farm. More traffic would increase emissions in the area, more noise pollution and site construction noise and disturbance causing mental health issues.

**Highway Safety Issues** - the road leading to the proposed site is already quite dangerous and inadequate for the development. Vehicles have hardly any room to pass and any increase in traffic on this road would have an adverse effect. The general area by the traffic lights is hazardous. Access is appropriate for existing use but unsustainable and unsafe for a substantial number of dwellings. Poor vision in the area.

The road is already saturated with extra traffic from the Redrow site since it's construction in 2004 and more dwellings would add to this issue. It is a narrow lane and in some places two cars cannot even pass each other currently.

The Transport Reports have not been updated since February.

**Pedestrian risks** - there is currently no footpath along the access road. The proposed pedestrian access is not safe connecting to the western side of Marlas Road that has no pedestrian pavement. The proposed footway connection is indirect, and no details have been provided on materials, drainage, gradients or lighting provision. The route is unlikely to be adopted or maintained by the Highway Authority, at public expense. Therefore, it is not possible to conclude that this is appropriate to serve the development and to fully provide for the needs of people of all abilities and issues and for children to travel to school during all times of the year. The proposal could effectively fall into disrepair or flood, or not be suitable or safe and the only other resort is private car use for all local journeys.

The proposals are not an example of a safe and appropriately accessible development and have clear inherent design issues which are the product of over intensive development.

**The access road floods on a regular basis.**

**The local area has a number of significant ecological sites** - the development at Marlas farm, could provide a pollution risk to the River Afon Cynffig, with a further negative impact from an increased level of people accessing the SSSI at Kenfig Nature Reserve. Noise and light pollution could also impact local wildlife and livestock.

**Destroying Land and Views** - the reason why people bought homes in the area.

**More unnecessary housing in an already overpopulated area with lack of quality schooling** - there is already a large residential establishment in place, do we really need to build another 20 plus houses on this site. Land in the area already lost to housing and this should stop.

**Destroy a garden boundary fence.**

**Grade list properties are not attractive for buyers and developers**, and the dwellings (within the barn conversion) will devalue the proposed site greatly due to the enhanced admin needed to complete transformation to the Heritage/Cadw high standards. The

overall value of the proposed site makes it an uncommercial opportunity for any developer.

**Section 4 of the PAC report states that there were 3 objectors but it is suspected there would be more to the actual, formal Applications** – claiming there was only three objectors within the PAC report is untrue and damages the integrity of the proposal entirely. The credentials and methods undertaken to submit a PAC report needs to be questioned in this case.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Many of the objections offered by residents align with the main issues to be considered in the determination of the Application and are addressed in the appraisal section of this report.

It should be noted that the Application site does not fall within a conservation area and does not propose the demolition of the Grade II Listed Building. A separate Listed Building Consent Application has also been submitted for the re-development of the site/conversion of the barn building.

Concerns that the development would result in loss of views, property damage and devaluation/values of the site are not deemed material to the determination of the planning Application.

Any disruption through the construction period will be short lived and managed through the agreement of a construction method statement; therefore, it is not a valid a reason to refuse such a planning Application in this case.

## **RELEVANT POLICIES**

### **Local Policies**

The Development Plan for the area comprises of the Bridgend, Replacement Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

#### **Strategic Policy**

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP6: Sustainable Housing Strategy
- Policy SP8: Health and Well-Being
- Policy SP10: Infrastructure
- Policy SP15: Sustainable Waste Management
- Policy SP17: Conservation and Enhancement of the Natural Environment
- Policy SP18: Conservation of the Historic Environment

#### **Topic Based Policy**

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy PLA12: Active Travel
- Policy EN10: Low Carbon Heating Technologies for new development
- Policy ENT15: Waste Movement in New Development
- Policy COM6: Residential Density
- Policy COM10: Provision of Outdoor Recreation Facilities
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development

- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health
- 

#### Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG07 - Trees and Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

#### National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (PPW) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning Applications.’*

*“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.”* (Paragraph 2.2 of PPW refers) Para 2.3 states *“The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”*

Para 2.7 PPW12 states *“Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *“ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”*

PPW highlights at para 4.2.24 *“Development plans must include clear policy criteria against which Applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.”*

#### **Technical Advice Notes:**

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

- Technical Advice Note 5 - Nature Conservation and Planning (2009)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 - Transport (2007)
- Technical Advice Note 24 - The Historic Environment (2017)

#### **Well-being of Future Generations (Wales) Act 2015**

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this Application.

### **The Socio Economic Duty**

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

### **APPRAISAL**

The Application is referred to the Development Control Committee in view of the number of objections initially raised by local residents/members of the public, and the Community Council.

The Application seeks full Planning Permission for the development of Marlas Farm Yard for residential purposes, comprising a mix of 17 residential units in total.

Having regard to the above, the main issues to consider in the assessment of this Application relate to the principle of development, the impact on visual amenities including the impact on the character and setting of the listed building, the impact on the amenities of neighbouring residents, highway and pedestrian safety, biodiversity and drainage.

### **Principle of Development**

The Application site is located within the main settlement of Pyle as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (**RLDP**) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

Policy SP6: Sustainable Housing Strategy supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land. The proposed site would constitute a windfall site under Policy SP6 and could contribute towards delivery of the overall housing requirement. The site is not allocated for a specific use; therefore, residential development would be acceptable in principle.

It is acknowledged that the site would result in the loss of a historic 'farmyard' although the Applicant's supporting information highlights the yard and historic paddock are no longer actively used for its historic agricultural purpose in service of the adjacent fields. Instead, it is detailed the land is utilised for light industrial activity and general storage purposes.

This assertion has been contested by local resident's representations as earlier detailed, although the loss of a historic yard of this nature, be it in agriculture use or not, based on the information and objections received is not deemed a justified or material reason to warrant the refusal of such a scheme, or to not support such a scheme in principle. Ultimately the site falls inside settlement limits, has previously been occupied by built

development and is not recognised as high quality agricultural land (for example Grades 1, 2 and 3a of the Agricultural Land Classification System), that would be lost because of such a proposal. Furthermore, the site is abutted to its western, eastern and southern sides by further built development including residential units. The use of the existing plot for residential purposes represents a sustainable and compatible use of the site. The proposed residential use of the site is therefore considered acceptable in principle.

It is, however, acknowledged that Policy SP3: Good Design and Sustainable Place Making of the RLDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

And, whilst it is considered that in principle the scheme accords with the general aims of the RLDP, the scheme must comply with the requirements of RLDP Policy SP3 and satisfy other material planning considerations, as detailed below.

#### **Visual Impact including the impact on the character and setting of the listed building**

Policy SP3 of the adopted Bridgend, Replacement Local Development Plan (**RLDP**) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of good design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

Given the location of the Application site adjacent to the Grade II Marlas Farm House and the listed status (curtilage listed) of the barn to be converted in this instance, regard must be given to Policy SP18 of the RLDP that highlights development proposals must protect, conserve and where appropriate preserve and enhance the significance of historic assets, including their setting.

Furthermore, Planning Policy Wales (Edition 12) 2024 firmly promotes the place making agenda and the principles of high design standards and at paragraph 4.11.9 stipulates the following: *“The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations.”*

Placemaking should be delivering housing developments that respond to context and form a high-quality townscape, providing people-friendly green streets, with high quality building design and private and semi-private space for all occupants.

The submitted Design and Access Statement and Heritage Impact Statement set out a vision and agenda for the redevelopment of the site. It is the Applicant's view that the scheme, which has now undergone significant design and layout changes, comprises a high-quality development that adheres to principles aimed at minimising the impact on the historic setting, and respects the significance of its agricultural history and setting. Adopting a volume house builder approach would directly contradict the historical use of the site and setting, with the approach to the residential design now being centred around establishing a sense of place, and meaningful connections between buildings, access and landscape.

In addition to this, the scheme fulfils the housing aspirations of Bridgend County Borough Council by providing a mix of units ranging from 2 to 4 bedroom houses and 1 bedroom flats. The specific appearance and form of the proposed dwelling types represent an appropriate design style which in the Applicant's view embraces a more informal and evolved approach.

The Application proposes the construction of 15 new residential units and two additional units within an existing barn building(s) which would be converted to residential use as part of the scheme. The proposed buildings are all of a traditional two-storey design with pitched roofs, comprising detached, semi-detached and link properties.

The layout of the site, as detailed, has been subject to much negotiation and discussion with the Applicant/agent which has resulted in the submission of amended plans (received 6 February 2025). The amended plans, which have been revised from a total of 28 units initially proposed at pre-Application stage down to a total number of 17 units, seeks to improve and enhance the visual appearance and general design of the scheme and ensure a sympathetic form of development that is reflective of the surrounding character and appearance of the area (particularly the Listed Building), and its historic setting is achieved in this case.

Whilst it is somewhat regrettable that the general character and historic agricultural nature of the site would inevitably be lost, the proposal has been subject to continuous discussions and subsequent improvements to ensure the dwellings, their general setting, space about buildings and overall layout and design is of a high design standard.

The subsequent development of the site, in the manner proposed, represents an appropriate and sympathetic scheme that, on balance, would not have such a significant detrimental impact on the existing character and appearance of the locality to warrant the refusal of the planning Application. The proposal does have acceptable design qualities and would be complementary to the predominant land uses within the vicinity of the site and the appearance of nearby buildings. Landscaping within and along the boundaries of the site would be further introduced and integrated into the proposals and positively contribute to the character and feel of the site, with a central area of feature open space being introduced. The landscaping would help integrate the building features into their surroundings and a recommended condition would also ensure that this is encouraged and maintained at the site, ensuring the buildings and associated infrastructure assimilate with their surroundings and retains a green feel whilst also providing a positive biodiversity enhancement at the site.

It is acknowledged that the development comprises the conversion of a curtilage listed barn(s) associated with the main Marlas Farm House, Grade II Listed Building, that is situated to the immediate east of the Application site. Consequently, it is important to consider the effect the proposed development may have on the Listed Building and its setting and, in this respect, Policy SP18: Conservation of the Historic Environment of the RLDP is also relevant (as earlier detailed).

The Council's Senior Conservation and Design Officer has been fully engaged and involved with the planning Application process and has no objections to the revised proposal. It is highlighted the proposed scheme has been based on a well-researched Heritage Impact Assessment (**HIA**) and whilst the haybarn and adjacent walls are referred to as curtilage listed they do form a cohesive part of the listing as stated by Cadw. Nevertheless, the role and purpose of listing is not to hold structures in aspic or prohibit sensitive change. It is to protect a non-renewable asset and inform appropriate, measured change.

The HIA states that the land west of Marlas Farm, including the yard and paddock are no longer actively used for its historic agricultural purpose in service of adjacent fields but used for light industrial activity. If this is indeed correct, the proposed change is more acceptable in this location than the current use.

The original proposal for 28 dwellings has been reduced following discussion to 17 units. This consists of 15 new build dwellings and the conversion of the hay barn to provide an additional two dwellings. The details of the conversion of the Hay Barn are given in this Application and also form part of a separate Listed Building Consent (LBC) Application. The planning Application considers the acceptability of the principal of a separate housing development and its impact on the setting of the listed buildings.

The design development of the proposed site is discussed throughout the HIA document and presents a logical and balanced approach to the site evolution.

In recognising the historical significance of Marlas as a holistic entity, a meaningful response has fed into the understanding of form and space. Restoration and removal of less sympathetic additions further enhance the original aesthetic of the same. However, the details of new fenestration are to be addressed in the LBC Application (west facing elevation of the converted barns). Additionally, the relocation of gate posts and boundary walls are referred to in the listed building consent Application.

The principle of the new dwellings is supported, however the use of materials, in terms of colour palette and the nature of materials is not fully supported and would need to be controlled under a recommended planning condition.

Marlas and its related structures consist of limestone and some Pennant stone. Its colour palette is one of a warm tone. The use of dark tones featuring contemporary form will detract significantly from the historic setting although the use of stone and smooth painted render is however supported. It is therefore recommended that all the materials are subject to condition with a view to directing the choice of materials to a greater empathy to the original and existing historic form.

In conclusion, the Application, in principle, is supported by the Council's Senior Conservation and Design Officer subject to the imposition of conditions in respect of controlling the hay barn materials and west facing elevation/fenestration details, controlling all materials/finishes for the new development including rain water goods and roof finishes, submission of detailed landscape plans indicating the extent of demolition of boundary walls, existing field walls, gate piers and new hard surface material and the submission of a proposed lighting scheme for the site.

In view of the above, it is considered that there would not be any adverse impacts on the Listed Building or its setting, and the scheme, subject to control through recommended conditions, would not harm the existing visual amenities currently enjoyed in the locality with Policy SP18 of the RLDP, on balance, not being compromised by the proposal.

Policy COM6 of the RLDP requires that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. In the first instance, residential development should seek to reflect a density of 50 dwellings per hectare. A lower density of development will only be permitted where:

- 1) Design, physical or infrastructure constraints prevent the minimum density from being achieved; or

- 2) The minimum density would harm the character and appearance of the site's surroundings; or
- 3) Where it can be demonstrated there is a particular lack of choice of housing types within a local community.

The site consists of a lower density than prescribed by Policy COM6 (approximately 23 dwellings per hectare), however, given the constraints of the site and the character of the surrounding area coupled with the historic assets in and around the Application site, the proposed density is considered acceptable for this setting. The scheme has evolved and been substantially amended over the process of the planning Application and pre-Application discussions and a lesser density in this case is deemed appropriate to the site context and improves the design qualities of the development.

In comparison to earlier submissions (at pre-Application stage and the original planning Application), the scheme has been significantly revised to overcome numerous issues originally raised, including visual and general design concerns with the development. The scheme has now reached an acceptable standard and, on balance, subject to conditions, it is concluded the proposed development accords with Policy SP3 and SP18 of the RLDP in terms of safeguarding visual amenities and preserving the character and setting of the Listed Building.

