

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 Democrataidd

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

Dyddiad/Date: Dydd Iau, 22 Mai 2025

Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli Hybrid yn Siambr y Cyngor Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr, CF31 4WB / o bell trwy Timau Microsoft ar **Dydd Iau, 29 Mai 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 09/07/2025 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.

4	<u>Cymeradwyaeth Cofnodion</u>	5 - 12
	I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 17/04/2025	
5	<u>Siaradwyr Cyhoeddus</u>	
	I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).	
6	<u>Taflen Gwelliant</u>	
	Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.	
7	<u>Canllawiau Pwyllgor Datblygiad a Rheoli</u>	13 - 16
8	<u>P/25/8/FUL - 1 Gerddi Gelli, Pen-y-bont Ar Ogwr CF31 3EG</u>	17 - 34
9	<u>P/24/80/FUL - Tir Wrth Ymyl Hen Chwarel Stormygu, Heol-y-splot, Stormy Down CF33 4RS</u>	35 - 66
10	<u>Apeliadau</u>	67 - 78
11	<u>Adroddiadau I'w Nodi - Canllawiau Cynllunio Atodol Tai Fforddiadwy</u>	79 - 146
12	<u>Rhestr Hyfforddiant</u>	147 - 148
13	<u>Materion Brys</u>	
	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 mynychu trwy Siambr y 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
GH Haines
D T Harrison
M L Hughes
D M Hughes
M R John
W J Kendall
J Llewellyn-Hopkins
J E Pratt
Vacancy
A Wathan
R Williams

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PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

COFNOD O BENDERFYNIAD CYFARFOD O'R PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB AR DYDD IAU, 17 EBRILL 2025 10:00

Presennol

Y Cyngorydd RM Granville – Cadeirydd

A R Berrow
M L Hughes

S Easterbrook
D M Hughes

H Griffiths

S J Griffiths

Presennol – O Bell

RJ Collins
J E Pratt

C L C Davies
R J Smith

M R John
A Wathan

W J Kendall
R Williams

Swyddogion:

Rhodri Davies
Gillian Dawson
Lee Evans
Mark Galvin
Robert Morgan
Jonathan Parsons
Oscar Roberts
Philip Thomas
Leigh Tuck

Rheolwr Datblygu a Rheoli Adeiladu
Lawyer - Planning
Uwch Swyddog Cynllunio
Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Rheolwr Grŵp Datblygu
Business Administrative Apprentice - Democratic Services
Prif Swyddog Cynllunio
Swyddog Rheoli Datblygu Trafnidiaeth

103. Ymddiheuriadau am absenoldeb

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

Y penderfyniad a wnaed	Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr DT Harrison a J Llewellyn-Hopkins.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

104. Datganiadau o fuddiant

Y penderfyniad a wnaed	Datganwyd y buddiannau canlynol:- Y Cyngorydd M John – buddiant personol yn eitem 9 ar yr Agenda, fel yr Aelod Ward lleol. Y Cyngorydd R Williams – buddiant rhagfarnus yn eitem 10 ar yr Agenda, fel yr oedd yn adnabod yr ymgeisydd. Gadawodd y Cyngorydd Williams y cyfarfod tra bod y cais yn cael ei ystyried. Y Cyngorydd R Granville – buddiant rhagfarnus yn eitem 10 ar yr Agenda, fel yr oedd yn adnabod yr ymgeisydd (a'i deulu). Gadawodd y Cyngorydd Granville y cyfarfod ar gyfer yr eitem hon a chadeiriodd yr Is-gadeirydd yn ei le (ar gyfer yr eitem hon yn unig). Y Cyngorydd S Easterbrook – buddiant personol yn eitem 12 ar yr Agenda, gan fod ganddo aelodau o'r teulu yn byw yn ardal safle'r cais.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

105. Ymweliadau Safle

Y penderfyniad a wnaed	PENDERFYNWYD: Bod dyddiad 28 Mai 2025 yn cael ei gymeradwyo ar gyfer unrhyw archwiliadau safle a godwyd yn y cyfarfod, neu a nodwyd cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

106. Cymeradwyaeth Cofnodion

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

Y penderfyniad a wnaed	PENDERFYNWYD:	Bod Cofnodion cyfarfodydd y Pwyllgor Rheoli Datblygu dyddiedig 23 Ionawr a 20 Chwefror 2025, yn cael eu cymeradwyo fel cofnodion gwir a chywir.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025	

107. Siaradwyr Cyhoeddus

Y penderfyniad a wnaed	Siaradodd y siaradwyr cyhoeddus canlynol ar y ceisiadau cynllunio a enwir isod:- P/24/696/FUL – Y Cynghorydd T Thomas, (Aelod Ward), G Hutchinson (gwrthwynebydd) ac R Hathaway, (asiant yr ymgeisydd). P/24/148/FUL – A Edwards (gwrthwynebydd) ac R Hathaway (asiant yr ymgeisydd).	
Dyddiad gwneud y penderfyniad	17 Ebrill 2025	

108. Taflen Gwelliant

Y penderfyniad a wnaed	PENDERFYNWYD:	Bod y Cadeirydd yn derbyn Dalen Ddiwygio'r Pwyllgor Rheoli Datblygu fel eitem frys yn unol â Rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, a gallu ystyried sylwadau hwyr a diwygiadau y mae angen eu cynnwys.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025	

109. Canllawiau Pwyllgor Datblygiad a Rheoli

Y penderfyniad a wnaed	PENDERFYNWYD:	Nodi adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau'n amlinellu canllawiau i Aelodau ar faterion Rheoli Datblygu a Chynllunio.
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PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

Dyddiad gwneud y penderfyniad	17 Ebrill 2025

110. P/24/652/FUL - Deolydd Maple, Heol Wern Tarw (Stryd Yr Eglwys), Rhiwceiliog

Y penderfyniad a wnaed	PENDERFYNWYD: Bod y cais uchod yn cael ei ohirio, er mwyn gofyn am gyflwyno cynllun gweithredu a chynnal a chadw manwl (gan gynnwys amserlen ac amcangyfrif costau) ar gyfer y Gwaith Adfer Ecolegol cyn penderfynu'r cais ac i ymchwilio i'r gofyniad i sicrhau cyfraniad ariannol gan yr ymgeiswyr tuag at gydymffurfio a monitro'r Gwaith Adfer Ecolegol:- Y CYNNIG: Tair llain breswyl i deithwyr gydag ystafell ddydd/cyfleustodau, carafán statig a charafán deithiol gyda chynllun adfer ecolegol a lliniaru ecolegol, gwell mynediad, rhodfa fewnol, mannau parcio, ffensys ffiniau a gosod gwaith trin preifat.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

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

Y penderfyniad a wnaed	PENDERFYNWYD: Caniatáu'r cais uchod yn amodol ar yr amodau sydd yn adroddiad Cyfarwyddwr Corfforaethol - Cymunedau:- Y CYNNIG: Newid y defnydd o ddefnydd dosbarth C3 (tŷ annedd) i ddefnydd dosbarth 2 (Llety preswyl i bobl sydd angen gofal) ar gyfer un person. Nodyn:
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PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

	Bod Cadeirydd y Pwyllgor yn anfon llythyr at Arolygiaeth Gofal Cymru, fel a ganlyn:- 1. Dylai Arolygiaeth Gofal Cymru roi gwybod i adran Cynllunio CBSP pan fyddant yn derbyn ceisiadau am drwyddedau ym Mwrdeistref Sirol Pen-y-bont ar Ogwr. 2. Dylai Arolygiaeth Gofal Cymru wirio ymhellach gyda'r ACLI cyn cyhoeddi trwydded i wneud yn siŵr bod y caniatâd cynllunio cywir ar waith.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

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

Y penderfyniad a wnaed	PENDERFYNWYD: (1) Bod yr ymgeisydd yn ymrwymo i Gytundeb Adran 106 i: - (i) Ddarparu cyfraniad ariannol gwerth £9,690 tuag at ddarparu Ardal Chwaraeon Awyr Agored Ffurfiol i'w defnyddio i uwchraddio/gwella'r ddarpariaeth bresennol yn yr ardal leol. (ii) Darparu cyfraniad ariannol gwerth £3,619 tuag at ddarparu Man Chwarae â Chyfarpar/Man Chwarae Anffurfiol i'w ddefnyddio i uwchraddio/gwella'r ddarpariaeth bresennol yn yr ardal leol. (iii) Ddarparu cyfraniad ariannol gwerth £18,599 tuag at ddarparu lleoedd ysgol gynradd ychwanegol yn yr ysgolion sy'n gwasanaethu'r datblygiad hwn (Darpariaeth Addysg ar gyfer Meithrinfa - 1 lle ychwanegol). (2) Bod y Cyfarwyddwr Corfforaethol - Cymunedau yn cael pwerau dirprwyedig i gyhoeddi hysbysiad penderfynu yn rhoi caniatâd cynllunio o ran y cynnig hwn ar ôl i'r ymgeisydd ymrwymo i Gytundeb Adran 106 a enwyd uchod, yn amodol ar yr Amodau sydd wedi'u cynnwys yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau:- Y CYNNIG:
	Dymchwel ysgubor gwartheg a siediau moch i ganiatáu datblygiad

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

	preswyl sy'n cynnwys cyfanswm o 17 uned. 15 uned newydd a chadw Ysguboriau Rhestredig presennol i ddarparu 2 uned breswyl, gan gynnwys llwybr Teithio Llesol, mynediad, parcio ceir, tirlunio, draenio ac arafu, a gwaith cysylltiedig.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

113. Apeliadau

Y penderfyniad a wnaed	(1) Nodi'r apeliadau sydd wedi'u derbyn ers cyfarfod diwethaf y Pwyllgor fel y manylir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau. (2) Bod yr Archwilydd a benodwyd gan Weinidogion Cymru i bennu'r apeliadau canlynol, wedi cyfarwyddo eu bod yn cael eu GWRTHOD:- (i) Apêl Rhif. – 2012 Pwnc yr Apêl – Cadw'r adeilad allanol ar wahân presennol at ddefnydd ar y cyd fel defnydd ategol i'r annedd bresennol a defnydd rhan-amser fel salon trin gwallt a harddwch: 9 Pyle Road, y Pîl. (ii) Apêl Rhif. – 2018 Pwnc yr Apêl – Cais amlinellol ar gyfer pâr o anheddau pâr: Tir yn Sycamore Close, Llidiard, Pen-y-bont ar Ogwr. (iii) Rhif Cais. - CAS-03529-X4T0G9 (2013) Pwnc yr Apêl - Cadw'r adeilad allanol i ochr yr annedd: 3 Llwyn Coch, Pen-y-bont ar Ogwr, CF31 5BJ (3) Bod yr Archwilydd a benodwyd gan Weinidogion Cymru i bennu'r apêl canlynol, wedi cyfarwyddo y dylid CANIATÂU yr Apêl, yn amodol ar amodau:- Apêl Rhif. – 2017 Pwnc yr Apêl – Dileu Amod 3 (Terfynau Meddiannu) o P/19/911/RLX: Tir yn Moor Lane, Porthcawl. (4) Bod yr Archwilydd a benodwyd gan Weinidogion Cymru i bennu'r Apêl canlynol, wedi cyfarwyddo bod yr Hysbysiad Gorfodi'n cael l i gael ei GADARNHAU:-
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PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 17 EBRILL 2025

	Rhif Cais. - CAS-03530-T4G6Q9 (2014) Pwnc yr Apêl – Estyniad anawdurdodedig honedig: 3 Llwyn Coch, Pen-y-bont ar Ogwr, CF31 5BJ.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

114. Diweddariad i Aelodau ynghylch cais gan Marubeni Europower

Y penderfyniad a wnaed	Darparodd y Cyfarwyddwr Corfforaethol – Cymunedau adroddiad i'r Pwyllgor, a'i bwrpas oedd diweddaru'r Aelodau ar benderfyniad y cais uchod. Ynghlwm wrth yr adroddiad yn Atodiad A, roedd llythyr gan Lywodraeth Cymru, tra bod Atodiad B yn cynnwys manylion Hysbysiad Penderfynu mewn perthynas â Chais Rhif P/23/218/FUL. Esboniwyd y manylion ynglŷn â'r ddau atodiad hyn yn yr adroddiad. PENDERFYNWYD: (1) Bod yr Aelodau'n nodi penderfyniad Llywodraeth Cymru i ganslo'r Cyfarwyddyd Atal. (2) Bod yr Aelodau'n nodi ymhellach fod yr Hysbysiad Penderfynu bellach wedi'i gyhoeddi.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

115. Rhestr Hyfforddiant

Y penderfyniad a wnaed	PENDERFYNWYD: Bod adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau sy'n amlinellu pynciau ar gyfer hyfforddiant Aelodau yn cael ei nodi, a nodwyd ymhellach y dylid ychwanegu'r Adolygiad o'r Cod Ymarfer at yr amserlen, yn ogystal â sesiynau ychwanegol ar bwnc Canllawiau Cynllunio Arbennig.
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

Y penderfyniad a wnaed	BrysNid oedd unrhyw eitemau brys i'w trafod
Dyddiad gwneud y penderfyniad	17 Ebrill 2025

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

REFERENCE: P/25/8/FUL

APPLICANT: Mr M O'Connell 4 Oaklands Close, Bridgend, CF31 4SJ

LOCATION: 1 Grove Gardens, Bridgend, CF31 3EG

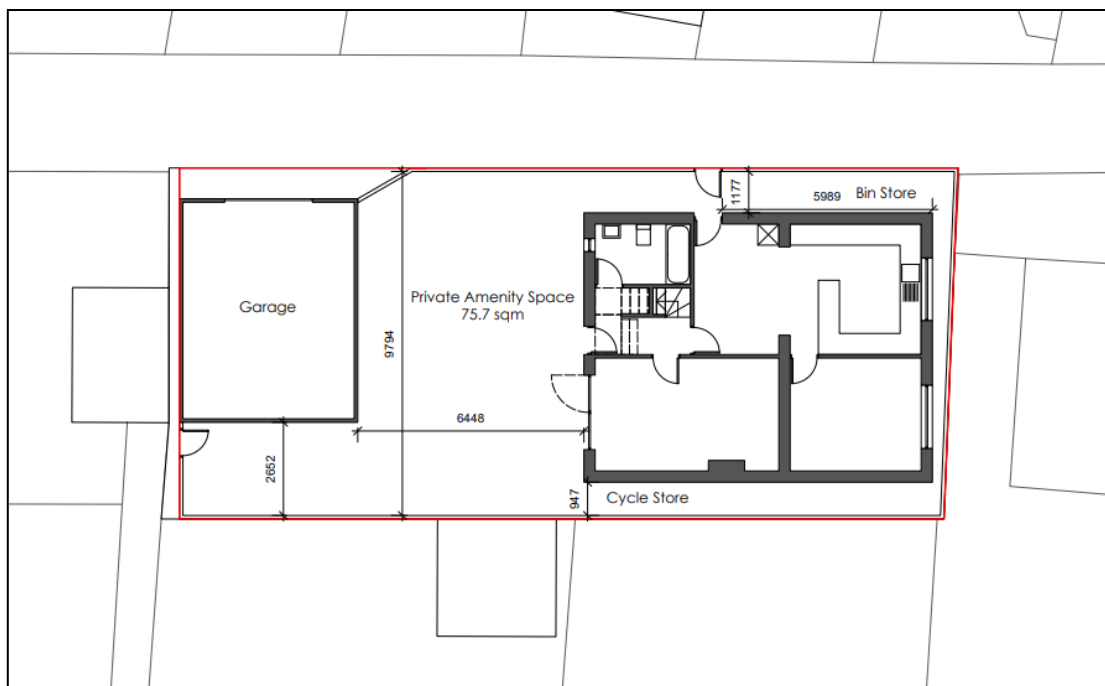
PROPOSAL: Change of use to 6 bedroom House in Multiple Occupation (HMO)

RECEIVED: 13 January 2025

DESCRIPTION OF DEVELOPMENT

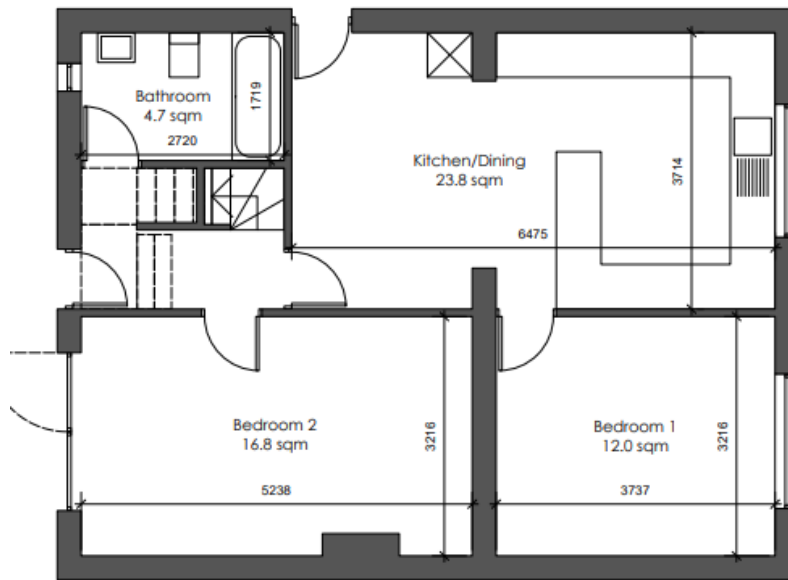
The Applicant is seeking retrospective planning permission for the change of use of the residential property at No. 1 Grove Gardens, into a 6-bedroom House in Multiple Occupation (HMO).

This is a Use Class C4 which covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (Houses in Multiple Occupation: Practice Guidance, March 2017).

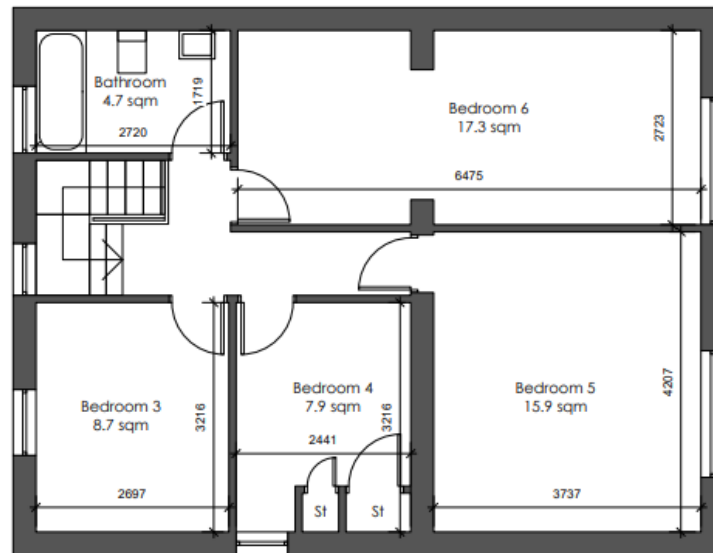


SITE PLAN

The submitted plans show that the existing 4-bedroom house has been altered internally to accommodate the proposed change of use. The alterations involved the conversion of two downstairs rooms into bedrooms.



GROUND FLOOR PLAN



FIRST FLOOR PLAN

The property contains two bathrooms and a shared kitchen and dining room.

No further alterations or extensions are proposed to the existing building.

SITE DESCRIPTION

The site is located within the Primary Key Settlement of Bridgend as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (RLDP) adopted in 2024.

The existing two-storey property contains an enclosed curtilage containing a large single garage and private amenity area. The site is enclosed by an approximately 2m high wall along its lane boundary.

Pedestrian and vehicle access to the property is obtained via the public service lane which runs down the rear of residential properties which front onto Grove Road and St Marie Street. The lane also joins Ewenny Road at its eastern end beside the SPAR store.



LOCATION PLAN



APPLICATION PROPERTY AND GARAGE – LOOKING EAST



REAR LANE LOOKING WEST



EASTERN ELEVATION OF PROPERTY



AMENITY SPACE WITH GARAGE ON THE RIGHT

The building is located within a predominantly residential area containing semi-detached and terraced housing. It is one of two residential properties located on the public lane and is sited approximately 70m from Ewenny Road.

Whilst the original planning records for the property have not been found, it appears that the dwelling was constructed as part of a comprehensive residential development which included the pair of semi-detached dwellings located at Nos. 12 and 14 Grove Road and the adjoining property at No. 2 Grove Gardens.

Both Nos. 1 and 2 Grove Gardens appear to benefit from a dedicated pedestrian access onto Grove Road. This access, which is fenced in part, runs down the western boundary of No. 14 Grove Road from a point at the rear of the detached garage which is located on

the Application site. This pedestrian access is located outside the red-lined Application site.

PLANNING HISTORY

P/95/275/FUL – Change of use to bed and breakfast bedsits. Refused 12/05/1995. Appeal dismissed 4/10/1995

P/99/267/FUL – Domestic garage. Granted 27/04/1999.

CONSULTATIONS

Bridgend Town Council: Objection on the grounds of an over intensification of HMOs in the area, traffic and parking concerns, highway safety, negative impact on character of the area and adverse impacts on the community and surrounding services.

Highways Officer: No objection subject to the imposition of a condition requiring cycle parking.

Land Drainage: No concerns raised.

South Wales Fire and Rescue Service: No objection.

Shared Regulatory Services: Adequate kitchen and bathroom facilities and fire safety measures in place.

PUBLICITY

The Application was publicised by site notice and neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 25 April 2025.

REPRESENTATIONS RECEIVED

Fifteen letters of objection were received from surrounding residents of Grove Road and St Marie Street and **one objection** from a resident of Pen y Fai. Concerns raised by these representations include:

- Overlooking and loss of privacy
- Density of HMOs and its impact on character of the area
- Loss of family housing
- Poor quality housing provided for transient people
- Issues with antisocial behaviour by residents of a St Marie Street HMO
- Parking issues for surrounding streets
- Narrow width of service lane and access issues for waste collection and fire service vehicles
- Proposal would add to fly tipping and litter in lane
- Lack of on-site parking
- Footpath access from Grove Road not public and HMO tenants would be restricted from using it.
- Property has been poorly maintained
- No public footpath is provided within laneway
- Privacy concerns raised on a previous Application to extend the dwelling and the use of first floor rooms has been subsequently altered
- Increased impact on privacy due to the more intensive use of the property its bedrooms
- Fire safety concerns. Building would require additional fire safety measures.
- Antisocial behaviour occurring behind the SPAR

- Additional residents would result in potential noise and disturbance
- Increase in crime and disorder
- Location of property does not encourage social interaction with neighbours
- LPA requires accurate data on location of other HMOs in order to establish their density
- Property located in an area of higher density housing, and this will likely result in a higher density of HMOs
- Waste and recycling have been left on adjoining properties and on non-collection days
- HMO located close to schools
- Impact on local infrastructure
- Contrary to PPW12 and TAN 2

COMMENTS ON REPRESENTATIONS RECEIVED

Factors to be taken into account 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.

Access to Grove Road

- The planning files for this property and its neighbour at No. 2 Grove Gardens indicate that it appears to benefit historically from the use of a private pedestrian right of way access to Grove Road which runs beside No. 14 Grove Road. The owner of No. 14 has indicated that any future tenants of an HMO would not be permitted to use this access.
- This access is not identified in the red-line site boundary submitted with the planning Application and the effects of its possible use cannot be considered as part of this development.
- Ownership and use of this access land would be a civil matter between parties.

Other issues

- Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, in purely land use terms is unlikely to inherently result in such serious levels of anti-social behaviour as to warrant or justify the refusal of this Application. Furthermore, there is no compelling evidence to suggest that HMOs of the scale being considered would result in increased levels of crime or fear of crime within the locality of the 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, HMO use, for a maximum of six people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the Application in this case.
- Compliance with National planning policy is addressed below.

The material issues raised in the objections received are addressed in the Appraisal section of this report.

PLANNING POLICY

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.”

At Para 2.7 PPW, it 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 is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

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

The Well-being of Future Generations (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 (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.

Other Relevant Policies and Guidance

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

Local Policies

The Development Plan for the area comprises the Bridgend Replacement Local Development Plan 2018-2033 (**RLDP**), and within which the following policies are of relevance:

Strategic Policies

- **Policy SP3:** Good Design and Sustainable Placemaking
- **Policy SP5:** Sustainable Transport and Accessibility
- **Policy SP6:** Sustainable Housing Strategy
- **Policy SP17:** Conservation and Enhancement of the Natural Environment

Topic based policies.

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy ENT15:** Waste Movement in New Development
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

Supplementary Planning Guidance

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance.

- **SPG02** – Householder Development
- **SPG17** – Parking Standards
- **SPG19** – Biodiversity and Development

APPRAISAL

This Application is referred to the Development Control Committee to consider the concerns raised by the Bridgend Town Council and neighbouring occupiers, one who has stated that they wish to be heard.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, visual effects, impacts on the amenities of neighbouring residents, highway and pedestrian safety, waste movement and biodiversity.

Principle of Development

The site is located within the Main Settlement of Bridgend and within an established, residential area as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Replacement Local Development Plan (**RLDP**) adopted in 2024. Policy SF1 states that development will be permitted within the settlement boundaries at a scale that reflects the role and function of the settlement.

Policy SP6 Sustainable Housing Strategy notes that the RLDP makes provision for 8,628 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 7,575 homes for the Plan period, of which, 1,711 of these homes will be affordable. Development will be distributed in accordance with Strategic Policy SP1, based on the Sustainable Housing Strategy that will amongst other outcomes – ‘*Support windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land*’. This Strategic Policy recognises the benefits of new residential development, including the reconfiguration of existing buildings and the re-use of vacant or under-utilised land.

The proposed site would classify as an appropriate site under Policy SP6 which makes a contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy SP6 of the RLDP and PPW 12 effectively supports the use of suitable sites for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Policy COM6 Residential Density states 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. The policy notes that new housing developments must make the most efficient use of land in accordance with sustainable, placemaking principles and that good design must be utilised to maximise the density of development without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space around dwellings.

The proposed HMO would provide a centrally located and sustainable house type located close to the Bridgend Town Centre. It would utilise the existing two-storey dwelling providing additional good-sized bedrooms and communal facilities for up to six occupants. All habitable rooms would benefit from natural light, ventilation, and a means of outlook. For these reasons, the proposed HMO is considered to meet the criteria of Policy COM6 of the RLDP.

The key policy relevant to this Application is **Policy COM7 Houses in Multiple Occupation** where it notes: *'Proposals to convert an existing building into a House in Multiple Occupation (HMO), bedsits or other forms of shared housing will only be permitted within defined settlement boundaries if:*

- 1) It would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- 2) Conversion is possible without major extensions or alterations to the building which would significantly alter the character and appearance of the street scene and the broader locality;*
- 3) The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;*
- 4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision;*
- 5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area; and*
- 6) The proposed development would not have an unacceptable adverse impact on residential amenity.*

In all other respects development will be expected to meet the relevant requirements set out in other RLDP policies.'

