

**REFERENCE:** P/18/174/FUL

**APPLICANT:** Jehu Group c/o Asbri Planning Ltd, Unit 9 Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

**LOCATION:** Former Pencoed Primary School site Penprysg Road Pencoed CF35 6RH

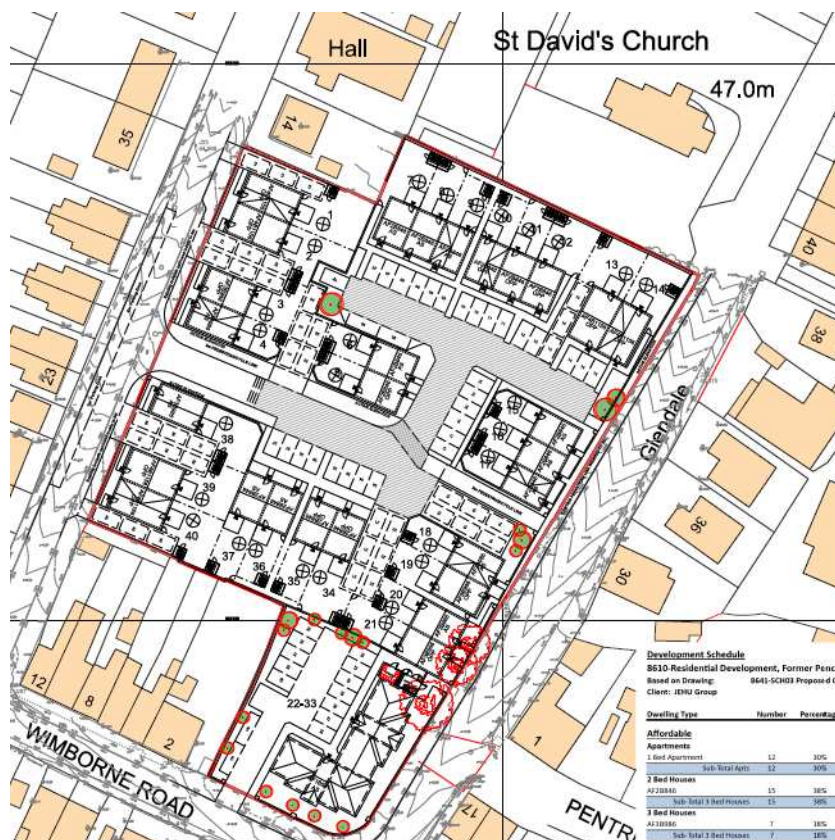
**PROPOSAL:** Demolition of Pencoed Primary School and construct 40 residential units and associated work

### APPLICATION/SITE DESCRIPTION

Asbri Planning Ltd has submitted a full planning application on behalf of Jehu Group for the demolition of Pencoed Primary School and the construction of 40 residential units and associated works.

The site measures approximately 0.72 ha and adjoins Penprysg Road to the east with the side and rear boundaries of 2-12 Wimborne Road and a section of the public highway forming the southern site boundary. The western boundary immediately adjoins the northern arm of Wimborne Road with 19-35 Wimborne Road facing the development site. The curtilage of St David's Church a Grade II Listed Building forms the majority of the northern boundary which is also shared with the side and rear garden of 14 Wimborne Road. The immediate surroundings of the site are residential in character with a mix of terraced, semi-detached, detached two storey properties and a number of bungalows providing the built context for the development along with the Listed church building to the north east.

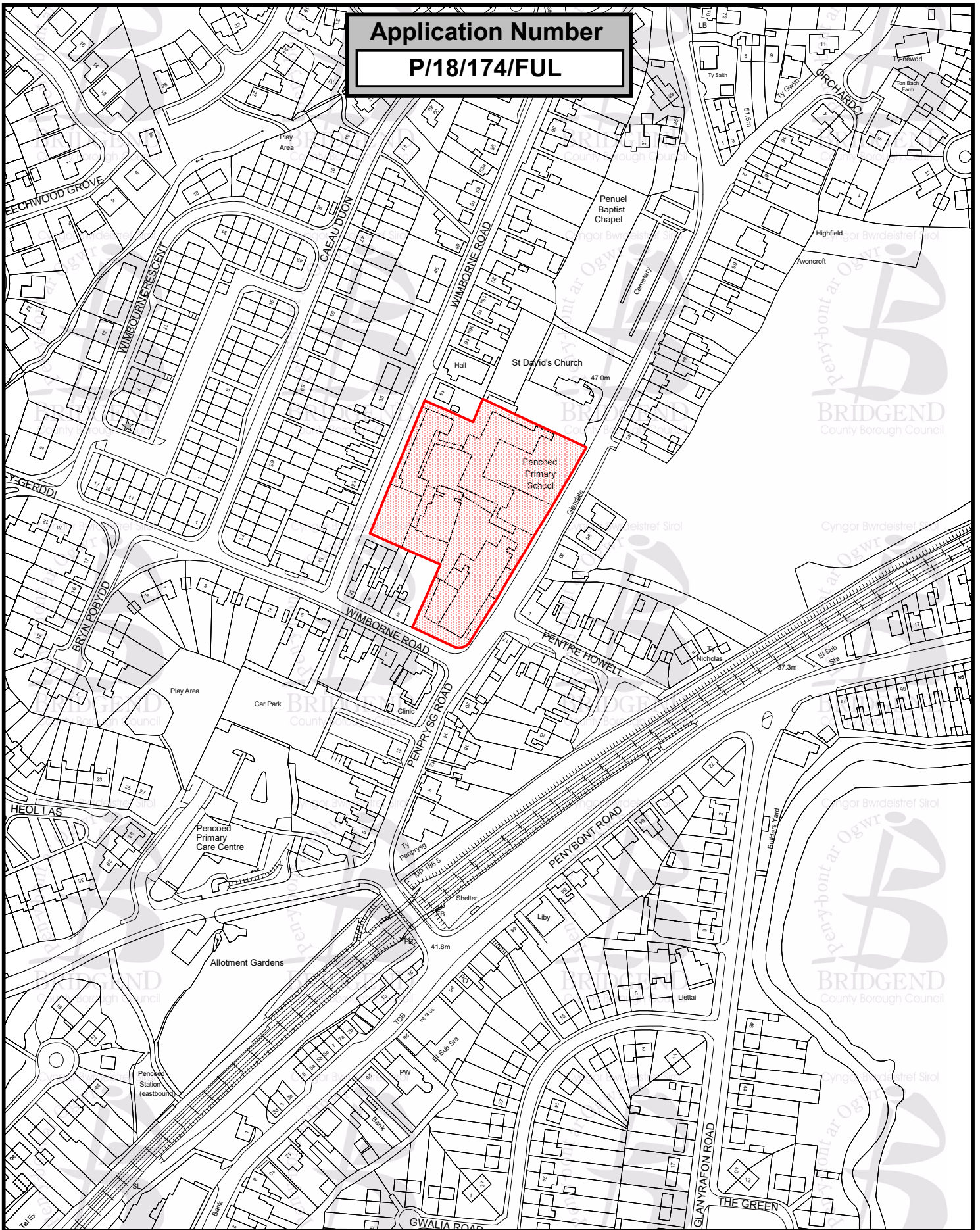
The proposed 40 residential units will comprise twelve 1-bed apartments, fifteen 2-bed houses, seven 3-bed houses and six 4-bed dwellings. The Planning Statement confirms that the development will be 100% affordable housing.



