

REFERENCE: P/18/1006/FUL

APPLICANT: Persimmon Homes West Wales Dragon House,
Parc y Ddraig, Penllergaer Business Park, Swansea SA4 9HJ

LOCATION: Former Ysgol Bryn Castell site,
Llangewydd Road, Bridgend CF31 4JP

PROPOSAL: Residential development of 127 dwellings and associated infrastructure

RECEIVED: 19 December 2018

SITE INSPECTED: 25 January 2019 & 05 July 2019

APPLICATION/SITE DESCRIPTION

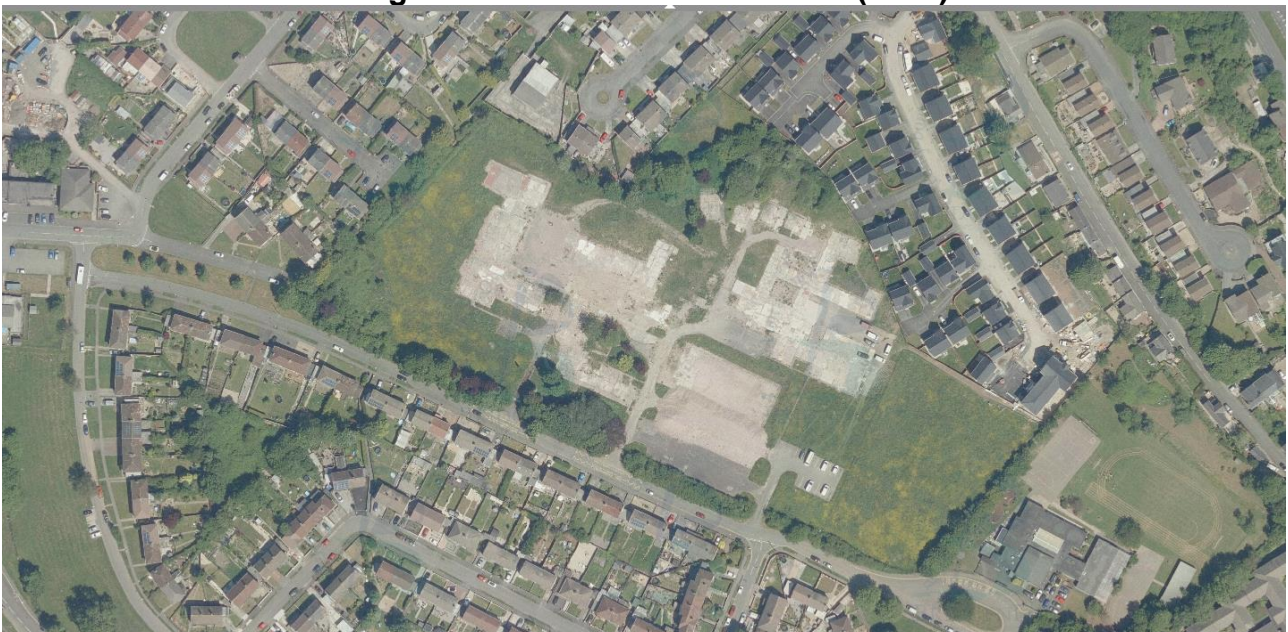
The application seeks full planning permission for the erection of 127 dwellings on the former 'Ysgol Bryn Castell' school site, Cefn Glas, Bridgend.

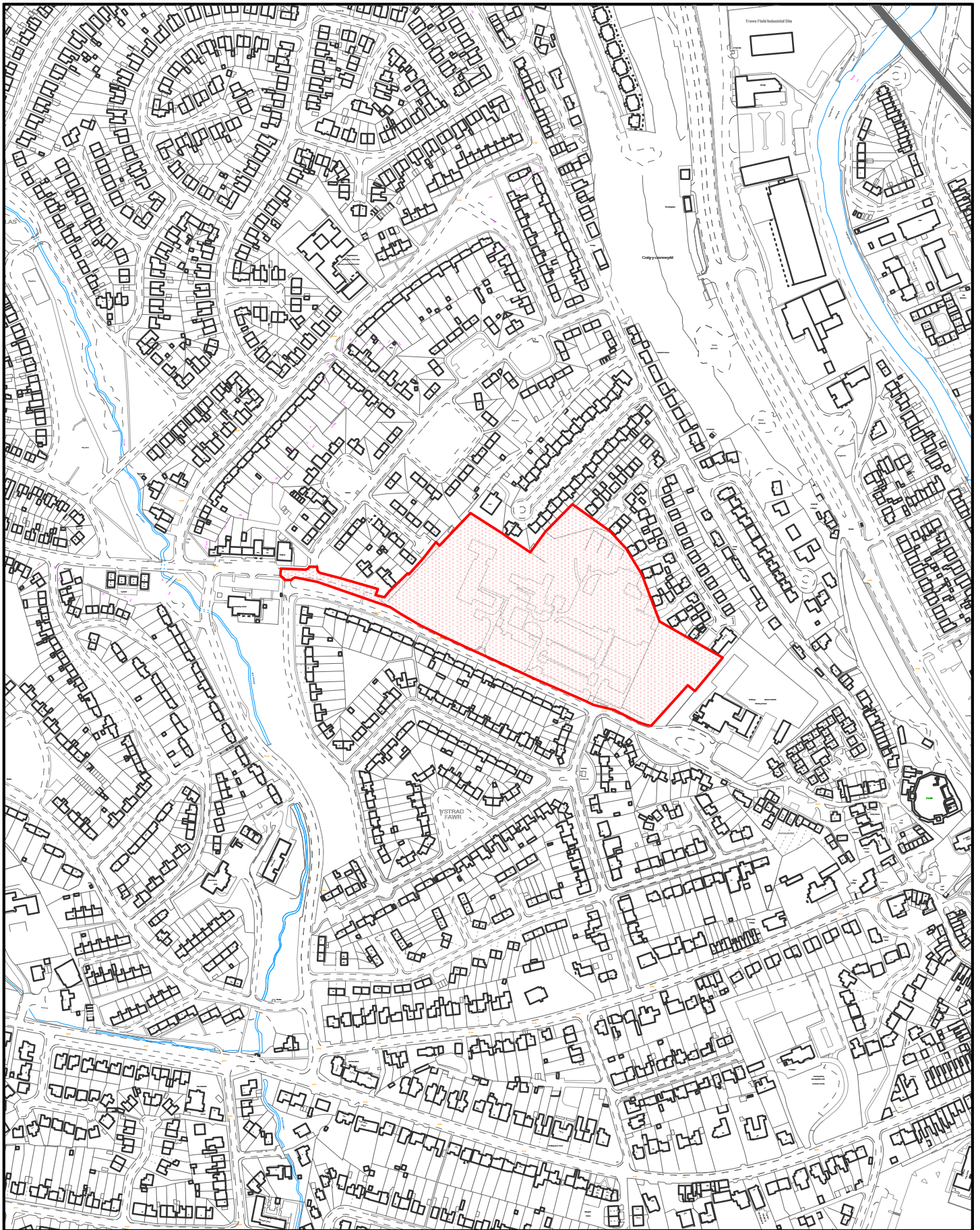
The proposed development area comprises an irregular shaped parcel of land that covers an area of approximately 3.7 hectares. The site is specifically allocated for residential development under the provisions of policy COM2 (7) of the Bridgend Local Development Plan, adopted 2013.

In terms of site context the application site comprises the grounds of the former 'Ysgol Bryn Castell' school site that has previously been demolished at the site under application ref.no. P/15/457/DPN. Whilst the site previously comprised a mixture of educational buildings ranging between 1 and 4 storeys in height, the ground is now predominantly a mixture of hard standing and grassed areas with a number of individual trees and groups of trees scattered over the site. A number of rubble mounds are also present on the site following the demolition of the school buildings.

There are a number of trees on the boundaries of the site which are covered by a Tree Preservation Order (TPO). A peripheral, linear tree belt is located along the southern and southwestern boundaries of the site adjacent to Llangewydd Road. These are protected by BCBC Tree Preservation Order No.3 (1954). The boundaries of the site are also largely defined by perimeter fencing.

