

**REFERENCE:** P/22/34/FUL

**APPLICANT:** Pendragon (Design & Build) Ltd.,  
Pendragon House, General Rees Square, Cwmbran NP44 1AJ

**LOCATION:** Former Blaenllynfi Infant School, Grosvenor Terrace, Maesteg

**PROPOSAL:** Residential development of 20 affordable dwellings and associated works

### APPLICATION/SITE DESCRIPTION

Asbri Planning Ltd has submitted a full Planning application on behalf of Pendragon (Design and Build) Ltd for the redevelopment of the former Blaenllynfi Infant School site off Grosvenor Terrace, Caerau through the construction of 20 affordable residential units and associated works.

The site measures approximately 0.39ha and is located on the eastern side of Grosvenor Terrace.



**Fig. 1 – Site Location Plan and Aerial View**

The proposal will be made up of three residential character areas with all buildings being two storeys in height in the following mix:

- 2 x 4 bed houses at the northern end of the site (blue)
- 4 x 2 bed houses to the centre of the site fronting Grosvenor Terrace (pink)
- 16 x 1 bed walk up flats to the south-eastern corner of the site (orange)

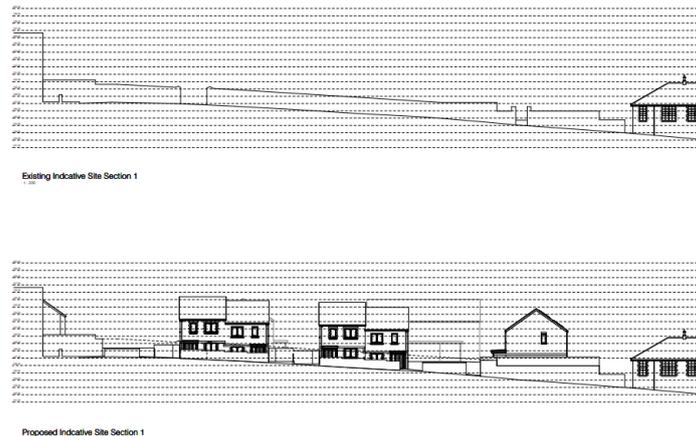


**Fig. 2 – Site Layout Plan**

The application site will be served by two vehicular access points which are located off Grosvenor Terrace. The existing stone wall is to be reduced in height to 1200mm and punctuated to allow for the two access points into the site as well as space for parking at the sides of Plots 3, 4 and 5.

The site will also be served by an area of Public Open Space with landscaping and a sustainable drainage scheme. New footpaths will connect the site to Library Road to the north-eastern corner of the site and to Carmen Street to the south of the site. The application confirms that the development will be 100% affordable housing.

The application site currently comprises of a relatively level, vacant and open area of hardstanding which includes rubble and vegetation following the demolition of the school.



**Fig. 3 – Site Sections fronting Grosvenor Terrace – Existing and Proposed**

The site is enclosed by stone walls and is surrounded by predominantly residential dwellings with a relatively small nursery building located adjacent to the south-western corner of the site.

It is a triangular parcel of land bounded by Grosvenor Terrace to the west, a landscaped embankment that supports Library Road (serving the new school at Caerau Primary School) to the east and residential houses to the south along Carmen Street and Gelli Street. For the most part the terraced dwellings to the west facing the site are constructed of red facing brick with white/yellow detailing.

The scale and form of the development seeks to respect its context with two storey dwellings/blocks of flats proposed and sited to limit any impact on existing properties. The proposed palette of materials of natural stone finish in Ashlar pattern to the front and facing brickwork to the side and rear elevations with feature brick and stone detailing and grey fibre cement slates, complements the existing built form in this part of the settlement.



