

REFERENCE: P/22/588/RLX

APPLICANT: Taylor Wimpey UK Ltd Ground Floor, The Eastern Business Park,
Wern Fawr Lane, Cardiff CF3 5EA

LOCATION: St Johns School, Church Street, Newton, Porthcawl CF36 5SJ

PROPOSAL: Variation of condition 1 of P/21/211/RLX – tree removal/tree retention
plans & landscaping scheme

RECEIVED: 24 August 2022

BACKGROUND

This application was considered by the Development Control Committee at the meeting held on 23 March 2023 but was deferred to allow officers to seek further clarification from the developer regarding the depth of the soil and its suitability for tree planting and the scope for additional landscaping. Members also wanted the developer to discuss community contributions (including new tree planting) with Porthcawl Town Council outside the planning process.

The Environmental Dimension Partnership (EDP) on behalf of Taylor Wimpey have submitted a response that considers the issue of additional tree planting on site and a review of the implementation of the landscaping works undertaken thus far.

Regarding the quality of the implemented landscape works, EDP acknowledge that they have not been present during the implementation nor have they completed any post implementation inspections. Dunn Landscapes who undertook the landscaping works have confirmed that the specification for tree and hedge planting, as detailed on the approved landscaping drawings has been followed. EDP in their statement draw attention to condition 12 of the consent which requires the replacement of any tree that is removed, uprooted or destroyed or dies or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted within a three-year period from the date of planting. EDP do not consider there to be any material concerns in respect of the quality of implementation of the landscape proposals as designed.

The EDP response references the original application (P/20/263/FUL refers) which was supported by an Arboricultural Impact Assessment (AIA) prepared by Treescene Arboricultural Consultants. This considered the losses required to facilitate the development of the site and for proper management of unsafe/unhealthy trees. The AIA also set out the mitigation requirements in light of this with regard to both tree protection measures and replanting. A significant number of trees were to be removed for arboricultural reasons and others to facilitate the development. Extensive new planting with a total of 83 new trees and 728 shrubs were proposed to mitigate for the loss and formed the approved landscaping scheme for the development.

EDP note that the current application seeks to regularise a number of the changes which have occurred in the context of the arboricultural assets on site since the original application/consent. Based on a thorough review of the changes to the arboricultural survey information and the actions undertaken on site, it is the view of EDP that the majority of actions are either in line with the previously consented arboricultural work or have been undertaken for reasons of sound arboricultural good practice largely due to the effects of Ash Die Back disease which has spread across the site and indeed across much of South Wales in the time since the original survey work. Members should note that the tree survey that accompanied this application has been amended and proposes further works along the eastern boundary of the site. This will be discussed in the table of works set out below but covers further Ash Die Back and Elm Disease on site.

EDP acknowledge on behalf of Taylor Wimpey that certain actions such as the removal of trees in G5 have been due to unconsented disturbance of the root protection areas. Overall, an additional 8 trees have been removed beyond those consented under the previous applications.

EDP maintain that all previously consented removals were considered to have been adequately mitigated through the consented landscape scheme. While unconsented removals to facilitate development and removals due to harm on site are balanced by additional retained specimens on site, there remains a higher degree of tree removal than the original consented scheme due to the progress of disease across the tree stock in the intervening years leading to a loss of a further 8 specimens across the site.

In response to the Ash Die Back and the concerns of the Council, an updated landscaping scheme has been prepared to show additional tree planting comprising a total of 8 additional new trees located within public realm/incidental landscape areas around the site. These additional plantings are considered adequate mitigation especially given that these losses were incurred due to sound arboricultural reasoning.

In terms of the scope for “community contributions”, it is the developers view that the revised landscaping proposal that provides an additional eight trees on site in addition to the extensive tree planting already undertaken on site, fully mitigates the effect of the development.

Members are reminded that in line with policy the original Section 106 Agreement has already secured 8 affordable housing units on site and an off-site contribution for 9 affordable housing units, a financial contribution of £75,450 to improve a local children’s play area, a financial contribution of £8,000 to fund a Road Traffic Order to designate the development site as a 20mph zone and a Public Art Strategy.

The Committee Report has been updated to include the late representations received that were included on the amendment sheet for the last Committee meeting.

APPLICATION/SITE DESCRIPTION

Taylor Wimpey UK Ltd has submitted this application to vary the plans and documents that were approved as part of condition 1 of P/21/211/RLX. The condition listed the approved layout plans, house types, various technical reports but critically reports and drawings concerning the retention and removal of existing trees and new planting proposals.

Taylor Wimpey is in the process of constructing fifty-seven residential units on the site of the former St John’s School which is located within the historical village of Newton. The trees on site are protected by Order and by their location within the Newton Conservation Area.

The application has been submitted as a result of an enforcement investigation regarding the removal of a number of trees on the site and seeks to agree an updated package of drawings to reflect the current position with regard to tree retention, tree works and tree loss. A revised landscaping scheme has also been submitted proposing new areas of tree planting where trees have been removed.

