

REFERENCE: P/16/366/OUT

APPLICANT: Merthyr Mawr Estate C/O Stansgate Planning, 9 The Courtyard,
Timothys Bridge Road, Stratford Upon Avon CV37 9NP

LOCATION: Land west of Maesteg Road, Tondu CF32 9DF

PROPOSAL: 450 dwellings, 1000 sq.m. Class B1 use, highway works, public open space

RECEIVED: 9 May 2016

APPLICATION/SITE DESCRIPTION

This Outline planning application proposes a development of up to 450 dwellings, 1000 square metres of business uses on 0.5 hectares of land (Use Class B1), highway improvement works along with the provision of public open space, green infrastructure, two attenuation ponds and all other associated works on 21.8 hectares of land located off Maesteg Road, Tondu. All matters of detail have been reserved for future consideration.

The application site lies within a larger area of 43 hectares identified in the adopted Bridgend Local Development Plan (LDP) 2013 as a regeneration and mixed use development on a former opencast site. Policy PLA3 (10) describes the site as one of a number of brownfield and under-utilised sites within a defined settlement. Some development has already taken place within the area identified in policy with residential development to both the north and the south of the application site. Retail uses including a supermarket and smaller units have been built in the southern part of the site along with a Waste Transfer Station.

The wider area is predominantly residential, with some commercial uses along Maesteg Road. Parc Slip Nature Reserve adjoins the western boundary of the site. The railway line runs on a north-south line to the east of the main part of the application site and the proposed highway works include a scheme to improve the junction of A4065 and A4063, close to the railway bridge. The northern portion of the site is located within the Derllwyn Road, Tondu Conservation Area. There is one Scheduled Monument, the Remains of Tondu Ironworks to the north-east of the application site. There are three Listed Buildings located beyond the eastern edge of the site - two bridge piers on the incline plane and a mile marker on Maesteg Road.

There is an area of protected trees towards the north-eastern corner of the site (TPO No.3 1954 refers).

Levels across the main part of the site fall from north-east to south-west.

Public Rights of Way 12, 16 and 17, as well as other informal paths, run through the site. Footpaths 13 and 17 incorporate National Cycle Network Route 4 which also runs through the site.

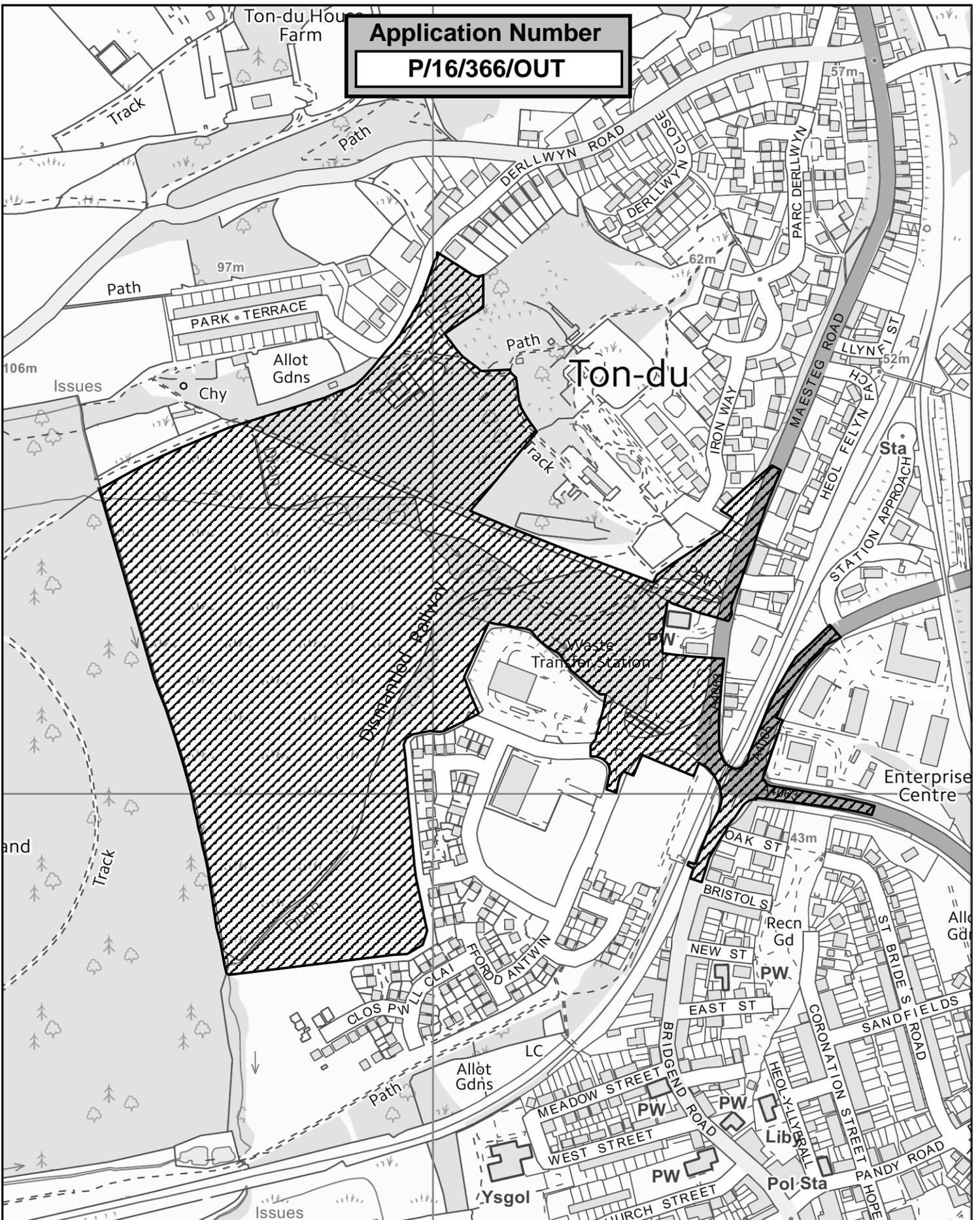
Given the previous use of the site, there are contamination issues associated with a re-development scheme. Part of the site also lies within a coal mining risk referral area.

The scheme will comprise of the following components:

- 450 houses of detached, semi-detached, link and flat types

Application Number

P/16/366/OUT



Scale 1:5,000

Date Issued:
08/03/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Sirol



- 1000m² B1 floorspace with car parking in a landscaped setting at the gateway to the site
- A new link road from Ffordd Haearn (Iron Way) exiting at the highway roundabout spur adjacent to the Waste Transfer Station
- A series of Public Open Spaces and green infrastructure with a central 'Village Green' with Local Equipped Area of Play (LEAP) facilities and satellite areas of smaller public spaces including Local Areas of Play annexed to individual housing phases;
- 2 attenuation ponds in landscaped settings, one being new and one being an expansion of an existing pond;
- A highway network connecting with a footway and pathway network joined onto existing Public Rights of Way (PROW) and National Cycle Route 4
- A series of ecological corridors and buffer zones at the edge and through the centre of the development to maintain connectivity for species commuting, foraging and migrating.

The Design and Access Statement that accompanied the application describes the physical and policy context of the site and the proposed design which has evolved from an analysis of site features, looking at site boundaries, heritage and archaeology, ecology, access points, footpaths and links, levels and flooding, engineering and drainage constraints. Three development zones have been identified:

1. *The Annexe Land - this land fronts, in part, Derllwyn Road and backs onto the Scheduled Ancient Monument; this land is located on the edge of the settlement boundary and is characterised by a more informal form of development consisting of two storey houses – it is proposed to be a medium scale development area;*
2. *The Urban Enclave - this is the car park adjacent to the chapel and is a small development parcel allied most closely to the older housing on Maesteg Road. It is a relatively small scale development area but opportunity exists for larger scale buildings (2-4 storeys);*
3. *The Main Development Area - this is the largest and flattest part of the site and is also the most regular in shape. The periphery of the main development area consists of the existing Llanmoor estate on two sides and Parc Slip and the woodland wedge to the west and north. The appropriate design response for this area should be small scale buildings, 2 storey e.g. similar to the existing Llanmoor Homes development.*

The Design and Access Statement includes a table showing the parameters to which the building forms will adhere. In summary, the housing will range from 4.5m x 7.5m to 15m x 9m in terms of building footprint with the height of the building starting at 8.5m (2-storey houses) to the ridge to 13.5 (4 storey housing). The design of the development will ultimately be determined under a Reserved Matters application following the grant of outline planning permission. The applicant however suggests that key elements can be incorporated within the site development which will create character and these are:

1. *The new pond to the south west which will be addressed by low-key roads and fronted by houses,*

2. *The central public open space which will be fronted by a tree-lined 'boulevard' on 3 sides and addressed by house fronts on all four sides. It will act as the site heart and a waypoint on the spine road providing a vista through to Parc Slip.*
3. *The Woodland Drive - a peaceful stretch of link road linking the main development area to the Annexe Land. Here the onlooker will pass through mature woodland between the two developed areas.*
4. *The enhanced NCR4 with new housing partially filtered in view by trees fronting the route and providing natural surveillance making the route more useable in twilight hours.*
5. *The revitalised 'Quarry Pond' replanted and cleared out with marginal species, a boardwalk and with houses fronting one aspect which will view the pond set in an enclave of woodland.*
6. *The Gateway Commercial Development giving gravitas and status to the main entrance to the site and lifting the existing commercial architecture past its current dismal status by association and dilution.*
7. *The Urban Enclave reinvigorating the town with a new piece of architecture and possibly tying in material used with the main site area, building an architectural style bridge between the old town and the new slightly divorced site.*
8. *The reinforcement of Derllwyn Road by developing on the opposite side of the existing stock to enhance the sense of place here.*
9. *The bank edge addressing the woodland shielding the Ancient Monument.*

Primary vehicular access to the site will be a continuation of the existing western arm of the Pentre Felin/Lidl/Proposed Link Road roundabout. Additionally, an emergency access is proposed to the north of the site onto Derllwyn Road. The road network within the site will be designed in detail to reflect the local character areas with primary, secondary and tertiary roads. From the primary road loop road network there will be a series of secondary and tertiary road types with carriageway dimensions of broadly 4.8m and 4.1m respectively. The intention is to create a 20mph environment within the site in order to encourage pedestrian and cycle activity.

The developer, in response to this Council's aspirations within the LDP (PLA3 (10)), is proposing a new 'link road' to bypass a small length of Maesteg Road (approximately 200m), which will result in approximately 300m of new road. As a result of this link road, Maesteg Road in its present arrangement will be stopped up with a suitable turning head arrangement, with the only vehicular traffic being 'access-only' to the small number of dwellings as well as the Church.

The link road will utilise the currently un-used northern arm on the Pentre Felin/Lidl roundabout, and will join Maesteg Road at its current junction with Ffordd Haearn/Iron Way. The new bypass will pass through land owned between the Council and the applicant. Arboricultural and Ecological Studies have been undertaken to assess the effect and quantity of mitigation required in this area. The current Ffordd Haearn/Iron Way priority T-junction with Maesteg Road will move to accommodate the new layout of the link road and Maesteg Road to the south will be accessed by a priority T-junction. The new link road will form the major road in this location.

The Design and Access Statement indicates that the housing will be planned in response to the site constraints with the important woodland block, which separates the northern and southern areas, being retained with a road providing only minimal intervention to allow the two areas to be physically joined in development terms. The northern area will be cleared because of the lack of quality of tree stock here and the amount of invasive weed which thrives on this part of the site. The green 'bund' which has been provided as part of the Llanmoor development will be maintained to the eastern edge. The woodland block between the proposed commercial and residential areas will remain and will be allowed to mature and thicken.

The new designed landscape will fall into three broad categories:

1. *Buffer Landscape – new designed landscape around the open site boundaries to protect these original edges and prevent humanised erosion and light spill. Housing will face onto these spaces to prevent back garden 'creep'.*
2. *Public Open Space – designed landscape spaces which act as 'lungs' for the development and take the dual function for play and recreation. .*
3. *Structure planting to the Spine Road – a scheme of landscaping that will include formal tree planting along the spine route of the site within a landscaped strip adjacent to the highway and separating the pavement.*

It is expected that the site will come forward in various phases and the Design and Access Statement includes a plan illustrating the geographical position of the phases but not necessarily the order. Phase 1 – 11.25 acres = 135 units; Phase 2 – 8.0 acres = 93 units; Phase 2/3 – 30 units; Phase 3 – 8.0 acres = 92 units; Phase 4 – 8.0 acres = 100 units; Phase 4 – 10,000sq ft. commercial development.

The following documents have accompanied the application:

- Location Plan provided by C W Architects Ltd
- Design and Access Statement (Draft C) provided by C W Architects Ltd
- Archaeological and Heritage Assessment and Addendum Report (25/1/2018) prepared by The Environmental Dimension Partnership Ltd (EDP)
- Preliminary Ecological Appraisal provided by Soltys Brewster Ecology
- Level 2 Survey Report provided by Soltys Brewster Ecology
- Desk Study & Coal Mining Risk Assessment Report Tondu – Rev A April 2016 provided by Integral Geotechnique
- Preliminary Utility Strategy provided by ARUP
- Tondu Drainage Strategy 3 provided by ARUP
- Transport Assessment and Addendum Reports provided by Vectos Transport Planning Specialists

- Tree Survey, Categorisation & Constraints Report 20 February 2016 provided by Steve Ambler & Sons Tree Specialists Ltd
- Topographical Survey TONDU 2D Rev C provided by Walters Group
- Illustrative Masterplan provided by C W Architects Ltd – (See Figure 1 below)



Figure 1: Illustrative Masterplan

RELEVANT HISTORY

P/96/945/FUL - Creation of Community Route (Cycle and Pedestrian) from Bedford Park Road, Parc Slip Nature Centre, along the verge of A4065 Tondy, along railway line to Brynmenyn - Conditional Consent 23 December 1996

P/97/869/OUT - This Outline planning application sought consent to reclaim and re-develop a site of some 45 hectares for residential, business & industrial (B1, B2 & B8) uses and a Heritage Park. The schematic layout that accompanied the application indicated the re-alignment of the A4063 through the site and the configuration of the other uses around the proposed Tondy Ironworks Heritage Park. The Council resolved to grant planning permission subject to the developer entering into a S106 Agreement in respect of the following:

- a) No development shall commence on either of the two 2.3 ha residential areas until:-
 - (i). the areas allocated for industry have been re-profiled to create level sites and the service road to serve both industrial areas constructed;
 - (ii). the business area has been re-profiled to create level sites for development and any contamination made safe;

- (iii). a car parking area for 20 cars and one coach has been laid out in the south west corner of the Heritage Park.
- b) Access to the residential development approved under application 96/277 shall not be obtained from Derllwyn Hill but from the south as part of the proposal and to stop up vehicular access from the site to Derllwyn Hill at a suitable location
- c) Not to seek planning permission for the development other than a highway within the corridor safeguarded for a possible future highway link to the north between the 5 ha industrial area and the 2.3 ha residential area and Heritage Park and north of the 5 ha industrial area shown on drawing 4

The required S106 obligation was not progressed and the application was treated as WITHDRAWN on 9 February 2000.