**Fig. 4 – Proposed Streetscene fronting onto Grosvenor Terrace**

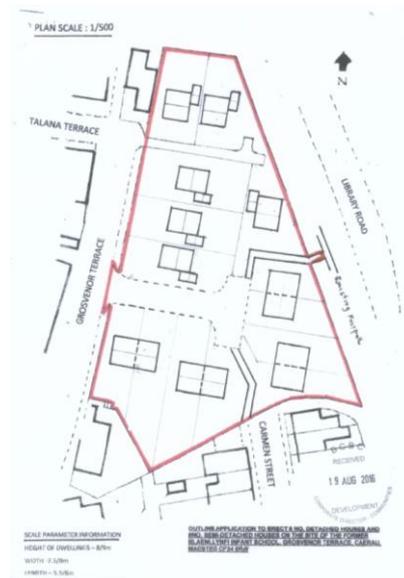
A series of plans, documents and reports accompanied the application including a supporting covering letter, an air quality report, an artist's impression, indicative site sections, a biodiversity enhancement plan, site levels plan, a topographical survey, a preliminary ecological assessment, a Planning Statement, a Landscape Biodiversity and Amenity Strategy, a drainage scheme, a Design and Access Statement and a Geotechnical and Geoenvironmental Report.

The application was also supplemented with additional geotechnical information, a biodiversity enhancement plan, a transport statement, a landscape strategy and a revised drainage layout plan during the application process.

In accordance with Part 1A of the Town and Country Planning (Development Management Procedures) (Wales) (Amendment) Order 2016, the proposal has been the subject of a pre-application consultation with specialist consultees and the community including the Town Council, Local Ward Members and residents. The Pre-Application Consultation (PAC) Report which includes a summary of all representations received has also been submitted with the application as required by the validation requirements.

## RELEVANT HISTORY

P/16/88/OUT – Outline consent approved (with conditions) February 2017  
Erect 6 three bed detached dwellings and 8 semi-detached dwellings



**Fig. 5 – Outline Indicative Layout Plan approved under P/16/88/OUT**

P/13/631/DPN – Approved September 2013  
Demolition of 3 school blocks

P/11/711/FUL - Approved (with conditions) November 2011  
Retrospective change of use of school to include retail and offices for the Development Trust

P/09/983/FUL - Withdrawn January 2011  
Change of use of school to include retail and offices for the Development Trust

## NEGOTIATION

The applicant was requested to revise the scheme to reduce the overall number of units from 23 at the pre-application stage and from 22 at the initial application submission stage to better reflect the context of the area, to retain the stone wall at the front of the site and to improve highway safety.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to the initial consultations/publicity and the follow up reconsultation process on the amended plans has expired.

## **PLANNING POLICIES**

### **Local Policies**

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

- Strategic Policy SP1 - Regeneration-Led Development
- Strategic Policy SP2 - Design and Sustainable Place Making
- Strategic Policy SP3 - Strategic Transport Planning Principles
- Policy SP14 - Infrastructure
- Policy PLA1 - Settlement Hierarchy and Urban Management
- Policy PLA11 - Parking Standards
- Policy COM3 - Residential Re-use of a Building or Land
- Policy COM4 - Residential Density
- Policy COM5 - Affordable Housing
- Policy COM11 - Provision of Outdoor Recreation Facilities
- Policy ENV5 - Green Infrastructure
- Policy ENV6 - Nature Conservation
- Policy ENV15 - Waste Management in New Development
- Policy ENV17 - Renewable Energy and Low/Zero Carbon Technology

### **Supplementary Planning Guidance**

SPG02 - Householder Development

SPG08 - Residential Development

SPG13 - Affordable Housing

SPG16 - Education Facilities' and Residential Development

SPG17 - Parking Standards

SPG19 - Biodiversity and Development

### **National Planning Policy and Guidance**

National Planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 11, February 2021) (PPW) are of relevance to the determination of this application.

Paragraph 1.30 of PPW confirms that... 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).

### **Technical Advice Notes:**

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

TAN5: Nature Conservation (2009)

TAN11: Noise (1997)

TAN12: Design (2016)

TAN18: 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.

### **The Socio Economic Duty**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

### **CONSULTATION RESPONSES**

**Councillor Paul Davies** has requested that the application be referred to the Development Control Committee and he wishes to speak at the meeting after receiving concerns from local residents.