In terms of the above criteria, it is noted:

- 1) A search of the planning records and the Public Register of Licensed HMO's identifies one existing HMO within a 50m radius of the Application property. This is located at No. 30 St Marie Street. There are a calculated total of 49 properties located within 50m of the Application site.

Accordingly, the proposal would not exceed the 10% threshold.

- 2) The proposal will not require any extensions or alterations which would alter the character or appearance of the property or area.

- 3) The scale and intensity of the use is considered to be compatible both with the existing building (as communal areas are provided for residents), as well as with the adjoining and nearby uses which are also primarily residential.
- 4) The site can accommodate covered and secure cycle parking for 6 no. cycles within the shared amenity area. One vehicle parking space is available within the existing garage. The property is located in a sustainable location in close proximity to the town centre, public transport hubs and other facilities. It is noted that the Highways Officer has not raised any objection to the proposal.
- 5) The site is able to provide for waste and recycling storage and a suitable clothes drying area within the existing amenity area. Provision of compliant cycle parking can be covered as a condition of planning approval.
- 6) The HMO is not expected to have any unacceptable impacts on residential amenity.

Accordingly, and for the above reasons, the proposal is considered to meet the criteria of Policy COM7 of the RLDP.

Policy SP3 Good Design and Sustainable Placemaking 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’*

On balance, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policy COM6 and COM7 of the Bridgend RLDP and subject to satisfying the requirements of Policy SP3, the proposed development is acceptable in land use planning terms and accords with the Bridgend Replacement Local Development Plan (2024).

Visual Impact

Policy SP3 of the Replacement Bridgend Replacement Local Development Plan (2024) 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 character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area.

The proposed development requires no alterations or additions to the property. As such, the proposal is considered to be visually acceptable and would not harm the character and appearance of the surrounding area. For these reasons the development is considered to be in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

Residential Amenity

Policy SP3 of the RLDP criterion (k) states *‘Applications for new development should*

ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.'

Overbearing and overshadowing impact

The proposal creates no issues in terms of building dominance or overshadowing, over and above what already exists on site.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, a number of neighbouring residents have raised concerns with these effects.

It should be noted that each of the four upstairs bedrooms have windows which look out across adjoining properties, and this appears to have been historically the case with the dwellinghouse when it was constructed. A drawing submitted with the 1995 change of use planning Application indicates that the floor plan of the dwelling remains essentially the same as it does today.

The first-floor windows do afford some views out across the gardens of adjoining and surrounding properties. Occupants of these bedrooms are able to overlook these gardens in the same way as the former occupants of the dwellinghouse could do, before it underwent a change of use. Accordingly, it is considered that these effects have not altered as a result of the change.

While it is noted that the converted property does not contain a communal lounge, it does possess a shared kitchen/diner. This provides space for residents to cook and eat together, as would any household. Likewise, the generous outdoor amenity space provides an area for relaxing and communal occasions by residents.

Bedrooms are generally of a size which afford a good standard of living for their occupants. These habitable spaces would contain the necessary sleeping facilities along with space for storage and desks etc., as would be found in a Use Class C3 dwelling house which was occupied by six residents living together as a single household.

Noise

Policy SP3 Criterion (g) also states that new development should '*Avoid or minimise noise, air, and soil and water pollution*'.

In terms of the likely impacts on neighbouring residential amenity, it is considered that the proposed use of the premises as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed that of the property which has been used as dwellinghouse.

Any issues relating to noise from future residents of the property would be a matter for Shared Regulatory Services - Public Protection Officers to investigate under their legislation.

Amenity of future occupiers

In terms of the level of amenity and standard of accommodation being created for occupiers of the HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable space along with communal kitchen and dining facilities to support the proposed use.

The property has been inspected by the Team Leader of the Housing Enforcement and Pollution Control Section of Shared Regulatory Services, and the communal facilities have

been found to be acceptable with the appropriate fire safety measures in place.

With regard to outdoor amenity space, the proposed layout provides an accessible outdoor space at the side of the property that occupiers do and will use. The east facing space is a suitably sized 75 sq. m. area, and this is considered an acceptable level of provision for a 6-bedroom HMO.

Bin storage and cycle storage

A suitable waste and recycling storage area can be provided within the curtilage of the property, clear of the service lane. A condition is recommended to ensure suitable cycle storage is made available for the residents of the property and is retained.

On balance, it is considered that the proposed change of use is acceptable and will not have any significant adverse impacts on existing neighbouring properties or amenities. As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers. The development, therefore, accords with Policy SP3 and DNP9 of the Bridgend Replacement Local Development Plan (2024)

Highway Safety

Policy SP5 states *'Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure'*. Policy PLA11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The proposed change of use would include on-site parking for a single vehicle within the existing garage. While no formal cycle parking facilities are indicated on the plans, it was noted that bicycles are currently being stored on the property.

A number of objectors have raised concerns with the suitability of the service lane for access to the HMO and issues relating to on-street parking availability and safety.

Council's Highways Officer has reviewed the proposal and has visited the property. It is advised:

'The existing 4 bedroom property generates a requirement for 3 off-street parking spaces but only benefits from a wide single garage for off-street parking. It is considered however that the proposed change of use to an HMO (for a maximum of 6 persons) will not generate any different parking demand which would otherwise require further provision.'

Whilst the location of the site, served by a rear lane is not ideal, in respect of pedestrian movements, vehicular movements and access for deliveries and servicing (including emergency services) it is considered that residential use has already been established, and a 4 bedroom property could have 6 persons resident without the need for further consent. This fallback position is fundamental to the acceptability of the proposal.

A condition is requested for secure cycle parking to ensure residents can fully utilise sustainable travel modes.'

The Highway Authority raises no objections to the change of use subject to the imposition of a cycle parking condition.

It should be acknowledged that the site is located in a sustainable location, well positioned in terms of local services and public transport. Some on-street provision is available on the surrounding streets if this is required by future tenants or visitors to the property.

Subject to land ownership and legal rights of passage, the Application property may benefit from pedestrian access to Grove Road. Whilst, this is in dispute if established the pedestrian footpath would provide an alternative access for residents of the HMO should they choose not to walk along the service lane.

While the service lane is narrow, it is currently utilised for vehicle and pedestrian access to the rear of many other properties including Nos. 1 and 2 Grove Gardens. It would appear to function adequately, providing access to garaging, rear gardens and on-site parking spaces. Its restricted width ensures low traffic speeds on a shared space. It is considered that the proposed change of use of a dwelling house to HMO would not detrimentally impact on the existing situation.

On balance it is considered that subject to the imposition of a suitable condition, the change of use would not have any unacceptable impacts upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP5 and PLA11 of the Bridgend Replacement Local Development Plan (2024)

Waste Movement and Management

Policy ENT15 of the RLDP – Waste Movement in New Development requires that all proposals for new built development must include provision for the proper design, location, storage and management of waste generated by the development both during construction and operation of the site. Development must incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

The plans submitted indicate no dedicated waste and recycling storage areas, however these can be provided within the property, clear of the service lane. A condition of consent is recommended to require the submission and approval of further details on waste storage along with a waste management plan which would outline the procedures for collection, storage and disposal of household waste from the HMO.

It should be noted that recycling and waste disposal and collection by the Council will remain, as would be the case for the former residential dwellinghouse. Tenants of the property will share kitchen facilities and waste/recycling management, and disposal would be a communal activity.

While the service lane is not accessed by Council's standard waste collection vehicle, waste operatives have confirmed that a smaller recovery vehicle is used to collect waste and recycling from the properties at Nos. 1 and 2 Grove Gardens.

Accordingly, planning consent to ensure that the proposal is compliant with Policy ENT15 of the RLDP.

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 DNP6 Biodiversity, Ecological Networks, Habitats and Species 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 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”*

Whilst acknowledging that this is a relatively modest change of use Application, to fully ensure the development meets the requirements of local and National planning policy that states *‘all development should maintain and enhance biodiversity,’* a condition is recommended to ensure that a bird box is introduced at the site. As such the proposal would be considered acceptable in terms of biodiversity.

Other Matters

Planning history

It will be noted that in 1995 a former property owner was refused planning permission to convert the dwelling house into six bedsit units, three of which would have been in double occupation (potentially 9no. residents). The Council’s decision was subsequently upheld by the Planning Inspector. He found that the proposed use would not be out of character with the use of the adjoining properties and would not have an adverse impact on the amenities of those living nearby by virtue of noise and disturbance. However, it was concluded that the use and a proposal for 6no. on-site parking spaces would be likely to have a detrimental impact on the local traffic conditions. This was particularly in terms of visibility and safety where the service lane connects to the surrounding road network; the lack of compliant space for the proposed parking of six vehicles; and the likely increase in roadside parking in an area where parking was already in high demand. Whilst an application for a 6 bedroom HMO was refused and upheld on appeal, this Application differs in that parking will be limited to the garage.

Building Regulations

The Applicant has clarified that the current occupants of the HMO are on individual tenancy contracts rather than a group tenancy. Furthermore, it is advised that each of the bedrooms contains a locked door. That being the case, the premises will require Building Regulations approval. An informative note is recommended to advise the Applicant of this requirement and obligation.

Fire safety

The South Wales Fire and Rescue Service have been consulted on this proposal and

advised that they have no objection to the change of use. However, they advise that the Applicant should consider the need for the provision of adequate water supplies for firefighting and suitable access for firefighting appliances.

In this respect, it should be recognised that the dwelling and its neighbour at No. 2 Grove Gardens are over 30 years old and are situated in locations which may be difficult to access and service. The proposed change of use of this property from dwelling house to HMO does not alter this situation. As indicated above, the proposed change of use to an HMO will require the installation of a fire suppression system. This will therefore see an improvement in the fire safety credentials of this property.

CONCLUSION

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

On balance, and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, as to warrant refusal on those grounds.

The concerns raised by the objectors have been taken into account, however this is a planning decision which must be made on sound and material planning grounds. Any issues relating to the poor management of HMOs would be resolved through separate legislation and it is not for the planning system to control. These issues whilst clearly of concern to the objectors do not outweigh the other material planning considerations outlined above. As such, it is considered that the development is acceptable and complies with Policies SP3, SP5, SP6, SP17, SF1, PLA11, COM6, COM7, ENT15, DNP6 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

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

RECOMMENDATION

(R64) That permission be GRANTED subject to the following conditions:-

1. The development shall be maintained in accordance with the following approved plans:

SITE PLAN
GROUND FLOOR PLAN
FIRST FLOOR PLAN

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

2. The premises shall be used as a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) accommodating a maximum of 6 persons and for no other use.

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

enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. Within 3 months of the date of this consent, a scheme for the provision of secure cycle storage for 6no. bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within one month of the date of the LPA's written approval and the cycle parking shall be retained for such purposes in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP3 and SP5 of the Bridgend Replacement Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

4. Within 3 months of the date of this consent, a scheme of waste and recycling management for the property shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a suitably located, screened and managed designated area for waste and recycling. The approved scheme shall be implemented within one month of the date of the LPA's written approval and the approved scheme shall be thereafter retained and maintained in perpetuity.

Reason To ensure that adequate waste and recycling facilities are provided in accordance with Policy ENT15 of the of the Bridgend Replacement Local Development Plan (2018-2033).

5. Notwithstanding the submitted plans and within 3 months of the date of this consent, an artificial nesting site for birds shall be erected at the site to the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

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) and Policies SP17 and DNP6 of the Bridgend Replacement Local Development Plan (2024).

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Policies SP3, SP5, SP6, SP17, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Replacement Local Development Plan (2024) and relevant guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

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

b. HMOs are subject to additional requirements concerning fire safety. The information can be found in the following guide <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The conversion of the property should be completed in accordance with Building Regulations to ensure correct fire safety measures are in place including sprinklers.

d. The Applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The Applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development are obtained.

e. Chief Fire Officer advisories

The developer should consider the need for the provision of: -

- (i). adequate water supplies on the site for firefighting purposes; and
- (ii). access for emergency firefighting appliances as part of this development.

f. Land Drainage advisories

The Application form states foul water will be disposed to main sewer as existing, any new connection should be discussed with DCWW.

The Application form states that surface water will be disposed to main sewer, there is no increase in footprint therefore I have no surface water drainage concerns.

There is no increase in hard surfacing and the extension is smaller than 100m² therefore a SAB Application is not required.

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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

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REFERENCE: P/24/80/FUL

APPLICANT: Nolan Recycling Limited c/o Technia Environment and Planning Limited, Unit 1 Foxes Lane, Oakdale Business Park, Blackwood, NP12 4AB

LOCATION: Land adjacent to Old Stormy Down Quarry Heol-y-Splot Stormy Down CF33 4RS

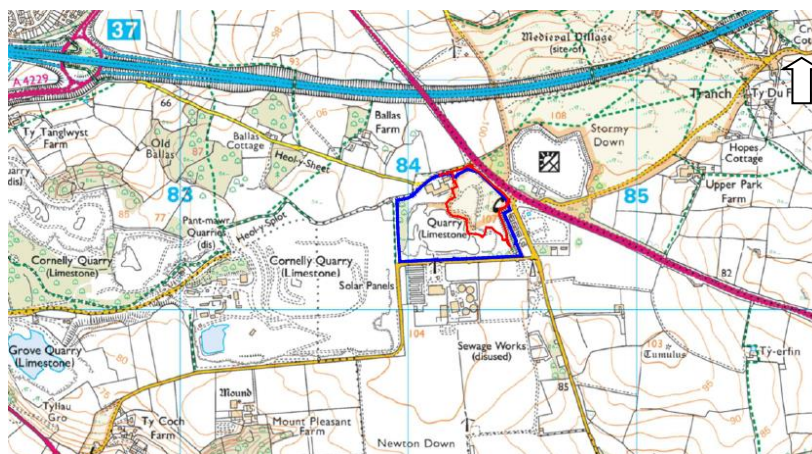
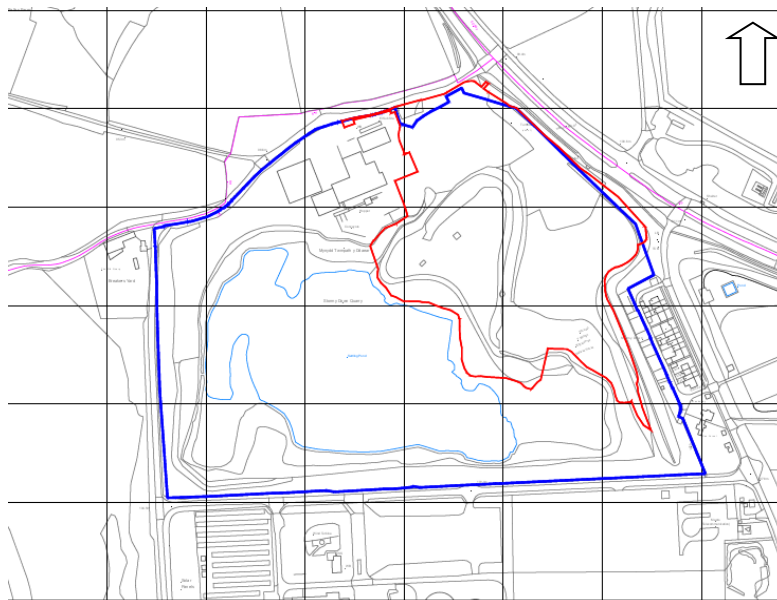
PROPOSAL: Engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping (part-retrospective)

RECEIVED: 9 February 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

The Applicant, Nolan Recycling Limited, is seeking consent to permit the development of an Aggregates Recycling Facility at the company's site at Old Stormy Down Quarry, Heol-y-Splot, Pyle.

Figure 1 – Site Location Plan(s)



The proposed development is specifically described as: *'Engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of*

aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping (part-retrospective)'.

More specifically, the scheme seeks consent for:

- The construction of three acoustic bunds to mitigate operational noise:
 - a) A 4 m high bund to the northeast along the site boundary.
 - b) A 5 m high bund centrally located within the development.
 - c) A 5 m high L-shaped bund along the site boundary with dwellings on Stormy Lane. (This bund has been partially constructed under the extant planning consent at the site (P/14/830/FUL refers)).
- The demolition of two small, derelict former quarry buildings in the base of the infill area;
- The infill and restoration of a central area of previously quarried land to create a readily accessible, level plateau on which to locate an Aggregates Recycling Plant, and also aggregate storage and loading areas;
- Erection of an Aggregates Recycling Plant including concrete pads on which the equipment will be located, an access ramp and acoustic screen;
- Construction of a self-contained weighbridge office;
- The regrading of the surrounding site surface to produce level working areas for crushing, shredding and screening, to facilitate drainage of surface;
- Construction of drainage infrastructure; and
- Ancillary works, acoustic barriers and landscaping.

The site is located in an historic limestone quarry and includes an area of land consented as a Waste Transfer Station/Recycling Facility operated by Nolan Recycling Limited.

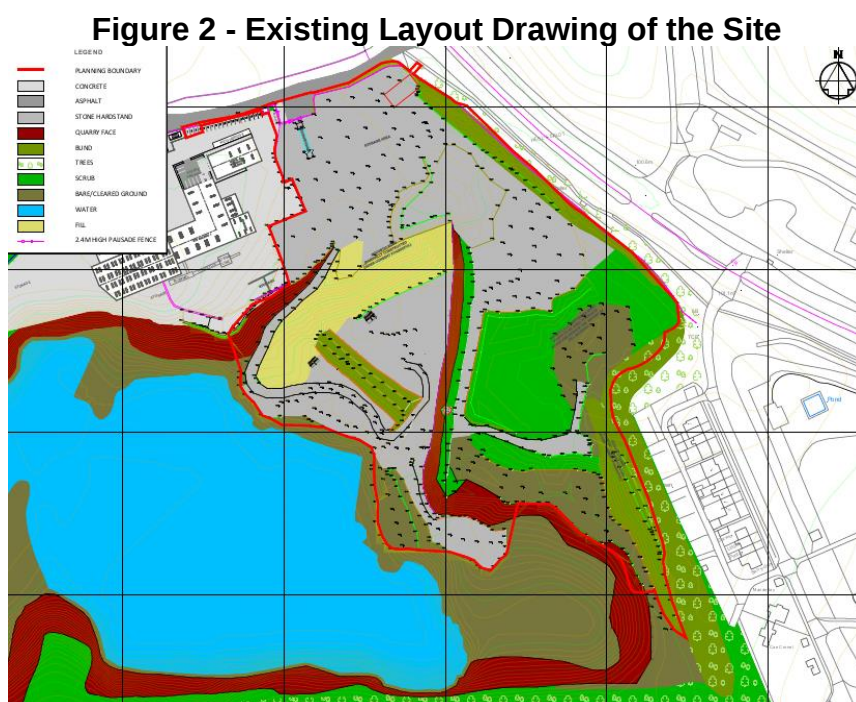
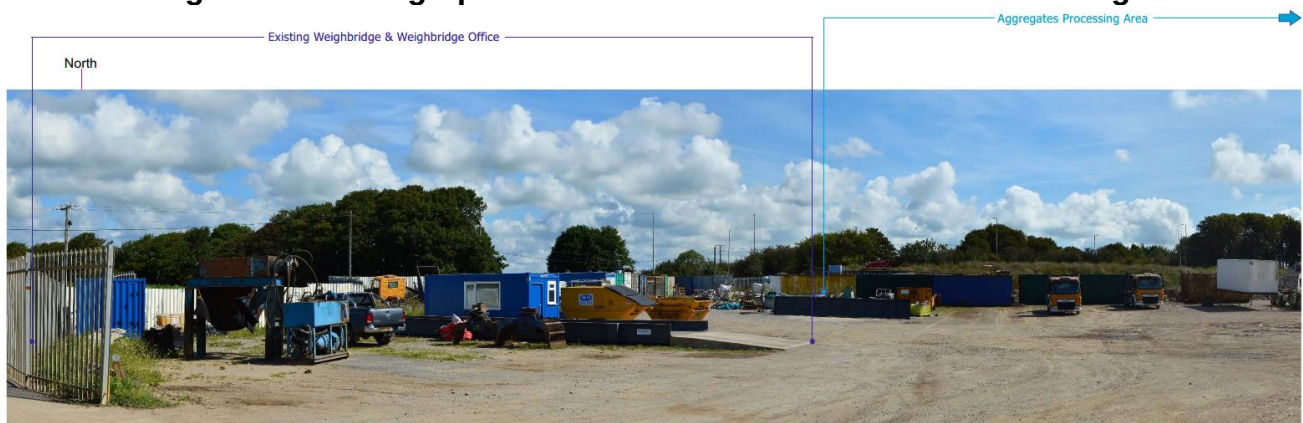


Figure 3 – Proposed Layout Drawing of the Site



The submission highlights that the eastern part of the site received planning consents in the mid-1970s for spoil tipping (ref. 75/721 and 76/0576 refer). This area was used for the deposit of excess excavated soil and stone waste associated with the construction of the M4 motorway. The northern section of the site is predominantly surfaced with compacted stone and used for the storage of plant and equipment associated with the wider waste transfer station.

Figure 4 – Photograph of northern section of the site as existing



A significant area of the site benefits from an extant planning consent (Ref. P/14/830/FUL refers) granted on 28th January 2016 for a waste transfer station and demolition/construction waste recycling facility with associated groundworks and landscaping. The existing consent permits the receipt and processing of 45,000 tonnes per annum of inert and non-hazardous waste; comprising 40,000 tonnes per annum of construction and demolition aggregate and 5,000 tonnes per annum of waste wood (from commercial and industrial sources). Acoustic bunds, located to the southeast of the site along the boundary with properties on Stormy Down/Lane and centrally within the site have been partially constructed in accordance with this consent. The Applicant/agent has confirmed that as the bunds are not complete, there has been no waste received, crushing of waste, or waste wood shredding undertaken on site in respect of the earlier approved consent.

(although pre-commencement conditions have been discharged and it is considered the permission Ref. No. P/14/830/FUL remains extant).

Figure 5 – Proposed layout of the site consented under planning Application P/14/830/FUL



The proposed development is for the treatment/recycling of waste (aggregates recycling facility). The facility will receive and process inert waste and soils (non-hazardous), sourced from off-site excavation, construction and demolition activities within the locality of Bridgend and neighbouring areas. The site would potentially receive and process up to 205,000 tonnes per annum of inert construction and demolition waste. This includes the 5,000 tonnes per annum of waste wood and 40,000 tonnes of aggregate and inert construction and demolition waste permitted to be received under the existing extant consent (P/14/830/FUL refers).

Up to 50% of the received construction and demolition aggregate waste is expected to comprise larger pieces of concrete, brick, stone and asphalt, and would require crushing. The crushing activity previously approved under planning permission P/14/830/FUL would be relocated from the northeastern corner of the site to a location around 55m to the southeast. The crushed and uncrushed aggregate feedstock would be loaded into the feed hopper of the Aggregates Recycling Plant. From here it would be transferred by conveyor into a series of wet separation stages to produce high-quality sized aggregates. The sized aggregates, ranging from a fine sand to larger single-sized stone, would be transferred by conveyors into storage bays adjacent to the recycling plant.

In addition to aggregates, the facility would also receive 5,000 tonnes of waste wood. This recycling of waste wood was also approved under the extant planning consent P/14/830/FUL. This would be shredded to facilitate transport off-site to board mills and similar recycling facilities. The shredding activity will also be relocated from the northeastern corner of the site to a location around 45 m southeast.

The waste would be received from predominantly construction and demolition, and commercial and industrial sources. No hazardous waste, sludges or fine wastes including

dusts, powders or fibrous materials will be accepted by the facility, and no treatment of hazardous waste will be undertaken at the facility.

Inert waste will be processed according to the *Aggregates Quality Protocol* and, following processing, will be tested to comply with appropriate standards. A series of products would be produced that comply with the specifications set by the Specification for the Highways Works (**SHW**), for example, pipe bedding, earthworks materials, single sized aggregates, drainage media and general fills. These products would be supplied to highways, construction and utility contractors for use in a variety of construction or reinstatement projects as a replacement for quarried aggregates. Manufactured soils would also be supplied to highways, construction and utility contractors for use in a variety of construction, reinstatement or landscaping projects. Segregated untreated and treated wood waste would be processed to produce material suitable for use in the manufacture of panel board, mulch, animal bedding or fuel. The facility would be operationally viable at around 100,000 tonnes per annum of incoming waste.

The proposal includes the infill of a central area of previously quarried land to create a readily accessible, level plateau on which to locate the aggregates recycling plant and loading/storage areas. The submission details the site has been designed to achieve as close to a cut/fill balance as possible. It is proposed to use the inert wastes from the spoil tipping area to the east of the site to complete the development and reduce the import of fill materials to complete the engineering works to approximately 164,761m³ (280,100 tonnes) of engineering fill. The imported material would be brought from off-site in 20 tonnes and 29.7 tonnes loads (average 24.7 tonnes per load). This equates to approximately 11,340 loads. The additional engineering fill would comprise secondary aggregates and soils recovered from waste, and/or aggregate and soil wastes that cannot be reused or recycled other than as basic engineering fill.

The Applicant's supporting information highlights a diligent approach has been taken to deliver a safe, sustainable, efficient and essential supply of construction minerals to businesses located in and around the surrounding area and contribute positively to Welsh Government and Local Waste Policies; the proposal contributing towards the provision of an adequate network of waste management facilities.

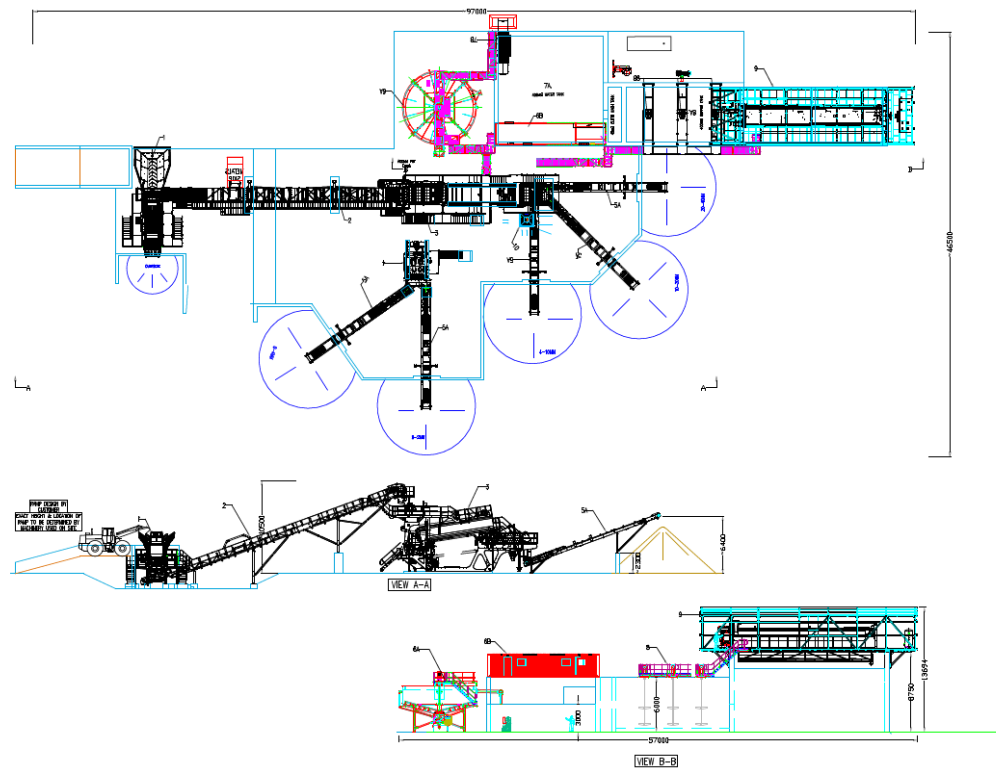
The development would support policy objectives relating to increasing recycling rates for construction and demolition waste, conserving valuable mineral resources, and promoting alternatives to primary won aggregates. It would also enable the Applicant's business to adapt to changing market requirements and waste streams by adopting new technology to enable the recycling of inert waste from construction, demolition and excavation works.