The following table identifies the individual trees and groups of trees with reference to the agreed programme of tree works and those proposed on the tree report that has accompanied this application. The tree numbers and text in bold identifies the trees that are to be removed under this submission:

Tree Number	Species	Comments from Original Tree Report (20/2/2019)	Comments from Updated Tree Report (23/8/2022 & 3/4/2023)	Changes/Outcomes
T1	Sycamore (Acer pseudo platanus)	Recommendation: Prune to remove major deadwood. Monitor for safety	Recommendation: Prune to remove unstable deadwood of diameter greater than 50mm. Monitor for health in relation to any potential ground disturbance on root protection area	Tree retained – deadwood to be removed
T2	Sycamore (Acer pseudo platanus)	Tree of reasonable form located at northern end of small linear copse Recommendation: Crown raise to 3m	Boundary tree of reasonable form Recommendation: Crown raise to 3m	No change – tree retained.
G5	Group of Sycamore (Acer pseudo - platanus) and Ash (Fraxinus excelsior)	Scrubby specimens forming small linear copse located on raised ground. Most specimens heavily colonised by ivy thus preventing full inspection. Recommendation: Monitor for highway safety	Scrubby specimens on raised ground. Spindly specimen of Ash is infected with Ash dieback disease. Specimen of Poplar on south-eastern edge of group has suffered significant mechanical damage and varying of ground levels in root protection area which is likely to lead to death. Sycamore on southern end of group has suffered significant mechanical damage and raising of ground levels within root protection area which is likely to lead to death. Recommendation: Remove infected Ash tree. Remove Poplar tree. Remove southernmost specimen of Sycamore.	Ash tree with ash die back to be removed Poplar tree to be removed Sycamore tree to be removed
G10	Group of Sycamore (Acer Pseudo-platanus) and Ash (Fraxinus Excelsior)	Trees of generally variable form located on raised bund. Most specimens colonised by ivy thus preventing full inspection. Some evidence of squirrel damage to selected specimens. Many trees suppressed by more dominant Poplars Recommendation: Monitor for safety	Trees of generally variable form located on raised bund. Most specimens colonised by ivy thus preventing full inspection. Some evidence of squirrel damage to selected specimens. Specimens of Ash are infected with Ash dieback Recommendation: Remove infected Ash	Ash tree with ash die back to be removed

			tree. Monitor remaining trees for safety	
T11	Sycamore (Acer Pseudo-platanus)	Multi stemmed specimen of variable form. Main stems heavily colonised by ivy thus preventing full inspection. Recommendation: Monitor for safety	Multi stemmed specimen of variable form. Main stems heavily colonised by ivy thus preventing full inspection. Recommendation: Crown raise to 4m. Prune to remove deadwood. Monitor for safety.	Tree retained. Crown reductions works proposed.
T14	Sycamore (Acer Pseudo-platanus)	Tree of variable form and low vigour. Extensive squirrel damage throughout crown indicating that many branches are at risk of failure. Evidence of thinning and die-back within crown Recommendation: Remove excessively squirrel damaged branches. Monitor for health.	Tree of variable form and low vigour. Extensive squirrel damage throughout crown indicating that many branches are at risk of failure. Evidence of thinning and die-back within crown Recommendation: Prune to removed deadwood diameter greater than 50mm. Monitor for health.	Tree retained deadwood removal proposed.
G17	Group of Sycamore (Acer pseudo - platanus) Ash added to the group in 2022 report.	Trees of generally reasonable form creating linear copse sited on raised mound Recommendation: Monitor for safety	Trees of generally reasonable form creating linear copse sited on raised mound. Triple stemmed specimen at western end of group exhibits significant basal decay that may lead to structural failure in the near future. Some deadwood within crowns. Specimen of Ash at eastern end of group is infected with Ash dieback disease. Recommendation: Remove triple stemmed specimen at western end of group. Remove infected Ash tree at eastern end of group. Prune to remove unstable deadwood diameter greater than 50mm and any hung up branches. Monitor for safety.	Sycamore tree to be removed Ash tree with ash die back to be removed Other trees in group - deadwood removal proposed
G19	Group of Beech (Fagus Sylvatica)	Line of trees of generally reasonable form. Some minor structural defects and deadwood within	Line of trees of generally reasonable form. Some minor structural defects and deadwood within	Group of Trees retained – deadwood to be removed.