Figure 1 – Aerial view of the site (2017)



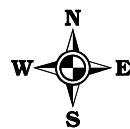


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Group Manager - Planning &
Development Services

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P/18/1006/FUL

**Former Ysgol Bryn
Castell Site,
Llangewydd Road
Bridgend**



Scale: 1: 1,5000

Date: 23/07/19

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The proposed means of vehicle access to the site would be via an improved means of access to the south western corner of the development site via Llangewydd Road (to the front of 32 - 38 Llangewydd Road). Pedestrian and cycle linkages would also be created across the site. There are no Public Rights of Way that currently cross the development site.

The application site is located within an established residential locality with the boundaries of the site predominantly being made up of residential properties which are situated along Llangewydd Road (to the south and south west), St John's Road (to the west), Cefn Coed and Pen Y Berllan (to the north). The surrounding area is characterised by primarily detached and semi-detached dwellings at relatively medium density. Towards the eastern boundaries of the site is St. Mary's Catholic Primary School.

The application site is situated approximately 1km to the north west of Bridgend Town Centre within the Newcastle ward. Towards the west of the development site, further along Llangewydd Road (approximately 140m from the site) is a local service centre that comprises a number of small shops including a 'Spar' convenience store and a pharmacy.

The former school site has effectively been divided into two separate development phases, with this application relating to Phase 2 of the development. Phase 1, which now relates to the Pen y Berllan (Barratt Homes) development that flanks the immediate north/ north east of the application site obtained planning permission under reference P/15/25/FUL in September 2015 for the construction of 67 dwellings which are now completed and occupied.

In September 2016 The Development Control Committee approved a Development and Planning Brief for Phase 2 (the current application site) that was to provide a detailed overview of the development principles and constraints that would shape the development of the overall site. The approved Development Brief is a material consideration in the determination of the current planning application on the site and is available to view at:- <https://democratic.bridgend.gov.uk/documents/s9858/YBC%20report%20and%20appx.pdf>

The application under consideration has been subject to a substantial level of negotiation and discussion with the applicants/agents to meet the requirements of the approved Development Brief whilst also maximizing the planning merits of the scheme. The scheme proposes the erection of 127 residential units on the site with areas of public open space, including the provision of a Local Equipped Area for Play (LEAP) and a Local Area for Play (LAP) on the site. The scheme seeks to incorporate and retain a reasonable amount of the trees currently on site whilst also seeking to establish a further level of landscaping and tree planting. An active travel route would also be created and linked from the front of the site into the existing active travel route along Llangewydd Road/Heol y Nant.

The proposed residential units are predominantly 2 storeys in height with the only exception being the 2.5 storey 'Souter/Windermere' house type that would be constructed in a row of three units towards the north eastern corner of the site (adjacent to a three storey development on the neighbouring Pen y Berllan site). The development comprises 31 two bedroom dwellings, 67 three bedroom dwellings and 29 four bedroom dwellings. A total of 127 units are proposed with each dwelling house being served by private parking spaces (in line with Council guidance) and private amenity space.

In addition to the detailed plans, cross sections and engineering drawings submitted, the application has been accompanied by the following documentation:

- Design and Access Statement
- Planning Statement
- Air Quality Assessment

- Transport Assessment
- Construction Method/Management Plan
- Dust Emission Control Plan
- Site Waste Management Plan
- Arboricultural/Tree Reports
- Historic Environment Desk Based Assessment
- Preliminary and Updated Ecological Appraisals
- Reptile Report
- Pre Application Consultation Report (PAC)

Figure 2 - Proposed Layout of the site



RELEVANT HISTORY

P/15/25/FUL – Granted 01/09/2015

Erection of 67 dwellings, new access, car parking, open space, landscaping & associated works

Playing Field at Ysgol Bryn Castell, Llangewydd Road, Bryntirion

P/15/457/DPN – Granted 01/09/2015

Demolition of all buildings within the school site

Ysgol Bryn Castell, Llangewydd Road, Bridgend

NEGOTIATIONS

The applicant/agent was requested to reduce the overall number of residential units being proposed at the site (from 135 to 127 units), increase the level of public open space provision on the site including the creation of a LEAP and LAP, retain more trees on site and improve the design and layout of the scheme whilst also addressing highway safety considerations. The applicant was also requested to submit an Air Quality Assessment for the development.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (BLDP) 2006-2021, which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA11	Parking Standards
Policy SP1	Regeneration-Led Development
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy SP5	Conservation of the Built and Historic Environment
Policy SP14	Infrastructure
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land
Policy COM7	Protection of Social and Community Facilities
Policy COM11	Provision of Outdoor Recreation Facilities
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy ENV15	Waste Management in New Development

Supplementary Planning Guidance

SPG 02 Householder Development

SPG 07 Trees & Development

SPG 08 Residential Development

SPG 13 Affordable Housing

SPG 16 Educational Facilities & Residential Development

SPG 17 Parking Standards

SPG 19 Biodiversity and Development

Development Brief for Phase 2

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

Paragraph 1.30 confirms ... *Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.(Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible

green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. (Paragraph 3.23 of PPW refers)

Planning authorities should adopt policies to locate major generators of travel demand, such as housing (amongst others), 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 3.46 of PPW refers)

Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. (Paragraph 3.51 of PPW refers)

The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act. (Paragraph 4.1.8 of PPW refers)

Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.(Paragraph 4.2.22 of PPW refers)

Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. (Paragraph 4.2.23 of PPW refers)

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. (Paragraph 4.2.25 of PPW refers)

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. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. 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. (Paragraph 6.4.25 of PPW refers)

Taking a sustainable approach will mean balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas with sensitive receptors when proposing new development and particularly when preparing development plans. It will be important to identify wider mitigation solutions to reduce air and noise pollution and to avoid exacerbating problems in existing air quality management areas or noise hotspots through the provision of green infrastructure identified as part of Green Infrastructure Assessments, by the provision of electric vehicle charging infrastructure or through promoting the need to consider effective design solutions. Planning authorities should work closely with bodies such as the Public Service Boards in the preparation of their well-being plans and seek input from their own

Environmental Health departments. (Paragraph 6.7.10 of PPW refers)

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. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission. (Paragraph 6.7.14 of PPW refers).

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes (TAN). The following are of relevance:

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 10 - Tree Preservation Orders (1997)

TAN 12 - Design (2016)

TAN 16 - Sport, Recreation and Open Space (2009)

TAN 18 - Transport (2007)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The application was also advertised by means of press and site notices.

The period allowed for response to consultations/publicity expired on 07 June 2019 (following the re-submission of amended plans and additional information).

CONSULTATION RESPONSES

Councillor Carolyn Webster requests that the application should be reported to Development Control Committee for consideration given the size of the application and the comments raised from local residents.

Bridgend Town Council - No objection.

Welsh Water Developer Services – No objections subject to a condition and advisory notes.

Natural Resources & Sustainability Team (Ecologist) - Raises no objection to the revised planning application. It is commented that the applicant has appropriately revised the scheme allowing more consideration to the existing tree stock on the site. On the basis the landscaping scheme is implemented as proposed and conditions are imposed in relation to biodiversity enhancement/management of the site, the submission of an Ecological Construction Method Statement and the provision of a sensitive lighting plan for the development, then no objections are raised.

Waste & Recycling Section - Advise private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The developer should therefore consider provision of suitable collection points to avoid inconveniencing other residents.

Highways Officer - No objections subject to conditions.

Crime Prevention Design South Wales Police - Comment they are generally pleased with the site layout and general advice is provided regarding (amongst others) site layout, landscaping, boundaries, lighting, parking/bicycle stores, green spaces, utilities, bin storage, door and window security and dwelling identification.

Drainage Officer - No objections subject to the imposition of a drainage condition and advisory notes.

Shared Regulatory Services/Public Protection (Land Contamination) - No objection to the scheme although comments are raised that the site has been identified as a former school with associated, electricity sub-station and car-parking. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition, historical quarrying activity has been identified within close proximity to the site and the nature and extent of any infilling of these sites is unknown. Consequently the inclusion of conditions requiring a contamination assessment and any necessary remediation are requested. Further conditions/advisory notes are recommended in relation to the importation of materials and unstable land.

Shared Regulatory Services/Public Protection (Air Quality) - No objection to the planning application on the basis appropriate mitigation measures are introduced to safeguard air quality.