The development would facilitate an improvement in recycling rates for waste arising within the County Borough and, once operational, would create 10 additional full time employment opportunities.

Construction work is expected to last around 30 months in total. The provisional schedule is:

- Weeks 1-26: Construction of acoustic bunds
- Weeks 27-104: Infill of the section of quarry void, earthworks to construct the level plateau and regrading of surrounding land. Construction of phased drainage system
- Weeks 105-113: Completion of the operational phase site drainage system;
- Weeks 105-109: Construction of concrete pads and ramp for the Aggregates Recycling Plant; and
- Weeks 110-118: Installation of Aggregates Recycling Plant, erection of acoustic screen and construction of storage bays.

Figure 6 – Proposed Aggregates Recycling Plant Details



SITE DESCRIPTION

The Application site is situated outside of any settlement boundary as defined by Policy SF1 of the adopted Local Development Plan (2018-2033) and is therefore located in a countryside location.

The site forms part of the former Stormy Down Quarry, located on land to the immediate south of Heol-y-Splot and to the west of the A48 highway. The site lies directly adjacent to, and forms part of the existing Waste Transfer Station, operated by Nolan Recycling Limited. The site is accessed via the existing entrance into the Nolan Recycling site, from Heol-y-Splot, on the northern boundary of the site. Some boundary planting/treatments and acoustic style bunds screen the Application site from wider viewpoints.

Figure 7 – Photograph of the existing site



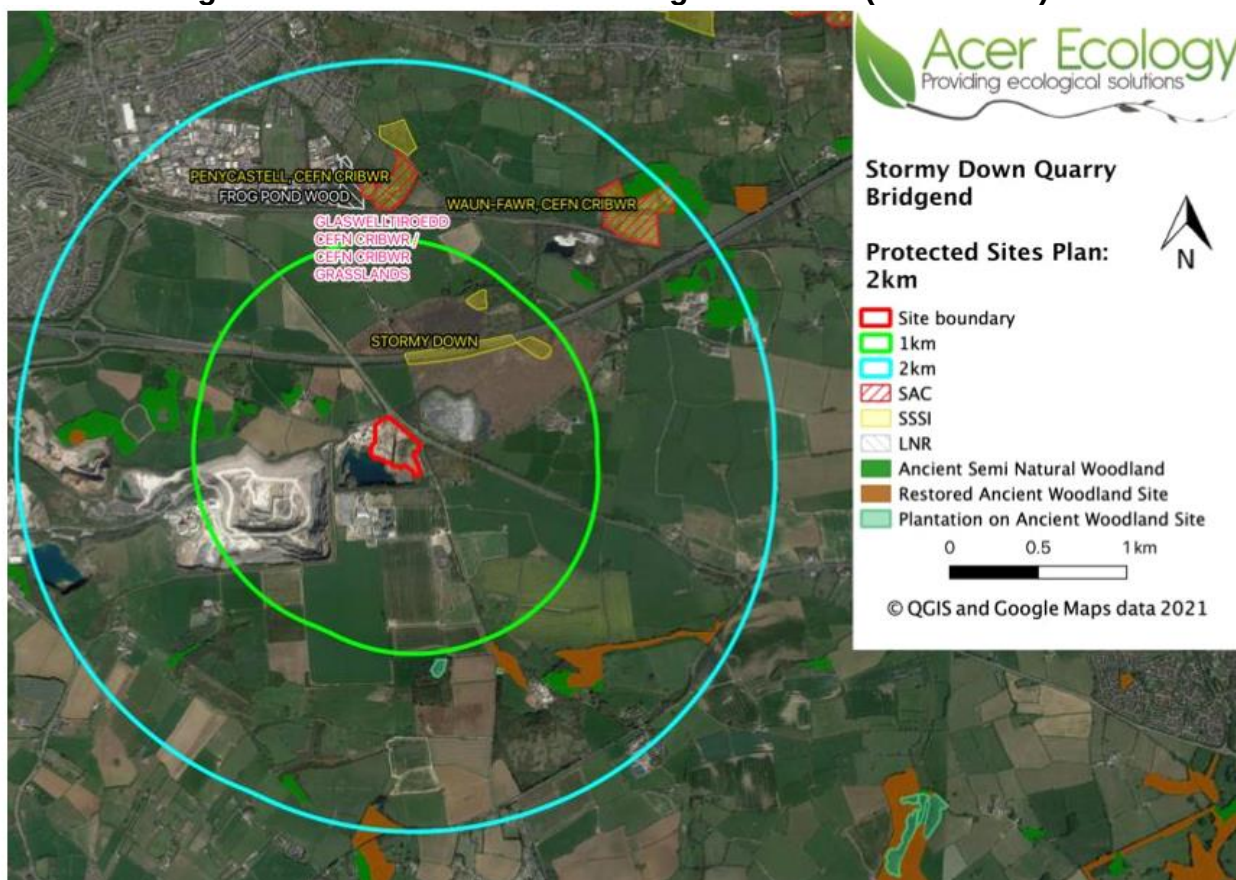
The site proposed for development measures approximately 5.5 ha, and mainly comprises bare ground, quarried land, cliff faces, and areas of scrub (including the existing facility). The eastern border comprises a line of broadleaved trees that are ecologically connected to hedgerows to the north and south of the site. Beyond the trees is the A48 dual carriageway linking Pyle/Cornelly with the settlements to the west of Bridgend. Beyond the carriageway to the east is largely open countryside and a large solar farm. Towards the

southeast boundary of the site is a row of residential properties located on 'Stormy Down/Lane'

To the immediate west of the development area is a flooded quarry void, a remnant of the abandoned quarry. Cornelly Limestone Quarry is further west. The wider landscape of the site (further to the north and south) comprises agricultural grassland, with the Cenin Renewables site situated further to the southwest of the Application site.

There are a number of designated sites within 2km of the Application site including Stormy Down Site of Special Scientific Interest (**SSSI**), which is positioned 0.32m to the northeast of the site. Penycastell, Cefn Cribwr **SSSI** contiguous with Cefn Cribwr Grasslands Special Area of Conservation (**SAC**) is positioned 1.2km north from the site. Waun-Fawr, Cefn Cribwr **SSSI**, contiguous with Cefn Cribwr Grasslands SAC is positioned 1.6km northeast from the site. Stormy Down Site of Importance for Nature Conservation (**SINC**) is 0.2km east from the site. Old Ballas Wood **SINC** is 0.58km west from the site and Cornelly Quarry **SINC** is 0.66km west from the site.

Figure 8 – Site Location and designated sites (2km buffer).



In addition to the submitted plans and Application forms, the planning Application is supported by a comprehensive level of information, including the following documents:

- Waste Planning Statement;
- Preliminary Ecological Appraisal;
- Landscaping Scheme and Schedule of Landscape Maintenance;
- Bat and Nesting Bird Survey;
- Great Crested Newt Report;
- Reptile Survey;
- Green Infrastructure Statement;
- Noise Impact Assessment;

- Transport Statement;
- Drainage Strategy; and,
- Pre-Application Consultation Report.

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 24th August and 20th September 2022. The consultation involved notifying residents within the surrounding area, the erection of site notices (3 in total), together with notifications to Ward Members and specialist consultees.

In addition to the specialist and community consultees, two responses from local residents were raised in respect of the proposal at that stage (raising concerns with the development). The objections raised at the **PAC** stage are summarised as follows:

- Devalued property prices
- Crushing machine would be an eyesore
- Noise and dust disturbance
- Compensation would be sought if this goes ahead.

It is also noted that Merthyr Mawr Community Council also advised they could not support the development at the **PAC** stage, primarily because of increased noise and disruption to local residents.

These issues have been addressed within the **PAC** report, however, they are generally relevant and have also been considered later within this report, although de-valued property prices (and likely compensation claims), are not deemed justified or material planning considerations.

EIA Screening

The Applicant submitted an **EIA** screening Application (Environmental Impact Assessment), P/24/134/SOR refers, and it was deemed the proposal did not constitute **EIA** development, as outlined within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

RELEVANT SITE HISTORY

75/721 – Spoil Dump – Granted

76/0576 – Spoil Tip – Granted 03/06/1976

P/08/441/FUL - Materials Recycling Facility, Plant and Dismantling Workshop Units - Granted 22/08/2008

P/09/452/FUL - Replacement Workshops and Staff Offices to Serve Waste Transfer Facility - Granted 28/08/2009

P/14/830/FUL - Change of use to waste transfer station and demolish/construct waste recycling facility with associated groundworks and landscaping - Granted 28/01/2016

P/16/343/DOC - Approval of details for condition 10 of P/14/830/FUL - Agreed 28/01/2016

P/16/825/DOC - Approval of details for condition 12 of P/14/830/FUL - Agreed 12/12/2016

P/16/849/DOC – Approval of details for conditions 5 & 14 of P/14/830/FUL - Agreed 08/12/2016

P/16/940/DOC - Approval of details for condition 11 of P/14/830/FUL - Agreed 16/11/2017

P/24/134/SOR - Land adjacent to Old Stormy Down Quarry, Heol-y-Splot

Pyle - **EIA** screening request for proposed engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping – **EIA** Not Required 11/04/2024.

NEGOTIATIONS

The scheme has been subject to a level of negotiation and discussion, with the Applicant being requested to submit updated plans for the landscaping and planting schemes associated with the development proposal and to revise highways arrangements in and around the site (revised plans received 26 March 2025).

The Application and associated noise and amenity impacts have also been discussed at length between the Applicant/agent and Shared Regulatory Services (Public Protection) Officers.

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 26 March 2025. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Merthyr Mawr Community Council – Objections and concerns are raised by Members of Merthyr Mawr Community Council in respect of:

- No extension to working hours should be granted to allow local residents periods of respite from the noise
- It is understood that a member of staff working at the facility has recently gained an explosives licence. Members are concerned about how this will be used.
- Members are concerned about the volume of traffic at the junction of the A48 and Heol y Splott
- Approx 80% of the trees forming the acoustic bunds will need to be felled due to ash dieback.

In addition, and as earlier highlighted, during the pre-planning consultation, the following objections were also raised

- This development will be an additional noise nuisance to local residents who are already subjected to high levels of noise from Nolan Recycling's existing business
- The extension to working hours from 16:30 hrs to 19:00 hrs, would extend the noise nuisance that the local community is already subjected to
- There does not appear to be any plans to plant trees or shrubs that would create a buffer zone to reduce the level of noise, be aesthetically pleasing and also beneficial to the environment.

Highways 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.

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

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

Fire Service - No objection, with general comments raised.

REPRESENTATIONS RECEIVED

The owners/occupiers of four nearby residential properties have raised objections against the scheme, the objections raised are summarised as follows:

- Increased noise levels from the site.
- High levels of dust affecting properties, people and parked vehicles.
- The number and size of the lorries going to and from the site would pose a serious risk to traffic safety along with the lorries connected with other facilities in the area which must use this road junction.
- The amount of traffic at the junction of Heol-y-Splot would increase.
- There should under no circumstances be an extension to the permitted operating hours. The Applicant seems to have the belief that permitted hours for his recycling operations are only a 'Guide'. They regularly work after 5 p.m. Weekdays, Saturday afternoons and sometimes on a Sunday.
- Residents should be granted some peace with the row of houses along Stormy Lane being there before the businesses.
- The Applicant has constructed a bund causing a nuisance while he was doing it and killing a lot of trees at the same time.
- The Applicant has a recycling business and there should be no excavating /quarrying for soil and stone to feed the trommel.

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 however that the Council's Shared Regulatory Service Officers, Highway Officer, and both the Countryside Management Officer (Ecologist) and Natural Resources Wales have raised no objections against the revised planning Application (subject to the imposition of conditions).

PLANNING POLICY

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.”*

At Para 2.7, it 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 at para 5.13.1 highlights: *‘The planning system has an important role to play in; facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses’.*

PPW at para 5.13.2, continues: *‘The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning Application is acceptable. If adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.’*

PPW at para 5.13.12 further highlights: *‘For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which Applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework’.*

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes (**TAN**). 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 21 - Waste (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.

Local Policies

The Development Plan for the area comprises of the 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 SP13: Decarbonisation and Renewable Energy
- Policy SP14: Sustainable Development of Mineral Resources
- Policy SP15: Sustainable Waste Management
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP1: Development in the Countryside
- 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
- Policy ENT 12: Development in Mineral Safeguarding Zones
- Policy ENT 13: Development in Mineral Buffer Zones
- Policy ENT14: Inert Waste
- Policy ENT15: Waste Movement in New Development

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

The Application is referred to the Development Control Committee in view of the number of

objections raised by local residents/members of the public, and the Community Council.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, visual impact, the impact on the amenities of neighbouring residents, highway safety, biodiversity, and the drainage implications of the scheme.

Principle of the Development

The Application site is situated outside of any settlement boundary as defined by Policy *SF1: Settlement Hierarchy and Urban Management* of the Replacement Local Development Plan (**RLDP**) adopted in 2024 and, therefore, located in the countryside where Policy DNP1: Development in the Countryside of the LDP sets a presumption against development in the countryside, except where it is for:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) The expansion of an existing business (subject to other relevant policies in the plan);
- 6) Land reclamation purposes;
- 7) Transportation and/or utilities infrastructure to enable implementation of LDP allocations;
- 8) Renewable energy projects;
- 9) Affordable housing to meet locally identified need in accordance with COM5;
- 10) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 11) The direct replacement of an existing dwelling;
- 12) Outdoor recreational and sporting activities;
- 13) The provision of Gypsy, Traveller and Show person sites in accordance with COM8;
- or
- 14) Education provision where a need has been identified by the Local Education Authority.

Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area.

Where development is acceptable in principle in the countryside it must, in the first instance and where possible, utilise existing buildings and previously developed land.

The proposal relates to the working (recycling) of minerals and aggregates, and is therefore acceptable in this countryside location in principle, subject to the satisfaction of other relevant policies in the **RLDP**. Additionally, the Application site comprises previously developed land that was used for mineral extraction and lies adjacent/forms part of an existing waste transfer station and waste recycling facility and is situated in close proximity to the former Stormy Down Airfield.

The proposal is also located within the Local Search Area (**LSA**): Newton Down Limestone Plateau Local Search Area (Suitable for Solar Energy)) as defined by Policy SP13: Renewable and Low Carbon Energy Development (2) of the **RLDP**. This policy states that proposals for development other than for solar energy within these areas will only be permitted where they can demonstrate that they would not unacceptably prejudice the renewable energy generation potential of the **LSA** and the Future Wales Pre-assessed Areas for Wind Energy. As the development does not relate to the generation of solar

energy, consideration must be given to this policy although it is deemed that given the existing characteristics of the site and the existing use as a waste transfer station, that is well established, the further development and expansion of the site in the manner proposed is unlikely to adversely prejudice the wider or future renewable energy potential of the Local Search Area.

The Application site is located within the boundary of Stormy Down Quarry (Policy SP14) and within a mineral safeguarding zone and mineral buffer zone where Policies ENT12: Development in Mineral Safeguarding Zones and ENT13: Development in Mineral Buffer Zones of the **RLDP** apply. As the proposed development does not relate to the extraction of mineral resources, the criteria as per Policy SP14 does not apply.

Policy ENT12 states that proposals for permanent development within mineral safeguarding zones must be able to demonstrate that the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. If temporary development, it must be demonstrated that it can be implemented and the site restored within the timescale the mineral is likely to be required.

Whilst the exact location of the remaining mineral reserves at Stormy Down Quarry is not clear based on the information available, these contribute very little to the overall landbank for Bridgend County Borough (approximately 150,000 tonnes of limestone out of a total supply of 48,663,000 tonnes), therefore the potential sterilisation of this reserve as a consequence of this development is not considered a significant issue, on balance.

Policy ENT13 of the **RLDP** states that development within mineral buffer zones must demonstrate that the proposal will not be adversely affected to an unacceptable degree by mineral operations. Due to the nature of the development, the proposal is unlikely to be adversely affected by mineral operations.

Technical Advice Note (**TAN**) 21 provides guidance on sustainable waste management and resource efficiency. Paragraph 4.2 of **TAN** 21 states that to enable proper consideration of the principles contained within the **TAN**, a Waste Planning Assessment should be submitted with Applications for a waste facility classified as a disposal, recovery or recycling facility. The Waste Planning Assessment submitted in support of this Application is broadly in accordance with Annex B of **TAN** 21.

As the proposal relates to the recycling of waste, Policy SP15: Sustainable Waste Management of the **RLDP** applies. It states that the sustainable management of waste will be facilitated by:

- 1) Securing opportunities to minimise the production of waste in all development and ensuring the sustainable management of waste once it has been produced;
- 2) Supporting proposals for waste management which move the management of waste up the waste hierarchy (identified in National policy);
- 3) Supporting proposals which reduce the impacts of existing waste management on communities and the environment;
- 4) In order to manage waste within the County Borough in a sustainable manner, the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel comprising or energy recovery from waste, will be permitted within the following areas:

- Land at Heol-y-Splott, South Cornelly;
- Brynmenyn Industrial Estate, Brynmenyn;
- Village Farm Industrial Estate, Pyle;

- Brackla/Litchard Industrial Estate, Bridgend;
- Waterton Industrial Estate, Bridgend; and
- Parc Stormy.

Other waste management facilities may be permitted at appropriate locations primarily within allocated employment sites with specified B2 employment use class allocations, providing they are supported with an agreed programme of site management for the duration of the development and they do not have a detrimental impact upon:

- a) Adjoining land uses;
- b) Amenity of neighbouring land uses or individual properties, including the effects of traffic movement and the generation of noise, dust, fumes, vibration and odour;
- c) The highway network;
- d) Visual impact;
- e) Natural heritage, cultural and historic environment;
- f) The type, quality and source of waste;
- g) Controlled waters, including water quantity and quality;
- h) Air Quality; and
- i) Public health and well-being.

Development of sustainable waste management facilities in appropriate rural locations, including composting and anaerobic digestion, may also be supported subject to the above criteria.

The development would facilitate the sustainable collection and recycling of waste. The development would help meet the objectives of National policy in respect of Zero Waste, the waste hierarchy; and meet targets to reduce the amount of waste disposed of by predominately construction, demolition, commercial and industrial sources which would increase the amount of waste recovered, composted and recycled. Whilst the proposed site is not located on an existing B2 employment site, it is considered that given the existing uses in the surrounding area, the site represents a suitable location for such a use in principle subject to fully meeting the above criteria which is further discussed in the report below.

Visual Impact

Policy SP3 of the adopted 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;

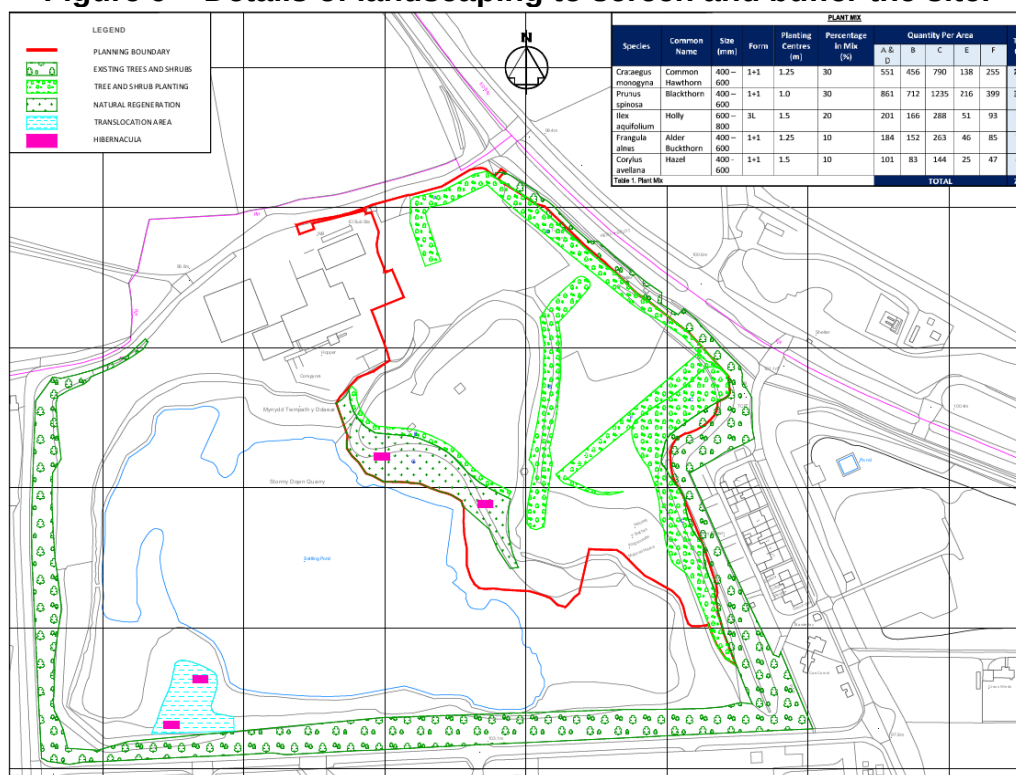
As detailed, the Application proposal seeks consent for an aggregates recycling plant, engineering works and associated works including the construction of acoustic bunds and visual screening at this historic limestone quarry and includes an area of land consented as a waste transfer station/recycling facility operated by Nolan Recycling Limited. The northern section of the site is predominantly surfaced with compacted stone and used for the storage of plant and equipment associated with the wider waste transfer station. To the northwest of the site is existing storage and processing buildings.

A significant area of the site benefits from an extant planning consent (P/14/830/FUL refers) for a waste transfer station and demolition/construction waste recycling facility with associated groundworks and landscaping. The existing consent permits the receipt and processing of 45,000 tonnes per annum of waste although the agents have confirmed that whilst the acoustic bunds permitted by this development have been partially constructed (and conditions associated with the consent formally discharged), there has actually been no waste received, crushing of waste or waste wood shredding undertaken on site, in line with this permitted consent.

Given the historic planning history of the site along with the existing characteristics of the site that have a commercial/industrial like feel in the main, coupled with its historic use and surrounding land uses, it is unlikely that the proposed use and development of the site in the manner and nature proposed would raise serious or adverse visual amenity concerns.

The boundaries of the site are largely screened by existing mature planting and high boundary treatments, particularly along the southeastern and eastern boundaries of the site where mature planting buffers the site from the nearest residential properties located along Stormy Down/Lane. As detailed by the proposed landscaping plan (**Figure 9 below**), the scheme includes the provision of more landscaping and vegetation planting along with additional and enhanced visual/acoustic bunds that would significantly and further buffer the site, and the on-site machinery and associated operations, from wider public viewpoints. The infilling of part of the former quarry and the subsequent levelling of the land to accommodate the new/enhanced facility is a significant operation but on balance would not raise such harmful visual amenity concerns in this locality to warrant the refusal of the planning Application.

Figure 9 – Details of landscaping to screen and buffer the site.



In summary, with due regard to the planning history and existing characteristics of the site, coupled with the general character and nature of surrounding land uses, and given the significant screening and planting to the boundaries of the site that would be enhanced as part of the works, the proposals are considered to be acceptable in terms of their size, scale and design in accord with Policy SP3 of the Replacement Local Development Plan

(2024). As such, it is considered that the proposed development would not have any unacceptable impact in relation to visual amenity.

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 Replacement 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.

Policy DNP9: Natural Resource Protection and Public Health. Policy DNP9 states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to:

- 1) Air pollution;
- 2) Noise pollution;
- 3) Light pollution;
- 4) Water pollution;
- 5) Contamination (including invasive species);
- 6) Land instability;
- 7) Sustainable development of mineral resources;
- 8) Sustainable waste management;
- 9) Any other identified risk to public health or safety.

Development in areas currently subject to the above will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level. The use of construction phase *Pollution Provision Plans* are encouraged, where appropriate, to demonstrate how proposals can prevent development water run-off from causing pollution of the water environment.

The planning Application has been carefully considered in respect of amenity and public health impact with due regard to the representations received from local residents and the Community Council comments. However, on balance, and subject to the imposition of conditions, the scheme is considered acceptable in general amenity impact terms.

Careful regard must be given to the levels of amenity enjoyed by the nearest residential properties situated closest to the Application site, particularly residents along Stormy Down/Lane to the southeast of the site and Ballas Farm further to the north of the site. As such, the scheme has been carefully considered and assessed by the Council's Public Protection Officers/ Shared Regulatory Services (**SRS**) and Natural Resources Wales (**NRW**), who have both raised no objections to the scheme.

The Council's **SRS (Noise)** Officer has negotiated significantly with the Applicant/agent to achieve a scheme and permitted hours of operation that, on balance, are unlikely to result in adverse impacts to the residential amenities of nearby properties or any neighbouring commercial uses.

The Application is supported by a comprehensive noise assessment/survey and relevant supporting information to illustrate the scheme has carefully considered the impact on neighbouring residential uses. The assessment concludes that with the proposed acoustic

barriers, controls on operating hours and the concurrent operation of plant, it is *“unlikely that the proposed development will result in adverse noise impacts at the nearest and most exposed Noise Sensitive Receptors”*.

The Application originally sought hours of operation effectively from 07:00hrs to 19:00 hrs on weekdays and 07:00 to 13:00 hours on a Saturday. However, following discussion and negotiation with SRS Officers, it is now proposed to more strictly control the hours of operation of the use, which is considered more reasonable and acceptable, and effectively only represents an additional hour each day of the week (Monday to Friday), in comparison to the consented operating times under the extant consent P/14/830/FUL, refers.

The proposed hours of operation for waste processing operations, crushing, shredding and screening activities and the aggregates recycling plant, as controlled by a recommended condition by **SRS** Officers, would only occur between 09:00 – 18.00 hours Monday to Friday with no processing or plant operations being undertaken on Saturdays, Sundays, Bank Holidays or Public Holidays (this is also comparable to the main operating times of the existing waste recycling facility at the site, which is consented to operate between 08:00 hrs and 18:00 hrs on weekdays – and on Saturday Mornings, P/08/441/FUL refers).