### **Residential Amenity**

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.

Criterion (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Having regard to the submitted layout plan, including the size of the site (approx. 0.7 Ha) and the density and scale of the dwellings, it is considered that the site is capable of accommodating a total of 17 units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

With due regard to the revised drawings and the comments received from residents, the buildings would, on balance, be positioned with an acceptable offset from the nearest rear/side elevations and garden spaces of the existing properties to the west of the site, along Skylark Road.

It is acknowledged that whilst a small number of properties would have their rear outlook completely changed as a result of the scheme, it is deemed that the relatively well designed and appropriately positioned, residential units within the development plot, would not adversely overlook or adversely overshadow the nearest neighbouring dwellings. It is appreciated the exact distances between the rear of plot 4/block3 (a proposed, detached residential property), within the development proposal and the rear of existing properties along Skylark Road fall marginally below the usual guideline distances. However, the proposed property is slightly angled away from the existing plot(s) and would benefit from rear boundary landscaping to screen the site that could be further ensured by a recommended condition and the design and position of the rear first floor windows could

also be high level/obscurely glazed to prevent any serious loss of privacy to the existing dwelling(s) (also controlled by a recommended condition).

With all other aspects of the development having an acceptable relationship to existing plots and with the converted barn building having no proposed, rear habitable room windows facing towards the existing main dwelling known as Marlas Farm House, the proposed siting of the new dwellings raises no serious loss of amenity or privacy issues. Again, given the separation distances and characteristics of the site, the scheme raises no serious overbearing, dominating or overshadowing concerns.

Policy SP3 of the RLDP criterion (g) also states "*Development should avoid or minimise noise, air, soil and water pollution*".

Shared Regulatory Services Officers (Noise) have reviewed and examined the planning Application submission and raise no 'in-principle' objections to the residential scheme in this location subject to the imposition of a condition should planning permission be granted for the development. It is noted the proposed residential properties are in close proximity to the nearby, main railway line, and whilst there is no objection raised to the development it should be ensured appropriate sound insulation measures are installed to ensure acceptable internal noise levels to habitable rooms are achieved in this case.

It is further acknowledged the revised scheme also incorporates amenity space for use by future occupiers of the site and provision for waste, bicycle and general storage purposes with the level and standard of accommodation being proposed (subject to a relatively standard condition in respect of detailed waste management measures) being viewed as acceptable for likely future residents of the development, particularly given the proximity of local amenities within Pyle and North Cornelly.

In terms of noise from construction, whilst also noting the proximity of the nearby primary school and existing residential units to the site, it is generally accepted that there would be some disturbance from this development, however, this would be transient in nature. Nevertheless, a condition can be imposed to ensure construction takes place during sociable hours. As such, there are no significant concerns in relation to construction noise.

Overall, when taking a balanced view of the merits of this scheme and having due regard to the comments raised in respect of the Application, it is considered that the residential development scheme of the nature and design proposed is acceptable and would not have a detrimental impact on the existing neighbouring properties and the levels of amenity currently enjoyed, whilst also creating an acceptable living environment for likely future occupiers of the development.

As such, and subject to the imposition of the detailed conditions, there are no justifiable reasons to refuse planning permission on residential amenity grounds and the scheme is considered to accord with the requirements of Policy SP3 of the Replacement LDP (2024) in respect of amenity protection.

### **Highway Safety**

A key objective of Planning Policy Wales – Edition 12 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity and realising the goals of the Well-being

of Future Generations (Wales) Act 2015. Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

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

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

Policy PLA11 of the adopted Replacement Local Development Plan (2024) stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards. Consideration must be given to electric and Ultra Low Emission Vehicles.

It should be noted as acknowledged throughout this report, that the Council has been working with the Applicant/agent to resolve a number of initial concerns with the site layout and access arrangements through revisions of the plans. The Highway Authority have carefully considered the revised submission and advised the latest proposals are now deemed acceptable.

It is advised the current layout provides compliant levels of on-plot vehicular parking alongside appropriate cycle storage in line with Active Travel Act requirements. Following revisions to the internal site layout, the Applicant has also submitted updated swept path analysis demonstrating that a range of vehicles can safely access the site via the proposed junction and realigned internal road. On this basis, the Authority is satisfied with the active travel provision, parking arrangements, and internal road configuration.

In terms of traffic impact, modelling of the signal-controlled junction on Marlas Road shows modest increases in queue lengths by 2036, attributable to background growth rather than the development itself. In the AM peak, queue lengths are forecast to rise from two to three vehicles (approx. 16.5m) on the west approach, and by one vehicle on both the north (six to seven) and south (four to five) approaches. In the PM peak, no increase is predicted on the westbound approach fronting the site. The proposed site access lies approximately 130m west of the signal stop line and will remain unaffected by current or future queuing at the junction.

Regarding traffic volumes, the Highway Authority notes the supporting surveys were undertaken in September 2021, after COVID-19 restrictions had ended and with schools operating normally. While there is no defined shelf life for a Transport Assessment, it is relevant that the modelling reflects an earlier scheme for 24 dwellings. The current Application reduces this to 17 (near 30% decrease) - without factoring in potential reductions in travel demand due to increased homeworking. This provides confidence in the continued relevance and robustness of the assessment. The Authority is therefore satisfied that the development will not have a material impact on highway safety or the operational capacity of the local road network.

Finally, to meet the required design standards for residential access, works will be necessary to regrade the verge to the west of the proposed junction in order to achieve appropriate visibility splays in both horizontal and vertical planes. The Applicant has confirmed that the affected verge is under their control, has incorporated the visibility splays within the red line boundary, and provided longitudinal engineering sections showing the extent of regrading required. Accordingly, the Highway Authority raise no objection to the scheme subject to the imposition of conditions in respect of the submission of a Construction Method Statement, submission of detailed access point arrangements and maintenance of appropriate vision splays, and full details of the dedicated footpath link and control over future use of the garage spaces that should be retained for parking purposes in perpetuity.

As such, the proposed development, subject to conditions, is considered to be compliant with policies SP3 and PLA11 of the Bridgend Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

### **Biodiversity**

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

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

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

Policy SP3 of the adopted Local Development Plan (2024) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 of the RLDP states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 of the RLDP states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure

network.

The Application has been accompanied by a Green Infrastructure Statement (**GIS**), Preliminary Ecological Appraisal (**PEA**) and Preliminary Roost Assessment, Bat Emergence Survey Report and Tree Survey and Constraints Plan. A Habitats Regulations Assessment has also been submitted in support of the Application (in relation to Kenfig Special Area of Conservation), with a further updated walkover ecological survey also being undertaken to support the scheme.

The Ecological Appraisals and supporting information have provided baseline ecological information describing the main characteristics of the proposed development site. An assessment of likely impacts has been made for the majority of habitats, species and species groups, subject to a number of recommendations and assuming these precautions are followed as stated, impacts on these species' groups are likely to be negligible.

The identified recommendations are summarised as follows:

- Provision of boundary planting a) around the edges of the site where this does not already exist, and b) where existing boundary planting is gappy.
- Where new fencing is required, care should be taken to ensure that appropriate gaps are present at the fence base to allow hedgehogs to pass through (13cm by 13cm gap is sufficient).
- Appropriate Sustainable Drainage System.
- Lighting within the development should be kept to a minimum.

Furthermore, recommendations during construction include:

- Scrub and tree removal outside the bird nesting season.
- Supervised strip of the site by a competent Ecological clerk of works.
- Appropriate precautions in relation to badgers and other mammals.
- Standard pollution control measures during construction.

And, additional Enhancements, include:

- Provision of built in bat-boxes within each new dwelling house.
- Provision of bird boxes associated with each new property.

The Tree assessment undertaken established that the trees on site were overwhelmingly in sub-optimal condition and largely in need of intervention. The Tree Survey accounted for each tree present on the site and categorised each based-on tree quality. The tree survey found that overwhelmingly the physiological condition of the trees on site were considered either fair or low quality or in such a condition that they cannot realistically be retained as living trees in the context of the current land use for more than ten years (Category U trees).

Many of the trees on site were also considered to be suffering from Dutch Elm Disease and Ash Dieback, whilst some trees were partially collapsed or dead. The survey recommended the removal of eight trees/tree groups based on their condition and the monitoring of another seven.

The Application following discussion and input from Natural Resources Wales (**NRW**) and the Council's Countryside Management Officer (**Ecologist**) is also supported by a Habitats Regulations Assessment that summaries the key factors potentially affected by the scheme although generally concludes the scheme would not significantly impact or directly

influence the special features of the Kenfig Special Area of Conservation (**SAC**).

The Ecologist has fully assessed the scheme and is in support of the planning Application on the basis of the information submitted in support of the scheme.

NRW have also reviewed the submission and amended planning Application details and comment as follows:

*'The proposed development site is located approximately 50 metres (m) south of the Afon Cynfig. Due to this proximity and the gradient of the land, we consider the demolition and construction phases of the development would present a pollution risk to the watercourse. Therefore, it is advised an appropriate condition is attached to any approved consent to ensure an appropriate Construction Environmental Management Plan is submitted to and approved in writing by the Local Planning Authority, accordingly.'*

*The proposed development site is also located within 1 Kilometre of Kenfig Special Area of Conservation (SAC). Section 5.2.3 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment by Koru Ecology Associates (04/10/2022) considers it is possible the proposal may affect the SAC, for example due to increased visitor pressures associated with new housing.*

*However, from the information provided in the Habitats Regulations Assessment Report (November 2024), NRW consider the proposal is not likely to have a significant effect on the Kenfig SAC given the small-scale nature of the proposed development.*

*The proposed development site is located within 460m of Kenfig Site of Special Scientific Interest (SSSI). Section 5.2.2 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment considers given the distance from the proposed development site to the SSSI, no detrimental effects are considered likely on the SSSI. Based on the information provided, NRW also consider the proposed development is not likely to damage the features for which the SSSI is of special interest.*

*The Bat Emergence Survey Report by MPS Ecology has identified bats were not using the Application site. NRW therefore have no adverse comments to make in relation to European protected species on the Application as submitted (although consultation with the Council's in house ecologist is recommended in this respect also).*

In summary, on the basis of the information presented, and the input and final comments of key consultees, there are no fundamental in-principle constraints to the proposed development in ecology and biodiversity terms and subject to necessary conditions including managing the development through an agreed construction environmental management plan (**CEMP**) and implementing all the mitigation/enhancement measures, the proposal is considered to accord with the requirements of Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant RLDP policies.

### **Drainage**

Dwr Cymru/ Welsh Water in their observations have confirmed that they have no objection to the proposed development and it is commented that the developer has indicated that foul flows are to be disposed of via the public sewerage system, and no objection in principle to the foul flows discharging to the public sewer is raised. Turning to surface water drainage, such a proposal would require approval of Sustainable Drainage Systems features and at this stage no objections to the means of surface water disposal are raised. To ensure there is no detriment to the public sewerage system standard advisory notes are recommended accordingly.

The Council's Land Drainage Officer has also recommended the imposition of a condition that would address a comprehensive drainage submission. Subject to its agreement, the site can be properly drained and in a manner that will protect the environment and local residents.

### **Other Matters**

Shared Regulatory Services (**SRS**) Environment Team have advised that the site has previously been used for storage of agricultural equipment and supplies including diesel and vehicles. This may have caused the land to become contaminated and may give rise to potential risks to human health and the environment for the proposed end use. The inclusion of conditions requiring contamination assessment and any necessary remediation is therefore requested in this instance.

SRS have also advised that should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Conditions and advisory notes are therefore suggested accordingly.

Policy ENT10 Low Carbon Heating Technologies for New Development seeks to ensure that low carbon heating technologies are installed as part of all new major development. New major development should be accompanied by an 'Energy Masterplan' that demonstrates that the most sustainable heating and cooling systems have been selected. The Local Area Energy Strategy identifies that an electric/district heat mix could be suitable in this area. If this is proven to be financially or technically unviable then development proposals must follow the sequential approach to identify low carbon heating technologies in accordance with ENT10.

An Energy Masterplan has recently been submitted which describes how the proposed development would be designed using the Energy Hierarchy and will make the fullest contribution to minimising carbon dioxide emissions and energy demand. An average overall site-wide carbon reduction of 78% can be achieved through the energy strategy demonstrated in the Energy Masterplan. The site would benefit from the installation of fabric efficiency measures, and the site would additionally benefit further from the installation of ASHP (Air Source Heat Pumps) and solar PV's, which together achieve a total carbon reduction of 78% and a primary energy reduction of 45%, demonstrating broad compliance with Policy ENT10 of the RLDP.

Furthermore, the Application site is not directly crossed by any identified Public Rights of Way and does not host any Tree Preservation Orders. The Application site itself is not situated within a recognised flood risk area. The site is also not situated in a conservation area. It is also acknowledged the Application site falls within the Coal Authority's defined Development Low Risk Area.

### **Section 106 Legal Requirements/planning obligations**

*Policy SP10 Infrastructure* of the Replacement LDP (2024) states that all development proposals must be supported by sufficient existing or new infrastructure. In order to mitigate likely adverse impacts and/or to integrate a development proposal with its surroundings, reasonable infrastructure provision or financial contributions to such infrastructure must be provided by developers where necessary. This will be secured by means of planning agreements/obligations where appropriate (and if deemed necessary).

## Affordable Housing

Policy COM3 of RLDP requires no affordable housing contribution in this housing market area (Pyle, Kenfig Hill and North Cornelly).

## Education

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 areas of Afon Y Felin Primary School and Cynffig Comprehensive School. The Education and Family Support Directorate have confirmed that there is insufficient capacity at Afon Y Felin Primary School to accommodate the likely number of children generated by the proposed development. A contribution of £18,599 for Education provision is therefore required in this case.