ADJOINING SITE

P/04/818/OUT - Outline planning permission was sought for residential development, highway infrastructure, shops, a hotel, restaurant, a medical centre, crèche and waste transfer station. Whilst all matters of detail for most of the development were reserved for future consideration, **the application included full details of the waste transfer station and the proposed highway works, including the main spine road to serve the development.** The Council resolved to grant planning permission subject to the developer entering into a S106 Obligation to provide 20% of the dwellings as affordable housing, a Neighbourhood Equipped Area of Play (NEAP), a contribution of £173,800 towards the provision of education facilities on the commencement of development, dedication of land for highway improvements and to construct the Waste Transfer Station prior to the occupation of any part of the development. The Agreement was signed and the permission was granted on 22 December 2005.

P/07/542/RES - (Lidl Site) Reserved Matter Consent was granted for a supermarket with parking and access arrangement on a site covering some 7000 sq m on 16 July 2007

P/07/904/RLX - Permission was granted to vary conditions 39 and 40 of application P/04/818/OUT to allow variations to the bunding and landscaping around the Transfer Station - Conditional Consent 16 October 2007.

P/07/920/RES - (Llanmoor Homes Site) submitted as a Reserved Matters application pursuant to P/04/818/OUT for a development of 152 dwellings - Conditional Consent 6 March 2008.

P/08/156/OUT – (Pentre Felin Retail Park site) Tondu IV Limited sought Outline planning consent for the erection of shops, restaurant and medical centre with associated access, parking and servicing. The application represented a variation of the original mix of uses and levels of floorspace consented under P/04/818/OUT. The application did not include a hotel or leisure facility but proposed increases to the size of the shopping centre and medical centre. Conditional Consent 23 May 2008.

P/10/745/RLX – (Waste Transfer Station Site) - May Gurney Limited sought to vary the operating times of the Waste Transfer Station that had been controlled under condition 3 of P/04/818/OUT. The condition was amended as follows:

The Waste Transfer Station shall only operate and accept deliveries between the following times: 07.00 hours - 19.00 hours Monday to Friday 07.00 hours - 13.00 hours Saturday except those Saturdays immediately following a Bank Holiday when the permitted hours of operation would be 07.00 hour - 19.00 hours. Not at all on Sundays except for a maximum

of 3 Sundays per year immediately following a Bank Holiday when the hours of operation would be 07.00 hours - 19.00 hours.

Reason: - In the interests of residential amenity.

P/11/431/FUL – (Waste Transfer Station Site Parking Area) – temporary planning permission was granted to use the site of the former Tondu Primary School as a parking area for the staff of the Waste Transfer Facility. Conditional Consent 25 August 2011.

P/12/816/RES – (Llanmoor Homes Site) – this application sought to amend the layout approved under P/07/920/RES by substituting house types. It resulted in an overall reduction from 152 units to 150. Conditional Consent 20 December 2012.

P/12/847/FUL – (Llanmoor Homes Site) - permission was granted to construct 35 residential units comprising 25 units on the land originally to be developed for affordable housing and 10 units on an area of residual land to the west of the site which had not been included in the original Reserved Matters consent. A clause within the S106 agreement attached to consent P/04/818/OUT required the appointed Registered Social Landlord to purchase the land within a prescribed timeframe. A failure to do so would result in the obligation falling. The RSL did not acquire the land and it was subsequently consented for the development of private housing. Conditional Consent 20 February 2013.

P/13/113/RLX - (Pentre Felin Retail Park Site) - permission was granted to extend the period of time for the submission of a Reserved Matters application in relation to P/08/156/OUT. The period was extended until June 2016.

P/14/14/FUL - (Lidl Site) - extension to the food store. Conditional Consent 21 February 2014.

P/14/703/RLX – (Llanmoor Homes Site) - removal Conditions 12 & 13 of P/12/847/FUL relating to Code for Sustainable Homes. Conditional Consent 4 December 2014.

P/15/322/FUL - (Pentre Felin Retail Park Site) – this application sought full planning permission for the erection of 2 x A1 units and 2 x A3 units on what is now known as the Pentre Felin Retail Park Site. The application proposed a layout which was similar to that approved under P/08/156/OUT, the differences being the removal of the medical centre, the replacement of a larger A3 unit (742 square metres) with two smaller A3 units (232 square metres in total) and alterations to the car parking layout. Conditional Consent 16 October 2015.

P/17/610/FUL – (Lidl Site) –demolish the existing Lidl retail foodstore and replace with a new retail foodstore (Use Class A1), together with the rearrangement of the car parking, external areas and servicing arrangements. The Development Control Committee has resolved to grant planning permission subject to the developer entering into a S106 Agreement.

PUBLICITY

The application has been advertised in the press and on site as a major development but one that also affects the setting of a Listed Building.

Neighbours have been notified of the receipt of the application.

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

CONSULTATION RESPONSES

Newcastle Higher Community Council: The Community Council have provided a number of letters in respect of the application. The following is a summary of the concerns:

Size of the village: The proposal represents a significant increase in the size of the village — in effect to double the size of the community. Lack of realistic provision for necessary infrastructure. Most people are concerned about the scale of the increase of urbanisation of the area.

Transportation: The proposals for works on a road junction do not seem to be satisfactory as this will not ease the bottleneck at Tondu Bridge. The A4063 is the only way to Maesteg and the communities beyond Tondu. Due consideration ought to be given to how to ensure people can travel and if the road can cope. Most local people feel that it cannot and they are living with it.

Water and drainage matters: The Community Council is aware that Welsh Water has expressed reservations about the water supply to such a large number of additional houses and to the consequent drainage and flooding implications. This is a serious matter, as events have proved over recent years.

Environmental considerations: Due to the industrial archaeological heritage of the site, it is technically a brownfield site but by now has developed its own ecology and biodiversity and it would be a tragedy to destroy it. This view came out strongly and was raised by many people. There may be an argument to reset the clock to the extent that this one has. People don't want to stop all development but they do want to preserve enough nature to give biodiversity a chance.

Necessary additional infrastructure to facilitate proposals: There appears to be no plan as yet for a Section 106 Agreement between Authority for some of the necessary and substantial additional facilities that would take place. It is hoped that this is in hand.

Quality of life for residents of Tondu and Aberkenfig: This Council is aware that many highly qualified residents who have expertise in the environment, transport and drainage matters for example will put their arguments cogently, so will leave you read their submissions. However, the Community Council is very much aware over many years that the Planning Authority is constrained to consider the merits of any application as it is presented. In this case, it is striking that a very large number of people feel very strongly about their local space where they live, and the Community Council as the lowest tier of democracy, feels that the that whole point of all local government is to respect the views of the of the people it serves in a democratic way, and respectfully asks that the people be listened to.

*The latest communication received from Newcastle Higher Community Council confirmed that following a meeting attended by representatives of 5 Community/Town councils, Llangynwyd Middle Community Council, Llangynwyd Lower Community Council, Ynysawdre Community Council and Newcastle Higher Community Council would endorse the residents' objections to the development. A summary of those objections were attached to the letter.

Llangynwyd Lower Community Council: While we appreciate that the site is not in our ward the proposal has considerable knock on effects on traffic in the village – this on many occasions backs up as far as Box Cottages in the morning rush hour. With the addition of traffic generated, if this proposal is allowed to go ahead this village will suffer great inconvenience and the A4063 will become un-crossable at times. We would request

that our protest be noted and that it is recorded that this Council is opposed to this development.

Ynysawdre Community Council: Members of the Community Council have been informed of the objections by Claudette Evans of Tondu and Aberkenfig Hub on the application. Members were also in receipt of a presentation by Claudette Evans, outlining specific objections on the lack of infrastructure, medical services, water drainage and environmental issues. Ynysawdre Community Council fully support all the issues which will affect not just Tondu but the whole of the Llynfi Valley as well and would like to reinforce the objections raised by Tondu and Aberkenfig Hub in their reports on this application.

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

Head of Street Scene (Land Drainage): No objection subject to conditions.

Head of Street Scene (Rights of Way Officer): In view of all the information provided in relation to the potential future provision of the public rights of way and cycle route network within the application site, the Rights of Way Section has no objection to the approval of the planning application. It is however requested that the developer contact the Rights of Way Section as soon as possible when the detailed plans are submitted for the design of any phases of the development that will affect either the public rights of way or cycle network so that the protection of that network, which may include for the diversion of some or all of that network, can be agreed and, where necessary, Orders processed as soon as possible.

Conservation Officer: Having considered the content of the Archaeological and Heritage Assessment and subsequent correspondence, I would confirm the following observations at this stage.

1. The likelihood and risk of significant well preserved archaeological remains being located within the development area (most notably the Phase 4 area) and the developer's view/assumption that *remains are very unlikely to be of sufficient importance to warrant preservation in situ and should not constrain the development*. Whilst I understand that discussions to date have sought to secure this investigation via a pre-commencement condition/planning obligation, it should be noted that the expectation of GGAT regarding the level of investigation is relatively limited and the assessment would be critical to inform the developer's assessment of the viability of the scheme and mitigation of risk. The Authority and applicant should be mindful of the possibility of further scheduling by Cadw.
2. The proposed realignment of the main highway access which is likely to at the very least adversely affect two Grade II listed structures and their settings. The listed structure(s) have been listed in 11th September 1998 as:-

A mostly intact structure of a mid C19 industrial transport complex and representative of the second stage of development under John Brogden of the Tondu Ironworks founded in 1830s by Sir Robert Price.

The Outline application P/16/366/OUT does not make reference formally to the proposed demolition of the structures and the Heritage Assessment therefore does not justify or acknowledge any impact. An application for Listed Building consent will be required for the alteration or demolition relating to these structures, along with the submission of a Heritage Impact Assessment in line with the requirements of the Historic Environment Act 2016 and current guidance. Consultation will also be required with the relevant amenity

bodies and the Royal Commission on the Ancient and Historical Monuments of Wales. Planning Policy Wales Technical Advice Note 24: The Historic Environment states that:

An application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort

The following detailed comments are primarily based on the impact of the proposed development on the listed/unlisted buildings on or adjacent to the site and the impact on the Derllwyn Road Conservation Area.

Listed Buildings

In addition to my comments relating to the potential impact on the bridge over the inclined plane, the impact of the proposed development has also been assessed in terms of the effect on the setting of the following Listed Buildings;

- Tondu Ironworks (Scheduled Ancient Monument), Including Former Blast Engine House (Grade II*), Lift Tower (Grade II*) and Calcining Kilns (Grade II*)
- Grade II Nos 1-52 Park Terrace
- Grade II Listed Mile marker, Maesteg Road Tondu (Cadw Ref 19053)

On the basis of the proposed site layout, retention and inclusion of woodland buffer areas and the gradient of the land, and subject to the appropriate boundary treatment /vegetation retention adjacent to the scheduled area (to the north of the site) it is concluded that notwithstanding the above comments on the need for further archaeological assessment of the site, there will be no adverse effect on the setting of the Scheduled Ancient Monument/listed buildings identified above.

Conservation Area

A draft appraisal of Derllwyn Road Conservation Area was prepared in 2014. Although the document has not been formally adopted, in addition the Conservation Area character statement extracts of the document will assist in discussions relating to detailed design layout density and materials used in the proposed development. I assume that these matters are reserved and therefore the impact on the character or appearance of the Conservation Area cannot be fully assessed. It is noted that the proposal also involves the proposed demolition of two buildings within the designated Conservation Area and Conservation Area Consent may be required and whilst the applicants concludes that the buildings are of no architectural merit, there may be intrinsic historic interest in the previous use of the site and buildings and the National Amenity Societies and Royal Commission should be advised of the proposal for substantial or total demolition. Planning Policy Wales Chapter 6 confirms that;

...it is preferable for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full rather than an outline application.

Economy and Natural Resources: No objections subject to conditions.

Natural Resources Wales: We have no objection in principle to the proposed development subject to the incorporation of appropriately worded planning conditions relating to European Protected Species and land contamination for the proposed development within in any consent issued by your Authority.

Shared Regulatory Services (Neighbourhood Services): No objection subject to conditions

Dwr Cymru Welsh Water: We would request that if you are minded to grant planning consent for the above development the conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

On the specific issue of water supply, DCWW have requested the imposition of a pre-occupation condition that seeks to agree a point of connection onto the public drinking water system which has been identified by a hydraulic modelling assessment. This is to ensure that the development is served by an adequate supply of drinking water to protect the health and safety of existing residents and to ensure no pollution or detriment to the environment

The Coal Authority: Considers that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigations works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. It is recommended that the Council impose planning conditions that require such investigation works to be undertaken and a scheme of remediation to be agreed prior to the submission of any Reserved Matters application.

Glamorgan Gwent Archaeology Trust: As you note we advised pre-determination evaluation, we gave this advice in June of 2016, it is unfortunate to learn that in the intervening year this work has not progressed. Recommending pre-determination evaluation in this case was, and remains, in line with Government guidance. I am not aware of any discussion you had with the developer in regard to a planning obligation precluding development in the Phase 4 area, as such I cannot comment on this point. However, in our role as your archaeological advisors it is our duty to provide clear and consistent advice within the framework of current legislation, regulation and Government guidance.

As such it is important GGAT highlight that the purpose of recommending evaluation prior to determination is to reduce risk to the viability of the development. In this case it is likely that significant well preserved archaeological remains will be located within the development area (most notably the Phase 4 area) and there is a significant risk to the development. GGAT understand that in this case the council shared the opinion of the developers consultant that this work can be undertaken by condition and that no pre-determination evaluation trenching has been undertaken. I appreciate that in coming to a decision different weight will be given to advice alongside other considerations, however our position remains unchanged. I note you cite the developer's consultant's view that "remains are very unlikely to be of sufficient importance to warrant preservation in situ and should not constrain the development". When one considers that the coke ovens to the north east of the Phase 4 area are already protected as a Scheduled Monument it seems to be a poorly judged assumption that any further coke ovens would not warrant preservation in situ. Especially, as the likelihood of encountering significant remains of coke ovens is a point acknowledged by the developer's consultant. Certainly our initial discussion of this case with Cadw has indicated that scheduling should not be ruled out.