Deliveries to the site shall be restricted to the northern aspect of the site (indicated tipping area), and would be restricted between 07.00 - 18.00 hours Monday to Friday and 08:00 - 13.00 hours on a Saturday morning. These delivery times fall broadly in line with the main use of the existing facility, as permitted under planning consent P/08/441/ FUL.

The Applicant is also seeking additional delivery times on certain, restricted occasions when emergency highway works are undertaken although these would require notification and agreement with the Local Planning Authority in advance of such deliveries, as controlled by a recommended condition as suggested by **SRS** Officers.

As detailed, noise barriers would be constructed as part of the landscaping works in order to minimise noise nuisance and act as positive screening to the surrounding area including the nearby residential properties, although the majority of the site is not surrounded by sensitive receptors.

The noise barriers would consist of the following:

- A 4m high bund at the northern boundary of the site;
- A 5m high bund to mitigate sound from the Aggregate Recycling Plant;
- A 5m high bund to provide additional screening for properties on Stormy Lane;
- A 5m high barrier to mitigate sound from the Crusher; and,
- An acoustic barrier behind, or on top of the back wall of the wood storage bays with a total height of 5m to mitigate any sound from the wheeled loader movements.

In terms of dust suppression, although the facility would utilise a wet separation process that significantly reduces the amount of dust produced during the recycling of aggregates, dust may be produced during unloading, tipping, crushing, storage, loading or dispatch.

This would be controlled through the following measures:

- Loads would be secured and vehicles checked prior to transport to the facility;
- All loaded vehicles arriving or departing the facility would be sheeted;
- Internal haul roads would be surfaced in asphalt or concrete;
- Dust suppression equipment (water sprays, covers, etc.) would be installed and

- used on all processing equipment;
- Water sprays will be located in appropriate locations around the site to reduce the generation of dust on haul roads during dry periods; and,
- Activities that could give rise to dust would not be carried out during windy conditions that would increase off-site transport of particulates.

The site would also be surfaced in compacted stone hardstand with concrete, asphalt or stone access roads between the site and the highway. This would result in limited opportunity for mud generation.

Natural Resources Wales have also advised that the Application site overlies a principal aquifer and an historic landfill. The site is therefore considered to be highly sensitive in respect of controlled waters and there is potential for historic contamination to be present at the site.

A number of conditions are therefore advised (which the Applicant has accepted as set out in page 12 of the Pre-Application Consultation Report), to ensure the risks associated with contamination at the site are fully considered prior to commencement of development and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

In summary, and whilst acknowledging the comments and concerns of residents and the Community Council, subject to the imposition of conditions and with due regard to the comments of the Council's Shared Regulatory Services Officers and Natural Resources Wales, the scheme on balance, is deemed acceptable in terms of general amenity impact. Accordingly, the proposal, on balance, complies with criterion (12) of Policy SP3 and the aims of Policy DNP9: Natural Resource Protection and Public Health of the Replacement Local Development Plan (2024).

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.

It should be noted 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 and supporting information. The Highway Authority have carefully considered the revised submission and advised the latest proposals are now deemed acceptable.

It is commented by the Council's Highway Officer that the Highway Authority (**HA**), have been involved in lengthy discussions with the developer and their agents over a number of months to ensure that the data contained within the transport assessment and the access to the adopted highway is appropriate for the size of the development.

In considering the Application it is noted that there would be an increase in vehicle movements both from the site and vehicles using the Heol y Splott / A48 priority junction. The Applicant has provided a robust transport assessment which undertook actual junction counts and calculated that the proposal would generate an additional 22 two-way per day trips through a junction which currently supports 1294 trips a day. Therefore, this proposal would generate an additional 1.7% trips on the network which is significantly below the threshold for a material impact of 5%. This has been robustly tested and is considered acceptable. Furthermore, the priority junction of Heol y Splott/ A48 has been designed to accommodate high volumes of traffic with visibility splays and a junction layout which all meet highway standards and as a result it is considered the proposed traffic generated by the development is acceptable.

However, the concerns of local residents are noted and to ensure that vehicles associated with this development do not use the Tythegston Road or the junction opposite Stormy Cottages, a planning condition has been suggested for the submission of a traffic management plan which would detail the routes taken by the proposal and would form a condition of any approved consent which can be enforced in the future, if necessary.

With regards to the access into the site, the historic and current access is arranged parallel to Heol Y Splott which makes for a tortuous movement into the site. Due to the increase in vehicle numbers entering the site it was considered that the current access arrangement would result in vehicles waiting on the live carriageway to enter the site on Heol Y Splott. Therefore, the Applicant has completely redesigned the access so that it is at 90 degrees to the highway. In addition, the weigh station will be relocated within the site, to provide better queuing capacity within the site and ensuring no vehicles are waiting on the live carriageway affecting the flow of traffic. This is considered a betterment in highway safety terms.

Finally, it is understood that this proposal is situated within an environment which does not readily promote walking and cycling in an around the site due to heavy plant and health and safety and in any event, the site is not open to the public. However, for the increase in staff that this proposal would bring it is important that staff are offered the opportunity to use public transport, walk or cycle opportunities to the site. As a result, the Applicant would provide a pedestrian access to the existing footway on the A48 which connects the existing bus stop to the site. The access would be located away from the main vehicular entrance which should further remove any barrier to those wanting to use the train, bus, walk or cycle to work opportunities as per local and National legislation.

As a result of the above, the Highway Authority has '*No Objection*' to the proposal subject to the imposition of conditions (to ensure the above).

As such, the proposed development is considered to be compliant with Policy SP3 and PLA11 of the Replacement 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) (**RLDP**) 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 of the RLDP 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 number of ecological surveys/reports and supporting documentation, including:

- Preliminary Ecological Appraisal (**PEA**), Acer Ecology
- Bat and Nesting Bird Survey Report, Acer Ecology
- eDNA Survey for Great Crested Newt, Acer Ecology
- Reptile Survey, Acer Ecology
- Green Infrastructure Statement, TEPL
- Landscaping Scheme and Schedule of Landscaping Maintenance, TEPL

- Landscaping and Biodiversity Management and Enhancement Plan, TEPL

The **PEA** concludes that '*at this stage the site's ecological value is not considered to represent a fundamental in-principle constraint to the proposed development*'

The reports and information submitted has been verified and carefully considered by the Council's Countryside Management Officer/Ecologist and Natural Resources Wales who have raised no objections against the scheme. Conditions are suggested to ensure the recommendations, mitigation and enhancement measures prescribed by the supporting ecology information are appropriately undertaken at the site. It is also advised there is invasive non-native species present at the site, namely Japanese knotweed and Himalayan balsam. An invasive species management plan detailing treatment and management methods for the control of these species at the site is therefore required as they are listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981) which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. It is also highlighted the bat survey report concluded that bats are roosting in two buildings present on site and therefore, a bat development licence is required from Natural Resources Wales.

The Great Crested Newt (**GCN**) report concluded that there is a likely absence of GCN from the part of the quarry sampled and the development is, therefore, unlikely to have a negative impact on **GCN**.

The Reptile Survey concluded there are low populations of slow worm and common lizard present on site and recommends a translocation of these species to another area of the site, before any clearance works takes place, along with enhancements to the translocation area. Section 6, *Recommendations*, of this report should therefore be included in the conditions of approval. All reptile enhancement and translocation work should take place before any clearance work commences and should be undertaken within the presence of a suitably qualified ecologist.

The *Green Infrastructure Plan* details the approach taken by the developer to ensure the stepwise approach has been followed and the *Landscaping Scheme and Schedule of Landscaping Maintenance and Landscaping and Biodiversity Management and Enhancement Plan* detail the proposed landscaping measures for the site that are deemed acceptable.

Natural Resources Wales specifically comment in respect of protected species that the Application site is within 300m of Stormy Down Site of Special Scientific Interest (**SSSI**). The submitted **PEA** states that despite the proximity to Stormy Down SSSI, it is not anticipated that there will be any direct adverse impacts because the impact of the proposals are to be confined to the development footprint. Based on this information, it is considered the proposed development is not likely to damage the features for which Stormy Down **SSSI** is of special interest. It is also noted that the Bat and Nesting Bird survey report submitted with the Application (prepared by Acer Ecology, dated November 2023) has identified bats are present at the Application site. Based on the findings of the survey report it is considered that bat use is of a lower risk. And **NRW** support that the revised *Landscaping and Biodiversity Management and Enhancement Plan* submitted with the proposal should be conditioned/implemented as part of any approved consent accordingly.

On balance, and in view of the above detailed comments, the proposed development is considered to be compliant with Policies SP3, DNP6, 7 and 8 of the Replacement Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Drainage

The Council's Land Drainage Officer has advised that a review of the **OS** database notes the development is not located within a flood risk zone and does not propose to increase flood risk. The site is located within 20 meters of stormy down settling pond. The Application form states no foul connection would be required.

The development is likely to generate surface water runoff during the construction phase. The Applicant should therefore provide a construction environmental management plan (**CEMP**), outlining how surface water runoff and sediment/pollution prevention control measures will be managed on site during the construction phase.

As the development site is over 100m², a **SAB** Application is required. Maintenance of any proposed sustainable drainage features serving this site will remain the responsibility of the landowner and the Applicant is advised to contact **NRW** and seek advice to ensure that infiltration here will not negatively impact or pollute the ground water supply.

In view of the above and the level of information submitted, no objections are raised against the scheme providing conditions are imposed to ensure the comprehensive and integrated drainage of the site takes place and a construction environmental management plan (**CEMP**) outlining how surface water runoff and sediment/pollution runoff will be managed during the construction phase is provided.

It is also acknowledged that Welsh Water/Dwr Cymru have raised no objection against the scheme.

Subject to the agreement of the above conditions, it is considered 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 (similar to **NRW** observations) have advised that part of the site, including the proposed earthworks area, includes a former landfill with the potential for contamination. Site "won" material will need to be assessed for contaminants and any associated risks to human health and the environment. Should there be any importation of soils or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction 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. There may also be a risk of gas emissions associated with infill material which needs to be considered in relation to the temporary accommodation (weighbridge office). Conditions and advisory notes are therefore suggested accordingly.

Heneb, the trust for Welsh Archaeology, has confirmed that the proposal requires archaeological mitigation (through the provision of a recommended, standard planning condition).

Furthermore, the Application site is not directly crossed by any identified Public Rights of Ways and does not host any Tree Preservation Orders. The site is also not situated in a conservation area.

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 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 and contribute a positive waste management facility in line with Local and National Policies and provide an essential supply of reused and recycled construction minerals to businesses located in and around the surrounding area.

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, as also advised by the Council's Shared Regulatory Services Officer.

The scheme would not adversely impact the general character of the area and biodiversity impacts would be modest and at a local level and mitigation and enhancement works, as recommended by the Applicant's supporting ecology information, 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

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

1. The development shall be carried out in accordance with the following approved plans (received 26/03/2025) and documents:

11087 000 A (rev B) Location Plan
11087 000 B (rev B) Site And Surrounding Area
11087 000 D (rev C) Site Plan (proposed)
11087 000 E (rev B) Sections I
11087 000 F (rev B) Sections II
11087 000 G (rev B) Sections III
11087 000 H (rev B) Sections IV
11087 000 I (rev B) Drainage Plan
11087 000 K (rev C) Landscaping And Biodiversity Management And Enhancement Plan
11087 000 L (rev A) Lighting Plan
11087 000 M (rev B) Plant Sections I
11087 000 N (rev B) Plant Sections II
11087 000 O (rev A) Proposed Entrance And Parking Arrangements
11087 000 P (rev A) Active Travel Provisions
Green Infrastructure Statement, TEPL (Feb 2024)

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

2. Notwithstanding Condition 1, the recommendations, mitigation measures and enhancement measures of the following reports shall be implemented in full at the site:

- Preliminary Ecological Appraisal (PEA), Acer Ecology (July 2022) - Section 4 Recommendations and Conclusions
- Bat and Nesting Bird Survey Report, Acer Ecology (Nov 2023) - Section 6
- eDNA Survey for Great Crested Newt, Acer Ecology (Sept 2023) - Section 5 Recommendations
- Reptile Survey, Acer Ecology (July 2024) - Section 6 Recommendations
- Landscaping Scheme and Schedule of Landscape Maintenance (received 31/10/2024)

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 one and two, the approved Landscaping Scheme and implemented acoustic bund planting shall be continuously managed and maintained in accordance with a scheme and maintenance plan that has first been submitted to and agreed in writing by the Local Planning Authority (prior to beneficial use). The approved Landscaping Scheme shall be implemented for as long as the use hereby permitted continues.

In the interests of safeguarding visual and residential amenities.

4. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

5. Notwithstanding Condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how hardstanding water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved drainage scheme must be implemented prior to beneficial use.

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

6. No development shall commence until a Construction Environmental Management Plan (CEMP) detailing how surface water runoff and sediment/pollution prevention control measures will be managed on site during the construction phase has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure the appropriate disposal and control of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted.

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

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

8. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

9. Prior to the occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy required under Conditions 8 and 10 to this permission and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation. To prevent unacceptable risks to controlled waters and ecological systems.

10. If, during development, contamination not previously identified is found to be present at

the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination, and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

11. No development shall commence until details of any piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

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

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

13. Any topsoil [natural or manufactured], or subsoil, to be imported (as part of the construction of the development) 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 potential risks to human health and the environment are not prejudiced.

14. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported (as part of the construction of the development) 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 potential risks to human health and the environment are not prejudiced.

15. 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 potential risks to human health and the environment are not prejudiced.

16. Prior to beneficial use, appropriate ground gas protection measures to ensure the safe and inoffensive dispersal or management of gases shall be implemented.

Reason: To prevent the build-up of landfill gas and to ensure that the safety of future occupiers/users are not prejudiced.

17. The rating level of noise from deliveries when assessed in accordance with BS4142:2014 at any residential premises shall not exceed 35dBA at Ballas Farm (location M1) and 38dBA at 1 Stormy Lane RAF houses (location M2), locations as specified in the acoustic report by Noise Consultants entitled 'Noise Assessment: Aggregate Recycling Facility, Stormy Down, Bridgend' December 2023, Job Number-13013B-20. Where a complaint of noise is received that is not at Ballas Farm or 1 Stormy Lane, the nearest representative rating level to their respective M1 and M2 locations shall be used. If a complaint of noise is received regarding any deliveries (including emergency work deliveries), the Applicant shall engage a qualified noise consultant within 28 days of being notified of the complaint to assess the noise in accordance with BS4142: 2014 to demonstrate that the rating levels are being complied with and shall submit the noise report to the Local Planning Authority with 56 days of being engaged by the Applicant. Should these rating levels be exceeded, further mitigation shall be proposed, and the proposals shall be submitted to and approved by the Local Planning Authority, including time scales for completion of the work. Any further mitigation shall be implemented in full and retained for as long as the site is operational.

Reason: In the interest of safeguarding residential amenities.

18. Deliveries to the site shall only take place in the area indicated on the plan entitled '11087 - 000 - D Site Plan - tipping area highlighted ' (received 14/05/2025) which is circled in blue within the acoustic bunded area to the north east of the proposed weighbridge between the hours of 07.00 -18.00 hours Monday to Friday, 08.00 - 13.00 hours Saturdays with no deliveries on Sundays, Bank Holidays or Public Holidays with the exception of deliveries as a result of emergency highway works.

Reason: In the interest of safeguarding residential amenities.

19. Deliveries due to emergency highway works only shall be restricted to 07.00 - 21.00 hours Monday to Friday, 08.00 - 17.00 hours on Saturdays and Sundays with no deliveries on Public or Bank Holidays. All emergency highway work deliveries shall be notified to the Local Planning Authority prior to the deliveries taking place and no

emergency deliveries shall take place until prior approval has been granted in writing by the Local Planning Authority. Should justified complaints of noise be received by the Local Planning Authority regarding emergency deliveries (regardless of whether they comply with the rating levels specified in condition 17) due to either the frequency of these events or due to the L_Amax/peak noise levels, they shall revert back to the regular delivery times of 07.00-18.00 hours Monday to Friday, 08.00-13.00 hours Saturdays with no deliveries on Sundays, Bank Holidays or Public Holidays.

Reason: In the interest of safeguarding residential amenities.

20. Plant maintenance work that is audible outside the site boundary shall not take place outside the hours of 08.00-18.00 hours Monday - Friday and 08.00 - 13:00 hours on Saturdays with no plant maintenance that is audible outside the site boundary on Sundays or Bank Holidays.

Reason: In the interest of safeguarding residential amenities.

21. Hours of operation for waste processing operations, crushing, shredding and screening activities and aggregates recycling plant shall only occur between 09.00 - 18.00 hours Monday - Friday, with no processing or operations of this plant being undertaken on Saturdays, Sundays, Bank Holidays or Public Holidays. Wood processing permitted under the extant permission shall be limited to 7 days/month.

Reason: In the interest of safeguarding residential amenities.

22. Only one of the following 3 separate processing activities shall be carried out at any one time during the consented operating hours and shall only be undertaken in their designated areas:

- Crushing and Screening of incoming construction and demolition inert aggregate waste
- Wood Shredding
- Recycling of aggregate in the Aggregate Recycling Plant.

Reason: In the interest of safeguarding residential amenities.

23. Prior to the development being brought into beneficial use, the following acoustic barriers/ screening bunds shall be installed at the locations shown on Figure 3, (page 13) of the noise report by Noise Consultants entitled 'Noise Assessment: Aggregate Recycling Facility, Stormy Down, Bridgend December 2023' Revision Report: 13013B-20-R01-01-F

- 4m high bund at the northern / northeastern boundary of the site;
- 5m high bund to mitigate sound from the aggregate recycling plant;
- 5m high bund to provide additional screening for properties on Stormy Lane;
- A 5m high barrier to mitigate sound from the crusher, power screen and wood shredder;
- An acoustic barrier behind, or on top of the back wall of the wood storage bays with a total height of 5m to mitigate sound from the wheeled loader movements;

The construction of the acoustic barriers shall ensure that there are no gaps between the barriers or at the junction of the barrier with the ground and shall achieve a surface density of $\geq 10 \text{ kg/m}^2$. The acoustic barriers shall remain in place for as long as the use hereby continues and shall be maintained to ensure that the acoustic integrity of the barriers is not compromised. Where defects in the barriers occur, the defects shall be

repaired as a matter of urgency to maintain its acoustic properties.

Reason: In the interest of safeguarding residential amenities.

24. The height of the stockpiles shall not exceed the height of the relative acoustic bunds in the designated storage areas for each process.

Reason: In the interest of safeguarding visual and general amenities.

25. Dust, mud and debris shall be controlled in accordance with paragraphs 5142, 5144 and 5145 of the submitted Waste Planning Statement.

Reason: In the interest of safeguarding residential amenities.

26. Notwithstanding the requirements of condition 1, prior to the installation of any lighting, the details of the lighting scheme, together with an isolux diagram predicting the lighting levels (in lux) at the nearest residential receptors shall be submitted to and agreed in writing with the Local Planning Authority. The detailed design scheme shall demonstrate compliance with the recommended lighting levels and upward spill ratio in accordance with GN01:2021 – Guidance Notes for the Reduction of Obtrusive Light published by the Institute of Lighting Professionals. The scheme shall be implemented as agreed.

Reason: In the interest of safeguarding residential amenities.

27. The new vehicular and pedestrian access facility shall be completed in permanent materials in accordance with the approved details prior to the development being brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

28. No development shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the site shall be made in accordance with the approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

29. The Application site shall be limited to no more vehicle movements than those identified in the Transportation Assessment unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

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

Reason: In the interests of highway safety.

31. 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.

32. * 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, highway safety, biodiversity or land drainage as to warrant refusal.

b. The activity proposed in this planning Application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found on NRW's website. Please contact NRW for advice regarding an Environment Permit Application on 0300 065 3000.

Undertaking the proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays

c. 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.

d. In addition to planning permission, it is the Applicant's responsibility to ensure they secure all other permits/consents/licences relevant to their development.

e. It is noted the bat survey report concluded that bats are roosting in two buildings present on site and therefore, a bat development licence is likely to be required from Natural Resources Wales in this case.

f. The Applicant/developer is advised to review the comments of all statutory consultees, including 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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

Appeals

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

APPEAL NO.	2025
APPLICATION NO	P/24/312/FUL
APPELLANT	MRS L CARTWRIGHT
SUBJECT OF APPEAL	ADDING A NEW DETACHED GARAGE AND CONVERTING THE EXISTING INTERNAL GARAGE TO A LIVING SPACE: 3 BROOK VALE
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed garage, by reason of its siting, scale and design, represents an incongruous and overly prominent form of development, projecting forward of the established building line in the street that would have a detrimental impact on the established character and appearance of the streetscene in this residential area, contrary to Policy SP3 of the Bridgend Local Development Plan (2024), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales 12 (Feb. 2024).
2. The proposed garage, by reason of its siting and orientation, would result in a substandard arrangement to the detriment of pedestrian and highway safety, contrary to the requirements of Policy SP3 of the Bridgend Local Development Plan (2024) and advice contained within SPG17: Parking Standards (2011).

APPEAL NO.	2027
APPLICATION NO	ENF/234/22/ACK
APPELLANT	ME GROUP INTERNATIONAL PLC
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED SITING OF OUTSIDE LAUNDRY MACHINES: ADJ. ONE TY TALBOT ELM CRESCENT BRIDGEND
PROCEDURE	WRITTEN REPS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO.	2028
APPLICATION NO	P/22/713/FUL
APPELLANT	ME GROUP INTERNATIONAL PLC
SUBJECT OF APPEAL	RETENTION OF MODULAR SELF-SERVICE LAUNDERETTE FACILITY & ASSOCIATED WORKS: ADJ. ONE STOP STORE TY TALBOT ELM CRESCENT BRIDGEND

PROCEDURE

WRITTEN REPS

DECISION LEVEL

DELEGATED OFFICER

The application was refused for the following reasons:

1. The design and operation of this modular self-service launderette facility is considered to be inappropriate for this predominantly residential location. The proposal is out of keeping with the locality and it is a discordant and visually obtrusive structure. Furthermore, insufficient information has been provided to demonstrate that noise and odours from the operation of the launderette facility will not have an adverse impact on the living conditions of the nearest residents. The proposal is therefore contrary to Policies SP3 and DNP9 of the Replacement Bridgend Local Development Plan 2024 the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 12.
2. The proposed development does not accord with Policies SP3, SP5 and PLA11 of the adopted Bridgend Replacement Local Development Plan 2024; the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 12 for the following reasons:
 - In the absence of adequate off-street parking facilities, the development would generate additional on street parking to the detriment of highway safety.
 - The proposed development will create traffic hazards in the form of pavement parking and on-street parking to the detriment of the safety and free flow of traffic on Elm Crescent.
 - The proposed development will generate additional on-street parking on a bend where forward visibility is restricted due to the alignment of the highway.

APPEAL NO. 2029**APPLICATION NO** P/24/424/FUL**APPELLANT** MR C BOWEN**SUBJECT OF APPEAL** SINGLE STOREY EXTENSION TO FRONT OF DWELLING: 123
HEOL Y BARDD BRIDGEND**PROCEDURE** HOUSEHOLDER**DECISION LEVEL** DELEGATED OFFICER**The application was refused for the following reason:**

1. The proposed development, by reason of its design, siting and scale, would result in a development that would appear visually obtrusive and out of keeping in the street scene, failing to reflect the consistent and established character of the immediate area to the detriment of the visual amenities of the area, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Supplementary Planning Guidance Note 2 – Householder Development.
-

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

APPEAL NO.	2015
APPLICATION NO	P24/10/FUL
APPELLANT	MRS C LEWIS
SUBJECT OF APPEAL	REPLACE BOUNDARY WALL WITH ONE OF INCREASED HEIGHT; RETENTION OF WOODEN PLAYROOM: 5 BELMONT CLOSE MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE PART ALLOWED/PART DISMISSED

The joint Appeal decision for these two decisions is attached as **APPENDIX A.**

APPEAL NO.	2019
APPLICATION NO	P/23/647/FUL
APPELLANT	MR T CADOGAN
SUBJECT OF APPEAL	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
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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 H Davies BSc (Hons), MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/04/2025

Appeal references: CAS-03634-R5M5W0 & CAS-03635-V5B7Y3

Site address: 5 Belmont Close, Maesteg, CF34 0LH

Appeal A reference: CAS-03634-R5M5W0

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mrs Christina Lewis and Mr Christian Lewis against the decision of Bridgend County Borough Council.
 - The application reference P/24/10/FUL was refused by notice dated 11 June 2024.
 - The development proposed is 'Replace boundary wall with one of increased height; retention of wooden playroom'.
 - A site visit was made on 9 April 2025.
-

Appeal B reference: CAS-03635-V5B7Y3

- 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 Act).
 - The appeal is made by Mrs Christina Lewis and Mr Christian Lewis against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice reference ENF/241/23/ACK was issued on 4 January 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission (i) the replacement of a boundary wall with a wall of increased height and (ii) the erection of a wooden outbuilding used as a playroom and erected within the side garden area of the dwelling house, both (i) and (ii) being situated adjacent to the highway.
 - The requirements of the notice are:
 - (i) Remove and keep removed the wooden playroom entirely from the Land and dwelling house known as 5 Belmont Close, Maesteg, Bridgend CF34 0LD;
 - (ii) Reduce the height of the boundary wall to a maximum of 1m in height; AND
 - (iii) Remove all resultant materials including base materials from the Land resulting from steps (i) and (ii) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act.
 - A site visit was made on 9 April 2025.
-

Decision – Appeal A

1. The appeal is dismissed insofar as it relates to the wall with pillars and infill panels and planning permission is refused for 'replacement of boundary wall with one of increased height'.
2. The appeal is allowed insofar as it relates to the outbuilding (wooden playroom), and planning permission is granted for the 'wooden playroom' at 5 Belmont Close, Maesteg, CF34 0LH, in accordance with the terms of the application, reference P/24/10/FUL, dated 28 February 2024, subject to the following conditions:

- 1) The development shall be carried out in accordance with the approved plans, dated February 2024, reference WD/01, WD/02 and WD/03.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

- 2) Within 2 months of the date of this decision an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained for as long as the development hereby approved remains in existence: Nest box specification for house sparrow terrace - Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs, to be placed under the eaves of the building. Entrance holes of 32mm diameter. Dimensions of H310 c W370 x D185mm; OR Swift nest box specification – Wide box with small slit shaped entrance hole to be placed under or close to roof. Dimensions of H150 x W340 x S150mm.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and Policy DNP6 of the Bridgend County Borough Local Development Plan (2018-2033).