**Proposed Site Layout**

Application Number

P/18/174/FUL



Scale 1:1250

Date Issued:  
22/08/2018

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
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O/DC Committee Report Location Maps/

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Vehicular access to the site will be in two locations. The main access to the greater part of the site (28 units) will be on the western boundary centrally positioned on the development site frontage onto Wimborne Road. The proposed access road will be 5.5m for the first 23m which will then become a shared surface arrangement within the site. A 3m wide shared footway/cycleway is proposed along the northern kerbline of the new access, connecting Wimborne Road to Penprysg Road through the development site. The second vehicular access will serve the flatted development and will be positioned along the southern site boundary onto Wimborne Road, approximately 20m from the existing road junction with Penprysg Road. An additional highway improvement is promoted through the application with the re-development including the demolition of the existing stone wall and railings along the eastern boundary along Penprysg Road. The new boundary will comprise brick piers with intermittent high railings that will be set back to allow the existing footway to be widened to 3m.

The majority of the units on the development will be two storey which reflects the general scale and form of the surrounding development. The exception being the flatted accommodation block at the junction of Wimborne Road and Penprysg Road which is to be three storeys high. The applicant's agent maintains that acceptable separation distances will be achieved throughout the development.

The Planning Statement indicates that a palette of construction materials will be used that will be 'sympathetic to and reflect the existing residential vernacular' in Pencoed. The main facing materials for the houses comprise red facing brickwork to upper levels with Ashlar 'effect' colour render to the ground floor. Contrasting brick headers, pre-cast concrete banding and cills are also proposed along with grey roof tiles to all properties. In seeking to respect the setting of the Listed church, the application proposes the retention of the stone wall but does introduce a trellis landscaping feature inside the wall to give the necessary screening and privacy to the properties on the northern part of the site.

Parking provision on site has been increased to accord with the Council's Supplementary Planning Guidance for Car Parking.

A series of documents and reports accompany the application dealing with design, highway drainage, trees and ecology. A summary of those reports are produced below:

Design and Access Statement - this document seeks to demonstrate that detailed vernacular studies and design considerations have informed the final proposal which the applicant maintains is in accordance with national planning guidance.

Transport Statement - February 2018 - Asbri Transport concluded that the volumes of traffic generated by the proposed development will have a negligible impact on the wider highway network when considered against the extant use -a primary school. Given the site's inherently sustainable location, a car parking reduction would also be justified.

Drainage Strategy - Quad Consultants have undertaken surveys to confirm the existing site drainage and to inform the proposed strategy. Surface water will be disposed to ground using infiltration systems subject to satisfactory test results. Should the tests be unfavourable it is proposed to discharge into the existing surface water sewers located along Wimborne Road and Heol y Gerddi. Foul water will be disposed of to the existing system.

The Preliminary Roost Assessment Report (March 2018) and Bat Activity Survey Report (June 2018) have confirmed the existence of bats within the on-site buildings and the need to obtain an European Protected Species Licence prior to any works (including demolition) commencing on site. The mitigation and compensation strategy that would

need to accompany the licence application will detail the timing of the works, the provision of bat boxes as part of the new development, site supervision by a licensed bat ecologist and controls over external lighting.

An Arboricultural Report including Tree Survey Data and Tree Constraints Plan has been submitted by Arboricultural Technician Services. The site has no significant trees that present a major constraint on developing the site. Six small cherry trees of Low (C Category) quality were identified with their retention being optional. They are not shown as being retained as part of the application but suitable tree/shrub planting could be provided.

In accordance with Part 1A of the Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016, the proposal has been the subject of a pre-application consultation with specialist consultees and the community including the Town Council, local Members and residents. The Pre-Application Consultation (PAC) Report which includes a summary of all representations received has been submitted as part of this application. As part of this process, a community engagement event was held at St David's Church Hall on 24 January 2018. All representations received at that meeting are also included with the PAC Report.

### **RELEVANT HISTORY**

P/98/947/BCB - Single storey extensions to incorporate new toilet blocks - Unconditional consent - 1 December 1998

P/02/283/BCB - Nursery extension - Conditional Consent - 7 June 2002

#### Site Opposite:

P/16/603/BCB - New Primary School including associated demolition and site access works - Deemed Consent - 30 September 2016

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to the initial consultations/publicity expired on 13 April 2018

Letters notifying residents of the submission of revised plans were sent on 3 August 2018. The period allowed for responses expired on 17 August 2018.

