

REFERENCE: P/20/307/BCB

APPLICANT: BCBC Education & Family Support
Level 2 Civic Offices, Angel Street, Bridgend CF31 4WB

LOCATION: Land off Isfryn Industrial Estate (access from A4093),
Blackmill, Bridgend CF35 6EQ

PROPOSAL: Construction of a new Welsh Medium Childcare Facility

RECEIVED: 28 April 2020

APPLICATION/SITE DESCRIPTION

The Education and Family Support Section of Bridgend County Borough Council has submitted this application that seeks consent to construct a single storey building that will accommodate a 'Welsh-Medium' Childcare Facility on land at the junction of the A4093 – Ebenezer Terrace and the access to Isfryn Industrial Estate in the community of Blackmill.

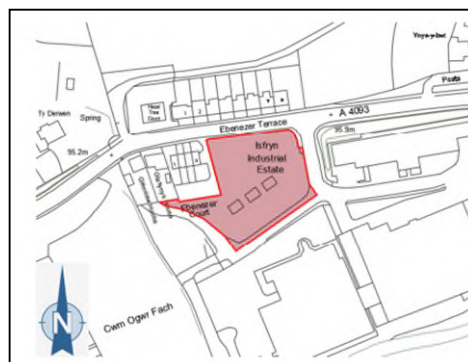


Fig. 1 – Location Plan

Levels change significantly across the site with the high point being along the northern boundary with the A4093, to a level some 5m below along the Isfryn Industrial Estate road. Site boundaries are also shared with the side and rear gardens of properties on Ebenezer Court and alongside an access track that serves the rear of Glasynys House and Glenview House. The site was covered with dense scrub with scattered immature trees but vegetation was cleared prior to the submission of the application.

The new single storey building will occupy the lower parts of the site, positioned at an angle to the respective boundaries and orientated to face a south westerly direction. The footprint of the building will measure 21m x 10m with a pitched roof reaching 5.2m from the finished ground levels. Accommodation will comprise areas of play space, quiet rooms, storage rooms, offices and ancillary facilities designed to cater for up to 34 children ranging from 0-5 years and 8 members of staff.



Fig. 2 – Proposed Elevations

The reception area of the building will be accessed at the south eastern corner of the site from a new section of footway on the Isfryn Industrial Estate road. The area to the front and side of the building will be either grassed, turfed or finished with a rubber crumb soft-play surface. A small canopy will be erected over part of the soft play area to provide shade and shelter. A car parking area for 7 vehicles will be provided forward of the building accessed at the south western corner of the estate road.

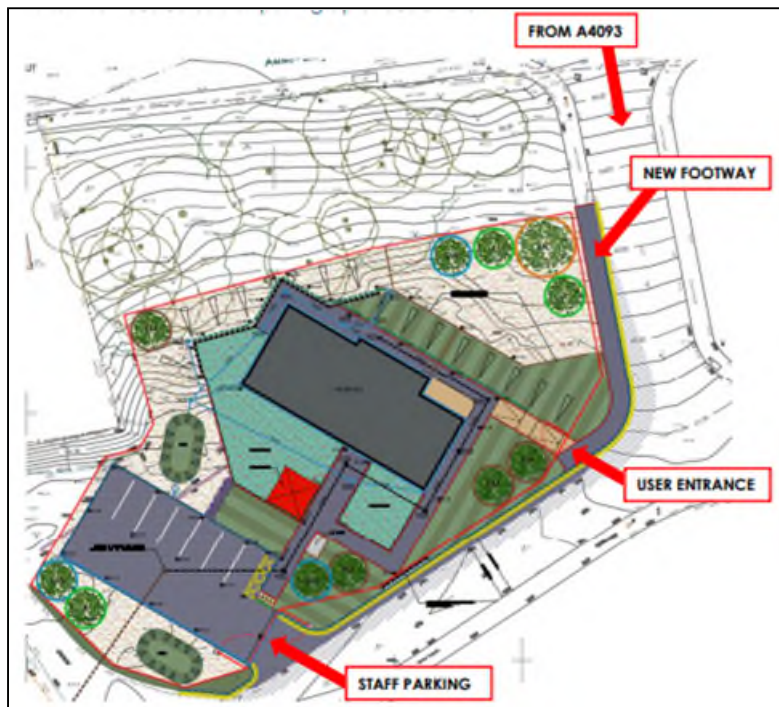


Fig. 3 – Proposed Access and Parking Layout

Retaining walls will be required around the northern corner of the new building which projects into the rising ground. The site will be enclosed by 2.3m high security perimeter fence. Areas of new tree planting are also incorporated into the layout with the main concentrations being on the elevated ground to the rear of the new building. An extract of the site layout plan is re-produced below:



Fig. 4 – Proposed Landscaping

The Design and Access Statement suggests that the choice of materials has been carefully considered to fit in with the local vernacular. A white/light grey acrylic render will be used on the external walls with feature panels of Cedar timber cladding. The roof will be finished in Marley Anthracite Grey interlocking tiles. Door and windows will be PVCu and grey in colour.

The facility will be open for childcare purposes between the hours of 07:00 and 19:00. As yet it is not known whether the facility will provide activities beyond these hours for adult learning. External lighting is provided to allow a safe means of access. This will not extend to the external play areas. The day to day operation of the building will be carried out by a third party provider – it will not be run by Bridgend Council Childcare Team.

RELEVANT HISTORY

P/07/340/FUL – Residential development of 32 dwellings and associated works and community centre – Refused permission on 5 November 2007.

P/08/591/FUL – Residential development of 32 dwellings and associated works and community centre – Refused permission on 27 November 2009. An appeal against the refusal of permission was dismissed (1633 refers).

P/09/691/OUT – Mixed use development comprising 43 units, community centre and employment units – Application withdrawn.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

CONSULTATION RESPONSES

Highway Officer- No objection subject to conditions.

Countryside Management Officer - The presence of Japanese Knotweed in the immediate area of the application site is noted. This species is listed under Part II of Schedule 9 of the Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. These species are also subject to Section 34 of the Environmental Protection Act (1990) and are classed as 'Controlled Waste'. Consequently they should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991) and by a licensed carrier. There are no such licensed sites within Bridgend County Borough. Given the above, and particularly if spoil material may be moved around and/or off site, it is recommended that the applicant submit an invasive species management methodology for approval by the Local Planning authority before being implemented. This methodology should also include: how the works will mitigate for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading. Similarly if spoil material is to be retained on site, a protocol should be prepared to stop the potential spread of knotweed around the site and neighbouring areas.

The findings of the Bat Tree Survey Report are agreed. It is recommended that the recommendations in Section 5 of the report are included within the conditions of approval. The applicant should be aware that features such as floor slabs and partial walls at the site provide potential habitat for reptiles and amphibians. Should the application be granted, it is recommended that consideration be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction

in suitable nest sites.

The incorporation of bat bricks, bat tiles and bat boxes into the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. Similarly Policy ENV5 and ENV6 of the Bridgend LDP, PPW 5.2.8 and guidance in TAN 12, encourage and favour development opportunities that enhance biodiversity.

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

Drainage Officer - No objection subject to conditions. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before any construction works begins.

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

South Wales Police - Designing out Crime Officer – Comments have been forwarded to the architect for consideration.

REPRESENTATIONS RECEIVED

Letters offering objections and concerns have been received from the following:

1, 2 & 4 Ebenezer Court
5 & 6 Ebenezer Terrace
34 Cwmfelin
Glasynys House

The principal objections can be summarised as follows:

- Inappropriate use of land – does not contribute to any wider regeneration benefits to the community
- Removal of trees and vegetation resulted in damage to properties, a loss of habitat and extensive screening that minimised the pollution impacts of nearby industrial uses – privacy in the rear gardens of houses has been affected
- Site clearance was undertaken without permission and impacts on ecology were not fully considered – developer should be required to re-plant – all other existing trees should be retained
- Proposed use will generate additional traffic on a busy road network – exacerbate existing problems that are caused by traffic speeds, on-road parking and HGVs accessing the industrial estate
- Safety concerns about the conflict of uses – traffic associated with the child care facility and industrial estate

- Car parking provision is deficient – will result in on-street parking that will affect other road users and could restrict movements – yellow lines will not be enforced.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections raised are material Planning considerations which will be addressed in the appraisal section of this report.