		<p>crown.</p> <p>Recommendation: Prune to remove major deadwood. Monitor for safety.</p>	<p>crown. Evidence of some ground disturbance within root protection areas.</p> <p>Recommendation: Prune to remove unstable deadwood greater than 50mm diameter. Monitor for safety.</p>	
T24	Sycamore (Acer Pseudo-platanus)	<p>Boundary tree of variable form with lower fork at 1m, which may become a point of weakness over time</p> <p>Recommendation: Monitor for safety.</p>	<p>Boundary tree of variable form with lower fork at 1m, which may become a point of weakness over time. Evidence of some root loss on western side of root protection area.</p> <p>Recommendation: Monitor for health and safety.</p>	Tree retained but will be monitored.
Group G53 has been re-numbered and re-assessed				
T531	Hazel	<p>Scrubby specimens forming gappy hedgerow</p> <p>Recommendation: No action required at this time</p>	<p>Individual specimen that is remnant of former hedgerow Scrubby multi-stemmed specimen of reasonable form.</p> <p>Recommendation: No action required</p>	No action required
T532	Sweet Bay	<p>Scrubby specimens forming gappy hedgerow</p> <p>Recommendation: No action required at this time</p>	<p>Scrubby multi-stemmed specimen of variable form and vigour. Spindly stem extending to the north-east is at risk of failure and leaning against boundary fence</p> <p>Recommendation: remove spindly north-eastern most stem</p>	Spindly stem of tree to be removed
T58	Ash (Fraxinus excelsior)	<p>Boundary tree of reasonable form. Full visual inspection impeded by presence of adjacent Conifers. No obvious indications of serious structural defects.</p> <p>Recommendation: Monitor for safety.</p>	<p>Boundary tree of reasonable form, exhibiting severe symptoms of Ash dieback disease.</p> <p>Recommendation: Remove</p>	Ash tree with ash die back to be removed
Group G60 has been re-numbered and re-assessed				
T601	Cotoneaster		<p>Ornamental shrub of variable form leaning excessively to the northwest. Evidence of</p>	Cotoneaster to be removed.

			<p>significant basal decay and decay within some stems that is likely to lead to structural failure in the foreseeable future</p> <p>Recommendation: Remove.</p>	
T602	Hawthorn		<p>Tree of variable form leaning to the southeast. Evidence of some dieback in lower crown. Evidence of some root disturbance on western side of rooting area which could lead to structural failure in the future.</p>	Monitor
T603	Ash		<p>Boundary tree severely infected with Ash Dieback Disease</p>	Ash tree to be removed.
G604	Group of 4: Elm and Horse Chestnut		<p>Naturally regenerated specimens of poor form that are unsuitable for retention in this location.</p>	Group of trees to be removed.
T605	Elm		<p>Naturally regenerated specimen in direct conflict with boundary fence which has led to mechanical damage on main stem. This specimen is unsafe for retention.</p>	Tree to be removed.
T606	Elm		<p>Naturally regenerated specimen of poor form in direct conflict with boundary fence. This specimen exhibits early-stage symptoms of Dutch Elm Disease</p>	Tree to be removed.
T607	Ash		<p>Boundary tree exhibiting early-stage symptoms of Ash Dieback Disease.</p>	Tree to be removed.
T608	Hawthorn		<p>Multi-stemmed specimen exhibiting severe dieback throughout crown. This specimen is in a moribund condition and unsafe for retention.</p>	Tree to be removed.
T609	Hawthorn		<p>Scrubby specimen of reasonable form. Main</p>	Monitor

			stem and lower crown colonised by ivy thus preventing full inspection. Evidence of some root disturbance on western side of base	
T6010	Ash		Boundary tree of poor form leaning to the east. This specimen exhibits early-stage symptoms of Ash Dieback Disease.	Tree to be removed.
G6011	Group of Ash		Naturally regenerated specimens exhibiting early-stage symptoms of Ash Dieback Disease.	Trees to be removed.
T6012	Elm		Naturally regenerated specimen of reasonable form that is vulnerable to developing Dutch Elm Disease	Monitor
G6013	Group of Ash and Elm		Ash are infected with Ash Dieback Disease. Elm exhibit significant physical damage to main stems that make them vulnerable to structural failure.	Trees to be removed.
T64	Weeping Birch (Betula pendula 'Youngii'))	Ornamental specimen of reasonable form Recommendation: No action required at this time	Ornamental specimen of reasonable form. Evidence of ground disturbance within root protection area. Tree protection barriers are missing Recommendation: Carefully restore original ground levels within root protection area and install specified tree protection barriers	Tree Retained. Protection barriers installed.
T65	Birch (Betula pendula)	Tree of reasonable form Recommendation: Crown raise to 3m	Tree of reasonable form. Evidence of ground disturbance within root protection areas. Tree Protection barriers are missing. Recommendation: Crown raise to 3m and install protection barriers.	Tree retained. Protection barriers installed.
T66	Crab Apple (Malus spp)	Young tree of variable form suppressed by adjacent Conifer	Young tree of variable form suppressed by adjacent Conifer. Tree	Tree Retained. Protection barriers installed

		Recommendation: No action required at this time	Protection barriers are missing. Recommendation: install specified tree protection barriers	
T67	Blue Atlas Cedar (Cedrus atlantica Glauca)	Tree of good form and upright habit with no obvious indications of serious structural defects Recommendation: No action required at this time	Tree of good form and upright habit. Evidence of significant ground disturbance particularly on northern and western side of root protection area which has led to commencement of thinning and die-back of foliage throughout crown. Tree protection barriers missing. Recommendation: Prune to remove deadwood and install specified tree protection barriers	Tree retained but compromised. Protection barriers installed.
T79	Sweet Bay (Laurus nobilis)	Multi stemmed specimen of scrubby habit Recommendation: No action required at this time	Multi stemmed specimen of scrubby habit. Some evidence of thinning and dieback of foliage on northern side of crown Recommendation: Monitor for Safety	Tree retained.
G85	Group of Sycamore (Acer Pseudo-platanus) and Ash (Fraxinus excelsior)	Scrubby off-site specimens with crowns more heavily developed on western side Recommendation: Monitor for safety in relation to adjacent public highway	Scrubby off-site specimens with crowns more heavily developed on western side. Ash are infected with Ash die back disease Recommendation: Removed infected ash trees. Monitor for safety in relation to adjacent public highway	Ash tree with ash die back to be removed
G86	Group of Sycamore (Acer pseudo - platanus) and Ash (Fraxinus excelsior)	Trees forming narrow linear woodland. Specimens of generally reasonable form sited outside the southern boundary of the site. Recommendation: Monitor for safety	Trees forming narrow linear woodland. Specimens of generally reasonable form sited outside the southern boundary of the site. Ash are infected with Ash dieback disease. Recommendation: Remove infected Ash trees. Monitor remaining trees for safety	Ash tree with ash die back to be removed