Natural Resources Wales - No objection.

Glamorgan Gwent Archaeological Trust - No objection to the application. It is advised they have reviewed the Desk Based Assessment prepared by Trysor (dated December 2018) submitted in support of the application. The report notes that there is limited potential to encounter archaeological remains within the proposed development area, specific mention is made of the construction of the former school which required extensive ground disturbance. The report makes an appropriate assessment of the available information and meets the requirements of current professional standards. The report concludes that given the low potential to encounter buried archaeological remains, that there is no need for further archaeological mitigation in this instance. GGAT confirm they concur with the conclusion of the submitted report and as such raise no archaeological objection to the positive determination of this application.

REPRESENTATIONS RECEIVED

The owner/occupier of 1 Glannant Road, supports the proposal.

Objections to the planning application have been received from the occupiers/owners of the following properties:

12 Cefn Coed
19 Cefn Coed
21 Cefn Coed
34 Llangewydd Road
36 Llangewydd Road
37 Llangewydd Road
38 Llangewydd Road
48 Cefn Glas Road
46 Wood Green
5 St Teilos Road
8 West Road
8 Pen y Berllan
12 Pen y Berllan

St Marys Catholic Primary School (observations received from the Head Teacher and Friends of the school).

The objections raised are summarised as follows:

Loss of privacy and amenity

The scheme would affect the light levels reaching the rear of 21 Cefn Coed;
Loss of privacy to number 12 Cefn Coed;
Negative impact on the privacy and enjoyment of 12 Pen y Berllan, with the garden area of this property being overlooked by the new development;
Impact on privacy and existing peace enjoyed in the area with new residents generating noise issues;
Loss of available natural light;
Increase in artificial light.

Construction noise and disruption

There will be an increase in unhealthy noise pollution, especially during construction;
Sleep patterns for shift workers would be disrupted;
Wellbeing and health would be affected;
Noise and disruption during the build process.

Loss of trees

The development involves cutting down established trees;
Wildlife impact and loss of habitat;
Trees support numerous nesting birds on the site;
The scheme should seek to retain the trees on the site;
Loss of trees and green areas would be detrimental to mental health;
BCBC should be responsible for protecting the environment;
Any developer needs to ensure the wildlife continues to thrive on the site so that future generations can enjoy the simple pleasures of seeing wildlife in an urban environment;
The trees surveys undertaken are several years old and should be updated;
Whilst the revised proposal seeks to retain more trees on site which is pleasing, the application includes a proposal to remove all the trees along the boundary adjacent to Pen y Berllan which is not acceptable;
The tree survey identifies the landscape implications from the tree loss to be major, particularly for neighbouring residents;

An up to date bat survey should also be submitted for the development;
The current plans regarding the trees do not comply with Council policy or SPG 07 and SPG 08;
Dwellings being proposed immediately adjacent to a number of properties in Pen y Berllan with the removal of the ecological buffer provided by the existing trees being proposed.

Highway safety concerns

Added traffic on the roads adversely impacting the area;
There is no pavement proposed to the front of 32, 34, 36 and 38 Llangewydd Road which is a safety issue for people including children residing within or visiting the property and a disabled occupant;
The area is dangerously over congested at school start and finish times;
The nearby shops are busy and access is already problematic;
Access to the school and local housing already compromised for emergency services without further traffic;
The development will cause the area to gridlock with the nearby school site already causing congestion particularly at the start and finish of the school day;
The proposed three parking spaces on Llangewydd Road are not acceptable;
High congestion of traffic and commercial vehicles accessing local stores designed and built in the early 50s with inadequate parking facilities;
Many incidences of minor accidents around the community centre and local stores;
The proposed means of access would negatively impact on the four dwellings that flank the means of access into the site;
Whilst the new development would be allocated one car parking space per bedroom the street to be used as the means of access has only been allocated three car parking spaces for four residential properties, which will not be enough;
No pathway for children to walk on to get to school safely;
The existing cul-de-sac development serving 4 dwellings should not be allowed to turn into a through road - the increase in traffic would have a harmful impact on the residents.

Increased demands on local infrastructure

There would be a further increase in the demands of an already overstretched refuse collection service and sewer maintenance;
The area is overpopulated and the schools in the area are already oversubscribed and overcrowded.

Contamination issues

There is Japanese Knotweed on the site;
The rubble of the demolished buildings may contain Asbestos and assurances need to be made that any removal would not present any health and safety implications for nearby residents.

Air Quality

Recent press coverage of air quality pollution on Park Street, Bridgend has burdened BCBC with the responsibility of rectifying this by whatever means they can devise - new housing at the site will further impact the air pollution problem.

The Air Quality Assessment does not identify properties along Pen y Berllan, that fall within 20m of the site, as receptors which is a concern. The report recommends mitigation to reduce the health risk to children in St Mary's School, there is no similar recommendation to protect children playing in the gardens of neighbouring residential properties.

The land should be used for residents leisure use

The area of land next to St Mary's School was bequeathed to residents of the area for their leisure use.

Three storey properties not in keeping with the local area.

The 'Souter/ Windermere' house types that are three storey houses, are not in keeping with the local area.

Drainage

The site is at a higher level than Pen y Berllan and measures must therefore be taken to ensure that the new development does not negatively affect the existing, neighbouring residents, particularly given trees and permeable surfaces would be replaced with tarmac; Run off to Pen y Berllan must be carefully controlled.

Impact and relationship to adjacent school grounds

Compatibility and proximity of row of three dwellings (Plots 88-90) to school grounds is questioned - these plots lie in very close proximity to the school playground;

There is the potential for the school play area to generate noise issues for future residents of the development and thus give rise to complaints to the school;

The proposed residential properties are sited to close to the school MUGA contrary to guidance in the Fields in Trust 'Guidance for Outdoor Recreation and Play – Beyond the 6 Acre standard, Wales (2017) that has been adopted by the Council;

Persimmon have designed in substantial separation distances between the LEAP and residential properties but not between the existing school grounds and the residential properties;

The properties raise issues of overlooking and would be visually prominent from the school grounds and have an overbearing effect impacting on the privacy of the school grounds and that of the schoolchildren (contrary to Policy SP2 (12) of the LDP);

The plots of concern should be replaced by a green space and more tree planting to act as a buffer between the site and the school playing areas and school building. This would also allow for more green space to be created on the site and better meet the requirements of Policy COM 11 of the LDP;

Limited information for the boundary treatment between Plot 90 and the school grounds and clarification should be sought on this matter;

Issues for the safety of children during the construction phase;

Given the proximity to the school (St Mary's Catholic Primary School) this would place a demand from future occupiers for places at the school placing further demands on the existing school infrastructure. There should be appropriate S106 obligations in relation to education facilities negotiated for the site.

As part of this proposal, the strip of land being maintained between the houses and the school premises along the eastern boundary, should be utilised to provide an appropriate parking area for the school. Provision of a parking area would embrace the requirements of the Well Being and Future Generations Act and provide a community benefit not only for the school but the residents of the immediate area, which would contribute to meeting the requirements of Policy SP2 (15) of the LDP;

Careful mitigation is required to control the construction phase and subsequent dust impact on school children as a result of the development;

The revised proposal highlights that construction traffic would utilise the former school site access off Llangewydd Road for a temporary period although this would cause significant safety issues and congestion as it would conflict with school traffic using these roads. The optimal solution is that no construction traffic utilises Llangewydd Road and comes through the new access only;

Clarity is also required on the direction construction traffic is proposed to follow when they exit the site, which shouldn't conflict with school traffic.

COMMENTS ON REPRESENTATIONS RECEIVED

Loss of privacy and amenity

In terms of the specific impact of the scheme on the occupiers of 21 Cefn Coed, which flanks the north western corner of the site, the proposal is considered acceptable. The nearest, proposed residential building to this existing property, following the submission of amended plans, would be orientated at a right angle and sited in excess of 10.5 metres from the main rear elevation of the existing property. A proposed single garage and area of proposed planting would also screen the proposed dwelling from the rear aspect of 21 Cefn Coed with the scheme having no serious overbearing or harmful loss of light impact on this existing property.