## Open Space

Policy COM10 of the RLDP requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. BCBC's *Outdoor Sports & Children's Play Space Audit* (2021) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM10 of the RLDP and SPG 5 – *Outdoor Recreation Facilities and New Housing Development*:

A development with 17no. dwellings that meet the criteria for SPG5 would lead to an estimated development population of 37. This is based on the formula in the SPG.

House Type	Number of Dwellings	Average Occupancy	Total People
1 bed	7	1.5 persons	10.5
2 bed	2	2 persons	4
3 bed	3	2.5 persons	7.5
4 bed	5	3 persons	15

In order to reflect the likely population characteristics of the development, the full calculated development population will be applied to the formal Outdoor Sport requirement, whereas a reduced development population (excluding the one-bedroom dwellings on the basis of no anticipated child occupants) will be applied to the equipped and informal playing space requirement.

The total amount of Formal Outdoor Sport space required should be 37 people x 16m<sup>2</sup> = 592m<sup>2</sup>.

The total amount of Equipped Playing Space required should be 27 people x 2.5m<sup>2</sup> = 67.5m<sup>2</sup>.

The total amount of Informal Playing Space required should be 27 people x 5.5m<sup>2</sup> = 148.5m<sup>2</sup>.

The proposed site layout includes the provision of some POS (approx. 50m<sup>2</sup>) in the central section of the site which would achieve a proportion of the requirements (Equipped Playing Space/Informal Playing Space), on-site. To achieve full compliance with the requirements of Equipped Playing Space/Informal Playing Space a proportionate part-commuted sum will be required on the remaining amount (166m<sup>2</sup>). This will be used to upgrade existing provision in the local area.

In terms of Formal Outdoor Sport, given the constraints of the site, a commuted sum may be more appropriate than on-site provision, with a contribution to be spent on the improvement of facilities within the vicinity of the proposed development. Based on current costs for provision in BCBC, the contributions would equate to £470 per dwelling for Equipped Playing Space/Informal Playing Space and £570 per dwelling for Outdoor Sport. A partial contribution for Equipped Playing Space/Informal Playing Space would therefore equate to £3,619 (23% discounted off total to account for partial onsite provision), and a full financial contribution of £9,690 for Outdoor Sport.

## **CONCLUSION**

The decision to recommend that Planning permission be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a Planning Application, the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend, Replacement Local Development Plan (2024).

This Application is recommended for approval because the development is in accord with the policies of the Replacement Local Development Plan 2024 and will deliver a mixture of housing provision on a sustainable site. The loss of the historic farmyard use is somewhat regrettable although on balance is not deemed a justifiable reason to refuse the scheme. The effect of the proposal on the character and amenities of the area, specifically, those enjoyed by existing residents, has been carefully considered and subject to control being imposed through the grant of planning permission the impacts on the living conditions should not be so adverse as to warrant refusing planning permission.

On balance and having specific regard to the positive comments raised by the Council's Senior Conservation and Design Officer, the scheme would not adversely impact the historic character and setting of the Grade II Listed Building. Biodiversity impacts would be modest and at a local level and mitigation and enhancement works as recommended by the Applicant's consultant ecologist would be secured through the consent.

The representations received have been duly considered and addressed, however, on balance, it is considered that they do not outweigh the merits of the development.

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

## **RECOMMENDATION**

(A) The Applicant enters into a Section 106 Agreement to: -

- (i) Provide a financial contribution of £9,690 towards the provision of Formal Outdoor Sport to be used to upgrade/improve existing provision in the local area.
- (ii) Provide a financial contribution of £3,619 towards the provision of Equipped Playing Space/Informal Playing Space to be used to upgrade/improve existing provision in the local area.
- (iii) Provide a financial contribution of £18,599 towards the provision of additional primary school places in the schools serving this development (Education Provision for Nursery - 1 additional space).

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning permission in respect of this proposal once the

Applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions: -

1. The development shall be carried out in accordance with the following approved plans (as amended) - Received 06/02/2025:

Block One (plans & elevations) 2145 - 201A  
Block Two (plans & elevations) 2145 - 202A  
Block Three (plans & elevations) 2145 - 203A  
Block Four (plans & elevations) 2145 - 173A  
Block Five (plans & elevations) 2145 - 174A  
Block Six (plans & elevations) 2145 - 175A  
Block Seven (plans & elevations) 2145 - 207A  
Marlas Farm Hay Barn Conversion - Proposed Ground Floor Plan 302-P03  
Marlas Farm Hay Barn Conversion - Proposed First Floor Plan 303-P03  
Marlas Farm Hay Barn Conversion - Proposed Roof Plan 304-P03  
Marlas Farm Hay Barn Conversion - Proposed West Elevation 305-P03  
Marlas Farm Hay Barn Conversion - Proposed North & South Elevation 306-P03  
Marlas Farm Hay Barn Conversion - Proposed North East Elevation 307-P03  
Site Layout Plan 2145 - 200E - Received 12/03/2025

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

2. Notwithstanding Condition 1, in accordance with Section 6 Recommendations of the Preliminary Ecological Appraisal undertaken by Koru Ecology Associates - Received 25th March 2024, the general recommendations and enhancement measures for biodiversity shall be implemented in full at the site in accordance with a detailed scheme and timescales that has first been submitted to and agreed in writing by the Local Planning Authority. No development shall proceed until the detailed scheme and timescales have been agreed and works shall proceed in accordance with the details agreed.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12, February 2024) and Policies SP17, DNP6 and DNP9 of the Replacement Local Development Plan, 2024.

3. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification and plans for the final fenestration arrangement and elevation treatment of the west facing, front elevation of the converted hay barn structure hereby permitted, including samples/specific details of all the materials to be used in the conversion of the structures to residential use, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development and proposed materials of construction are appropriate for the site so as to enhance and protect the visual amenity of the area and the setting of the Listed Building and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

4. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the new dwellings hereby permitted (including roof finishes and any solar panel details, and rainwater goods) have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the

agreed details and retained in perpetuity.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

5. Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected throughout the site and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

6. Notwithstanding the requirements of condition 1, no development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- \* The extent of demolition of boundary walls, field walls and gate piers across the site;
- \* A scheme for the re-use of appropriate materials from the demolition of structures/walls across the site;
- \* New hard surface materials;
- \* All proposed planting and landscaping such as schedule of plants/trees, species and number/densities; and,
- \* an implementation programme including full details of any trees to be removed at the site and protection measures for those being retained (during construction).

Thereafter, all landscaping works shall be implemented in accordance with the approved details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to enhance and preserve the setting of the Listed Building, and to promote nature conservation, in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

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

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to enhance and preserve the setting of the Listed Building, and to promote nature conservation, in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

8. No development or phase of development, including demolition and site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Demolition and construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the demolition and construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater, and energy use;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan; and,
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

9. Notwithstanding the approved layout plan, no development shall commence until a revised scheme and plan indicating the positions, height, design, materials and type of boundary treatment to be erected on the shared boundary with the existing rear boundaries of properties on Skylark Road, and a timetable for implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the scale and type of boundary treatment for the completed development which shall have regard to the proposed site levels and existing levels of the adjoining properties and shall include detailed landscaping. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the living conditions of the adjoining occupiers are appropriately protected, in accordance with Policy SP3 of the Replacement Local Development Plan, 2024.

10. Notwithstanding the approved plans, no development shall commence until a revised scheme and plan indicating the positions, height, design, and type of rear first floor windows within dwelling plot 4 has been submitted to and agreed in writing by the Local Planning Authority. The windows shall be fitted as agreed prior to the dwelling being occupied and shall be retained in perpetuity.

Reason: To safeguard residential amenities and ensure that the living conditions of the adjoining occupiers are appropriately protected, in accordance with Policy SP3 of the Replacement Local Development Plan, 2024.

11. Prior to its installation, full details of any lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
  - Details of the siting and type of external lighting to be used.
  - Details of lighting to be used both during construction and operation.
  - Measures to monitor light spillage once development is operational.

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

Reason: To reduce the impacts of lighting on the setting of the Listed Building and in the interests of protected species and their habitats in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

12. No development shall commence until full details of the Residential Recycling and Waste Collection Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Residential Recycling and Waste Collection Strategy shall specify how all recycling and waste should be stored and collected. Development shall be carried out in accordance with the approved strategy and the approved strategy shall be implemented in perpetuity.

Reason: In the interests of residential amenity in accordance with policies SP3 and SP15 of the Replacement Local Development Plan, 2024.

13. Notwithstanding the submitted plans, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.

Reason: To ensure effective drainage facilities are provided for the proposed development.

14. 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 routeing and timing of HGV construction traffic to/from the site in order to avoid Marlas Road (westerly) and school drop off and pick up times
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. hours of working on site
- viii. a scheme for implementing effective liaison with the local residents/nearby school.

Reason: To safeguard residential amenities and highway and pedestrian safety.

15. Notwithstanding the requirements of condition 1, no development shall take place until a detailed plan and specification indicating the extent of demolition and subsequent replacement details of the garage to be demolished (in part), to accommodate the active travel route, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To enhance and protect the visual amenity of the area and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

16. Notwithstanding the requirements of condition 1, no development shall commence until a

scheme for the provision of a dedicated footpath link between the site and Marlas Road (through Marlas Farm); and the provision of dropped kerbs and tactile crossing points on Marlas Road, to connect with the wider footway/footpath network within North Cornelly has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

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

17. Notwithstanding the requirements of condition 1, the proposed means of access shall be laid out with 7.4 metre radius kerbing on both sides of the entrance and constructed and retained in permanent materials with vision splays of 2.4m x 49m in both directions, full details of which shall first be agreed and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

18. 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 safety.

19. 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 or for any commercial business use.

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

20. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining walls necessary due to differences in levels will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason: In the interests of public safety.

21. 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 on any of the plots hereby approved 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 properties to the rear, in the interests of visual amenity, the residential amenities of adjacent properties and to protect the amenity space provided within the properties.

22. 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), other than those permitted by the approved plans, 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 any of the dwellings or flats hereby approved.

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

23. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external noise in excess of 55 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. Where it is a requirement that in order to achieve these internal noise levels, the windows shall remain in the closed position, a scheme of alternative ventilation measures designed to the latest Building Regulations Part F and to meet the internal noise levels, shall be submitted to and agreed with the Local Planning Authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures, should they be required, have been installed in that room.

Reason: In the interests of safeguarding residential amenities in accordance with Policies SP3 and DNP9 of the Replacement Local Development Plan, 2024.

24. Prior to the commencement of development an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the building(s) on site is of architectural and cultural significance the specified records are required to mitigate impact.

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

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

27. The remediation scheme approved by condition 26 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

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

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

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

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

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

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

32. Before beginning any development at the site, the developer/Applicant must do the following: -

- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
- b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason: To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

### 33. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This Application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b. The Applicant/developer is advised to review the comments of South Wales Police and South Wales Fire & Rescue Service in respect of the development proposals that are published in full on the planning pages of the Council's Website under the planning Application reference number.
- c. In respect of the noise condition (condition number 23), the Applicant will need to undertake a noise assessment by a qualified acoustic consultant to establish the noise level from the railway line in order to determine the necessary sound insulation measures. However, if the Applicant is able to find a noise consultant where they have already taken recent noise levels (unscreened) for assessments they have previously undertaken in Bridgend along the same railway line, (as the same trains will be travelling the line) and will be able to predict the noise levels at the Applicant's site as a result of this and provide details of mitigation, we would also accept that providing that the scope of the assessment is first agreed with Shared Regulatory Services. This is to ensure that SRS are satisfied that any previous assessment that has been undertaken is comparable in terms of noise levels before any predictions are undertaken and mitigation is recommended.
- d. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
  - (i) determining the extent and effects of such constraints;
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
    - Unprocessed / unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or

potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

e. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), ClfA regulations, standards and guidance Chartered Institute for Archaeologists and it is recommended that it is carried out either by a ClfA Registered Organisation or a MCIfA level accredited Member.

f. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Bridgend County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB Application process and will provide comments to any SuDS proposals by response to SAB consultation.

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](http://www.dwrcymru.com).

The Applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water 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 us in dealing with the proposal the Applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the Applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. It is recommended that the Applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency

requirements.

g. Should a retaining structure be required to provide the proposed visibility splay to the west a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement in accordance with condition 20, shall be submitted to the Local Planning Authority in this case.

h. The Highway Authority will require the Developer to enter into a legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

## Appeals

**The following appeals have been received since my last report to Committee:**

<b>APPEAL NO.</b>	2020
<b>APPLICATION NO</b>	P/24/2/OUT
<b>APPELLANT</b>	MR P EVANS
<b>SUBJECT OF APPEAL</b>	Outline planning application for one block of 2 bedroom apartments (with approval for access) and highway improvement works: Parcel B Land North of Underhill Cottages Tondu Road Bridgend
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The appeal is against the non-determination of this planning application.**

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<b>APPEAL NO.</b>	2019
<b>APPLICATION NO</b>	P/23/647/FUL
<b>APPELLANT</b>	MR T CADOGAN
<b>SUBJECT OF APPEAL</b>	PARTIAL DEMOLITION OF GARAGE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO PROVIDE A FAMILY ROOM AND UTILITY TO THE GROUND FLOOR AND 2NO. BEDROOMS TO THE FIRST FLOOR; CREATE 1NO. ADDITIONAL PARKING SPACE TO FRONT AND EXTEND DROPPED KERB: 98 YR YSFA MAESTEG
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reasons:**

1. The proposed development, by reason of its siting, scale and design, would constitute an inappropriate and unsympathetic form of development that would unbalance and dominate the appearance of the established pair of semi-detached properties resulting in an unacceptable impact on the character of the host dwelling to the detriment of the existing visual amenities of the locality. As such, the proposal is considered contrary to Policy SP3 of the Bridgend Local Development Plan (2024), the principles of SPG2 - Householder Development (2008) and Technical Advice Note 12 Design (2016), and advice contained within Planning Policy Wales (Edition 12, 2024).
2. The proposed two-storey side/rear extension, by reason of its siting, scale and design, would have an unreasonably overbearing impact on the neighbouring residential property, 96 Yr Ysfa to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP3 of the Bridgend Local Development Plan (2024) and the principles of Supplementary Planning Guidance 02: Householder Development (2008) and Planning Policy Wales (Edition 12, 2024).

