

REFERENCE: P/18/983/FUL

APPLICANT: LINC CYMRU & ABERTAWE BRO MORGANNWG UHB

LOCATION: FORMER SUNNYSIDE COUNCIL OFFICES & MAGISTRATES COURT SITE, SUNNYSIDE ROAD/GLAN Y PARC, BRIDGEND CF31 4AJ

PROPOSAL: DEVELOPMENT OF 59 DWELLINGS, HEALTHCARE CENTRE AND ASSOCIATED WORKS INC. ACCESS, LANDSCAPING AND CAR PARKING

RECEIVED: 11 December 2018

APPLICATION/SITE DESCRIPTION

The application by seeks Planning permission for the redevelopment of the former Magistrates Court and Council Offices site at Sunnyside Road, Bridgend.

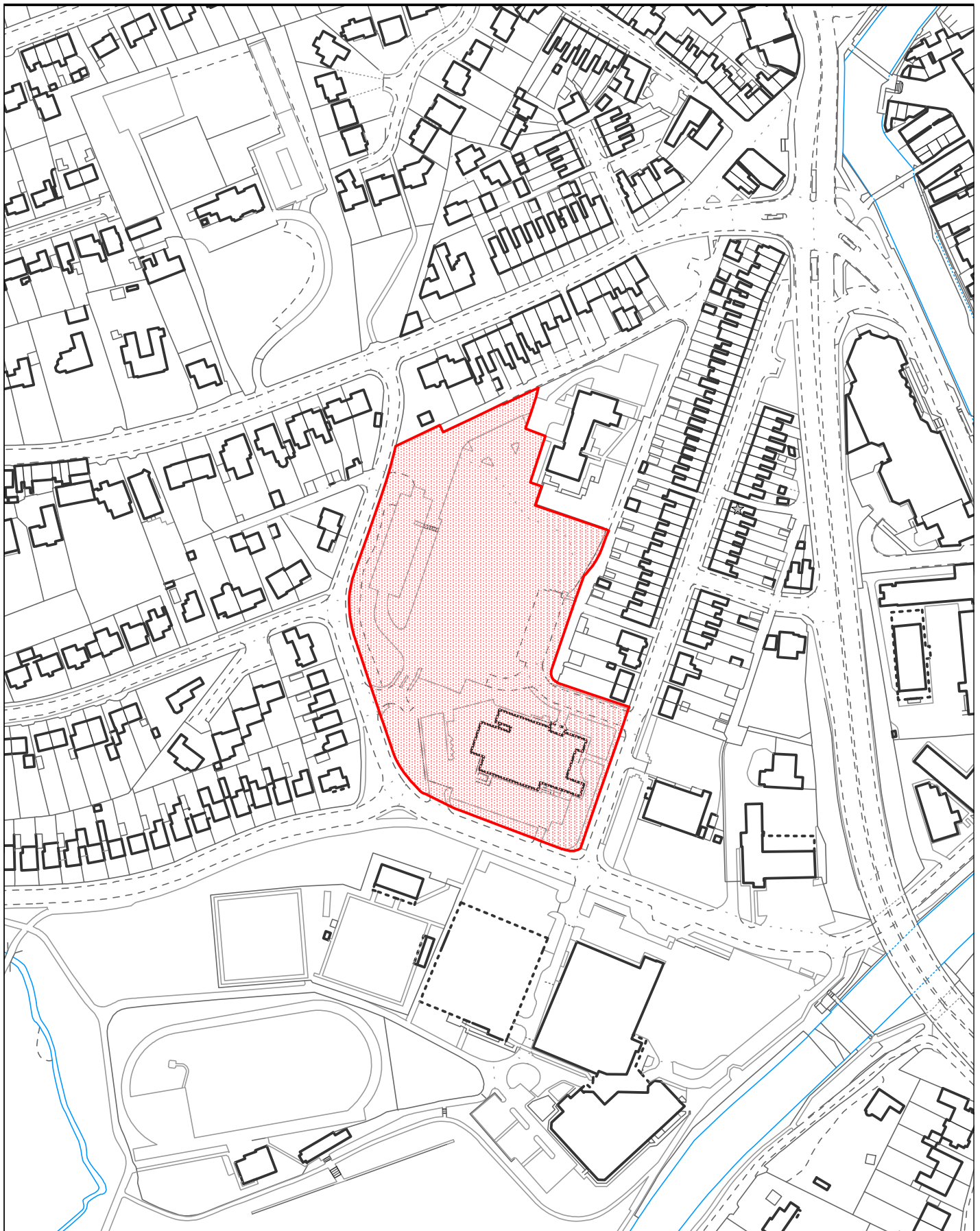
The proposed 'Wellness Village' will comprise 59 affordable homes, a healthcare centre and associated works including parking, landscaping and access arrangements.

Proposed Site Layout



It is proposed to construct a total of 59 affordable dwellings on this site in a mixture of 1 bed bungalows (3), 2 bed bungalows (2), 1 bed apartments (19), 2 bed apartments (9), 2 bed houses (15), 3 bed houses (8) and 4 bed houses (3).

The residential element of the overall scheme is split into three distinct areas – the central core of bungalows bookended by short terraces, the block of apartments to the east of the site which encloses the central communal courtyard and the long terraces of two storey dwellings with private rear gardens on the upper level to the west and north of the site.



Cyngor Bwrdeistref Sirol
 Cymdeithas yr Eiddo

BRIDGEND
 County Borough Council
BRIDGEND COUNTY BOROUGH COUNCIL


COMMUNITIES DIRECTORATE

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P/18/983/FUL

**Former Sunnyside
 Council Offices
 & Magistrates Court
 Sunnyside Road
 BRIDGEND**



Scale 1 : 2,500

Date 21/03/2019

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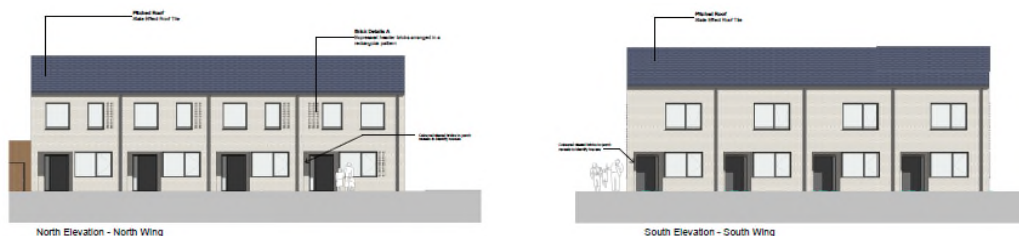
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The bungalows are located towards the centre of the site and are designed to accommodate mobility impaired users.



The bungalows are bookended by two short perpendicular rows of two storey, pitched roof dwellings.



The three-storey apartment block sits towards the centre/east of the site, providing one and two bedroom self-contained apartments, as well as cycle parking for residents. The apartment building has cut-through routes at ground floor level to allow pedestrian access through and into the central communal courtyard beyond.

The apartment block appears to have a flat roof to reduce its bulk and scale but a shallow mono-pitched roof is set behind short parapets at the front and rear.



The remainder of the two storey houses are in terraces and positioned to the western (a row of 12 terraced properties) and northern (a row of 6 terraced properties) sides of the site, backing onto Glan y Parc and the rear of the properties along Park Street.



Originally, the scheme included for the redevelopment of the Ty'r Ardd building with a further 21 affordable units but this element does not form part of this application.

As well as the residential units, the site will accommodate parking, landscaping, an informal play space, a natural play space, a community growing area and communal gardens.

The central communal courtyard space will provide an open environment for occupiers of the apartments, houses and bungalows surrounding this space to interact and relax. At the southern entrance to the site there is a large green public open space with space for communal growing opportunities for the local community and natural play. A further informal terraced space for play and recreation is located to the north- west of the site.

The proposed Health Centre will replace and incorporate existing local surgeries including Ashfield Surgery, Merthyr Mawr Road (GP Services), Newcastle Surgery, Llangewydd Road (GP Services) – both of which form the Bridgend Group GP Service, Quarella Road Clinic (Contraception and Sexual Health Services) and the Bryntirion Clinic (Podiatry and Orthotic Services).



The three-storey, flat roofed, rectangular building is to be positioned towards the south-eastern corner of the site and will provide consulting and treatment accommodation for the local health board surgeries, General Practitioners' surgery, specialist dentist unit and a retail pharmacy unit. Refuse stores and an Ambulance/servicing pull in bay are proposed to the northern end of the building with access from Sunnyside Road.

The development site measures approximately 1.9 ha in area and is broadly flat, other than a raised plateau along its western boundary, which then banks up towards the road at Glan-y-Parc where a series of trees currently enclose the site.

The site comprises an area to the north where the former Sunnyside Council offices stood and the recently demolished Magistrates Court building to the south-east. It lies to the south-west of the Ty'r Ardd Registry Office and a two way access road is to be retained to this facility through the site via Sunnyside Road.

Vehicular access to the Magistrates Court, prior to its closure, was via Glan y Parc and Sunnyside Road, whilst access to the site of the former Council offices was historically from Glan-y-Parc.

The access to Ty'r Ardd will be retained via Sunnyside Road and it is proposed that the healthcare facility and associated car park will be accessed from Sunnyside Road and a primary access point opposite Park Court Road to cater for patients. The residential element of the site will be accessed via an entrance off Glan y Parc although egress will be onto Sunnyside Road as the access into the Home Zone area is a one way system. The scheme will include for cycle parking facilities to encourage sustainable forms of travel.

The buildings will be predominantly finished with a pale buff brick to be in keeping with the local context. Varied detailing of the brickwork will help to break up the massing and provide visual interest, amongst the houses, flats and healthcare centre.

Elements of off-white render will also be incorporated into the houses to introduce variety to the terracing. The apartment blocks will include metal cladding and glazed brickwork, as well as a similar pale buff brick detailing. The healthcare centre will also include metal cladding, timber cladding and feature signage that will complement the appearance of the building as well as making it clear and legible for future users whilst differentiating it from the residential part of the scheme.

In terms of scale and massing, the largest elements of the scheme are the Apartment Block and the Healthcare Facility. The main living quarters part of the Apartment Block is approximately 11.15m in height from ground level and the two stairwell elements to the rear (west) and either end of the block are approximately 12m in height. The Healthcare Facility is approximately 12.5m in height above a 1.2m raised plinth.

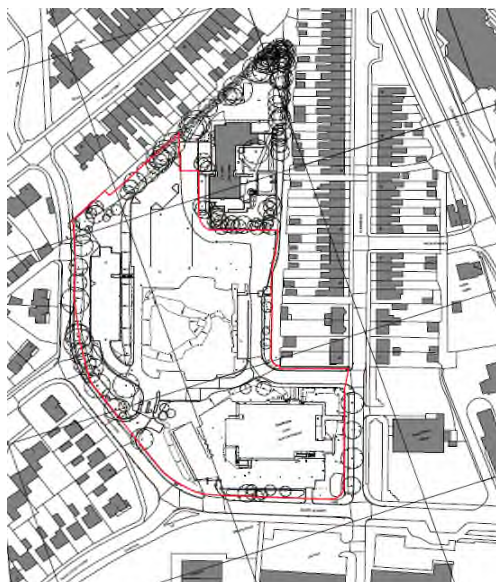
The site provides approximately 80 residential car parking spaces and 66 car parking spaces for the healthcare facility. The number of parking spaces provided for the healthcare facility is in excess of the total number of parking spaces provided at the existing surgeries (27) and it is proposed that staff will park in the nearby Halo Leisure Centre car park. A new pedestrian crossing is proposed across Glan y Parc to improve cycle and pedestrian access to the main entrance into the Healthcare Centre.