POLICY CONTEXT

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

Strategic Policy SP2 – Design and Sustainable Place Making
Strategic Policy SP3 – Strategic Transport Planning Principles
Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
Strategic Policy SP13 – Social and Community Facilities
Policy PLA4 – Climate Change and Peak Oil
Policy PLA11 – Parking Standards
Policy ENV5 – Green Infrastructure
Policy ENV6 – Nature Conservation
Policy ENV7 – Natural Resource Protection and Public Health

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development
SPG12: Sustainable Energy
SPG17: Parking Standards
SPG19: Biodiversity and Development

In the determination of a Planning application, regard should also be given to the requirements of National Planning Policy and the appropriate Technical Advice Notes

Local Development Plan Policy SP2 (Design and Sustainable Place Making) is the overarching policy which should be considered in the assessment of all Planning applications. It states:

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

- 1) Complying with all relevant national policy and guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence;
- 4) Using land efficiently by:
 - i. Being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - ii. Having a preference for development on previously developed land over Greenfield land;
- 5) Providing for an appropriate mix of land uses;
- 6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
- 7) Minimising opportunities for crime to be generated or increased;
- 8) Avoiding or minimising noise, air, soil and water pollution;

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

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

APPRAISAL

The main issues in the assessment of this application are whether:

- The principle of developing this site for a childcare facility accords with local and national planning policies;
- The development adversely impacts on the site's biodiversity interests;
- The proposed highway network serving the site can accommodate the traffic that will be generated and whether adequate car parking facilities are proposed as part of the development;
- The development will significantly impact on the living conditions and well-being of residents and uses that live in close proximity to the proposed childcare facility and the extent to which any impacts can be minimised by the imposition of planning conditions.

The Principle of the Development

The site is located within the small settlement of Blackmill as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. As a small settlement, Blackmill provides limited retail and community functions for their respective residents. Development should provide the maximum benefits to regeneration at a scale that reflects the role and function of the settlement. The application site is allocated for regeneration and mixed use development under Policy PLA3 (17) and more specifically for a community building, employment site and up to 43 residential units. In principle, the development of a Welsh Medium Childcare Facility on this land is compatible with the policy and is part of a wider programme to deliver Welsh Medium Childcare throughout the County Borough with other facilities being considered in Bettws, Bridgend and Porthcawl. The supporting statement suggests that the building could be used outside the proposed hours by the community but that would be subject to negotiations with the future operators.

Policies SP2 and SP3 require all development proposals to be of high quality which promote safe, sustainable and healthy forms of transport. The following sections of this report will consider the proposal against the relevant criteria with reference to the objections and concerns received from local residents.

The impact of the development on highway safety

The transportation implications of the proposal have been assessed and it is noted that the proposal seeks to develop land which is considered not to have previously generated any vehicular and pedestrian traffic. As a result all traffic is considered to be new, being additional movements on the network. Although the applicant has not provided a specific

transport statement, the design and access statement has indicated how the development can be accessed by sustainable modes of transport, which is commensurate with the transport hierarchy found in TAN18. In addition, a rigorous site selection process was undertaken in order to determine the best location for the proposal which included consultation with Officers in the Highways Section.

The proposal will provide 'wraparound' childcare in the medium of the Welsh Language and the proposed opening hours of the site of 7:00am to 7:00pm reflect the nature of the proposed service. As such, working parents are expected to require childcare earlier than the peak traffic hours of 8:30am until 9:30am and likewise in the evening when the peak hours are between 4:30pm and 6:00pm. This has also been the historic experience of the Highway Authority for similar sites of this nature. As a result, not all traffic associated with development will be on the network during the peak network hours and any traffic which is on the network is considered not to materially impact the highway to the detriment of highway safety. In addition, the measures to promote walking and cycling for staff and local parents will result in a further reduction of vehicular traffic associated with this development.

The design and access statement indicates that parking will be provided for staff within the site boundary. It is also noted that there are concerns raised by local residents at the perceived lack of off-street parking for the development. However, it should be noted that the parking standards found in SPG 17 (which are also the national standard) requires this proposal to provide 1 off-street parking space per 2 full time members of staff, which is calculated as follows:

6 full time staff - 3 spaces
4 part time staff – 1 space
Total of 4 spaces.

On the basis of the above, 7 off-street parking spaces would constitute an overprovision and contrary to the thrust of Welsh Government policy in reducing the reliance on the private motor vehicle. As this proposed facility will cater for children from beyond the local area, it is considered that the parking area should be reconfigured to allow a drop/off area and also a reversing area to allow all vehicles to enter and leave in a forward gear. Revised arrangements will be secured through a suitably worded Planning condition. This will hopefully address some of the residents' concerns.