Decision – Appeal B

3. The appeal on ground (a) is dismissed insofar as it relates to the wall, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended, for the development already carried out, namely the replacement of a boundary wall with a wall of increased height, at 5 Belmont Close, Maesteg, CF34 0LH.
4. The appeal on ground (a) is allowed, insofar as it relates to the outbuilding and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the erection of a wooden outbuilding used as a playroom and erected within the side garden area of the dwelling house at 5 Belmont Close, Maesteg, CF34 0LH, subject to the following condition:

- 1) Within 2 months of the date of this decision an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained for as long as the development hereby approved remains in existence: Nest box specification for house sparrow terrace - Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs, to be placed under the eaves of the building. Entrance holes of 32mm diameter. Dimensions of H310 c W370 x D185mm; OR Swift nest box specification – Wide box with small slit shaped entrance hole to be placed under or close to roof. Dimensions of H150 x W340 x S150mm.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and Policy DNP6 of the Bridgend County Borough Local Development Plan (2018-2033).

Background and Preliminary Matters

5. As set out above, there are two appeals at the appeal site. I shall consider each case on its own particular merits, but to avoid duplication, I shall deal with both in this single document, albeit with separate formal decisions. For the avoidance of any doubt, Appeal A relates to the refusal of planning permission and Appeal B relates to the notice.
6. Appeal A seeks planning permission to replace the boundary wall with one of increased height, with pillars and infill panels. It also seeks to retain a 'wooden playroom' (henceforth referred to as the outbuilding), including cladding the external surfaces. Any permission granted on Appeal A would relate to the development as set out in the submitted plans.
7. Appeal B has been made on ground (a) only which is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The terms of the deemed planning application for ground (a) are derived from the allegation set out in the notice. Hence, planning permission is sought for replacement of a boundary wall with a wall of increased height and the erection of a wooden outbuilding used as a playroom. Any permission granted on ground (a) of Appeal B would relate to the situation at the time the notice was served. Photographs submitted by the Council show that the outbuilding was largely complete, but the cladding was unfinished, while the blockwork for the wall and pillars was complete, but the infill panels had not been added.
8. The outbuilding and wall are separate elements that are physically and functionally distinct. I have the power to issue a split decision, so as the two elements have different effects, where appropriate I have considered them separately.

Appeal A (the s78 planning application appeal)

Main Issues

9. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area;
 - The safety of pedestrians, cyclists and vehicles using the highway along Belmont Close; and
 - The living conditions of occupants of the dwelling regarding outside amenity space.

Reasons – Character and Appearance

10. Belmont Close consists of 5 pairs of semi-detached dwellings arranged along only one side of the road, with a tight bend in the middle, on which the appeal site is located. The dwellings are set back from the road with front boundaries consisting of walls no more than around a metre in height, some of which have modest height bushes behind them. The side of the road without houses features a wide grass verge. Taken together the above factors give Belmont Close an open and spacious character.

The wall with pillars and infill panels

11. Due to its corner location, the appeal site has a much longer boundary with the road than other dwellings in the area. The proposed plans show a blockwork wall to a height of 0.75 metres, with regularly spaced blockwork pillars, infilled by panelling, to a height of 1.45 metres. The proposed height of the wall with pillars and infill panels would exceed that of the surrounding dwellings. When combined with the length it would be a solid and overly prominent form of development at odds with its surroundings and detrimental to the established openness and spaciousness of the area.

The outbuilding

12. The front elevation of No 5 follows a consistent building line with Nos 6 to 8 Belmont Close. Due to its location, the outbuilding does not impact on this consistency. Due to the angle of the bend, neither the side nor rear elevation of No 5 follows the building line of Nos 1 to 4 Belmont Close, with the corner creating a strong visual break. No 5 previously had a detached garage located to the side and partly to the rear of the dwelling. This has been replaced with an attached garage to the side and there is also a rear extension. Consequently, prior to the appeal development, the rear and side of No 5 was already different to and visually distinct from the street scene from No 1 to 4.
13. The outbuilding has different proportions to the now removed detached garage, but the footprint is not significantly different. While the outbuilding is located closer to the boundary with both No 4 and the road, the removed garage also projected forward of the building line created by the front of Nos 1 to 4 and was set away from the side elevation of the appeal dwelling.
14. A wall or fence up to 2 meters in height could be constructed along the boundary between the appeal site and No 4 (ie not adjacent to the road), under permitted development rights. Due to the layout and configuration of the site in relation to its neighbours, any such wall or fence would be a prominent structure when looking along the road from No 1 to 4 and the outbuilding would not be significantly higher.
15. On balance, although highly visible from the road, due to the factors above and when compared to the situation prior to the proposed development, the outbuilding is of an acceptable size and location and does not have a detrimental impact on the established character and appearance of the site and its surroundings.

Conclusion on character and appearance

16. I conclude that the wall with pillars and infill panels would cause unacceptable harm to the character and appearance of the site and the surrounding area and would not comply with Policy SP3 of the Bridgend Local Development Plan 2018-2033 (LDP), or the advice set out in Supplementary Planning Guidance SPG 02: Householder Development.
17. However, I conclude that the outbuilding does not cause unacceptable harm to the character and appearance of the site and the surrounding area. As such, the development complies with Policy SP3 of the LDP and is broadly in line with advice in SPG02. Amongst other things, Policy SP3 seeks to ensure that development is of a scale, form, layout and materials which are appropriate to its context.

Reasons – Highway safety

18. Belmont Close is accessed via a turning off Brodawl and is relatively narrow, with a wide grass verge on the opposite side to the houses. The other end of Belmont Close is closed and it is a quiet residential street subject to low traffic movement. The vehicle access onto the appeal site is located directly on the bend.

The wall

19. The proposed wall with pillars and infill panels, to a height of 1.45 metres, right up to the vehicle access, located on a sharp bend, would inevitably obscure visibility for and of any vehicle entering or leaving the site. Despite the quiet nature of the road, this would result in safety issues for all users of the highway.
20. This could potentially be alleviated by reducing the height of the wall near the vehicle access to create suitable visibility splays. However, as I have found the proposed wall with pillars and infill panels on such a long and prominent boundary to be unacceptable in terms of character and appearance, I have not considered this further.

The outbuilding

21. The outbuilding is set away from the bend and the vehicle access onto the site, so would not unreasonably impact on visibility. Given this and the quiet and lightly trafficked nature of the road, the outbuilding does not have an unacceptable impact on highway safety.

Conclusion on highway safety

22. I conclude that the wall with pillars and infill panels would cause unacceptable harm to the safety of pedestrians, cyclists or vehicles using the highway along Belmont Close. However, I conclude that the outbuilding does not cause harm to highway safety. As such, with regard to the outbuilding I find no conflict with LDP Policy SP3 or the advice set out in SPG02.

Reasons – Outside amenity space

23. Due to the location and layout of the appeal site, combined with extensions to the original building, there is limited outside space to the rear of the dwelling, but there is ample space to the side and to the front. The dwellings at No 4 and No 6 have similarly small areas of outside space to the rear. Overall, the provision of outside amenity space at the appeal site is acceptable for the size of the dwelling and is in keeping with the area.
24. I conclude that the development provides acceptable living conditions for the occupants regarding outside amenity space and so complies with Policy SP3 of the LDP.

Other Matters

25. I note the appellants' reasons for wanting a higher boundary wall, particularly as most dwellings have a relatively private and secure area of garden to the rear. However, this does not outweigh the harm I have identified to character and appearance and highway safety. The appellant could explore other options to achieve similar objectives, such as planting around the boundary, or seeking planning permission, as necessary, for a smaller private and secure outside area to the rear and part of the side of the dwelling.
26. The impact of the development on the residential amenity of neighbouring properties is raised in passing by a third party. The Council did not refuse the application on this basis and on the information provided, I have no reason to reach a different conclusion. Any claimed impact on surrounding property values is unsubstantiated and not for consideration under this appeal.

Conditions

27. In the event that I am minded to allow the appeal and grant planning permission, the Council has suggested conditions be imposed. I have considered the need for conditions in light of the advice in Welsh Government Circular 016/2014 "The Use of Planning Conditions for Development Management".
28. For certainty on the development which has been permitted, it is necessary to specify the approved plans. Policy 9 of Future Wales requires all development to secure a net benefit in biodiversity. This is reflected in Policy SP3 of the LDP. The Council has suggested a condition which details the provision of a nest box. Given the scale and nature of the development I consider a nestbox to be suitable. However, as the development has already commenced, I have adjusted the suggested condition to require implementation with 2 months. This is reasonable and necessary to accord with policy.
29. The Council also suggested conditions with regard to vision splays. As set out above, I do not consider highway safety to be an issue with regard to the outbuilding and permission will not be granted for the wall with pillars and infill panels. Consequently, it is not necessary to impose conditions relating to vision splays.

Conclusion

30. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part, as set out in the formal decision.
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, as required by section 8 of the Act.

Appeal B on ground (a) (the s174 enforcement notice appeal)

Main Issues and Reasons

32. The main issues and reasons are the same as for Appeal A. As set out under Appeal A, I find the outbuilding to be acceptable, including the proposed finishing in cladding. Other than the incomplete cladding, the outbuilding subject to the deemed application under Appeal B is the same as for Appeal A, so there is no need for me to consider it further.
33. Under Appeal A I find the wall with pillars and infill panels to be unacceptable. The deemed application under Appeal B covers the wall and pillars, but not the infill panels. The impact of the wall with pillars on the open character of the area and on highway safety is less without the infill panels. Notwithstanding this, the pillars are still an incongruous element and potentially more prominent and jarring without the panels. The pillars, particularly those closest to the site access, would block visibility to an extent and hence would still result in highway safety issues. As such, I consider the wall with pillars, as covered by the notice and the deemed application, to be unacceptable and in conflict with Policy SP3 of the LDP.

Conditions

34. The need to impose conditions has been considered under Appeal A and also applies to Appeal B. However, as any permission granted under the Appeal B deemed application is retrospective, it is not necessary to impose a plans condition.

Conclusion

35. For the reasons set out above, I conclude that the outbuilding is acceptable but the wall with pillars is not. Therefore, I shall dismiss the ground (a) appeal, uphold the notice, and refuse planning permission in so far as it relates to the wall and pillars, but allow the ground (a) appeal and grant planning permission in so far as it relates to the outbuilding, as set out in the formal decision.
36. S180(1) of the Act provides that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as it is inconsistent with that permission. To avoid the potential for the creation of inconsistent permissions I will not vary the notice to omit the requirement to remove the outbuilding but will rely on s180 of the Act. Thus, the notice will be upheld but will cease to have effect with regard to the outbuilding.

H Davies

INSPECTOR



Appeal Decision

by C Sweet MPlan

an Inspector appointed by the Welsh Ministers

Decision date: 13/03/2025

Appeal reference: CAS-03804-N2G5P5

Site address: 98 Yr Ysfa, Maesteg, Bridgend, CF34 9BE

- 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 Thomas Cadogan against the decision of Bridgend County Borough Council.
 - The application Ref P/23/647/FUL, dated 10 October 2023, was refused by notice dated 5 August 2024.
 - The development proposed is described as 'partial demolition of garage and construction of two story 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'.
 - A site visit was made on 5 March 2025.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is some difference between the descriptions of development used on the application form, the appeal form and the Council's decision notice. I have used the latter, as it most accurately reflects the development proposed.
3. I note the appellant's preference for the scheme originally submitted to the Council. However, the Council's decision was based on amended plans provided during the application process. Those amended plans are therefore the subject of this appeal and I have determined it on that basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of occupiers of 96 Yr Ysfa, with regard to visual impact and sunlight and daylight.

Reasons

Character and Appearance

5. The proposed parking space and extension to the existing dropped kerb do not appear to be of any concern to the Council and having regard to their proposed scale and siting, I have no reason to conclude otherwise. I am therefore satisfied that these elements of the proposal would have an acceptable effect on the character and appearance of the area.

6. The appeal property is a two storey semi-detached house with a detached garage. Although there are a small number of exceptions, houses along the western side of Yr Ysfa close to the appeal property largely share a consistency of scale and a simple, repetitive built form consisting of symmetrical pairs of semi-detached houses separated by considerable gaps at first floor level.
7. Notwithstanding the variety of built form and domestic extensions found in the wider area, this gives the street scene at this point a pleasing, rhythmic appearance which contributes positively to the character of the area.
8. Although visibility of the proposed extension would be limited from the wooded area to the rear of the appeal property, due to its positioning and 'wrap around' element that would project forward of the rear building line, it would be clearly visible from the street along Yr Ysfa.
9. Due to its height, width and projection to the side of the appeal property, the proposed extension would significantly reduce the visual separation between the appeal property and its southern neighbour at first floor level, interrupting the rhythmic appearance of the street scene at this point.
10. Moreover, the resulting asymmetry between the appeal property and No 96 would appear as an awkward and prominent feature in the immediate street scene which would draw the eye of the observer. In combination, these factors would cause the appeal property to appear incongruous when viewed in context with the prevailing built form along the western side of Yr Ysfa and result in unacceptable harm to the character and appearance of the area.
11. I therefore find that the proposed extension conflicts with policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033 (the LDP) which, among other things, requires that development should be appropriate to its local context in terms of size, scale and height.

Living Conditions

12. Notwithstanding a partial set back at first floor level, due to its height, proximity to and projection along the shared boundary, the proposed extension would appear visually intrusive and overbearing when viewed from the rear garden and rear ground floor windows serving a habitable room at No 96.
13. This would significantly reduce the enjoyment of those spaces for occupiers of No 96 and result in unacceptable harm to their living conditions, contrary to policy SP3 of the LDP which, among other things, requires that development ensures that the amenity of neighbouring uses and their occupiers will not be adversely affected.
14. I have considered the examples of other extensions drawn to my attention by the appellant. However, I note that those examples were permitted under a previous policy framework. I have considered the scheme before me on its merits against the most up to date development plan policy and have found it unacceptable for the reasons set out above.
15. Due to its height and depth and the orientation of the houses at this point, the proposed extension would slightly reduce the amount of sunlight reaching the rear ground floor windows at No 96 for part of the day. However, due to the degree of set back from the shared boundary at first floor level and the pitch of its roof, such effects would be limited. The proposal would also result in little appreciable change in the overall level of daylight reaching those windows and as such, I am satisfied that the proposal would not result in harm to the living conditions of occupiers of No 96 in this respect.

Other Matters

16. The appellant suggests that there is a shortage of affordable, suitably sized homes in the local area to meet their needs, but I have not been provided with any cogent evidence to support this argument.
17. I acknowledge the appellant's desire to remain at the appeal property and the personal circumstances and nature of their employment which underpin their need for additional living and work space. I accept that the proposal would offer some benefits to the appellant in these respects. However, on the evidence before me, I am not persuaded that such needs could not be met by other, less harmful alternatives. I therefore find that withholding planning permission is both proportionate and necessary.
18. I note the appellant's concerns regarding the Council's handling of their application, but such issues are not before me in this appeal and as such, I make no comment on them.
19. The proposal would provide a proportionate degree of biodiversity enhancement in the form of bird boxes and additional planting. However, such benefits would be slight and would not outweigh the harm identified.

Conditions

20. The Council has suggested a number of conditions intended to control various aspects of the proposal. However, the nature of the harms I have identified are such that the proposal could not be made acceptable by the imposition of conditions in any event.

Conclusion

21. I have found the proposed parking space and extension to the existing dropped kerb acceptable. I have also found the proposed extension acceptable with regard to sunlight and daylight.
22. However, the harm to the character and appearance of the area and to the living conditions of occupiers of No 96 with regard to visual impact arising from the proposed extension would be significant, such that I find them to be overriding considerations in this case. I have had regard to the other matters raised, but none alters my conclusions. For the foregoing reasons, I therefore conclude that the appeal should be dismissed.
23. 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.

C Sweet

INSPECTOR

Meeting of:	DEVELOPMENT CONTROL COMMITTEE
Date of Meeting:	29 MAY 2025
Report Title:	AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE
Report Owner / Corporate Director:	CORPORATE DIRECTOR - COMMUNITIES
Responsible Officer:	ADAM PROVOOST STRATEGIC PLANNING POLICY TEAM LEADER
Policy Framework and Procedure Rules:	There is no impact on the policy framework and procedure rules.
Executive Summary:	The purpose of this report is to provide the Development Control Committee with an overview of the public consultation exercise on the draft Affordable Housing Supplementary Planning Guidance (SPG) document. It also summarises the resultant changes made to the SPG and informs Committee of the intention to present the document to Council to seek its adoption following Cabinet approval on 13 th May 2025. Adoption of the SPG will enable effective implementation of the Affordable Housing Policies within the adopted Replacement Local Development Plan (RLDP), the Council's statutory land-use Planning document.

1. Purpose of Report

- 1.1 The purpose of this report is to inform Development Control Committee of the outcome of the public consultation exercise on the draft Affordable Housing Supplementary Planning Guidance (**SPG**) document.
- 1.2 The report also informs Development Control Committee of the intention to present the Affordable Housing SPG (**Appendix 1**) to Council to seek its adoption in order to support the Affordable Housing Policies within the adopted Replacement Local Development Plan (RLDP, March 2024).

2. Background

- 2.1 The adopted RLDP has a key role in ensuring new housing development incorporates a mix of market and affordable housing, thereby contributing to the development of sustainable, cohesive communities. '*Affordable Housing*', for the purposes of the land use planning system, is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable Housing includes *Social Rented Housing* owned by local authorities and Registered Social Landlords (**RSLs**), and *Intermediate Housing* where prices or rents are above those of Social Rent but below market housing prices or rents. All other types of housing are considered market housing, which is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement Affordable Housing.
- 2.2 The scale of Affordable Housing need and spatial distribution thereof were key considerations in determining the overall level and location of housing in the RLDP. The delivery of Affordable Housing is also an integral part of the RLDP's overall housing requirement, which sets a target of 1,711 Affordable Housing units. An integrated mix of tenures is a crucial means of fostering sustainable communities and the RLDP plays a key role in securing suitable accommodation for households both able and unable to meet their needs in the open market. The RLDP's contribution to Affordable Housing provision has been robustly determined by considering the housing need identified in the Local Housing Market Assessment (**LHMA**), alongside rigorous viability testing to ensure formulation of viable Affordable Housing policy thresholds and percentages. However, the RLDP should not be considered the only Affordable Housing delivery mechanism to help address identified housing need.
- 2.3 The RLDP is clear that new housing developments must incorporate an appropriate mix of house types, sizes and tenures to cater for the range of locally identified housing needs. The adopted policy framework for the delivery of Affordable Housing is set out in RLDP Policies COM1-COM5. An Affordable Housing contribution of up to 30% is required on residential developments of ten or more dwellings, subject to the area-wide and site-specific policies detailed within Policy COM3. In the interests of achieving balanced, mixed and sustainable communities, the full percentage of Affordable Housing provision will be sought on-site in the first instance.
- 2.4 The LHMA is a core piece of evidence in this respect as it identifies the level and type of housing need, both numerically and spatially. The latest LHMA was approved by Welsh Government on 15th November 2024. This provides updated evidence to inform the appropriate mix of dwellings for new developments, particularly the types of Affordable Housing (namely Intermediate and Social Rented), in short supply in different areas. This evidence will be used to inform appropriate Affordable Housing provision on new developments.

- 2.5 The existing *SPG 13: Affordable Housing* was adopted on 8th October 2015 and was produced to expand upon the previous LDP's Affordable Housing policies. The existing SPG is therefore out-of-date and requires re-drafting to provide current guidance regarding the implementation of subsequently adopted RLDP Affordable Housing planning policies. The SPG also needs to set new Affordable Housing transfer values for reference in section 106 (s106) agreements. This is due to the Welsh Government's decision to cease publishing '*land and works*' Acceptable Cost Guidance (**ACG**) from 2021, upon which such transfer values were previously based.
- 2.6 The Development Control Committee was informed of the need to revise the Affordable Housing SPG at its meeting on 8th August 2024. The Chair of the Development Control Committee, volunteered to champion production of the Affordable Housing SPG and has since been working alongside the Strategic Planning Policy Team Leader to progress the SPG.
- 2.7 A draft Affordable Housing SPG was then prepared intended to support and provide further direction on implementation of the Affordable Housing policies contained within the adopted RLDP. It outlines how Affordable Housing should be delivered through the planning system throughout Bridgend County Borough. New Affordable Housing must meet '*housing need*' as identified in the LHMA or respond to a local need identified by the Local Housing Authority, while enabling placemaking-led sustainable development. This multi-faceted approach is key to ensuring balanced, socially cohesive and sustainable communities.
- 2.8 The draft SPG provides updated, specific guidance on:
- Affordable housing requirements for residential developments, including the level of provision by location together with the type, tenure, size and standard of affordable housing dwellings required;
 - Sustainable clustering of Affordable Housing and the requirement for all developments to comply with sustainable placemaking principles;
 - The use of planning obligations (via s106 agreements) to secure Affordable Housing provision for the lifetime of the development;
 - The nomination process for RSLs;
 - Definitions of '*nomination rights*' and '*qualifying households*' (incorporating local housing need and local connections);
 - The RLDP's approach to off-site provision and financial contributions in lieu of on-site provision of Affordable Housing;
 - The use of Social Housing Grant (the main capital programme funded by the Welsh Government and made available to RSLs), to deliver Affordable Housing in relation to the planning system;
 - Transfer values for nil-grant Affordable Housing provision;
 - How issues relating to development viability may be considered in respect of Affordable Housing provision; and

- Affordable Housing exception sites (affordable housing on land that would not normally be used for housing).

3. Current situation/ proposal

3.1 On 4th February 2025, a draft version of the SPG was presented to Cabinet. Cabinet resolved to approve that draft SPG as the basis for a public consultation period of 6 weeks. Cabinet also authorised officers to make appropriate arrangements for that public consultation and officers to then report the outcome back to Cabinet for approval to send a report to Council to seek adoption of the final form SPG.

3.2 A 6 week public consultation period was held from 13/02/2025 to 27/03/2025. The consultation was advertised in the following ways:

- Information on the public consultation, including all the documentation, representation forms and how to make representations was placed on the Council's online Consultation Portal.
- Consultation details were sent directly to approximately 150 targeted consultees including all Elected Members, Town and Community Councils, planning consultants, house builders and Registered Social Landlords (**RSLs**).
- A social media campaign was launched to promote the public consultation across various social media platforms, aiming to generate awareness throughout the consultation period. Periodic posts were made on the Council's X (formerly Twitter), LinkedIn and Facebook accounts.

3.3 At the close of the consultation period, three representations were received on the draft SPG: one from the Home Builders Federation, one from a private developer and one from a RSL. Summaries of these representations, together with the Local Planning Authority's (**LPA's**) responses to the comments raised, are provided in **Appendix 2** to this report. Copies of the full representations are held by the Planning Department and can be viewed on request. Given the extensive publication of the consultation and direct targeting of consultees, the response rate is considered positive in that there were no wholesale objections to the contents of the SPG.

3.4 The representors principally commented on the wording of certain paragraphs. Therefore, only minor amendments to the SPG are considered necessary in light of the comments received. These proposed amendments are now incorporated within the final draft SPG, which is attached at **Appendix 1**. The paragraphs proposed for amendment following the consultation are detailed in full at the end of **Appendix 2** for ease of reference and include:

- Enhanced clarification regarding the clustering of affordable homes within mixed-tenure residential developments.
- More emphasis to be placed on the [need for consultation between the LPA and the developer to inform the RSL nomination process.

- Enhanced clarification that alternative viability models to the LPA's model can be utilised subject to prior agreement with the LPA (where necessary).
- Further information on the definition of '*affordable housing*' to be included as part of the introduction of the SPG.

- 3.5 A substantive element of the final draft SPG concerns the setting of new transfer values for nil-grant Affordable Housing secured through s106 as part of major residential developments. While the Welsh Government's 'ACG' was used as a longstanding reference point across Wales for this very purpose, the Welsh Government ceased updating ACG in this manner from 2021, due to a change in the model for determining grant funding.
- 3.6 Bridgend County Borough Council therefore participated in a '*Viability Sub-Group*' convened by the South East Wales Strategic Planning Group (representing the ten LPAs in the South East Wales Region), to determine a new methodology. This Group aimed to set new transfer values for nil-grant Social Rented Housing secured through s106 agreements. The Group's recommended option was to continue to use the 2021 ACG values as a baseline and apply an annual uplift in line with the WG's maximum published Social Rent inflation. This method allows for indexation linked to annual Social Rental increases, provides a regular mechanism to update these values in a transparent way and promotes regional consistency.
- 3.7 This methodology was subject to consultation as part of the draft SPG, with derived transfer values specific to Bridgend County Borough. It is important to note that no objections were raised to this methodology as part of the consultation. As such, the proposed methodology is considered an appropriate basis to set derived transfer values for nil-grant affordable housing secured through the planning system until any replacement national or regional methodology is adopted. In order to ensure these values remain current, it is crucial that they are updated on an annual basis, applicable to both on-site provision of Affordable Housing and commuted sums as appropriate.
- 3.8 On 13th May 2025, Cabinet resolved to approve the presentation of the final Affordable Housing SPG (**Appendix 1**) to Council to seek its adoption. If adopted, the new SPG will add weight to the interpretation and application of RLDP Affordable Housing policies, provide more detailed advice to applicants when preparing planning applications and will become a *material consideration* in the determination of planning applications (including applications for renewal of consents). It will update and replace the previous SPG 13: Affordable Housing (2015).

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 An initial Equality Impact Assessment (**EIA**) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations (Wales) Act 2015 - implications and connection to Corporate Well-being Objectives

- 5.1 The Affordable Housing SPG will provide additional guidance and material weight to support adopted RLDP Policies that seek to enhance the supply of Affordable Housing. This is a key contributory factor to delivering Local Well-being Objective 7 '*A County Borough where we support people to live healthy and happy lives*'.

- 5.2 The SPG will also enhance strategic direction and contribute to the following goals within the Well-being of Future Generations (Wales) Act 2015:

- A prosperous Wales – Enabling households to meet their accommodation needs and reducing homelessness supports a prosperous Wales by supporting people to become financially stable and reducing cost to the public purse.
- A resilient Wales – provision of good quality market and Affordable Housing will increase the resilience of both individuals and communities.
- A Wales of cohesive communities – enabling well-connected, multi-tenure developments will foster sustainable, socially cohesive communities.

6. Climate Change Implications

- 6.1 There are no direct Climate Change implications from this report, although it will provide additional guidance to reduce the impact of housing on climate change and the environment through the provision of good quality Affordable Homes, grounded in sustainable placemaking principles.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding and Corporate Parent implications from this report.

8. Financial Implications

- 8.1 There are no financial implications arising from this report.