A proportion (5) of the gardens to the rear of the row of twelve terraced properties (West Terrace) are outside of the area under the applicant's control and therefore are outside of the application site and this will need to be regularised through a revised scheme for this part of the site to ensure that the dwellings have sufficient private outdoor amenity space.

It is intended that sustainable methods of heating and power are proposed for this site including a connection to a Combined Heat and Power (CHP) system based at Halo Leisure Centre which will also serve the Civic Offices. Connection to the heat network will result in the entire site being free from fuel/carbon emissions with reduced energy costs however. This element lies outside the scope of this current Planning application.

Other sustainable initiatives on this site include PV panels to the healthcare centre, which will help the building to attain the BREEAM 'Excellent' accreditation as required by the funding source, along with low air permeability, high thermal performance of building fabric, natural ventilation for the healthcare centre, low energy LED lighting, car charging points and battery storage units.

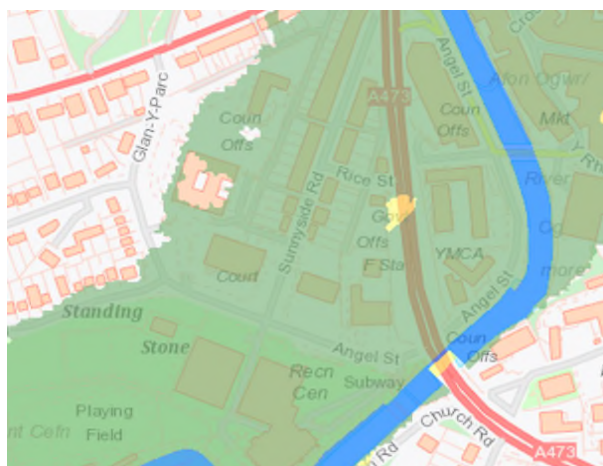
Existing Site Layout (prior to the demolition of the Magistrate's Court)



The western and southern parts of the site are bounded by the main road at Glan y Parc, on the opposite side of which are dwellings to the west, and the Bowling Club (and athletic track beyond) and Halo Leisure Centre to the south. The eastern boundary adjoins Sunnyside Road and the curtilage of the former Water Board Offices (now occupied by BCBC IT Dept) and the rear boundaries of dwellings along the western side of Sunnyside Road.

The site lies within the Primary Key Settlement of Bridgend and is in a highly sustainable location within easy walking distance of the town centre and its associated services and facilities. Whilst it is not allocated for a specific use in the Local Development Plan (LDP), the extant consent for an 80 bed care home on the site (with a potential future second phase for 40 extra care apartments), its sustainable location, the need for more affordable housing generally and the ABMU's proposals to improve the healthcare provision for the residents of Bridgend are all material Planning considerations in the determination of this application.

Part of the site lies within the C1 Flood Risk Zone (i.e. areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as identified under TAN15: Development and Flood Risk (2004).

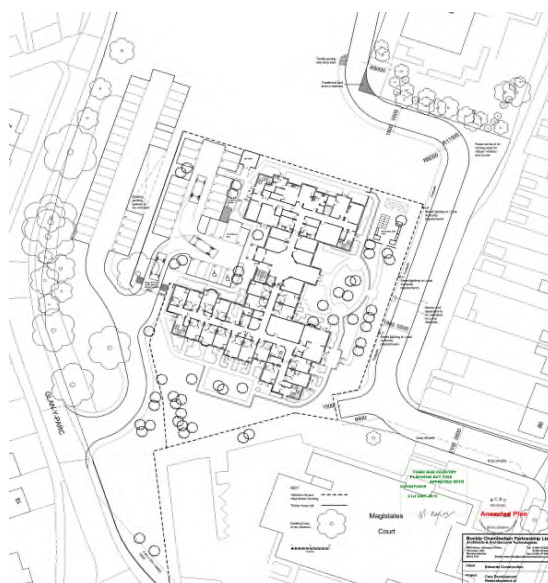


The site is close to, but outside, the Newcastle Hill Conservation Area to the north and is adjacent to the recently designated Air Quality Management Area along Park Street.

RELEVANT HISTORY

P/18/464/DPN - Prior notification for demolition of Bridgend Magistrates Court to make way for redevelopment of the site – DPN approved 15/8/18

P/15/104/FUL - Demolish existing offices & replace with care home & associated works – Conditional Consent 21/5/15 (see site layout as approved below)



PUBLICITY

Neighbours have been notified of the receipt of the application and the scheme has been the subject of site and press notices due to the scale of the development.

NEGOTIATIONS

The application has been the subject of pre-application discussions with the Local Authority, two design review meetings with the Design Commission for Wales and public consultation exercises with local residents and other key stakeholders in the local community through two public meetings held during the summer of 2018 as part of the statutory pre-application consultation exercise.

CONSULTATION RESPONSES

Bridgend Town Council Observations – The Town Council wish to be invited to any site meeting, reserve the right to make representations at the DC Committee meeting and request to be consulted on any S106 contributions that may be offered by the applicant. They object to the development on the following grounds:

- The application appears deeply flawed in its concept – the thinking behind amalgamating four well established surgeries and clinics on a single site makes no geographical sense.
- The location is very restricted in terms of existing housing developments and highway infrastructure – access to the facility would be by motor vehicle via Angel Street, Rice Street/Sunnyside Road or Glan y Parc due to poor bus services and there will be nowhere to park within the complex so surrounding streets would be saturated when the official car parks are generally full to capacity.
- These Health Centre problems will be compounded by the housing element – it will exacerbate an already hopelessly inadequate parking facility.
- The removal of a considerable number of mature trees and vegetation is unacceptable when we are being urged to preserve the environment.
- Whilst acknowledging that the site must be developed, social affordable housing targets have been met in this area and the centralised Health Centre makes no geographical sense for patient need.
- There continues to be a need for sheltered accommodation complexes and retirement bungalows and the site would be ideal for these facilities being on flat land close to the town centre.
- Given the proximity of the Evergreen Hall, there is no need for a Village Hall on the site, which was original mooted but abandoned.
- The development does not take the future well-being of existing residents into account – the impacts on local infrastructure, the environment, air pollution along surrounding highways have not been addressed.

Head of Street Scene (Highways) – Concerns are raised with the level of parking for both the residential element of the scheme and the future users and staff of the healthcare centre. However, due to the sustainability credentials of the site and subject to the implementation of the measures included within the Travel Plan (and the imposition of conditions and informatives to secure the necessary parking management, active travel routes and acceptable accesses and egresses), the scheme is acceptable in Highway terms.

Dwr Cymru/Welsh Water Developer Services - No objection subject to conditions and informative notes to ensure that the surface water from the site does not connect to the foul sewer, as per the submitted drainage strategy.

Head of Street Scene (Land Drainage) - No objection to the foul water proposals for the scheme subject to conditions and advisory notes however, a holding objection is lodged due to the location within a C1 Flood Zone and the proposed use of infiltration for surface water disposal.

Shared Regulatory Services – Land Contamination - No objection subject to conditions.

Shared Regulatory Services – Public Protection (Noise) - No objection subject to conditions and confirmation that at least 50% of the garden area used for sitting out will achieve acceptable levels and if not, provision of additional mitigation will be necessary with respect to the design of these dwellings.

Shared Regulatory Services – Public Protection (Air Quality) – A concern has been raised but the development is acceptable subject to a condition to require further modelling of the potential impact of the scheme on the AQMA at Park Street, further monitoring of pollution levels in the area and a scheme of mitigation measures to successfully reduce any impact on the AQMA.

Natural Resources Wales - An objection has been received on the basis that the site is in the C1 flood zone and the proposal does not technically comply with advice contained within Technical Advice Note 15: Development and Flood Risk.

REPRESENTATIONS RECEIVED

The occupier(s) of the following addresses have submitted their concerns/objections to the scheme:

10, 12, 16, 17, 18, 23, 24, 26, 27, 31, 34, 36, 54, 80, 87, 89, 93, 99 Parkfields Road
18, 36, 39, 43, 46, 55, 67, 69, 71, 79, 81, 82, 89, 109, 165 Park Street
1b, 6, 8, 12, 15, 21, 25, 30, 32, 34, 38, 40, 74 Park Court Road
22, 40, 56, 58, 59, 61, 62, 63, 66, 69, 70, 71, 84 Sunnyside Road
9, 39, 48 Greenfields Avenue
8, 63 West Road
8, 15, 24, 48, 51, 90 Heol y Bardd
6, 8, 10, 12, 14 Glan y Parc
2 Elmsfield Court
19, 41 Newcastle Hill
18, 39, 48, 63, 78, 93, 99, 109 Oaklands Road
Cae Dre Cottage,
1 Coed Cae'r Odin
80 Heol Castell, Coity
14 Manor Drive, Coychurch

A small number of other representations were received from individuals but despite reminders being sent, they were not accompanied by their addresses. However, their points are consistent with the objections already made by other residents in the area.

A link to a 400+ name online petition was also submitted under cover of one of the representations. At the time of writing, the number of signatures had reached 475.

The concerns/objections of the local population can be summarised as follows:-

Air Quality/Pollution

- There is already concern and monitoring around this area with regard to air pollution.
- The health centre will increase traffic and therefore air pollution due to a continuous turnover of traffic visiting the site as well as slow moving traffic looking for a space to park.
- The effect on the general health and wellbeing of the local community.
- The AQMA for Park Street is a material consideration and it is likely that many users of the site will access it via Park Street.

- The site is not topographically suitable for more development and will have further adverse implications for the health and wellbeing of residents.
- The standing traffic witnessed by residents contradicts the modelled road speeds in the Air Quality Assessment.
- The construction period will further impact air quality in the area.
- The air quality in the area will be further impacted by cars circling the area whilst patients are being dropped off.
- The pollution control measurements are inaccurate and the actual pollution levels must be higher.
- The scheme will make the environment worse for asthma sufferers.

Surrounding Highway Network

- The roads cannot cope with current levels of traffic and Park Street is gridlocked in the mornings and evenings.
- Glan y Parc is used as a shortcut and there have been many minor accidents on this road.
- The traffic monitoring was carried out when schools were closed and at quiet times of the day which is not a true reflection of the situation around this area.
- The health centre will generate increased levels of traffic in this already busy part of Bridgend.
- The area is constantly used by visiting schools and buses causing traffic congestion.
- The roads are very narrow and will not cope with more traffic.
- The healthcare centre is expecting over 600 visits by car per day.
- What route will visitors take in order to reach the medical centre when travelling from Newcastle Ward?
- An increase in traffic using Angel Street will put people off using the Rhiw Car Park.
- The entrance/exit via Sunnyside Road is right at the point where the road narrows.

Lack of Public Transport Alternatives

- Visitors to the site will have to use private cars or taxis.
- There are no bus services from the Cefn Glas area.
- The subsidies for the two buses along Oaklands Road have been cut.
- People will not walk from the bus station.