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<b>APPEAL NO.</b>	2021
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<b>APPLICATION NO</b>	P/24/21/FUL
<b>APPELLANT</b>	CARHYS
<b>SUBJECT OF APPEAL</b>	1NO. SINGLE STOREY BUNGALOW: LAND TO THE SIDE OF 1 GER Y BONT BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reasons:**

1. The proposed development, by reason of its siting and design, represents an inappropriate form of development, which fails to provide future occupants with an appropriate and acceptable level of amenity, in terms of the outlook from the proposed dwelling, contrary to Policy SP3 of the Bridgend Local Development Plan, 2024, the principles contained within Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, February 2024).
2. The proposed fencing adjacent to the access of the development, by reason of its scale, orientation and design, would have an excessively dominating impact on the outlook of 1 Ger Y Bont, resulting in a significant loss of residential amenity contrary to Policy SP3 of the Local Development Plan (2024), Supplementary Planning Guidance Note 02 Householder Development and Paragraph 2.7 of Planning Policy Wales (Edition 13, February 2024).

**The following appeals have been decided since my last report to Committee:**

<b>APPEAL NO.</b>	2012
<b>APPLICATION NO</b>	P/24/93/FUL
<b>APPELLANT</b>	MR & MRS A EVANS
<b>SUBJECT OF APPEAL</b>	RETENTION OF EXISTING DETACHED OUTBUILDING FOR JOINT USE AS ANCILLARY USE TO EXISTING DWELLING AND PART-TIME USE AS HAIR & BEAUTY SALON: 9 PYLE ROAD PYLE
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

The Appeal decision is attached as **APPENDIX A**.

<b>APPEAL NO.</b>	2018
<b>APPLICATION NO</b>	P/24/489/OUT
<b>APPELLANT</b>	R HILL
<b>SUBJECT OF APPEAL</b>	OUTLINE APPLICATION FOR A PAIR OF SEMI-DETACHED

DWELLINGS: LAND AT Sycamore Close Litchard  
Bridgend

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<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

The Appeal and costs application decisions are attached as **APPENDIX B.**

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<b>APPEAL NO.</b>	2017
<b>APPLICATION NO</b>	P/22/651/RLX
<b>APPELLANT</b>	SUNNYVALE HOLIDAY PARK
<b>SUBJECT OF APPEAL</b>	REMOVAL OF CONDITION 3 (OCCUPATION LIMITS) OF P/19/911/RLX: LAND AT MOOR LANE PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

The Appeal decision is attached as **APPENDIX C.**

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<b>APPLICATION NO</b>	CAS-03529-X4T0G9 (2013)
<b>APPELLANT</b>	M BACON
<b>SUBJECT OF APPEAL</b>	RETENTION OF OUTBUILDING TO SIDE OF DWELLING: 3 LLWYN COCH BRIDGEND CF31 5BJ
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	COMMITTEE
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

The joint Appeal decision is attached as **APPENDIX D.**

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<b>APPLICATION NO</b>	CAS-03530-T4G6Q9 (2014)
<b>APPELLANT</b>	M BACON
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED EXTENSION: 3 LLWYN COCH

BRIDGEND CF31 5BJ

<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION</b>	ENFORCEMENT NOTICE
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD.

The joint Appeal decision is attached as **APPENDIX D.**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)



## Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/01/2025

Appeal reference: CAS-03571-Q7N2B2

Site address: 9 Pyle Road, Pyle, Bridgend CF33 6AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. and Mrs. A Evans against the decision of Bridgend County Borough Council.
- The application P/24/93/FUL, dated 19 February 2024, was refused by notice dated 22 April 2024.
- The development is described as the 'retention of an existing detached outbuilding within the residential curtilage of the 9 Pyle Road dwelling for joint use as (1) ancillary use to existing dwelling and (2) part-time use as a hair and beauty salon operated by an occupier of the 9 Pyle Road dwelling'.
- A site visit was made on 29 November 2024.

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are the effect of the proposal on: the character and appearance of the surrounding area; and highway safety with particular regard to parking provision and the safe and efficient operation of the highway network in the vicinity of the appeal site.

### Procedural Matter

3. The development has been completed; therefore, retrospective planning permission is sought under Section 73A(2)(a) of the Town and Country Planning Act 1990.

### Reasons

#### *Character and Appearance*

4. The appeal site is a semi-detached property located along Pyle Road. It occupies a prominent corner plot with significant frontage, next to the busy road junction with Marlas Road and Ffald Road and near to several commercial uses. The properties on the same side of Pyle Road as the appeal site share a consistent architectural style and building line. The appeal property's corner position together with its side garden, enclosed by a hedge, provides a gap in the built form which disrupts its visual continuity with these

properties, and it is seen more readily as part of the built form framing the road junction. Due to the mix of commercial and residential properties with varying architectural styles and building lines around the junction, it lacks a cohesive character and has a fragmented and varied streetscene.

5. The outbuilding has an irregular shape and, although positioned within the side garden, it sits partially forward of the appeal property. It is in close proximity to the public footway along Pyle Road, separated from it by a limited set back and the boundary conifer hedge. Due to its significant width, it results in built form almost spanning the entire frontage, filling the gap, stopping just short of the driveway. Whilst it is single storey, it projects above the existing boundary gates and wall. Due to the outbuilding's width, height and position, it is a substantial structure that dominates the appeal property plot and is prominent when viewed from Pyle Road in both directions. As a result, and notwithstanding the diverse local context, it appears as a disproportionately large domestic outbuilding which is a discordant feature in the streetscene. Whilst I note the appellants intend to retain the hedge which I acknowledge offers some screening of the outbuilding, its obtrusive form nonetheless remains visible from the public realm through gaps either side of it.
6. I note the appellants made a pre-application enquiry, initially considering the proposal was permitted development and it may well be that the Council were aware of the outbuilding prior to the planning application. Neither of these factors, however, are relevant to the planning merits of the proposals, nor do they imply it is acceptable.
7. I conclude the proposal would be harmful to the character and appearance of the surrounding area contrary to the Bridgend Local Development Plan (LDP) Policy SP3 which, amongst other things, requires developments to have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and being appropriate to its local context. The proposal would also be contrary to the Supplementary Planning Guidance 02: Householder Development which advises that outbuildings should not normally be in front of the house, nor should they dominate the existing property.

#### *Highway Safety*

8. There is limited information relating to how the hairdressing and beauty salon (the salon) would operate, e.g. the number of appointments and whether they would overlap, amongst other things. The salon would, however, have limited floorspace and I note that it is intended to be run solely by the appellants' daughter. As such, I consider that the intensity of the use would be low and the number of clients at the salon at one time would be limited. Furthermore, the proposed operating hours could be subject to a condition, compliance of which could be monitored from the public highway, if necessary.
9. In addition to this, the appeal property is in a sustainable location, directly adjacent to the Pyle District Centre as defined by LDP Policy ENT6. I observed bus stops along Pyle Road and Marlas Road a short walking distance from the appeal property and there is satisfactory footway infrastructure in the local area. This persuades me that there is a reasonable prospect that some clients would choose sustainable modes of transport to travel to the salon rather than rely on the private car. Taking these factors together with the intensity of the use, and in the absence of evidence to the contrary, I find that the demand for car parking would be limited. This would be consistent with the Council's Supplementary Planning Guidance 17: Parking Standards which broadly supports lower parking provision in sustainable locations.

10. Although some identified parking locations in the appellant's case do not offer realistic long-term parking opportunities, there is some unrestricted on-street parking identified a short walking distance from the appeal site. Whilst only a snapshot, I observed on my site visit that Marlas Road had ample unrestricted parking capacity due to its carriageway being split by a green space as well as many properties having off-street parking. This indicates to me that any parking demand generated by the appeal scheme could be adequately accommodated on street a short distance away. I therefore find it unlikely that clients would spend considerable time searching for a space in the time restricted commercial bays on Pyle Road or choose to pavement park when alternative parking on a less heavily traffic road is available nearby.
11. Notwithstanding the Welsh Government's response to the Pavement Parking Task Force report, I do not find the two photographs presented by the Council, one from over ten years ago, each indicating one vehicle parked on the pavement near the commercial bays on Pyle Road, to be compelling evidence there is a significant pavement parking issue in the area which would be exacerbated by the proposals. I note the parking related complaints received by the Council and their assertions that there are alternative vacant business premises with off-road parking, however, limited information in this regard has been provided. I have, therefore, given these factors limited weight in my assessment.
12. The appellants do not dispute that the existing appeal property driveway access is unauthorised. The proposal does not seek planning permission for the access; therefore, its acceptability is not before me and the appellants state it would not be used in conjunction with the salon. Notwithstanding my findings on car parking, the appeal property driveway is likely to be the preferred location for clients to park, being immediately adjacent to the salon and off-road. I have not, however, seen anything to suggest meaningful measures would be implemented to prevent salon clients attempting to access the driveway, aside from the appellants stating they would turn them away, which could have highway safety implications.
13. I have reservations relying on the Council's road traffic accident data given the limited details provided and the significant time period it covers. Notwithstanding this, the main parties agree Pyle Road is a busy route which aligns with my observation of continuous vehicular and pedestrian activity during my mid-morning, weekday site visit outside of peak times. Any vehicles turned away from the appeal property would need to reverse onto Pyle Road. Notwithstanding traffic flows, this would be particularly hazardous given the proximity of the signal-controlled junction as well as drivers' attention having to consider cars potentially turning towards the commercial parking bays opposite. Noting the access has no dropped kerb, it would also pose a risk to pedestrians who would unlikely be expecting cars to mount the pavement to gain access to the appeal property. Given parking demand would be limited I accept access attempts would not transpire frequently, particularly by returning customers. Nonetheless, if they were to occur, the potential risk of conflict between vehicles and pedestrians would be significant due to existing conditions on this part of Pyle Road together with its considerable traffic and pedestrian movements. This risk could not be overcome by a personal planning permission, since this would not satisfactorily prevent potential access attempts. A condition requiring the gates to remain closed would be challenging to enforce because if vehicles did access the driveway, it would be difficult to ascertain if they were related to the salon or the appeal property.
14. Whilst I am satisfied that parking demand could be adequately accommodated on-street in accordance with LDP Policy PLA11 which requires all development to be served by appropriate levels of parking in accordance with the adopted SPG on parking standards, I

conclude the proposal would have a harmful impact on the safety and efficient operation of the highway network in the vicinity of the appeal site. This would be in conflict with LDP Policy SP3 which, amongst other things, requires development to promote connections within and outside the site to ensure efficient access for all.

### **Other Matters**

15. I recognise the proposal's benefits to the appellants, including enabling their daughter to run the home salon business and the ancillary accommodation the outbuilding provides to them and their family, including their grandson. Nevertheless, I consider that the scope of these benefits would be limited and not reliant on the scheme design before me. These factors do not, therefore, outweigh the identified harm.

### **Conclusion**

16. I have had regard to the other matters raised, including in relation to the site's position outside a defined retail or commercial centre, but none alters my conclusions. For the reasons given above I therefore conclude that the appeal should be dismissed.

17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

*L. Hughson-Smith*

INSPECTOR



## Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Appeal reference: CAS-03742-Y0C1L1

Site address: Land at Sycamore Close, Litchard, Bridgend, CF31 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Richard Hill against the decision of Bridgend County Borough Council.
- The application Ref P/23/489/OUT, dated 24 July 2023, was refused by notice dated 9 August 2024.
- The development proposed is a pair of semi-detached dwellings.
- A site visit was made on 15 January 2025.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal relates to an application for outline planning permission with all matters reserved. The submitted drawings are indicative and set out the scale and parameters of the proposal. I have determined the appeal on that basis.

### Application for Costs

3. An application for costs has been made by Richard Hill against Bridgend County Borough Council. This application is the subject of a separate Decision.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - the character and appearance of the area;
  - ecology and biodiversity;
  - whether the proposal makes adequate provision for surface water drainage;
  - whether the development would pose a potential hazard arising from ground instability;
  - highway safety, having particular regard to construction traffic; and

- the living conditions of future occupiers.

## Reasons

### *Character and appearance*

5. The appeal site is located within the urban boundary in a residential area where development is generally considered acceptable. It comprises a steeply sloping area forming part of a wider woodland adjacent to the head of a cul-de-sac. The trees within the site are subject to a Tree Preservation Order. Owing to the number of trees within the site, and as it forms part of a wider area of woodland, the appeal site significantly contributes to the pleasant verdant character of the cul-de-sac, in an otherwise built-up area.
6. Planning Policy Wales (PPW) recognises that trees make, amongst other things, an essential wider contribution to landscape character and states that trees that contribute to the character or amenity of a particular locality must be protected. PPW also advises that the permanent removal of trees should only be permitted where it would achieve significant and clearly defined public benefits.
7. Although the application is in outline with all matters reserved, the indicative plans show a development that would be similar in scale and appearance to the existing properties in the cul-de-sac and would have comparable site levels with the garden of the adjacent dwelling, No. 22. Nevertheless, a group of protected trees would be lost to make way for the proposed development. This, together with the introduction of built form and the potential substantial retaining structures, would significantly erode the verdant character of the site and would harm the character and appearance of the area. Whilst the harm I have identified would be limited to the end of the cul-de-sac, this would not lessen the harm and is not a reason to allow an unacceptable development.
8. Although the indicative plans show that scale and appearance of the proposed building may be acceptable, this does not represent a significant public benefit and does not outweigh the harm that would be caused through the loss of these trees. Further, I do not consider that replacement planting or the submission of a landscaping scheme as part of the reserved matters would mitigate the visual impact of the proposed development.
9. The appellant states that the proposed development has addressed the Inspector's concerns in the previous appeal for a single storey split level dwelling and double garage (Ref: APP/F6915/S/15/3140007). Whilst this may be the case in relation to the likely scale and appearance of the proposal, in dismissing the appeal, the Inspector also stated that the proposal would intrude harmfully into an attractive area of woodland, an issue which, having regard to my findings, has not been overcome.
10. I conclude that the proposed development would be harmful to the character and appearance of the area, contrary to the placemaking objectives of Policy SP3 of the Bridgend County Borough Local Development Plan (LDP) and PPW.

