

REFERENCE: P/17/569/BCB

APPLICANT: BCBC Property Services Civic Offices, Angel Street, Bridgend, CF31 4WB

LOCATION: Brynmenyn Primary School site Bryn Road Brynmenyn CF32 9LA

PROPOSAL: Outline application for the erection of 3 detached houses with garages on the site occupied by Brynmenyn Primary School

RECEIVED: 4 July 2017

SITE INSPECTED: 25/07/2017

APPLICATION/SITE DESCRIPTION

The application proposes the demolition of the existing school buildings on the site to allow for the redevelopment of the land for three detached dwellings with garages. The application is in outline with all matters reserved for future consideration.

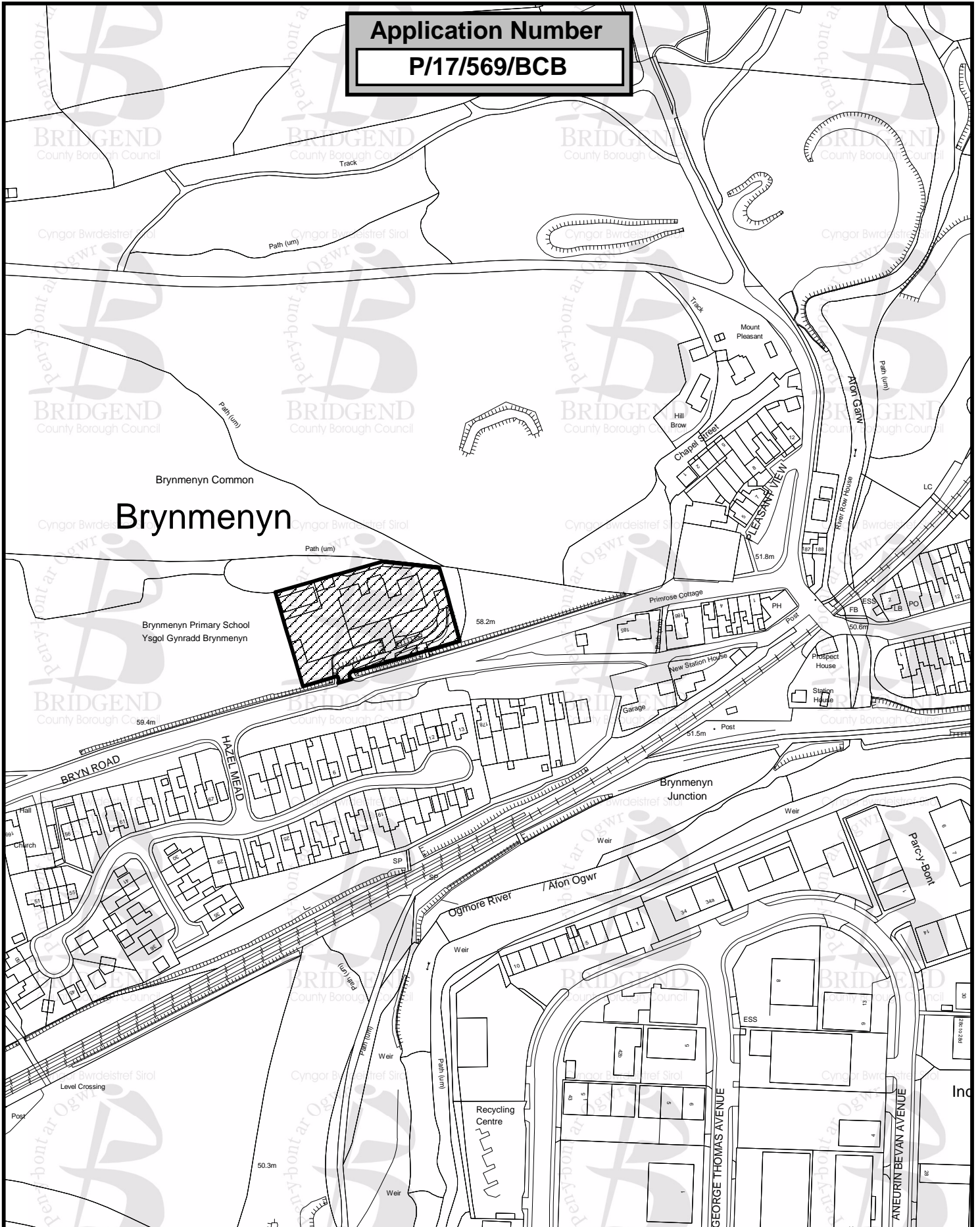
An indicative layout has been submitted which shows that part of the existing driveway, which slopes upwards from Bryn Road is to be used to access the proposed development. The plan indicates, however, that from the point adjacent to the eastern site boundary where the current driveway joins the school forecourt/playground, the access will proceed towards the rear of the site turning in a north westerly direction, with a turning head provided in the north eastern corner of the site. Beyond the turning facility, the access road will continue in a westerly direction parallel to the northern site boundary. The three plots will be located on the southern side of the access driveway with the three dwellings set back approximately 7m from the southern edge of the access driveway. Following negotiation with the applicant, the scale parameters for the dwellings have been amended as follows:-