G87	Group of: Ash	Small copse containing trees of generally reasonable upright habit. Most stems heavily colonised by ivy thus preventing full inspection. Recommendation: No action required at this time	Small copse containing trees of generally reasonable upright habit. These specimens are infected with Ash Dieback Disease.	Trees to be removed
G88	Group of: Ash	Trees sited at top of vertical stone cliff. These specimens may become unstable over time. Recommendation: Monitor for stability.	Trees sited at top of vertical stone cliff. These specimens are infected with Ash Dieback Disease.	Trees to be removed

In summary, trees T1, T11, T14 and within G17 & G19 will be retained and the deadwood removal will be reduced to branches which have a diameter greater than 50mm

Ash Die Back and Elm Disease has been recorded on site on the latest survey and trees will be removed within G5, G10, G17, T603, G604, T605, T606, T607, T608 G6010, G6011, G6013, G85, G86, G87 and G88 and a single specimen at T58.

Evidence of ground disturbance within root protection zones and a failure to erect tree protection barriers were noted in the following: G19. T24, T64, T65, T66, and T67. All trees will be retained and the barriers were subsequently installed during construction. The failure to install the fencing has caused some die-back in the crown of T67 and deadwood removal is proposed.

In G5 the tree report notes that the group has been affected by significant mechanical damage and changes to ground levels in root protection during construction works which has affected the well-being of a Sycamore and a Poplar. The report recommends that the trees be felled. Those works have been undertaken.

In response to these actions and the Ash Die Back which will result in the removal of additional trees, revised landscape proposals have been submitted that propose new tree planting in and around the affected areas. A mix of native trees (Alder, Birch and Sycamore) have been planted. The scheme has been updated following the request from Members of the Development Control Committee.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/20/263/FUL	Demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments together with an off-site contribution, landscaping, public open space, SUDS and associated works	Conditional Consent	26/02/2021
P/21/266/CAC	Conservation Area Consent for the demolition of the existing school	Conditional Consent	11/12/2021

buildings within Newton Conservation Area

P/21/211/RLX	Vary condition 1 (approved plans/documents) of P/20/263/FUL to update the drawings to correct the tree removal/tree retention plans and to update the landscaping scheme	Conditional Consent	06/07/2021
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CONSULTATION RESPONSES

CONSULTEE

Town Council

COMMENTS

No comments received

Cllr J Pratt - Local Member

I am minded to request that this application be referred to Committee as trees and their subsequent removal and replacement has been a sensitive subject in my ward.

REPRESENTATIONS RECEIVED

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.

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

20, 22 and 33 Birch Walk
7 Bridgend Road & 1 Bryneglwys Avenue

The following is a summary of the representations received:

- Wilful destruction of many trees on the St John's site – developers should be made to reinstate, wherever possible, plantation of native species
- Tree T81 should be replaced with a similar mature tree
- Loss of trees will have an impact on wildlife
- Company should be prosecuted for their actions
- Council should be on site to monitor tree felling
- Developer has failed to deliver landscaping – depths of planting around new trees is not sufficient
- Flooding problems on site
- The lack of specific detail is of concern.

The occupier of 19 Laburnum Drive supports the application.

Late representations were received from the occupiers of 22 & 37 Birch Walk and were reproduced in full on the amendment sheet. A summary of the objections raised are reproduced below:

Ground conditions and levels were altered which will affect the new planting – depth of soil to shallow – evidence of die-back on site – landscaping compromised

Advert near showhouse indicates the sale of 3, 4 and 5-bedroom dwellings – no 5 bed dwellings have been consented on site – are the developers following the planning permission.

COMMENTS ON REPRESENTATIONS RECEIVED

Issues concerning the felling of trees will be addressed in the appraisal section of this

report but the following comments are offered in response to the other matters raised by residents:

Tree T81 should be replaced with a similar mature tree: T81 is not referenced in the latest report but file records indicate that it was removed in the Spring of 2022 on the basis that it was dying and dangerous (ash die-back). Including a new tree in the small rear garden of the adjacent property could be secured through the latest landscaping plan but when mature that is likely to cause problems because of its proximity to the dwelling. Additional tree planting in the more public areas of the site will compensate for this loss.

Company should be prosecuted for their actions: This is a separate matter and the potential consequence of the actions taken by the development company. This application is however seeking to agree a revised tree retention plan, a new programme of tree works and additional tree planting as part of an amended landscaping scheme.