I would appreciate if it could be made clear to the developer that by undertaking archaeological trenching and subsequent mitigation as a condition of development, as advised by their consultant, they take on a significant risk. In particular ongoing costs associated with the scientific analyses and conservation of any material archive produced from excavation should be highlighted, it is impossible to predict what the developer is committing themselves to without having carried out any predetermination evaluation. Given the risk associated with the discovery of significant industrial archaeological remains, of which the coke ovens are a major concern, it may be prudent for the developer to ask their consultant to undertake would be a more detailed appraisal of the

coke ovens which are expected will be encountered in the northern part of the development area, in particular giving consideration to type and regional significance of such features.

Cadw: Having carefully considered the information provided with this planning application, we consider that the proposed development will not cause any damage to the setting of Scheduled Monument GM433 – ‘Remains of Tondu Ironworks’. Neither will there be any impact on the setting of the Registered Park and Garden – Coytrahen House Historic Park and Garden. Dense vegetation blocks views between the proposed development and the Scheduled Monument whilst intervening buildings and vegetation block all views between the site and the Historic Park and Garden.

The Royal Society for the Protection of Birds: The RSPB is concerned over the potential indirect impacts of the proposal in relation to breeding Lapwing. The application is in close proximity to Parc Slip Local Nature Reserve (LNR), part of which is also a Site of Importance for Nature Conservation (SINC). The SINC is known to support a nationally important breeding population of Lapwing. Lapwing in Wales is now a red-listed species of acknowledged conservation concern and is also listed as a priority species in Section 7 of the Environment (Wales) Act 2016.

The supporting ecological report states that the development site supports notable numbers of reptiles (slow worm and grass snakes) and it is important for foraging bats. Potential avoidance and mitigation measures are suggested to reduce the impact of the scheme for the above interests. However, we note a paucity of bird data for the vicinity and there is no reference to the Lapwing interest on neighbouring land and it does not consider indirect impacts of the scheme on the breeding Lapwing. In view of the above ecological interest, the developer proposal has the potential to cause:

- Significant disturbance/displacement of ground nesting Lapwing from recreational activities including dog walkers, and
- Increased potential of predation of Lapwing nests and young due to an increase in domestic pets including cats and dogs

We would like to see more detail in respect of the ways in which the developer intends to manage the development site and vicinity from the point of view of breeding Lapwing. These measures will need to be delivered via legally binding planning obligation and/or condition and should consist of the use of physical constraints preventing access to the vicinity of the breeding Lapwing site on the part of dog-walkers and consider measures, such as the use of electric fences, to discourage ground predators including domestic pets originating from the development.

South Wales Police (Designing out Crime Officer): The Design and Access Statement for the proposed development states that the developer intends following the principles of ‘Secured by Design’. I have provided a report that gives advice that if followed, would allow the development to achieve the Secured by Design Award.

The Bridgend Ramblers: Object to the development as the developer has not considered the routeing of the rights of way that cross the site.

REPRESENTATIONS RECEIVED

This application has been the subject to a significant level of objection which is detailed as follows:

- a) Petition signed by 265 residents living in the vicinity of the application site

- b) A second petition from the 'Keep Our Green Space' campaign opposing the application was received on 29 June 2016 - it was signed by a total of 339 residents.
- c) Tondy and Aberkenfig Hub, c/o 69 Clos Pwll Clai – multiple letters.
- d) Letters of objection from the owners/occupiers of the following properties:
 1, 6, 7, 8, 11, 13, 14, 15, 17, 22 Clos Gwaith Brics
 1, 2, 8, 11, 17, 21, 23, 28, 29, 30, 33, 37, 38, 41, 47, 51 Park Terrace
 1, 2, 4, 5, 6 (s), 8, 9, 10, 11, 12 Rhes Leith
 1, 3, 4, 5, 15, 16, 17, 19, 21, 23, 26, 27, 33, 37, 39 (school children), 41(s), 47, 48, 52, 55 Ffordd Haearn
 3, 11, 12, 14, 15, 16, 17, 19, 20, 45 Parc Derllwyn
 7, 10, 11, 12, 14, 20, 22, 23, 24 Ffordd Antwn
 1 Cross Street
 Brig y Coed, Sunnybank, Jarrow House, Lyndhurst(Tondu Hub), Woodland View, Tawetwch, Cefn Coed, Woodlands, Highfields, Heddfan, Swaledale, The Laurels, Ty Risca(s) Sycamore House and 12, 13, Derllwyn Road
 TM Cars 36 Maesteg Road and 37, 40, 41, 46A Maesteg Road
 2, 3, 6, 7, 8, 11, 12, 16, 31, 47, 51, 57, 63, 66, 67, 68, 69, 70, 72, 74, 75, 76 Clos Pwll Clai
 5, 6, 12, 19 Cwrt yr Hen Ysgol
 7 Broadview
 1 Penyrheol
 87 St Brides Road
 22 West Street
 28 Pandy Road
 Erw Hir (Local Member – Cllr Tim Thomas)
 8 Locks Lane, Porthcawl
 St Mary's Lodge, Mission Road, Garth
- e) Children of Tondy Primary School have submitted posters and letters conveying their opposition to the development and in particular the loss of trees and the impact on the Tondy Iron Works
- f) Councillor Tim Thomas (Local Member - Ynysawdre) has objected to the development and requested to speak.
- g) Assembly Members Bethan Jenkins AM – Regional Assembly Member for South Wales West and Dr Dai Lloyd AM - Assembly Member for South Wales have made representations on behalf of their constituents. The most recent letter from Dr Lloyd AM requests a deferment of the application due to the uncertainty over the electrification and proposed upgrades to the Maesteg Valley Line and the possibility of local schools being unable to accommodate the increase in pupil numbers should developments in the area go ahead.
- h) Huw Irranca-Davies MP - Assembly Member for Ogmere has provided the following comments:

 'I am writing to draw your attention to the concerns of local residents in respect of the proposed housing development on land to the West of Maesteg Road, Tondy owned by Merthyr Mawr Estate.

I am aware that this proposal falls within the area designated for housing by the Local Development Plan. I am also aware, having read the proposals in some detail that the developers plan to mitigate some of the negative impacts on the environment, heritage features, public access and so on. I am further aware that the developers propose to make good use of Sustainable Urban Drainage (SUDS), and highlight the advantages of the site in terms of sustainable communities and access to public transport.

However, the wide range of concerns, combined with the scale of the development and the potential impact upon traffic congestion (exiting the estate onto the main road, but also in the subsequent "bottle-neck" caused by the traffic exiting the Llynfi Valley at this point under the Tondu rail bridge) would suggest that there is a need for the developer and local authority to re-think the scale and speed of this development. We would not want to exacerbate existing peak-time highways problems around this area, nor have other negative impacts on the local environment or local community which can be avoided.

In conclusion, I would therefore ask you to work closely with local residents to address their concerns, and to urge the developer and owners of the land to likewise address these concerns fully. As I say, I recognise that this falls within the LDP. However, this does not mean that such a large-scale development should automatically proceed without addressing the valid concerns which have been so well articulated by local residents'.

- i) In a letter dated 3 March 2018, Mr R I Roberts of 2 Park Terrace has written to all the Members of the Development Control Committee setting out reasons why the application should be rejected. The scale of the development and the impact on services such as education, healthcare have been highlighted which in the writer's opinion can only have a negative impact on the authority's capital budgets in these times of austerity. Reference has also been made to the reluctance of the Development Control Committee to overturn officer recommendations. The writer suggests that Members have been warned of the possible financial consequences both personally and corporately of taking such decisions and that such advice has been applied too rigidly.

The following is a summary of the objections received from neighbours and the Community Councils:-

Procedures: the application has not been accompanied by an Environmental Impact Assessment; the Council failed to undertake the correct consultations;

Transport concerns/highway capacity/highway safety: Road infrastructure cannot accommodate the additional housing - existing traffic light system cannot currently cope every morning and evening there are long tailbacks on Maesteg Road; increase traffic flow to a transport system that cannot sustain current levels is unacceptable- accidents have taken place on this section of highway; it will be almost impossible to access the network from the existing properties on the Pentre Felin estate; new bypass and road junctions will not alleviate the problem and claims that occupiers of new development will use public transport are overstated - current services are poor and are likely to be reduced; bridge at Maesteg Road cannot be improved; single point of access to serve 450 dwellings will not cope with the proposed levels of traffic; incentives to encourage the use of alternative modes of transport are difficult to enforce; how will the increase in pedestrian traffic cross the A4063 and access facilities; Crashmap website confirms that the transport corridor serving the site has a history of accidents; traffic speeds should be reduced on Derllwyn Road and Parc Terrace;

Development could result in additional traffic along Derllwyn Road which is used as a rat-run to avoid the congested traffic light controlled junction - traffic calming should be introduced along this highway to reduce speeds;

Emergency access is proposed onto Derllwyn Road - How will this be controlled and who has a right of access and what constitutes an emergency - Derllwyn Road could not accommodate any additional traffic

Development will affect existing rights of way and cycle routes to the adjacent Nature Reserve - new link road will cross the cycle route - land is used as a recreation facility by local residents

Ecology: impact on trees and woods - some of the existing trees are formally protected and should not be removed, destruction of the local ecology, loss of natural habitat, ecology survey is incomplete - protected species on site, potential impact on the adjacent Nature Reserve; invasive species are prevalent across the site -potential spread onto adjoining land;.

Technical Issues – Drainage/Flooding/Pollution: Utilities, (water supply, drainage systems etc.) will not cope with the scale of the new development - a number of properties have experienced blockages - introduction of storage lagoons onto a housing development could be a risk to the safety of future residents; problems with drainage on the existing Llanmoor Homes site - additional dwellings will lead to greater problems; Dwr Cymru Welsh Water have identified concerns regarding the impact on the local water supply; electricity supply will not cope with additional development – residents have experienced six power cuts in the last year;

Site is contaminated and the development could disperse pollution onto adjoining land; previous mine workings may present difficulties in developing the site;

Noise and air pollution associated with additional traffic

Existing ground has a high water table and adjacent housing has been susceptible to flooding

Noise and disturbance to residents will be horrendous during the construction process which could last for many years

Scale of development: the proposed development will ruin the character of the existing settlements of Tondu and Aberkenfig; there is no evidence for the need for additional housing in the area - loss of greenfield site, this is development on a Green Wedge;

Unacceptable impacts on Heritage Assets: Impact on the setting of Grade II Listed Buildings (Park Terrace) and Tondu Iron Works - in the listing it was recommended that the terrace remains as remote as possible; development will not preserve or enhance the Derllwyn Conservation Area that adjoins the northern boundary of the application site; references to the 'faux' house designs in the masterplan is inappropriate given the proximity to Parc Terrace and the alignment of new road will pass through a Grade II Listed Tramway; scale of development in northern sector of the site devalues the sense of place on Derllwyn Road Conservation Area; should be no new build in the Conservation Area;

Existing Medical Services cannot support development: Impact on the well-being of residents in term of access to health services - existing GP surgery is already overstretched - facilities in the village cannot serve this level of development - part of the adjacent site was earmarked for a medical centre but that has not been developed; the Council has relaxed the requirement to provide a health centre on this development; overcrowding at local primary and secondary schools;

Additional Objections: Loss of existing stabling facility on site - there is a lack of facilities elsewhere in the County Borough.

What type of housing is to be built - no details with the planning application - 4 storey units if permitted could dominate outlook and result in a loss of privacy to residents on Maesteg Road - loss of privacy.

Masterplan includes a commercial area - what uses will this accommodate?

Crime rate in the area may increase.

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections received from residents, the Community Councils and the MP and AMs align with the main issues for consideration (compliance with national and local plan policy, impact on highway safety, and acceptable levels of infrastructure to serve the development, impacts on ecology and heritage assets) which are addressed in the appraisal section of the report. The following comments are provided in response to the other objections that have been received:

a) Procedures

This Council has issued a screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to the effect that an Environmental Impact Assessment (EIA) was not required for a development of 450 dwellings and 2,000 square metres of commercial floorspace, realignment of Maesteg Road, improvements to A4063/A4065 and associated works (P/16/10/SOR refers). From an assessment of the current proposal and the consultation responses received, there is no evidence before the Council that suggests that this application is likely to have any significant effects on the environment. Therefore, the application did not need to be accompanied by an Environmental Statement.

b) Transport/Highway Capacity/Highway safety

The implications of the development on highway safety are considered in the appraisal section of the report. A number of detailed objections are however addressed below:

The traffic modelling process is flawed and has not properly assessed the Pentre Felin Estate, the Waste Transfer Unit, the Lidl Supermarket (and proposed extension), the proposed commercial development, impacts of future development in the Llynfi Valley etc.

The Transport Assessment (TA) prepared by Vectos - Transport Planning Specialists has been produced in accordance with, and in recognition of, the latest local and national Government guidance and makes reference to current national and local transport policy documents. Key objectives of the TA are to establish the quantum of traffic generated by the proposed development and to measure the effect of development related traffic on the local highway network based on percentage traffic demand change. Furthermore, it considers the proposed development in the context of existing travel behaviour which includes the existing housing and retail facilities but also future development and various development scenarios up until 2023. The Council's external Transportation Consultants have examined the initial and subsequent reports and have not identified any significant

flaw in the modelling process. The conclusions that the development will be designed to promote non-motorised travel and will not have a significant traffic impact on the network have been accepted.

The usage of public transport at the moment, and its ability to provide the extra capacity needed for the site, especially at peak times?

The developer has been in discussion with First Cymru Buses (FCB) and proposes to extend the existing bus route (70/71) into the site to enhance the public transport (bus) accessibility whilst maintaining the existing frequency (30/60mins) of the services in Tondy. In the bus operator's opinion, the site could accommodate the existing service which would enter and leave the site via Maesteg Road. Furthermore, in their opinion these additional services could be operated on a commercial basis and hence do not require "pump priming". The developer is also offering to provide a one off financial subsidy/travel voucher to each household towards the cost of an annual season ticket or a bicycle. Although the Council is currently undertaking a consultation on the supported bus service provision, service 70/71 is not currently affected.