### **CONSULTATION RESPONSES**

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

**Shared Regulatory Services (SRS) - Air Quality Control Comments:** The applicant is required to undertake an air quality assessment which shall focus upon dust emissions generated via demolition and construction activities, quantifying the magnitude of risk to surrounding nearby sensitive receptors (residential properties). It has been recommended that a condition be imposed on any permission granted, requiring the agreement of the scheme prior to development commencing and for the management plan and mitigation measures to be carried out throughout the demolition and construction phases.

With regard to potential contaminative issues, SRS have requested the inclusion of a number of conditions and advisory notes to ensure that best practice is followed in the interests of the safety of the future occupiers

**Shared Regulatory Services – Environment Team Comments:** The Developer has submitted the following additional information with the above application: Intégral Geotechnique (Wales) Ltd, September 2017; Site Investigation Report Ref:

12058/LW/17/SI. The above information includes a contamination assessment of the application site undertaken prior to the demolition of site structures:

*The majority of the chemicals analysed were determined to be present at concentrations below the appropriate thresholds and are not considered to pose a significant risk to human health and the environment. This includes: arsenic, recorded at a maximum concentration of 8.3 mg/kg which is below the screening level of 37 mg/kg (Category 4 Screening Levels published by DEFRA).*

*Concentrations of several elevated concentrations of the PAH compounds and a single occurrence of elevated concentration of beryllium have been identified which necessitate remediation; these were within the veneer of made ground associated with the construction of the school and encountered at depths of between 0.4 and 1.0m below ground level.*

Within the above report, the consultant provides general recommendations in relation to further work. These include:

*The need for further post demolition contamination assessment in areas currently inaccessible;*

*Additional analyses in the form of leachate testing to assess potential risks to groundwater and address potential concerns in relation to contaminant migration;*

*General proposals for remediation of the site to address the identified contaminants*

The additional contamination assessments will need to be undertaken following the demolition of site structures but prior to the main construction phase of the development. Proposals for remediation can then be reviewed in the context of this additional information. In light of the above information I have provided revised recommendations, for the inclusion of the conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced.

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

**Natural Resources Wales:** No objections subject to conditions.

**Dwr Cymru Welsh Water:** We would request that if you are minded to grant planning consent for the development that the recommended 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 assets.

**South Wales Police Designing Out Crime:** I am generally pleased with the site layout. All the parking is overlooked/within curtilage. The only concern I have is the footpath/cycleway that connects Wimborne Road to Penprysg Road through the site. It runs directly adjacent to plot 17 and such paths have been areas where predominantly youths congregate and anti-social behaviour occurs. An alternative location should be considered or the route should be designed out. More general advice on lighting, boundary identification, landscaping, side and rear boundaries, vehicle parking areas, bicycle stores, security lighting, bin storage, drainpipes, window and door security etc. is available from the Secure by Design Officer.

**Councillor Alex Williams** has requested that the application be referred to Committee for consideration and has provided the following representations on behalf of his constituents:

### Context - Proposed number of units

The Pencoed Primary School Planning Development Brief noted that the site is allocated for residential development in the Bridgend Local Development Plan for approximately 10 units and that it is anticipated that the site can accommodate a maximum of between 20-30 residential units. However, the developers are considering a development of 40 residential units, double the lower suggested limit. Therefore, how is it permissible to approve a development of 40 units when this contravenes the Bridgend Local Development Plan?

### Congestion

I have significant concerns at the potential for additional congestion on Penprysg Road and Wimborne Road as a result of this development, especially given the fact that the project to dual Penprysg Bridge has now been put on indefinite hold after the UK Government's regrettable decision to cancel the electrification of the mainline beyond Cardiff.

The original Transport Statement to accompany the planning application seems to have suggested that there will be 298 fewer trips at morning peak times and 17 additional vehicle trips at evening peak times. However, my understanding is that this is comparing traffic movements between the existing school and the new development and ignores the traffic requirements of the new Primary School development on Penprysg Road.

Furthermore, I am concerned that the proposals to provide two access points to the new development from Wimborne Road will have a significant and detrimental impact on congestion at the junction between Wimborne Road and Penprysg Road due to the fact that Wimborne Road is used as the main exit road for the majority of residents in the west of Penprysg including Woodstock Gardens, Caeau Duon, Wimborne Crescent and other nearby streets. This has not yet been adequately considered

### Parking

Residents on Wimborne Road have expressed concerns over the parking provision associated with the development. Parking is already at a premium and they contend that 70 parking spaces is insufficient for 40 residential units. They fear that the parking problems which already pertain on Wimborne Road will be made worse as a result of the proposed development. Are 70 parking spaces considered sufficient?

### Wimborne Road - Traffic Calming

As a result of the 20mph limit which is due to come into force on Penprysg Road, there are fears that Wimborne Road will be used as a 'rat run'. Suggestions include traffic calming measures, a one way street and a no right turn to guard against this eventuality. I would like to see traffic calming imposed as a planning condition.

### Privacy — Penprysg Road/Pentre Howell

With regards to the proposed development of a three storey development of 1 bedroom units on the corner of Wimborne Road and Penprysg Road, I would like consideration to be given to the privacy of residents on Penprysg Road/Pentre Howell who have expressed concern that the development will overlook their properties

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the owner/occupiers of the following properties:

2, 6, 12, 17, 19, 25, 27, 28 and 33 Wimborne Road  
35 Islawen Meadows  
15 & 17 Pentre Howell

Representations have also been received from the occupiers of a number of the aforementioned properties in response to the recent re-consultation including a number of emailed communications from the occupier of 28 Wimborne Road.