Council should be on site to monitor tree felling: Monitoring site works is not a requirement of the planning system. Developers should however follow all the approved plans and documents agreed as part of the planning conditions

Developer has failed to deliver landscaping – depths of planting around new trees is not sufficient: The objector references the deposition of materials over the area of Plots 1-13 and the impact of the works on the implementation of the approved landscaping. The original application was accompanied by a Geotechnical and Geoenvironmental Site Investigation Report by Terra Firma (March 2019) which set out number of engineering recommendations regarding site preparation, foundation design etc. The report indicated that allowances should be made for the excavation of any soft spots/areas and their replacement with well compacted imported granular materials. It stated that any reduced levels should be brought up to the required levels with suitable inert mainly granular materials. Department of Transport (DoT) type 2 sub-base or similar should be used and should be compacted in layers. This may provide an explanation for the works witnessed by the objector.

Turning to the approved and revised landscaping schemes which have been submitted by a registered practice of the Landscape Institute. They include detailed specifications of proposed and tree and hedgerow planting and a programme for maintenance and management which accords with British Standards. EDP have provided a statement regarding the implementation of the landscaping scheme. Members should be aware that a condition will be imposed on the consent requiring re-planting where trees are damaged, become defective or die.

Flooding problems on site: The Department is aware of a flood event on Bryneglwys Gardens and Avenue which was investigated by the Council's Land Drainage Team and Dwr Cymru Welsh Water. It was not connected to any of the matters relating to the specifics of this application.

The lack of specific detail is of concern: A resident was concerned about a lack of detail with the application. Sufficient information has been submitted to enable an assessment of the works. A supporting planning statement and table that compared the previously approved works to those undertaken would have assisted.

Misleading Advert: The Department has contacted Taylor Wimpey in response to the above concern and has received the following:

I can confirm that following conversations with our sales team we are not building any 5-bedroom houses, seems this may be a generic advertising board. We will look to get this

amended and rectified... The advert has been amended.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following policies and supplementary Planning guidance are relevant:

Policy PLA1 Settlement Hierarchy and Urban Management
Policy SP2 Design and Sustainable Place Making Policy
Policy SP4 Conservation and Enhancement of the Natural Environment
Policy ENV5 Green Infrastructure
Policy ENV6 Nature Conservation
Policy SP5 Conservation of the Built and Historic Environment including Conservation Areas

SPG19: Biodiversity and Development

National Policies

In the determination of a planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan.

The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

Future Wales – the National Plan 2040
Planning Policy Wales Edition 11
Planning Policy Wales TAN 5 Nature Conservation and Planning
Planning Policy Wales TAN 12 Design
Planning Policy Wales TAN 10 Trees

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations 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 well-being 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 into 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.

APPRAISAL

This application is referred to the Development Control Committee for determination at the request of the Local Member and in view of the number of objections received.

Taylor Wimpey is in the process of implementing the planning consent granted for housing on the former St John's School site, Newton. This Section 73A submission seeks to substitute a number of documents approved under condition 1 of consent P/21/211/RLX, namely a revised tree report which includes a programme of works, an updated tree protection plan/tree removal plan and revised landscaping details. The main consideration is whether the revised documents are acceptable in terms of tree protection and the wider benefits the trees provide in terms of the visual amenity of the site, its surroundings which includes Newton Conservation Area and associated biodiversity interest.

The retention of trees as part of this development was one of the primary considerations in the determination of the previous consents on site. Extensive survey works were carried out and layout changes were made to ensure that trees would be retained in the interests of amenity, biodiversity and protecting the character of the Newton Conservation Area. Method Statements to control works in and around the retained trees were approved. It should also be noted that a significant number of trees were to be removed on arboricultural grounds and to facilitate the development.

As development progressed, it became apparent that the applicant company were not following all the safeguarding measures in terms of development within the root protection zones of the retained trees. This was observed by residents and reported to the Council. In a number of locations the poor working practices of the development company had impacted the trees and the Council requested that a revised tree survey be carried out. That document forms part of this application and the table above compares the recommendations of the previously approved tree report and the latest document.

The survey has been undertaken by a qualified arborist and the findings of the report and recommended tree works are not questioned. The greater number of trees to be felled are due to ash die-back. For a number of these trees, their condition has deteriorated significantly since the original survey. Where the consultant arborist has noted ground disturbance works within the root protection zones, the majority of the trees are to be retained although deadwood removal is proposed as it is on a number of trees on site. All the above works are justified on arboricultural grounds.

The areas of concern which have also been noted by the residents are where mechanical damage and changes to ground levels have so affected the health and well-being of the trees that it necessitated the removal of a Poplar and a Sycamore. Such actions represented a failure on the part of the developer to follow the Arboricultural Impact Assessment and Method Statement. Whether this poor site management was a deliberate attempt to wilfully damage the trees is a matter to be considered outside the scope of this application. The Council is being asked to retrospectively agree the works to fell the trees and on the basis of the arboricultural evidence, the works were justified.