The impact of the S106 road crossing proposed for Maesteg Road and its impact on journey times has not been considered

The position of the proposed crossing on Maesteg Road, as indicated in the Transport Assessment, will be the subject of detailed consideration beyond the scope of this application. It will however be necessary to assist pedestrian and cyclists movements from the western side of Maesteg Road towards Tondy Rail Station but a location for a crossing will be identified that is both safe to all user groups, including vehicular traffic on the A4063.

The impact of the proposed development on the 'rat runs' through the village of Aberkenfig and Derllwyn Road

The traffic surveys included Bridgend Road and the northern access into the village of Aberkenfig. The 'T' junction of Derllwyn Road and the A4063 was not however reviewed as part of the TA. Whilst it is understood that some vehicles may use the aforesaid junction and travel along Derllwyn Road, New Road, Fountain Road and east along the B4281, such a route is far from a short cut. Furthermore, the construction of the link road, junction changes and the removal of a set of traffic lights should increase capacity along the A4063. This should dissuade road users from taking the 'short cut' via Derllwyn Road.

Have the planners and developers insured (sic) that safe turning circles are provided and consideration is given to the impact of the new roundabout for Ffordd Haearn/Iron Way and its impact on journey times through Tondy

Application P/16/366/OUT only seeks to agree the principle of the developing the site for residential and commercial uses. Before any development commences on site, detailed approval for the road and junction arrangements either via a Reserved Matters or full planning permission will need to be attained. The Transport Assessment (TA) and submitted drawings suggest that the current Ffordd Haearn-Maesteg Road junction will be modified to accommodate the new link road but this will not include the construction of a new roundabout but rather the re-positioning of the existing T-junction. On the basis of discussions held between the applicant's consultants and Officers of the Council, there would appear to be sufficient space to accommodate the proposed junction change.

The safety of pedestrians and the amount of children who travel to surrounding schools and the lack of designated crossings

The TA confirms that initial discussions have taken place with the deputy head teacher at Tondy Primary to understand what issues relating to transport to /from school and access presently exist. Based on these discussions it would appear that Tondy Primary School

has an active Travel Plan, but they lack the resources to implement travelling planning measures on a regular basis.

The developer is promoting a new Travel Plans, which should have the effect of reducing car borne school movements, improving travel sustainability, improving health and reducing any highway congestion. Details of these measures and the contributions that will be provided are considered later in this report. The latest revision to the junction improvements under the railway bridge includes the construction of an extended cycleway/footway along Bryn Road to the junction with the Tondu Railway Station access. This will improve pedestrian connectivity between the proposed development, and the secondary school at Coleg Cymunedol y Dderwen.

The increase in air pollution (PM10, CO, CO2, NO2) due to the increase in traffic

Local planning authorities work closely with pollution control authorities when determining planning applications. No adverse representations have been received from the Council's Public Protection Section or Natural Resources Wales concerning pollution and air quality.

Councils are also required to carry out periodic reviews of the air quality in their areas in relation to seven regulated pollutants and to assess this against the air quality objectives set out in the Regulations. Where a Local Authority believes that there is currently, or that there is likely to be in future, a breach in an air quality objective, it must declare an 'Air Quality Management Area'. No such area has been identified in the location of the application site.

Due to the heavy volume of traffic, are there any plans to change the traffic flow into and out of Pentre Felin retail park/housing? (At present exiting traffic must give way to incoming vehicles. There is also a traffic calming funnel in place. Will this been changed? Are there plans to change the traffic configuration at the traffic lights approaching Pentre Felin, as there have already been accidents with traffic converging from Maesteg (turning right) and traffic from Bridgend (turning left) approaching the existing roundabout

Under this permission, there are no plans to alter the traffic flows or traffic calming provision to and from the Pentre Felin housing and retail park. Beyond the first phase of the development, the existing traffic light controlled junction on the A4063 serving Pentre Felin will be replaced by a section of new road that will connect the 'Railway Bridge' traffic light controlled junction to the modified roundabout serving Pentre Felin, the site access and the new link road. It is indicated that the new section of road and junctions will increase capacity along this section of the network.

Are the roads capable of dealing with future increase in weight and size of vehicles and the impact the increased traffic will have on residents

A fundamental part of the TA is to establish the quantum of traffic generated by the proposed development and to measure the effect of the development related traffic on the local highway network. The Council's external Transport Consultants have confirmed that the report does address these requirements. The assessment concludes that the first phase of the development (135 units) could be implemented without the need for any changes to the existing highway network. Although the construction of the new link will offset the impact of the completed development on the surveyed roads and junctions, the Council's consultants acknowledge that queuing at peak times will occur on a number of junction approaches. Queue lengths will however only increase by a maximum of 6-7 vehicles in the network close to the site. Furthermore, the developer maintains that the site offers direct connections to the existing residential areas of Tondu and Aberkenfig and offers real travel choice from the existing local public transport facilities (bus and rail). Through the provision of pedestrian and cycling facilities and appropriate road crossing points, the developer intends to create an environment where less people automatically

choose to use their cars but rather to walk, cycle or use public transport which is supported by the Council and national policy.

The extra traffic that will be created by the proposed B1 commercial or light industrial use - with a realisation that some B1 commercial development will generate significantly more traffic than other types of B1 commercial development

The Transport Assessment considers the proposed development in the context of existing travel behaviour which includes the existing housing and retail facilities but also future development and various development scenarios up until 2023.

The travel patterns and parking of the 50-plus cars of employees from the waste transfer once their present car park is redeveloped, as overflow cars are already resorting to parking in the road adjacent and below the WTU

Although it is not incumbent upon the developer to provide car parking for the Waste Transfer Station, the Council are seeking to secure the provision of parking on land to the north west of the existing facility. The Council will also assess the need to restrict on-street parking in the vicinity of the site through Traffic Orders.

c) Ecology: Concerns have been raised in relation to the effect of the proposed development on the ecology of the area and this will be considered again in the appraisal section. Natural Resources Wales and the Council's Ecologist have examined the submitted Preliminary Ecological Appraisal and Level 2 Survey Report and, although it will be necessary to impose conditions that relate to protection and enhancement of ecology interest, the reports have not identified an ecological constraint that would prevent the development of this site.

d) Technical Issues – Drainage/Flooding/Pollution: Utilities: The adequacy of water supply and the proposed drainage arrangements are considered in more detail in the appraisal section of this report.

Site is contaminated and the development could disperse pollution onto adjoining land; previous mine workings may present difficulties in developing the site

Planning decisions need to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment and should consider any results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination. Intégral Geotechnique (Wales) Limited have undertaken a report that considers the geotechnical and geo-environmental aspects of the proposed development and where necessary, it provides recommendations for remediation and reclamation strategies in order to make the site suitable for its intended end-uses. Compliance with the recommendations of the report will be secured through planning conditions that will be imposed.

The Coal Authority recommends that intrusive site investigations be undertaken to establish the exact situation regarding coal mining legacy issues on the site and this again will be required by planning conditions. Any strategy for site reclamation will be agreed by the Council and the relevant agencies and should reduce the level of risk to an acceptable level for both housing and commercial end-uses.

Noise associated with additional traffic - Noise and disturbance to residents will be horrendous during the construction process which could last for many years

Local Planning Authorities work closely with pollution control authorities when determining planning applications. No adverse representations have been received from the Council's Public Protection Section concerning any issues of noise pollution associated with the development. Noise and dust that may be generated through the construction phases will

be controlled through other legislation and conditions requiring the agreement of a Construction Management Plan and hours of operation.

Introduction of storage lagoons onto a housing development could be a risk to the safety of future residents

The Masterplan does include a series of pond features existing and new which are likely to form part of the surface water drainage scheme to serve the whole development. The designer will have a responsibility to address health and safety under the Construction Design Management Regulations and will have to demonstrate that any risks have been identified, assessed and mitigated/ameliorated. The future management of this facility will need to be agreed as part of the S106 obligation.

Existing ground has a high water table and adjacent housing has been susceptible to flooding

The high water table in the locale is one of the factors that will influence the future design of the drainage system and the submitted strategy suggests that positive site drainage will be installed with flow control measures and attenuation as part of a comprehensive scheme for the site that will be agreed by the various land drainage agencies including the Council before development commences.

Scale of development: the proposed development will ruin the character of the existing settlements of Tondu and Aberkenfig; there is no evidence for the need for additional housing in the area - loss of Greenfield site, this is development on a Green Wedge

This site does not form part of a 'Green Wedge' but is identified for regeneration as a mixed use development scheme accommodating a quantum of residential and commercial uses. In preparing the Bridgend Local Development Plan, consideration was given to the scale of the development and the impact on the surrounding settlements. Although this report considers the adequacy of the infrastructure, no evidence has been submitted to demonstrate any harm to the character of Tondu and Aberkenfig. This is considered further in the appraisal section.

e) Unacceptable impacts on Heritage Assets

The Archaeological and Heritage Assessment which has accompanied the application confirms that the site does not contain any World Heritage Sites, Scheduled Monuments, Registered Landscapes, Parks and Gardens of Special Historic Interest. It does recognise that part of the application site lies within the Derllwyn Road Conservation Area and that the alignment of the new link road would be adjacent to two Grade II listed bridge piers that are positioned either side of the course of the former incline plane and that once carried Price's tramroad over that incline.

Furthermore, the impact of the proposed development has also been assessed in terms of the effect on the setting of the following Listed Buildings on the adjoining land: Tondu Ironworks (Scheduled Ancient Monument), Including Former Blast Engine House (Grade II*), Lift Tower (Grade II*) and Calcining Kilns (Grade II*) Grade II Nos 1-52 Park Terrace Grade II Listed Mile-marker, Maesteg Road Tondu.

The Council's Conservation Officer has offered the advice that subject to the appropriate boundary treatment/vegetation retention there will be no adverse effect on the setting of the Scheduled Ancient Monument/Listed Buildings identified above.

A number of concerns were identified, namely the potential for well-preserved archaeological remains to be buried beneath ground in the north western part of the site. The applicant's archaeological assessor has suggested that the remains are unlikely to be of sufficient importance to warrant preservation in situ but that is not a view shared by

all consultees. Glamorgan Gwent Archaeological Trust recommended that invasive investigation works (archaeological trenching) be undertaken as part of this application and this was discussed with the applicant's planning consultant during the early stages of the processing of this application.

Such works would constitute a significant engineering operation given the depth of material that has been deposited on this part of the site and the applicant invited the Council to impose a planning condition that prevented any development on this part of the site (Phase 4) until the archaeological investigation works have been carried out. The applicant accepts the risk in this approach as the discovery of significant remains may lead to 'scheduling' its retention in situ which could prejudice the development of this phase. Although it is not an approach recommended by Glamorgan Gwent Archaeological Trust and the Council's Conservation Officer, a condition that requires the necessary investigation works to be undertaken and the findings made known to the Council and the appropriate consultees, prior to any building works taking place, is a reasonable approach given that the application only seeks to agree the principle of the development at this stage. Investigation works in relation ground conditions, drainage etc. are likely to be necessary for this development site so it is not unreasonable to require invasive investigation works in connection with any potential archaeological interests.

Assessing the full impact of the development on the Derllwyn Road Conservation Area Conservation Area is difficult at this stage as all such matters of detail are reserved for future consideration. Planning Policy Wales Chapter 6 confirms that;

...it is preferable for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full rather than an outline application.

The Heritage Assessment suggests that the land subject of this application that is within the Conservation Area makes no contribution to the special character and appearance of the designated area. There is however the potential for the new development to include a layout that is sensitive to the character of the wider Conservation Area, which could both enhance this specific portion of the designated area and preserve and enhance the elements of the wider Conservation Area (including its Listed Buildings). A condition will be imposed requiring the agreement of a development brief for this phase to ensure that the layout, house designs and open space enhance the character of the Conservation Area.

The second issue of concern is the potential impact of the development on the Grade II Listed structures that are sited to the north west of the proposed link road (see Figure 2 below):



Figure 2 -The Grade II Listed Structures and Bridge

The alignment of this route has been revised following discussions with the Head of Street Scene (Highways) and the final design and position of the link road will be the subject of a later Reserved Matters application. Based on the latest drawing of the proposed road, there was concern that the route would either directly affect the Listed structures or at the very least adversely affect their setting. Legislation requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With the details of the road alignment works not confirmed at this stage - the likely implications of the proposals, whether adverse or otherwise, cannot be definitively established. Additional plans and sections have however recently been submitted that indicate that the Listed structures will not need to be demolished. The applicant's engineering consultant has identified the main elements of the Listed structures to be the deck and abutments which are further west than the road alignment. On the basis of the current plan of the road, the proposed 3.5m wide combined footway/cycleway on the northern side would impinge marginally on the wing wall of one of the bridge abutments.

At the final design stage a number of solutions could be considered but it is likely that the Council will promote a localised narrowing of the route and the retention of the wall in situ. Cross sections have also confirmed that the level of the proposed road is only marginally above the Listed structures. No significant 'cut or fill' operations appear to be necessary that could have further affected the setting of these listed structures.

In line with national guidance, once the detail of the proposed road alignment work is better established, they are likely to form part of a Reserved Matters application. Should the proposed works include any physical changes to the Listed structures; this would have to be justified in a Heritage Impact Assessment and would require listed Building Consent. Such an approach would ensure that the significance of the Listed structures is taken into account in the development and design of detailed proposals for the road alignment works. However for the purpose of this application which only seeks to agree the principle of the development 'special regard' has been given to retaining these structures in situ in accordance with national and local policies and on the basis of the information currently before this Council it would appear to be achievable.

f) Existing Schools and Medical Services cannot support development

This Council works in partnership with Abertawe Bro Morgannwg University Health Board (ABM) to provide access to health care facilities. Under policies of the Bridgend Local Development Plan, the Council identified sites for new health and well-being facilities. Three sites are identified in the Plan which includes a site at Glanyrafon, Heol yr Ysgol, Ynysawdre. Despite the original planning permission for development on the adjacent site including a medical centre, that site has now been developed for other uses. It was not formally allocated for such a provision in the Bridgend Local Development Plan. Whilst the Local Planning Authority can identify sites for health facilities, the delivery of medical or dental practices is outside the Council's control. The Health Board are consultees in the preparation of the Development Plan and are made aware of the strategic areas of growth in the County Borough and the specific housing allocations. As indicated above, the Council can identify sites for new health facilities but it is for the Health Board to manage the provision.