12 Cefn Coed is offset and screened from the boundaries of the development site by existing dwellings and their associated rear garden space with the development proposal having no adverse impact on the levels of amenity currently enjoyed by this property.

12 Pen y Berllan is positioned on the northern boundary of the site within the relatively new development that was formed as Phase I of the redevelopment of the former school site (P/15/25/FUL refers). This property is orientated at a right angle to the development site with its primary habitable room windows facing away from the development site. The nearest, proposed dwelling would be erected broadly alongside, to the south of this neighbouring property with comparable building lines. The proposal would therefore have no dominating or direct overlooking impact on this existing property, particularly the main habitable room windows. The submitted information and supporting plans illustrate the scheme would not have such an adverse impact on the existing neighbouring properties, including 12 Pen y Berllan to warrant a recommendation to refuse the planning application in this regard.

Whilst appreciating the level of noise and artificial light levels in the area are likely to increase as a result of the development, residential development is considered a compatible form of development in this locality with the site previously being occupied by a large school building.

Overall, the scheme does not infringe the Authority's privacy standards. Appropriate distances and orientations of properties exist within the proposed development site and in terms of the relationship with existing, neighbouring land uses.

Construction noise and disruption

Inevitably a development of the scale proposed in such close proximity to existing properties is going to result in some inconvenience, general noise and disturbance during the construction period. Nevertheless, this is not a valid reason to justify the refusal of the Planning application with such disturbance being of a temporary nature. Given the scale of development it would, however, be reasonable to impose planning conditions to control the hours of construction and the implementation of a construction traffic management plan throughout the period of construction. Statutory noise nuisance is governed under separate legislation.

Loss of trees

The original planning application proposed a significant level of tree loss on the site however the revised proposal, following a level of negotiation and input from the Council's Ecologist is considered acceptable. The revised proposal, as detailed within the Arboricultural Report dated May 2019, involves a more appropriate level of tree retention including the integration of existing trees on the site into areas of public open space. The majority of trees to be removed from the site to facilitate the development (24 individual

trees) have been assessed as having low or poor quality with an appropriate re-planting and landscaping scheme for the site also being indicated.

The planning application is also accompanied by a Preliminary Ecological Appraisal dated October 2015, an updated Ecological Appraisal dated April 2017 and a Reptile Report dated December 2018. The reports highlight that to facilitate the development appropriate mitigation measures should be implemented, including the appropriate timing of works to minimise impacts on breeding birds, appropriate tree retention, monitoring and retention of the bat boxes on the site and the translocation of any reptiles found on the site. The Council's Ecologist and Natural Resources Wales have carefully considered all the supporting documentation and evidence submitted with the planning application and raise no objections against the proposal.

Highway safety concerns

Following careful consideration of the Planning application and the comments raised by the local residents, the Highway Officer has raised no objections against the Planning application. The highway safety aspects of the scheme are further addressed in the Appraisal Section of this report.

Increased demands on local infrastructure

It is acknowledged new development often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety, or the environment. Planning obligations are legally binding agreements between a local authority and a developer/landowner and are the means through which these deficiencies are to be mitigated. In this respect and as further detailed in the Appraisal Section of this report, appropriate contributions in relation to education, affordable accommodation provision, open space and highway infrastructure are being sought from the developer which are considered reasonable and fair in this instance.

It is also acknowledged that the Council's Waste & Recycling Section, Welsh Water and the Council's Land Drainage Section have raised no objections against the planning application.

Contamination issues

The Council's Shared Regulatory Services (Land Contamination) Section have considered the matter of contamination on the site and raised no objection against the proposal. Conditions are advised to be attached to any planning consent to ensure an assessment of the nature and extent of any contamination on site including appropriate mitigation.

Air Quality

Following careful consideration and negotiation, and the submission of an Air Quality Assessment, the Council's Specialist Services Officer (Shared Regulatory Services - Air Quality) raises no objection against the planning application. Subject to a number of mitigation measures which the applicant is committed to implementing that include:

- *The provision of a ghost island on Park Street onto Heol y Nant to reduce congestion and hence pollution;*
- *The inclusion of the link to the active travel network including a 3 metre wide cycle/pedestrian route (encouraging a modal shift away from cars);*
- *A travel plan including details of public transport, active travel routes and potentially any car sharing opportunities in the area; and*
- *The provision of green infrastructure through a detailed landscaping scheme with the inclusion of tree, hedgerow and shrub planting,*

the proposal is considered acceptable in this respect, as further discussed in the Appraisal Section of this report.

The land should be used for residents leisure use

The application site comprises a brownfield site that was formerly occupied by a large school premises. The site is allocated solely for residential purposes in the BLDP and in land use planning terms residential use that also incorporates areas of public open space represents an appropriate and compatible use of the site. Any matter in relation to historic rights or covenants restricting the site to a leisure use are not planning issues for the Committee to consider. The Council's Property Section have also confirmed they are not aware of any such restriction on the application site. In any event the Local Planning Authority must determine the application submitted and not any other alternative development.

Three storey properties not in keeping with the local area.

The application proposes the erection of three link properties of the 'Souter/Windermere' house type that comprise roof dormers to their front roof planes. Erected to the north eastern corner of the development site in close proximity to a three storey building on the adjacent Barratt's site (Phase 1) these properties are considered visually acceptable and will not have such an adverse impact on the visual amenities of the area to warrant a recommendation to refuse the planning application.

Drainage

The Council's Land Drainage Section, Welsh Water and Natural Resources Wales raise no objections against the proposal although a condition to ensure a comprehensive and integrated drainage scheme for the development is recommended.

Impact and relationship to adjacent school grounds

On balance, the relationship and impact of the proposed development on the adjacent school grounds is considered acceptable and compliant with the requirements of Policy SP2 of the BLDP. The row of three dwellings (Plots 88-90) sited in closest proximity to the rear of the school grounds would be orientated at a right angle to the school premises with only a small obscurely glazed bathroom window being positioned within the side elevation of this row of dwellings. A recommended condition, should Members be minded to approve the scheme, would ensure this small window remains non-opening and obscurely glazed in perpetuity to prevent any adverse overlooking of the school site. There is also an existing three storey building in close proximity to the school grounds on the adjacent Pen y Berllan development and it is not uncommon for dwellings to be sited close to school grounds. Any future occupiers of the new dwellings would also be fully aware of the situation and relationship of the dwelling houses to the school site. An existing tree line/boundary planting also exists along the western boundary of the school site which adds a level of screening between the development site and the school grounds and an appropriate boundary treatment (secured by means of a planning condition) would further define and form a solid buffer between the sites. Guidance quoted in relation to the proximity of the school MUGA (Multi Use Games Area) to residential properties is noted although given the existing site context and relationship between the sites in this instance as highlighted, on balance, the scheme is unlikely to have such an adverse impact on the school premises to warrant the refusal of the planning application in this regard.

In terms of issues for safety of children during the construction phase, this would be a matter for the developers to monitor and ensure there is no risk to the school children by appropriately safeguarding and erecting necessary boundary fencing and ensuring the security of the site for example during the construction phase. Conditions are however suggested in relation to the hours of operation of the development and in relation to the

control of construction traffic during the construction phase of the development.

The supporting information submitted with the planning application, including the Construction Management Plan and the Air Quality Assessments have been carefully considered by the Council's Shared Regulatory Service Officers and no objections have been raised against the planning application in this regard. A priority dust mitigation zone would be employed during the construction phase of the development along the eastern side of the application site adjacent to the school premises. In this area of the application site, dust generating activities must be avoided during the construction phase of the development.

Appropriate S106 obligations in relation to Education facilities have been negotiated for the site to reflect the requirements and needs of local school infrastructure as discussed further in the Appraisal Section of the report.

The request to provide a school parking facility upon the strip of land being maintained between the proposed new houses and the adjacent school site is noted and whilst numerous Legal Obligations are being sought from the developer, the provision of a school car park is not considered a reasonable or fair request in this instance that meets the requirements of Policy SP14 of the BLDP and Circular 13/97 Planning Obligations.