Policy ENV6 of the Bridgend Local Development Plan confirms that the retention of trees should always be considered in the first instance and that policy along with others in the plan and the Council's Supplementary Planning Guidance framed the assessment of the previous applications. The policy does recognise that where retention is not possible, suitable compensatory measures will be required in the form of re-planting schemes. The application includes plans for new native tree planting throughout the site which also includes additional planting in the area G5 and other locations where trees will be lost

through Ash Die Back. The submitted plans are acceptable and would demonstrate compliance in part with Policy ENV6.

Accepting that the tree works are justified on arboricultural grounds, it is also acknowledged that they would have some impact on visual amenity at a local level and on the wider Newton Conservation Area. The Poplar and Sycamore trees in G5 were located on the western edge of the site and were visible from Bryneglwys Avenue and beyond. Any replacement trees will take a number of years to mature and provide the same level of amenity. A number of retained mature trees still frame the housing development and do lessen its impact on the visual amenities of the area.

Residents have suggested that the loss of trees and other associated works will have impacted on the site's biodiversity interest. An Ecology Strategy for the development was agreed as part of the original consent and included tree and woodland retention where possible, provision of habitat buffers, sensitive drainage, the provision of open space and the sensitive arrangement of the proposed housing. Additional design measures included the enhancement of woodland habitat, new native tree and shrub planting, new bird nesting and bat roosting opportunities. The removal of additional trees would conflict with the aims of the strategy but the mitigation is the new planting that will be secured through the revised landscaping scheme. The original strategy and new tree planting will address the Council's Section 6 duty of providing a net benefit for biodiversity.

CONCLUSION

This application is recommended for approval on the basis that the revised tree report and programme of works (some of which have been undertaken) are acceptable on arboricultural grounds. Furthermore, the revised landscaping proposals which seek to compensate for the loss of trees on site are also acceptable. The concerns of residents and others regarding tree loss and the poor working practices of the developers are justified but any action in this regard would be outside the scope of this application. It should be noted changes were made on site following the initial complaints from residents and investigations by the Council.

The tree loss that resulted from a failure to implement the correct working practices for development around trees has impacted on the amenities of the area but that will be mitigated, in part, through new tree planting.

The S73 consent should therefore be issued with the revised documentation listed in the condition. The conditions imposed on the earlier permission will be repeated where appropriate. It should also be noted that the obligations secured under the original planning permission will bind this consent and any other subsequent permissions issued under Section 73 of the Town and Country Planning Act 1990.

RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

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

Site Location Plan

Site Investigation Report prepared by Terra Firma - March 2019,

Lighting Impact Assessment prepared by Hydrock - February 2020,

Topographical Survey prepared by Think Urban

Archaeological Appraisal prepared by EDP

Tree Survey prepared by Treescene received on 3 April 2023

Air Quality Assessment prepared by Air Quality Consultants - June 2019

Pre-Application Consultation Report prepared by LRM Planning Ltd - received 2 April 2020.

External Materials Plan - edp5078_d022-M - received 9 November 2020

Boundary Enclosures Plan - edp5078_d023-H - received 9 November 2020

External Finishes Plan - edp5078_d057-B - received 9 November 2020

Street Elevations/Sections - edp5078_d041-B - received 9 November 2020

House Type Plans & Elevations:

Midford (Stone) - edp5078_d025-D - received 9 November 2020

Midford (Render) - edp5078_d026-C - received 9 November 2020

Ransford (Stone) - edp5078_d010-A - received 9 November 2020

Easedale (Render) - edp5078_d029-C - received 9 November 2020

Gosford (Stone) - edp5078_d030-B - received 9 November 2020

Gosford (Render) - edp5078_d031-C - received 9 November 2020

Mansford (Stone) - edp5078_d032-E - received 9 November 2020

Mansford (Render) - edp5078_d033-D - received 9 November 2020

Mansford (Render Special) - edp5078_d050-B - received 9 November 2020

Rectory - edp5078_d049-C - received 9 November 2020

Trusdale (Stone) - edp5078_d052 - received 9 November 2020

Dunham (Stone) - edp5078_d053 - received 9 November 2020

Dunham (Render) - edp5078_d054-A - received 9 November 2020

Wortham (Stone) - edp5078_d055 - received 9 November 2020

Wortham (Render) - edp5078_d056-A - received 9 November 2020

Double Garage - edp5078_d039-C - received 9 November 2020

Single Garage- edp5078_d040-C - received 9 November 2020

Drainage Strategy - 190902_TWC_D_001 B - received 9 November 2020

General Arrangement (1 of 2) - 190902_TWC_GA_001 B - received 9 November 2020

General Arrangement (2 of 2) - 190902_TWC_GA_001 B - received 9 November 2020

Highway Longitudinal Sections - 190902_TWC_H_001 A - received 9 November 2020

Adoption Plan - 190902_TWC_LA_001 B - received 9 November 2020

Storm Water Calculations prepared by Think Urban Design – September 2020 - received 9 November 2020

AIA & AMS Reports prepared by Treescene - November 2020 - received 9 November 2020

AIA Plan prepared by Treescene - received 9 November 2020

Design & Access Statement prepared by EDP - November 2020 - received 9 November 2020

Heritage Impact Assessment - edp5078_r004e - received 9 November 2020

Ecological Appraisal - edp5078_r005b - received 9 November 2020

Noise & Vibration Assessment prepared by Wardell Armstrong dated November 2020 - received 9 November 2020

Transport Statement prepared by Lime Transport - 19112.d1Rev G - received 9 November 2020

Amended Apartments Floor Plans and Elevations – edp5078_d047 – F received 12 November 2020.