The application is subject to the requirements of SPG 16: Educational Facilities & Residential Development. The Children's Directorate have been consulted to ascertain the impact the proposed development will have on local education facilities and have indicated that there is a general lack of surplus places in all schools in the area. According to the formula contained in the SPG, the proposal will generate up to 23 Nursery, 99 Primary, 81 Secondary and 16 Post-16 age children. The developer proposes to make a

financial contribution towards the additional capacity. The level of contribution is reviewed in the appraisal section of this report.

g) Additional Objections

The loss of an existing stabling facility on site is a matter between the site owners and tenant of the building.

Several of the more detailed concerns raised concerning scale of development, loss of privacy, loss of light etc. can properly be addressed when Reserved Matters submissions are considered, including the precise location of proposed dwelling.

Reference has been made to the 'Human Rights' of adjacent occupants being affected, with specific reference to Article 1 of the First Protocol of the European Convention on Human Rights which refers to the peaceful enjoyment of property, and Article 8 which bestows the right to respect for private and family life and for the home. In regard to the Articles cited reference is made to the detrimental impact of the scheme on adjacent residential occupiers in terms of privacy, enjoyment of their garden and property, and effect on light. Nonetheless as discussed above, based on the submitted evidence, if this development goes ahead, the degree of interference that would be caused to adjacent occupants would be insufficient to give rise to a violation of rights, with any effect of granting planning permission on adjacent properties not being disproportionate.

The application only seeks to agree the principle of the development and, at this stage, the only information provided relates to the area of floorspace that would be provided and the type of uses - Class B1 which could include the following: (a) as an office other than a use within Class A2 (Financial and Professional Services); (b) for research and development of products or processes, or (c) for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by Local Planning Authorities. The aim should be to produce a safe environment for existing and future residents through good design and the use of effective street lighting and passive surveillance would minimise any negative impacts from the use of this link. No evidence has been presented to suggest this cannot be achieved within the future development.

PLANNING POLICY

The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development. (Paragraph 1.2.1 of Planning Policy Wales - Edition 9 - November 2016 refers).

Up-to-date Local Development Plans are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the planning system.

The adopted Bridgend Local Development Plan (2013) (LDP) identifies the settlements of Aberkenfig, Bryncethin, Brynmenyn, Sarn, Tondu and Ynysawdre, collectively defined as the Valleys Gateway Strategic Regeneration Growth Area, as the focus of regeneration led development. The application site is part of a larger allocation for Regeneration and Mixed Use Development under Policy PLA3 (10) of the LDP. Appendix A1 of the Local Development Plan details the component parts of the policy and this is set out in the table below:

A1.10 PLA3(10) Land West of Maesteg Road, Tondu

Mixed Use Components	Total Area 43.0 Hectares		Implementation and Funding Source
Policy Reference	Type	Amount	
COM1(31)	Residential	538 units	Implemented and funded through the private sector (including Section 106)
REG1(21)	Employment	1.00ha	
PLA8(3)	Improvement to the Transportation Network	Access to Land West of Maesteg Road	

Policy PLA3 (10) requires that the implementation of each of the schemes identified should be in accordance with a master plan or development brief, along with appropriate planning and highway agreements.

Under Policy COM1 of the LDP, the application site is allocated for residential development with the policy estimating that 538 dwellings will be constructed on the site within the Plan period, including 20% of the dwellings as affordable housing. To date 186 units have been approved within this allocation and the quantum of development proposed by this application exceeds the estimated figure by 98 units.

Under Policy REG1 (21) of the LDP, 1 hectare of land is allocated and protected for employment development on this site falling within Class B1 uses.

As part of this development a further improvement to the A4063 is required and, to this end, an area of land has been safeguarded for an improvement to the transportation network. From the Council's perspective, the A4063 highway to the south of the nearby railway bridge is up to the necessary standard to accommodate the traffic movements related to the development proposed under the PLA3 (10) allocation. However, as it proceeds north from the traffic signals, beneath the railway bridge, bearing sharply eastwards, the highway is sub-standard with poor visibility and several existing accesses. In order that the site can be developed fully and comprehensively, the A4063, Maesteg Road, north of the existing traffic signals will need to be re-aligned to allow for an appropriate access to be constructed to serve the development (Policy PLA8 (3) refers).

The following non-site specific policies of the Bridgend Local Development Plan (2013) and supplementary planning guidance are also of relevance:

Strategic Policy SP2	Design and Sustainable Place Making
Strategic Policy SP3	Strategic Transport Planning Principles
Strategic Policy SP4	Conservation and Enhancement of the Natural
Environment	
Strategic Policy SP5	Conservation of the Built and Historic Environment
Strategic Policy SP14	Infrastructure
Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA4	Climate Change and Peak Oil
Policy PLA9	Development Affecting Public Rights of Way
Policy PLA7	Transportation Proposals
Policy PLA8	Development Led Improvements to the Transportation Network
Policy PLA11	Parking Standards
Policy ENV4	Local/Regional Nature Conservation Sites
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resources Protection and Public Health
Policy ENV8	Heritage Assets and Regeneration
Policy COM3	Residential Re-Use of a Building or Land
Policy COM4	Residential Density
Policy COM5	Affordable Housing
Policy COM11	Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance:

SPG7	Trees and Development
SPG8	Residential Development
SPG12	Sustainable Energy
SPG13	Affordable Housing
SPG15	Community Facilities and Residential Development
SPG16	Educational Facilities and Residential Development
SPG17	Vols. 1 & 2 Parking Standards
SPG19	Biodiversity and Development

APPRAISAL

This application seeks Outline planning permission for a development of up to 450 dwellings, 1000 square metres of business uses (Use Class B1), highway improvement works along with the provision of public open space, green infrastructure, two attenuation ponds and all other associated works on 21.8 hectares of land located off Maesteg Road, Tondu. All matters of detail have been reserved for future consideration.

The application is referred to Committee to consider the objections raised by local residents, the Community Councils and the Local Member.

Having regard to the details submitted, the consultation responses received and the weight of public objection that has been offered against this application, the main issues for consideration in the determination of this application are:

1. Whether the principle of developing this site in the manner proposed is in accord with the policies of the Bridgend Local Development Plan (2013) with particular regard to the scale of the development.
2. The effects on the surrounding highway network and the sustainability of the transportation proposals;
3. The effect of the development on the existing drainage infrastructure;

4. The effect on the character and appearance of the area with specific reference to the site's biodiversity interests and heritage assets;
5. Whether the development proposes an acceptable level of affordable housing, contributions to educational facilities, highway improvements and community facilities to accord with local policies and guidance;

1. Whether the principle of developing this site in the manner proposed is in accord with the policies of the Bridgend Local Development Plan (2013) with particular regard to the scale of the development

The principle of developing this site for residential and commercial purposes is confirmed by the policies of the Bridgend Local Development Plan (2013) and is therefore acceptable. The quantum of development proposed by the application however differs from the Development Plan with regard to the estimated number of housing units and area of land proposed for the employment uses.

With the 186 units already consented on site, the proposed 450 units would exceed the estimated allocation by 98 units. The Design and Access Statement and Masterplan that have accompanied the application demonstrate a robust design approach that has understood the site constraints and site context. It supports the applicant's contention that 450 dwellings and commercial floorspace, along with the new link road and associated green infrastructure can be provided in a high quality scheme to accord with the Council's planning policies and guidance. The impact of the additional housing units on the existing infrastructure, (roads, drainage, schools etc.) will be considered in the later sections of this appraisal.

The proposal provides 0.5 hectare of B1 business uses against a policy seeking 1 hectare of employment uses. The applicant's supporting statement indicates that this change has resulted from a review of the Inspector's report on the current LDP that recognised and supported an over-provision of employment development sites in comparison to previous annual completion rates. The over-provision acknowledged in 2013 has only been exacerbated by the effects of the global economic recession and new employment activities are making use of existing buildings and sites, resulting in even less need for new employment sites to be made available. With regard to this evidence, it has been concluded that the provision of 0.5ha of employment is more realistic than the provision of 1ha as anticipated by the land allocation. Subject to all other considerations, the land would be better used to increase the supply of housing which also assists in terms of development viability.

A major element of the development proposal is the construction of the new link road, approximately 300m in length, to bypass a small length of Maesteg Road. Although the final design and alignment of the route is reserved for future consideration, a detailed plan, that has been the subject of extensive negotiations with the Council, does form part of this planning submission. The link road will utilise the currently un-used northern arm on the Pentre Felin/Lidl roundabout. To accommodate the required carriageway, cycleway and footways, land that currently forms part of the Waste Transfer Station (WTS) site has been included in the application site. Negotiations to secure the use of the land have been concluded with the Council's Property Department. As the WTS is located within the overall site allocation, incorporating this additional land within the application site does not conflict with planning policy nor will it compromise the site's operation.

On the matter of policy compliance, the proposed housing and employment elements of the proposal would accord with adopted LDP policies SP1, PLA1, PLA2, PLA3(10), SP9, REG1(21), SP12. Whilst the amounts of housing and employment land proposed do not accord with the expectations of Policy COM1 (31) and PLA3 (10), there are material

considerations to justify the provision within this development proposal. The proposed highways works are, in principle, in accordance with the expectations of policies PLA3 (10), PLA7 (25) and PLA8 (3).

2. The effects on the surrounding highway network and the sustainability of the transportation proposals

A Transport Assessment prepared by Vectos - Transport Planning Specialists and a series of plans indicating the position of the proposed site access, new link road, crossing points and revisions to the existing junction arrangements has been accompanied the application. The document and plans have been examined by the Council's external consultant Redstar (formerly Capita) and Officers in the Transportation and Development Control Section.

The Transport Assessment's key objectives are to:

- Identify opportunities for non-car based travel and socially inclusive transport links in line with current best practice and local and national policy;
- Encourage behavioural choice;
- Establish the quantum of traffic generated by the proposed development;
- Measure the effect of development related traffic on the local highway network based on percentage traffic demand change using the modelling software packages and
- Present suitable mitigation measures to maximise the development's accessibility and connectivity.

The site is in a sustainable location, within walking and cycling distance of a number of local amenities in Tondu and Aberkenfig, as well as further afield in Bridgend and other neighbouring communities. Public transport linkages from the site via bus and train exist with regular services to Cardiff and Maesteg. The applicant's consultants maintain that the level of public transport, by both bus and rail, offers real travel choice for new and existing residents. Current routes from the site to the neighbouring schools and facilities are also deemed by the consultants to comply with Learner Travel. There is an existing continuous footway on at least one side of Maesteg Road, Bridgend Road, Bryn Road and Derllwyn Road, as well as suitable footpath connections. For pedestrians wishing to cross the road, there are a number of informal and formal crossings all with adequate sight lines. To aid pedestrian connectivity and safety, a number of formal and informal crossings are also proposed by the development. Pedestrian links to Tondu Rail Station will be improved with the construction of a new pelican crossing on either Maesteg Road or the new link road - this will be confirmed at a later stage.

The design and layout of the proposed development, supported by the Walking Strategy and an Interim Travel Plan, will facilitate and encourage journeys on foot. The existing National Cycle Network (NCN) Route 4 is well used for recreational cycle trips and is more than likely to be utilised fully for commuting trips by new residents to the area.

The development will seek to extend the current 70/71 bus route into the site, thus minimising the distance from bus stops. Additionally, pedestrian links to the new bus stops within the site, as well as any new bus stops on the link road are promoted in the Design and Access Statement for the development.

Overall, the proposed development should perform well against the principles of sustainable transportation as identified in Planning Policy Wales and seeks to reduce the reliance on the private motor car. National and local policy does not protect the convenience of the car user but rather seeks to encourage non-car use through sustainable travel measures.

The development nonetheless will generate additional vehicular movements and access to the development will be a continuation of the existing western arm of the Pentre Felin/Lidl/Proposed Link Road roundabout. The Transport Assessment has considered all those roads and junctions, including the new access where demand from the development would be greatest. The junction turning counts confirmed that the peak periods on the local highway network are between 07:45 - 08:45 and 16:45 – 17:45. The Transport Assessment acknowledges that the proposed development will have an impact on local congestion during peak hours but this impact is not deemed to be significant due to the limited number of additional vehicles as compared to the existing situation. The changes in demand are small, peaking at about 6-7 vehicles close to the site every minute. The applicant's Transport Assessors are of the opinion that the proposed development is not likely to materially add any existing congestion and that any slight harm in terms of congestion is mitigated by the proposed sustainable transport initiatives proposed by the development. This viewpoint is accepted by the Head of Street Scene (Highways). The sustainable transport initiatives include: sustainable travel vouchers for each new dwelling to be used towards the cost of a bus pass, bicycle purchase, or cycling/walking equipment/clothing; Personalised Travel Planning; School travel planning including improved travel plan, better facilities at Tondy primary school (bike/scooter shelters and walking/parents shelters); a walking bus from the development to the school and the provision of a Pelican Crossing off Maesteg Road/New Link road linking the development site to the station. These initiatives will cost a total of £305,000 and will be secured through the proposed Section 106 agreement and delivered at certain stages of the development.

A major element of the highways works comprises the proposed link road connecting Maesteg Road with Ffordd Haeearn/Iron Way, the design of which has evolved through the processing of the application. Although the highway schemes will not be finalised at this stage, the applicant's consultant recognises that one of the Council's priorities is the provision of an improved and safer junction arrangement beneath the railway line, (Maesteg Road/Bryn Road/Bridgend Road/A4063 signalised junction). Although space below the railway bridge is restricted, the new link road allows for the straightening and improvement of this junction.

The Head of Street Scene (Highways) considers that the impact of the proposed development on local highway network will be mitigated by the proposed sustainable transport initiatives which are likely to encourage non-car use and contribute towards a more sustainable means of travel in line with the requirements of local and national planning policies. Furthermore, the new link road and proposed junction improvements that will be delivered at various stages of the development will ensure that the quantum of housing and commercial development proposed can be accommodated without there being detriment to highway safety.

On the basis of the review of the Transport Statement and further sensitivity analysis undertaken, the existing highway network is able to accommodate the first phase of the development (135 units) without there being any need to implement any of the highway improvements, including the new link road. Any development proposed beyond the first phase should in the view of the Head of Street Scene (Highways) be accompanied by details of the highway improvements that are set out in the Transport Assessment and detailed on the drawings that have accompanied the application.

3. The effect of the development on the existing drainage infrastructure

The adequacy of water supply and the sewage infrastructure are material in considering planning applications. The need to balance the growing demand for water with the needs of the environment is crucial. Even where there is theoretical capacity, timely investment in infrastructure is required to ensure that new development does not adversely affect water

supplies, water quality or sewerage. These issues require early identification when locating future development. Local Planning Authorities should therefore encourage the use of sites where existing water supply and/or drainage provision problems can be solved and seek to avoid the use of sites where adequate water supply and/or drainage provision is unlikely to be achieved.