The revised application highlights that for a temporary period the existing/former school access would be utilised to access the site whilst the main, proposed means of access to the site is being constructed. Following discussion and consideration of this matter with the Highways Officer it is considered reasonable to allow the use of the former school access point, on a temporary basis only, to access the development site during the early stages of construction works. A condition is however recommended to ensure that there is no construction traffic accessing or egressing the site during peak times (so as not to conflict with the school opening and closing times). Conditions are also suggested to ensure an appropriate route is clarified and agreed, in terms of the direction of construction traffic, and a reasonable timescale is agreed for the use of the temporary construction access to the satisfaction of the Local Planning Authority.

APPRAISAL

The application is reported to Development Control Committee in view of the level of objection received from local residents and at the request of the Local Member.

The proposal seeks full planning permission for the erection of 127 residential units on the former school site, known as Ysgol Bryn Castell, Cefn Glas. The scheme proposes a mix of house types with associated parking, garages, infrastructure and areas of public open space across the site. Access would be gained from the south west of the site, off Llangewydd Road.

The key issues to consider in the determination of this application are

- the principle of the development,
- the impact of the development on the visual amenities of the existing locality,
- the impact on neighbouring amenity levels,
- air quality impact,
- the potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- ecology and tree loss,
- land drainage,
- 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

Planning Policy Wales (Edition 10, December 2018) advises that in line with the presumption in favour of sustainable development, planning applications must be determined in accordance with the adopted plan (development plan for the area) unless material considerations indicate otherwise.

The Bridgend Local Development Plan 2013 (LDP) is the adopted plan for the area with the application site being located within the development settlement boundary as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the LDP. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement. Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use.

The site is also allocated specifically for residential development under Policy COM 2 (7) Residential Allocations outside the Strategic Regeneration Growth Areas and is not subject to any specific policy constraints. The principle of the development is therefore compliant with the key requirements of the LDP, the scheme providing a valuable contribution to the Borough's housing needs and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

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.

Furthermore, in September 2016, the Development Control Committee endorsed the Ysgol Bryn Castell, Development and Planning Brief – Phase 2 that is a material consideration in the determination of this planning application. The approved Development and Planning Brief – Phase 2 sets an overview for the potential offered by the site and sets out a series of development principles and parameters to give certainty over the form, scale and character of development that could be achieved at the site. The Development and Planning Brief states *The site has been identified (phase 2) as having the potential for between 120-130 dwellings (based on a development density of 35 dwellings per hectare)*. The principle of the proposed development is therefore of a scale and nature that accords with the requirements of the approved Development and Planning Brief.

LDP Policy COM 7 seeks to protect community facilities including educational establishments, however, in this case, the former school use has ceased and all buildings demolished and it is not considered that this policy is applicable in this case.

The surrounding area to the north, south and west is dominated by residential properties and the development of the site for residential purposes is, in principle, compatible with neighbouring uses and represents a sustainable and appropriate use of the existing brownfield site. In addition, for a 3.7 hectare site the provision of 127 units broadly conforms to Policy COM4 of the Local Development Plan that requires a density of 35 dwellings per hectare.

Visual Impact

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

Following a level of negotiation and discussion and the submission of a design and access statement that aims to demonstrate that the development is justified and would not have a detrimental impact on the surrounding area, the application proposes the construction of a mixture of detached, semi-detached and link properties that would not appear so out of character with the locality so as to be detrimental to the visual amenities of the area.

In detail, the scheme proposes the construction of a total of 127 residential units of a traditional two-storey building design with the exception of three units (Windermere house type) that would incorporate roof dormers to their front roof slopes. These three 2.5 storey units would be erected in close proximity to an existing three storey development on the adjacent Barratt Home's site (Pen y Berllan) which abuts the northern boundary of the application site.

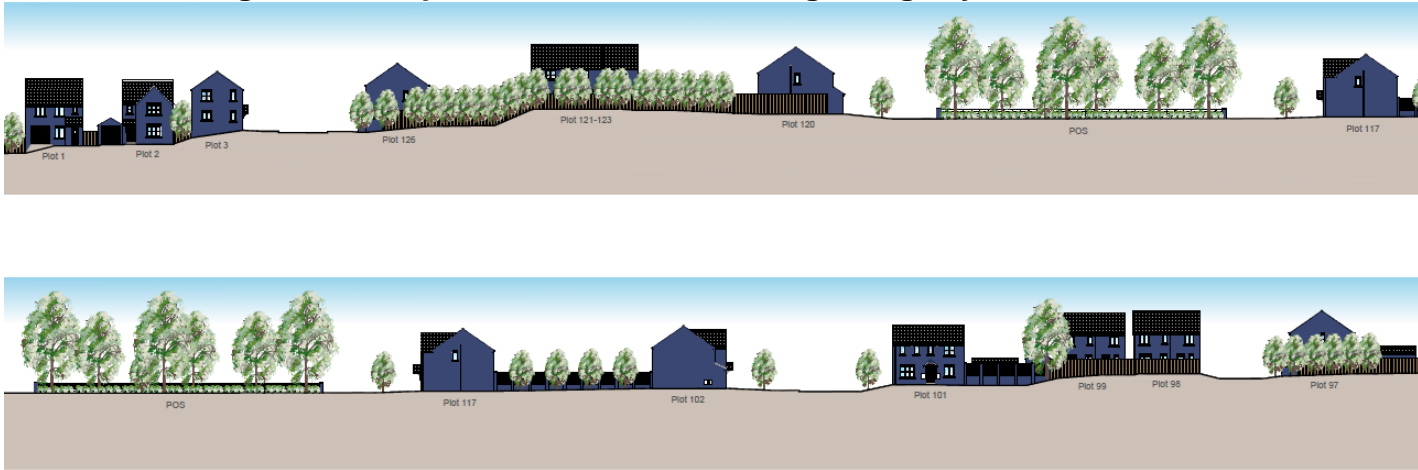
Figure 3 – Elevation details of the Windermere house type.



The remaining two, three and four bedroom units would all have a two storey design that is reflective and in keeping with the style and general appearance of the majority of the existing residential properties that surround the application site.

The layout of the scheme establishes a primary spine road traversing the site from the proposed point of access off Llangewydd Road in the southwest corner of the site across the site to its eastern boundaries. From the main route through the site a number of secondary private drives would be formed. The largest area of public open space on the site including the provision of a LEAP would be created along the southern boundary of the site and incorporate a number of mature trees that currently exist in this area. Two smaller areas of public open space (including a LAP) would be created further north on the site in closer proximity to the Phase 1 Barratt's Development (Pen y Berllan). It is detailed the existing pedestrian and cycle link would be extended from Pen y Berllan into the application site in close proximity to the area of public open space. A further active travel route (pedestrian and cycle link) would be created towards the front of the site adjacent to the site access and a further pedestrian and cycle link into and from the site would be created towards the southern boundary of the site (opposite 29 Llangewydd Road).

Figure 4 – Proposed Street Scene facing Llangewydd Road



The proposed layout is considered to form a reasonable and appropriate level of amenity for future occupiers of the properties with an appropriate relationship being formed between the built form, highways infrastructure and both public and private amenity spaces across the site. The development would arguably form a new residential estate with its own character and identity whilst at the same time integrating with its existing surroundings. The discussions held with the applicant have aimed to retain as much as reasonably possible, the visually pleasing tree lines that run along the periphery of the site, particularly the south and south/western boundaries along Llangewydd Road. The submission of amended plans has ensured the retention of much of the tree line along the southern boundary of the site and the replanting of replacement trees where a grouping of trees are to be removed. The retention and replacement planting scheme for the site would therefore facilitate the integration of the new development with its existing surroundings with the scheme not raising such adverse visual amenity concerns to warrant a recommendation to refuse the planning application in this regard.

Conditions are however attached to the recommendation requiring additional detailed specifications/samples of the materials/finishes proposed for the development and the means of boundary treatments to ensure the proposal successfully assimilates with its surroundings, without an unreasonable adverse impact on the surrounding character and appearance of the area.

Overall, it is therefore considered the proposed development accords with Policy SP2 of the LDP in terms of safeguarding visual amenities.

Impact on Neighbouring Amenity

Having regard to the submitted layout, elevation and cross section plans, including the size of the site, its' characteristics and level of screening/planting and the scale parameters of the dwellings, it is considered that the site is capable of accommodating a substantial number of residential units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This can be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2 of the BLDP. Policy SP2 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.* The policy continues by listing fifteen relevant criteria all development proposals should meet with criterion 12 stating that it should be ensured

that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by new development.

The formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008), sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application.

The layout originally submitted has been significantly amended by the applicant to, amongst other reasons, take account of concerns raised about the positioning of the individual units and the possible impact on the amenity of adjacent residents. Furthermore, during the processing of the application the applicant was requested to submit cross sections through the northern area of the site to demonstrate the impact of the new development on the existing properties on the adjacent Pen y Berllan site. The submitted information and supporting plans illustrate the scheme would not have a significant adverse impact on the existing neighbouring properties.

Pen y Berllan, the relatively new residential site that abuts the north of the application site, is generally set on a marginally lower land level than the application site that falls away from the level of the proposed dwellings however, the plots proposed in this area of the development (along the northern boundary) generally follow the building lines and siting of the existing plots and would not be so significantly elevated to appear dominating or overbearing on the existing properties. Plots orientated at a right angle to the existing properties would benefit from rear garden spaces in excess of 10.5 metres (in line with Council guidance) to not harmfully overlook the existing properties, with no habitable room windows within the proposed development adversely overlooking the properties to the north of the site within Pen y Berllan.

To the south, existing properties would be offset from the development site by the existing vehicle and pedestrian highway known as Llangewydd Road with a number of existing tree lines along this boundary also being retained and enhanced as part of the proposal, which would further ensure none of the proposed properties infringe on the privacy and level of amenity currently enjoyed by properties along Llangewydd Road to the south of the development site.

To the west - north/west the application site is predominantly adjoined by further residential properties (along Llangewydd Road, St Johns Road and Cefn Coed) although the development incorporates appropriate offsets and separation distances to prevent the scheme raising any overbearing, overshadowing or loss of privacy concerns. The means of access to the site is proposed via an extension to the cul-de-sac of four properties along Llangewydd Road (Nos 32 -38), which is in accordance with the Development Brief that has previously been approved for the site (September 2016) and does not raise serious amenity issues.

To the eastern side of the application site is St Mary's Catholic Primary School. An existing, relatively mature tree line along the western boundary of the school site provides a level of screening between the sites. An area of land that falls outside the red line boundary submission is also being retained between the boundaries of the front aspect of the school site and the development site which would form a further buffer between the two sites. It is fully acknowledged that an end of link property (Plot 90) would be developed in close proximity to the rear school yard and associated playing area. This property would however be orientated at a right angle to the school grounds with its predominantly blank, gable elevation facing the school yard. One small first floor bathroom window would be positioned within the gable end of this building although this would be obscurely glazed in nature (and conditioned to be non-opening) to prevent any adverse overlooking of the school grounds.

An appropriate boundary scheme (controlled by condition) along the eastern boundary of Plot 90 that could include the provision of a solid, high fence and a level of landscaping where appropriate, could further reduce the impact of the building on the school grounds and ensure that an acceptable relationship is retained. With the school also benefitting from a substantial play area and amenity space that would remain largely unaffected by the proposal, on balance, it is considered the scheme would not have such a harmful impact on the existing school premises to warrant a recommendation to refuse the planning application in this regard.

Accordingly, it is considered that the proposed development will have no significant adverse impact on the residential amenities of existing neighbouring properties and uses and accords with Policy SP2 (12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Air Quality Impact

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 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.

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.

Following the submission and review of the original AQA (April 2019) by Shared Regulatory Services it was deemed necessary for the applicant to expand the AQA (June 2019) and submit an emissions mitigation statement (EMS).

For the construction phase of the proposed development, a high risk has been identified with respect to dust as a result of construction phase activities (Earthworks, Construction & Trackout). Persimmon Homes West Wales has produced a Dust Emission Control Plan (April 2019) which outlines key measures to control any dust generating activity associated with the proposal. Having reviewed this documentation Shared Regulatory Services are satisfied that the suggested mitigation measures will look to offset and suppress the high risk concerns expected with the proposal. It is therefore essential that this Dust Emission Control Plan is utilised as a control document during the construction of the proposal to alleviate concerns associated with dust, with a recommended condition ensuring the development proceeds in line with the Dust Emission Control Plan.

For the operational phase of the development, the report utilises detailed dispersion modelling (ADMS- Roads) to predict 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 & PM_{2.5}).

Bridgend's Park Street Air Quality Management Area (AQMA) was established due to elevated and exceeding levels of annual mean nitrogen dioxide. Sensitive receptor R5 lies within the boundary of the AQMA, and it is apparent from the modelling undertaken that annual mean NO₂ levels are forecast to worsen with the proposed development in place. Without the guarantee of sufficient mitigation measures local residents occupying the Park Street AQMA will be made susceptible to worsened air quality.

The AQA specifically outlines a number of proposed mitigation measures which the applicant is committed to implementing to help minimise the impact of the development on air quality and reduce pollution concentrations off-site. The mitigation measures include:

-The provision of a ghost island on Park Street onto Heol Y Nant to reduce congestion and hence pollution;

-The inclusion of the link to the active travel network including a 3 metre wide cycle/pedestrian route (encouraging a modal shift away from cars);

-A travel plan including details of public transport, active travel routes and potentially any car sharing opportunities in the area; and

-The provision of green infrastructure through a detailed landscaping scheme with the inclusion of tree, hedgerow and shrub planting.

These measures would be implemented prior to the first occupation of the dwelling houses with the proposed LEAP and LAP areas being implemented prior to the occupation of the 50th dwelling on site should planning permission be granted. On the basis the mitigation measures are fully implemented and a condition is attached to any approved consent to ensure the applicant provides evidence of how the mitigation scheme will provide positive benefits to air quality at identified sensitive receptors within the Park Street AQMA boundary, on balance, Shared Regulatory Services raise no objection against the planning application.

Having considered the public protection impacts of the proposed development, particularly on the nearby AQMA at Park Street, it is considered that, through the implementation appropriate mitigation measures, the scheme would not have a significant and detrimental impact on the environment and air quality to such a degree to warrant the refusal of the planning application. It is considered the proposal 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).

Highway Safety

Following careful consideration of the planning application and the letters of concern raised against the planning application by neighbouring residents as earlier detailed, the Highway Authority have raised no objection against the proposal.

The Highway Authority comments this proposal has been supported by a Transportation Assessment (TA) which indicates that the development would not generate additional vehicle movements on the local highway network to such a level that would be detrimental to the free flow of traffic. It also indicates that the volume of traffic generated in the peak hours is not considered to be a significant intensification of existing traffic levels on Llangewydd Road, Heol y Nant and the A473/Park Street.

In order to validate the developers TA conclusions, the Highway Officer instructed the external transport consultants Redstart to audit the TA. Redstart highlighted a number of points the developers' TA had not addressed which mainly consisted of the lack of active travel and public transport provision. These concerns have been addressed by the Highway Authority through the imposition of suitable planning conditions.

Redstart concluded the audit with the following statement *based on the size of the development and the detail provided within the Transport Assessment/planning layout drawing PL03 rev G, the proposal is generally acceptable in traffic and transportation terms.* This was further caveated with improvements to the walking and cycling provision for the area.

Notwithstanding the above, in 2016 a Development Brief was prepared and supplemented by a Transport Assessment (TA) for the site. That TA concluded that the junction of A473 /Park Street – Heol y Nant failed in its capacity to support the additional traffic generated by the development, without further highway improvements. The introduction of a right hand holding/turning lane was considered necessary at that time, whilst the TA to support this application does not come to the same conclusion.

However, the Highway Officer's highway safety concerns remain with the current junction arrangement. In addition it is also noted from an Air Quality Management perspective, the through flow of traffic on the A473/Park Street – Heol y Nant junction is fundamental to the acceptability of this application to reduce the impact of the additional traffic on local air quality. Therefore, the provision of a scheme to provide a right hand holding/turning lane to be secured through the imposition of a planning condition is required.

As a result of the above it is considered appropriate to request highway junction improvements and also request conditions to address the requirements of national and local policy. In addition, a construction traffic management plan and an internal traffic calming scheme will be required.

The developer will also be required to enter into a Section 106 Agreement to fund a financial contribution of £8,000 for a 20mph Traffic Order to cover the cost of publication of the Order prior to the granting of any consent.