Written Scheme of Investigation (WSI) for an archaeological watching brief prepared by EDP (dated January 2021, ref edp5078_r009a) received 4 March 2021

Tree Protection and Removal Plans prepared by Treescene – received on 24 April 2023

Revised Construction Environmental Management Plan Rev.C submitted 20 May 2021

Revised Detailed Soft Landscaping Plans Sheet 1 - Edp5078_d042r - received 24 April 2023

Revised Detailed Soft Landscaping Plans Sheet 2 - Edp5078_d042r - received 24 April 2023

Revised Detailed Soft Landscaping Plans Sheet 3 - Edp5078_d042r - received 24 April 2023

Revised Detailed Soft Landscaping Plans Sheet 4 - Edp5078_d042r – received 24 April 2023

2023.

Revised Site Layout Plan - NEWT-21-04-15 REV F received 16 June 2021

External Work Layout - NEW-21-04-17 REV F received 16 June 2021

External Finishes-A1 Drawing no. 190902-TWC-GA-003 F received 16 June 2021

Apartment Footpath – C16/FD/001 received 16 June 2021

Revised Footpath tie in detail drawing ref no. 190902_TWC_H_003 Rev C submitted 17 June 2021

Revised Footpath Tie in Detail – A1 – Drawing Ref No.190902-TWC-H-003B received 16 June 2021

Visitor Parking Plan received 16 June 2021

Cycle Store Detail – 1F118-CS1-01 received 16 June 2021

Revised Construction Traffic Management Plan and Traffic Management Plan submitted on the 16 June 2021

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

2. The external surfaces of the dwellings hereby permitted shall be constructed in accordance with the details and specifications agreed under application P/21/378/DOC as agreed by the Local Planning Authority on 15 July 2021.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the Newton Conservation Area.

3. The boundary treatments on this development shall be constructed in accordance with the details, specifications and timetable agreed under application P/21/476/DOC as agreed by the Local Planning Authority on 4 March 2022.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the Newton Conservation Area.

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C 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 buildings shall be erected other than those expressly authorised by this permission and shown on plan number edp5078_d005AF - Site Layout Plan.

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 property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

5. Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 buildings shall be erected other than those expressly authorised by this permission and shown on plan number edp5078_d005AF - Site Layout Plan.

Reason: To enable the Local Planning Authority to control the scale of development.

6. Notwithstanding the provisions of Schedule 2, Part 1 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 windows other than those as hereby approved shall be inserted into the side elevations of the dwellings other

than those expressly authorised by this permission.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

7. The dwellings hereby approved shall be constructed in accordance with the details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels as agreed by the Local Planning Authority under application P/21/476/DOC on 4 March 2022.

Reason: To ensure a satisfactory form of development.

8. The boundary treatment to be erected along the boundary with Plot 53 and the rear of the neighbouring property known as Hafod, Church Street, shall be in accordance with the details agreed by the Local Planning Authority under application P/21/467/DOC on 4 March 2022. The approved details shall be implemented prior to beneficial occupation of the dwelling and shall thereafter be retained in perpetuity.

Reason: To protect the privacy and residential amenities of the occupiers of Hafod, Church Street.

9. Prior to the occupation of the Plots 23-37, as indicated on site layout plan drawing edp5078_d005AF received on 9 November 2020, a 2.6m acoustic barrier shall be installed along the northern site boundary. The barrier shall have a minimum density of 10kg/m² mass per unit area and be imperforate, rot proof and vermin proof. The design details of the barrier shall be submitted to the Local Planning Authority for prior approval and shall be agreed in writing. The details shall include a location plan showing the exact position of the barrier, construction details and details confirming that the barrier has a minimum mass density of at least 10kg per m². The design shall be implemented as agreed and the barrier shall be maintained in that condition and retained in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

10. Site preparation or construction works shall not take place outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays and not at all on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

11. All landscaping works shall be carried out in accordance with the landscaping drawings detailed in condition 1 of this consent and in the next planting season (November 2023-March 2024).

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

12. If within a period of three years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

14. No dwelling shall be occupied until the internal access roads serving the dwellings and visitor parking bays have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout.

Reason: In the interests of highway safety.

15. The garages hereby approved shall only be used as a private garage and at no time shall they be converted to a room or living accommodation.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

16. No individual vehicular access from this development onto Birch Walk or Church Street will be permitted.

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

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

Reason: In the interests of highway and pedestrian safety.

18. The development shall be implemented in accordance with the details submitted on the 18 June 2021 and agreed by the Local Planning Authority on 21 June 2021 which demonstrates the infiltration tests, comprehensive and integrated drainage of the site. The scheme shall be implemented prior to the beneficial use of the dwellings commencing.

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

19. The development shall be implemented in accordance with the revised Construction Environmental Management Plan Rev. C submitted on the 20 May 2021 and agreed by the Local Planning Authority on 21 June 2021. The approved details shall be implemented as agreed.

Reason: To protect the residential amenities of the future occupiers of the residential units.