The application site has been identified for a 'Mixed Use Development' including a residential allocation, commercial uses and improvements to the transportation network in the adopted Local Development Plan. Dwr Cymru Welsh Water were consultees to the Development Plan process but offered no specific objection to the development of land west of Maesteg Road, Tondu. In their consultation response to this application, however, DCWW has indicated that the proposal will affect the local drinking water supply system which lacks capacity to serve the proposed development. They have however recommended that the following condition be imposed should the Council be minded to grant planning permission:

No building shall be occupied until a point of connection on the public drinking water system has been identified by a hydraulic modelling assessment, which shall first be submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the system, as may be identified by the hydraulic modelling assessment.

Reason: To ensure the development is served by an adequate supply of drinking water, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

It is intended that the wording of the condition be amended to prevent any development commencing before the developer has submitted and agreed a Hydraulic Modelling Assessment with Dwr Cymru Welsh Water and this Council.

Given the extent of objection on the matter of water supply, we have sought further clarification on the issue of the above condition. The following comments have been received in response:

...I note concerns have been raised in respect of referenced effect on the local drinking water supply system albeit we would refer you to our recommended condition whereby a hydraulic modelling assessment is required for submission prior to occupation. We are satisfied that this condition affords suitable control to ensure the development is served by an adequate supply of drinking water and meets the tests of the Welsh Government Circular. Whilst I acknowledge your comments in respect of Welsh Water's representations to the Bridgend Local Development Plan, I note that the consultation response was issued in conjunction with the LDP examination in November 2012 and identified a requirement for off-site water mains; this would in effect be served by the requested HMA in this instance.

Therefore, for the reasons set out above, I can confirm that the condition offers suitable control and we respectfully request is included if minded to grant planning permission for the aforementioned development.

The application has been accompanied by a Drainage Strategy which considers both the foul and surface water strategy, including estimated discharge rates, storm water storage requirements and outfall/connection positions. For surface water drainage, the use of Sustainable Urban Drainage Systems for the disposal of surface water runoff has been considered. Due to cohesive ground conditions, infiltration is unlikely to be feasible. The

development will result in substantially increased impermeable areas and it is proposed to provide a gravity drainage system together with flow control measures and attenuation to regulate surface water runoff rates. Natural Resources Wales have confirmed that the proposed flow rates and attenuation volumes are suitable. The Council's Land Drainage Section has requested the agreement of a comprehensive drainage scheme for the site prior to any development commencing.

4. The effect on the character and appearance of the area with specific to the site's biodiversity interests and heritage assets

Residents and the respective Community Councils have argued that the proposed development will ruin the character and appearance of the area and the surrounding settlements.

At this stage, it is difficult to draw such conclusions, as the Local Planning Authority is only being asked to consider the principle of the development. The application has however been accompanied by a Design and Access Statement that sets out a clear vision and establishes scale parameters and design objectives that respond to the site's constraints whilst delivering a quantum of housing and commercial development, open space and an appropriate level of infrastructure improvements that will safeguard and potentially enhance the local character and appearance of the area. Compliance with the design objectives set out in the Design and Access Statement will be secured through the grant of planning permission.

Biodiversity and landscape considerations must be taken into account in determining individual applications and the effect of a development proposal on wildlife or the landscape can be a material consideration. When considering any development proposal (including on land allocated for development in a Development Plan) Local Planning Authorities should consider environmental impact so as to avoid, wherever possible, adverse effects on the environment.

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular:-

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems."

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

1. that the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or

economic nature and beneficial consequences of primary importance for the environment".

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

The application is accompanied by a Preliminary Ecological Appraisal (PEA) (Soltys Brewster 2014) and a Level 2 Ecological Survey Report (Soltys Brewster 2016). The PEA establishes the baseline ecological conditions at the site and recommends further survey work for a number of protected species in order to inform the design and provide advice on any ecological constraints/opportunities associated with future development. As a result surveys for reptiles, bats and Great Crested Newts were carried out between April and July 2015.

The applicant has considered the policies and guidance of the Council (Policies ENV5 (Green Infrastructure) and ENV6 (Nature Conservation) of the Bridgend Local Development Plan and the Biodiversity and Development: A Green Infrastructure Approach Supplementary Planning Guidance (SPG19)). and the approach seeks to avoid and/or mitigate impact to existing habitats and wildlife following the general principle of retention and protection of as much of the existing green infrastructure as can practically be accommodated within the development and includes a series of 'buffer strips' around the site boundaries particularly the west and north boundaries.

The illustrative Masterplan indicates the section of Parc Slip Site of Importance for Nature Conservation (SINC) within the application site will be retained, along with the inclusion of a buffer strip to the Local Nature Reserve boundary in any development design. These measures will be secured through the grant of planning permission and should effectively protect the site, provided the buffer is of sufficient width (circa 10-15 m) and appropriate future management of retained habitats is included within the Landscape Management Plan. In addition, any design of the housing should ensure that no gardens are included within the buffer zone to prevent inappropriate management by residents. This approach will address a number of the concerns offered by The Royal Society for the Protection of Birds

The habitats associated with the site were considered to be of ecological value in a local context with potential to support a range of protected or otherwise notable species. Several priority habitats listed under Section 42 of the NERC Act and/or Bridgend Local Biodiversity Action Plan were recorded including wet woodland, ponds and rush pasture. The most appropriate area for development was considered to be the bare ground and rank areas of marshy grassland to the south of the site which has little botanical diversity. The illustrative Masterplan for the site illustrates that this principle has been followed with the majority of the new housing proposed in these areas. The Masterplan also indicates that a buffer would be maintained along the northern and western boundary adjacent to Parc Slip and it is recommended that the small area of more diverse marshy grassland is also incorporated into this buffer or retained as informal open space.

It was recommended that the small area of more diverse marshy grassland (Target Note 4 on Phase 1 map (Soltys Brewster 2014)) which is likely to meet SINC selection criteria for marshy grassland, is retained within the buffer or as open space. The report concludes that the retention of this area of this habitat within the buffers and managed to maximise its biodiversity value, would provide appropriate compensation for that likely to be lost to development and potentially a net gain for local biodiversity in the long term. It is not clear from the plans whether this diverse area of marshy grassland is to be retained as the Masterplan also includes a large attenuation pond in the extreme south-west of the site. If this area is not to remain it is recommended that any topsoil stripped during the creation of

the pond in this area is re-used either in the same location or elsewhere around the site e.g. areas of informal open space or within the landscape buffer to the south east. Any soil movements will have to be in accordance with the invasive species management protocol. As the details for this part of the site are not being considered at this stage, conditions will be imposed to ensure that the biodiversity interest of this marshy grassland is, where appropriate retained.

Semi natural broadleaved woodland is the dominant habitat in the northern half of the site with several areas of quality and species composition present. Policy ENV6 - Nature Conservation indicates that proposals for development will be required to, in the first instance, retain, conserve, restore and enhance wherever possible existing woodland. A Tree Survey, Categorisation & Constraints Report by an arboriculturalist has accompanied the application. It objectively assesses the trees on site and assigns the trees to one of four categories depending on their overall health, size, condition, amenity, cultural and conservation value, their suitability in view of the increased usage that will arise following development. The illustrative Masterplan demonstrates that a block of woodland covered by the Tree Preservation Order to the south of the cycleway is to be retained however a large block of woodland is lost from the north of the site.

Ultimately, the extent of tree loss will be informed by the further tree and ecology assessment that will be required throughout the planning and design phase. Planning conditions will be imposed requiring the agreement of an Arboricultural Implications Assessment, Tree Protection Plan and Arboricultural Method Statement for the whole site prior to any development commencing. This approach accords with the requirements of Policies ENV5 and ENV6 of the LDP and whilst it is entirely probable that a number of trees will be lost to accommodate the development, this will be controlled through the planning process. From an ecology perspective, if the woodland to be retained is brought under management this would off-set the area lost to development and will also have the benefit of framing the development and ensuring continued habitat connectivity with woodland outside of the development footprint.

The presence of a species protected under European or UK legislation is a material consideration when a Local Planning Authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. The ecology surveys confirm that the site supports a number of protected/notable species including Slow Worm, a 'low' population of Grass Snake, ground nesting birds and foraging bats. Several trees and groups of trees in the woodland to the north and east of the site were considered suitable for roosting bats. The Preliminary Ecological Appraisal identified a number of groups of trees with potential for roosting bats, both within the main site boundary and along the highway improvement route. A more detailed survey during the winter months to allow better visibility was therefore recommended for these areas with Category 1 trees requiring an inspection from height (i.e. climbing inspection survey) by a suitably experienced and licenced bat worker in order to confirm the presence of any roosts. As the scope of this work would be dependent upon the layout of any future development—further climbing/endoscope survey would only be required if trees identified as Category 1 were likely to be removed as part of any future development. If a roost is discovered a licence from Natural Resources Wales (NRW) and appropriate mitigation will be required before any works to the tree/s can be carried out. The results of the activity and automated detector surveys carried out across the site indicate the woodland, scrub and ditches across the site are likely to act as locally important habitat for foraging and commuting bats, particularly at the highway improvement location. It is therefore recommended that any development seeks to minimise impacts through retention and protection of as much of these habitats as possible. This will be achieved through the inclusion of the recommendations included in the reports (Soltys Brewster 2014, 2016) such as buffer strips, wildlife and dark corridors and sensitive site lighting.

Woodland across the site provides potentially suitable habitat for dormice, particularly to the east and all the woodlands provide connectivity to larger woodland blocks in the surrounding landscape. The most suitable area of habitat for this species (the eastern woodland) is shown to be retained. However, areas are required for removal for the associated highway improvement scheme and an area of lower quality woodland to the north allocated for housing. This area is however considered sub-optimal for dormice but provides habitat connectivity. Due to the lack of records of dormice in the area and suitable habitat being retained it is not considered that further survey effort is required for dormice providing a sensitive clearance methodology is adhered to.

The site was found to support an exceptional population of Slow Worm and a low population of Grass Snake and toads all of which receive protection under Section 42 of the NERC Act 2006 and Schedule 7 of the Environment Act 2016. The Local Authority has a biodiversity duty under both these Acts and must seek to protect these species and enhance the habitats where they occur. The report provides some recommendations that the development should include amphibian friendly features such as incorporating offset curbs/amphibian ladders in drains into the drainage design to prevent these species becoming trapped in gully pots. The site also presents habitat enhancement opportunities for amphibians e.g. pond restoration, creation of hibernacula features etc. Such enhancements will be included in the ecological and landscape management plans that will be required through the imposition of planning conditions. This will ensure compliance with the aforementioned Acts.

There is a high likelihood of a number of birds nesting on the site in particular the woodland and scrub. Any site clearance of vegetation associated with future development will be undertaken outside of the bird nesting season and in accordance with method statements for other species to be agreed with the Local Planning Authority.

Large populations of Japanese Knotweed and Himalayan Balsam are a prominent feature of the site. The Phase 1 mapping identifies areas of Japanese Knotweed however, Himalayan balsam is not mapped and should therefore be considered to be distributed throughout the site. The applicant will be reminded of their duty of care and responsibilities under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) and a detailed specification and method statement will be required to deal with the invasive species on site.

Overall, the proposed approach to the development with recommendations for avoidance and/or mitigation measures as set out within the ecology reports and the general principle of retention, protection and enhancement of as much of the existing green infrastructure as can practically be accommodated within the development is in line with local planning policy and supplementary planning guidance Green Infrastructure approach. Furthermore, it will ensure that the development contributes to providing an ecosystem for the site and beyond which is both diverse and resilient as required under Section 6 of the Environment (Wales) Act 2016.

The incorporation of existing habitat features and future open space provision into managing drainage on site through the use of Sustainable Drainage Systems (SuDS) will provide many benefits in addition to surface water management such as improving amenity for local people and also provide habitats for wildlife. Biodiversity conditions can be used where further specific information is required for approval prior to commencement of development.

As mentioned above further details are required for the methodology for site clearance for avoidance of harm to reptiles, nesting birds, amphibians, bats, dormice, great crested

newts, otters and for detailing the containment, control and removal of invasive non-native species (Himalayan Balsam and Japanese Knotweed) on site. This methodology will be submitted to and approved by the Local Planning Authority. This Council expects a 'net gain' for biodiversity in all schemes and such measures will be incorporated into an ecological design strategy and Landscape and Ecological Management Plan/Green Infrastructure Strategy which will be secured by condition.

This Council has the responsibility for considering the historic environment as part of their role in determining planning applications. An archaeological and heritage assessment and addendum, (specifically reviewing the impact of the re-aligned link road on the listed structures) has supported this planning application. All the heritage assets both designated and non-designated have been identified and the impacts of the development assessed.

The Scheduled Monument that is the Remains of Tondu Ironworks and the three Listed structures lie outside the application site. The historic and modern settings of each of these designated assets has been assessed and it is determined by the applicant's assessors that their significance would in no way be adversely affected by the form of development proposed within the site, either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting.

The northern part of the site is included within the Derllwyn Road, Tondu Conservation Area on the basis that it was formerly part of the Tondu Ironworks. The derelict and overgrown land presently makes no contribution to the special character or appearance of the designated area and the assessor reminds the Council that the principle of development in the Conservation Area has previously been supported through the Local Development Plan allocation. It is considered that the implementation of the proposed development which could include a layout that is sensitive to the character of the wider Conservation Area could both enhance this specific portion of the designated area and preserve and enhance the elements of the wider Conservation Area (including its Listed Buildings) which contribute to its character and appearance. Before any application is submitted for any phase of this development, a site specific brief will have to be agreed with the Local Planning Authority. Particular regard will be given to the details of the layout and design and how this can enhance the special character of the Conservation Area.

The northern part of the site also lies within the locally identified Area of Archaeological Significance where there is potential for archaeological remains associated with the former 19th and 20th century ironworks to be found. In the view of the assessor these would potentially be the truncated remains of the former beehive coking ovens, tram roads and coal crusher surviving beneath deposits of coke waste and demolition debris. It is the consultant's opinion that these are very unlikely to be worthy of preservation in situ and no further archaeological investigation is deemed to be warranted at this stage. That was not a view shared by the Council's Conservation Officer and Glamorgan Gwent Archaeological Trust. As discussed in the earlier sections of this report, the trial trenching would constitute a significant engineering operation given the depth of material that has been deposited on this part of the site. It is proposed that a planning condition will be attached to any consent that will prevent any development on this part of the site (Phase 4) until the archaeological investigation works have been carried out. Prior to any development archaeological evaluation in the form of trial trenching will be required to establish whether any significant archaeological features are present. Whilst there is a risk to developer in this approach it does offer enough safeguards to the Council and with any mitigation required being agreed by the Planning Authority it will ensure that the development is compatible with local and national policy.