In terms of the material Planning grounds for the call-in request, Cllr Davies has advised that he has concerns over access to the site as the approaching streets are very restricted currently and he also wants to explore the option of amending the application to include an access road from the Library Road side of the site.

**Maesteg Town Council:** Support however the Council would like to ensure that adequate parking is allocated for each dwelling at least 1 space per house as a standard given that the area is not overly large for parking along the surrounding streets. Also there is a Flying Start nursery nearby so Members would like to ensure the safety with dust and traffic for very small children.

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

**Head of Streetscene (Waste and Recycling):** Consideration needs to be given to Waste collections at this site. The plans show flats at this development so storage for waste needs to be considered. No storage area is visible on plans. Consideration also needs to be considered for how collection crews can access these areas.

**Designing Out Crime Officer** – Is pleased with the site layout and has no objections subject to the adoption of his advice.

**Biodiversity Policy and Management Officer:** I have reviewed the information submitted with the application, including the Preliminary Ecological Appraisal Report, the Landscape Biodiversity and Amenity Strategy and the Biodiversity Enhancement Plan. I welcome the inclusion of these documents in the submission but further detail is required on the landscaping and planting proposed as part of the development. The landscaping scheme should give detail to species, sizes, numbers to be planted, planting methodology, and a maintenance schedule. This should be submitted to the Local Planning Authority for approval prior to any works commencing.

If the application were to be granted, I recommend that Section 4 Recommendations and Mitigation of the Preliminary Ecological Appraisal prepared by Ecological Services Ltd (Oct 2021) be included in the conditions of approval. The Biodiversity Enhancement Plan should also be included in the conditions of approval, with specific reference to numbers and locations of enhancements within the site.

**Shared Regulatory Services – Environment Team:** The Geotechnical and Geoenvironmental Report by Terra Firma (Wales) Ltd has been assessed and there are no objections subject to the inclusion of conditions and informative notes on any consent.

**Head of Street Scene (Drainage):** No objection subject to conditions. With regard to the proposed SuDS scheme it is noted that the Coal Authority has advised that the site was a former mine therefore all infiltration methods should be discounted.

**Dwr Cymru Welsh Water:** There is sufficient capacity within the foul system to accommodate the development. No objections subject to conditions.

**The Coal Authority:** After initial concerns were raised regarding the interpretation of the results of the site investigations and the level of assessment of the risk posed by recorded mine workings and the submission of additional information, the CA concurs with the recommendations of Terra Firma that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. On that basis there are no objections to the scheme subject to conditions.

## **REPRESENTATIONS RECEIVED**

The occupiers of 7, 8 and 9 Grosvenor Terrace and 6 and 7 Talana Terrace have objected to the application on the following grounds:

1. There is currently a high level of on street parking demand in the area which would be exacerbated by the development and the scheme would take away parking availability along Grosvenor Terrace.
2. Emergency services vehicles cannot get around these streets.
3. There is no reason that access could not be obtained from Library Road.
4. Increase in traffic in addition to the Flying Start nursery where parents drop off and pick up the children and staff park their cars in the street.
5. The position of the junction into the housing estate will be directly opposite houses and lights from cars coming from the estate.

6. What type of people is this going to attract in what is always described as a deprived area? Increase in anti-social behaviour/police involvement.
7. The proposal is causing anxiety and sleepless nights.
8. Loss of security and privacy for existing residents on Grosvenor Terrace and Talana Terrace.
9. The units should not face onto Grosvenor Terrace.
10. The paths to Library Road and the south will be subject to abuse by surrounding residents and provide yet more "short cuts" that will increase noise and disturbance.
11. Plans do not show any perimeter boundary fence or wall.
12. The bike shelters will only encourage theft.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The representation received from Cllr Davies is understandable as the former school site has been vacant for a number of years however, the number of vehicles accessing the egressing the site as a residential development positively compares to the previous use of the site as an operational school and therefore there is no detriment to highway safety and the free flow of traffic.

The submitted transport statement has identified that the location meets the transport hierarchy of TAN18 in that it is well served by sustainable modes of transport. This allows future residents to use the walking and cycling network for short local journeys rather than relying on the private motor vehicle, as per the aims of the Active Travel (Wales) Act 2013.