Highway Safety

- Children will be put at risk by the increase in traffic in the area.
- Traffic from Cefn Glas will have to stop to turn right onto Glan y Parc which has caused "concertina" type accidents.
- The development will impede fire service/ambulance response times, risking lives.
- The surrounding junctions will be blocked by vehicles queuing to visit the health centre.
- The proposed access points and visibility splays are substandard.
- Extra traffic will result in more potholes.

Parking

- The surrounding roads are already congested by people parking their cars here to visit the town centre, work in the town, to visit the leisure centre and to use the train station.
- The car parks at the recreation centre and bowls club are full during the working day.

- Indiscriminate parking causes obstruction and this issue will get worse after this development.
- Most households have two cars and the development does not provide sufficient parking within the site.
- There is not enough parking provision for the staff and patients visiting the healthcare centre.
- The level of parking provided within the site is unrealistic given the volume of patient throughput that a public health facility would generate.
- The car park is going to be used by visiting shoppers instead of the pay and display car parks in the town centre.
- The surrounding streets should be restricted to residents only.
- Will there be a condition that new residents cannot have a car or more than one per dwelling? Will visitors only arrive on foot?
- Could the plans be adapted to provide an underground car park?
- Large vehicles and refuse lorries find it difficult to navigate through the surrounding streets.
- There is a lack of provision for visitors.
- Grass verges on surrounding streets are being parked on.
- Existing members of Halo Leisure Centre are already concerned at the lack of parking availability.
- Both existing surgery sites have ample on-street parking provision.

Lack of Public Participation

- The submission of Planning documents over the festive period when many are away was a calculated move that proves the lack of engagement.
- The PAC Report highlights objections from residents.
- At both public engagement sessions, residents strongly objected to the three storey flats and suggested they be two storey only.
- A very positive spin was placed on the concerns.
- The documents insinuate that BCBC has already agreed to the proposal.

Lack of Capacity in the Foul Sewer Network

- Concerns are raised about the adequacy of the sewerage system which is already stressed.
- Residents have experienced blocked drains and problems with sewage coming up into their gardens

Density of Development

- There are too many units on the site.
- The local hospital is full and the lack of care homes results in "bed blocking".
- The site is a residential site earmarked by BCBC for 40 units.
- The size of the site could be expanded by the selling off of the Registry Office.
- There is no need for more housing in Bridgend.
- There is no demand for social housing in Bridgend – Suzy Davies AM has stated that Bridgend has already exceeded its required quota.

Height of the Apartment Block

- The three storey block of flats is out of keeping with the surrounding area – it will dwarf/overwhelm/intimidate the row of terrace houses on Sunnyside Road.
- The argument that there used to be a large building on the site, which was set further back, does not take into account that it was used as an office building Mon-Fri 9am-5pm.

Lack of Capacity at Local Schools

- Primary and Secondary Schools in the catchment should be assessed for capacity and further thought should be given to it.

Noise Pollution

- Noise during the construction period and once the site is occupied.

Light Pollution

- The development will inevitably include security lighting causing additional artificial light pollution at night.

Loss of Trees and Habitats

- Trees have already been felled on the site despite a promise not to do so.
- It is essential that no trees are allowed to be cut down to counteract the pollution.
- The trees are important for bats.
- The trees help with drainage.
- The UK Government ratified the Paris Agreement.
- Planting new trees will take decades to establish/mature.

Alternative Proposals

- The site should be developed with homes for the elderly or starter homes for the young as it is close to the town centre and other facilities.
- Residents in rented properties do not look after the property or gardens as evidenced by other sites managed by Linc.
- The applicant's priorities are primarily economic in nature.
- The earlier development proposal for a Care Home/Nursing Home was unsuccessful but that would have received full support.
- The site should be used as a public open air facility or Municipal Park where older or less sports minded people might want to find a place to sit and relax close to the town centre.
- The residential element should be replaced by up to 12 executive 4/5 bedroom homes to actually improve the area.

Increased Flood Risk

- The flood maps suggest that a significant proportion of the site will be at risk of flooding.
- The large areas of car parking and areas of hardstanding will limit the ability of the land to function properly as a floodplain.
- The mitigation measures and flood safety proposals are not long term solutions and represents an ongoing risk to property.
- Years ago, residents were allocated with flood prevention bags from floodline and this development will affect their properties and safety.
- After heavy rain, water does not drain from the rear of gardens.
- The raising of the floor levels will affect neighbouring properties.
- There is often standing water in rear garages and the drainage is not adequate.
- The development will not meet the Sustainable Drainage Systems requirements as required from 7 January 2019.
- Why move existing surgeries that are not in a flood zone to this site which is?

Loss of Privacy/Impact on Residential Amenities

- The apartment block will look directly into properties and rear gardens along Sunnyside Road.
- The community/area will not be as safe as before.

Devaluation of Property

Combined Heat and Power Network

- This will result in further disruption and chaos when the pipes are laid.
- This will not be in place before the healthcare centre is up and running.

How does this scheme benefit Bridgend and the taxpayers of this area?

A recent application for a small nursery on Glan y Parc was refused.

The Local Ward Member (Cllr. David White) has requested that this scheme be referred to DC Committee Members and has registered a request to speak at the meeting on behalf of his constituents.

The Local Assembly Members (Carwyn Jones AM and Suzy Davies AM) have submitted their constituents' concerns with the development.

Carwyn Jones AM has highlighted the concerns of his constituents as follows:

- Traffic – the inevitable increase in traffic in the area, an estimated 1,103 daily visitors to health centre and more than 40 medical and administrative staff travelling to and from work, is of concern and will put significant pressure on an already congested area of Bridgend and will contribute to the air pollution problem in Park Street.
- Parking – the Parkside residents are deeply concerned about provision for the new development. It is likely that many patients will make the journey by car especially as the local bus service may be withdrawn in the near future – adequate parking facilities are required for new residents and users of the health centre.
- Housing Density and Privacy – residents are concerned that the new flats may overlook their properties and gardens and have raised concerns about density of the development in comparison with the surrounding area.

Suzy Davies AM has objected to the development on the following grounds:

- The location of the health centre in such close proximity to existing houses in a confined area with limited access, does pose some problems that need addressing.
- Concerns have been raised about air quality and traffic
- Traffic flow is already heavier on this stretch of Park Street than originally intended.
- Joining the road never feels danger-free and the prospect of 600 car visits a day is a concern.
- New families in this location will generate more pedestrians and school runs at the same time as the health centre will be at its busiest.
- As children will be affected by this decision evidence is required of voluntary due regard on the part of the Planning Authority of Article 12 of the UNCRC (UN Convention on the Rights of the Child).
- The WG are far more conscious of the adverse effects of poor quality created by traffic and the growth in respiratory ill health and due regard should be given to the principles of the Wellbeing of Future Generations Act and that decision makers are clear as to their responsibilities under the Act.
- Evidence should be provided of how the Planning Authority has met its due regard requirement with regard to Welsh language impact – is this development near Welsh Medium schools or feeder nurseries.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised by local residents are addressed in the appraisal section of this report however, of the remaining comments:

- disturbance and noise during the construction period is not a valid material Planning consideration,
- the pollution control measurements by the Council's Shared Regulatory Services Officers are accurate and collected on a regular basis,
- the use of the area/Newbridge Fields by visiting schools and organisations is a pre-existing condition,
- the use of the car park will be regulated by the Healthcare Centre Managers,
- it is understood that the process to introduce a resident parking permit scheme in the area is at an advanced stage of the consultation process and it is expected that this will be in place soon,
- the Housing Association can restrict the number of cars owned by residents via the contract if it is deemed to be necessary although this cannot be controlled through the Planning system,
- an underground car park would not be physically possible and/or economically viable on this site,
- the submission of the application prior to the end of the year was in order to avoid the potential delays caused by having to submit a corresponding Sustainable Drainage System application which came in to force on 7 January 2019,
- BCBC has not already agreed to the proposal,
- the site is not allocated for any uses and the reference to the Joint Housing Land Availability Study and BCBC earmarking the site for 40 units stems from the original intention to develop 40 extra care apartments as the second phase of the extant consent for an 80 bed care home on this site.
- all applications are considered on their own merits and any future application on the current registry office site at Ty'r Ardd will be considered in terms of its potential impact on this scheme and the surrounding area.
- BCBC's Housing Policy and Strategy Manager has confirmed that there is still a clear demand for social housing in Bridgend which will be partially satisfied by this development. The demand as at 21 March 2019 for the Sunnyside area (Bridgend Town Centre/Broadlands/Cefn Glas/Bryntirion/West House/Laleston) is as follows:

Floor Level	Bedrooms Required						Grand Total
	1	2	3	4	5	6	
1+	335	29	35	35	6	1	441
Ground or 1+	65	22	13	7	2	1	110
Grand Total	400	51	48	42	8	2	551

- the proposed lighting scheme for the healthcare centre will be controlled via the imposition of a condition,
- the recent proposal for a Care Home/Nursing Home on this site was approved by the Local Planning Authority (LPA) and not refused as suggested,
- devaluation of property is not a material Planning consideration,
- the scheme will benefit the residents of Bridgend by providing a much needed modern healthcare facility,
- the recent application for a small nursery on a nearby residential street (2012) is not comparable to this proposal.

In response to the comments received from Local AMs that are not addressed in the appraisal section of this report:

- Article 12 of the UNCRC (respect for the views of the child) states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Whilst the UNCRC is not strictly relevant to the Planning System, Planning Policy Wales sets out the land use Planning policies of the Welsh Government and its primary objective is to ensure that the Planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning Planning system is fundamental for sustainable development and achieving sustainable places and the Local Planning Authority implements these aims in the determination of applications and in formulating Local Development Plans.

- Planning Policy Wales 10 (December 2018) includes a section on "The Welsh Language and Placemaking" and advises that considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for Planning permission however, decisions must not introduce any element of discrimination between individuals on the basis of their linguistic ability and should not seek to control housing occupancy on these grounds. The Council's School's Programme Manager has confirmed that the site is within the catchment area for the Welsh Medium Ysgol Gymraeg Bro Ogwr Primary School (which also has Nursery provision) and any Education contribution could be allocated to the school depending on capacity.