With regard to the Listed bridge piers this assessment was dependent on the structures being retained in situ. Concerns were identified following the receipt of the latest plan of the new link road that its construction and the associated engineering works would directly affect the Listed structures. With the details of the road alignment works not confirmed at this stage - the likely implications of the proposals, whether adverse or otherwise, cannot be definitively established.

As referred to elsewhere in this report, additional plans and sections have offered the Council some assurance that the Listed structures will not need to be demolished. At the final design stage a number of solutions can be considered but it is likely that the Council will promote a localised narrowing of the route and the retention of the Listed structure in situ as recommended by national and local planning policy. Special regard to all Listed structures that could be affected by the development and on the basis of the information before the Council at this time, the structures or their setting should not be adversely affected.

The Local Planning Authority has a statutory duty under the Listed Buildings Act to have special regard to the desirability of preserving Listed Building and their settings. In this case, whilst the Listed bridge abutments can be preserved in situ, there is a clear implication for their setting as a result of the new highway proposal.

The exact nature of this road will not be known until further details are supplied, however, the setting of these Listed structures are quite limited, firstly, by their very nature and secondly, given their location in the wider landscape setting. There is also a cycle route running underneath the bridge which is to be retained as part of the proposal and this could also involve works to the Listed building, which in itself is not in an ideal physical condition. The proposal, therefore, could result in a positive impact in as much as the Listed buildings will form part of an improved and enhanced cycle way and pedestrian interchange which will elevate its prominence in the wider setting. The details of the scheme will require careful consideration in due course but it is considered that the setting of this listed structure will be preserved and even enhanced as part of the scheme.

The proposed development will not result in the loss of any designated heritage asset and, subject to protection afforded by legislation and controls being imposed over phases of the future development, the settings of any of the designated heritage assets should not be adversely affected. Opportunities to enhance the setting of the Scheduled Monument and the character and appearance of the Derllwyn Road Conservation Area do exist and could be achieved by careful design that respects the local context. Overall, the proposed application accords with existing legislation and current national and local planning policy.

5. Whether the development proposes an acceptable level of affordable housing, contributions to educational facilities, highway improvements and community facilities to accord with local policies and guidance

New development often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety or the environment. It is important that development costs, including the costs of implementing planning agreements, should not prejudice development that supports the Council's aspiration to see the regeneration and improvement of the Borough. If such costs would result in a proposal being unviable, however, the Council may conclude that the benefits of the development outweigh the benefits of seeking to secure all the infrastructural requirements.

Under the policies of the Bridgend Local Development Plan (2013) and to help meet local needs and secure benefits which will make development more sustainable, contributions from the development of this site are required and they include the following:

- 20% affordable housing (Policy COM 5 refers),
- Financial contribution to address the shortfall in surplus school places in the area - according to the formula contained in the Council's Supplementary Planning Guidance, the proposal will generate up to 23 Nursery, 99 Primary, 81 Secondary and 16 Post-16 age children.
- Policy COM11 of the LDP requires the provision of a satisfactory standard of outdoor recreation space, which is defined as 2.4 hectares per 1,000 people. For a proposal of up to 450 dwellings, this amounts to approximately 2.4-2.5 hectares to consist of a combination of outdoor sport, children's play space, allotment provision and accessible natural green space. The Council's open space audits reveal a general deficit of facilities per head of population in this location.
- Improvements to the local highway network and sustainable transport initiatives;

Policy SP14 of the LDP acknowledges that the provision of planning obligations can affect the viability of residential development and therefore the aforementioned requirements are subject to negotiation. The applicant commissioned a budget appraisal to provide information of the likely costs of the primary site infrastructures, off site highway improvements and site remediation or enabling works required to prepare the site for the proposed development. From the appraisal a viability assessment was submitted which has been the subject of detailed negotiations with the Council's Section 106 Officer. The high development costs which are estimated to be in the region of £12 million, significantly affect the viability of the site and the level of obligation that the Council can reasonably secure from this development. The strategic importance of this site in delivering regeneration led development with new housing, improved highway infrastructure and commercial development outweighs the benefits of securing all the infrastructural requirements and levels of obligation that policy that are set by the Council's policies and guidelines.

In terms of education, the Council's Education Department has identified a deficit in places in providing primary education and this development will secure a total contribution of £1.6 million that will be paid at various phases of the development.

Affordable housing does have a significant impact on viability but to secure no provision would contradict local and national policy. The policy does however allow a degree of flexibility on how the affordable housing will be provided. On this occasion, the applicant is proposing to transfer sufficient serviced land to an appointed Registered Social Landlord at a minimal cost and to allow 45 units (10%) affordable homes to be constructed. Although this represents a reduction and the methodology for delivering the housing is unorthodox, it represents an acceptable compromise from a planning policy perspective.

Outdoor recreation space throughout the site is identified on the Masterplan drawing that has accompanied the application and suggests a level that would accord with Policy COM11 of the Bridgend Local Development Plan. Provision and the arrangements for future management and maintenance will be agreed in writing by the Council prior to commencement of development and as part of the S106 Obligation.

Financial contributions in respect of highway matters cover sustainable transport initiatives, Traffic Orders and off site highway improvements including improvements to the A4063/Tondu Road/A4281 roundabout (£250,000) and a new pelican crossing (£50,000). The most significant cost will be the construction of the new link road (£1.8 million) but this will be delivered as part of the development. On the basis of the evidence before the Council, traffic associated with the first phase of the proposed development (135 units) can be accommodated on the network without need of any improvements. Members have however resolved to grant planning permission for a new retail unit on the Lidl site. To

mitigate the traffic that development will generate and to create additional capacity at the signalised junction that serves the new unit and the first phase of this application, a sum of money will be secured to fund changes to the traffic lights system (MOVA). Such monies will also be secured against this development to ensure this improvement is delivered. It is considered that the level of infrastructure obligations that will be secured are proportionate to the scale of the development recognising the challenges of delivering development on land formerly used for heavy industry. The contributions toward affordable housing, education, highway matters and open space provision should ensure that the development does not have an adverse effect upon amenity, safety or the environment.

CONCLUSION

The proposed development on an allocated site will make a significant contribution to housing land supply and is located in a sustainable location in terms of access to services, amenities and public transport and would not cause unacceptable harm to its surroundings. There is no evidence before the Council which would suggest there would be any unacceptable impacts on local economic, social and environmental infrastructure. The proposed development would not undermine the principles of sustainable development or the creation of cohesive communities, which forms the basis of local and national planning policy.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 has been considered. This recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by Section 8 of the Wellbeing of Future Generations (Wales) Act 2015.

In line with the presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted Development Plan for the area, unless material considerations indicate otherwise. Notwithstanding the significant weight of objection to this development, no evidence has been provided to suggest that the principle of this site being re-developed in the manner proposed is not acceptable.

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement as follows:-

DEVELOPMENT MANAGEMENT

The applicant covenants with the Council that the development of this site shall proceed in accordance with the principles set out in Sections 6.0 Design, 7.0 Character, 8.0 Movement and Access, 9.0 Landscaping, 10.0 Community Safety, and 11.0 Environmental Sustainability and the Stage one Masterplan - SP484 - Land at West of Tondu - 1:1250 @A1 in the Design and Access Statement – prepared by CW Architects (April 2016).

AFFORDABLE HOUSING

The Owner/Developer to provide for the delivery of a minimum of 10% affordable housing units across the site to be delivered in accordance with a scheme agreed in writing between the Owner, the Council and a nominated Registered Social Landlord. The affordable housing scheme will include details of the type of units, location within the site, affordable tenure and timescale for delivery

PUBLIC OPEN SPACE/LANDSCAPING/DRAINAGE

Provide outdoor recreation space throughout the site in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and

maintenance to be agreed in writing by the Council prior to commencement of development. The Council will also take any other steps necessary to secure the maintenance and preservation of the spaces/works required. The applicant/developer shall agree the 'Recreation Space Specification' for each reserved matters application area with the Council, prior to commencement of development in that reserved matters application area.

Establish a 'Management Company' for the future maintenance of the surface water drainage systems serving the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

EDUCATION

Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being based on a total contribution of £1,614,987.00 for a total of 450 residential units, to be adjusted on a pro rata basis dependant on the final number of residential units. The applicant shall make payment to the Council on occupation of every 100 dwellings pro rata against the total contribution above.

TRAFFIC AND TRANSPORTATION

Enter into a Highways Agreement to secure the adoption of the proposed roads that will serve the development site.

Provide a contribution of £7,000 towards the establishment of Traffic Orders on the access road to prevent on-street car parking on the road network adjacent to the Waste Transfer Station prior to the commencement of any development

Provide a financial contribution of £55,000 towards sustainable travel initiatives and to fund changes to the MOVA system and staging arrangement of the A4063 signalised junction, prior to occupation of the 1st dwelling on this development site

Provide all other financial contributions towards sustainable travel initiatives and all highway improvement works referred to in the TA report and its addenda prior to occupation of the 136th unit, these should include:-

- a financial contribution of £250,000 towards sustainable travel initiatives
- construction of the link road (by-pass)
- improvements to Aberkenfig roundabout

(B) That the Corporate Director Communities be given plenary powers to issue a decision notice granting Outline consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, and subject to the standard Outline conditions and the additional conditions as follows:-

1. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - a) Application form dated 3 May 2016
 - b) Revised Site Location Plan - EX01 - Revision C provided by C.W. Architects Ltd received on 23 October 2017
 - c) Proposed Pedestrian and Cycle Links - Drawing W152050_B05 Rev B provided by

Vectos received on 3 October 2017

- d) Design and Access Statement, provided by C.W. Architects Ltd received on 9 May 2016.
- e) SP484 - Stage One Masterplan - Rev A (1:1250 @A1) provided by C.W. Architects Ltd received on 24 April 2017
- f) Archaeological and Heritage Assessment prepared by The Environmental Dimension Partnership Ltd (EDP)
- g) E1457501 R01 – Preliminary Ecological Appraisal Final As Issued 2014-12-12 provided by Soltys Brewster Ecology
- h) E1457501 R02 – Level 2 Survey Report Final As Issued 2016-03-10 provided by Soltys Brewster Ecology
- i) Preliminary Utility Strategy Issue 2 by ARUP dated April 2016
- j) Report 15-9428 Tondu Drainage Strategy 3 provided by ARUP
- k) Tree Survey, Categorisation and Constraints Report by Steve Ambler and Sons Tree Specialist Ltd dated 20 February 2016.

Reason: To ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions, the protection of heritage assets and the sites biodiversity interest.

2. No more than 450 dwellings and 1,000 sq.m of commercial (B1 uses only) shall be erected on the application site.

Reason: To ensure that the final development is in accordance with the outline submission to ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions, the protection of heritage assets and the sites biodiversity interest.

3. The mitigation measures set out in the documents listed below shall be carried out as prescribed in those documents provided for in any other condition attached to this permission or the Section 106 Agreement:
- a) Sections 7.0, 8.0, 9.0 10.0 and 11.0 in the Desk Study & Coal Mining Risk Assessment Report Tondu – Rev A April 2016 provided by Integral Geotechnique
 - b) Section 6.0 Conclusions and Recommendations in the Level 2 Survey Report Final As Issued 2016-03-10 provided by Soltys Brewster Ecology
 - c) Section 6 - Recommendations in the Tree Survey, Categorisation and Constraints Report by Steve Ambler and Sons Tree Specialist Ltd dated 20 February 2016.

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

4. Prior to submission of the first of the Reserved Matters submissions for residential development of the site, a comprehensive site-wide phasing plan, which accords with the conditions contained in this Notice shall be submitted to and approved in writing by the

Local Planning Authority. The phasing plan shall include, as a minimum, the following elements:

- a) the Reserved Matters phases;
- b) off site highways improvements;
- c) site accesses;
- d) major distributor roads/routes within the site;
- e) footpaths and cycleways;
- f) strategic landscaping;
- g) bus stops;
- h) strategic foul and surface water features;
- k) open space and play areas
- i) environmental mitigation measures;

The development shall be carried out in accordance with the agreed phasing plan.

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

5. Development proposals within each development phase shall be carried out in accordance with a Development Brief which shall have been submitted to and approved in writing by the Local Planning Authority prior to the submission of Reserved Matters for that phase. The Development Brief shall demonstrate how the development will conform to the supporting documents and mitigation measures referred to in Conditions 1 and 3 above.

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

6. Prior to submission of the first of the Reserved Matters submissions for residential development on the site, a Hydraulic Modelling Assessment shall be submitted to and agreed in writing by the Local Planning Authority to identify a point of connection on the drinking water system. Thereafter the connection shall be made in accordance with the agreed connection option following the implementation of any necessary improvements to the system, as may be identified by the Hydraulic Modelling Assessment. The agreed works shall be carried out prior to the occupation of any property on the development site.

Reason: To ensure the development is served by an adequate supply of drinking water, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

7. No development shall commence on any phase of the development until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt within each phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any building being occupied.

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

8. No development shall commence until an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement (in accordance with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations) for the trees affected by the proposed link road and the proposed development have been submitted to and agreed in writing by the Local Planning Authority. The recommendations

of the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement shall inform the layout of the phases of the proposed housing and all development thereafter shall be carried out in accordance with the agreed Assessments, Plans and Statement.

Reason: To minimise the impact of the road construction on the woodland in the interests of the amenities of the wider area.

9. Prior to the submission of the first of the Reserved Matters submissions for residential development on the site, a fully detailed strategic landscape scheme, including the Informal Public Open Space, Walkways, Eco Corridors (buffer landscape scheme), Open Spaces, Informal Open Space, retained Woodland and structure planting to the spine road and programme of implementation for the whole site has been submitted to and approved in writing by the Local Planning Authority. The detailed strategic landscape scheme shall be carried out in accordance with the approved schemes and programme and retained thereafter.

Reason: In the interests of the residential amenities of future occupants.