An on-street parking study with photographic evidence concluded that during the AM and PM parking periods (when parking would be in most demand) there was sufficient on-street parking in the surrounding area to accommodate any parking that would be displaced by the loss of parking on Grosvenor Terrace.

In addition, the development itself will provide adequate off-street parking within the development to ensure that no vehicles from this proposed development migrate to parking on Talana Street or Grosvenor Terrace. It should also be noted that this development in effect returns the on-street parking situation back to a time when the school was located there and there were zig zag yellow line parking restrictions in place.

As a result of the above, the Highway Authority is satisfied that appropriate levels of parking are being provided within the development and that the loss of on-street parking can be accommodated elsewhere in close proximity to Grosvenor Terrace.

Finally, the section of Library Road was constructed solely to provide access to the new primary school and a purpose built drop off and pick up area as well as a traffic free cycle route for children to walk and cycle to school.

This section of Library Road was not designed to serve residential properties and any vehicular access into the proposed development site would have to sever and cross the traffic free walking and cycling route to the new primary school.

This is contrary to local and national policy in that it would prioritise the private motor vehicle over sustainable modes of transport and interrupt a safe route to school. As a result, such an access arrangement would not have been supported by the Highway Authority. In any event, that option is not before the Local Planning Authority or the Highway Authority for consideration and the levels differences would result in a highly engineered solution to the access.

As well as the above response to parking, traffic and access issues, the following comments are offered in response to the neighbour representations received:

- The Highway Authority considers that the development would not impinge access by emergency services and vehicles.
- Any disturbance caused by headlights of cars entering and leaving the site is generally fleeting/transient.
- The one bed flats will be occupied by a person or persons who are in need of affordable housing in this area of the County Borough Council and any anti-social behaviour will be resolved by the Police as it is not a land use Planning matter.
- Whilst neighbouring occupiers have become accustomed to living adjacent to a vacant site, it has always been earmarked for residential development and any disruption caused during the construction period will be limited through the implementation of a Construction Method Statement and the limited period.
- The development will not result in any loss of security or privacy to existing residents. In fact, the development of the site is likely to remove anti-social behaviour from this vacant site and increase natural surveillance of the area.
- Only four of the twenty units will face onto Grosvenor Terrace. They are set back from the back of highway and they will be separated from the properties along Grosvenor Terrace by the highway in the same way that terraced properties face each other.
- The paths/links through to the school and Carmen Street and beyond are necessary to encourage sustainable forms of movement and will benefit existing residents.
- The site will include boundary treatments although it will not be a “gated community.”
- The bike shelters will be secure and covered and will encourage the use of sustainable modes of transport.

## **APPRAISAL**

The application is referred to the Development Control Committee following a call-in request by the Local Ward Member and in light of the number of objections received from neighbouring residential occupiers.

The main issues to consider in the determination of this application are whether the re-development of this previously developed/brownfield site for housing accords with national and local Planning policy on a matter of principle of the development and whether local infrastructure and facilities (road network, drainage etc.) can accommodate the quantum of development proposed having regard also to living conditions and the well-being of existing and future residents and any biodiversity interests on the site as well as air quality in the surrounding area.

### Principle of Development

The adopted Bridgend Local Development Plan (2013) (LDP) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development.

The application site is located within the settlement boundary of Caerau, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). Policy COM3 of the LDP promotes the re-use of vacant or under-utilised land within settlement boundaries for residential development where no other Policy protects the land for an alternative use.

With the relocation of the school, the site is now vacant and classed as a “windfall site” under Policy COM3. The site is not allocated or protected for a specific or alternative use and therefore, the residential re-development of the site would be acceptable in principle subject to other LDP policies and detailed design criteria.

In conclusion, the principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Policy SP2 of the LDP and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and, in respect of this application, it is considered that criteria 1), 2), 3), 4), 6), 7), 8), 9), 10), 11), 12), 13), 14) and 15) are relevant.

#### Impact of the Development on Local Infrastructure

**Highways:** The impact of the development on the highway network has been assessed by the Transportation and Engineering Section, as has the submitted layout, to establish whether it accords with both national and local guidance.