In view of the above the development is considered acceptable in highway safety terms.

Ecology and Tree Loss

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"
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 planning application is accompanied by a Preliminary Ecological Appraisal dated October 2015, an updated Ecological Appraisal dated April 2017 and a Reptile Report dated December 2018.

The reports highlight that all onsite buildings have now been demolished on site (with several done so under ecological supervision). There is a large rubble pile to the south of the site where the school sports hall originally stood, with smaller rubble piles across the site. The fence line bounding the site to the north is now a close-boarded wooden fence running along the new residential development. The grassland areas are now unmanaged on the site. The bat boxes installed on site (3 in total) as mitigation for the loss of the roosts within the demolished school buildings have been checked and there was no evidence of any bat use although there is evidence of use by roosting birds.

The reports conclude that following the demolition of the buildings the overall ecological value of the site has not changed significantly with there remaining habitat suitable for use by reptiles and breeding birds and mitigation measures are present for bats. To facilitate the development, appropriate mitigation measures should be implemented, including the appropriate timing of works to minimise impacts on breeding birds, retention of tree lines, monitoring and retention of the bat boxes on the site and the translocation of any reptiles on site. The Council's Ecologist and Natural Resources Wales have carefully considered all the supporting documentation and evidence submitted with the planning application and raise no objections against the proposal.

The originally submitted planning application proposed a significant level of tree loss on the site (60 individual trees and three groupings of trees originally being proposed to be removed). However, following a level of negotiation and discussion with the Council's Ecologist, the revised submission seeks to retain a greater number of trees and tree groups on site which is considered more acceptable. The revised proposal, as detailed within the Arboricultural Report dated May 2019, involves a more appropriate level of tree retention including the integration of existing trees on the site into areas of public open space. The majority of trees to be removed from the site to facilitate the development (24 individual trees) have been assessed as having low or poor quality with an appropriate re-planting and landscaping scheme for the site also being indicated. Importantly, much of the tree grouping that exists along the southern boundary of the site and protected under BCBC

Tree Preservation Order No.3 (1954) would be retained and integrated into the new development with an area of Public Open Space also being created within this area of the development. None of the three high priority trees on site that are the most desirable for retention are to be removed. The three trees containing bat boxes (positioned on site following the demolition of the school buildings as a mitigation measure), albeit the most recent survey of these boxes found no evidence of bats using these features, would also be retained.

On the basis of the submitted documents and the revisions undertaken to the scheme, 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. Furthermore, conditions are attached to the recommendation to secure the following:

- An Ecological Construction Method Statement to show how wildlife will be protected during works, and shall include the reptile mitigation strategy. 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 sensitive lighting plan showing how lighting will not impact upon sensitive habitats, especially where the bat boxes are located;
- A Biodiversity Enhancement Strategy incorporating measures to enhance wildlife opportunities throughout the site.

In conclusion, the revised proposal seeks to retain as far as reasonably possible, the majority of existing trees and tree groups that are primarily worthy of protection on a site that is of limited ecological interest whilst also allowing the development to proceed. 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 LDP and advice contained within SPG07 and SPG19, Planning Policy Wales 10 (December 2018) and TAN5.

Drainage

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

DCWW advise that there is no objection to the development subject to standing advice.

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 Council's Land Drainage Team and Natural Resources Wales have also carefully considered the planning application and raise no adverse concerns with this brownfield development in this regard. A condition is suggested however to ensure that no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements is first submitted to and approved by the Local Planning Authority. The development would then proceed in accordance with the agreed drainage details.

Section 106 Requirements

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions if they are necessary to offset any negative consequences of the development and/or help to meet local needs and priorities.

Due regard is also given to the Development Brief for the site that was approved by the Development Control Committee for use as a material consideration in the determination of future planning applications at the site in September 2016.

In this respect, as a proposal for over 5 units the proposal triggers Policy COM5 Affordable Housing which requires an appropriate element of affordable housing. The site is located within the Bridgend housing sub-market where a target of 20% applies, which would equate to 25 dwellings. As stated in the Development Brief, a financial contribution has been deemed to be the most appropriate form of meeting the affordable housing need in this instance. In accordance with SPG13: Affordable Housing, a sum of £1,414,644 has been calculated as the equivalent of on-site provision.

In accordance with the formula in SPG16: Educational Facilities & Residential Development, the following number of pupils will be generated by a scheme of 127 dwellings:

- 6 Nursery places
- 12 Infant School places
- 16 Junior School places
- 23 Secondary School Places
- 5 Post-16 places

The site lies within the catchment of Cefn Glas Infant, Llangewydd Junior and Bryntirion Comprehensive schools and the Development Brief (2016) identified a need for a contribution to Primary School places based on capacity issues at that time.

Notwithstanding the above, capacity at Primary level is no longer an issue however, there are now capacity issues at Bryntirion Comprehensive School and in light of this and to account for the updated school numbers, a contribution of £541,111 has been calculated in accordance with SPG16 to provide additional Secondary school and post-16 places within the catchment.

Policy COM11 requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people to consist of a combination of outdoor sport, children's play space, amenity space and/or allotment provision. In this context, the inclusion of areas of public open space is welcomed on the submitted layout plan for the development (approximately 2,500 square metres being provided) with the application also proposing the retention and enhancement of a number of the existing vegetation and tree lines that are situated on the periphery of the site.

The Development Brief for the site sets a requirement based on Policy COM11 Provision of Outdoor Recreation Facilities for the provision of on-site children's play facilities within this element of the scheme. Following negotiation, the applicant has proposed the provision of a LEAP and LAP on site. An appropriately worded planning condition is attached to the recommendation to secure this element of the development and to ensure the design and size of these facilities. Following discussions with the Parks Section of the Council, it has been confirmed that BCBC would adopt the proposed play areas on the proviso that they are constructed to their approval and fully equipped. The Council's Finance department confirmed the contribution secured from the first phase of the development (from the

adjacent Barratts site) can be used towards the maintenance of the LEAP and LAP on Phase II (£31,490).

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity, drainage, air quality, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan.

Legislation and national planning policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that, on balance, there are no material reasons why planning permission should be refused. The development proposal represents an appropriate residential development on a site specifically allocated for residential purposes by the Bridgend Local Development Plan. The scheme is also in compliance with the approved Development Brief that has previously been approved for the site.

RECOMMENDATION

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

- i. Provide a financial contribution of £1,414,644 in accordance with Supplementary Planning Guidance (SPG13): Affordable Housing towards meeting the affordable housing need in the locality of the development site.
- ii. Provide a financial contribution of £541,111 in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional Secondary school and post -16 places serving the development.
- iii. Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.
- iv. Provide a financial contribution of £8,000 to fund a Road Traffic Order to designate the development site as a 20mph zone.

(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 the following conditions:-

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Planning Layout - Draw.no. PL03 Revision G received 21 May 2019
 - Engineering Planning Sheet 1 – Draw.no. 10193-100-01 Rev H received 21 May 2019
 - Engineering Planning Sheet 2 – Draw.no. 10193-100-02 Rev G received 21 May 2019
 - Detailed Soft Landscape Proposals – Draw.no. TDA.2435.01 Sheet 1 received 21 May 2019
 - Detailed Soft Landscape Proposals – Draw.no. TDA.2435.01 Sheet 2 received 21 May 2019
 - Site Sections – Draw.no. SS01 Rev A received 21 May 2019
 - Street Elevation – Draw.no. SE01 received 23 May 2019
 - Plans and Elevations Lockwood house type – Draw.no. CCA-WD10 received 21 May 2019

Plans and Elevations Windermere house type – Draw.no. SU-WD10 received 21 May 2019

Plans and Elevations Coniston house type – Draw.no. CD-WD10 received 21 May 2019

Plans and Elevations The Alnwick house type – Draw.no. AN-WD10 received 21 May 2019

Plans and Elevations Barton house type – Draw.no. HB-WD10 received 21 May 2019

Plans and Elevations Derwent house type – Draw.no. HT-WD10 received 21 May 2019

Plans and Elevations (planning) - Draw.no. 0993 CT-WD10 received 21 May 2019

Plans and Elevations (planning) - Draw.no. 1114-WD10 received 21 May 2019

Single/Double Garage plans & elevations – Draw.no. – SGD-01 received 21 May 2019

Arboricultural Report (May 2019) undertaken by Arboricultural Technician Services (Tree Consultancy Services) received 21 May 2019.