The following is a summary of the objections received:

**Scale of Development:**

1. Unacceptably high density of development - residents' expectation was closer to 20 units - higher number units will impact the amenity of residents and increase congestion
2. Education and health facilities will not cope with the additional demand from the residents of the new development

**Highway Safety/Access/Network Issues**

3. Road network cannot accommodate additional traffic - bridge connecting Penprysg Road to Penybont Road should be widened - Who is responsible for signing off the Transport Statement?
4. Wimborne Road was merely intended to serve a 1960s development - it cannot accommodate 40 units - proposed movements are likely to compromise highway safety - traffic calming measures or a one-way system should be introduced to Wimborne Road - the road is receiving additional traffic following the installation of speed humps on Penprysg Road
5. Demand for car parking will not be met by the development which will result in on-street parking in the surrounding streets - the wide pavement on the development side of Wimborne Road currently accommodates car parking - this will be lost as part of the development - visitors and carers will not be able to access existing properties
6. Vehicle access to the flatted development is too dangerous and would conflict with other road users.
7. Access to the development should be located on Penprysg Road

**Residential Amenity:**

8. Flatted development on plots 22-33 will overlook the rear garden of 2 Wimborne Road - could be re-positioned on the north eastern corner of the site; windows in the three storey flatted development will also look down into side facing bedroom windows in 17 Pentre Howell.
9. Construction is likely to generate excessive noise and disturbance affecting the amenity of residents.
10. Re-development of site could result in subsidence and structural damage to neighbouring properties - concerns about hydrology and hydrogeology have been offered by an objector who seeks confirmation that the Council would be liable to compensate affected parties.
11. Ground Investigation Report reveals 'excessive levels' of contaminants in the ground which could affect the occupiers of adjoining properties and the future development.
12. Boundary wall on a number of properties on Wimborne Road is not part of the development site - access lane serving 6-12 Wimborne Road should not be obstructed

### 13. Devaluation of property

A further representation has been received from 27 Wimborne Road who comments that the amended plans are 'a step forward' but considers car parking spaces 'in a line' will result in on street parking as residents will not 'move cars around'.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents:-

1. The principle of developing this site for residential is confirmed by the policies of the Bridgend Local Development Plan (LDP) (2013) – the site is allocated for housing development under Policy COM2 (30). The quantum of development proposed by the application does however differ from the Development Plan with regard to the estimated number of housing units - the 10 units quoted in the Development Plan and 20-30 units referred to in the Development Brief. National policy confirms that increases in density helps to conserve land resources but at the same time the amenity of those that will occupy and adjoin the site should be carefully considered.

The LDP acknowledges that it is important that new development uses land efficiently by being of a density which maximises the development potential of land. A minimum density will therefore be applied to all new residential development. The application site, measures 0.72 hectares and for a new development of 40 space units this would equate to a gross density of 55 dwellings per hectare which is well above the minimum density quoted in the policy. The high figure is, in part, skewed by the three storey flatted development which accommodates 12 units in a small part of the site. The gross density for the remaining part of the site (28 units) is calculated at 45 units per hectare which is medium to high and more comparable to surrounding areas.

Indications of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties in Wimborne Road, Pentre Howell and Penprysg Road. Those will be discussed further in this report.

2. 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 Health Board reacts to housing developments rather than plan for them. In accordance with SPG 15: Residential Development and Educational facilities, current school capacities in the area indicate that Nursery and Primary provision is currently oversubscribed. Based on a development of 28 dwellings, excluding the 1-bed flats as per Note 1 of the SPG, there would be a requirement for 1 Nursery and 6 Primary School places to be created which equates to a contribution of £114,191.

3/4 The Transport Statement submitted to accompany the PAC process did not initially consider the cumulative impact of the proposed development and the new primary school. The statement was corrected and updated which confirms that the two developments could generate up to 330 vehicle trips (two way) during the AM peak and 17 vehicle trips (two way) during the PM peak. Given that the school PM peak period is between 15:00-16:00 and the residential peak period is 17:00-18:00, the impact is not comparable. However the AM peak period for schools and residential properties is the same (08:00-09:00). Of the 330 total movements it is predicted that only 4.8% (16 vehicle movements)



are associated with the proposed residential development. The impact on the highway network is therefore not considered significant.

The Transport Statement submitted by the developers in support of their application concluded that the volumes of traffic generated by the proposed development would have a negligible impact on the wider network when considered against the extant school use. The Council are required to consider the level of traffic generation associated with the use of the site as a school which provides the baseline against which new development will be assessed. Whilst residents have highlighted issues with the existing network and road junctions, the critical matter is the proposed development generating a significantly lower volume of traffic during the AM peak and only slightly more (+17) during the PM peak. Overall, there will be no significantly detrimental impact on the road network.

5. The provision of parking to serve the development has been considered by the Head of Street Scene (Highways). The originally submitted plans proposed a total of 70 car parking spaces, a reduction to the Council's Car Parking Guidelines, justified on the basis of lower car ownership levels in the area, the housing tenure and the site's close proximity to bus and rail services. Although the reduction proposed by the developer was evidence based, it was not sufficiently compelling to justify setting aside the Council's guidelines and the developer submitted a revised plan providing 81 spaces.

Highway works associated with the development will allow 2m wide on-street parking bays to be formed in front of 19-33 Wimborne Road, opposite the new site entrance. Furthermore, on-street parking problems associated with the primary school, namely staff and visitors on Wimborne Road will be removed as a consequence of the site being re-developed. Provision has been made for parking and picking up/dropping off within the grounds of the new school.

6. The access to the flats is 4.5m wide with vision splays of 2.4m x 34.8m and 2.4m x 43m being achieved. The arrangement has been carefully considered by the Head of Street Scene (Highways) and deemed to be acceptable in highway safety terms.

7. The specific highway development principles for the site were established during the preparation of the Development Brief and the main vehicular access was to be provided from Wimborne Road, which was deemed to be a safer location than direct access from Penprysg Road. The access serving the flatted complex was not referred to in the Development Brief but its design and location is considered acceptable.