POLICY CONTEXT

The relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (LDP)(2013) are:

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 SP13 – Social and Community Facilities
Strategic Policy SP14 - Infrastructure
Policy PLA4 – Climate Change and Peak Oil
Policy PLA11 – Parking Standards
Policy ENV5 – Green Infrastructure
Policy ENV6 – Nature Conservation
Policy ENV7 – Natural Resource Protection and Public Health
Policy ENV15 – Waste Management in New Development
Policy ENV17 – Renewable Energy and Low/Zero Carbon Technology
Policy COM3 – Residential Re-Use of a Building or Land
Policy COM4 – Residential Density
Policy COM5 – Affordable Housing
Policy COM8 – Provision of Health and Well-Being Facilities
Policy COM11 – Provision of Outdoor Recreation Facilities
Policy COM14 – Provision of Allotments and Community Food Networks

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development

SPG08: Residential Development

SPG12: Sustainable Energy

SPG13: Affordable Housing

SPG15: Community Facilities and Residential Development

SPG16: Educational Facilities and Residential Development

SPG17: Parking Standards

SPG19: Biodiversity and Development

In the determination of a Planning application, regard should also be given to the requirements of National Planning Policy which are not duplicated within the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales 10 (PPW10)

Chapter 2: People and Places: Achieving Well-Being Through Placemaking (paras. 2.8, 2.13, 2.14)

Chapter 3: Strategic and Spatial Choices (paras. 3.21, 3.24, 3.46, 3.51)

Chapter 4: Active and Social Places (paras. 4.1.18, 4.1.26, 4.1.39, 4.1.51, 4.2.17, 4.2.25, 4.4.3)

Chapter 6: Distinctive and Natural Places (paras. 6.4.25, 6.6.25, 6.7.1, 6.7.14)

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN1 – Joint Housing Land Availability Studies (2015)

TAN2 – Planning and Affordable Housing (2006)

TAN5 - Nature Conservation and Planning (2009)

TAN11 – Noise (1997)

TAN12 – Design (2016)

TAN15 – Development and Flood Risk (2004)

TAN18 – Transport (2007)

Local Development Plan Policy SP2 (Design and Sustainable Place Making) states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

- 1) *Complying with all relevant national policy and guidance where appropriate;*
- 2) *Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;*
- 3) *Being of an appropriate scale, size and prominence;*
- 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;*
- 5) *Providing for an appropriate mix of land uses;*
- 6) *Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;*
- 7) *Minimising opportunities for crime to be generated or increased;*
- 8) *Avoiding or minimising noise, air, soil and water pollution;*
- 9) *Incorporating methods to ensure the site is free from contamination (including invasive species);*

- 10) *Safeguarding and enhancing biodiversity and green infrastructure;*
- 11) *Ensuring equality of access by all;*
- 12) *Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*
- 13) *Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;*
- 14) *Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and*
- 15) *Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.*

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

APPRAISAL

The application is being reported to Members due to the number of objections received, including ones from the Town Council and Assembly Members, and due to a call-in request by a local Ward Member.

The main considerations in the determination of this application relate to:

- the principle of residential and health care facilities in this location and the density of development,
- the design and layout of the buildings and whether they are in keeping with and enhance their surroundings,
- the potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- the impact of the scheme on the natural environment
- the proximity of the development to the recently designated Air Quality Management Area along Park Street and its future impact on that AQMA
- the potential impact on surrounding residential amenities
- the siting of the development within a C1 Flood Zone and its effect on flood risk
- the drainage of the site and
- whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

The Principle of the Development

The site is located within the primary key settlement of Bridgend as defined by Policy PLA1 (Settlement Hierarchy and Urban Management). This Policy and Policy PLA3 (Regeneration and Mixed Use Development Schemes) (although the site is not specifically identified) encourage the regeneration of brownfield and under-utilised sites within settlement boundaries for an appropriate mix of land uses including residential, community and employment uses. In this regard, the proposals for the development of 59 dwellings and a healthcare centre are considered acceptable in principle. The Housing Policy and Strategy Officer has also confirmed that there is still a high demand for this type of residential accommodation within the Bridgend area.

Policy COM3 (Residential Re-Use of a Building or Land) states that residential developments within settlement boundaries on windfall and small scale sites for ... the re-use of vacant or under-utilised land will be permitted where no other policy protects the land for an existing or alternative use. Whilst the consent for the 80 bed care home is still extant, the site is not allocated for a particular use and the buildings on the site

(former Sunnyside Council Offices and Magistrates Court) have been demolished.

Policy COM8 (Provision of Health and Well-Being Facilities) states that appropriate new medical related development in association with existing health and well-being facilities will be permitted provided the development would bring benefit to health care. It goes on to state that the Council will work with the Health Board to identify sites. This scheme will provide a much needed modern, fit for purpose and multi-use facility in Bridgend Town Centre.

Paragraphs 2.8 and 2.13 of PPW10 advise that decisions must seek to promote sustainable development and support the well-being of people and communities across Wales including seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals in line with the Act's Sustainable Development Principle and that these principles support the culture change needed to embrace placemaking and ensure that Planning facilitates the right development in the right place.

Paragraph 3.51 of PPW10 also advises that previously developed land such as this site should, wherever possible, be used in preference to greenfield sites where it is suitable for development and in settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

The development is acceptable in this location in principle and, subject to detailed design criteria, accords with Policies SP2, PLA1, COM3 and COM8 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained Planning Policy Wales 10 (December 2018).

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. 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. In fact, the development should positively contribute to sustainable development goals.

The Density of Development

Policy COM4 (Residential Density) of the LDP states that new residential developments will be built to a density of at least 35 dwellings per hectare (dph).

In this instance, the portion of the site to be developed by Linc Cymru Housing Association for 59 units (made up of 3 x 1 bed bungalows, 2 x 2 bed bungalows, 19 x 1

bed apartments, 9 x 2 bed apartments, 15 x 2 bed houses, 8 x 3 bed houses and 3 x 4 bed houses) equates to approximately 1.3 ha in area. This would result in a minimum of 46 dwellings when calculated at 35 dph and whilst the proposed 59 units exceeds this minimum density, this is acceptable and can be partly attributed to the relatively large number of apartments within the scheme (28).

As stated above, the site is not allocated for any specific uses and the reference to the Joint Housing Land Availability Study and BCBC earmarking the site for 40 units probably originates from the original intention to develop 40 extra care apartments as the second phase of the extant consent for an 80 bed care home on this site.

The development density therefore accords with Policy COM4 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

Design and Layout

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria (see above) and is the starting point for the assessment of all applications,.

A Design and Access Statement has been produced which aims to demonstrate that the redevelopment will not have a detrimental impact on the surrounding area.

A condition is attached to the recommendation requiring additional detailed specifications of the materials and finishes proposed for the new residential units and healthcare centre. The signage proposed for the healthcare centre and the pharmacy element of the building will be the subject of separate Advertisement Consent applications. A separate condition will also be imposed requiring full details of the lighting scheme for the building.

The scheme has successfully addressed the potential effects of the redevelopment proposals on the area and through the imposition of conditions, it is considered that the buildings will preserve the appearance of an area which lies to the south but outside the Newcastle Hill Conservation Area and is characterised by terraced properties and large Civic/Recreational Buildings.

Paragraph 4.1.18 of PPW10 advises that well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy and where children can play.

The development is based on "Homezone" principles and includes communal courtyard gardens, informal spaces, natural play spaces and a community growing area.

The Secured by Design Officer is also generally amenable to the design, site layout and principles of the development subject to the implementation of his suggestions regarding defensible spaces, landscaped areas, lighting, surveillance of parking/cycle storage areas, CCTV for the healthcare centre and security. A copy of the comments will be appended as part of the informative notes for the information of the developer.

It is therefore considered that the proposed development complies with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG08, Planning Policy Wales 10 (December 2018) and TAN12:

Design.

Highway Network, Highway Safety and Parking Provision

Paragraph 3.46 of PPW10 states that a broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning Authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation and community facilities (including libraries, schools, **doctor's surgeries and hospitals**), within existing urban areas or areas which are, or can be, easily reached by walking or cycling and are well served by public transport.

Paragraph 4.1.26 of the same document advises that the Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment or in order **to access health**, leisure or other services or facilities.

In terms of the highway implications of the development and the overall scheme, the Traffic Assessment and Travel Plan which accompanied the application have been considered in detail by the Head of Street Scene (Highways).

The site of this development is currently vacant having previously accommodated a 5 storey office block and a Magistrates Court. These have since been demolished and the only consent which exists on the site is for a Care/Nursing Home.

Whilst the fall-back position of the site in terms of the consented Care Home is, therefore, a lesser traffic generator than the current proposal, the application is supported by a Transport Assessment that has been independently audited by the Highway Section's consultants.

The impact of the development upon the signalised junction of Park Street with the A473 has been modelled and it is considered to be nearing, or at, capacity in the current situation with the development traffic being "marginal".

Whilst the Independent Audit suggests that funding should be sought towards the upgrade of the signals, the cost is estimated to be in the region of £50k however, the impact of this individual scheme in isolation is not considered sufficiently detrimental to justify seeking the full cost of the scheme from the developer.

A small partial/proportional contribution will also be hard to justify without any match funding from another source. In this instance it is noted that the reconfiguration of the signals and the easing of the existing congestion along Park Street could assist the aims of the Authority in addressing the Air Quality Management Area at Park Street (although this is not guaranteed) and the signals upgrade could be secured as part of the overall scheme to mitigate the impact of the development on the AQMA at Park Street which could then form part of the Council's Action Plan for the area.

In terms of parking provision, paragraph 4.1.51 of PPW10 advises that a design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles, the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning Authorities must support schemes which keep parking levels down, especially off-street

parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

The supporting Transportation Assessment considers the ability to access the site via public transport and indicates that the nearest bus stops (with a reasonable frequency of service) are located on Park Street (in the vicinity of St Leonards Road).

The proposed on-site parking quantum is reliant on a relaxation based on the sustainability credentials of the site which the bus stops contribute to. Whilst a pedestrian route exists, via Parkfields Road and the Public Right of Way, the high traffic volumes along Park Street make it extremely difficult to reach the bus stop facilities.

In order to accept the use of Public Transport as a means of securing a parking quantum discount, it is considered that a pedestrian crossing will need to be provided on Park Street in the vicinity of the junction of St Leonards Road, with the west bound bus stop being relocated slightly.

The proposed healthcare facility will provide a combination of treatment and consulting rooms together with a pharmacy. It is considered that the proposed facility will generate a maximum parking requirement of 136 parking spaces and 1 commercial space.

The sustainability credentials of the site are noted and a reduction of 30% could be applied thereby reducing the parking requirement to 95 spaces on the proviso that a suitable Travel Plan for the healthcare facility is submitted and the above crossing point/bus stop scheme is implemented.

Notwithstanding the reduced requirement, the site layout plan details only 66 spaces within the car park. This 29 space shortfall gives rise to significant concerns for the Highway Authority in respect of the potential for indiscriminate on-street parking to the detriment of highway safety throughout the development and in the surrounding area which serves as the main access to the Fire Station.

Notwithstanding the above, owing to the sustainable location of the development close to the town centre and the need for affordable housing and a modern healthcare facility in Bridgend Town, it is considered that an objection to the scheme on this basis could not be easily defended at appeal.

Accordingly, the development would only be acceptable from a parking perspective if the entire suite of measures, as outlined below, are incorporated into the proposals:

- A detailed review of the healthcare facility parking identifies that a reduced quantum of 95 spaces should be provided with 67 for use by patients and 28 for staff. It is considered that by removing the northern entrance to the car park and by rearranging the northern end of the car park (and the proposed disabled parking spaces to share adjacent hatched areas), it is possible to provide a total of 71 spaces (including 7 disabled bays). This will enable full provision for patients with 4 nominal spaces for on-call/peripatetic staff use. The resulting shortfall in parking (24 spaces) would therefore be restricted to staff parking who could use adjacent public car parks and be controlled by the provision of public car park staff passes and a Parking Management Plan (with a suitable complaints procedure/process) together with a scheme of further on street parking restrictions to prohibit loading. This will require a financial contribution from the developer.