In order for this proposal to meet the requirements of the current legislation (Active Travel Act and the Wellbeing of Future Generations Act) the scheme incorporates an extension of the footway on the southern side of the A4093 and along the eastern boundary of the proposal site to the pedestrian access into the site. Whilst this measure is welcomed, it is considered that the proposed footway should be widened beyond that proposed to create a more conducive active travel environment and remove perceived barriers to walking and cycling to the site.

Parking restrictions in the form of double yellow lines are proposed along the eastern and southern kerbside boundaries of the site. Although not opposed, such measures are not sufficient as they allow vehicles to drop off on double yellow lines without penalty. To ensure that any drop off/parking on the highway does not conflict with the vehicle movements associated with the wider commercial uses in the area and to address concerns of local residents, double yellow lines and double kerb lines will need to be provided. Monies to pay for the associated traffic order would normally be secured through a S106 obligation but as the Council is landowner and Local Planning Authority that route is not permissible. Arrangements for payment will need to be made between the respective departments.

The impact of the development on the living conditions and well-being of local residents

One policy test for development is ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be affected. Residents have referenced the site clearance works and the loss of trees that screened the properties from the industrial units on Isfryn Industrial Estate. The ecological impacts of these works will be considered later in this report but, although regrettable, the actions did not constitute a planning breach. The trees were not the subject of a preservation order and site clearance does not constitute development. Furthermore, a significant copse of trees on land between the northern boundary of the application site and the A4093 have been retained and there are no proposals, as part of this application to undertake any further tree works. Nevertheless, the rear gardens of properties on Ebenezer Court are more open and exposed to the noise and light pollution associated with the Coppice Alupack operation and, in the case of 3 and 4 Ebenezer Court, will be relatively close to the child care facility.

Site levels and the relative position of the new single storey building will address any issues relating to overshadowing or loss of outlook. Privacy in terms of a window to window relationship will also not be compromised. The day to day activities associated with the child care facility such as the *'toing and froing'* of parents, children and staff and the use of the outdoor play facility will generate a degree of noise and disturbance and although the gardens of the neighbouring properties are raised there may also be a sense that the levels of privacy have been reduced.

However, given the noise levels associated with the industrial units on Isfryn, it is unlikely that the aforementioned activities, which will be principally over the normal working day, will cause a significant noise impact on the residents living conditions. Consideration should be given to mitigating any impact and investigating opportunities to enhance the boundary with the properties and new fencing and landscaping will be secured by condition as will controls on the operational hours of the proposed childcare facility. Any new planting will not necessarily fully compensate for the trees that have been removed but ultimately those works could have been undertaken at any time irrespective of this proposed development. The application, at least, offers the opportunity to secure some mitigation works.

Concerns about noise and disturbance generated through construction of the building are noted but are also unavoidable. They will be short term and managed through the agreement of a construction method statement.

A resident has expressed some concerns that the development may infringe on the private right of access that lies to the south west of the site. The submitted layout plan clearly indicates its retention although contractors should be mindful not to obstruct this access during construction. This is a matter that could be addressed in the agreed construction method statement.

Overall, and subject to the imposition of planning conditions, the development should not significantly affect the amenities of residents to warrant a refusal of Planning permission. The development is compliant with Policy SP2 (10&12).

Ecology and Tree Loss

The site clearance works has been considered earlier in the report. A number of residents were concerned that the ecological impacts of such work had not been fully considered. The application has however been accompanied by a Bat Tree Survey Report carried out by Sylvan Ecology and undertaken prior to the site clearance. The Council's Ecologist concurs with its findings which noted that of all the trees inspected, only one was found

with bat roosting potential. A subsequent endoscope examination confirmed no evidence of bats. The clearance works were then undertaken in accordance with the assessor's recommendations and outside the nesting season for birds.

Section 40 of the Natural Environment and Rural Communities Act 2006 does however state 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."

On the basis of the submitted survey, the biodiversity interests on this site were minimal. The Council's Ecologist does however recommend that consideration be given to the provision of nest boxes within the development for bat and bird species. Such enhancements in addition to the new tree planting will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 and local and national policies.

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

CONCLUSION

The principle of developing a Welsh Medium Childcare Facility at this location is broadly supported by national and local Planning policy which promotes a mix of uses and community based facilities and services in the interests of the health and well-being of residents of the County Borough.