8. The three storey block containing the one bedroom flats is positioned to the south-east of 2 Wimborne Road which is a two storey end of terrace property and has recently been extended at the rear. The property's principal window openings either face over the road fronting the property or directly over its rear garden. The new extension does however include side facing 'French Doors'. The driveway and garden of the property immediately adjoins the access and parking area of the flats, separated by an existing fence. A 2.5m high hedgerow that previously ran along the boundary has recently been removed. From the submitted plans, the proposed three storey accommodation will be a minimum of 10.5m and a maximum of 20m from the shared boundary and positioned sufficiently distant so as not to overshadow any existing habitable room windows. Even taking into account the side facing 'French Doors' that serve the kitchen, the three storey complex is sufficiently distant from the aforementioned opening so as not to dominate outlook - the 25 degree daylight protection zone will not be infringed and the minimum distance of 10.5m is more than achieved (19m is recorded on the submitted site sections). The north western elevation of the three storey block does, however, include a number of habitable room windows on all floors which will face the rear garden of 2 Wimborne Road. For the majority of the windows, they are either set back a sufficient distance (20m) so as not to

compromise privacy (SPG 02 recommends that 12m is provided between the private garden and overlooking first and second floor windows) or they could be screened at ground floor level by existing and new boundary treatments/landscaping. The design of the flats includes a north western wing and elevation that includes secondary side facing window openings that serve habitable rooms (kitchen/living area) that would be 10.5m from the boundary with 2 Wimborne Road. In the interests of safeguarding the privacy of the occupants, these windows will required to be fixed pane and fitted with obscure glazing. Whilst consideration has been given to the windows being omitted this would create a poor elevation in visual terms. The measure suggested above will ensure the development fully complies with the Council's guidelines without compromising the amenities of the neighbour and the future occupants.

17 Pentre Howell is located due east of the development site separated by the main road, (Penprysg Road). No 17 is a two storey detached dwelling with an extended rear annex. It is this part of the property that includes side facing windows that serve a living area and kitchen on the ground floor and bedroom above (see Figure 1 below).



*Figure 1– Showing position of side facing windows in 17 Pentre Howell*

The privacy afforded to the ground floor windows is already limited given their proximity to the adjacent highway but the window openings in the side elevation of the three storey flatted development will overlook the windows in the annex at a distance of less than 21m (16m is recorded on the submitted drawings). Where established building lines in the area are often less than 21 metres and front a public highway, compromises in the privacy standard are permitted. Consideration has been given to requiring the windows on the first and second floor of the nearest flats to be fitted with obscure glazing. Although this may not be entirely justified and is not supported by the developers, in the interests of safeguarding the living conditions of the concerned resident, a condition will be imposed requiring certain side facing windows in the nearest flats to be installed with fixed pane, obscured glazing.

Although separated by the public highway (Penprysg Road), consideration has been given to whether sunlight and daylight to the habitable room windows in 17 Pentre Howell will be affected. Based on the submitted sections and elevation plans, the development will be just outside the 25 degree daylight protection zone when assessed in relation to the side facing ground floor window. It will also be sited approximately 15m from the rear annex of 17 Pentre Howell (see Figure 2 below).



Figure 2 – Cross Section showing approximate relationship of flatted development to 17 Pentre Howell

The occupiers of the aforesaid property have enjoyed an almost uninterrupted outlook from the ground and first floor windows and this will be transformed by the development. The scale of the development is significant but is compliant with Council Guidelines. Whilst there will be undoubted impacts they are not to such a degree as to warrant a scaling down of the development or indeed a refusal of planning permission.

The relationship of the development to the remaining residential properties will be considered in the appraisal section of the report.

9. Inevitably a development so close to existing properties is going to result in some inconvenience from noise and general disturbance during the construction period. Whilst this is not a material planning consideration, given the scale and siting of the development, it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a Traffic Management Plan throughout the period of construction. Furthermore, a condition will be imposed requiring the developer to submit and agree an Air Quality Assessment and Construction Environmental Management Plan that will seek to address potential dust from the demolition and construction phases.

10. On 18 June 2018 the Council received a copy of the Site Investigation Report prepared by Integral Geotechnique in September 2017. The report provides a Geotechnical and Geoenvironmental appraisal of the site and follows intrusive investigations, soil sampling and geotechnical testing. The report includes a series of recommendations in terms of site preparation and foundation design. It is suggested that excavations on site, even to a depth of 2m, are unlikely to encounter significant groundwater. Any groundwater flows together with any rain infiltration should be dealt with by pumping during construction. The report also recommends that following the demolition of the buildings on site, the ground should be inspected and tested for potential contamination.

The report suggests that the residents' concerns about hydrology and hydrogeology are not evidenced and remedial measures will be employed should any problems be encountered. Welsh Government guidance reminds all parties that even when planning permission is granted, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. In this case, the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it and are not obliged to protect or compensate for any damage that may be caused to private property.

11. The Site Investigation Report has been assessed by the Council's Public Protection Section and Natural Resources Wales. No specific land contamination issues at the development site have been identified but it is recommended that conditions be imposed that require the developer to submit a remediation strategy should any contamination be present that was identified in the submitted report. The mitigation works would then be implemented through the construction phases on site. Conditions addressing the issue of contamination are included in the report.

12. The applicant company is mindful of the status of the property boundaries and there is no indication from the submitted plans that the existing walls, fences or the private access lane will be affected by the development. Should anything occur during the construction stage this would be a matter between the respective parties.

13. Property de-valuation is not a material planning consideration.

## **APPRAISAL**

The application is referred to Committee to consider the objections raised by local residents, the Town Council and the concerns raised by the Local Ward Member

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 (LDPs) 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) to 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) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development. Pencoed is identified as a Primary Key Settlement with its boundaries defined under Policy PLA1 of the LDP. The application site is allocated for residential development under Policy COM2 (30) of the LDP. The Policy references the estimated number of units and the likely level of affordable housing (10 units and 2 affordable housing units)

The applicant has submitted an application for 40 residential units, all of which will be affordable. The number of proposed residential units exceeds the estimated number of units and the impacts of this increase are considered below. The principle of this site being developed for housing accords with the adopted LDP and broader national policy that promotes a 'plan-led' system as the basis of making rational and consistent planning decisions. The critical issue is whether the site can accommodate the quantum of dwellings proposed without there being a significant impact on the following:

- Local infrastructure and facilities (road network, drainage etc.);
- The living conditions of adjacent residents and the future occupiers of the dwellings;

- The setting of the Grade II Listed Building adjacent; and
- Any biodiversity interests on site.