### *Ecology and biodiversity*

11. PPW aims to protect and enhance habitats and biodiversity and to improve the overall resilience of ecosystems through a step-wise approach, and by ensuring the delivery of net benefits for biodiversity. It recognises the importance of trees and woodlands for biodiversity. In this regard it requires at least 3 trees of a similar type and size for every one lost. Policy 9 of Future Wales (FW) also seeks to ensure that developments provide a net benefit in biodiversity. Policies DNP6, DNP7 and DNP8 of the LDP are consistent with the objectives of PPW and FW.

12. As stated above, the proposed development would result in the loss of a number of mature trees within a wider broadleaved woodland. I note that some of the trees to be felled are subject to Ash-dieback. Nevertheless, the Tree Constraints Plan categorises the woodland within the appeal site, and beyond its boundaries, as having moderate quality and value (category B). The Tree Survey also recognises that as a whole it provides a valuable arboricultural feature and wildlife habitat within an otherwise densely populated residential area. Furthermore, the Site Survey Assessment (SSA) states that the trees are considered to be of at least local value for biodiversity.
13. The Arboricultural Impact Assessment shows some additional native ornamental tree planting, some on land within the appellant's control, and some outside. However, only 9 replacement trees are proposed and owing to the small area of land in the appellant's control, and as it forms part of a woodland, I am not persuaded that the compensatory tree replacement as required by PPW could be achieved. Consequently, I do not consider that a condition to require a scheme of compensatory tree planting would be appropriate and therefore the proposal fails to demonstrate that it would provide appropriate compensatory planting in line with PPW.
14. In these circumstances, I cannot be sure that a scheme of improvements or further enhancements to the land within the appellant's control or the proposed biodiversity enhancements as set out in the SSA, would secure a net benefit in biodiversity. As such, a condition securing the proposed biodiversity enhancements would not be sufficient to overcome the harm caused by the felling of the trees.
15. I note the Inspector's comments in relation to the site's wildlife habitat in the previous appeal. Nevertheless, this decision was prior to the changes to national policy relating to the requirement for all developments to provide a net benefit in biodiversity.
16. I conclude that the proposed development would be harmful to ecology and biodiversity interests, contrary to Policies DNP6, DNP7 and DNP8 of the LDP and the objectives of PPW and FW.

#### *Surface water drainage*

17. The Council are concerned about the ability of the development to meet sustainable drainage (SuDS) requirements due to the constrained nature of the site and the ground conditions. PPW advises that the provision of SuDS should be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. It advises that in guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area.
18. Although the appellant states that they are proposing a SuDS system which would be submitted at the reserved matters stage, no information has been submitted indicating how they envisage a SuDS scheme could be designed on the site. I recognise that the application is submitted in outline only, nevertheless, given the topographical and geological constraints of the site, and in the absence of any evidence to the contrary, I cannot be certain that the site could be adequately drained in accordance with sustainable development principles without harm to the consideration of design and tree retention. It would therefore be contrary to the objectives of Policy SP3 of the LDP.

#### *Ground instability*

19. Owing to the site's characteristics and the indicative cross sections, it is likely that a significant amount of earthworks would be required to facilitate the development. I note the content of the Geotechnical Assessment of Ground Conditions, which includes the

conclusion that there are no signs of slope instability and that there are no geotechnical problems that would hinder the development. It also concludes that the bedrock will be largely self-supporting and the retaining walls required in the design are entirely feasible. It also addresses the Inspector's concerns in the previous appeal in relation to potential previous use of the site as a landfill.

20. Whilst the report makes it clear that further work is required for the detailed design of retaining structures, I am satisfied that, in the absence of any evidence to the contrary, a suitably worded condition could require the submission of full details and structural calculations for approval to ensure that the stability of the site, and surrounding land including Heol-Y-Groes, is not compromised.

#### *Highway safety*

21. Although the cul-de-sac is narrow, it has sufficient width for vehicles to pass each other. It also has a turning circle at the end to enable vehicles to easily turn. The cul-de-sac is accessed off the spine route of Heol-Y-Groes which provides good access to the wider highway network beyond.

22. I have no doubt that increase in vehicle movements from the construction phase of the development would cause some disruption within the cul-de-sac and the wider highway network. Nevertheless, such disruption would be temporary, and I am satisfied that any such disruption could be minimised to an acceptable level by a condition requiring the submission of a Construction and Environmental Management Plan (CEMP) to control matters including sizes of construction vehicles, their potential routes, and the times of construction vehicles accessing the site.

23. For these reasons, I conclude that, subject to an appropriate condition requiring the submission of a CEMP had I allowed the appeal, the proposed development would be unlikely to result in significant harm to highway safety and would comply with the objectives of Policy SP3 of the LDP.

#### *Living conditions*

24. The Council does not have any advice in relation to minimum garden sizes, but they state that they encourage garden lengths of 10.5m. They acknowledge that this measurement is derived from the distance required to achieve back-to-back privacy. However, there are no dwellings to the rear of the appeal site and thus no privacy issues from the rear. Having regard to the indicative site layout and sections, I am satisfied that appropriately sized gardens could, with careful consideration to the detailed design of the proposal, be achieved without resulting in a confined living environment.

25. As the trees within the site would be removed, including some on the northern boundary, and owing to the orientation of the remaining trees, it is unlikely that the proposed dwellings and their gardens would be subject to such an extent of overshadowing that it would harm their living conditions. Similarly, whilst the steep bank in the rear garden would limit the amount of sunlight reaching the rear of the properties at certain times of the day, this would not be such that it would result in poor living conditions.

26. I note that in dismissing the previous appeal, the Inspector considered that the outside space for that proposal was substandard owing to the sloping nature of the site and the overshadowing by trees within the site. However, the appeal scheme differs from the previous scheme in that the proposal would result in the removal of the trees from within the site and there is the potential for appropriately sized gardens to be provided.

27. For these reasons, I find no reasons to believe that a scheme could not be designed in such a way that it would not have an unacceptable impact on the living conditions of

future occupiers. This would comply with the objectives of Policy SP3 of the LDP. However, although it would be possible to create satisfactory living conditions, this would be done at the expense of losing trees and this does not represent good design.

### **Other Matters**

28. I have had regard to local representations raising issues including privacy, sewage and parking. However, I have no cogent evidence to suggest that the proposal would be unacceptable for any of these reasons.
29. I have had regard to the need to increase the supply of housing in the area. Nevertheless, any such contribution to the shortfall would be limited given that the proposal would only increase provision by two dwellings.

### **Conclusion**

30. Although I have concluded that the site could be developed without having unacceptable impacts on ground instability, highway safety and the living conditions of future occupiers, this does not outweigh the harm to the character and appearance of the area, ecology and biodiversity and surface water drainage. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
31. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*H Smith*

INSPECTOR



## Costs Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Costs application in relation to Appeal Ref: CAS-03742-Y0C1L1

Site address: Land at Sycamore Close, Litchard, Bridgend, CF31 1QS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Richard Hill for a full award of costs against Bridgend County Borough Council.
- The appeal was against the refusal of outline planning permission for a pair of semi-detached dwellings.
- A site visit was made on 15 January 2025.

### Decision

1. The application for an award of costs is refused.

### Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant raises procedural and substantive issues. From my reading of the submissions, these mainly focus on failure to seek additional information and refusing permission on a ground clearly being capable of being dealt with by way of condition. They also state that the Council failed to produce evidence to substantiate the impact of the proposal, not acted in a consistent manner, and refused a scheme that a Planning Inspector has previously indicated or determined to be acceptable.
4. In accordance with Article 3 of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (DMPO), as all matters were reserved, the application submissions included indicative plans showing information in relation to layout, scale and access. I agree with the Council that the submitted indicative plans and scale and parameters were sufficient to allow for determination of the application separately from all of the reserved matters, and therefore there was no need to seek additional information under the provisions of Article 3 (2) of the DMPO.
5. Outline planning permission is 'the planning permission' and therefore the Council needs to be satisfied that any matters relating to future considerations subject to conditions

could be adequately addressed. Although I disagreed with the Council and considered that matters relating to construction traffic and ground instability could be appropriately addressed by a condition, the reasons for refusing planning permission are clearly explained by the Council.

6. In any event, as the appeal submissions have not included additional evidence in relation to construction traffic, ground stability and surface water drainage, the applicant fails to demonstrate that they were subject to further expense to rebut these reasons for refusal. While costs may be claimed for the period before an appeal is made, those costs must be directly related to the appeal, such as preparing evidence and producing statements. Therefore unnecessary or wasted expense has not been demonstrated.
7. The Council have in the past permitted developments on sloping sites but there is no evidence to suggest that the cited developments have the same circumstances as the appeal proposal. The previous appeal decision was for a different scheme for full planning permission on a larger site and, as set out in my decision, the appeal scheme failed to address relevant issues raised by my colleague, such as the harmful intrusion into the woodland.
8. Whilst Councils are expected to determine applications in a timely manner, there is no evidence that the delay in the determining of the application resulted in any unnecessary or wasted expense for the applicant. Whilst other allegations have been made, there is no compelling evidence to substantiate these claims.
9. The applicant has drawn my attention to a court judgement *Paul Evans v Bridgend County Borough Council [2024] EWHC 2607*. However, as this case primarily relates to how the Council acted in declining to determine two separate planning applications, I do not consider it particularly relevant to this case.

### **Conclusion**

10. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

*H Smith*

INSPECTOR



## Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21/02/2025

Appeal reference: CAS-03713-G9V0Q5

Site address: Land at Moor Lane, Porthcawl, CF36 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Sunnyvale Holiday Park Ltd against the decision of Bridgend County Borough Council.
- The application Ref P/22/651/RLX, dated 16 September 2022, was approved on 12 February 2024 and planning permission was granted subject to conditions.
- The development permitted is “change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities”.
- The condition in dispute is No. 3 which states that: ‘This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 42 days between April and September (inclusive) and 42 days between October and March (inclusive)’.
- The reason given for the condition is: ‘To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.’
- A site visit was made on 21 January 2025.

### Decision

1. The appeal is allowed and the planning permission, Ref P/22/651/RLX, for change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities at Land at Moor Lane, Porthcawl, CF36 3EJ, granted on 12 February 2024 by Bridgend County Borough Council is varied by deleting condition 3.

### Procedural Matter

2. Since the determination of the planning application, the Replacement Bridgend Local Development Plan (RLDP) 2018 – 2033 has been adopted and now forms the development plan for the purposes of the appeal. Both parties refer to the RLDP and the appeal has been determined on this basis.

### Background and Main Issues

3. Planning permission was originally granted for the change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities in April 2017 (Ref: P/16/497/FUL). Since then, applications for the variation of conditions have been made, including to facilitate an increased provision of

units from 56 to 80, condition 3 of which imposed a control to prevent any unit from being occupied as a place of residence, nor occupied by the same person for a period exceeding 28 days within any 12-month period. In February 2024 the Council permitted an application to remove or vary a condition attached to planning permission ref P/19/911/RLX. The effect of that decision has been to create a new planning permission with the reference P/22/651/RLX. Consequently, in this decision letter I have reverted to the original description of development used in planning permission ref P/16/497/FUL, which more accurately describes the development.

4. Notwithstanding the reason for imposing the condition, the Council contends that it is necessary to control traffic impacts. Consequently, the main issues in this case are whether the condition is reasonable and necessary having regard to policies designed to control development in the countryside, and in the interests of the safety and convenience of highway users.

## Reasons

5. The appeal site is a relatively flat area of land roughly rectangular in shape situated to the north east of Nottage and to the north of Porthcawl. The site is accessed from Moor Lane and adjoins the Grove Golf Club to the north and east. The site is situated outside of the defined settlement boundary in the RLDP. As such, it is not unreasonable for the Council to seek to control the occupation and use of the chalet units.
6. Policy DNP1 of the RLDP contains a presumption against development in the countryside, with certain exceptions. Policy ENT16 of the RLDP states new or extended tourist facilities, accommodation and attractions in the countryside will be permitted where it is compatible with and complimentary to the countryside location, with Policy ENT17 seeking to resist the loss of serviced self-catering accommodation. Technical Advice Note (TAN) 13: Tourism refers to the planning system responding to changes in tourism without compromising policies to safeguard the countryside.
7. Circular 016/2014 The Use of Conditions for Development Management notes that most modern self-catering accommodation is capable of occupation all year round and where it is located in areas within which the provision of permanent housing would be contrary to national and/or local policies, it may be reasonable to impose a condition specifying its use as holiday accommodation.
8. Planning permission ref. P/22/651/RLX contains five conditions (Nos 2-6) relating to the chalet units' occupancy as holiday accommodation. The reasoning for each is to ensure effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation. Condition 2 restricts the use of the chalet units to holiday accommodation only. The effect of condition 3 is to limit the occupation of each unit to an average of 1 week per month by the same occupant. Whilst I do not dispute that this establishes a clear benchmark, a breach of condition 3 would not itself demonstrate that a change of use to another form of accommodation had occurred. In the absence of condition 3, the failure of an owner to submit an annual statutory declaration, as required under condition 6, would provide a secure basis for the Council to initiate an investigation if necessary. Whether or not condition 3 was in place, the register required under condition 4 would provide the Council with critical information to ascertain whether a change of use may have occurred, including the names and home addresses of owners, and the dates of arrival and departure of all occupiers. In addition to receiving notification of any change of operator or ownership as required under condition 5, conditions 4 and 6 would therefore provide the Council with a necessary level of control to investigate any occupation beyond holiday accommodation purposes and consequently any potential breach of condition 2. As a similar level of investigation would

be required with the inclusion of condition 3 I am not persuaded that this would be an overly onerous task without condition 3.