All other matters of detail concerning the impact on highway safety and the amenities of residents are suitably addressed by the proposal. The comments received from local residents have been taken into consideration during the determination of the application however, they do not outweigh the merits of the proposal and, on balance, the development is considered to be acceptable.

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

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

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

RECOMMENDATION

(R28) That for the purposes of Regulation 4 of the Town and Country Planning Regulations 1992 that permission be deemed to be GRANTED subject to the following conditions:-

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

BCB0073139: A001, A002, A003, A100, A101 and the recommendations in the Bat and Tree Survey Report (K035) by Sylvan Ecology dated 22nd January 2020.

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

2. The premises shall be used for a Welsh Medium Childcare Facility and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt as to the extent of the permission granted and to prevent the use as a stand-alone D1 office use which would be detrimental to highway safety and could detract from the amenities of the nearby residents.

3. The Childcare Facility hereby permitted shall not be open to staff and visitors outside the following times: -

07:00 hours to 19:00 hours Monday to Friday and at no times on weekends or Bank Holidays.

Reason: In the interests of residential amenities

4. Notwithstanding the submitted plans, no development shall commence on site until a scheme to enhance the rear and side boundaries of 3 and 4 Ebenezer Court has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the position, design and materials of a new boundary treatment, specifications of new tree/hedge planting and a timetable for its implementation. The enhancement scheme shall be implemented as agreed.

Reason: To safeguard the amenities of the adjacent residents.

5. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.

6. Within three months of the date of development commencing, a scheme providing for the following bio-diversity features, including a timetable of the works shall be submitted to and agreed in writing by the Local Planning Authority:

- Nest boxes for bat and bird species
- Bat bricks and/or bat tiles

The agreed scheme shall be implemented prior to the building being brought into beneficial use and shall be retained in perpetuity.

Reason: To increase the biodiversity interest of the environment and to demonstrate compliance with Section 6 of the Environment (Wales) Act 2016

7. 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 the new facility commencing and retained in perpetuity.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that flood risk is not increased.

8. No development shall take place, until a revised Construction Environmental and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the routeing of HGV construction traffic to/from the site
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in demolition and construction of the development wheel washing facilities
- v. measures to control the emission of dust and dirt during demolition and construction
- vi. the provision of temporary traffic and pedestrian management at and in the vicinity of the site construction access
- vii. hours of construction (8am-6pm Monday- Friday, 8am-1pm Saturdays with no working Sundays or Bank Holidays and any piling operations from 9am only)

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

9. No development shall commence until a scheme for the provision of staff and parent off street parking/drop off spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking/drop off area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway and pedestrian safety.

10. No development shall commence until a scheme for the provision of a widened footway and relocation of highway signage commencing from the tactile paving on the A4093 along the eastern boundary of the site through to the proposed pedestrian entrance has been

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in permanent materials before the development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety and promoting sustainable means of travel to/from the site and meet the requirement of the Active Travel (Wales) Act 2013.

11. No works shall commence on site until design details, duly certified by a professional engineer, including full engineering details and structural calculations of any retaining wall abutting or having an influence on the highway have been submitted to and approved in writing by the local planning authority. The retaining structures shall be constructed in accordance with the approved design and construction details prior to the occupation of any of the units and shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

12. No development shall commence until a scheme for the provision of 2 cycle parking stands (4 spaces) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site and meeting the requirement of the Active Travel (Wales) Act 2013

13. 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 unless otherwise agreed in writing 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 LPA 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.

14. 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.

15. 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.

16. 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.

17. The development shall not be brought into beneficial use until the necessary road traffic order(s), road markings (double yellow lines and double kerb lines) and signage have been implemented.

Reason: In the interests of highway safety.

18. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

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

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - o Unprocessed/unsorted demolition wastes.
 - o Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - o Japanese Knotweed stems, leaves and rhizome infested soils. In addition to

section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

The 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

The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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 us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

The developer will be required to enter into an agreement with the Highway Authority to fund a Traffic Order for the implementation of parking restrictions and road markings. The agreement should be agreed on consent being granted and the required funding will be in the sum of £9000.00 to cover the cost of publication of the order, signing and lining etc. Failure to enter into the agreement or provide the funding will result in a reversion to a highway objection on the basis of highway safety concerns and impact on the surrounding properties.

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

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

It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None