Policy SP2 of the LDP and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and, in respect of this application, it is considered that criteria 1), 2), 3), 4), 6), 7), 10), 11), 12), 13), 14) and 15) are relevant

*1) Complying with all relevant national policy and guidance where appropriate;*

The development site is allocated for housing in the adopted Development Plan which aligns with national policy. National policy and guidance on affordable housing, nature conservation, tree preservation orders, design and transport have also informed the policies and guidance of this Council.

*2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character and 3) Being of an appropriate scale, size and prominence;*

Concerns about the development being out of character with its surroundings have been made by a number of residents and considered in the previous section of this report. Much of the development will be two storeys in height reflecting the general pattern of the surrounding development. The flatted accommodation block on the corner of Wimborne Road (south) and Penprysg Road is proposed to be three storeys in height. The Planning Development Brief prepared by the Council for this site recognised that a three storey element may be considered in this location, however, the final layout and design would need to respect the existing pattern and character of development in the immediate area whilst also ensuring that the amenity of residents would be protected.

The applicant's Design and Access Statement maintains that the building will create a visual focus point at the junction of the two roads and 'Street Scene' drawings have been produced to illustrate the transition of the building with the existing and new development, (See Figure 3 below)



Figure 3 - Street Scene Drawings (Penprysg Road and Wimborne Road)

Nevertheless, the building will be a very prominent structure, comparable in scale to the three storey development at the southern end of Penprysg Road, adjacent to the railway bridge. The design has sought to reduce the mass of the building with projecting gables and recesses in the building footprint and minor variations in roof height. Window openings will create active elevations and the use of a mix of finishes will further reduce its visual impact.



Overall, the design and scale of development is justified in this location. The relationship of the development to the adjacent properties has been considered in detail in earlier sections of this report and will be reviewed again below.

*4) Using land efficiently by: (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and (ii) having a preference for development on previously developed land over greenfield land;*

Discussions about the density of the development are set out in an earlier section of this report and it is recognised that, whilst the overall building density is high, the figure is inflated by the three storey flatted development that is proposed in the southern corner of the development. Building at a higher density and in a highly sustainable location is encouraged by national policy and, as detailed later in the report, can be undertaken without significantly compromising the amenity of the adjacent residents and character of the area.

*6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;*

All development proposals should be designed in a manner that secures the safety of all highway users whilst also looking to improve opportunities for sustainable travel. The Transport Statement that accompanied the application has been reviewed by Officers of the Transportation and Engineering Section who have verified the trip generation data and confirmed that there will be no significant impacts on the highway network above those associated with the existing use of the site.

The impact of the development on the highway network has been thoroughly examined by the Transportation and Engineering Section, as has the submitted layout, to establish whether it accords with both national and local guidance. The impact of the development on the immediate and surrounding road network and the adequacies of the proposed parking arrangements have been the focus of the objections received from local residents. In applying the guidance (Manual for Streets and the Parking Guidelines refers) the layout and associated highway works are considered to be in compliance. Accordingly no objections to the development have been received from the Head of Street Scene (Highways).

*7) Minimising opportunities for crime to be generated or increased;*

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. Those concerns highlighted by the Police have been considered but the request to omit the footpath/cycleway link would be to the detriment of the residents of the future development and those residents that will use the safe route to access the light controlled 'Toucan' crossing and connections to the new Primary School on the eastern side of Penprysg Road. The aim should be to produce a safe and overlooked environment for existing and future residents through good design and the use of effective street lighting and passive surveillance would minimise any negative impacts of this link.

*10) Safeguarding and enhancing biodiversity and green infrastructure;*

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

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.”

Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: (1) That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment". (2) That there is "no satisfactory alternative". (3) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

The main biodiversity interests on this site are found in the existing school buildings which are being demolished as part of this application. The latest Bat Activity Survey Report (received 3 July 2018) indicates that, without mitigation, there will be a negative impact on the bat species as a result of the proposed development of the site. A European Protected Species Licence for all species of bats roosting on site will need to be obtained from Natural Resources Wales (NRW) before any works are undertaken on site. NRW have confirmed that the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The licence application will, however, need to detail a mitigation and compensatory strategy with the aim to ensure the maintenance of the roosts and local bat populations at a favourable conservation status. Subject to the demolition works complying with the conditions of the licence, the development will have complied with both local and national policy and legislation.

*11) Ensuring equality of access by all;*

Developments must conform to the provisions of the Equality Act 2010 and it is understood that the site and dwellings have been designed to make it accessible for all those who might use the dwellings in the future.

*12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*

National policy confirms that new housing developments should be well integrated with, and connected to, the existing pattern of settlement. In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources and good design can overcome adverse effects but, where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas

Indicators of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/dominance standards between the

new dwellings and their relationship with the existing properties. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines.

The following section will examine these relationships in detail:

2 Wimborne Road: The relationship of the built development has been considered in the previous section of this report. The new access that will serve the complex with its associated parking and turning area will be positioned approximately 3m from the shared side boundary which is demarcated by a small stone outbuilding, fence and hedgerow,

The movement of vehicles to and from the development will generate a degree of noise and disturbance and at different times to the adjacent school. Ensuring that the common boundary is suitably enclosed either with new fencing/walls or planting will limit the impact of the vehicle movements. The latest plan proposes a 2.1m high close boarded fence along the shared boundary which will provide an acceptable level of screening to the neighbouring property. Whilst the proposed arrangement will have some impact on the amenity of the adjacent resident, it is not considered sufficient to warrant an adjustment to the submitted layout.

4-12 Wimborne Road - the rear gardens of this row of terraced properties will immediately adjoin the development site and the rear and side gardens of plots 36, 37 and 40. The separating distances accord with Council Guidelines and will ensure that the development does not overshadow or dominate their outlook.

17-35 Wimborne Road - these properties are a mix of terrace and semi-detached units which currently overlook the school yard and buildings (*see Figure 4 below*)



*Figure 4 - Street Scene along Wimborne Road (north)*

In accordance with the Development Brief, the layout seeks to contribute to the street scene with an active frontage of two storey dwellings. In this area where the established building lines are often less than 21 metres apart, the 'front to front' distance of 17m between the new and existing properties is considered acceptable. The degree of separation will also ensure that light and outlook from the properties opposite will not be adversely affected.