10. If within a period of up to five years from the planting of any strategic landscaping, any tree or hedgerow planted is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

11. Prior to the development of any development phase, a detailed landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plans and particulars to be submitted shall include:

A plan showing the location of, and allocating a reference number to, each existing tree including crown spread, hedgerow and other soft landscape features to be removed or retained on the site. For the purpose of this condition trees are defined as those which have a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm.

- a) Details of the species, diameter (measured in accordance with paragraph a) above) and the approximate height and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply.
- b) Details of any proposed crown reduction or lopping of any retained tree or of any tree on land adjacent to the site.
- c) Details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree on land adjacent to the site or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.
- d) Details of the specification and position of temporary fencing (and of any other measures to be taken) for the protection of any retained tree, hedgerow or other soft landscape feature from damage before or during the course of development.

In this condition and in Condition 12 below 'retained tree' means any existing tree, hedgerow or other feature which is to be retained in accordance with the plan referred to in paragraph a) above.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

12. In accordance with condition 11 (above) all works comprised in the approved details of landscaping, including public open spaces and landscape buffers, associated with each development phase shall be completed prior to the occupation of the penultimate dwelling of that phase and retained thereafter.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

13. If within a period of up to five years from the date of first occupation of the last dwelling on a development phase, any retained tree/hedgerow or new tree/hedgerow planted within that phase is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

14. The details submitted pursuant to discharging landscaping as a reserved matter shall include new buffer of woodland, open habitat and scrub at least 10m depth between the proposed development site and the Parc Slip Local Nature Reserve and Site of Importance for Nature Conservation (SINC). The landscaping scheme shall effectively protect the adjacent sites and must include a landscape management plan that details how the new planting and retained habitats will be managed. No gardens of any adjacent dwellings shall be included within the 10m woodland buffer planting zone.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

15. The details submitted pursuant to discharging landscaping as a Reserved Matter for any development phase shall provide for the:
 - a) Retention and protection of several priority habitats, including wet woodland, ponds and rush pasture (marshy grassland) - Reference the Preliminary Ecological Appraisal Final As Issued by Soltys Brewster Ecology and the Level 2 Survey Report Final As Issued by Soltys Brewster Ecology;
 - b) Maintenance of habitat connectivity through the retention of the woodland along the eastern boundary and new planting bordering the cycleway and Derllwyn Road. Appropriate management of these areas will be required to off-set the loss of the north-eastern area;
 - c) A long-term net gain in local biodiversity through the removal of invasive species and the maintenance of a smaller area of marshy grassland habitat;

- d) Provision of a large attenuation pond in the south-west of the site, an area of more diverse marshy grassland, where careful development of the area will enable the retention of the existing botanical diversity.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

16. The development hereby permitted shall not be commenced and no demolition or partial demolition of any buildings or other structures, or the felling of any trees, shall take place until a programme and scheme for the carrying out of a survey to identify the presence or otherwise of bats on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall take account of seasonal usage and the timing of development on each development phase. The survey shall be carried out in accordance with the approved scheme and programme and shall contain recommendations for measures to protect any bats found before, during and after development, which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The protection measures shall be fully implemented in accordance with the approved details.

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

17. Prior to the commencement of any works within a particular development phase, further surveys shall be undertaken within that area to determine the presence and/or location of, but not limited to, the following species:
 - a) badgers and setts in current use
 - b) dormice
 - c) otters and holts
 - d) water voles
 - d) crayfish
 - e) reptiles (common lizard, slow worm, grass snake and adder)
 - f) great crested newts
 - e) invertebrates survey of key habitats
 - f) breeding birds
 - j) glow worms

The surveys shall be carried out in accordance with a programme which shall have been submitted to and approved in writing by the Local Planning Authority taking into account seasonal usage. The results of the surveys, along with measures before, during and after development for the protection of any species found, shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be fully implemented in accordance with the approved details and maintained thereafter.

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

18. The plans and particulars submitted in accordance with the Reserved Matters shall include a Habitat Management Plan (HMP) addressing avoidance, mitigation, compensation, enhancement and restoration of the site and shall include the following:-
 - a) Purpose and conservation objectives for the proposed works
 - b) Review of site potential and constraints
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

No development shall commence until the HMP has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and all features shall be retained in that manner thereafter.

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

19. The plans and particulars submitted in accordance with the Reserved Matters shall include a Construction Environment Management Plan (CEMP: Biodiversity) and shall include the following:-
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification "biodiversity protection zones".
 - c) Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

No development shall take place (including demolition, ground works and vegetation clearance) until the CEMP - Biodiversity has been submitted to and agreed in writing by the Local Planning Authority. The CEMP - Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the agreed details.

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

20. The plans and particulars submitted in accordance with the Reserved Matters shall include a Landscape and Ecological Management Plan (LEMP) addressing the following:-
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

No development shall take place (including demolition, ground works, vegetation

clearance) until the LEMP has been submitted to and agreed in writing by the Local Planning Authority. The LEMP shall also set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme.

The site shall be developed in accordance with the agreed details.

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

21. No development shall commence on any phase of the development until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme and throughout the development of the respective phases.

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

22. No development shall commence on any phase of the development until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting plans shall be implemented as approved.

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

23. Prior to submission of the first of the reserved matters applications, further site investigation works shall be carried out in accordance with a methodology first to be submitted to and approved in writing by the Local Planning Authority in respect of the following:

(i) a scheme of intrusive site investigations for the mine entries or the submission of evidence that they have been removed by the surface mining operations;

(ii) a scheme of intrusive site investigations for the shallow coal workings;

(iii) a layout plan which identifies appropriate zones of influence for the mine entries on site and the definition of suitable 'no build' zones;

No development shall commence on any phase until the results of the site investigation including any scheme of treatment, remedial works required to ensure the safety and stability of the proposed development and a programme for implementation of the aforesaid works has been submitted to and agreed in writing by the local planning authority. The remediation works shall be carried out as agreed prior to works commencing on the land for any phase of the development that requires remediation.

Reason: In the interests of the safety of the future occupiers of the development.

24. No development shall commence on any phase of the development until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all

works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA/WAG/EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

25. The remediation scheme approved under Condition 24 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA/WAG/EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

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

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

27. Piling or any other foundation design using penetrative methods will not be permitted unless otherwise agreed in writing by 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 groundwater.

Reason: To prevent pollution of controlled waters

28. No development shall commence on any phase of the development until a Construction Environmental Management Plan (CEMP) to minimise dust emissions arising from construction activities on the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development and shall include the control measures of the air quality. The construction phase shall be implemented in accordance with the agreed scheme with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phases.

Reason: In the interests of safeguarding the amenities of existing residents

29. No development shall commence on any phase of the development until a Construction Method Statement (CMS) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction Method Statement.

The Construction Method Statement shall address the following matters:-

1. Details of the phasing of construction works, including timescales;
2. Details of equipment to be employed, operations to be carried out and hours of operation;
3. Mitigation measures to be applied in accordance with the guidance in BS228 (2014)
4. A scheme for implementing effective liaison with the local residents where they are likely to be affected by the noise/vibration at any particular phase of the work and details of how complaints will be dealt with.

Reason: In the interests of safeguarding the amenity of residents

30. No development shall commence until a scheme for the provision of highway mitigation works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide improvements to:
1. the A4063 (Maesteg Road) / A4065 (Bryn Road) / Bridgend Road, Aberkenfig signalised junction,
 2. realignment of the Western arm of the junction to a revised roundabout junction serving the development
 3. realignment of A4063 (Maesteg Road Tondu) to create a new link route to the site access roundabout and be in accordance with Vectos Drawing W152050/B/05 Rev C.

The scheme shall include

- i. Phasing scheme including temporary traffic management proposals
- ii. revision of all traffic signing, road markings
- iii. provision of a 3.5m shared footway / cycleway on the Western side of A4065 (Bryn Road) from the signalised junction North to Station Approach, Tondu
- iv. realigned carriageway markings along the Eastbound arm of the signalised junction and (A4063) to provide an extended merge length to no less than 200m

- v. provision of a 3.5m shared footway / cycleway on the Northern side of the new Western arm from the signalised junction West to the site access roundabout and spur to the stub end of Maesteg Road, Tondu
- vi. provision of a 3.5m shared footway / cycleway on the Southern side of the new Western arm of the signalised junction from the existing cycle route connection to 12 Cwrt yr Hen Ysgol West to the site access roundabout
- vii. provision of an uncontrolled cycleway footway crossing with associated pedestrian refuge between the improved A4063 (Maesteg Road) / A4065 (Bryn Road) / Bridgend Road, Aberkenfig signalised junction and the realigned site access roundabout.
- viii. provision of a 3.5m shared footway / cycleway on the Western side of the new link road from Iron Way to the site access roundabout
- ix. signalised Toucan cycle / pedestrian crossing in the vicinity of the existing NCN4 with onward 3.5m shared footway / cycleway link to the redundant portion of Maesteg Road, Tondu
- x. Removal of existing bus stops on the redundant portion of Maesteg Road and replacement with new bus stop facilities on the new realigned section of Maesteg Road (link road).
- xi. Vehicular turning facilities on the southern end of the redundant portion of Maesteg Road
- xii. New vehicular link from the new realigned section of Maesteg Road to the existing to the redundant portion of Maesteg Road
- xiii. Replacement off street parking for the loss of the existing parking layby between TM Cars and 37 Maesteg Road
- xiv. Scheme of waiting restrictions
- xv. Scheme of 20mph speed restrictions
- xvi. Scheme of cycle / pedestrian direction signage
- xvii. Supporting Stage 2 Road Safety Audit

The scheme of highway mitigation works shall be constructed in permanent materials in accordance in with the approved details prior to the beneficial occupation of the 136th dwelling.

Reason: In the interests of Highway network capacity, Road Safety and promoting sustainable travel patterns

- 31. Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995, there shall be no vehicular access to the site other than the two approved access points being the continuation of the existing western arm of the Pentre Felin/Lidl/Proposed Link Road roundabout along the unnamed road and the "emergency vehicles" only access off Derllwyn Road.

Reason: In the interests of highway safety

32. No development shall commence until a scheme for the provision of a scheme of highway mitigation works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide improvements to the geometry of the A4063 (Bridgend Road / Sarn Link) / B4281 roundabout junction. Such scheme shall include for:
- i. Phasing scheme including temporary traffic management proposals
 - ii. revision of all traffic signing, road markings
 - iii. Supporting Stage 2 Road Safety Audit

The scheme of highway mitigation works shall be constructed in permanent materials in accordance in with the approved details prior to the beneficial occupation of the 136th dwelling.

Reason: In the interests of Highway network capacity and Road Safety

33. No development shall commence until a scheme for the provision of an emergency vehicular access linking the Northern area of the site to the highway network at Derllwyn Road has been submitted to and approved in writing by the Local Planning Authority. The emergency access shall incorporate physical features preventing regular vehicular traffic traversing the route and shall be constructed in permanent materials in accordance with the approved layout prior to the 200th dwelling on the greater development parcel being brought into beneficial use and shall be retained for the free passage of pedestrians & cyclists in perpetuity.

Reason: In the interests of highway safety.

34. No building shall be occupied until that part of the road system which provides access to it has been constructed to at least base course level in accordance with the approved plans.

Reason: In the interests of highway safety

35. No building shall be occupied until parking has been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Garages meant for parking shall have minimum internal dimensions of 6m x 3m. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order, with or without modification), all such garages and parking spaces shall thereafter be retained solely for the parking of vehicles in connection with the building they serve.

Reason: In the interests of highway safety

36. Details of the position and timing of provision of bus stops throughout the site shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application for the site. Bus stops shall be provided in accordance with the approved details.

Reason: In the interests of highway safety and to promote

37. No development shall commence on any phase of the development 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 application and approved by the

local planning authority. The approved site investigation works shall be implemented prior to the commencement of development on phases 4 and 5 or any infrastructure scheme or strategic landscaping area. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and the developer shall afford access at all reasonable times during construction to a nominated archaeologist for the purpose of observing the excavations and recording items of interest and finds.

Reason: To safeguard the heritage assets that may be buried beneath ground in accordance with national and local planning policy.

38. No development shall commence until a scheme and phasing plan for the provision of a pedestrian / cycle route linking the site to the highway network at Derllwyn Road, adjacent residential development and the National Cycle Network has been submitted to and approved in writing by the Local Planning Authority. The pedestrian / cycle link shall be at a minimum width of 3m, within a corridor of 4m minimum width and provide physical features preventing vehicular traffic traversing along the pedestrian / cycle and shall be constructed in permanent materials in accordance with the phasing plan and shall be retained for the free passage of pedestrians & cyclists in perpetuity.

Reason: In the interests of promoting sustainable travel patterns

39. The main site spine road of the greater development parcel (Phases 1-5 on the Phasing Plan in the Design and Access Statement, excluding Phase 2/3) shall be laid out to provide a circular route suitable for future public transport to permeate into the site and serve the development. The spine route and Circular bus route shall be not less than 6.5m with appropriate lane widening on bends and bus stops.

Reason: In the interests of promoting sustainable travel patterns.

40. The main site spine roads of the greater development parcel (Phases 1-5 on the Phasing Plan in the Design and Access Statement, excluding Phase 2/3) shall be laid out to provide carriageways of no less than 5.5m, with a single cycleway footway of no less than 3.5m and a single footway of no less than 2.0m.

Reason: In the interests of promoting sustainable travel patterns and highway safety.

41. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

(a) The proposed development will make a significant contribution to housing land supply and is located in a sustainable location in terms of access to services, amenities and public transport, and would not cause unacceptable harm to its surroundings. There is no evidence before the Council which would suggest there would be any unacceptable impacts on local economic, social and environmental infrastructure. The proposed development would not undermine the principles of sustainable development or the creation of cohesive communities, which forms the basis of local and national planning policy.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well-being of Future Generations (Wales) Act 2015 has been considered. This recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by Section 8 of the Well-being of Future Generations (Wales) Act 2015.

In line with the presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted Development Plan for the area, unless material considerations indicate otherwise. Notwithstanding the significant weight of objection to this development, no evidence has been provided to suggest that the principle of this site being re-developed in the manner proposed is not acceptable.

- (b) The developer should contact the Rights of Way Section as soon as possible when the detailed plans are submitted for the design of any phases of the development that will affect either the Public Rights of Way or cycle network so that the protection of that network, which may include for the diversion of some or all of that network can be agreed and, where necessary Orders processed as soon as possible.
- (c) Any site clearance of vegetation associated with future development will be undertaken outside of the bird nesting season and in accordance with method statements for other species.to be agreed with the Local Planning Authority.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None