	Minimum	Maximum
<u>Dwellings</u>		
Length	15m	17m
Width	10m	12m
Height	7.5m	8.5m
<u>Garages</u>		
Length	5.8m	6.2m
Width	5.8m	6.2m
Height	4.5m	5.5m

Each property will benefit from a south facing amenity space varying between 29m in depth for Plot 3, which lies to the west of the site entrance, to approximately 20m for Plots 1 and 2.

Application Number

P/17/569/BCB



Scale 1:2,500

Date Issued:
19/09/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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The application site is located on the northern side of Bryn Road and is currently occupied by the Brynmenyn Primary School, which is to be relocated to a brand new facility in Tondu. The facility is bounded on its western, northern and eastern sides by Brynmenyn Common. The site is a roughly rectangular area of land on the south facing slope of a hillside. The existing school comprises a cluster of buildings surrounded by relatively level hard surfaced playground facilities. The buildings and playground are elevated approximately 7-10m above Bryn Road with a steeply sloping bank between the road level and the playground. This bank is largely grassed but it also contains a number of mature trees. Stone steps in the eastern section of the frontage lead from Bryn Road up to the vehicular driveway with a second smaller set of steps located slightly to the west leading from the driveway to the playground. It was noted during the site inspection that a number of mature Scots Pines adjoin the eastern site boundary. Similarly a line of mixed deciduous trees are located adjacent to the existing rubble stone retaining wall that runs along the northern site boundary. A line of trees is located adjacent to but outside the western and northern site boundaries. Footpath 8, Ynysawdre, which crosses Brynmenyn Common, runs in close proximity to the northern boundary of the site.

RELEVANT HISTORY

A number of relatively minor applications relating to the operation of the Primary School and Nursery in 2006 but none relevant to the current application.

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 4 August 2017

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition.

Destination & Countryside Management - No objection in principle to the development but highlight that a bat and nesting bird survey together with an arboricultural assessment will be required in respect of any full or reserved matter application to progress with development on the site.

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Drainage) - No objection subject to condition.

The Coal Authority - It is confirmed that the application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the planning application.

The applicant has obtained appropriate and up to date coal mining information for the development site, which has been used to inform a Coal Mining Risk Assessment. The report identifies that the site can be suitably and safely developed without the need to carry out mitigation measures.

On the basis of the Coal Mining Risk Assessment Report, the Coal Authority raised no objection to the proposed development.

Councillor Tim Thomas Requests that the application be referred to Committee to

consider the access arrangements from Bryn Road and whether a Japanese Knotweed control plan is required.

Group Manager Public Protection - No objection but highlights precautionary investigations that a future developer may consider.