9. Whilst the model condition set out in Circular 016/2014 contains provision to specify a maximum stay period by the same person(s), this does not automatically render it suitable for all cases. Paragraph 5.3 of the Circular refers to the careful assessment of the need for each condition. A seasonal occupancy condition is referred to in the Circular and TAN 13 when the accommodation is not suitable for occupation at all times of the year. Although no information on the accommodation standards of the chalet units has been provided, I note that protecting the living conditions of future occupiers was not a reason for the disputed condition. As such, in the absence of any evidence to the contrary, I am not persuaded that the Council's rationale for imposing a limit on the chalet units' occupancy is in accord with the advice in the Circular and TAN 13. Furthermore, conditions such as Nos 2 and 4 are consistent with the advice set out in Circular 016/2014 and TAN 13 and therefore, I am not convinced that condition 3 is also necessary in this case.
10. Condition 3 controls the occupation of the units using a limit on the number of days a person(s) can occupy the accommodation. The Council contend that the removal of this would result in the potential for the units to become second homes and therefore would provide less benefit to the local economy through reduced visits to/spending at local establishments. Reference is also made to the increase in demand on local services if the units were operated as longer term second homes. However, whilst the turnover of visitors to the site may reduce, the greater flexibility it would provide would facilitate a higher or more consistent level of occupation of the units. This would be of benefit to the local economy and the strategic resort of Porthcawl with little effect on the character and nature of the area.
11. Furthermore, whilst the Inspector in the Denbigh decision (ref. APP/R6830/A/10/2125469) refers to a holiday occupancy condition to reduce pressure on local services, given I am satisfied that the removal of the condition would not alter the units' status as holiday accommodation there is little to indicate that there would be any effect on local GPs or schools. Although the site is remote from shops/services, condition 7 requires the proposed convenience shop at the site to be open to guests every day the site is open. Moreover, despite a condition limiting the maximum occupation by the same person(s) being included on a number of previous permissions at the site, there is no specific reference to the need for this level of control within RLDP Policy ENT16 or any other policy of the RLDP.
12. I observed that Moor Lane is narrow with limited vehicular traffic at the time of my visit representative of its 'Quiet Lane' designation. The submitted Transport Assessment (TA) refers to there being no difference in the trip generation of holiday accommodation depending on whether it is occupied by owners or by non-owners. No evidence has been provided to the contrary. Consequently, there is little to indicate that the removal of condition 3 would result in an unacceptable increase in vehicle numbers using the lane or that it would deter walkers, cyclists and equestrians from using the lane. As set out above, conditions 2 and 4 of the permission would ensure that the site remains for holiday accommodation use only. As such, the proposal would have little, if any effect on the nature of online items delivered whilst the units were occupied. Therefore, the removal of condition 3 would not result in harm to the safety or convenience of highway users or conflict with Technical Advice Note (TAN) 18: Transport.
13. The Council's reason for imposing condition 3 is noted. Nevertheless, I am satisfied that the objective of retaining the use for holiday accommodation and resisting the permanent residential occupation of the chalet units at the appeal site would be met via conditions 2

and 4 of planning permission ref. P/22/651/RLX. Consequently, the effect of removing condition 3 would not undermine RLDP Policies DNP1, ENT16 and ENT17 in so far as they relate to controlling permanent residential units in the countryside and compatibility with the countryside location and the aims of TAN 13. It would also cause no concern to the safety and convenience of highway users in accordance with TAN 18.

### **Other Matters**

14. The concerns raised over deliveries to the site, width of the public footpath and disturbance caused by alarms on site are noted. However, these matters are subject to separate conditions on the planning permission which I am satisfied would acceptably address any effects in regard to the matters raised. Concerns regarding a concrete spill on the highway would not be addressed through this appeal. The planning permission would remain to grant consent for the chalet units to be used for holiday accommodation only and would not permit any permanent residential dwellings at the site.
15. Matters raised in relation to negotiations or compromises as part of previous planning applications and theories over the appellant's intentions have little bearing on this appeal and I therefore afford them limited weight.

### **Conclusion**

16. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed. The planning permission is therefore modified by the removal of condition 3.
17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*Zoe Baxter*

INSPECTOR



## Appeal Decisions

by Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/04/2025

Appeal references: CAS-03530-T4G6Q9 and CAS-03529-X4T0G9

Site address: 3 Llwyn Coch, Broadlands, Bridgend, CF31 5BJ

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### Appeal A Ref: CAS-03530-T4G6Q9

- 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 M Bacon against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/222/23/ACK was issued on 21 May 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of an outbuilding on the eastern side elevation of the dwelling house on above land.
- The requirements of the notice are to:
  - i. Remove the outbuilding entirely from land and dwelling house known as 3 Llwyn Coch, Broadlands, Bridgend, CF31 5BJ; and,
  - ii. Remove all resultant materials including base materials from the land.
- The period for compliance with the requirements is four months after which the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
- A site visit was made on 7 March 2025.

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### Appeal B Ref: CAS-03529-X4T0G9

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by M Bacon against a decision issued by Bridgend County Borough Council.
- The application Ref P/23/757/FUL, dated 15 December 2023, was refused by notice dated 4 April 2024.
- The development proposed is described as the retention of outbuilding to side of dwelling.

- A site visit was made on 7 March 2025.

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## Decisions

### **Appeal A Ref: CAS-03530-T4G6Q9**

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

### **Appeal B Ref: CAS-03529-X4T0G9**

2. The appeal is dismissed.

## Procedural matters

3. I have considered each proposal on its merits, but have dealt with Appeal A, ground (a) and Appeal B together, except as otherwise indicated to avoid duplication. Separate decisions are made on each appeal.
4. In regard to Appeal B I note the description of the proposed development on the submitted planning application form varies slightly to that stated on the Council's decision notice; I have used the latter as it aligns more closely with the description of development relating to the enforcement notice at Appeal A and also is more concise.

## **Appeals A and B - the ground (a) appeal, the deemed application, and the planning appeal**

5. The main issue in both appeals is the effect of the outbuilding to be retained on the character and appearance of the host property and the surrounding area.
6. The development to be retained is located on a corner plot to the side of a modern detached dwelling in a cul-de-sac that forms part of the Broadlands estate. Properties within the estate are characterised by dwellings of varying design utilising primarily brick walls with elements of render, main roofs/extensions/outbuildings being pitched with tiles, with extensions generally set back from property boundaries.
7. Contrary to the appellant's opinion, I consider the outbuilding would form an incongruous development due to its form and appearance and would be at odds not only with the host property but the prevailing character of the area due to its use of materials (timber effect composite cladding), its oblong boxed nature with flat roof design, proximity directly adjacent to the property boundary/footpath, and lack of features that would reflect that existing e.g. brick banding. The fact that the proposal occupies a prominent corner plot, drawing the observer's eye, only serves to magnify the visual harm caused by the outbuilding as a jarring feature within the street scene.
8. I appreciate that the proposal may align with aspects of the Council's adopted SPG 02 Householder Development (SPG). However, the SPG does also states that with extensions great care should be taken to harmonise the form of a new extension with the original dwelling and highlights the quality of an area can be badly affected by the cumulative effect of decisions regarding materials; for the reasons previously stated I have found the outbuilding would not harmonise with the locality.
9. The use of materials such as brick slips, or render would only provide a limited visual improvement and would not overcome the other aspects of harm posed by the structure i.e. its overall boxed flat roof appearance directly adjacent to the property boundary/footpath; the same applies to the colour of the existing cladding.
10. For the above reasons I conclude that the development to be retained would harm the character and appearance of the appeal property and the surrounding area and as a

result would run contrary to policy SP3 of the adopted Bridgend Local Development Plan and the SPG, and advice as contained with Planning Policy Wales Edition 12 and Technical Advice Note 12; Design, which collectively seek to safeguard visual amenity.

#### **Other Matters**

11. The appellant refers to the structure's scale and its subservient nature, however these are not determining factors in this appeal. I note the support of neighbours for the outbuilding, however such support or other justification such as maximising the use of the land the structure sits on or arguments related to screening of the 'clutter' associated with the bin store, would not justify its retention for the reasons previously stated.

#### **Overall Conclusions**

12. For the reasons given above, the Appeal A on ground (a), and the deemed application is dismissed. In regard to Appeal B, the planning appeal is dismissed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns, and villages even better places in which to live and work.

#### **Appeal A - The ground (f)**

14. The ground of appeal is that the steps required in the notice to be taken exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The appellant argues that the removal of the lean-to is excessive and that concerns in respect of materials can be overcome by the use of brick slips or smooth render and paint. The appellant's representations in this regard relate to matters of planning merit. I have already considered the merits of the case under the ground (a) appeal. The unauthorised development causes harm to amenity and nothing other than its complete removal from the site would remedy the harm. Consequently, the requirements of the EN are not excessive and the ground (f) appeal must fail.

#### **Appeal A - The ground (g)**

15. This ground of appeal is that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed. The appellant argues more time is needed due to the fact that his valuable belongings currently stored in the outbuilding may be affected by inclement weather whilst he sources out a new storage area. In addition, he maintains as he will be carrying out the works himself and works away from home his time is restricted.
16. In this instance, I must balance the Council's reasons for issuing the EN in the public interest against the burden placed on the appellant. Bearing in mind this decision is being issued in spring/early summer, the issue of inclement weather is not likely to impact materially upon the appellant's storage arrangements. I am mindful the appellant works away from home but the extension's scale and nature is such that its removal from the site within four months should not be unduly burdensome even allowing for the appellant's work situation.
17. For the above reasons I consider the compliance period stated in the EN is reasonable and it follows that the ground (g) appeal must fail.

#### **Conclusions**

18. For the reasons given, the Appeal A on ground (a), and the deemed application is dismissed, and the other grounds of appeal fail, and therefore the enforcement notice is upheld. In regard to Appeal B, the planning appeal is dismissed.

*Declan K Beggan*

INSPECTOR

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# Agenda Item 12

BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

17 APRIL 2025

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### UPDATE TO MEMBERS REGARDING AN APPLICATION BY MARUBENI EUROPOWER

APP. NO. P/23/218/FUL - LAND AT BRYNMENYN AND BRYNCETHIN  
BRIDGEND - DEVELOPMENT OF A GREEN HYDROGEN PRODUCTION FACILITY WITH ELECTROLYSERS, HYDROGEN STORAGE, HYDROGEN REFUELLED STATION, ADMIN BUILDING, SUBSTATION AND BACK-UP GENERATOR; WITH ACCESS, CIRCULATION, PARKING, LIGHTING, 8-METRE-HIGH WALL, SECURITY FENCING, HARD AND SOFT LANDSCAPING, AND DRAINAGE INFRASTRUCTURE (HYDROGEN PIPELINE OMITTED) ON LAND AT BRYNMENYN. TOGETHER WITH THE INSTALLATION OF A SOLAR PHOTOVOLTAIC ELECTRICITY GENERATING STATION (SOLAR FARM), COMPRISING GROUND-MOUNTED SOLAR PANELS, INVERTERS, TRANSFORMER UNITS, CONTROL AND STORAGE BUILDING, SWITCH GEAR AND A SUBSTATION; WITH ACCESS, CIRCULATION, PARKING, LIGHTING, SECURITY FENCING, HARD AND SOFT LANDSCAPING, DRAINAGE INFRASTRUCTURE AND TEMPORARY CONSTRUCTION

#### 1. Purpose of Report

1.1 The purpose of this report is to update Members of the Development Control Committee on the determination of the above 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**.

2.2 **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.

#### 3. REPORT

3.1 Planning Application P/23/218/FUL (along with Hazardous Substances application P/24/788/HAZ), was considered by the Development Control Committee at a Special Meeting on 20 February 2025.

3.2 After a site visit, public speaking and a presentation and discussion, Members agreed that they were minded to approve the Application and were advised that, as a request had been made to the Welsh Government (**WG**) to 'call in' the Application and the WG had issued a '*Holding Direction*' under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (**DMPWO**), the Local Planning Authority (**LPA**) could not grant planning permission until the Holding Direction had been cancelled.

3.3 On 27 March 2025, WG confirmed that "*the issues raised are not of more than local importance*" and that the Application should not be called in for determination by the Welsh Ministers. Therefore, the Holding Direction issued by the Welsh Ministers under Article 18 of the DMPWO on 1 June 2023, for planning Application P/23/218/FUL was cancelled (see **Appendix A**).

3.4 The LPA issued the decision notice on 27 March 2025 (**Decision Notice**) (see **Appendix B**).

3.5 The Applicant will now submit applications to the LPA to discharge the conditions attached to the consent, as set out in the Decision Notice.

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

4.1 None

**5. Equality Act 2010 Implications**

5.1 None

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

6.1 None

**7. Financial implications**

7.1 None

**8. RECOMMENDATION**

- (1) That Members note the Welsh Government's decision to cancel the Holding Direction.
- (2) That Members note that the Decision Notice has now been issued.