- The layout of the residential part of the site with narrow “Homezone” carriageways, a one way street and a triangular “square” adjacent to the North Terrace is not considered to be suitable for adoption by the Highway Authority and will need to be retained as private highway and thus the responsibility of the developer. Given the one-way nature of the access, it is considered necessary to provide a cycle path to enable residents to go against the flow of traffic to reach the wider cycle route on Angel Street.
- In order to retain a necessary degree of control and to limit the highway impacts of this development on surrounding areas, it is considered that the developer should enter into a Section 106 Agreement to:
 - operate the healthcare facility in accordance with a Travel Plan to be submitted.
 - operate the healthcare facility in accordance with a Parking Management scheme to be agreed with the LPA.
 - make a financial contribution of £9,500 towards the provision of Traffic Regulation Orders, Roadmarkings and signage in the vicinity of the site.
 - confirm an undertaking to provide 24 public car park passes for staff use in perpetuity.

Having regard to the above and the implementation of the proposed measures and improvements, the acknowledged highway safety and parking implications of the development can be addressed successfully and the scheme therefore accords with Policies SP2, SP3, SP14 and PLA11 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG17, Planning Policy Wales 10 (December 2018) and TAN18.

Trees and Biodiversity

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

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

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

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,"

2. That there is "no satisfactory alternative," and
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".

Paragraph 6.4.25 of PPW10 advises that planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

The Ecological Assessment of the application site states that the habitats on-site are of no more than Local value for wildlife, though the site has potential for protected species chiefly comprising nesting birds, common reptiles and some foraging bats. The assessment highlighted a tree with moderate bat roost potential however, this has since been felled. Furthermore, the old Magistrates Court Building has recently been demolished. The remainder of the trees around the site are the subject of a pending Tree Preservation Order which will be confirmed once the individual trees that are to be retained and/or removed as part of the redevelopment of the site have been identified and agreed with the Local Planning Authority.

The Tree Survey assessed 99 trees/tree groups, which ranged from Category A (high value) to Category U (in a condition that cannot be reasonably retained) trees. Of these 99 trees, at least 27 are proposed to be removed. The main reason put forward in the submitted Tree Survey Report for the felling of these trees is their physiological condition. The majority of the trees to be removed are Category U trees with some Category C trees (low value). No Category A or B trees will be lost as part of the scheme.

The landscaping proposals show a range of new trees and shrubs to be planted and the planting schedule lists a range of tree species including a native shrub hedge, an edible hedge and a mix of native, amenity and fruit trees. The number of trees that are proposed to be planted exceeds the number of those that will be lost. There is also a range of other landscaped areas proposed, including species-rich meadow areas and species-rich lawn, as well as amenity areas and ornamental planting.

On the basis of the submitted documents, the Council's Ecologist does not object to the application however, he considers the tree felling should be limited to an absolute minimum and trees to be retained should be protected during the course of the construction period. These details will be secured via suitably worded conditions. Furthermore, other conditions are attached to the recommendation to secure the following:

- A Construction Ecological Management Plan to show how wildlife will be protected during works, to include (but not be limited to) a reptile method statement, a bird nesting method statement and an arboricultural method statement in accordance with BS5837 (including sensitive felling of any trees with bat roost potential). This Plan should include who is responsible for implementation;
- A 5-year Biodiversity Management Plan for all habitats within the site boundary which will aim to ensure that retained and newly created habitats are managed appropriately and become suitably established. This Plan should include who is responsible for implementation;

- A bird and bat box scheme (to enable biodiversity enhancements within the site);
- A sensitive lighting plan showing how lighting will not impact upon the peripheral vegetation.

Biodiversity enhancements such as a bat/bird box scheme and landscaping proposals would go some way towards satisfying Section 6 of the Environment (Wales) Act 2016 which, as mentioned above, places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

BCBC's Green Infrastructure SPG seeks to inform schemes and provide practical advice in respect of ecological enhancements and the resilience of ecosystems and this document should be referred to in drawing up these proposals.

In conclusion, the trees that are worthy of protection will be retained and the site is of limited ecological interest. Therefore, it is considered that, overall, there will be no significant adverse residual impacts on the natural environment and biodiversity provided that the suggested conditions are attached to the recommendation. The development therefore accords with Policies SP2, SP4, ENV5 and ENV6 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG07 and SPG19, Planning Policy Wales 10 (December 2018) and TAN5.

Public Protection (Air Quality, Noise and Ground Contamination)

Policy SP4 of the LDP promotes the conservation and enhancement of the natural environment. The Policy illustrates that development proposals will not be permitted where they have an adverse impact upon the quality of natural resources, including water air and soil.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity.

Paragraph 3.21 of PPW10 advises that Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, as well as the promotion of travel patterns which facilitate active lifestyles. The Planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as**doctor's surgeries and hospitals.**

Paragraph 6.7.1 of PPW10 suggests clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the Planning system.

Paragraph 6.7.14 of PPW10 states that proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to **limit or constrain** any effects that do occur.

Between the time the initial scheme was being developed and the submission of the application, the Park Street area was formally designated as an Air Quality

Management Area. Bridgend's Park Street Air Quality Management Area (AQMA) was established due to elevated and exceeding levels of annual mean NO₂.

An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

For the construction phase of the proposed development, a medium risk has been identified with respect to dust as a result of construction phase activities (earthworks, construction and trackout). With regards to the element of risk associated with the construction phase of the development, it is considered necessary to apply a condition for a Construction Environmental Management Plan which will outline a detailed Dust Management Plan with appropriate measures prior to the development proceeding.

For the operational phase of the development, the report utilises detailed dispersion modelling to depict whether existing and future residents will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}).

For operational purposes, in order to determine potential impacts to air quality as a result of increased traffic movements associated with the development, the air quality modelling considers an understanding for a baseline scenario (2017) and a projected year of opening scenario (2021). The modelling adopts best practise guidance and considers worse case predictions by performing additional sensitivity testing.

The AQA concludes that the overall effect of the proposed development, in terms of road traffic impacts, will be 'not significant'. The SRS Officer does not fully agree with this statement and has underlying concerns from an air quality perspective for the impacts generated by the proposal.

Utilising EPUK and IAQM guidance, the level of significance, in terms of the amount of % change to the air quality levels, is classified. As documented, 14 existing sensitive receptor locations and 6 future sensitive receptors have been examined, quantifying the level of impact predicted at their locations. In total, there is 1 identified sensitive receptor (Receptor 6) subjected to a slight adverse impact for annual mean NO₂ levels, for the proposed year of opening (2021). Receptor 6 is confirmed as a residential property at 91 Park Street.

The potential impact for annual mean air quality levels at all other receptors for the proposed year of opening is classified as negligible. It is also confirmed that the short term 1 hour air quality objectives for NO₂ and PM₁₀ will not be breached.

Drawing reference to Receptor 6 (91 Park Street), there will be a slight adverse impact for annual mean NO₂ for a 2021 'With Scheme' scenario, rising from 38.4µg/m³ 'Without Scheme' to 38.6 µg/m³ 'With Scheme'. Adopting the results derived by the Worse-case Sensitivity Test, annual mean NO₂ levels for a 2021 scenario shows a rise in annual mean NO₂ levels from 40.1µg/m³ 'Without Scheme' to 40.4 µg/m³ 'With Scheme'.

The Worse-case Sensitivity Test therefore portrays worsening of the annual mean levels even further beyond the annual mean NO₂ air quality objective set at 40µg/m³. Although it may be argued that the Worse-case Sensitivity Test is a conservative approach, an adverse impact to air quality is prevalent and documented by the report.

Receptor 6 lies within the boundary of the AQMA and it is apparent from the modelling undertaken that annual mean NO₂ levels are forecasted to worsen with the proposed development in place. Air that is just barely compliant with the objectives is not 'clean' and still carries long-term health risks. Nitrogen dioxide and particulate matter currently have no safe threshold defined and the lower the concentration of those pollutants the lower the risks of adverse health effects in the exposed population. Therefore, whilst compliance with the national air quality objectives is essential, it is desirable to keep levels of pollution as low as reasonable practicable.

The submitted AQA in support of the proposed development indicates that forecasted air quality levels (annual average NO₂) at sensitive receptor locations in proximity to the development will comply with national air quality objectives (not based upon the Worst-case understanding) however, these levels are not considered to be 'safe' levels due to the minimal head room between the modelled and the national air quality objectives.

Without the guarantee of sufficient mitigation measures local residents within the Park Street AQMA will be susceptible to worsened air quality.

As the submitted AQA demonstrates that the new development will cause potential for adverse impacts to already poor air quality, an additional burden will be placed on the resources within Shared Regulatory Services and as such, additional air quality monitoring will be needed to review air quality levels at an increased resolution, particularly for NO₂ levels.

In order to provide a more detailed understanding of air quality in the area and gather further evidence in terms of supporting air quality datasets, it is suggested that an investment is made in automatic and non-automatic monitoring capabilities. The proposed indicative costing for such capabilities would total £11000 excluding VAT.

It is proposed that this development should contribute a proportional and equitable figure towards this cost via a S106 Agreement.

Following a meeting with the developer and consultant, it was agreed that the air quality assessment submitted in accordance with the Planning application identified that, as a result of the proposed development and generated traffic movements, 1 sensitive receptor (Receptor 6 - 91 Park Street) would be subjected to a slight adverse impact for annual mean nitrogen dioxide (NO₂) levels, for the proposed year of opening (2021).

At 91 Park Street the annual average NO₂ is scheduled to rise from 38.4µg/m³ to 38.6µg/m³ with the proposed development in place. Although the levels do not breach the annual average limit value of 40µg/m³, the impact is regarded as 'slight adverse' and needs to be treated with caution, especially with the implementation of the air quality management area and the Council's responsibility to put together an effective air quality action plan to address poor air quality identified by the designation of the Park Street AQMA.

The Air Quality Consultants also prepared a technical note which indicated that the projected adverse impact at 91 Park Street would be negligible by 2023. The technical note stated the following:

In those circumstances where a single development can be judged in isolation, it is likely that a moderate or substantial impact will give rise to a significant effect and a negligible or slight impact will not have a significant effect, but such judgements are always more likely to be valid at the two extremes of impact severity.

From a Local Air Quality Management perspective and adopting BCBC's own policy as well as Welsh Government's best practise guidance, the proposed development cannot be viewed in silo and the potential for cumulative impacts as a resultant of future development in the area should be considered instead, especially if a negligible impact is not projected until 2023.

Although 2018 annual datasets were not available when devising the scope of works for the supporting AQA, there are significant concerns from an SRS/BCBC perspective whereby most recent annual average NO₂ datasets examined along Park Street are significantly elevated.

The datasets recorded an annual average figure of 59.5µg/m³ in 2018 at site OBC-110 (101/103 Park Street). This level does not only exceed the NO₂ annual average air quality objective set at 40µg/m³ but is also encroaching on the 1 hour objective set as 200 µg/m³ not to be exceeded more than 18 times per year.

It was accepted by the air quality consultants that any remodelling with the revised understanding for levels recorded during 2018 would not change the outcome significance for the proposed year of opening. It would be a concern to see an adverse impact experienced at these raised levels, especially if the development would influence the projected levels to surpass the 1 hour objective for NO₂.