REPRESENTATIONS RECEIVED

10 Hazel Mead - Objects to the proposal but does not request to speak at Committee. The grounds of objection are:-

1. Access is totally unsuitable for lorries during development and redevelopment resulting in adverse impact on the main road, which is already in a poor state of repair.
2. It is believed that the land is owned by the Duchy of Cornwall and therefore they should give permission for any removal of the school.
3. What will happen to the Sarah Thomas Memorial Plaque?
4. The Council should find a more suitable use for the building
5. The building has played an important part in the local community's childhood and upbringing.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by the Ward Member and local resident:-

Access - Notwithstanding the objections regarding the adequacy of the existing access, the Highways Department is satisfied that, subject to relatively minor improvements to the junction of the access driveway with Bryn Road, it is suitable to serve a development of up to three dwellings. A condition requiring a demolition and construction management plan will enable the Authority to exercise a degree of control over these phases of the development.

Land ownership - A check on the title deeds undertaken by the Property and Legal Department confirms that the School site is owned by the Council.

Memorial Plaque - Given the historic relevance of the plaque to the Brynmenyn Primary School it is considered that its relocation to the new school building would be the most appropriate solution to this issue.

Alternative Uses for the Building - Whilst the local resident considers a more appropriate re-use of the site and buildings should be found, due to its design, location and internal layout, the conversion of the existing buildings to other uses is not feasible. In any event the Local Planning Authority can only assess the planning merits of the submitted scheme.

Significance of site to local community - Again, whilst it is acknowledged that the premises have played a significant role in the community for a period exceeding 100 years, this is not relevant to the assessment of the current application.

Invasive Species - The case officer did not witness any invasive species being present on the site but, as a precaution, a condition requiring a full survey of the site for these non native species can be included within the ecological investigations that will be required to accompany any future full or reserved matters submission.

APPRAISAL

The application is referred to Committee to consider the representations of the Ward Member and the local resident.

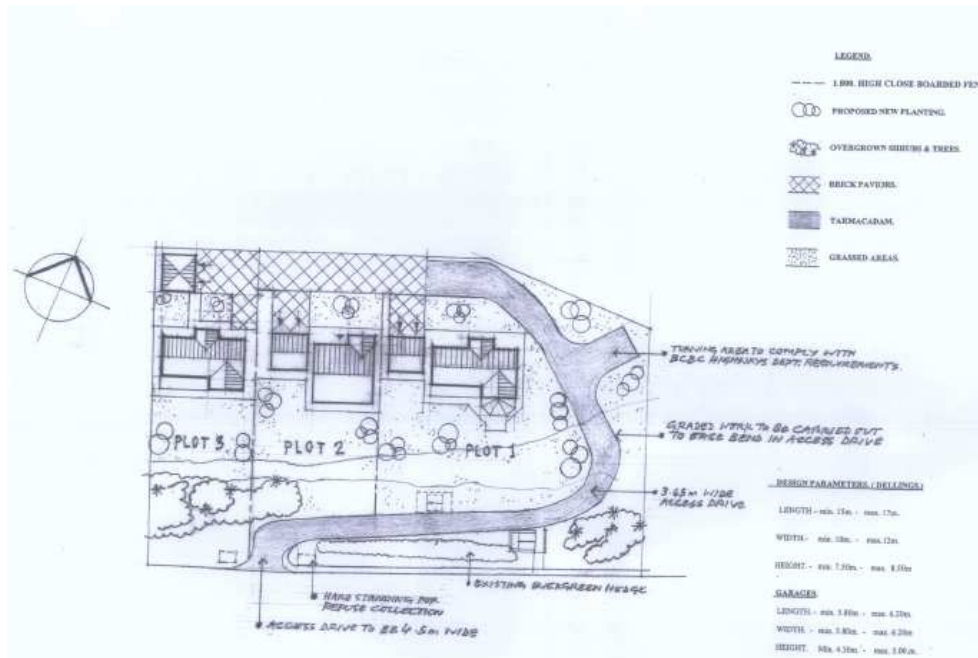


Illustration 1: Indicative Site Layout Plan

As indicated in the description of development, the application proposes the demolition of the buildings on the site to allow for its redevelopment for three detached dwellings with garages. The application site is located within the Valleys Gateway Strategic Regeneration Growth Area as defined by Policy SP1 of the Bridgend Local Development Plan (LDP). This Policy states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

The site lies within the settlement boundary of the Valley Gateway settlement of Brynmenyn as defined by PLA1 of the LDP. This Policy states that development will be permitted within the settlement boundaries at a scale commensurate with the role and function of settlements. The proposal seeks to erect three detached houses with garages on the site occupied by Brynmenyn Primary School and therefore Policy COM3 applies. This Policy states that residential developments within settlement boundaries defined by Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other LDP Policy protects the building or land for an existing or alternative use. It is considered that the principle of residential development on this site would be acceptable subject to compliance with other relevant LDP policies.