**Janine Nightingale**

**CORPORATE DIRECTOR COMMUNITIES**

17 April 2024

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

**Telephone:** (01656) 643173

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

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

**Background documents:**

**Appendix A** Welsh Government Letter  
**Appendix B** Decision Notice for App. No. P/23/218/FUL

**Cyfarwyddiaeth Llywodraeth Leol a Chynllunio**  
**Local Government and Planning Directorate**



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**Llywodraeth Cymru**  
**Welsh Government**

Jonathan Parsons  
Chief Planning Officer  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend CF31 4WB

By email: [Jonathan.Parsons@bridgend.gov.uk](mailto:Jonathan.Parsons@bridgend.gov.uk) and [Chris.thomas2@bridgend.gov.uk](mailto:Chris.thomas2@bridgend.gov.uk)

Ein Cyf/Our ref: qA1778388  
Eich Cyf/Your ref: P/23/218/FUL  
Dyddiad/Date: 27 March 2025

Dear Jonathan Parsons

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL-IN REQUEST  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(WALES) ORDER 2012 – DIRECTION UNDER ARTICLE 18(1)  
DEVELOPMENT OF A GREEN HYDROGEN PRODUCTION FACILITY WITH  
ELECTROLYSERS, HYDROGEN STORAGE, HYDROGEN REFUELLED STATION,  
ADMIN BUILDING, SUBSTATION, BACK-UP GENERATOR AND HYDROGEN PIPELINE  
'OFF-TAKE', AND ASSOCIATED WORKS AT LAND AT BRYNMENYN AND  
BRYNCETHIN, BRIDGEND - APPLICATION NO: P/23/218/FUL**

1. The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Cabinet Secretary for Economy, Energy and Planning to consider whether the application should be called in for determination by the Welsh Ministers.

**Policy**

2. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (PPW), Edition 12, February 2024. The Welsh Government considers local planning authorities (LPAs), as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The decision on whether to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and responding in Welsh will not lead to a delay in responding.

## Application

3. This is a full application for the proposed development of a green hydrogen production facility with associated works on land to the south-east of Brynmenyn Industrial Estate, Bridgend, and a connected solar farm and associated works, on land to the east of Bryncethin near Bridgend.

## Decision

4. I have given consideration to the issues raised by the application, the contents of the officer's report, and all other relevant information.
5. Having considered the application I have determined that the issues raised are not of more than local importance. In view of this, I consider the application should not be called in for determination by the Welsh Ministers and it is now for your authority to determine the application as it sees fit.
6. In reaching this conclusion the planning merits of the application were not taken into account and the decision not to call in the application should not in any way be taken as a reflection of the planning merits of the development.
7. In exercise of my powers under Article 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("DMPWO"), the direction issued by the Welsh Ministers under Article 18 of the DMPWO on 1 June 2023 for planning application P/23/218/FUL or any development of the same kind which is the subject of the application on any site which forms part of, or includes the land to which the application relates, is hereby cancelled.
8. It would assist me if a copy of the planning decision relating to this application could be sent to my colleague, Mr Ceri Litherland (E-mail: [ceri.litherland@gov.wales](mailto:ceri.litherland@gov.wales)).
9. A copy of this letter has been sent to RPS Group Limited, agents for the applicant.

Yours sincerely



Hywel Butts

Pennaeth Gwaith Achos Cynllunio / Head of Planning Casework  
Y Gyfarwyddiaeth Gynllunio / Planning Directorate

Signed under authority of the Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers.

Arwyddwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o weinidogion Cymru.

Planning Reference No.: **P/23/218/FUL**

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012

## PERMISSION FOR DEVELOPMENT

To:

RPS Consulting Services  
2 Callaghan Square  
Cardiff  
CF10 5AZ

## APPENDIX B

Whereas you did on the 30 March 2023 make application in writing for permission to develop, short particulars of the development being as follows:

Applicant Name: **Marubeni Europower**  
Development: **Development of a green hydrogen production facility with electrolyzers, hydrogen storage, hydrogen refuelling station, admin building, substation and back-up generator; with access, circulation, parking, lighting, 8-metre-high wall, security fencing, hard and soft landscaping, and drainage infrastructure (hydrogen pipeline omitted) on land at Brynmenyn. Together with the installation of a solar photovoltaic electricity generating station (solar farm), comprising ground-mounted solar panels, inverters, transformer units, control and storage building, switch gear and a substation; with access, circulation, parking, lighting, security fencing, hard and soft landscaping, drainage infrastructure and temporary construction compound, on land at Bryncethin. Sites to be connected via an underground electrical wire**  
Location: **Land at Brynmenyn and Bryncethin Bridgend**

BRIDGEND COUNTY BOROUGH COUNCIL as the Local Planning Authority, hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said application, subject to the development being begun on a date which is not later than five years from the date of this permission and subject also to compliance with the condition(s) specified below:

## CONDITIONS

1. The development shall begin not later than five years from the date of this decision.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Subject to the requirements of other conditions attached to this permission the development shall be carried out in accordance with the following list of approved plans and in accordance with the recommendations and measures contained within the following approved supporting documents:

- PL100 Proposed Site Layout (Wider Scale) 1454\_PL100 Revision B
- PL101 Proposed Site Layout 1454\_PL101 Revision C
- PL110 Admin & DNO Switchroom - Ground Floor & Roof Plan 1454\_PL110 Revision A
- PL111 HV & LV Substation - Ground Floor & Roof Plan 1454\_PL111 Revision A
- PL200 Existing Site Sections A-A & B-B 1454\_PL200 Revision A
- PL201 Proposed Site Sections A-A & B-B 1454\_PL201 Revision B
- PL300 Proposed Site Elevations N & E 1454\_PL300 Revision A
- PL301 Proposed Site Elevations S,W & W with Substation Omitted 1454\_PL301 Revision A
- PL302 Proposed Site Elevations X & Y 1454\_PL302 Revision A
- PL303 Proposed Site Elevation Z from A4065 1454\_PL303 Revision A
- PL304 Proposed Site Elevations X & Y - Foliage Year 1 1454\_PL304

- PL305 Proposed Site Elevation Z from A4065 - Foliage Year 1 1454\_PL305
- PL306 Proposed Site Elevations X & Y - Foliage Year 5 1454\_PL306
- PL307 Proposed Site Elevation Z from A4065 - Foliage Year 5 1454\_PL307
- PL308 Proposed Site Elevations X & Y - Foliage Year 15 1454\_PL308
- PL309 Proposed Site Elevation Z from A4065 - Foliage Year 15 1454\_PL309
- PL400 Admin & DNO Switchroom Elevations & Sections 1454\_PL400 Revision A
- PL401 NEL Electrolyser & Rectifier Elevations & Roof Plan 1454\_PL401 Revision A
- PL403 Metering Container Elevations & Roof Plan 1454\_PL403 Revision A
- PL404 MP Hydrogen Storage Elevations & Roof Plan 1454\_PL404 Revision A
- PL406 MP1000 Compressor Elevations & Roof Plan 1454\_PL406 Revision A
- PL407 Canopy & Pump Elevations & Plans 1454\_PL407 Revision A
- PL408 Fire Water Tank Elevations & Roof Plan 1454\_PL408 Revision A
- PL409 Pump House Elevations & Roof Plan 1454\_PL409 Revision A
- PL412 Nitrogen Cylinder & Air Compressor Elevations & Roof Plan 1454\_PL412 Revision A
- PL413 HV & LV Substation Elevations & Sections 1454\_PL413 Revision A
- PL414 Reciprocating Compressor Elevations & Roof Plan 1454\_PL414
  
- IL001 Proposed Fencing Layout 1454\_IL001 Revision A
- IL002 Lighting Design 1454\_IL101
- IL003 Fencing Details 1454\_IL003 Revision A
- IL004 Materials & Colours 1454 IL004
  
- Drawing 108939-MMD-BRGR-XX-DR-E-0094 – Revision P01 - General Inverter Indicative Cross-Section
- Drawing 108939-MMD-BRGR-XX-DR-E-0091 – Revision P02 - General PV layout Cross-Sections
- Drawing 108939-MMD-BRGR-XX-DR-E-0095 – Revision P01 – Transformer and Switchgear– Indicative Elevation and Cross-Section
- Drawing 108939-MMD-BRGR-XX-DR-E-0096 – Revision P01 – Control Building, Switchgear Building, & Storage – Indicative Elevation and Cross-Section
- Drawing 108939-MMD-BRGR-XX-DR-E-0097 – Revision P01 – CCTV – Indicative Elevation and Cross-Section
- Drawing 108939-MMD-BRGR-XX-DR-E-0098 – Revision P01 – Fence – Indicative Elevation and Cross-Section
  
- Drawing 108939-MMD-BRGR-XX-DR-C-0009 – Revision P02 – Solar PV Drainage Layout
- Drawing 108939-MMD-BRGR-XX-DR-C-0044 – Revision P02 – Hydrogen Production Facilities – Drainage Layout
- Drawing 108939-MMD-BRGR-XX-DR-C-0046 – Revision P01 – Hydrogen Production Facilities - Earthworks
  
- Private Wire Route – Drawing: 0515-2022-CHA
  
- Drawing JSL4535\_100 Rev D Landscape Strategy dated 22/03/2024 by RPS Group
- Drawing JSL4535\_101 Rev D Landscape Strategy dated 28/03/2023 by RPS Group
- Tree Constraints Plans (1 to 7) – RPS Drawings 700, 701, 702, 703, 704, 705, 706.
- Tree Protection/Removal Plans (1 to 7) – RPS Drawings; 710, 711, 712, 713, 714, 715, 716.
  
- Green Infrastructure Statement by RPS – February 2024
- Preliminary Ecology Appraisal by RPS – November 2022
- Ecological Impact Assessment by RPS – November 2023
- Tree Survey Schedule – Proposed Tree Removals – Revision A received on 12th August 2024
- Grassland Fungi Survey by Sturgess Ecology – November 2023
- Tree Ground Inspection for Bat Roost Potential by RPS – May 2023
- Reptile Report by RPS – September 2023
- Invertebrate Surveys by DJ Gibbs – October 2023
- Breeding Bird Survey Report by RPS – September 2023
- Otter Report by RPS – October 2023
- Vegetation Survey – Land at Bryncethin by Sturgess Ecology for RPS – June 2023
- Construction Environmental Management Plan by RPS – August 2024

- External Lighting – Bridgend HPF, Version P02 by RPS - November 2023
- Bryncethin Solar Farm – Ground Investigation Report by Mott MacDonald – July 2023
- Brynmenyn Hydrogen Plant - Ground Investigation Report by Mott MacDonald – June 2023
- Bryncethin Solar Farm – Phase 1 Desk Study by Mott McDonald – July 2022
- Brynmenyn Hydrogen Plant – Phase 1 Desk Study by Mott McDonald – July 2022
- Preliminary Coal Mining Risk Assessment by RPS – September 2022
- Bridgend Green Hydrogen Scheme - Solar Farm – Noise Impact Assessment by RPS – July 2024
- Bridgend Green Hydrogen Scheme - Noise Assessment – Technical Note Date 08 July 2024
- Air Quality Assessment – Green Hydrogen Project - Revision 2 by RPS – March 2023
- (Mitigations in Chapter 7)
  - Utilities and Emissions Summary – Revision B
- Hydrogen Production Facility - Proposed Drainage Strategy by Mott MacDonald – November 2022.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. The use of land, buildings and plant hereby permitted on the Brynmenyn site shall be for the production, storage and distribution of hydrogen only and for no other purpose within Classes B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to those Classes in any Statutory Instrument revoking and/or re-enacting that Order.

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

4. The Hydrogen Production Facility hereby approved shall only produce and store a maximum of 3.6 tonnes of Hydrogen on site per day.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interest of public and highway safety.

5. The Bryncethin Solar Farm shall be fully operational and exporting renewable electricity via the private wire line to the hydrogen production facility on Brynmenyn within twelve months of the date of hydrogen being produced on site.

Reason: To ensure the production of Green Hydrogen and thereby compliance with local and national policies.

6. Within 30 years and six months following the date of commencement of the production of hydrogen, or within six months of the cessation of the production of hydrogen, whichever is the sooner, all plant and equipment and all associated structures and fencing hereby approved shall be removed from the site in accordance with a decommissioning and restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority. The decommissioning plan shall include pollution control measures. All existing and new planting implemented as part of the approved scheme shall be retained. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of hydrogen production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of hydrogen production.

Reason: To comply with the terms of the application and in the interest of the character and appearance of the area and to allow the land to be used for future employment uses in accordance with the policies of the local plan.

7. Within 30 years from the date when electricity is first exported, or within one year of the cessation of the generation of electricity from the Solar Farm site in Bryncethin, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby permitted shall have been

dismantled and removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The developer shall notify the local planning authority in writing no later than five working days following the commencement of export of electricity and cessation of power production.

Reason: In the interests of visual amenity.

8. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:2012
  - (i) An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
  - (ii) A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically. The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape, the measures for their protection and to monitor compliance.

9. Notwithstanding the details on the approved plans, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The submitted and approved scheme shall be implemented in full and retained for the lifetime of the development.

Reason: In the interest of the character and appearance of the area.

10. All planting, seeding or turfing comprised in the approved details of landscaping (Condition No.9) shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the character and appearance of the area.

11. No development shall commence, including any vegetation clearance, until a Biodiversity Management Plan (BMP) has been submitted to and approved in writing by the Local Planning Authority. The BMP shall set out the management and monitoring arrangements for all relevant ecological features, set out detailed new landscaping proposals, enhancement measures proposed and include timescales for implementation. The development shall be carried out in accordance with the approved details. The BMP shall include, but not be limited to, the following:

- a) Description and evaluation of ecological features, present or to be created on site, to be managed
- b) Details of the desired condition of features, present and to be created at the site, using attributes with measurable targets to define favourable condition
- c) Aims and objectives of management
- d) Ecological trends and constraints on site that might influence management and achieving favourable condition of the retained and new features to be created on site
- e) Identification of appropriate management options for achieving aims and objectives, including management prescriptions
- f) Details of the monitoring of habitats, species and conservation enhancement measures. Where the results from monitoring show that conservation aims and objectives of the BMP are not being met, the

BMP shall set out how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme

g) Details of the body or organisation responsible for implementation of the plan, including management and maintenance responsibilities of the BMP and ensure compliance with all relevant regulatory and other requirements, method statements and plans, and to report to the principal contractor and statutory consultees.

h) Preparation of a work scheme detailing the timescale for delivery of the initiatives identified within the BMP, including all species and habitat management and monitoring and habitat aftercare, and a five-year rolling programme with specified timescales for each element

i) Details of the periodic review of effectiveness of the BMP, with a written report submitted to the Local Planning Authority every 5 years, and any revisions to the plan to be agreed in writing by the Local Planning Authority prior to implementation.