The formation of the main access to the development site along this section of Wimborne Road will create a different traffic environment with the on-street parking associated with the school, replaced by the movement of vehicles associated with a residential development. In this urban context, the impact on amenities will be limited.

14 Wimborne Road - the side and rear boundaries of this property adjoin the development site and immediately about the parking provision alongside plot 1 and the rear garden of plot 8. The design of the layout has sought to safeguard the amenities of the occupants and this has been achieved.

1 & 17 Pentre Howell - the properties are located on opposite sides of the road junction due east of the development site separated by Penprysg Road. The relationship of the proposed development to 17 Pentre Howell is considered in the earlier section of the report. The only side facing window in 1 Pentre Howell serves a shopfront.

For the remaining dwellings that face the development site on Penprysg Road, the privacy standards will be achieved and there should be no issues of domination or overshadowing, particularly in having regard to the orientation of the scheme.

Overall, the development will have some impacts on the existing properties but not to the extent that would warrant a refusal of planning permission. Finished slab levels however need to be agreed with the Council to ensure effective control is retained over the development in the interests of safeguarding the living conditions and well-being of the nearest residents.

The submitted housing layout does not incorporate any formal play space only informal green space along the margins of the flatted development and as part of the private gardens of the properties. Plan policy requires that all new housing developments make provision or the equivalent value of a satisfactory standard of outdoor recreation space. From the outset and as part of the Development Brief, the Council has indicated a preference for an off-site contribution due to the scale of the development and this will be secured through the required S106 planning obligation.

Inevitably, a development so close to existing properties is going to result in some inconvenience from noise and general disturbance during the construction period. Whilst this is not a ground for refusing planning permission, given the scale of the development, it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a Traffic Management Plan throughout the period of construction.

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development rather the proposed development will contribute to a more cohesive community and incorporates in the design

features which demonstrate that it is seeking to contribute to global responsibilities in relation to climate change.

*13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;*

Criterion 13 requires development to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. Dwr Cymru Welsh Water and the Council's Land Drainage Engineers are satisfied that, subject to a condition, suitable arrangements can be provided.

*15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development;*

In accordance with Policy SP14 of the LDP, new development often creates the need for planning obligations to be provided to offset any negative impacts of development. The proposal for 40 residential units triggers Policy COM5 of the LDP which requires 20% affordable housing in this location. The applicant has indicated that all dwellings will be affordable but in order to safeguard compliance with the LDP, provision of affordable housing of at least 20% will be secured through a Section 106 Obligation.

In accordance with SPG 15: Residential Development and Educational Facilities, current school capacities in the area indicate that Nursery and Primary establishments are currently oversubscribed. Based on a development of 28 dwellings, excluding the 1-bed flats as per Note 1 of the SPG, there would be a requirement for 1 Nursery and 6 Primary School places to be created which equates to a contribution of £114,191.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Children's Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this locality. The proposed site layout does not include for the provision of on-site facilities. A financial contribution will therefore be required to improve the provision of local facilities. The contribution for children's play facilities should be calculated at £500 per dwelling and applied to the 28 x 2, 3 & 4 bed dwellings. The contribution for outdoor sport should be calculated at £500 per dwelling and apply to all 40 dwellings. A total outdoor recreation contribution of £34,000 will be secured through the Section 106 Agreement.

The aforementioned infrastructure improvements can be secured by way of a planning obligation.

## **CONCLUSION**

The proposed development accords with both national and local policy and represents an opportunity to utilise a previously developed brownfield site for the delivery of affordable housing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

## **RECOMMENDATION**

(A) That the applicant enters into a Section 106 Agreement to:

(i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.

(iii) Provide a financial contribution of £34,000 towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site.



(iii) Provide a financial contribution of £114,191 towards the provision of 1 Nursery and 6 Primary School places

(iv) Provide a financial contribution of £7,000 on the commencement of development towards the 20 mph Traffic Order on the proposed estate road.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:

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

PL03 Proposed Site Plan - Revision B  
PL04 Proposed Boundaries Plans - Revision B  
PL05 Proposed Materials Plan - Revision B  
PL06 Proposed Affordable Housing Plan - Revision B  
PL07 Proposed Heights Plan - Revision B  
PL10 Proposed Adoptable Highways Plan - Revision B  
PL11 Proposed Tracking Plan - Revision B

PL12 Proposed Site Sections - Revision C  
PL15 Proposed Street Elevations - Revision E

PL20 Housetype AF 1B541 Floor Plans - Revision C  
PL21 Housetype AF1B541 Elevations - Revision C  
PL22 Housetype AF2B846 - Revision A  
PL23 Housetype AF3B986 - Revision A  
PL24 Housetype AF4B1156 - Revision B

PL51 Bin and Bike Stores Detail

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

2. The mitigation measures as recommended and set out in the documents listed below shall be implemented as prescribed in those documents:

Section 5 – Conclusions and Recommendations in the Bat Activity Survey Report (Document Ref: WWE17117 BAS REV B – dated 19 June 2018)

Section 11.0 – Engineering Considerations and Recommendations in the Site Investigation Report (Document Ref: 12058/LW/17/SI – dated September 2017) by Integral Geotechnique

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

3. No development including demolition shall commence until the developer has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified development to commence.

Reason: To ensure compliance with Regulation 55 of the Conservation of Habitats and Species Regulations (2017)

4. The development shall be carried out in accordance with the following schedule of materials of construction:

Brick – Ibstock - Dorkett Head Balmoral  
Render – Knauf Marmorit Scratch render - Ivory.  
Mortar – Natural Grey  
Roof Tile – Marley Modern, Smooth Grey

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

5. Notwithstanding the details submitted on drawing PL04 Proposed Boundaries Plans - Revision B, no development, apart from the demolition of the existing school and associated buildings, shall commence until there has been submitted to and agreed in writing by the Local Planning Authority, a scheme to provide a temporary (during demolition/construction) and permanent (prior to occupation) method of screening the development site from 2 Wimborne Road. The scheme shall incorporate a combination of new tree/hedge planting and boundary treatment and shall include details of the position, design and type of boundary treatment and planting plans, species, plant sizes, proposed numbers and densities and implementation programme.