The site lies within a Coal Authority Mining Referral Area. A Coal Mining Risk Assessment submitted with the application confirms that the site can be suitably and safely developed without the need to carry out any mitigation measures. It is noted that the adjacent surrounding land is designated as a Mineral Safeguarding Area by Policy ENV9 of the

LDP. The proposals are wholly within the existing School boundary walls and therefore do not intrude onto this designation.

Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals should be assessed. In respect of the proposed dwellings, it is considered that criteria 1,2,3,4,6,9,10,12 & 13 would be relevant.

As an outline application seeking to establish the principle of the development only at this time, it is not possible to confirm compliance with criterion 2 (Design Quality). The next criterion seeks to ensure that the scale, size and prominence of the proposed development is appropriate to its location and surroundings. In this case, the originally proposed height parameters were considered to be excessive (between 9.5m and 10m), given the elevated nature of the site, as the proposed parameters could have potentially allowed three storey development, which would be out of character with the surrounding area. The height parameters have now been reduced to limits more compatible with two storey development (and the existing height of the main school building) and the garage height parameters have also been reduced accordingly. It is now considered that the proposals are compatible with the first three criteria. The surrounding land is identified as a Landscape Conservation Area in the Local Development Plan, however, the proposal will not result in a built form over and above the existing school and as such there will be no adverse impact on the wider landscape.

Criterion 4 seeks to ensure that development uses land efficiently by being of a density which maximises the potential of the land whilst respecting surrounding development and having a preference for previously developed land rather than greenfield land. In this case, as a redevelopment of a school site, it accords with the latter requirement. With regard to density, although the site area extends to approximately 0.4 hectares, the steeply sloping nature of the land, together with the access constraints, significantly reduce the developable area. It is therefore considered that limiting the scheme to three dwellings is appropriate.

Related to the consideration of density and site area, Policy COM5 of the LDP states that the Authority will expect an appropriate element of affordable housing to be provided on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. As indicated above, although the site area exceeds the limit identified in the Policy, the geographic constraints significantly limit the level of development that can be accommodated on the land. On the basis of these impacts, it is considered reasonable to forego the requirement to provide a contribution to the provision of affordable housing in this instance.

Criteria 6, 9, 10 and 13 require development proposals to incorporate efficient access to and within the site, safeguard or enhance biodiversity whilst ensuring the site is free from contamination and include appropriate arrangements for disposal of foul sewage, waste and water. It is considered that appropriately worded conditions can be imposed to ensure that any future full or reserved matters submissions incorporate measures to appropriately address these issues. The final relevant criterion (12) seeks to ensure that the viability and amenity of neighbouring users and their occupier will not be adversely affected. The application site is immediately surrounded by Common Land and, due to the separation distances to the nearest dwellings, which are located to the south in Hazel Mead, it is considered that the proposed dwellings will not significantly impact on either the visual or residential amenities of these residents.

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

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

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

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

Given the nature of the application site, it is considered that it will be necessary for bat, bird and tree surveys be undertaken prior to any demolition or site clearance works. It is acknowledged that such investigations can be undertaken at a later date and used to inform any future full or reserved matters application including the provision of any mitigation measures that may be identified as being required. It is therefore considered that appropriately worded conditions can be imposed in order to ensure that the proposed development complies with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

A condition requiring a Demolition and Construction Method Statement will be imposed to ensure that any invasive non native plants (including Japanese Knotweed as referred to by Councillor T Thomas) found on the site are suitably managed.

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

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

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

Whilst determining this application Policies PLA1, COM3, COM5, SP2 and ENV9 of the Bridgend Local Development Plan were considered.