Air Quality Assessment 'Former site of Ysgol Bryn Castell', June 2019, undertaken by Phlorum – received 25 June 2019.

Construction Method Statement received 21 May 2019.

Site Waste Management Plan dated April 2019, received 21 May 2019.

Dust Emission Control Plan dated April 2019, received 21 May 2019.

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

2. Notwithstanding the requirements of condition 1, 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.

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

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

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 the beneficial use of any of the dwellings commencing.

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

5. No development shall take place until an Ecological Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The method statement 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. The development shall thereafter be implemented in accordance with the approved Ecological Construction Method Statement. The Ecological Construction Method Statement shall include the reptile mitigation strategy, and who is responsible for its implementation.

Reason: In the interests of biodiversity and nature conservation.

6. 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: In the interests of biodiversity.

7. 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. The landscape management plan shall be carried out as approved.

Reason: In the interests of biodiversity.

8. Prior to the beneficial use of the site, a biodiversity enhancement strategy incorporating measures to enhance wildlife opportunities throughout 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: In the interests of biodiversity.

9. Notwithstanding the requirements of condition 1, prior to the occupation of the dwellings hereby permitted, a lighting design strategy for biodiversity for the development site shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy in perpetuity.

Reason: In the interests of biodiversity.

10. 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: In the interests of biodiversity.

11. Construction works shall not take place outside the following hours:-

08:00 hours to 18:00 hours Mondays to Fridays

08:00 hours to 13:00 hours on Saturdays

No work shall take place on Sundays or Bank Holidays.

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

12. Notwithstanding the requirements of condition 1, the first floor window opening positioned within the east facing side elevation of Plot 90 (facing St Mary's Roman Catholic School) shall be fitted with fixed pane / obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity and be non-opening. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (Plot 90) commencing and shall then be retained in perpetuity.

Reason: In the interests of safeguarding privacy and general amenities.

13. Notwithstanding the requirements of condition 1 and 3 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 (including soft landscaping) to be implemented and a timetable for its implementation along the eastern boundary of Plot 90 (facing St Mary's Roman Catholic School). Development shall be carried out in accordance with the agreed plan and timetable and thereafter retained in perpetuity.

Reason: To ensure that the general amenities of the area are protected and to safeguard privacy levels.

14. Notwithstanding the requirements of condition 1, any first floor window openings positioned within the north facing, side elevation of Plot 66, (facing 23 Pen y Berllan) shall be fitted with fixed pane / obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (Plot 66) commencing and shall then be retained in perpetuity.

Reason: In the interests of safeguarding privacy and general amenities.

15. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to differences in levels including that having an influence on the highway will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use and thereafter retained and maintained in perpetuity.

Reason: In the interests of public and highway safety.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the integral garages and detached garages to the individual plots shall be retained as such at all times and shall not be converted into living accommodation or business usage.

Reason: To ensure the retention of adequate off-street parking space and minimise on-street parking in the interests of highway safety.

17. Notwithstanding the requirements of condition 1, no works shall commence on site until full details of the design, layout and appearance of the proposed Local Equipped Area for Play (LEAP) and the Local Area for Play (LAP) 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: In the interests of visual and residential amenities of future occupiers.

18. Prior to the commencement of the construction phase of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- i. a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'Conceptual Site Model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - ii. an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - iii. an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - iv. an appraisal of remedial options and justification for the preferred remedial option(s).

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

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

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

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

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

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

20. The remediation scheme approved by condition 19 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

21. 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.

22. 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.

23. 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.

24. 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.

25. Prior to the commencement of development, full details and timescales of the mitigation measures as recommended and set out in the Air Quality Assessment, June 2019, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and timescales.

Reason: In the interests of safeguarding residential amenities and air quality.

26. No dwelling on the site shall be occupied until the pedestrian/cycle link to the north of Plots 35 - 36 is constructed in permanent materials connecting the application site to the highway network within the adjacent Phase 1 - Pen y Berllan site (fronting 11 & 12 Pen y Berllan) and the existing timber fence has been removed. The pedestrian/cycle link shall be at a minimum width of 3m, within a corridor of 4m minimum width and shall be retained for the free passage of pedestrians and cyclists in perpetuity.

Reason: In the interests of highway safety.

27. No development shall commence until a scheme for the provision of a right hand holding turning lane on the A473/Park Street – Heol y Nant Junction has been submitted to and approved in writing by the Local Planning Authority. The approved holding/turning lane shall be safety audited to stage 2/3, constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway safety and to safeguard air quality.

28. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of traffic calming features between the Heol y Nant junction and

the new site access including a pedestrian crossing point on Llangewydd Road, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be safety audited to stage 2/3, constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

29. No development shall commence until a scheme for the provision of an Active Travel Route comprising a 3metre wide shared use path to link the existing facility on Heol y Nant to the new site access, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

30. No development shall commence until a scheme for the provision of a gated emergency access adjacent to Plots 101 and 102 providing emergency vehicular access from the site onto Llangewydd Road has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and public safety.

31. No development shall commence until a scheme for a cycle and pedestrian route of 3 metres with a 4 metre corridor between the highway fronting Plot 104 and Llangewydd Road has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

32. No development shall commence until a scheme which sets back the southern frontage/boundary of Plot 101 and provides a link from the condition 31 route to link to the boundaries of the adjoining school site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

33. No development shall commence until a scheme for the provision of bollards or vehicle restraints on the proposed 3 metre cycle/pedestrian route between Plot 36 and 11 Pen y Berllan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

34. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall provide for and where necessary detail on a plan the following

measures:

- The routing of HGV construction traffic to/from the site in order to avoid the local school opening and closing times.
- The proposed temporary construction vehicle entrance into the site for the construction of the road.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing local highway network.
- Measures to control the emission of dust and dirt during construction.
- The provision of temporary traffic and pedestrian management along the proposed new access into the site off the stub arm of Llangewydd Road.
- Phasing of development.

The construction works and traffic shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phase.

Reason: In the interests of highway and pedestrian safety.

35. No dwelling shall be occupied until the individual driveway and parking bays serving the 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 driveway/parking purposes in perpetuity.

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

36. No dwelling shall be occupied until the internal access roads serving the dwellings and visitor parking bays 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.

Reason: In the interests of highway safety.

37. Notwithstanding the approved layout plan, no development shall commence in respect of the dwellings on Plots 14-15, 33-38, 39-42, 63-68, 118-120 & 83-90, inclusive until a scheme for the location and design of refuse and recycling collection points has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail collection points located within a maximum of 30m of each dwelling. The collection points shall thereafter be constructed in accordance with the agreed design prior to the dwellings which they serve being brought into beneficial occupation and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

38. No individual vehicular access from this development onto Llangewydd Road will be permitted.

Reason: In the interests of highway safety and the free flow of traffic.

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

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. 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
- d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - i. determining the extent and effects of such constraints;
 - ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii. the safe development and secure occupancy of the site rests with the developer.
- f. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

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

- g. The applicant should be made aware that the site has the potential to provide habitat for nesting birds. The applicant is therefore referred to SPG 19 Biodiversity and Development as they may encounter nesting birds. This document is available via the planning pages of the Council's website.
- h. In order to satisfy the drainage condition the following supplementary information is required:
- Provide foul and surface water layout for individual plots;
 - Provide agreement in principle from DCWW with regards to foul water disposal to the public sewer;
 - Provide agreement in principle from DCWW with regards to adoption of foul and surface water sewers serving the development;
 - Provide agreement in principle from DCWW with regards to S185 sewer diversion of existing combined sewer;
 - Provide additional detailed drawings/information of the drainage network including, but not limited to; attenuation crates, longitudinal sections, manhole schedules, hydrobrake chambers;
 - Provide hydraulic calculations associated with attenuation volumes;
 - Provide maintenance plan for the drainage network;
 - Submit an ordinary watercourse consent application for works associated with the new outfall to the Nant Cefn Glas.
- i. Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The developer should therefore consider the provision of suitable collection points within the development to avoid inconveniencing other residents.
- j. 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.
- k. 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.