Development shall be carried out in accordance with the agreed scheme and agreed timetable of works and shall be retained and maintained as such in perpetuity.

Reason: To ensure that the amenities of the adjoining neighbour are protected

6. Notwithstanding the details submitted on drawings PL07 Proposed Heights Plan - Revision B and PL12 Proposed Site Sections - Revision C, no development, apart from the demolition of the existing school and associated buildings, shall commence until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

7. Notwithstanding the details submitted on drawings PL20 Housetype AF 1B541 Floor Plans - Revision A and PL21 Housetype AF1B541 Elevations - Revision C, no development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme has been submitted and agreed in writing by the Local Planning Authority for alternative window designs in the first and second floors on the eastern elevation of Flat Type 1, facing 17 Pentre Howell. The scheme shall include a combination of fixed pane obscure glazing (minimum of level 5 on the Pilkington index of obscurity). The agreed window scheme shall be fitted prior to the development being brought into beneficial use and shall thereafter be retained in perpetuity.

The first and second floors windows on the western elevation of Flat Type 1 in Housetype AF1B541 (Plan PL21 Housetype AF1B541 Elevations - Revision C refers) facing 2 Wimborne Road shall be fixed pane and obscurely glazed (minimum of level 5 on the Pilkington index of obscurity) and fitted prior to the occupation of the units. The fixed pane and obscurely glazed windows shall thereafter be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

8. No development (demolition/construction) shall take place until an Air Quality Assessment (AQA) and Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The AQA shall address the potential dust impacts derived from demolition and construction activities on local residents. The AQA shall quantify the magnitude of risk to surrounding sensitive receptors - the residential properties located within 350m of the site boundary. The CEMP shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition and 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 demolition and construction phases.

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

9. Demolition and construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

10. No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall include:

- i. The routing of HGV construction traffic to/from the site in order to avoid Heol y Gerddi
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. the provision of temporary traffic and pedestrian management along Wimborne Road and Penprysg Road

Reason: In the interests of highway safety.

11. Notwithstanding the submitted plans, no development, apart from the demolition of the existing school and associated buildings, shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a plan showing the eastern site boundary being set back and a 3.0m wide footway provided between the south eastern corner of the site and the south eastern corner of St Davids Church. Such a scheme shall include for appropriate tie in at the northern site boundary and be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety

12. Notwithstanding the submitted plans, no development, apart from the demolition of the existing school and associated buildings, shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a plan showing the western site frontage boundary being set back and a widening of Wimborne Road to 6.8m with a 3.0m wide segregated footway, which shall appropriately link into the existing footways abutting 12 and 14 Wimborne Road. Such a scheme shall include for removal of existing "School Keep Clear" road markings on the western site frontage and a system of bollards along the western site frontage to prevent vehicles parking on the new footway and be fully

implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety.

13. No development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme of traffic calming has been submitted to and agreed in writing showing traffic calming measures along Wimborne Road to the west of the site. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.

Reason: In the interests of highway safety.

14. The access internal roadway and turning facility shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

15. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at the access points into the site at any time.

Reason: In the interests of highway safety.

16. The proposed driveways to plots 1-5, 17, 19 and 38-40 shall be laid out with pedestrian vision splays of 1m x 1m before those units are brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

17. No development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme for the provision of a shared 3m wide footway/cycleway linking Wimborne Road on the western boundary to Penprysg Road has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for signage, tactile paving, bollards/barriers and a Stage 2 Safety Audit. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

18. The proposed means of access to the south eastern parcel shall be laid out with 3.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with pedestrian vision splays 1m x 1m in both directions before the flatted development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

19. No dwelling or flat shall be occupied until the individual driveways and parking bays serving the units concerned have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout and shall be retained thereafter for parking purposes in perpetuity.

Reason: To ensure the provision and retention of sufficient off-street parking and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

20. No development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme of Keep Clear road markings on Wimborne Road adjacent to the access to the south eastern parcel has been submitted to and agreed in writing. The agreed scheme shall be implemented prior to any of the flats being brought into beneficial occupation.

Reason: In the interests of highway safety.

21. No development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with within the development, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.

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

22. No development, apart from the demolition of the existing school and associated buildings, shall commence until a scheme of hard and soft landscaping has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the completion of the development. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

23. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as agreed and thereafter retained and maintained in perpetuity.

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

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

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



linkages;

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

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options and justification for the preferred remedial option(s).

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

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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. The remediation scheme approved by condition 25 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

27. 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

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

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

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

29. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the

Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

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

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

31. No dwelling shall be occupied until a residential travel plan designed to reduce dependency on the private car has been submitted to and approved in writing by the Local Planning Authority. The residential travel plan shall include clear and unambiguous objectives and modal split targets, together with a programme of implementation, monitoring, review and improvement and shall thereafter be operated as approved.

Reason: In the interests of highway safety

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

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

33. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing (including affordable housing). The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.
- b. In order to satisfy the drainage condition (condition 21) the following supplementary information is required:
  - Provide drainage layout showing both foul and surface water sewer networks;
  - Confirm method of surface water disposal;
  - Provide an agreement from DCWW with regards to foul (and surface water-if

required) connections to existing public sewer;

- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE365;
  - Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
  - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
  - Provide a timetable for its implementation and provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime
- c. Dwr Cymru Welsh Water (DCWW) have confirmed that the applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

- d. In preparation of the Construction Method Statement the developer needs to have regard to the proximity of the relocated Pencoed Primary school. No lorries associated with the demolition or construction of the site should enter or leave the site during the periods of half hour either side of the times of the school commencing and ending and the developer should contact the Head Teacher of Pencoed Primary School in order to make the school aware of the additional traffic movements.
- e. The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.
- f. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
- (i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None