CONCLUSION

The application is recommended for approval because the development is compatible with Council policy and does not so significantly impact on highway safety as to warrant refusal of the scheme. Due to the relatively isolated nature of the application site, the proposals do not adversely impact on nearby residential properties.

RECOMMENDATION

(R28) That for the purposes of Regulation 4 of the Town and Country Planning Regulations that permission be deemed to be GRANTED subject to the following conditions:-

1. Approval of the layout, scale, appearance of the buildings, or means of access thereto and proposals for landscaping (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority before any development commences.

Reason : The condition is imposed in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason : The condition is imposed in accordance with Section 92(2) (a) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason : The condition is imposed in accordance with Section 92(2)(b) of the Town and Country Planning Act 1990.

4. The development shall be limited to three detached dwellings with garages laid out in general conformity with the amended indicative site layout plan received on 15 September 2017.

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

5. No development shall commence on site including any demolition or site clearance works, until a Demolition and Construction Method Statement has been submitted to

and agreed in writing by the Local Planning Authority. The Management Plan shall include:-

- (i) A bat, tree and nesting bird survey, including any European Protected Species Licence issued by Natural Resources Wales and any mitigation measures in the event that the survey identifies the presence of bats and nesting birds;
- (ii) The proposed timetable for the phasing of demolition works;
- (iii) The timing and routing of HGV construction traffic to/from the site to avoid school starting and leaving times;
- (iv) Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during the demolition and construction of the development;
- (v) Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the maintainable highways;
- (vi) Methods of dealing with any controlled waste including removal to a registered site by a registered waste carrier;
- (vii) Measures to control the emission of dust and dirt from the demolition and construction phases;
- (viii) Details of any fencing for the protection of any retained trees before any equipment, machinery or materials are brought onto the site for the purposes of the development. The fencing shall be maintained throughout the course of the development with no other materials stored or placed in any area fenced in accordance with this condition. The ground levels within the fenced areas shall not be altered nor shall any excavation be made; and
- (ix) Measures to control any invasive non native species found to be present on the site.

The demolition and construction works shall thereafter be undertaken in accordance with the agreed Method Statement and identified mitigation measures.

Reason : In the interests of conserving biodiversity and highway safety.

6. The existing access shall be provided with vision splays of 2.4m by 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason : In the interests of highway safety.

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

Reason : In the interests of highway safety.

8. Notwithstanding the indicative site layout plan, prior to the development being brought into beneficial use, vehicle turning facilities shall be provided within the curtilage of the site in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority so as to enable vehicles to enter and leave the site in a forward

gear. Thereafter the turning facilities shall be provided in permanent materials in accordance with the agreed scheme and retained in perpetuity.

In the interests of highway safety.

9. Any future reserved matters submission shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall be completed in accordance with the approved details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

11. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

12. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason : To ensure safe drainage of the site.

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

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

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

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

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the

development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

16. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval because the development is compatible with Council policy and does not so significantly impact on highway safety as to warrant refusal of the scheme. Due to the relatively isolated nature of the application site, the proposals do not adversely impact on nearby residential properties.

(b) The developer is advised that in order to remove the School Warning and Keep Clear in accordance with the requirements of Condition 3, it will be necessary to revoke an existing Traffic Order. The cost for the necessary legal process to achieve this revocation will be approximately £7,000.00.

(c) The developer is advised that in order to satisfy the drainage Condition 12 the following supplementary information will be required:-

- (i) A drainage layout showing both foul and surface water sewers and their discharge points;
- (ii) Infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
- (iii) A plan showing the location of trial holes and at least 3 separate infiltration tests at each trial hole;
- (iv) Design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water system;
- (v) A timetable for its implementation; and
- (vi) A management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

(d) The observations received from Dwr Cymru/Welsh Water are attached for the developer's information and consideration in respect of connections to the public sewerage system.

(e) The developer's attention is drawn to the observations received from Public Protection in respect of the possibility of gases (landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto, and recommended investigation and monitoring of the area.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved..

Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

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 the safe development and secure occupancy of the site rests with the developer.

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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None