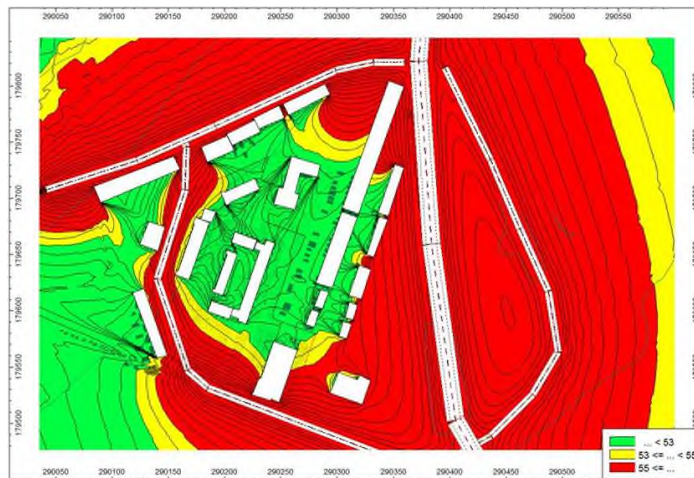
In conclusion, SRS advise that a Planning condition be attached to any recommendation for approval in order to undertake a detailed air quality assessment and proactively devise and implement a mitigation scheme, including measures to ensure positive benefits to air quality at identified sensitive receptors located on Park Street and within the established Air Quality Management Area boundary. The air quality assessment and mitigation scheme will need to be submitted to and approved by the Local Planning Authority and could form part of the Council's Comprehensive Action Plan for the AQMA with a view to de-designating it as an AQMA in the future.

In terms of noise, the scheme is generally acceptable subject to conditions however, it is evident that the noise levels in some rear gardens range from 53dB immediately in front of the rear façade of the dwelling up to 60dB in the garden area closer to the road (LAeq16hours), with the Lday, evening and night being 64, 61 and 56dB respectively.

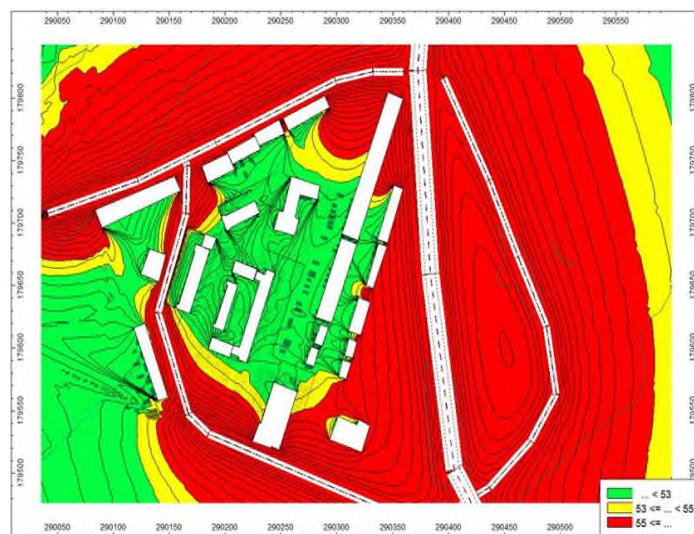
Furthermore, this does not include any additional increase in noise from the increased traffic generated as a result of patients using the new healthcare centre and the applicant was requested to provide confirmation that at least 50% of the garden area used for sitting out will achieve acceptable levels and, if not, additional mitigation with respect to the design of these dwellings would be required.

In response the Noise Consultant has advised that the latest 2018 WHO guidelines recommend that noise levels in external amenity spaces should not exceed 53dB Len from road traffic noise. The previous 2014 WHO guidelines recommended that external amenity noise levels should not exceed 55dB. They have modelled the site with a new legend which shows in green, areas where noise levels (Len) are lower than 53dB, in yellow, where noise levels are between 53 and 55dB Len and in red, where noise levels are above 55dB (Len). This was done in order to clearly assess the areas complying and non-complying with the 2018 WHO guidance.

The noise map below shows the external noise levels (Len) as originally modelled. It is shown that noise levels within the gardens facing Glan y Parc are mostly above 55dB Len. This model did not include for a garden fence.



The noise map below shows the external noise levels (Len) with the inclusion of a garden fence around the gardens facing Glan y Parc and the gardens of the North Terrace properties. It is now shown that noise levels within the gardens facing Glan y Parc are all below 53dB Len. In order to provide an adequate level of screening, the garden fence should be solid with no gaps and have a minimum height of 1.2m.



It is therefore shown that with the inclusion of the garden fence, the external noise levels (Len) within the gardens are mostly below 53dB Len and therefore comply with the new 2018 WHO guidance.

The landscaping plans have been amended to indicate 1.8m high, close boarded fences to the rear of the properties to the west and north to attenuate the noise levels to an acceptable degree.

In terms of ground contamination and having regard to the previous use of the site, although the standard conditions are requested, the SRS Officer noted that the ground gas assessment was incomplete.

Further to the Public Protection Officer's comment requesting that the gas assessment element of the Ground Conditions Assessment Report be finalised, an updated and complete assessment report was submitted. The SRS Officer has confirmed that the details are acceptable and a condition relating to the implementation of the approved gas protection measures will be added to the recommendation.

Having considered the public protection impacts of the proposed development, particularly on the nearby AQMA at Park Street, it is considered that, through conditions, the scheme in isolation will not have a significant and detrimental impact on the environment by way of noise, air quality or ground contamination and it therefore accords with Policies SP2 and ENV7 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

Neighbouring Residential Amenity

In response to the residents' concerns regarding the scale of apartment block and its impact on their residential amenities, the scheme has been carefully assessed against recognised standards and advice contained within the Council's SPG02: Householder Development.

In terms of overlooking and distances between habitable windows and between windows in the new development and nearby rear gardens, the scheme ensures a distance of at least 42m between the eastern elevation of the apartments and the rear elevations of the properties along Sunnyside Road. This is far in excess of the standard minimum distance of 21m between habitable room windows and is acceptable in this regard.

Likewise, the windows are at least 23m from the extreme ends of the adjoining rear gardens, in excess of the minimum 10.5m as stipulated in the guidance, so the scheme will not have a detrimental impact on the privacy of existing adjoining occupiers. In addition, the rear gardens will still be separated from the apartment block by the existing rear access lane serving Sunnyside Road garages, a landscaped verge and the internal access road which will continue to serve the Registry Office building at Ty'r Ardd.

In terms of the potential impact of the development by way of overbearing/shadowing, it is considered that, despite its three storey height (albeit with a flat roof), the apartment block, due to its orientation to the east and the fact that it is so far removed from existing properties along Sunnyside Road, will not have such an adverse effect on neighbouring properties.

The development therefore accords with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG02 and Planning Policy Wales 10 (December 2018).

Flood Risk

Paragraph 6.6.25 of PPW10 states that development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

NRW reviewed the Hydraulic model prepared by the consultants, JBA, and are satisfied that the model correctly informs the Flood Consequences Assessment (FCA).

NRW note that the conclusions and recommendations section of the hydraulic model review provide details of changes which should be undertaken to the model, however they do not consider that these changes will significantly affect the findings and their position.

The Planning application proposes a highly vulnerable development. NRW's flood risk map, which is updated on a quarterly basis, confirms the site to be within Zone C1 of the Development Advice Maps (DAM) contained in TAN 15 and the 1% (1 in 100 year) fluvial and 0.1% (1 in 1000 year) annual probability flood outline of the River Ogmoo. NRW consider that the application site is not shown to be flood free in the 1% Annual Event Probability (AEP) plus climate change event as required in Table A1.14 of TAN15 and the predicted depths of flooding exceed the guidance contained within Table A1.15.

In both the 1% AEP plus climate change and 0.1% AEP events, increased flooding to existing residential properties has been shown as a result of the proposed development. TAN15 clearly states that there should be no increased flooding elsewhere as the result of a proposed development.

NRW consider that the modelled flood depths within the ancillary areas of the proposed site to be a 'danger to most' in accordance with the hazard rating matrix. Parts of the car park area adjacent to the healthcare centre have flood depths to 0.5m in the 1% AEP plus climate change flood, with an area close to the boundary of the site flooding to depths in excess of 1m in this scenario.

Therefore, given the nature of the proposed development and the findings of the FCA, NRW object to this application on the grounds of flood risk.

Whilst objections have been received from NRW and the Council's Land Drainage Officer on the basis that the site is in the C1 flood zone and the proposal does not technically comply with Technical Advice Note 15: Development and Flood Risk, this is considered to be an overly rigid interpretation of compliance with TAN15.

NRW suggest that flood risk to the site cannot be overcome which, if accepted, would permanently blight the site (and other town centre locations) from potential redevelopment. Although NRW's comments on matters of flood risk and their right to object as a Statutory Consultee are respected, TAN15 and PPW10 ultimately place the responsibility for interpreting and applying Planning policy on the LPA. More specifically, as established in Section 3.4 of TAN15, it is for the Planning Authority to be satisfied that a proposed development is justified and consequences of flooding are acceptable.

The applicant's consultant has provided an additional information note to explain the actual impact of the development and to address the results that are provided as reasons for the objection by NRW:-

The application site is not shown to be flood free in the 1% Annual Event Probability (AEP) plus climate change event as required in Table A1.14 of TAN15

Table A1.14 makes it clear that the recommended frequency threshold "should not be regarded as prescriptive" and are "indicative". They consider that complex sites, such as the Sunnyside Wellness Village, is a prime example of where a LPA should apply discretion and planning balance.

The addendum note goes on to say that the FCA makes no effort to avoid the fact that the site is partially flooded in the 1% AEP plus climate change event. Although some flooding of the site occurs, it is limited to ancillary areas, essentially the healthcare centre car park.

TAN15 is silent about how ancillary areas of development should be treated however, it has been generally accepted that there are cases when flooding of ancillary areas (e.g. gardens, play areas and car parks) is acceptable where necessary and safe.

For this reason, the development has been carefully designed to ensure that all built development is flood free for the 1% AEP plus climate change event. The consultant believes that the development proposals therefore comply with the primary objective of paragraph A1.14.

In addition to this, the healthcentre car park will be managed by the healthcentre staff and they will be in the optimum position to monitor weather and flood alerts and to safely close the car park and evacuate the site in a timely and safe manner, if necessary. On implementation of an emergency flood plan, cars will be prevented from entering the car park and the centre will be evacuated of all members of the public and staff which should account for the car park users.

The site is also protected by the River Ogmores flood defences during the 1% AEP event. It is only when climate change is applied that these defences are overtopped resulting in much of Bridgend becoming flooded, not just this site. BCBC is aware of the situation which has the potential to restrict the redevelopment of the town. The Council is currently looking for strategic options to protect the town during a future 1% AEP plus climate change event. Therefore, it can be reasonably expected that flood defences through Bridgend will keep ahead of climate change due to the compelling need to protect people and property and to maintain a sustainable town centre.

The proposed development is at the periphery of the 1% AEP plus climate change extent and therefore, will be amongst the first to benefit from any improvements to the town's defences. The consultant notes that a similar interpretation of future climate adaptation plans was recently accepted in approving a Housing Association scheme in Swansea.

The predicted depths of flooding exceed the guidance contained within Table A1.15

The developer contends that all built development satisfies the recommended thresholds in Table A1.15. The only area of non-conformance relates to the health centre car park which is a trade off with increasing flood risk elsewhere.

If the car park were to be raised this would have further consequences for flooding elsewhere.

A1.15 states *The following table, which should not be regarded as prescriptive provides indicative guidance on what is considered tolerable conditions for different types of developments and Each site must therefore be considered individually and a judgement taken in the context of the particular circumstances which could prevail at that site.*

Consequently, the LPA has the ability to consider the unique nature of flood risk and development in Bridgend and the application of A1.15 to the Sunnyside development.