Criterion 6 of Policy SP2 of the LDP requires all development to have good walking, cycling and public transport and road connections within and outside the site to ensure efficient access.

The application is supported by a suite of documents including a Transport Statement which seeks to primarily improve links to sustainable modes of transport and quantify and address any impacts on the local highway network.

The Transport Statement has identified that the location meets the transport hierarchy of TAN18 in that it is well served by sustainable modes of transport. This allows future residents to use the walking and cycling network for short local journeys rather than relying on the private motor vehicle as per the aims of the Active Travel (Wales) Act 2013.

The site is located within a sustainable location. The nearest bus stop is located some 60m north-west of the site along the A4063 which provides regular bus routes to Bridgend. The site is also within easy walking distance to Caerau Primary School (the replacement school situated approximately 100m to the east of the site) as well as a range of local facilities including a chemist, surgery, supermarket and play facilities situated along Hermon Road to the west and a post office and shops to the north along Caerau Road.

In addition to the above this development will provide improved links to the shared use pedestrian cycle route to the east as well as infrastructure such as cycle parking and signage within the site itself.

There is some concern that the linkages from the private drive through to Library Road will not be able to be used by the surrounding local residents other than those living on the private drive. Whilst the developer could consider offering the footway for adoption it is likely to be more expedient to enter into a S106 agreement to allow members of the public to use the active travel link in perpetuity. Failure to allow unrestricted access to the local residents would render this active travel link useless and an alternative will have to be proposed in order to ensure the sustainability credentials of the site are maintained and the condition discharged.

With regards to the vehicle movements that will be generated by this development, it is understood that whilst TAN18, PPW11 and the Active Travel (Wales) Act 2013 seek to reduce private motor vehicle trips, the development will inevitably generate vehicle movements.

The Highway Authority requested that the developer assess the potential number of trips against the previous use of the site as a primary school and the capacity of the local

highway network.

The Transport Assessment evidenced (using the industry standard trip rate software TRICS) that the proposed development will significantly reduce the number of vehicle trips on Grosvenor Terrace and the surrounding area when compared to its former use as a school. It goes further to conclude *that the proposed residential development will therefore have a positive impact on traffic flows on the local highway network, in respect to the previous primary school use on the site.* The evidence and conclusions are accepted by the Highway Authority and in its own assessment, concludes that there will not be material impact on highway safety and the free flow of traffic as a result of this development.

It is noted that a number of local residents have objected to the development's proposed access points from Grosvenor Terrace and indicated that the development would be better served from Library Road.

As referred to above, the section of Library Road was constructed solely to provide access to the new Caerau Primary School. This road provides a purpose-built drop-off and pick-up area as well as a traffic free cycle route for children to walk and cycle to school. This section of Library Road was not designed to serve residential properties and any vehicular access into the proposed development site would have to cross the traffic free walking and cycling route to the new primary school.

This would be contrary to local and national policy in that such an arrangement would prioritise the private motor vehicle over sustainable modes of transport and interrupt a safe route to school. As a result, such an access arrangement would not have been supported by the Highway Authority.

Notwithstanding the unsuitability of Library Road as an access into the site, it is considered that the scheme would then "turn its back" on the established residential area along Grosvenor Terrace and Talana Terrace to the detriment of placemaking principles. In any case, the scheme as submitted only shows access points off Grosvenor Terrace and the Local Planning Authority can only assess what is before it.

A number of objections from local residents refer to the loss of on-street parking. As a consequence of these concerns, the Highway Authority requested that the developer undertake an on-street parking study with photographic evidence. The study concludes that during the AM and PM parking periods (when parking would be in most demand) there was sufficient on-street parking provision in the surrounding area to accommodate any parking that would be displaced by the limited loss of parking on Grosvenor Terrace.

It should also be noted that the development itself will provide adequate off-street parking to serve future occupiers of the development which should ensure that no vehicles from this proposed development migrate onto Talana Terrace or Grosvenor Terrace.