20. The development shall be implemented in accordance with the Written Scheme of Investigation (WSI) for an archaeological watching brief prepared by EDP (dated January 2021, ref edp5078_r009a) submitted on 4 March 2021 and agreed by the Local Planning Authority on 21 June 2021. Thereafter, the approved programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during

the works, in order to mitigate the impact of the works on the archaeological resource.

21. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the provision of a 2-metre segregated footway on the eastern side of the main north/south shared surface route within the site. The approved segregated footway shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

22. The development shall be implemented in accordance with the revised Footpath tie-in detail drawing ref no. 190902_TWC_H_003 Rev C submitted on the 17 June 2021 which demonstrates the provision of a continuation of the footway on Birch Walk adjacent to the site's eastern boundary with crossing points and agreed by the Local Planning Authority on 21 June 2021. The approved scheme shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

23. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the provision of an Active Travel route comprising of a 3 metre wide shared use path to link from the private drive of the 5 residential dwellings located adjacent to public open space to the east west tree lined shared use route. The approved scheme shall be constructed and implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to meet the requirements of the Active Travel Act 2013.

24. The development shall be implemented in accordance with the Revised Site Layout Plan – Drawing Ref No. NEWT- 21-04-15 – REV F and Visitor Parking Plan received on the 16 June 2021 and agreed by the Local Planning Authority on 21 June 2021 to demonstrate indicative on-road or off-road visitor parking within the site. The approved scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

25. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the surface treatment of the internal highway and footway network within the site. The approved scheme shall be constructed and implemented in the agreed permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

26. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the provision of a 2 metre footway with crossing points on the site's western boundary on Church Street linking the cycle and pedestrian shared use route to the Public Right of Way on Bryneglwys. The approved scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to meet the requirements of the Active Travel Act 2013.

27. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the provision of 1 secure cycle parking space per bedroom per unit has been submitted to and approved in writing by the Local Planning Authority. The spaces shall be implemented as agreed before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site and in compliance with Table 8.1 of The Active Travel Act- Design Guide.

28. The development shall be implemented in accordance with the agreed details by the Local Planning Authority on 21 June 2021 which demonstrates the provision of bollards or vehicle restraint on the main proposed cycle/pedestrian shared use route between running east to west. The approved scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

29. The development shall be implemented in accordance with the revised Site Layout Plan – Drawing Ref No. NEWT- 21-04-15 – REV F received on the 16 June 2021 and agreed by the Local Planning Authority on the 21 June 2021 which demonstrates the provision of an external electrical point on each dwelling, capable of connecting to an EV charging point. The approved scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of meeting net zero carbon by 2030 targets set by Welsh Government.

30. The development shall be implemented in accordance with the revised Construction Traffic Management Plan and Traffic Management Plan submitted on the 16 June 2021 and agreed by the Local Planning Authority on the 21 June 2021. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The construction works and traffic shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phase.

Reason: In the interests of highway and pedestrian safety.

31. The development shall be implemented in accordance with the revised Site Layout Plan – Drawing Ref No. NEWT- 21-04-15 – REV F received on the 16 June 2021 and agreed by the Local Planning Authority on the 21 June 2021 which demonstrates the location of refuse and recycling collection points in respect of the apartments on Plots 23-30 inclusive. The collection points shall thereafter be constructed in accordance with the agreed design prior to the dwellings which they serve being brought into beneficial occupation and retained in perpetuity.

Reason: In the interests of highway safety.

32. ****THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS****
a. The original application was recommended for approval because the development complies with Council policy and guidelines as sufficient justification has been submitted for the loss of the existing Rectory building and the proposed scheme

does not have a significantly adverse effect on the character and appearance of the Newton Conservation Area, surrounding residential area or on the amenities of existing residential properties. All material considerations have been addressed and Officers have fully considered and responded to the concerns of local residents. Whilst it is inevitable that new development will have some impact on existing residents, it is considered that the impact will not be unacceptable in Planning terms particularly having regard to the mitigation measures proposed. In addition, it is considered that the development will not have an adverse effect on the biodiversity of the site, drainage, noise, archaeology or highway safety in and around the site.

- b. This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character and appearance of the existing street scene and which seeks to enhance the Newton Conservation area nor significant harm nature conservation or biodiversity. The concerns raised by the neighbours are acknowledged however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.
- c. The applicant is advised that the archaeological work must be undertaken to the appropriate standard and guidance set by the Chartered Institute for Archaeologists and it is recommended and that it is carried out either by a CIFA registered organisation or a MCIFA level accredited member.
- d. Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Council prior to beneficial occupation of the first dwelling house in the street that has been so allocated.
- e. An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.
- f. 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.
- g. 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

- h. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- i. The developer is advised that works can not proceed until a European Protected Species licence (EPSL) is granted from Natural Resources Wales
- j. The applicant is advised that British Bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection.
- k. Consideration should be given to the provision of nest boxes within the building 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. Further information can be found on page 55 section 16.0 in the SPG
- l. If feasible in the proposed scheme, 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. Further information can be found on page 46 section 7.0 of the SPG.
- m. Incorporation of biodiversity enhancements will help 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'.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None