9. Recommendations

- 9.1 It is recommended that Development Control Committee:

- (a) Note the contents of the report, the final draft replacement Affordable Housing SPG (**Appendix 1**) and the summary of consultation responses received on the draft Affordable Housing SPG, together with resultant amendments attached as **Appendix 2.**

Background documents

None

Bridgend County Borough
Local Development Plan
2018-2033

Draft Affordable Housing
Supplementary Planning Guidance
June 2025

Cyngor Bwrdeistref Sirol



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Non-Technical Summary

Affordable housing is designed to help low- and moderate-income households rent or purchase homes at below market values. A control is put in place to ensure the rent or mortgage payable is lower than what's available on the open market. Affordable housing is ringfenced for households unable to afford to rent or buy market homes due to their income or other circumstances. Affordable housing includes:

- **Social rented accommodation**, where rent levels are set by the Welsh Government. Social landlords can't raise the rent above these levels. People in social housing usually have a more secure form of tenancy than in private rented housing. Bridgend County Borough's main housing associations use one housing register to allocate social housing. This register is called the Bridgend Common Housing Register. Anyone can apply for social rented housing. However, households must be eligible and in housing need to be added to the register.
- **Intermediate accommodation**, where prices or rents are set above social rent but below market levels. This can help people who can afford more than social rent but are struggling to rent or purchase a home in the market. Intermediate accommodation is designed for households on a low to moderate income and can provide a longer term affordable rental option or a stepping stone to full home ownership. Intermediate accommodation is usually allocated to households based on eligibility criteria relating to affordability and local connections.

The planning system provides a means to secure affordable housing as part of residential developments and the definitions above are for planning purposes. It is acknowledged that some households may not qualify for affordable housing yet still find market housing unaffordable. However, this issue is beyond the scope of this document as the planning system doesn't directly set the price of market housing. This document provides guidance on how the planning system can deliver affordable housing to help boost the supply across Bridgend County Borough.



The Rhiw, Bridgend

Bridgend Local Development Plan 2018-2033
Affordable Housing Supplementary Planning Guidance

iv

1.0 Introduction

- 1.1. The purpose of this Supplementary Planning Guidance (SPG) is to support and provide further direction on implementation of the affordable housing policies contained within the adopted (March 2024) Replacement Local Development Plan (RLDP). It outlines how affordable housing should be delivered through the planning system throughout Bridgend County Borough. New affordable housing must meet '*housing need*' as identified in the Local Housing Market Assessment (LHMA) or respond to a local need identified by the Local Housing Authority (LHA), while enabling placemaking-led sustainable development. This multi-faceted approach is key to ensuring balanced, socially cohesive and sustainable communities.
- 1.2. This SPG will be a material consideration in the determination of all planning applications for residential development including applications for renewal of consents. Once adopted, it will update and replace the previous SPG 13: Affordable Housing (2015).
- 1.3. Anyone wishing to submit an application for residential development within Bridgend County Borough is urged to consider this SPG and to contact the Local Planning Authority (LPA) in advance of submitting an application, to discuss the issues that are raised in this document on a site-specific basis.
- 1.4. This SPG provides specific guidance on:
 - Affordable housing requirements for residential developments, including the level of provision by location along with the type, tenure, size and standard of affordable housing dwellings required;
 - Sustainable clustering of affordable housing and the requirement for all developments to comply with sustainable placemaking principles;
 - The use of planning obligations (via section 106 (s106) agreements) to secure affordable housing provision for the lifetime of the development;
 - The nomination process for Registered Social Landlords (RSLs);

- Definitions of nomination rights and qualifying households (incorporating local housing need and local connections);
- The RLDP's approach to off-site provision and financial contributions in lieu of on-site provision of affordable housing;
- The use of Social Housing Grant (SHG) to deliver affordable housing in relation to the planning system;
- Transfer values for nil-grant affordable housing provision;
- How issues surrounding development viability may be considered in respect of affordable housing provision; and
- Affordable housing exception sites.



2.0 Policy Context

- 2.1 The National Planning Policy context for the provision of affordable housing through the planning system is set out in Future Wales: the National Plan 2040, Planning Policy Wales (PPW) and Technical Advice Note 2 (TAN) Planning for Affordable Housing.
- 2.2 **Future Wales: The National Plan** is the national development framework setting out the direction for development in Wales to 2040. '*Delivering Affordable Homes*' is a key policy within Future Wales (Policy 7) and it is recognised that the planning system has a long established role in this respect. Planning authorities are required to develop strong evidence-based policy frameworks to deliver affordable housing for those who cannot meet their housing needs on the open market. Co-ordinating the delivery of housing to meet identified needs is deemed an important task for the planning system in order to engender socially mixed communities that offer a range of housing types and tenures that cater for varied lifestyles.
- 2.3 **PPW (Edition 12)** highlights the important contribution that affordable housing makes to community regeneration, social inclusion and the development of sustainable communities. It requires LPAs to have a full understanding of the level of affordable housing need within their area, alongside development viability and the availability of public subsidy. PPW requires development plans to include a target for affordable housing that is based on the LHMA and takes account of deliverability and viability considerations. In order to deliver this target, site capacity thresholds and proportions should be set that require residential proposals to provide affordable housing. This applies to both allocated sites and unallocated (windfall) sites, after having duly considered viability to ensure residential sites remain deliverable.
- 2.4 **TAN 2: Planning and Affordable Housing** provides practical guidance on the role of the planning system in delivering affordable housing. The TAN requires LPAs to include an affordable housing target in the development plan (based

on the LHMA), indicate how the target will be achieved using identified policy approaches and monitor delivery of affordable housing against that target. TAN 2 also outlines the role of RSLs, planning obligations and conditions in securing affordable housing; specifying a strong presumption in favour of affordable housing being provided on the application site to engender socially mixed communities. TAN 2 defines affordable housing as,

“housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. However, it is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing” (WG, 2006, para 5.1).

2.5 There are two main types of affordable housing as defined by TAN 2:

- Social Rented Housing - provided by local authorities and RSLs under the Welsh Government (WG) Rent Standard.
- Intermediate Housing - where prices or rents are above those of social rent but below market housing prices or rents (see also para 7.9 of this SPG).

2.6 **Cwm Taf Morgannwg Public Services Board (PSB) Local Well-being Plan 2023-28** outlines how the PSB will work together to deliver the seven well-being goals for Wales, as referenced in the Well-being of Future Generations (Wales) Act 2015. The Plan is framed around the sustainable development principle and focusses on addressing the underlying causes of problems, while helping to prevent them worsening or occurring in the future. There are two key objectives: Healthy Local Neighbourhoods and Sustainable and Resilient Local Neighbourhoods. Delivery of affordable housing through the planning system in areas where there is an identified housing need will significantly contribute to both objectives and foster cohesive, sustainable communities. The RLDP expresses, in land-use terms, the objectives of the Well-Being of Future Generations (Wales) Act 2015 and priorities of the Local Well-being Plan.

3.0 Background

- 3.1 The adopted RLDP is centred on a Vision that seeks continued development of a safe, healthy and inclusive network of communities that connect more widely with the region to catalyse sustainable economic growth. The 2021 LHMA formed a key part of the adopted RLDP's evidence base to deliver against this Vision and derived aims and objectives. The scale and spatial distribution of housing need identified by the 2021 LHMA were key considerations in determining the overall level and location of housing in the adopted RLDP.
- 3.2 While additional affordable housing is needed throughout the Bridgend County Borough, this varies by Housing Market Area in terms of quantity and type. Bridgend is denoted as the Primary Key Settlement in the adopted RLDP and is identified as the highest housing need area in the 2021 LHMA. The other identified high need areas including Pencoed, Porthcawl, the Llynfi Valley and the grouped settlement of Pyle, Kenfig Hill and North Cornelly are also denoted as Main Settlements. Affordability was identified as a less significant issue in the other Valleys housing markets, although the 2021 LHMA still identified a need to diversify the housing stock in these areas and deliver smaller yet sustainable affordable housing, especially 1 bedroom provision.
- 3.3 During the Plan period, development proposals within the RLDP are expected to deliver a target total of 1,711 affordable dwellings across Bridgend County Borough in order to contribute to the level of housing need identified by the LHMA. The Plan's contribution to affordable housing provision has been robustly determined by considering the housing need identified in the LHMA alongside rigorous viability testing to ensure formulation of viable affordable housing policy thresholds and proportions. **The affordable housing target only relates to sources of supply that are funded and delivered through the planning system and the Plan has made provision to deliver the affordable housing target within the designated settlement boundaries.**

3.4 The 2024 LHMA has been completed since adoption of the RLDP (March 2024) and provides updated evidence to inform the appropriate mix of dwellings for new developments, particularly the types of affordable housing (namely intermediate and social rented) in short supply in different areas. The LHMA will be refreshed periodically in accordance with WG Guidance and the latest LHMA will provide the most up-to-date evidence on housing need to inform appropriate affordable housing provision on new developments. However, it must be recognised that the housing need identified in the LHMA represents the scale of the affordability gap in the market and the RLDP itself is not the only affordable housing delivery mechanism to help address such need. The Plan's contribution will therefore form part of several streams of affordable housing supply to meet this identified need, including SHG and other capital/revenue grant funded schemes, RSL self-funded schemes, reconfiguration of existing stock, private sector leasing schemes, discharge of homelessness duties into the private rented sector and re-utilisation of empty properties.



Former Crown Inn, Pyle

Bridgend Local Development Plan 2018-2033
Affordable Housing Supplementary Planning Guidance

4.0 Planning Requirements

- 4.1 The RLDP's Sustainable Housing Strategy makes provision for 8,628 homes to meet the housing requirement of 7,575 homes. This includes delivery of a 1,711 affordable homes target over the Plan period. The strategic planning framework is set out within Strategic Policy 6 (SP6) and supported by Development Management Policies COM 1-5:

SP6: Sustainable Housing Strategy

COM1: Housing Allocations

COM2: Affordable Housing

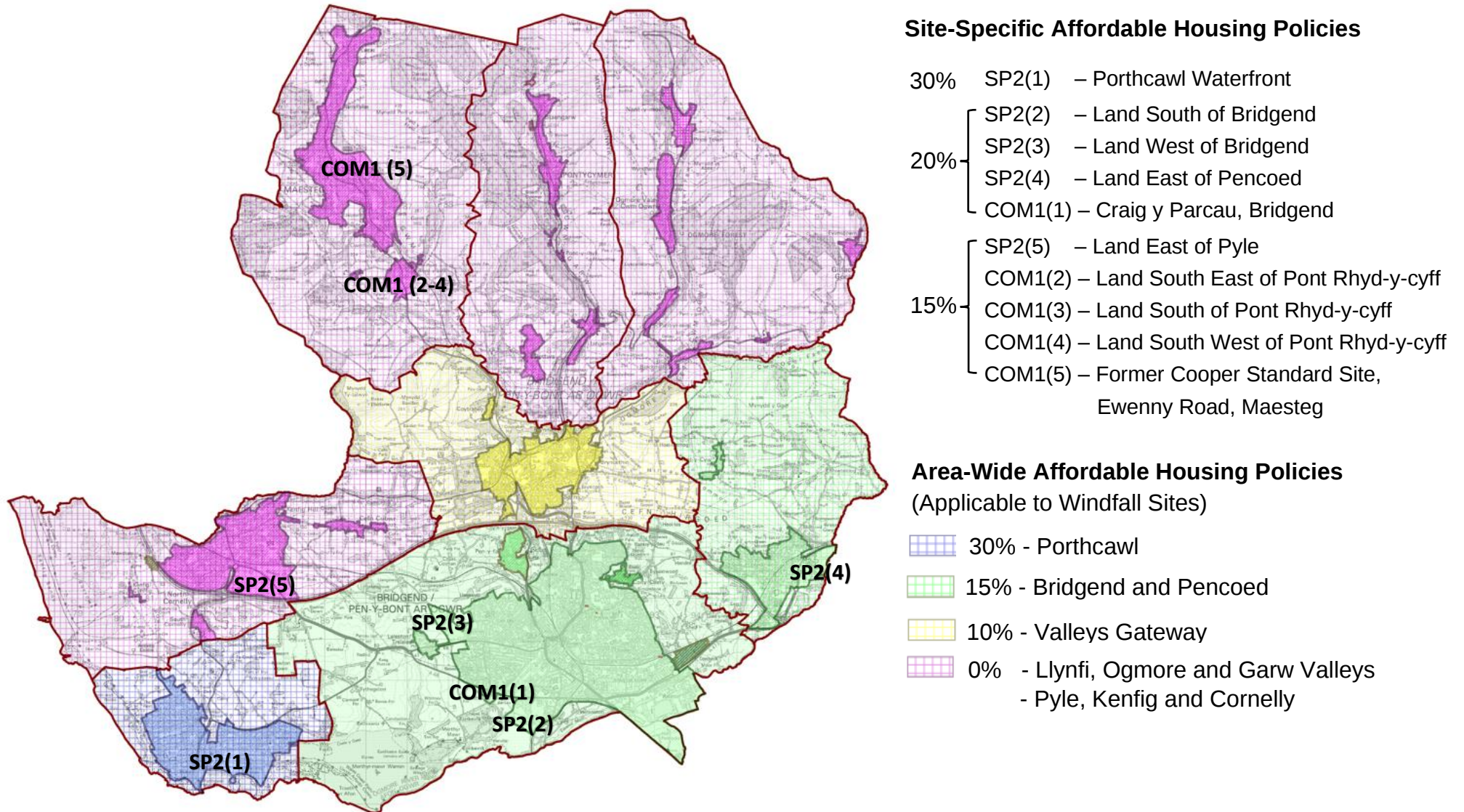
COM3: On-Site Provision of Affordable Housing

COM4: Off-Site Provision of Affordable Housing

COM5: Affordable Housing Exception Sites

- 4.2 Delivery of the affordable housing target will primarily be facilitated through the Strategic Sites and Housing Allocations detailed within COM1. Combined, these components of supply will enable 977 new affordable homes to be delivered over the RLDP period, forming part of the 1,711 affordable homes target. The remainder of the affordable housing target will be delivered through new windfall applications in addition to previous completions and existing commitments at the point of RLDP adoption.
- 4.3 COM3 outlines the affordable housing policy requirements and thresholds for residential development to contribute to meeting the affordable housing target. Policy COM3 includes area-wide and site-specific policies based on the need identified in the LHMA, together with deliverability and viability considerations. These policy differentials are illustrated in Figure 1. The area-wide affordable housing policies will ultimately be used to assess windfall residential applications, whereas the site-specific affordable housing policies will apply to specific allocations, having been informed by bespoke viability assessments. This dual faceted approach recognises the scope for different areas and sites to viably provide affordable housing, along with all other required and necessary planning contributions.

Figure 1: Affordable Housing Requirements, Bridgend County Borough



- 4.4 Policy COM3 applies to all proposals for self-contained residential dwellings (i.e. all uses that fall within class C3 the Use Classes Order in Wales) with a capacity to deliver a net gain of 10 or more dwellings. This includes C3 residential elements of: housing sites, mixed-use developments, developments targeted at households of a prescribed age category (i.e. 'retirement' apartments), sheltered housing or extra care developments.
- 4.5 However, Policy COM3 does not apply to rural enterprise dwellings as such applications will be subject to an appropriate series of separate planning restrictions (based on the guidance detailed in TAN 6). These restrictions will require the retention of a rural enterprise dwelling for rural enterprise workers. In the event that an appropriate rural enterprise worker cannot not be found to occupy such a dwelling, eligibility would then be extended to persons who would be eligible for affordable housing under the LHA's Allocation Policy.
- 4.6 COM3 is clear that, in the event that the target percentage produces a requirement for a partial affordable dwelling, the affordable housing contribution will be rounded up to the nearest whole number. All viability testing supporting the RLDP has been conducted on this basis and this principle applies to both the area-wide and site-specific policy requirements.
- 4.7 Where a site has been subdivided, including where adjacent parcels have been brought forward separately for development, all development parcels will be aggregated and treated as a single proposal for the purposes of applying the thresholds and policies within COM3. Where such circumstances produce combined total dwelling numbers that meet or exceed the specified thresholds, an affordable housing contribution must be provided on-site in the first instance. Off-site contributions will only be accepted in this scenario provided that all criteria within COM4 are met. A financial contribution in lieu of on-site provision of affordable housing must be fully justified and equivalent in value to what would have otherwise been required on-site. These principles also apply in the event that a major housebuilder transfers part of a site to another developer or Small to Medium Enterprise (SME).

5.0 On-Site Provision of Affordable Housing

- 5.1 Policy COM3 seeks to secure appropriate on-site affordable housing provision from new residential developments in order to contribute to the affordable housing requirement set out in Policies SP6 and COM2. On-site provision is considered to be the optimal means of delivering affordable housing in order to foster sustainable, balanced, mixed tenure communities across the County Borough. For this reason, the full policy compliant percentage of affordable housing provision will be sought on-site in the first instance and there will not be a presumption in favour of off-site contributions.
- 5.2 For outline planning applications, a commitment to the delivery of affordable housing will be necessary where applicable, to be secured through a s106 agreement. This commitment will include details of the dwelling types, sizes, standards and tenures that must be accommodated on any subsequent reserved matters application. The siting and layout of those dwellings must then be detailed in any subsequent reserved matters application following liaison with the LPA. The onus will be on the applicant to ensure that the respective affordable dwellings are identifiable on the site layout plan in order for the extant commitment to be met.

Space Standards

- 5.3 WG specifies that *“all affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government’s development quality standards”* (PPW Edition 12, para 4.2.30). This requirement applies to both social rented and intermediate dwellings. Developers should refer to Welsh Development Quality Requirements (WDQR) 2021 (or subsequent updates thereof), which clarify that:

“New affordable homes delivered through planning agreements (under section 106 of the Town and Country Planning Act 1990) and planning conditions will only be required to meet the Appendix A and Appendix B “space requirements” for agreements entered into after 01 October 2021 (WG, 2021, p.1)”.

5.4 Applicants must demonstrate that proposals for all new affordable housing (including social rented and intermediate dwellings) meet these WDQR standards. **The onus will be on the applicant to demonstrate compliance by clearly annotating the plans and confirming in writing that the proposal complies with these requirements.** All family homes should also have a private garden which is safe for small children to play in, convenient to use, of sufficient size and is easy to maintain.

5.5 The requirement to achieve WDQR compliance also applies to rehabilitated general needs affordable homes. WDQR 2021 states:

“Where homes are being refurbished, providers should (if practicable and cost effective to do so) take all opportunities to meet the standard, but where this is not possible homes must have adequate space and facilities for everyday living (ibid.)”.

This guidance will apply to refurbishment proposals that result in a net gain of 10 or more dwellings where the requirements to provide affordable housing under Policy COM3 are met. The applicant will need to demonstrate that the resultant affordable dwellings achieve WDQR compliance in the first instance. Refurbishment proposals that would result in non-WDQR compliant dwellings must be fully justified based on site-specific constraints and/or viability restrictions, while also demonstrating the dwellings will still provide adequate space and facilities for everyday living.

Clustering, Tenure and Dwelling Mix

5.6 Large concentrations of affordable housing can lead to stigmatisation, social disintegration and unstable communities. Supporting paragraph 5.3.28 to Policy COM3 therefore provides further guidance on sustainable clustering of affordable housing within wider residential and mixed-use developments. It is clarified that *“affordable housing should not be obviously segregated through layout, location or design”* and *“integrated into the overall development through separate clusters of no more than ten affordable units”*.

- 5.7 A 10-unit cluster is considered to be the maximum appropriate size for a sustainable cluster of affordable housing on a mixed-tenure housing development. This has been informed by routine discussions with RSL housing managers that operate across the region. Affordable housing clusters of more than 10 units can otherwise become increasingly uncondusive to the delivery and maintenance of balanced, mixed tenure communities. Clusters of affordable housing should be carefully dispersed throughout the development to avoid over-concentration of single tenures in any part of the layout plan and avoid obvious tenure segregation. In instances where development proposals exceed Policy COM3's minimum affordable housing requirements, due to grant support or otherwise, a more flexible approach to clustering may be acceptable where justified, providing this does not jeopardise sustainable integration of affordable units. Equally, where proposals demonstrate they have sought to deliver sustainably high residential densities in accordance with Policy COM6, it may be considered appropriate to abut limited discrete affordable tenure clusters. This may include, for example, one cluster of social rented units abutted to one cluster of Low Cost Home Ownership units, providing the affordable units are sustainably integrated into the wider development.
- 5.8 The precise mix of affordable dwellings in terms of tenure, size and type will vary geographically and over time. In the first instance, applicants should consult the findings of the latest LHMA in order to inform dwelling mixes or otherwise ensure proposals respond to pressing housing need identified by the LHA. In all cases, applicants must demonstrate and justify how they have arrived at a particular mix of housing. The LPA will consider whether the proposal responds to identified housing need and if it contributes sufficiently towards the objective of creating mixed communities. In some instances, a revision to the mix of housing may be necessary to render the development acceptable in planning terms. The LPA will work collaboratively with developers to optimise affordable housing provision in these respects, having regard to all material considerations.

- 5.9 There is a high and longstanding need for sustainable one bedroom accommodation in the social rented sector. One bedroom walk-up flats with no communal spaces are often the most sustainable means of meeting this need. This is due to their high propensity for seamless integration into the street scene, lack of communal spaces to facilitate effective tenancy management and potential for the ground floor to accommodate households with mobility restrictions. In the first instance, developers should strive to meet any identified need for one bedroom social rented provision via walk-up flats.
- 5.10 Policy COM6 specifies that residential development should seek to reflect a density of 50 dwellings per hectare in the first instance, particularly along public and mass transport hubs to maximise opportunities for transit orientated development. A lower density of development will only be permitted where the criteria within Policy COM6 are met, and, in all cases, Good Design must be utilised to maximise the density of development. PPW defines Good Design as being *"not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places"* (WG, 2024, para 3.3). PPW provides five key aspects of Good Design (access, environmental sustainability, character, community safety and movement), which should be applied to all development proposals, at all scales.
- 5.11 It is acknowledged that it may not always be possible to meet the entirety of identified one bedroom social rented need via walk-up flats in order to achieve the policy requirements of COM6. Smaller quantities of flats accessed via communal entrances may therefore be acceptable where they are well integrated into the street scene and do not result in poorly assimilated blocks of social rented flats. Where communally accessed social rented flats are proposed, they should utilise similar scale and massing to other private dwellings within the site to enable design synergies. For example, three storey blocks of flats can be designed in a similar external aesthetic manner to three storey town houses to aid visual integration. Conversely, prominent blocks of social rented flats sited within isolated extremities of site layout plans should

be avoided. Developments should ultimately seek to minimise visual tenure separation by assimilating affordable housing into the wider development through Good Design to promote tenure indistinctiveness.

Nomination and Allocation Process

- 5.12 Affordable housing secured through the planning system should normally be transferred to a Council nominated RSL or to the Council itself and **must be subject to allocation through the Council's Housing Allocation Policy**.
- 5.13 Details of the nominated RSL will be provided by the LHA to the developer prior to commencement of development. The LHA will nominate the RSL for all affordable housing secured through the planning system or take direct ownership of such dwellings in consultation with the developer. No particular RSL will be named in any s106 agreement. The LHA will manage the nomination process in consultation with the developer. This arrangement will also provide flexibility to safeguard delivery of affordable housing in the future should the ownership of the site or the RSL need to change prior to completion of the development.
- 5.14 RSLs should not assume they have been or will be nominated to purchase nil-grant affordable housing secured through the planning system on any particular development site unless this has been confirmed in writing in advance by the LHA. The process for nominating an RSL will be determined and managed by the LHA in consultation with the developer. Proportionate distribution of nil-grant s106 dwellings will be sought across RSL partners over the RLDP period.



Parc Tondur, Tondur

6.0 Off-Site Affordable Housing Provision and Commuted Sums

- 6.1 Policy COM3 is clear that, “*affordable housing will be expected to be delivered on-site in the first instance and off-site provision and/or financial contributions will only be accepted in lieu of on-site provision in exceptional circumstances*”. As such, there is no presumption in favour of deviating from full, policy compliant affordable housing provision delivered on-site. Robust evidence must be provided to demonstrate any exceptional circumstances that may warrant off-site provision or the payment of financial contributions in lieu of on-site provision in accordance with Policy COM4.
- 6.2 The circumstances where off-site provision or commuted sums may be appropriate will be exceptional by their very nature and this SPG does not seek to provide an exhaustive list. Where these exceptions relate to site-specific constraints the onus is on the developer to demonstrate why it would not be possible to utilise Good Design principles to seamlessly integrate affordable and market dwellings by using similar massing, scale and design.
- 6.3 In the event that a completed s106 agreement provides for affordable units to be transferred to an RSL but the LHA is unable to successfully nominate an RSL to acquire those units, then a commuted sum option may be acceptable as a last resort. Once all avenues for transferring the affordable dwellings to an RSL or the Council have been exhausted, the developer would then be able to treat those dwellings as market dwellings subject to the payment of an equivalent sum to the Council in lieu of on-site provision.
- 6.4 In all cases, any off-site provision or commuted sum agreed as a last resort must be equivalent to achieving full policy compliance on-site. If off-site provision is deemed acceptable, the resultant affordable dwellings must be of the same standard, size and tenure otherwise required on-site. If a financial contribution is deemed acceptable, the commuted sum payable to the Council must be of an equivalent value to the developer’s financial contribution required to deliver the affordable housing on-site (refer to paragraph 7.12).



7.0 Funding Arrangements and Transfer Values

- 7.1 Plan-wide and site-specific viability testing has demonstrated that the affordable housing contributions specified within Policy COM3 are viable without subsidy. The RLDP's contribution to meeting affordable housing need is therefore not grant dependent. Developers should not assume that SHG will be made available to support the development of affordable housing on private developments. Developers are expected to provide the equivalent subsidy to deliver affordable housing and this will be factored into the transfer price for each affordable dwelling based on its size, type and tenure.
- 7.2 It is recognised that affordable housing schemes proposed by RSLs will typically seek to deliver a higher percentage of affordable housing than required by COM3 and are often 100% affordable housing developments supported by grant. In such instances, the RSL will still be required to enter in a s106 agreement to secure RLDP policy compliance as a minimum. This is necessary to safeguard affordable housing delivery in the event that the site changes ownership in the future. **An affordable housing led scheme will also not be exempt from other planning obligations necessary to achieve wider RLDP policy compliance. Such obligations may include parks (such as equipped playing areas and recreation space), education provision and/or highways improvements.**

Transfer Values for Nil-Grant Social Housing

- 7.3 Transfer values for nil-grant social housing secured through the planning system have historically been linked to WG's Acceptable Cost Guidance (ACG). The developer's contribution has conventionally equated to the 58% of ACG grant intervention rate that would otherwise be utilised for SHG funded schemes. In essence, the RSL or the Council would purchase each social rented dwelling from the developer for 42% of the full ACG.
- 7.4 ACGs were historically set to include both a land value component and a works component, varying by dwelling size, type and geographical band. They

were used as a common reference point for s106 transfer values as they were considered to represent typical costs for building social rented dwellings. However, WG ceased updating ACGs in this manner from 2021 due to a change in the model for determining grant funding. Works costs are now the only element WG prescribe, with the land value component determined via a bespoke assessment for each SHG scheme. The 'works only' ACGs now published by WG are therefore unsuitable to set nil-grant affordable housing transfer values for s106 schemes. This is because they do not include a land value component and should only be used in conjunction with WG's Standard Viability Model (SVM) to inform SHG funded schemes.