**Fig. 6 – Historical Parking Restrictions along Grosvenor Terrace**

Through negotiation, sections of the stone wall fronting Grosvenor Terrace will be retained and there will be scope for some on-street parking in those locations. The scheme will also revert back to the on-street parking situation when a school occupied the site and when zig zag yellow line parking restrictions were in place (see above).

As a result of the above the Highway Authority is satisfied that appropriate levels of parking are being provided within the development and that the loss of any on-street parking can be accommodated elsewhere in close proximity to Grosvenor Terrace. Therefore, the proposed development satisfactorily addresses Criterion 6 of Policy SP2.

**Drainage:** Criterion 13 of SP2 requires development to incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

Dwr Cymru Welsh Water and the Council's Land Drainage Engineers are satisfied that, subject to condition, suitable arrangements can be provided and that there is sufficient capacity within the foul drainage network to accommodate the development.

With regard to surface water, the scheme will be the subject of a separate SuDS application and whilst infiltration is unlikely to be suitable in this location, an engineered solution would be possible towards the lower southern end of the site.

#### Impact of the Development on the Character and Appearance of the Area

The Design and Access Statement states at paragraph 1.7 that *The proposal, through its design and layout will provide a distinctive sense of place for occupants and visitors whilst acknowledging and complimenting the existing residential context within Caerau.*

Paragraph 6.13 confirms that *the mix of materials allows the proposal to add a contemporary look to the area whilst respectfully considering the local distinctiveness and local context.*

The scale, form and appearance of the development from the external finishes of the houses to the retained stone boundary walls and the incorporation of active and landscaped frontages onto Grosvenor Terrace (instead of a sea of parking) will ensure that the development will contribute positively to the character and appearance of the area.

Overall, the design and scale of development is justified in this location.

#### Impact of the Development on living conditions and well-being existing/future residents

With the principle of the development being acceptable, consideration must turn to the quantum of development.

The LDP acknowledges that it is important that new development uses land efficiently by being of a density which maximises the development potential of land.

A minimum density will therefore be applied to all new residential development.

The application site measures 0.39 hectares and for a new development of 20 dwellings this would equate to a gross density of 51 dwellings per hectare which is above the minimum density quoted in the policy. The higher figure is, in part, skewed by the number of one bed (two person) apartments.

New housing developments should be well integrated with, and connected to, the existing pattern of settlement and, in determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's

character and amenity.

Increases in density help to conserve land resources and good design can overcome adverse effects but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas

Indicators of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/dominance standards between the new dwellings and their relationship with the existing properties. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines.

In this instance, the units fronting onto Grosvenor Terrace (Plots 3, 4, 5 and 6) are set back from the rear of the highway, include soft landscaping and the retention of the stone wall at their fronts and are separated from the terraced properties opposite by a highway which is a common relationship with terraced streets. Only Plot 6 is directly in line with habitable room windows on Grosvenor Terrace and the site is also slightly elevated above the remainder of the street so it is unlikely that the scheme will result in any significant loss of privacy. There are no windows in the side elevation of 6 Talana Terrace which is adjacent to the northern part of the site and the development will not have any impact on the properties along Carmen Street and Gelli Street to the south.

Within the site itself the layout has been designed to ensure that private gardens and outdoor amenity spaces are not overlooked and that there are no direct views between habitable room windows.

Overall, the proposals are in keeping with Policy SP2 of the LDP and advice contained within SPG02 – Householder Development.

### Other Matters

#### **Biodiversity/Ecology**

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 Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The main biodiversity interests on this site would have been found in the original school buildings which have been demolished already however, a Landscape Biodiversity and Amenity Strategy and the Biodiversity Enhancement Plan have been prepared by the applicant and subject to the inclusion of further details as required by the Council's Biodiversity Policy and Management Officer in terms of a landscaping scheme and the implementation of the Biodiversity Enhancement Plan which includes the installation of bird and bat boxes, the scheme is supported.