A comprehensive and detailed FCA has been prepared, informed by the latest methods in detailed flood modelling and the LPA can evaluate the evidence provided and the proposed flood mitigation measures against the “indicative guidance” of A1.15.

In both the 1% AEP plus climate change and 0.1% AEP events increased flooding to existing residential properties has been shown as a result of the proposed development

The NRW response states that TAN15 clearly states that there should be no increased flooding elsewhere as the result of a proposed development however, Section 7.3 of TAN15 states that there should be minimal impact of the proposed development on flood risk generally.

Within the guidance in A1.12, this is then described as *No flooding elsewhere*. The FCA demonstrates that the development will not result in an increase in the flood extent, thus satisfying the requirement of A1.12. Any development within a built-up area (e.g. garages, walls, fences and extensions) will in some way alter flood flows and levels within a sophisticated computer model.

Having regard to the above and following a detailed appraisal of the off-site effects of the proposed development, the consultant concludes that the proposed development will have no impact on flood risk in the surrounding area. The assessment finds that the development does not change flood frequency, extent or flood hazard and will have only negligible and localised effects on flood depths within an area already flooding to significant depths.

The following measures are recommended in the Flood Consequence Assessment report to ensure that the proposed development is safe and acceptable:

- Building finished floor levels should be raised in line with Figure 4-3 to ensure they are flood-free in the 1% AEP plus climate change event.
- The surrounding ground levels within the proposed development should be as low as practically possible to ensure adverse third-party flood risk impacts are limited. The healthcentre car park should have a typical maximum of 16.8m AOD to provide floodplain storage and flood water conveyance routes during extreme flood events.
- The occupants and managers of the proposed site should sign up to the NRW flood warning service to provide warning in the event of an extreme flood event.
- A Flood Action Plan should be developed and adopted to ensure the correct action is taken in the event of a flood alert being issued.

The Council was faced with very similar flood risk issues in their determination of the Rhiw car park redevelopment (P/15/60/FUL refers) in 2015. The development of a multi-storey car park, commercial and residential development exemplified the challenges of managing flood risk and sustainable development in Bridgend. That development faced almost identical issues of compliance with A1.14 and A1.15, off-site impacts and an objection from NRW. Indeed, the flood depths within the ground floor car park were predicted to exceed 2.7m and flood depths elsewhere increased by 100mm, much greater values than expected at the Sunnyside development.

The Rhiw development demonstrates that it is possible to arrive at a decision that differs from NRW’s opinion but still considers all aspects of TAN15 and the guidance contained within it.

TAN15 also recognises that much of urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable that, despite the overall aim to avoid flood risk areas, some existing development will be vulnerable to flooding and fall within Zone C (the application site falls within Zone C1).

Some flexibility is therefore necessary to enable the risks of flooding to be addressed and quantified, whilst recognising the negative economic and social consequences if policy and Planning decisions were to preclude investment in existing urban areas and the benefits of reusing previously developed land.

TAN15 confirms that further development in such areas, whilst possibly benefitting from some protection, will not be free from risk and could, in some cases, exacerbate the consequences of a flood event for existing development. It calls for local authorities to use balanced judgement in their decision making. TAN15 does however, indicate that development should only be permitted within Zones C1 and C2 if it can be demonstrated that:-

- (i) its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- (ii) its location in Zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region, and
- (iii) it concurs with the aims of PPW and meets the definition of previously developed land and
- (iv) the potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

In reference to the above criteria, the proposed development will contribute to the regeneration of Bridgend through the re-use of previously developed/brownfield land in a sustainable location.

It is considered that the proposal is justified and that the minimal risks/consequences of flooding are acceptable.

Having regard to the above and the implementation of the measures and advice as outlined in the FCA, it is considered that the development accords with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018) and TAN15.

Foul and Surface Water Drainage

In terms of foul drainage from the site, Dwr Cymru/Welsh Water (DC/WW) has previously been informed of the proposed development and responded through the formal pre-application consultation process as a Statutory Consultee.

DC/WW advise that there is no objection to the development in principle subject to standing advice. Only foul flows could be accommodated within the existing public sewerage system.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there are no issues with water supply at this site.

The accompanying 'Drainage Strategy Plan' indicates discharge of surface water flows to a private soakaway system and DC/WW offer no objection to these proposals as they will not consider communication of surface water to the public sewer, on the basis of supporting evidence that demonstrates soakaway systems are a viable option.

In terms of the surface water drainage strategy for the site, the submitted drawing identifies that highway drainage will be served by a separate drainage network discharging to the existing private sewer at two points. The applicant should note that the development only has a prescriptive right to connect to the private sewerage network at existing connection points.

Flows from the proposed dwellings and healthcare centre are proposed to connect to a separate network which discharges to a privately maintained geo-cellular soakaway.

Based on the information provided in regard to the presence of limestone within the ground assessments and the area being within an area of high risk of limestone cavity formation, BCBC will not permit the use of infiltration at this site and therefore, the applicant will need to consider an alternative method of surface water disposal.

It is recommended that a pre-commencement condition be attached to the recommendation requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. Any future drainage scheme for this site will ensure that there are no adverse impacts on third party land.

Having regard to the above and the suggested conditions, the development can accord with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

S106 Obligations/Requirements

To offset the potential impacts of the development, the applicant will need to enter into a Section 106 Agreement in conformity with Policy SP14 Infrastructure.

As a proposal for 59 dwellings, the application triggers Policy COM5 (Affordable Housing) which seeks 20% affordable housing on sites of more than 5 dwellings within Bridgend. Although the housing element of the scheme provides 100% social rented accommodation, the affordable housing target should be secured through a Section 106 Agreement to ensure adherence with COM5 at 20% provision in perpetuity.

In accordance with SPG16: Residential Development and Educational Facilities, current school numbers indicate that Secondary and Post-16 provision is currently oversubscribed in this catchment but space exists within Nursery and Primary Schools. Based on the proposed development mix and the formulas within the SPG, there is currently a requirement for 5 x secondary and 1 x Post-16 places to be created which equates to a financial contribution of £115,669.

With regards to Policy COM11 (Provision of Outdoor Recreation Facilities), it is acknowledged that the proposals contain a combination of natural play areas, informal play spaces and community growing areas. It is also noted that a pedestrian crossing is proposed on Angel Street/Glan y Parc which will enable residents to access the existing Halo Leisure Centre, Bowls Club and athletics track and the various community, recreation and play facilities at Newbridge Fields.

In terms of highway related Planning obligations/requirements, the Highway Authority is seeking a Section 106 agreement to:

- operate the Health Care facility in accordance with a Travel Plan to be submitted to and approved by the Local Planning Authority.
- operate the Health Care facility in accordance with a Parking Management scheme to be agreed with the Local Planning Authority.
- make a financial contribution of £9,500 towards the provision of Traffic Regulation Orders, Roadmarkings and signage in the vicinity of the site.
- confirm an undertaking to provide 24 public car park passes for staff use in perpetuity.

In conclusion, subject to agreement of the above Planning obligations, the proposal complies with LDP Policies PLA1, COM5, COM11 and SP14 and advice contained within SPG13, SPG15 and SPG16, Planning Policy Wales 10 (December 2018) and TAN2.

CONCLUSION

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

On balance and having regard to the above weighing up of all material considerations relevant to this scheme, which include the concerns of the residents relating to highway safety, parking provision, flood risk and air quality/public health, in planning terms, it is considered that a development of this type and nature within a highly sustainable location on previously developed and vacant land close to the Town Centre is acceptable in this specific location due to the benefits of the scheme outweighing the impacts on surrounding residents by way of residential amenities, noise, air quality and lighting; any impact on the character and appearance of the site and surrounding streets by way of indiscriminate parking or its potential impact on biodiversity in and around the site.

The application is therefore recommended for approval, subject to conditions, improvements and mitigation measures which will sufficiently limit the impact of this development.

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 in accordance with Policy COM5 and SPG13;
- (ii) Provide a financial contribution of £115,669 towards the provision of 5 secondary school places and 1 Post-16 place in accordance with SPG16;
- (iii) Provide a contribution in the sum of £9,500 to fund legal traffic regulation orders, roadmarkings and signage in the vicinity of the site; and,

(iv) Operate the Health Care Centre in accordance with a Travel Plan and a Parking Management Plan (including a commitment to provide/fund 24 public car parking passes for Healthcare Centre staff) to be agreed in writing by the Local Planning Authority.

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, subject to conditions as follows:

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

Site Location Plan - SWV-ASL-00-XX-DR-A-0901 Rev P5 – received 11th December, 2018

Proposed Block Plan SWV-ASL-00-XX-DR-A-0910 Rev P4 – received 11th December, 2018

Proposed Site Masterplan – Phase 1 - SWV-ASL-00-GF-DR-A-0914 Rev P4 – received 11th December, 2018

West Terrace – Ground Floor GA - SWV-ASL-10-GF-DR-A-0100 Rev P6 – received 11th January, 2019

West Terrace – First Floor GA - SWV-ASL-10-01-DR-A-0101 Rev P6 – received 11th January, 2019

Western Terrace – Roof Plan - SWV-ASL-10-RF-DR-A-0102 Rev P4 – received 11th December, 2018

Western Terrace – Elevations - SWV-ASL-10-ZZ-DR-A-0110 Rev P5 – received 11th January, 2019

North Terrace – Ground, First and Roof GA - SWV-ASL-20-ZZ-DR-A-0100 Rev P4 – received 11th December, 2018

North Terrace – Elevations - SWV-ASL-20-ZZ-DR-A-0110 Rev P3 – received 11th December, 2018

Central Block – Ground Floor GA - SWV-ASL-30-GF-DR-A-0100 Rev P4 – received 11th December, 2018

Central Block – First Floor GA - SWV-ASL-30-01-DR-A-0101 Rev P4 – received 11th December, 2018

Central Block – Roof Plan - SWV-ASL-30-RF-DR-A-0102 Rev P4 – received 11th December, 2018

Central Block – Elevations - SWV-ASL-30-ZZ-DR-A-0105 Rev P3 – received 11th December, 2018

Apartments – Ground Floor GA - SWV-ASL-40-GF-DR-A-0100 Rev P5 – received 11th December, 2018

Apartments – First Floor GA - SWV-ASL-40-01-DR-A-0101 Rev P5 – received 11th December, 2018

Apartments – Second Floor GA - SWV-ASL-40-02-DR-A-0102 Rev P5 – received 11th December, 2018

Apartments – Roof Plan - SWV-ASL-40-RF-DR-A-0103 Rev P4 – received 11th December, 2018

Apartments – Elevations Sheet 1 - SWV-ASL-40-ZZ-DR-A-0110 Rev P3 – received 11th December, 2018

Apartments – Elevations Sheet 2 - SWV-ASL-40-ZZ-DR-A-0111 Rev P2 – received 11th December, 2018

Apartments – Sections - SWV-ASL-40-ZZ-DR-A-0115 Rev P3 – received 11th December, 2018

Healthcare – Ground Floor GA - SWV-ASL-50-GF-DR-A-0100 Rev P13 – received 11th December, 2018