The above shall be provided for the following initiatives:

Proposed Hydrogen Production Facility

- Wildflower grassland (sown) with native grasses and wildflowers
- Grassland in the base of the attenuation basin
- Management of Retained Mixed semi-natural woodland on the boundaries of the site
- New native tree and shrubs

Proposed Solar Farm

- Grassland beneath solar panels
- Grassland outside of perimeter fencing
- Grassland in the attenuation basin
- New Native trees and shrub planting
- Retained and new Broadleaved woodland
- Pond
- Ditch channels

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

12. No development shall take place on the Hydrogen Production Facility, 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 clearance / construction period. The Statement shall provide for:

- i. The routeing of HGV construction traffic to/from the site.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along Squire Drive, St Theodore's Way and Chilcott Avenue

Reason: In the interests of highway safety.

13. No development of the Hydrogen Production Facility shall commence until a scheme for the provision of 1 long stay cycle parking stand and 1 short stay cycle parking stand has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter.

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

14. The proposed staff / visitor parking area at the Hydrogen Production Facility 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.

15. The access to the Hydrogen Production Facility shall be completed in permanent materials at a gradient no steeper than those proposed on Drawing Nos: C5384-C-0731-Revision PB; C5384-C-0740-Revision Pc and C5384-C-0741-Revision PD before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

16. No development shall commence until a scheme for the provision of remodelling the vertical alignment of the Highway of Squire Drive at the site access has been submitted to and approved in writing by the Local Planning Authority. The highway shall be amended in permanent materials in accordance with the agreed scheme before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

17. The access to the Hydrogen Production Facility shall be laid out with vision splays of 2.4 m x 17m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

18. Any entrance gates at the Hydrogen Production Facility shall be set back not less than 20 metres from the nearside edge of carriageway.

Reason: In the interests of highway safety.

19. The access to and internal circulatory access arrangements at the Hydrogen Production Facility shall be completed in permanent materials before the development is brought into beneficial use and shall be retained for vehicle turning purposes in perpetuity.

Reason: In the interests of highway safety.

20. No development shall take place on the Solar Farm, 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 clearance / construction period. The Statement shall provide for:

- i. The routeing of HGV construction traffic to/from the site
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the site access and Blackmill Road (A4061)

Reason: In the interests of highway safety.

21. No development shall commence of the Solar Farm until a scheme for the provision of improved access arrangements adjacent to the entrance to Bryncethin depot has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall consist of revised junction between the access track and the established access to depot including surfacing, radius kerbing and vision splays of 2.4m x 25m to the West 2.4m x 11 to the East. The revised junction shall be implemented in permanent materials for a distance of no less than 15m from the existing depot access prior to commencement of construction and shall be retained as such in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

23. The combined noise rating level from all operations and fixed plant and equipment at the development when measured in free field conditions (or where this is not possible a combination of measurement and calculation) in accordance with BS 4142: 2014+A1:2019 (or any British Standard amending or superseding that standard) shall not exceed the noise limits in Table 1 (for the Hydrogen Production Facility) and table 2 (for the Solar Farm, Bryncethin) at any residential premises specified at the locations in Table 1 and Table 2:

**Table 1 Hydrogen Production Facility**

<b>Noise Sensitive Receptor (NSR)</b>	<b>Rating Level, dB <math>L_{Ar,Tr}</math> Daytime operations (07.00-23.00 hours)</b>	<b>Rating Level, dB <math>L_{Ar,Tr}</math> Night-time operations (23.00- 07.00 hours)</b>
Rowan's Lane (any property)	42dB LAeq,1 hour	38dB LAeq,15mins
Davis Ave(any property)	42dB LAeq,1 hour	40dB LAeq,15mins
Leyshon Way/Ffordd Maendy/ Tyn Y Coed Close	36dB LAeq,1 hour	35dB LAeq,15mins

**Table 2- Solar Farm Development Scheme, Bryncethin**

<b>Noise Sensitive Receptor (NSR)</b>	<b>Rating Level, dB <math>L_{Ar,Tr}</math> Daytime operations (07.00- 23.00 hours)</b>	<b>Rating Level, dB <math>L_{Ar,Tr}</math> Night-time operations (23.00- 05.00 hours)</b>	<b>Rating Level, dB <math>L_{Ar,Tr}</math> Night-time operations (05.00- 07.00 hours)</b>
<b>Dennis Place (any property)</b>	35dB LAeq,1 hour	29dB LAeq,15mins	35dB LAeq,15mins
<b>Blackmill Road (any property)</b>	30dB LAeq,1 hour	29dB LAeq,15mins	
<b>Cefn Carfan Isaf</b>	30dB LAeq,1 hour	29dB LAeq,15mins	

Reason: To protect the amenities of the adjoining occupiers.

24. The sound power level of each noise source for the Solar Farm, Bryncethin development shall not exceed the noise levels specified in Table 5.1 of the Technical Noise Report entitled Bryncethin (Solar PV) Noise Report: JAJ03178-REPT-02-R2 (dated 8th July 2024). Prior to installation of the plant and equipment, details shall be submitted to and agreed with the Local Planning Authority to demonstrate compliance with this condition. The plant and equipment shall be implemented as agreed and the mitigation measures shall be maintained for as long as the permitted use continues.

Reason: To protect the amenities of the adjoining occupiers.

25. The sound power level of each noise source for the Hydrogen Production Facility shall not exceed the noise levels specified in Table 3.1 of the Technical Noise Report entitled Brynmenyn (HPF) Noise Report: ENV-ACO-03178-005 (dated 8th July 2024) and mitigation shall comply with table 2.1 of this report. Prior to installation of the plant and equipment, details shall be submitted to and agreed with the Local Planning Authority to demonstrate compliance with this condition. The plant, equipment and mitigation shall be implemented as agreed and the mitigation measures shall be maintained for as long as the permitted use continues.

Reason: To protect the amenities of the adjoining occupiers.

26. Prior to the Hydrogen Production Facility being brought into beneficial use, an 8m high acoustic wall shall be erected along the north-east and south-east sections of the process area perimeter as shown

in light blue in drawing 1454 IL001, Revision A. The wall shall be of solid construction, with no gaps and have a minimum density of 15 kg/m<sup>2</sup>. Details, including the colour of the wall shall be submitted to and agreed in writing by the Local Planning Authority demonstrating that the minimum mass will be complied with. The wall shall be erected as agreed and retained and maintained for as long as the permitted use continues.

Reason: To protect the amenities of the adjoining occupiers.

27. Prior to the development being brought into beneficial use, at the commissioning stage, a further noise assessment shall be undertaken by a suitably qualified acoustic consultant to demonstrate by measurement or where that is not possible, a combination of measurement and calculation, that the noise rating levels specified in Tables 1 and 2 of condition 23 are being met in practice when assessed in accordance with BS 4142: 2014+A1:2019 (or any British Standard amending or superseding that standard) . A further completed noise assessment shall be submitted to and agreed in writing with the Local Planning Authority within 28 days of the assessment being completed. Where the noise assessment shows that the rating level is not being achieved, it shall include any additional mitigation that is required to meet the rating level in Tables 1 and 2 of condition 23. The mitigation measures shall be carried out in full prior to the development being brought into beneficial use.

Reason: To protect the amenities of the adjoining occupiers.

28. Within 21 days of receipt of a written request from the Local Planning Authority (LPA), following a complaint to the LPA relating to noise emissions arising from the operation of any part of the development site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant. Within 2 months of the protocol being approved, a noise assessment shall be undertaken in accordance with the agreed protocol and shall be submitted to the Local Planning Authority unless written consent is granted to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis. The assessment shall propose further noise mitigation measures if there is non-compliance with the noise levels set out in Condition 23. Any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of submission of the report unless otherwise agreed in writing with the Local Planning Authority. Following the installation of the additional mitigation, a further noise assessment using the agreed methodology shall be undertaken and submitted to the LPA to demonstrate that the mitigation has now achieved the noise rating levels specified in condition 23.

Reason: To protect the amenities of the adjoining occupiers.

29. No development on the Hydrogen Production Facility site including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Construction methods: details of materials, how waste generated will be managed
- Details of equipment to be employed, operations to be carried out, predicted noise and vibration levels at the closest noise sensitive receptors, 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 vibration monitoring for any operations that are indicated to give rise to vibration undertaken at locations to be agreed with by Shared Regulatory Services
- A scheme for implementing effective liaison with the local residents
- Measures to control the emission of dust and dirt during the construction, including the prevention of carrying mud onto the road.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

30. No development on the Solar Farm site including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Construction methods: details of materials, how waste generated will be managed
- Details of equipment to be employed, operations to be carried out, predicted noise and vibration levels at the closest noise sensitive receptors, 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 vibration monitoring for any operations that are indicated to give rise to vibration undertaken at locations to be agreed with by Shared Regulatory Services
- A scheme for implementing effective liaison with the local residents
- Measures to control the emission of dust and dirt during the construction, including the prevention of carrying mud onto the road.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the

environment during construction.

31. Prior to the installation of any external lighting, final details of the lighting scheme for the two sites shall be submitted to and agreed in writing by the Local Planning Authority. The schemes shall include the following:

- A plan showing the location, height and orientation of the lights, as well as what type of lights are to be erected at what locations
- The predicted levels in lux at the closest residential receptors following final choice of design, location and height of lighting columns and information to demonstrate that the levels do not exceed The Institution of Lighting Engineers recommendations in the Guidance Notes for the Reduction of Obtrusive Light' for obtrusive lighting in E2 – Rural areas.
- Specify operational hours for each type of lighting and how the lights are activated and turn off
- Specify any necessary mitigation measures to reduce light spillage beyond the site boundary in particular the retained vegetation to the south and west of the site and to ensure there is no direct glare from any optics into any residential properties (e.g., baffles and screening and specify which lights are to have baffles) and upward light spillage.

The lighting schemes shall be implemented as agreed.

Reason: To protect the amenities of the adjoining occupiers.

32. Prior to the installation of lighting on the sites, full details of a lighting monitoring scheme shall be submitted to and agreed in writing by the Local Planning Authority. The lighting monitoring schemes shall include:

- Measures to monitor light spillage once the development is in operation,
- Detail of consistent/accurate method to record light levels in proximity to sensitive features
- Details of remedial measures and additional monitoring should light levels not be within the required levels

The lighting monitoring schemes shall be implemented as agreed.

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

33. Should the Local Planning Authority make such a request in writing, a post-operation survey shall be undertaken and submitted to the Local Planning Authority within one month of such request being made to demonstrate that the lighting does not exceed the approved specifications. If the survey demonstrates that it does not meet the approved specifications, any remedial action necessary to achieve such approved levels shall be undertaken within one month of such request being made in writing by the Local Planning Authority.

Reason: To protect the amenities of the adjoining occupiers.

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

- (i) not required
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present
- (iii) an assessment of the potential risks to human health, groundwaters and surface waters adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments; and
- (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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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

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

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

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

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

36. The remediation scheme approved by condition 35 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

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

Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

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

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

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

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

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

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

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

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

41. No development shall commence on the Hydrogen Production Facility until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface water will be dealt with. This must include future maintenance requirements to be submitted and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

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

42. No development shall commence on the Solar Farm until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface water will be dealt with. This must include future maintenance requirements to be submitted and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

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

43. No development shall commence on the sites until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and

approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

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

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

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

45. **The following are advisory notes and not conditions:**

**a) Highways:**

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

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

**b) Land Drainage:**

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

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

To satisfy the condition 41, the applicant must:

- Provide an agreement in principle from DCWW for foul and surface water (if required) disposal to the public sewer.
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30%CC event.
- Submit an Environmental Permit and Flood Risk Activity Permit (FRAP) to NRW (if required).
- Provide a construction management plan outlining how surface water runoff and sediment/pollution runoff will be managed during the construction phase.
- Submit an ordinary watercourse consent for any works involving existing ordinary watercourses.
- Submit a Sustainable Drainage Application to the Bridgend SAB – SAB@bridgend.gov.uk

To satisfy the drainage, condition the following supplementary information is required:

- Provide surface water drainage layout (including location of proposed soakaway, if required).
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing locations of trial holes and at least three 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.
- Maintenance of any proposed sustainable drainage features serving this site will remain the responsibility of the landowner

**C) DCWW:**

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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](http://www.dwrcymru.com)

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

**d) Coal Authority:**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**e) Shared Regulatory Services:**

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

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

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

(iii) the safe development and secure occupancy of the site rests with the developer.

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

Dated: **27 March 2025**

Signed:



Group Manager Planning & Development Services

YOUR ATTENTION IS DRAWN TO THE FOLLOWING (some of which may not be applicable):-

**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 requires street naming you need to contact 01656 643622.

**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](http://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 of the date of commencement of development by email to [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)

**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.

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

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

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(iii) the safe development and secure occupancy of the site rests with the developer.

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

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

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# Agenda Item 13

## **TRAINING LOG**

*All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Briefing on Outdoor Recreation Facilities SPG	16 April 2025
Public Rights of Way / Bridleways	To be arranged.
Tree Policy - Green infrastructure	
(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).	

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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