### **S106 Contributions**

Policy SP14 of the LDP requires applicants to provide Planning Obligations or contributions if they are necessary to offset any negative consequence of the development and/or help to meet local needs and priorities. The most relevant issues to be considered in terms of S106 requirements are:-

### **Affordable Housing**

The application triggers Policy COM5 of the LDP regarding affordable housing and the target for the Llynfi Valley market area is 15%. The applicant has indicated that all 20 dwellings will be provided as affordable which is welcomed. In order to safeguard compliance with the LDP, the affordable housing target of 15% should be secured through a Section 106 Agreement with the units to be transferred to a RSL.

### **Education**

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on the educational facilities within the catchment area. Based on a development of 20 dwellings, there would be a requirement for 2 primary school places to be created which equates to a contribution of £37,198.

### **Public Open Space**

Policy COM11 of the LDP requires the provision of 2.4ha of open space per 1,000 people from all residential developments. BCBC's Open Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location. The following amount of open space is required to ensure compliance with COM11:

- For children's play, the 4 x 2-bed and 2 x 4-bed homes would lead to an estimated population of 14 (based on an average of 2.34 people per house);
- For outdoor sport, the 20 dwellings would lead to an estimated development population of 47;

The total amount of open space required should therefore consist of approximately 752sqm of Outdoor Sport and 112sqm of Children's Play Space. The proposed development incorporates some open space within the site layout of which broadly provides enough amenity value to account for the children's play requirements from the

dwellings.

For Outdoor Sport, the alternative is to provide equivalent value to the above standards in financial contributions. The contribution for Outdoor Sport should be calculated at £569 per dwelling equating to £11,380 for the proposed scheme.

## **CONCLUSION**

Having regard to the above, the level of negotiations undertaken and the objections received, it is considered that on balance the revised scheme is acceptable in Planning terms and should be recommended for approval.

The development complies with Council policy and guidelines, it encourages active travel and is in a sustainable location and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the representations received have been taken into account during the determination of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development.

## **RECOMMENDATION**

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

- (i) Provide a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.
- (ii) Provide a financial contribution of £37,198 towards Education provision.
- (iii) Provide a financial contribution of £11,380 towards Outdoor Sport provision in the vicinity of the application site.
- (iv) Provide that members of the public will be allowed to use the active travel link through to Library Road via the private road in perpetuity.

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

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

Site Location Plan: Ref: 0001 S4 Rev P2  
Site Plan: Ref: 0005 S5 Rev P8  
Site Plan with Topo: 0006 S4 Rev P4

Unit Type A – Floorplans, Elevations and Schedules: Ref: 0020 S4 Rev P4  
Unit Type B – Floorplans, Elevations and Schedules: Ref: 0025 S4 Rev P4  
Unit Type C – Floorplans, Elevations and Schedules: Ref: 0030 S4 Rev P4  
Proposed Site Roof Plan: Ref: 0007 S4 Rev P4

Biodiversity Plan: Ref: 0008 S4 Rev. P3

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

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

Section 4 Recommendations and Mitigation of the Preliminary Ecological Appraisal prepared by Ecological Services Ltd (Oct 2021)

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

3. Notwithstanding the plans as hereby approved, prior to their implementation on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

4. Notwithstanding the plans as hereby approved, prior to their implementation on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and the enclosures shall be retained in perpetuity.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road other than the means of enclosures agreed in the discharge of condition 4 of this consent.

Reason: To ensure that the visual amenities of the area are protected

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

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

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

- i. the routing of HGV construction traffic to/from the site in order to avoid Library Road and School drop off and pick up times
- ii. the parking of vehicles of site operatives and visitors within the site and not on Library Road.
- iii. loading and unloading of plant and materials within the site
- iv. storage of plant and materials used in constructing the development
- v. drive on/drive off automatic wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

- vii. the provision of temporary traffic and pedestrian management along the Grosvenor Terrace.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

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

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

9. No development shall commence until a scheme for permanently stopping up the existing vehicular access on Carmen Street has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

10. No development shall commence until a scheme detailing a pedestrian priority dropped kerb arrangement for the private drive access serving Plots 1, 2 and 3 and the private drive serving parking spaces 10-16 as well as tactile paving crossing points on the main vehicular access has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

11. No development shall commence until a scheme for a recycling and waste collection point at the western end of the private drive has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

12. No development shall commence until a scheme detailing the construction, gradient, materials, signing, bollards, tactile paving and provision of the active travel route linkages on the eastern side of the private drive and the route onto Carmen Street has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

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

13. Notwithstanding the plans as hereby approved, no development shall commence until a scheme for the provision of a shed in the garden of each dwelling for cycle parking and cycle parking stands (1 for each flat) has been submitted to and approved in writing by the Local Planning Authority. The stands and sheds shall be implemented before the development is brought into beneficial use and retained as such in

perpetuity.