- 7.5 The final 'land and works' ACGs published by WG in August 2021 remain the last reference point to set nil-grant affordable housing transfer values within s106 agreements. However, these values are becoming increasingly outdated and a new methodology is required. Bridgend County Borough Council participated in a Viability Sub Group convened by the South East Wales Strategic Planning Group (representing the ten LPAs in the South East Wales Region) to determine a new methodology. This Group aimed to set new transfer values for nil-grant social housing secured through s106. The Group's preferred and most pragmatic option was to continue to use the 2021 ACG values as a baseline and apply an annual uplift in line with the WG's maximum published social rent inflation. This method allows for indexation linked to annual social rental increases, provides a regular mechanism to update these values in a transparent way and also promotes regional consistency. This methodology has been proposed for use in this draft SPG, although the derived transfer values are specific to Bridgend County Borough.
- 7.6 The resultant 2025 transfer values are detailed in Appendix A and will be updated as necessary. In practice, the nominated RSL or the Council would pay the developer the 'Transfer Values' detailed in Table 1 or Table 2 of Appendix A (dictated by the size of the development). These transfer values are 42% of the uplifted ACG figures, following the longstanding intervention rate used for nil-grant s106 developments. The values vary according to the

dwelling type, size and Housing Market Area (formerly 'band', now re-defined to reflect the eight Housing Market Areas referenced in the LHMA).

Transfer Values for Nil-Grant Intermediate Housing

- 7.7 Successive LHMAs have found that 70% of Open Market Value (OMV) produces a '*usefully affordable*' intermediate product in many parts of the County Borough. However, due to wider house price to income ratios, a 60% OMV product is typically required within Porthcawl in order to meet the needs of newly forming households. All viability testing to support the adopted RLDP has been undertaken on this basis and developers are therefore required to subsidise purchase of intermediate units by 40% of OMV in Porthcawl and 30% of OMV in all other parts of Bridgend County Borough. Households must be either nominated by or nominated in accordance with criteria set by the LHA for intermediate dwellings based on an assessment of housing need.
- 7.8 In practice, the nominated RSL or nominated household would purchase each intermediate unit from the developer for 60% of OMV (in Porthcawl) or 70% of OMV (elsewhere in Bridgend County Borough). The OMV for each dwelling is to be calculated based on equivalent sales values achieved on the respective site. In the unlikely event that there are no similar property types on the development site to inform the OMV, the transfer value is to instead be based on new build Land Registry Price Paid data within the wider vicinity of the site (with an appropriate new build uplift being applied if there is insufficient new build transactional data available to generate robust average prices).
- 7.9 This transfer arrangement applies to all forms of intermediate accommodation, including:
- Low Cost Home Ownership** – where the nominated purchaser buys a home at a percentage of its OMV (i.e. 70%) and the remaining cost of the property (i.e. 30%) would be subsidised by the developer and effectively held as an interest free equity loan by the nominated RSL or Council.

Intermediate Rent – where rents are set above social rents and below market rents.

Shared Ownership – where the nominated household purchases a share of the property and pays rent to the nominated RSL or Council on the remainder.

- 7.10 The most appropriate form of intermediate accommodation should be determined based on the findings of the latest LHMA and/or needs identified by the LHA. However, the fundamental requirement is to produce a usefully affordable intermediate product for households in need across Bridgend County Borough. In order to be considered '*usefully affordable*', intermediate products should seek to achieve a mortgage or rent that is no more than 25% of gross lower quartile household income within the locality. This is based on the affordability criteria justified within the 2024 LHMA, defined in accordance with WG LHMA Guidance (2022), although is a guide rather than a set target. In practice, there can be an overlap between households who can afford different forms of intermediate tenures. The most appropriate intermediate tenures will be determined on a site by site basis, taking local housing market conditions into account. The precise nature of any intermediate tenures to be delivered will require detailed consideration of local house prices, private rents, social rents and housing need and should be agreed with the LHA in the first instance.
- 7.11 Intermediate provision will most likely comprise a mix of Low Cost Home Ownership and Intermediate Rent tenures as they are most likely to produce '*usefully affordable*' end products. The scope to introduce Shared Ownership products is likely to be more limited in most parts of Bridgend County Borough. This tenure can nevertheless be considered as a means of meeting housing need where robust evidence demonstrates Shared Ownership is capable of producing a '*usefully affordable*' product in the market catchment area of the site.

Calculating Commuted Sums

- 7.12 Where a financial contribution in lieu of on-site affordable housing provision has been justified and deemed acceptable by the LPA, it must be secured through a s106 agreement and calculated on the following basis:

Social Rented Commuted Sum Contribution (per dwelling type) =

A) Uplifted ACG x B) Intervention Rate x C) Number of Dwellings

Where:

- A) = the total uplifted ACG value for that dwelling size, type and Housing Market Area as detailed in Appendix A, Table 1 (for developments of 10 homes and under) or Table 2 (for developments of 11 homes and over).
- B) = 58% of A), which reflects the conventional grant intervention rate and the effective subsidy the developer would otherwise be expected to provide on-site.
- C) = the number of social rented dwellings of that size and type the developer would otherwise be expected to deliver on-site.

Intermediate Commuted Sum Contribution (per dwelling type) =

A) OMV x B) Intervention Rate x C) Number of Dwellings

Where:

- A) = the OMV for each dwelling according to its size and type, based on equivalent open market sales values achieved on the respective site. If there are no similar property types on the development site to inform the OMV, the OMV is to instead be based on new build Land Registry Price Paid data within the wider vicinity of the site (with an appropriate new build uplift being applied if there is insufficient new build transactional data available to generate robust average values).
- B) = 40% of A) in Porthcawl or 30% of A) in the remainder of Bridgend County Borough, which reflects the effective subsidy the developer would otherwise be expected to provide on-site.
- C) = the number of intermediate dwellings of that size and type the development would otherwise be expected to deliver on-site.

8.0 Section 106 Agreements

8.1 S106 agreements are legal agreements between a planning authority and a landowner/developer, or undertakings offered unilaterally by a landowner/developer, that ensure certain obligations related to a development are complied with. Affordable Housing is one such type of obligation which will normally be secured by means of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended).

8.2 S106 agreements bind the land, are registerable as a local land charge and apply to successive owners of the land. S106 agreements will typically specify the following in relation to affordable housing:

8.2.1 **The number, type, size, layout, tenure and standard of affordable dwellings to be built on site.** Provisions will also be included for those dwellings to be retained as affordable housing at least for the lifetime of the development or, in accordance with TAN2, include secure arrangements to ensure the recycling of capital receipts to provide replacement affordable housing (where applicable). The onus will be on the applicant to identify the location of the respective affordable dwellings on the site layout plan (for full planning applications) and confirm conformity to WDQR within the terms and conditions of the s106 agreement to ensure compliance. For s106 agreements entered into at outline planning application stage, a commitment to the delivery of affordable housing will be necessary where applicable. This will include details of the unit types, sizes, standards and tenures that must be accommodated on any subsequent reserved matters application. The siting of those committed affordable dwellings must then be detailed in any subsequent reserved matters application following liaison with the LPA.

8.2.2 **Definitions relating to nomination rights and qualified households.** Provisions will be included to define the Council's nomination rights for qualifying households, which is the procedure whereby the Council will identify applicants from its housing list to be housed in any given affordable housing dwelling in accordance with its Housing Allocation Policy. Qualifying

households will also be defined as households that have been confirmed by the Council as being in need of affordable housing in the locality. Such households must be registered on the Common Housing Register or any waiting list held by the Council for housing need, have a life or work connection to the locality or be able to demonstrate that they are unable to meet their housing needs within the open housing market.

8.2.3 Trigger points when affordable housing must be provided on-site. The trigger points will conventionally be tied to the occupation of open market dwellings. Affordable housing will either need to be delivered in full on or prior to the defined trigger point or at phased stages on or before several trigger points (for larger sites).

8.2.4 Transfer arrangements to a Nominated RSL or the Council. Provisions will be included in the s106 agreement to confirm when details of the Nominated RSL or the Council (if the Council is to acquire any affordable dwellings), will be provided to the developer in writing by the Council (normally prior to commencement of development and following consultation with the developer). Details of the transfer price will be included in accordance with the guidance in Chapter 7 of this SPG. The point(s) by which the developer must enter into a contract for the sale of the affordable dwellings to the nominated RSL or to the Council (as applicable) will also be specified in the s106 Agreement.

8.2.5 Contingency arrangements for provision of financial contributions in lieu of on-site provision in exceptional circumstances. Specification of alternative arrangements will be provided if a nominated RSL or the Council declines or fails to purchase the affordable dwellings on-site within a specified period. Such contingency arrangements will firstly include nomination of an alternative RSL followed by payment of a commuted sum equivalent in value to on-site provision (as appropriate). If a commuted sum (calculated in accordance with paragraph 7.12 of this SPG) is paid to the Council in lieu of on-site provision, the developer would then be able to treat those dwellings as

market dwellings. Arrangements for other unusual circumstances such as mortgage default / mortgagee in possession scenarios will also be provided for in the s106 agreement, which is usually necessary to ensure that the affordable dwellings are mortgageable.

8.2.6 The amount and timing of any financial contribution to be paid in lieu of on-site delivery (if appropriate). The commuted sum will be calculated as per the guidance detailed in paragraph 7.12 of this SPG and will be payable at a defined trigger point or phased proportionately over several trigger points (for larger sites). The trigger points will normally be tied to the occupation of open market dwellings.



Barnhaus, North Cornelly

9.0 Affordable Housing Exception Sites

- 9.1 The adopted RLDP seeks to promote sustainable development through its strategic settlement hierarchy. This identifies sustainable growth within settlement boundaries to ensure that the open countryside, as a finite resource, is protected from uncontrolled and unsustainable development. The adopted RLDP includes provision to deliver the affordable housing target of 1,711 affordable dwellings (as specified in SP6) within the designated settlement boundaries in accordance with placemaking principles.
- 9.2 The RLDP also provides a framework to enable affordable housing exception sites via Policy COM5. This policy recognises that there may be specific factors prohibitive to delivery of affordable housing and is intended to act as a ‘pressure valve’ to meet demonstrably pressing housing need. COM5 provides an exception to the general housing provision policies of the RLDP which do not otherwise permit new housing outside of settlement boundaries or on certain sites allocated for other specific uses within settlement boundaries. Nevertheless, Policy COM5 is not intended to be a mechanism to deliver significant quantities of affordable housing within unsustainable countryside locations or other inappropriate locations within settlement boundaries. The policy seeks to enable sustainable developments that are small in scale, exceptional in circumstance and respond specifically to a pressing housing need identified by the LHMA and/or LHA. **An unsustainable site will not become sustainable in planning terms on the sole basis that an applicant intends to deliver 100% affordable housing on that site.** In order for an exception site to be considered acceptable, the applicant must clearly demonstrate that the criteria within COM5 are met in the first instance, while also evidencing conformity with wider RLDP policies as a whole. The RLDP’s affordable housing target does not factor in potential supply stemming from exception sites for these reasons.
- 9.3 The primary consideration outlined within Criterion 1 of Policy COM5 is that *“the proposal meets an identified local need that cannot be satisfied on*

alternative sites within the locality's identified settlement boundary". In the first instance, the applicant must clearly document what identified need the proposal seeks to meet, providing written confirmation evidencing support from the LHA. The applicant must then demonstrate why that need cannot be satisfied on appropriate, alternative sites within the local settlement boundary. This applies whether the proposal is to develop a site in open countryside adjoining an existing settlement or to develop a site allocated for another use within an existing settlement boundary. The applicant should clearly evidence which alternative sites have been considered within the respective settlement boundary and justify why they have been discounted. This approach is necessary to robustly demonstrate why the pressing, identified need cannot be realistically met on alternative sites within the locality's identified settlement boundary in order to fulfil Criterion 1.

9.4 Criterion 2 of Policy COM5 also requires proposals to represent a logical extension to the existing settlement at a scale appropriate to and in keeping with the character of the settlement. Applicants must demonstrate that the development will promote legibility, which is a coherent pattern of development that reinforces local identity and facilitates well defined enclosure character. This latter point is particularly important for exception sites adjoining and edging settlement boundaries in order to retain a sense of rural fringe. Houses should front such rural edges to clearly demarcate where urban space meets countryside. Exception sites should be sensitively designed at a locally appropriate scale and provide pedestrian connections to an existing core of services and facilities to enable assimilation within the existing settlement. Exception sites that are remote relative to the existing settlement, which propose divorced concentrations of affordable housing and/or are of a scale and design that conflicts with local scale and character would be contrary to this criterion.

9.5 Criterion 2 of Policy COM5 also restricts exception sites to proposals comprising no more than ten affordable dwellings. This 10 unit cluster principle has been informed by routine discussions with housing managers in

terms of the appropriate size for a sustainable cluster of affordable homes. This principle follows best practice to disperse affordable housing across larger multi-tenure housing developments and is therefore equally applicable to an exception site. Affordable housing clusters of more than 10 units can otherwise become increasingly uncondusive to the delivery and maintenance of balanced, mixed tenure communities. This 10 dwelling limit applies to all Local Settlements as defined by Policy SF1.

9.6 Policy COM5 does however provide some flexibility to the 10 dwelling cluster for proposals within or adjoining Tier 1 (i.e. Bridgend) and Tier 2 Settlements (i.e. Maesteg and the Llynfi Valley, Porthcawl, Pencoed and Pyle, Kenfig Hill and North Cornelly). Exception site proposals for more than ten affordable dwellings can be considered in these settlements where applicants clearly justify the need to depart from a ten-unit cluster in the context of the wider environ and in response to acute local housing need identified by the LHMA and/or LHA. In order to substantiate the need to develop more than ten affordable homes, applicants must provide a robust affordable housing statement following the guidance detailed in RLDP supporting paragraph 5.3.35, while demonstrating Criteria A, B and C of Policy COM5 have been met. This is fundamental to evidence how a larger exception site would integrate with nearby existing communities in a manner that prevents stigmatisation and non-inclusivity, while maximising opportunities for different household structures to reside cohesively.

9.7 Criterion 3 of Policy COM5 requires any exception site to be *‘in a sustainable location, within or adjoining an existing settlement boundary with reasonable access to at least a basic range of local community services and facilities’*. Proposals that would necessitate future residents to be unduly reliant on the private car will not be in accord with this criterion. These include sites divorced from existing settlements, within remote locations and/or lacking the ability to provide suitable active travel connections. In all cases, Policy COM5 is clear that exception sites must provide enhanced active travel links to connect to the Active Travel Network (walking and cycling routes in designated areas

throughout the County Borough as shown on the Active Travel Network Map) and/or nearest commercial centre as appropriate. Safe, direct pedestrian and cycle access to local convenience retail provision and community facilities (such as a primary school) is essential so that residents are not forced to travel to other destinations to meet their basic needs. Applicants should demonstrate how these policy requirements have been considered and will be achieved when proposing any exception site to meet pressing, locally identified housing need.

- 9.8 In demonstrating Criteria 4 of Policy COM5, applicants should clearly reference how the proposed mix of dwellings, including house types, sizes and tenures has been informed to address the identified housing need for the locality. Clear linkages should be made to the latest LHMA and evidence that the proposal has been devised following dialogue with the LHA should also be provided. Applicants will also be required to enter in a s106 agreement to provide mechanisms ensuring the dwellings are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers in accordance with Criterion 5 of Policy COM5.
- 9.9 As specified within Policy COM5, any form of market housing, which is accommodation that does not conform with the definition of 'affordable housing' set out in paragraph 2.4 of this SPG, will not be permitted on exception sites.

10.0 Development Viability

- 10.1 The thresholds for and percentages of affordable housing provision have been set with regard to the housing need identified within the LHMA, the Plan-Wide Viability Assessment and site-specific viability testing. Deviation from the requirements set out in Policy COM3 should not therefore be necessary and will only be acceptable in exceptional circumstances.
- 10.2 For allocations supported by site-specific viability appraisals at the plan making stage, applicants citing viability issues must clearly demonstrate what variables have changed that may warrant deviation from Policy COM3. Appropriate supporting evidence must be provided to substantiate any such claim and this evidence must be comprehensive. For example, it would not be acceptable to solely highlight a change in one variable (such as build costs), without clearly evidencing how other variables (such as house prices), may have also changed. A comprehensive refreshed viability appraisal must therefore be provided, with all inputs and assumptions being robustly evidenced. Unsubstantiated commentary will not be acceptable.



Ty Llwynderw, Maesteg

- 10.3 For windfall sites, applicants must robustly demonstrate any site-specific constraints, abnormal costs and/or other viability challenges that could necessitate a reduction from the area-wide policies set out within Policy COM3. The LPA will work collaboratively with developers in such instances to evaluate site-specific evidence. Should the LPA agree that robustly evidenced, site-specific issues adversely affect a site's viability at full policy compliance, an appropriate percentage of on-site affordable housing provision will be sought instead. The LPA reserves the right to reject any development viability claims without comprehensive supporting evidence being provided.
- 10.4 In all cases, it is recognised that some information necessary to demonstrate viability may be commercially sensitive. However, this is not a sufficient reason to avoid providing the appropriate evidence to the LPA and this information will be used solely to consider whether any deviation from Policy COM3 is justifiable.
- 10.5 There is a common viability appraisal model in use across the South East Wales Region known as the Burrows-Hutchinson Ltd Development Viability Model (DVM). The DVM has been created as a comprehensive, user-friendly model to assess the financial viability of development proposals. The LPA is able make the DVM available to applicants to appraise the financial viability of a proposed development and demonstrate any necessary deviation from Policy COM3. The primary inputs required to undertake a financial viability appraisal through the DVM are provided in Appendix B.
- 10.6 The DVM and user guide can be released to any applicant subject to the LPA receiving payment of a standard fee (set out in the Council's latest Fees and Charges Schedule). The fee is intended to cover the LPA's administrative costs of locking and distributing the model, verifying the completed appraisal and providing a high-level review to the applicant. However, payment of a fee will **not** guarantee a lower proportion of affordable housing will be deemed acceptable or directly result in the granting of planning permission. The fee will only enable the LPA to consider whether:

- a) the DVM has been completed correctly and appropriately;
- b) the evidence supplied to support the costs and values submitted is sufficient and proportionate;
- c) the suggested timescales for the development are realistic; and
- d) the appraisal accords with policy requirements of the RLDP and with other guidance and/or policy statements that are pertinent to the assessment of viability in a planning context.

10.7 The preliminary fee does not allow for any further time that an applicant might wish to spend debating the findings of the LPA's initial high-level review. It also does not allow for any officer time necessary to re-appraise subsequent submissions of the model and supporting evidence, which will be re-chargeable. Alternative viability models can be used subject to prior agreement with the LPA. In the event of any unresolvable disputes, the LPA may need to draw upon expertise from a third party to act as an independent arbitrator. The costs associated with this must be met by the developer/applicant. For larger sites (of several hundred units), mixed-use developments or sites of a strategic scale, it may be more appropriate for an applicant to commission an independent arbitrator from the outset, following discussion with the LPA.

Appendix A –Transfer Values for Social Rented Dwellings

1.1 The values contained within Tables 1 and 2 below are derived from the 2021 Acceptable Cost Guidance (ACG) figures. A cumulative uplift has been applied for the four financial years since the last (and final) set of 'land and works' ACGs were published by Welsh Government (WG) in 2021. These 2021 ACGs are detailed within Table A, Annex A of the WG publication 'Acceptable Cost / On Costs for Use With Social Housing Grant Funded Housing in Wales', 2021 for self-contained general needs schemes of 11 homes or more. The 2021 ACG values have been uplifted by the following WG maximum social rent uplift caps per annum:

- April 2022 – 3.1%
- April 2023 – 6.5%
- April 2024 – 6.7%
- April 2025 – 2.7%

1.2 The nominated Registered Social Landlord (RSL) or the Council would purchase the social rented units for the respective Transfer Values detailed in Table 1 and 2 (depending on the number of homes planned within the overall development, respectively). These transfer values represent 42% of the uplifted ACG values, which reflects the longstanding grant intervention rate. Commuted sums would be payable at 58% of the uplifted ACG values, which reflects the level of subsidy the developer would effectively be required to provide on-site.

Table 1: Transfer Values for Developments of 10 Homes and Under

Housing Market Area(s)*	Dwelling Size	Dwelling Type	Uplifted ACG from 1 st April 2025	Transfer Values from 1 st April 2025 (42% of Uplifted ACG)	Commuted Sum Values from 1 st April 2025 (58% of Uplifted ACG)
- Ogmore Valley - Garw Valley (Former WG Band 1)	7 Person, 4 Bed	House	£295,990.82	£124,316.14	£171,674.68
	6 Person, 4 Bed	House	£281,431.92	£118,201.41	£163,230.52
	5 Person, 3 Bed	House	£240,763.27	£101,120.57	£139,642.69
	4 Person, 3 Bed	House	£225,602.76	£94,753.16	£130,849.60
	4 Person, 2 Bed	House	£214,172.22	£89,952.33	£124,219.89
	3 Person, 2 Bed	House	£205,749.72	£86,414.88	£119,334.84
	2 Person, 1 Bed	House	£162,674.63	£68,323.34	£94,351.29
	3 Person, 2 Bed	Bungalow	£190,228.25	£79,895.86	£110,332.38
	3 Person, 2 Bed	Flat	£188,182.78	£79,036.77	£109,146.01
	2 Person 1, Bed	Flat	£154,372.45	£64,836.43	£89,536.02
Llynfi Valley (Former WG Band 3)	7 Person, 4 Bed	House	£332,087.26	£139,476.65	£192,610.61
	6 Person, 4 Bed	House	£311,993.58	£131,037.30	£180,956.27
	5 Person, 3 Bed	House	£267,233.99	£112,238.28	£154,995.71
	4 Person, 3 Bed	House	£250,388.98	£105,163.37	£145,225.61
	4 Person, 2 Bed	House	£238,958.44	£100,362.55	£138,595.90
	3 Person, 2 Bed	House	£230,535.94	£96,825.09	£133,710.85
	2 Person, 1 Bed	House	£187,340.53	£78,683.02	£108,657.51
	3 Person, 2 Bed	Bungalow	£220,789.90	£92,731.76	£128,058.14
	3 Person, 2 Bed	Flat	£200,575.89	£84,241.88	£116,334.02
	2 Person 1, Bed	Flat	£165,442.02	£69,485.65	£95,956.37

Housing Market Area(s)*	Dwelling Size	Dwelling Type	Uplifted ACG from 1 st April 2025	Transfer Values from 1 st April 2025 (42% of Uplifted ACG)	Commuted Sum Values from 1 st April 2025 (58% of Uplifted ACG)
• Bridgend • Porthcawl • Pencoed • Pyle, Kenfig and Cornelly • Valleys Gateway (Former WG Band 4)	7 Person, 4 Bed	House	£356,151.56	£149,583.65	£206,567.90
	6 Person, 4 Bed	House	£332,327.91	£139,577.72	£192,750.19
	5 Person, 3 Bed	House	£284,921.25	£119,666.92	£165,254.32
	4 Person, 3 Bed	House	£266,873.02	£112,086.67	£154,786.35
	4 Person, 2 Bed	House	£255,442.48	£107,285.84	£148,156.64
	3 Person, 2 Bed	House	£247,019.98	£103,748.39	£143,271.59
	2 Person, 1 Bed	House	£203,944.89	£85,656.86	£118,288.04
	3 Person, 2 Bed	Bungalow	£241,124.23	£101,272.18	£139,852.05
	3 Person, 2 Bed	Flat	£208,757.75	£87,678.26	£121,079.50
	2 Person 1, Bed	Flat	£172,781.63	£72,568.29	£100,213.35

*The historic WG ACG bandings have been re-defined to reflect Bridgend County Borough's eight Housing Market Areas as referenced in the LHMA.

Table 2: Transfer Values for Developments of 11 Homes and Over

Housing Market Area(s)*	Dwelling Size	Dwelling Type	Uplifted ACG from 1 st April 2025	Transfer Values from 1 st April 2025 (42% of Uplifted ACG)	Commuted Sum Values from 1 st April 2025 (58% of Uplifted ACG)
- Ogmore Valley - Garw Valley (Former WG Band 1)	7 Person, 4 Bed	House	£272,407.81	£114,411.28	£157,996.53
	6 Person, 4 Bed	House	£258,570.84	£108,599.75	£149,971.09
	5 Person, 3 Bed	House	£221,271.19	£92,933.90	£128,337.29
	4 Person, 3 Bed	House	£207,313.90	£87,071.84	£120,242.06
	4 Person, 2 Bed	House	£196,966.25	£82,725.82	£114,240.42
	3 Person, 2 Bed	House	£189,025.03	£79,390.51	£109,634.52
	2 Person, 1 Bed	House	£149,559.59	£62,815.03	£86,744.56
	3 Person, 2 Bed	Bungalow	£175,669.35	£73,781.13	£101,888.22
	3 Person, 2 Bed	Flat	£172,180.03	£72,315.61	£99,864.42
	2 Person 1, Bed	Flat	£141,377.73	£59,378.65	£81,999.08
Llynfi Valley (Former WG Band 3)	7 Person, 4 Bed	House	£308,504.25	£129,571.79	£178,932.47
	6 Person, 4 Bed	House	£289,132.50	£121,435.65	£167,696.85
	5 Person, 3 Bed	House	£247,741.91	£104,051.60	£143,690.31
	4 Person, 3 Bed	House	£232,100.12	£97,482.05	£134,618.07
	4 Person, 2 Bed	House	£221,752.47	£93,136.04	£128,616.43
	3 Person, 2 Bed	House	£213,811.26	£89,800.73	£124,010.53
	2 Person, 1 Bed	House	£174,225.49	£73,174.71	£101,050.78
	3 Person, 2 Bed	Bungalow	£206,231.00	£86,617.02	£119,613.98
	3 Person, 2 Bed	Flat	£184,573.14	£77,520.72	£107,052.42
	2 Person 1, Bed	Flat	£152,447.30	£64,027.87	£88,419.44

Housing Market Area(s)*	Dwelling Size	Dwelling Type	Uplifted ACG from 1 st April 2025	Transfer Values from 1 st April 2025 (42% of Uplifted ACG)	Commuted Sum Values from 1 st April 2025 (58% of Uplifted ACG)
• Bridgend • Porthcawl • Pencoed • Pyle, Kenfig and Cornelly • Valleys Gateway (Former WG Band 4)	7 Person, 4 Bed	House	£332,568.55	£139,678.79	£192,889.76
	6 Person, 4 Bed	House	£309,466.83	£129,976.07	£179,490.76
	5 Person, 3 Bed	House	£265,429.17	£111,480.25	£153,948.92
	4 Person, 3 Bed	House	£248,584.16	£104,405.35	£144,178.81
	4 Person, 2 Bed	House	£238,236.51	£100,059.34	£138,177.18
	3 Person, 2 Bed	House	£230,295.30	£96,724.02	£133,571.27
	2 Person, 1 Bed	House	£190,829.85	£80,148.54	£110,681.32
	3 Person, 2 Bed	Bungalow	£226,565.33	£95,157.44	£131,407.89
	3 Person, 2 Bed	Flat	£192,755.00	£80,957.10	£111,797.90
	2 Person 1, Bed	Flat	£159,786.91	£67,110.50	£92,676.41

*The historic WG ACG bandings have been re-defined to reflect Bridgend County Borough's eight Housing Market Areas as referenced in the LHMA.