Healthcare – First Floor GA - SWV-ASL-50-01-DR-A-0101 Rev P13 – received 11th December, 2018
Healthcare – Second Floor GA - SWV-ASL-50-02-DR-A-0102 Rev P13 – received 11th December, 2018
Healthcare – Roof Plan - SWV-ASL-50-RF-DR-A-0103 Rev P10 – received 11th December, 2018
Healthcare – Elevations - SWV-ASL-50-XX-DR-A-0110 Rev P4 – received 11th December, 2018
Healthcare – Sections - SWV-ASL-50-ZZ-DR-A-0115 Rev P4 – received 11th December, 2018
General Arrangement North - SWV-ASL-00-XX-DR-L-0005 Rev P2 – received 18th March, 2019
General Arrangement South - SWV-ASL-00-XX-DR-L-0006 Rev P2 – received 18th March, 2019
Sections – Sheet 1 - SWV-ASL-XX-00-DR-L-0007 Rev P1 – received 11th December, 2018
Sections – Sheet 2 - SWV-ASL-XX-00-DR-L-0008 Rev P1 – received 11th December, 2018
Trees to Remove - SWV-ASL-XX-00-DR-L-0009 Rev P1 – received 11th December, 2018
Planting North - SWV-ASL-XX-00-DR-L-0010 Rev P1 – received 11th December, 2018
Planting South - SWV-ASL-XX-00-DR-L-0011 Rev P1 – received 11th December, 2018
Plant Schedule - SWV-ASL-XX-00-DR-L-0012 Rev P1 – received 11th December, 2018
Mitigation Measures included in the Flood Consequences Assessment by JAB Consulting (October 2018)

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

2. Notwithstanding the plans as hereby approved, prior to the commencement of development a revised layout/scheme for the Western Terrace shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the development is wholly within the application site area that is under the control of the applicant. Development shall be carried out in accordance with the agreed details.

Reason: For the avoidance of doubt as to the extent of the development and to ensure a satisfactory form of development.

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

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

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that

flood risk is not increased.

5. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole SS90792603 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of, or detriment to, the environment.

6. No development shall take place, including any site clearance until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing of HGV construction traffic to/from the site in order to avoid Sunnyside Road and Park Street supplemented with a scheme of temporary traffic management
- 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 demolition and construction of the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. the provision of temporary traffic and pedestrian management on Sunnyside Road, Glan y Parc and within the site to provide a segregated route to Ty'r Ardd.
- viii. the phasing of the site clearance and construction.

Reason: In the interests of highway and pedestrian safety in the vicinity of the site.

7. No development shall commence until a scheme for the provision of a relocated westbound bus stop from outside 127 Park Street to outside 135 Park Street, together with an uncontrolled pedestrian crossing refuge outside 135 Park Street, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall include a Stage 2 Safety Audit which shall be submitted to and agreed in writing by the Local Planning Authority before any works commence. The scheme as agreed shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

8. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage with Glan y Parc and Angel Street between the site access (opposite 14 Glan y Parc) and the junction with Sunnyside Road being set back and a 3.0m wide segregated, shared active travel route being provided, which shall include for a crossing to appropriately link into the existing active travel route on the southern side of Angel Street. The scheme shall include for signage and roadmarkings and be supported by a Safety Audit and shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

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

9. No development shall commence until a scheme to permanently stop up the existing Magistrate's Court access onto Angel Street in the south eastern corner of the site access and to reinstate the existing vehicular crossing as a footway/cycleway (including full details of the pedestrian crossing at this point across Glan-y-Parc/Angel Street to provide safe pedestrian access to the Healthcare facility from the public car parks at Halo Leisure Centre and the Bowls Club) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

10. The existing vision splays of 2.4m x 43m to the site access off Glan y Parc (opposite 14 Glan y Parc) shall be retained in perpetuity.

Reason: In the interests of highway safety.

11. The proposed healthcentre car park access off Angel Street shall be provided with vision splays of 2.4m x 43m in both directions prior to the development being brought into beneficial use and the vision plays shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

12. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing an improvement to the Sunnyside Road site access which provides for a 1.8m footway along the northern side of the access, 6m radius kerbing, a 2.4m x 43m vision splay to the north and a 2.4m x 25m vision splay to the south. Such a scheme shall include for the removal of the existing adjacent roadside tree and shall 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 structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

14. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a 3.0m wide shared community route within the site which will provide a link between the site access onto Glan y Parc and the North Terrace and Ty'r Ardd, which shall appropriately link into the shared active travel route existing footway community route on the Southern side of Angel Street. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

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

15. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a 1.8m wide segregated footway linking the Ty'r Ardd Registry Office to the maintainable footway on the western side of Sunnyside Road. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

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

16. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a continuous boundary treatment along the eastern site boundary linking the eastern boundary of Ty'r Ardd to the southern boundary of 86 Sunnyside Road to restrict pedestrian access to the rear lane on the Western side of Sunnyside Road. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

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

17. The proposed healthcare building shall be used as a healthcare facility and a pharmacy and in accordance with the submitted plans and for no other purpose including any other purpose in Class D1 or Class A1 of the Schedule to the Town and Country Planning (Use Classes) order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt and in the interests of highway safety.

18. No development shall commence until a scheme for the provision of a revised Healthcare facility car park has been submitted to and agreed in writing by the Local Planning Authority. The revised car park shall provide for the removal of the secondary northern vehicular entrance and realignment to facilitate 71 spaces including 7 disabled spaces. The healthcare facility car park shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for patients parking only in perpetuity.

Reason: In the interests of highway safety.

19. No development of the healthcare facility shall commence until a scheme for the provision of 32 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the healthcare facility is brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site.

20. Prior to the commencement of the healthcare facility including the pharmacy a scheme for the provision of a Traffic & Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All servicing and delivery vehicle movements to the healthcare facility shall thereafter be made in accordance with the approved Traffic & Delivery Management Plan once the development is

brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

21. No development shall commence on the residential parcel of the site until a scheme for the provision of allocated car parking spaces to each unit at a ratio of:

- 1 space per 1 and 2 bedroom units
- 2 spaces per 3 and 4 bedroom units

has been submitted to and approved in writing by the Local Planning Authority. The spaces shall be implemented as agreed before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

22. No dwelling shall be occupied until the individual driveway and parking bays serving the respective dwelling 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 in the interests of highway safety.

23. No development shall commence on the residential part of the site until a scheme for the provision of 1 secure cycle parking space per bedroom per unit has been submitted to and approved in writing by the Local Planning Authority. The spaces shall be implemented as agreed before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of promoting sustainable means of travel to / from the site.

24. No dwelling shall be occupied until the access road serving the respective dwelling has 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 in perpetuity.

Reason: In the interests of highway safety

25. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development.

26. Prior to the beneficial use of the healthcare centre complex commencing, full details of the proposed means of illumination of the building and car park shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

27. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP. The CEMP shall include a reptile method statement, a bird nesting method statement, an arboricultural method statement in accordance with BS5837 (including sensitive felling of any trees with bat roost potential) and who is responsible for its implementation.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area and in the interests of biodiversity and nature conservation and to satisfy the Council's biodiversity and resilience of ecosystems duty under Section 6 of the Environment (Wales) Act 2016..

28. No development shall take place until a plan showing those trees to be retained and those to be removed has been submitted to and approved in writing by the local planning authority. Development shall thereafter take place in accordance with the approved plan.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

29. The landscaping works shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016

30. A 5 year landscape management plan, including management responsibilities and maintenance schedules for all habitat and landscaped areas, other than domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site and prior to the beneficial use of the Health Care Centre. The landscape management plan shall be carried out as approved.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

31. All the trees and planting shown on the landscaping details as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: To ensure a satisfactory form of development and to satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016

32. Prior to the beneficial use of the site, a biodiversity enhancement scheme in the of the installation of Bird and Bat boxes around the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved and retained in perpetuity.

Reason: To satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

33. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with 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.

35. The remediation scheme approved by the above condition must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. Prior to any above ground development works associated with the proposal, the applicant is required to develop a scheme of mitigation measures associated with the proposal. The applicant is required to undertake a detailed air quality assessment to quantify how the devised mitigation scheme will provide positive benefits to air quality at identified sensitive receptors located on Park Street and within the established Air Quality Management Area boundary. The air quality assessment shall consider the impacts to NO₂ & PM₁₀ and look to include most recent receptor locations monitored by the Council. The air quality assessment and mitigation scheme will need to be submitted and approved by the Local Planning Authority.

If appropriate mitigation measures to protect existing residents and future occupiers of the development cannot be implemented to ensure compliance with existing national air quality objectives then the development must not proceed.

Reason: To safeguard the amenity of existing and future residents.

41. Prior to the beneficial use of the development a scheme for the installation of any air conditioning, extraction and condensing units shall be submitted to and agreed in writing by the Local Planning Authority for those units. The scheme shall include the location of the units and noise levels. The scheme shall be implemented as agreed and prior to beneficial use.

Reason: In the interests of residential amenity.

42. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the sound insulation measures of the glazed elements of the building façade, the non-glazed elements and the ventilation strategy recommended in sections 7.3 and 7.4 of the Hydrock Acoustic Report dated 6th December 2018 to control the noise from road traffic that will be experienced internally and referenced in tables 1-3 below. The scheme shall be implemented in full as agreed.

Reason: In the interests of residential amenity.

43. The cumulative noise emitted from fixed plant, equipment and building services (which includes all extraction systems, air conditioning and condensing units) shall not exceed the noise rating levels specified in Table 4 below when measured (or where this is not possible, calculated or a combination of both) and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard)" at any residential premises. The noise limits in table 4 are 'free-field' levels at any height above ground and 1.0m from the nearest noise sensitive property façade. It applies to the overall combined operation of building services plant and equipment without any specific tone or character. If the plant noise will contain specific tones or intermittent character, then a further penalty shall be applied in accordance with BS4142.

Reason: In the interests of residential amenity.

44. No fixed plant and equipment shall come into operation until a noise report detailing the number, type, location and noise levels being emitted from all fixed plant and equipment serving the development hereby permitted, and any mitigation measures to ensure that the rating noise levels specified in table 4 above from fixed plant and noise breakout from the building services have been achieved, are submitted to and approved in writing by the local planning authority. The sound levels shall be determined by measurement and/or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: In the interests of residential amenity.

45. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment. Development shall be carried out in accordance with the agreed plan prior to the beneficial occupation of the dwellings or healthcare centre commencing.

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

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

Any scaffolding erected on or adjacent to the highway must be agreed with the Highway Maintenance Manager. The developer should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

Adequate provision should be made to store all waste material produced and any receptacles to hold it e.g. wheelie bins, fully within the curtilage of the property. The applicant's attention is drawn to the fact that it is an offence under the Highways Act 1980 to obstruct the highway with such objects and that action will be considered to prevent any obstruction.

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii) indemnify the County Borough Council against any and all claims arising from such works;
- iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.

The delivery parking area shall be defined by thermoplastic paint or a similar alternative.

The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) 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

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;

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

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

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

The advice provided by the Secured by Design Officer (see attached) shall be considered and incorporated within the scheme where possible.

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii) indemnify the County Borough Council against any and all claims arising from such works;
- iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

In respect of the above condition for a travel plan the applicant is advised to consider the Travel Plan Guide for Developers at the following internet address:
<http://www.bridgend.gov.uk/web/groups/public/documents/manuals/050232.pdf>

Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Council prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None