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

14. The proposed rear parking for Plot 6 shall be laid out with 1m x 1m vision splays which will require the splaying of the rear garden boundary before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway and pedestrian safety.

15. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the junctions with Grosvenor Terrace at any time.

Reason: In the interests of highway safety.

16. The yellow zig zag lines along the site frontage shall be removed with hydro blasting before the development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

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

To satisfy the above condition, the applicant must:

- Provide an updated surface water drainage layout based on the comments noted above;
- Provide agreement in principle from DCWW with regards to the foul and surface water disposal to public sewers;
- Provide hydraulic calculations to confirm development will not flood during 1 in 100yr +30% CC event;
- Submit a Sustainable Drainage Application to the Bridgend SAB – [SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk).

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

19. No development shall commence until an updated landscape strategy plan has been submitted to and agreed in writing by the Local Planning Authority. The landscaping strategy shall include details of the species, their sizes, their numbers and a planting methodology. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the completion of the development. All planted materials shall be maintained for five years and any trees or plants

removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To protect and enhance the character of the site and the area and to ensure a satisfactory form of development.

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) 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 in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

22. The remediation scheme approved by condition 21 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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) 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 in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

23. 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 in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

24. 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 in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

25. 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 in accordance

with Policy ENV7 of the Bridgend County Borough Council Local Development Plan.

26. 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 in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan.

27. Prior to the commencement of any development works an assessment of the risk from mine gas\* shall be submitted to the Local Planning Authority for its approval. This assessment must be carried out by or under the direction of a suitably qualified competent person\*\*. The report of the findings shall include:
- (i) an intrusive investigation and monitoring programme\*\*\* to assess the site for the presence of mine gases which may be present.
  - (ii) an assessment of the potential risks from mine gas to human health and property including a review of all available coal mining, geological information and investigation data relevant to the application site and the proposed development; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway and receptor linkages.
  - (iii) an appraisal of gas protection options and justification for the preferred option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.

\* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

\*\* A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

\*\* Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries require a Coal Authority Permit.

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

28. Prior to the commencement of any development, a mine gas\* protection scheme and verification plan must be carried out by or under the direction of a suitably qualified competent person\*\* and submitted to the Local Planning Authority for its approval. The submissions shall include the proposed details of the scheme to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, together with a verification plan to demonstrate the effectiveness of the scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.

\* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

\*\* A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

29. Prior to the occupation of any of the development works a verification report undertaken by or under the direction of a suitably qualified competent person\*\*, demonstrating the completion and effectiveness of the protection scheme approved by condition 28, must be submitted to and approved in writing by the Local Planning Authority.

\* A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

30. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- a. The proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area, and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the representations received have been taken into account during the determination of the application however it is considered that on balance they do not outweigh the other material considerations in favour of the development.

- b. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
  - ii) indemnify the County Borough Council against any and all claims arising from such works;
  - iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- c. The proposed 'Private Drive' will not be adopted by the Highway Authority however arrangements regarding access by cyclists and pedestrians to link to the wider active travel route may have to be agreed via a S106 Planning Agreement to allow the public to use the access to the wider cycle network.
- d. Dwr Cymru Welsh Water (DCWW) have confirmed that the applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104

Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) . The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

- e. The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.
- f. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
  - (i) determining the extent and effects of such constraints;
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
    - Unprocessed/unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
  - (iii) the safe development and secure occupancy of the site rests with the developer.
- g. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it but this does not mean that the land can be considered free from contamination.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None