Appendix B – Data Inputs Required for Financial Viability Appraisals

- 1) List of open market dwelling types, specifying for each one:
 - a) Number of bedrooms
 - b) Number of habitable rooms
 - c) Gross/net internal floor areas
 - d) Estimated open market value (freehold selling price) with supporting evidence
 - e) Total number of each dwelling type within the proposed development
- 2) List of affordable dwelling types, specifying for each one:
 - a) Number of bedrooms
 - b) Number of habitable rooms
 - c) Gross/net internal floor areas
 - d) Estimated open market value (unrestricted freehold selling price) for intermediate dwellings
 - e) Transfer values (with reference to Appendix A) for social rented dwellings
 - f) Total number of each dwelling type within the proposed development
- 3) Site layout plan for the development (outline, or detailed if available) with net developable areas and dwelling numbers for each element/phase of the proposed development.
- 4) Estimated construction and sales programmes for the development.
- 5) Details of current land ownership or details of the contractual terms and stage of transaction reached for its acquisition by the developer. This must include the land price paid (or, if estimated and not yet paid, the basis for that estimate) and allowance made for acquisition fees and Land Transaction Tax.
- 6) Planning costs and anticipated period before commencement of development (in months) after land acquisition has been completed.
- 7) Housing construction costs (plot costs), as a total sum or £/m², noting any additional allowance made for achieving compliance with forthcoming building regulations. Evidence must be provided to justify what these costs are based on.

- 8) Physical infrastructure costs, broken down between:
- a) Off-site drainage, highway and/or other works, with detailed analysis/justification
 - b) Normal on-site costs for providing road access and services to individual plots (including “externals” such as detached garaging and landscaping, which may be assessed on a fixed average sum per dwelling, or as a percentage of plot costs)
 - c) Abnormal site costs (if any) with detailed analysis/justification
- 9) Allowance made for professional fees in connection with:
- a) Planning and building regulations approvals
 - b) Housing construction costs
 - c) Physical infrastructure works
- 10) Estimated sum (or percentage allowance) for contingencies
- 11) S106 contributions necessary to achieve full RLDP policy compliance and anticipated timing of payments
- 12) Sale and marketing costs for open market dwellings
- 13) Finance costs, including interest rate(s) applied, and the basis for their calculation
- 14) Details of any proposed non-residential uses, including gross external and net internal floor areas, together with estimated costs and revenues associated with those parts of the development. This will include, where available, estimated freehold and rental values for each element/unit, the investment yield(s) on which estimated freehold values have been based/calculated, and details of any pre-lets or forward sale arrangements.

Appendix 2: Consultation Representations, Responses and Resultant Action

Section 5: On-Site Provision of Affordable Housing	
Organisation	Redrow
Representation	It is considered that the suggested clustering of 10 affordable housing units is too low and that 15, more akin to other LPAs, would be appropriate.
Local Planning Authority Response	Large concentrations of mono-tenure affordable housing can lead to stigmatisation, social disintegration and unstable communities. A 10 unit cluster is considered the maximum appropriate size for a sustainable cluster of affordable housing on major, mixed-tenure housing developments. This limit has been informed by routine discussions with RSL housing managers that operate across the region. Affordable housing clusters of more than 10 units can otherwise become increasingly uncondusive to the delivery and maintenance of balanced, mixed tenure communities. This issue was considered as part of Hearing Session 3 during the RLDP Examination. The policy position was deemed sound by the independent Planning Inspector and adopted as part of the suite of RLDP policies and supporting text to those policies (Policies COM3 and PLA1-5 refer).
Resultant Action	No action necessary – the SPG provides supplementary information and guidance in respect of the adopted RLDP policy framework, but it cannot introduce new policies or change the policies in the adopted RLDP.
Organisation	Redrow
Representation	Notwithstanding the first point above it is considered that the wording of a maximum cluster of affordable housing units is too restrictive in some scenarios and more flexible wording should be utilised to take account of:- - The inclusion of flatted accommodation should be an example of whereby clusters of more could be appropriate.

	- If more than a policy compliant affordable housing requirement is delivered on-site (e.g. mixed tenure delivery by RSL or private developer partnering with an RSL) then clusters would likely be larger to enable good placemaking to take place. - From a management perspective RSLs would often prefer to see affordable units delivered through S106 to be in limited clusters as can limit overheads and ease of maintenance.
Local Planning Authority Response	The RLDP does not seek to promote large concentrations of mono-tenure affordable housing for the aforementioned reasons and it is beyond the scope of the SPG to change the adopted policy framework in this respect. Adopted Policies PLA1-5 state that affordable housing delivered as part of strategic sites is “to be integrated throughout the development in sustainable clusters of no more than ten units”. Equally, supporting paragraph 5.3.28 to adopted Policy COM3 states, “Where affordable housing is provided, it should be constructed to Development Quality Requirement Standards and integrated into the overall development through separate clusters of no more than ten affordable units”. The use of the term ‘maximum cluster’ in the SPG therefore accurately reflects this adopted policy framework. In response to the three examples provided: - Firstly, the inclusion of flatted accommodation within a proposed development is not considered to provide a suitable exception to the adopted policy framework alone. - Secondly, the affordable housing policy requirements detailed in COM3 are minimum requirements and assume no availability of grant. The percentage of affordable housing on a mixed-tenure site could be boosted if, for example, grant was secured to ‘top up’ the minimum policy requirements. It is acknowledged that 10 unit clusters may be not prove feasible to deliver completely in instances where the affordable housing ratio increases significantly with grant support. An addition to the SPG would helpfully clarify a degree of flexibility may be warranted in such circumstances and where justified by the applicant.

	- Thirdly, and contrary to the representor's statement, the 10 unit cluster policy was devised following routine discussions with RSL housing managers as to the appropriate size for a sustainable cluster of affordable homes. These discussions indicated the optimal size of a cluster is 6-8 affordable units and 10 units is therefore considered to represent the upper limit of sustainability in this respect. This approach was considered sound by the independent Planning Inspector and forms part of the adopted RLDP policy framework.
Resultant Action	Add a clarifying sentence to paragraph 5.7 that states, "In instances where development proposals exceed Policy COM3's minimum affordable housing requirements, due to grant support or otherwise, a more flexible approach to clustering may be acceptable where justified, providing this does not jeopardise sustainable integration of affordable units".
Organisation	Redrow
Representation	Paragraph 12.4 of Technical Advice Note 2 (TAN 2) states "Local planning authorities should not seek to prescribe through planning conditions or planning obligations which partners developers should use to provide affordable housing, but rather should aim to ensure practical arrangements that will deliver their policy". The proposed wording in paragraph 5.14 of the draft SPG stating "The Process for nominating an RSL will be determined and managed by the LHA (Local Housing Authority)" is considered to contract to TAN 2 advice. It is considered wording of "the LHA can suggest its preferred RSL..." would be more appropriate. The LHA cannot enforce which RSL is ultimately used providing that a developer enters a contract with an RSL (suitably defined to meet Welsh Government (WG) requirements) that operates in the area.
Local Planning Authority Response	As drafted, the SPG does not seek to prescribe a nominated RSL through conditions or planning obligations. Paragraph 5.13 currently states, "no particular RSL will be named within any s106 agreement". This is for several reasons including the future possibility that the RSL first nominated

	by the LHA does not complete the transfer of the affordable housing units or the units need to be transferred to another RSL for a certain reason. Paragraph 3.1 of Technical Advice Note (TAN) 2 states its purpose “is to provide practical guidance on the role of the planning system in delivering” (affordable housing) and emphasises the “need to work collaboratively” to this end. Paragraph 13.1 of TAN 2 also states that “an effective way of achieving control over occupancy is to involve a registered social landlord”. The draft SPG sought to remove ambiguity from the RSL nomination process and this was intended to ensure practical arrangements to deliver the RLDP’s affordable housing policies in accordance with paragraph 5.14 of TAN 2. However, in light of the representor’s comments and the need to work collaboratively as specified within TAN 2, more emphasis will be placed on consultation with the developer to inform the RSL nomination process.
Resultant Action	Paragraphs 5.13, 5.14 and 8.2.4 will be amended to include references to consult with the developer to inform the RSL nomination process.
Organisation	Home Builders Federation
Representation	Para 5.7 HBF suggest that the 10 unit cluster should not be described as a maximum, as on larger housing developments including a number of strategic sites allocated in the plan a larger number may be acceptable. Considering that this cluster could be a mix of tenure types, social rented/low-cost home ownership, this further reduces any perceived impact. HBF would suggest the following alternative wording:

	Although in most cases a 10-unit cluster is considered to be the maximum appropriate size for a sustainable cluster of affordable housing on a mixed-tenure housing development each site will be considered on its own merits.
Local Planning Authority Response	Adopted Policies PLA1-5 state that affordable housing delivered as part of strategic sites is “to be integrated throughout the development in sustainable clusters of no more than ten units”. Equally, supporting paragraph 5.3.28 to adopted Policy COM3 states, “Where affordable housing is provided, it should be constructed to Development Quality Requirement Standards and integrated into the overall development through separate clusters of no more than ten affordable units”. The use of the term ‘maximum cluster’ in the SPG therefore accurately reflects this adopted policy framework. However, it is acknowledged that in certain limited instances, it may be appropriate to abut several discrete tenure clusters of up to ten affordable housing units (such as one discrete cluster of social rented units alongside one discrete cluster of Low Cost Home Ownership units). This may be necessary to facilitate sustainable high density development, while still seeking to avoid undue concentrations of mono-tenure affordable housing, providing this does not jeopardise sustainable integration of affordable units.
Resultant Action	Add a clarifying sentence to paragraph 5.7 that states, “where proposals demonstrate they have sought to deliver sustainably high residential densities in accordance with Policy COM6, it may be considered appropriate to abut limited discrete affordable tenure clusters. This may include, for example, one cluster of social rented units abutted to one cluster of Low Cost Home Ownership units, providing the affordable units are sustainably integrated into the wider development”.
Organisation	Wales and West Housing Association
Representation	With regard to the overall delivery of affordable housing, we have a general concern over the availability of suitable sites and the lack of windfall sites within Bridgend to meet the evidenced need.
Local Planning Authority Response	The SPG clarifies the adopted policy framework although cannot change the adopted affordable housing target, suite of housing allocations or settlement boundaries.

	The RLDP's affordable housing target of 1,711 affordable dwellings has been robustly determined by considering the housing need identified in the Local Housing Market Assessment (LHMA) alongside rigorous viability testing to ensure formulation of viable affordable housing policy thresholds and proportions. The affordable housing target will primarily be delivered on allocated sites and existing sites with planning permission together with windfall sites within the settlement boundaries. There are a range of housing supply components within and to balance the housing trajectory. The affordable housing target and components of supply were both deemed sound at independent examination by the appointed Planning Inspector and form part of the RLDP's adopted policy framework. It is beyond the scope of an SPG to alter the settlement boundaries or allocate additional sites beyond those allocated as part of the recently adopted RLDP.
Resultant Action	No action necessary – the SPG provides supplementary information and guidance in respect of the adopted RLDP policy framework, but it cannot introduce new policies, new allocations or change the policies in the adopted RLDP.
Organisation	Wales and West Housing Association
Representation	The affordable housing requirements for housing allocations and windfall sites are considered to be conservative as a target and more ambitious targets may encourage higher delivery, particularly as these requirements are often eventually reduced. It is appreciated however that this will be dictated by viability on each individual scheme.
Local Planning Authority Response	The SPG clarifies the adopted policy framework although cannot change the adopted affordable housing requirements detailed within Policy COM3, which were subject to independent examination and deemed sound by the appointed Planning Inspector.

	The scale of affordable housing need and spatial distribution thereof were key considerations when determining the overall level and location of housing in the adopted RLDP. During the RLDP period (2018-33), development proposals are expected to deliver a target total of 1,711 affordable dwellings across Bridgend County Borough. The Plan's contribution to affordable housing provision has been robustly determined by considering the housing need identified in the LHMA alongside rigorous viability testing to ensure formulation of viable affordable housing policy thresholds and proportions. The affordable housing target only relates to sources of supply that are funded and delivered through the planning system and the Plan has made provision to deliver the affordable housing target within the designated settlement boundaries. As such, this target represents the added value the RLDP will contribute to affordable housing supply alongside a range of other delivery mechanisms. These include, although are not limited to, Social Housing Grant, other capital/revenue grant funded schemes, RSL self-funded schemes, reconfiguration of existing stock, private sector leasing schemes, discharge of homelessness duties into the private rented sector and re-utilisation of empty properties. In summary, the RLDP is one mechanism to increase affordable housing supply. It has maximised nil-grant affordable provision as far as possible by setting robust affordable housing policies although cannot address all affordable housing need identified across the County Borough alone. Viability testing undertaken as part of RLDP preparation demonstrated the affordable housing policies cannot be increased further without grant intervention.
Resultant Action	No action necessary – the SPG provides supplementary information and guidance in respect of the adopted RLDP policy framework, but it cannot introduce new policies or change the policies in the adopted RLDP.
Organisation	Wales and West Housing Association
Representation	It is hoped that the Council will take a pragmatic approach to limiting affordable housing to clusters of no more than 10 units. Whilst the reasoning is understood, limiting to clusters of 10 may not always be appropriate and it would seem reasonable to have this as a target rather than an upper limit and

	for planning officers to have the flexibility to determine what is appropriate for individual sites and locations.
Local Planning Authority Response	The RLDP does not seek to promote large concentrations of mono-tenure affordable housing for the aforementioned reasons and it is beyond the scope of the SPG to change the adopted policy framework in this respect. Adopted Policies PLA1-5 state that affordable housing delivered as part of strategic sites is “to be integrated throughout the development in sustainable clusters of no more than ten units”. Equally, supporting paragraph 5.3.28 to adopted Policy COM3 states, “Where affordable housing is provided, it should be constructed to Development Quality Requirement Standards and integrated into the overall development through separate clusters of no more than ten affordable units”. The use of the term ‘maximum cluster’ in the SPG therefore accurately reflects this adopted policy framework. However, and as aforementioned, further clarity will be added to the SPG to account for situations where: A) More flexibility may be required where the percentage of affordable housing exceeds Policy COM3’s minimum affordable housing requirements, due to grant support or otherwise. B) It may be appropriate to abut several discrete tenure clusters of up to ten affordable units (such as one discrete cluster of social rented units alongside one discrete cluster of Low Cost Home Ownership units) in order to facilitate sustainable, high density development in accordance with Policy COM6.
Resultant Action	Add clarifying sentences to paragraph 5.7 that state, “In instances where development proposals exceed Policy COM3’s minimum affordable housing requirements, due to grant support or otherwise, a more flexible approach to clustering may be

	acceptable where justified, providing this does not jeopardise sustainable integration of affordable units”. And “Where proposals demonstrate they have sought to deliver sustainably high residential densities in accordance with Policy COM6, it may be considered appropriate to abut limited discrete affordable tenure clusters. This may include, for example, one cluster of social rented units abutted to one cluster of Low Cost Home Ownership units, providing the affordable units are sustainably integrated into the wider development”.
Section 6: Off-Site Provision of Affordable Housing and Commuted Sums	
Organisation	Wales and West Housing Association
Representation	No comment – this policy is supported.
Local Planning Authority Response	Noted.
Resultant Action	No amendments necessary.
Section 7 and Appendix A: Funding Arrangements and Transfer Values	
Organisation	Redrow
Representation	Redrow acknowledges that the approach/methodology proposed is following on that undertaken on a regional basis with the Vale of Glamorgan having already adopted their updated transfer values. From the adoption date of the SPG Redrow would strongly suggest that the values are updated ideally every 6 months or as a minimum every 12 months and commitment made to this. This is to ensure that contracts with RSLs can be entered into reflecting up-to-date information.

Local Planning Authority Response	The proposed methodology seeks to provide an annual uplift to the transfer values in Appendix A in line with the WG's maximum published social rent inflation. The rent cap is published by WG annually so it will not be possible to update the values every 6 months. However, the original intention was to allow for indexation linked to annual social rental increases. The representor's suggestion to update the values annually is therefore supported. This will provide a reference point for use in s106 agreements.
Resultant Action	No amendments necessary. Council approval will be sought to update the transfer values within Appendix A on an annual basis to ensure they remain current.
Organisation	Wales and West Housing Association
Representation	These changes are supported as they enable transparent conversations to be held with housebuilders and limit the opportunity to reduce on-site deliverability through viability arguments, thereby encouraging the delivery of affordable housing.
Local Planning Authority Response	Noted.
Resultant Action	No amendments necessary.
Section 8: Section 106 Agreements	
Organisation	Redrow
Representation	As commented on under section 5 above, the Council should not have a definitive say on the Nominated RSL and this be stipulated within the S106 agreement. It is suggested that paragraph 8.2.4 of the draft SPG be re-worded to reflect the previous comments made under section 5 above.
Local Planning Authority Response	As drafted, the SPG does not seek to prescribe a nominated RSL through conditions or planning obligations. Paragraph 5.13 currently states, "no particular RSL will be named within any s106 agreement". This is for several reasons including the future possibility that the RSL first nominated

	by the LHA does not complete the transfer of the affordable housing units or the units need to be transferred to another RSL for a certain reason. Paragraph 3.1 of TAN 2 states its purpose “is to provide practical guidance on the role of the planning system in delivering” (affordable housing) and emphasises the “need to work collaboratively” to this end. Paragraph. 13.1 also states that “an effective way of achieving control over occupancy is to involve a registered social landlord”. The draft SPG sought to remove ambiguity from the RSL nomination process and this was intended to ensure practical arrangements to deliver the RLDP’s affordable housing policies in accordance with paragraph 5.14 of TAN 2. However, in light of the representor’s comments and the need to work collaboratively as specified within TAN 2, more emphasis will be placed on consultation with the developer to inform the RSL nomination process.
Resultant Action	Paragraphs 5.13, 5.14 and 8.2.4 will be amended to include references to consult with the developer to inform the RSL nomination process.
Organisation	Home Builders Federation
Representation	Para 8.2.1 HBF question the need for the S106 to include the ‘standard of affordable Homes’ as this is already set by WG in the Welsh Housing Quality Standard (WHQS).
Local Planning Authority Response	Planning Policy Wales (para 4.2.30) requires all affordable housing, including that provided through planning obligations and planning conditions to meet WG’s Development Quality Requirements. This is equally referenced in RLDP supporting paragraph 5.3.28 to Policy COM3. Inclusion of this requirement within s106 agreements will ensure these obligations are complied with by means of a legal agreement under s106 of the Town and Country Planning Act 1990, thereby providing clarity to

	the owners and any successive owners of the land. It will also provide certainty to the nominated RSL or Council when surveying dwellings prior to handover.
Resultant Action	No amendments are considered necessary.
Organisation	Wales and West Housing Association
Representation	We are generally supportive of this guidance. We would welcome a mechanism whereby grant funded additional social housing could be facilitated through Section 106 Agreements. We would also encourage a suite of standard Section 106 conditions.
Local Planning Authority Response	The affordable housing policy requirements detailed in COM3 are minimum requirements. The percentage of affordable housing on a mixed-tenure site could be boosted if, for example, grant was secured to 'top up' the minimum policy requirements. As drafted, the SPG would not prevent additional grant funded social housing from coming forward. Equally, s106 agreements are utilised to secure the RLDP's minimum policy requirements in this respect and would not prevent additional grant funded social housing from coming forward. The LPA would work collaboratively with the developer and/or RSL in such instances. A standard s106 template is in development to complement this SPG; for use in the drafting of future s106 agreements involving affordable housing contributions. While this process is related to the SPG it is ultimately a separate exercise.
Resultant Action	No amendments are considered necessary to the SPG itself, although comments are noted in respect of s106 working practices.

Section 9: Affordable Housing Exception Sites	
Organisation	Wales and West Housing Association
Representation	We agree in principle with this guidance. In terms of restricting exception sites to proposals of no more than 10 dwellings, this will not always be appropriate, and it may be that some sites outside of Tier 1 and Tier 2 locations could be suitable for a larger number of units, particularly where this has a positive impact on viability. It is considered that this should be a target rather than an upper limit and we would encourage the onus to be placed on planning officers to determine what is appropriate for individual sites. We are supportive of the flexibility for larger exception sites within and adjoining Tier 1 and Tier 2 settlements.
Local Planning Authority Response	The SPG clarifies the adopted policy framework although cannot change adopted Policy COM5: Affordable Housing Exception Sites, which was subject to independent examination and deemed sound by the appointed Planning Inspector. The RLDP seeks to prioritise delivery of affordable housing within the designated settlement boundaries in accordance with placemaking principles. COM5 is intended to act as a 'pressure valve' to meet very pressing housing need that is both small in scale and exceptional in circumstance and clearly cannot be accommodated within settlement boundaries. It is not intended to be a mechanism to deliver significant quantities of affordable housing within inappropriate or unsustainable countryside locations.

	Policy COM5 will facilitate delivery of small affordable housing schemes within or adjoining existing settlements where it can be clearly demonstrated that there is a pressing local need and this need cannot otherwise be accommodated within the respective settlement boundary. Affordable Housing Exception Sites must typically comprise of no more than ten units, which is the appropriate size for a sustainable cluster of affordable housing. However, Policy COM5 recognises that the Tier 1 (Bridgend) and Tier 2 (Llynfi Valley, Porthcawl, Pencoed and Pyle, Kenfig Hill and North Cornelly) Settlements are the most sustainable in the settlement hierarchy. Proposals for more than 10 affordable units may be acceptable within or adjoining Tier 1 and Tier 2 Settlements where justified in accordance with Policy COM5. This issue was considered as part of Hearing Session 3 during the RLDP Examination and the resultant policy position was deemed sound by the independent Planning Inspector.
Resultant Action	No action necessary – the SPG provides supplementary information and guidance in respect of the adopted RLDP policy framework, but it cannot introduce new policies or change the policies in the adopted RLDP.
Section 10 and Appendix B: Development Viability	
Organisation	Home Builders Federation
Representation	HBF request that some additional wording is added to indicate that other viability models can be used, but it is suggested that the model to be used is agreed with the Council prior to its use.
Local Planning Authority Response	There is no objection to the proposed amendment. While the LPA is able to make the Development Viability Model available to applicants, the SPG does not seek to prohibit the use of certain alternative viability models subject to prior agreement with the LPA. Clarification will be added to the SPG.
Resultant Action	Add a clarifying sentence to paragraph 10.7 that states “alternative viability models can be used subject to prior agreement with the LPA”.

Other Comments	
Organisation	Wales and West Housing Association
Representation	We are generally supportive of the SPG and have no further comments.
Local Planning Authority Response	Noted.
Resultant Action	No amendments necessary.

Proposed SPG Changes as a Result of the Consultation

The paragraphs proposed for amendment following the consultation are detailed below, for the reasons explained in the previous table. Strikethrough text is used to indicate proposed deletions from the SPG, whereas blue text is used to indicate proposed additions to the SPG. Only paragraphs proposed for amendment are included below, there are no proposed changes to the remainder of the draft SPG following consultation. The final draft version of the SPG (**Appendix 1**) incorporates the proposed amendments below.

- 5.7 A 10-unit cluster is considered to be the maximum appropriate size for a sustainable cluster of affordable housing on a mixed-tenure housing development. This has been informed by routine discussions with RSL housing managers that operate across the region. Affordable housing clusters of more than 10 units can otherwise become increasingly uncondusive to the delivery and maintenance of balanced, mixed tenure communities. Clusters of affordable housing should be carefully dispersed throughout the development to avoid over-concentration of single tenures in any part of the layout plan and avoid obvious tenure segregation. *In instances where development proposals exceed Policy COM3's minimum affordable housing requirements, due to grant support or otherwise, a more flexible approach to clustering may be acceptable where justified, providing this does not jeopardise sustainable integration of affordable units. Equally, where proposals demonstrate they have sought to deliver sustainably high residential densities in accordance with Policy COM6, it may be considered appropriate to abut limited discrete affordable tenure clusters. This may include, for example, one cluster of social rented units abutted to one cluster of Low Cost Home Ownership units, providing the affordable units are sustainably integrated into the wider development.*
- 5.13 Details of the nominated RSL will be provided by the LHA to the developer prior to commencement of development. The LHA ~~will reserves the right to~~ nominate the RSL for all affordable housing secured through the planning system or take *direct* ownership of such dwellings *directly in consultation with the developer.* ~~On this basis,~~ No particular RSL will be named ~~with~~ in any s106 agreement. The LHA will manage the nomination process *in consultation with the developer.* This arrangement will also provide flexibility to safeguard delivery of affordable housing in the future should the ownership of the site *or the RSL need to* change prior to completion of the development.
- 5.14 RSLs should not assume they have been or will be nominated to purchase nil-grant affordable housing secured through the planning system on any

particular development [site](#) unless this has been confirmed in writing in advance by the LHA. The process for nominating an RSL will be determined and managed by the LHA [in consultation with the developer](#). Proportionate distribution of nil-grant s106 dwellings will be sought across RSL partners over the RLDP period.

8.2.4 Transfer arrangements to a Nominated RSL or the Council. Provisions will be included in the s106 agreement to confirm when details of the Nominated RSL or the Council (if the Council is to acquire any affordable dwellings), will be provided to the developer in writing [by the Council](#) (normally prior to commencement of development [and following consultation with the developer](#)). Details of the transfer price will be included in accordance with the guidance in Chapter 7 of this SPG. The point(s) by which the developer must enter into a contract for the sale of the affordable dwellings to the nominated RSL or [to the Council \(as applicable\)](#) will also be specified in the s106 Agreement.

10.7 The preliminary fee does not allow for any further time that an applicant might wish to spend debating the findings of the LPA's initial high-level review. It also does not allow for any officer time necessary to re-appraise subsequent submissions of the model and supporting evidence, which will be re-chargeable. [Alternative viability models can be used subject to prior agreement with the LPA](#). In the event of any unresolvable disputes, the LPA may need to draw upon expertise from a third party to act as an independent arbitrator. The costs associated with this must be met by the developer/applicant. For larger sites (of several hundred units), mixed-use developments or sites of a strategic scale, it may be more appropriate for an applicant to commission an independent arbitrator from the outset, following discussion with the LPA.

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TRAINING LOG

All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.

Subject

Public Rights of Way

Date

28 May 2025

Tree Policy - Green infrastructure

To be arranged.

(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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