

**REFERENCE:** P/14/838/FUL

**APPLICANT:** Barratt South Wales C/O L R M Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

**LOCATION:** Land east of Cwm Felin & south of Craig Terrace/Ebenezer Terrace, Blackmill, Bridgend CF32 8RS

**PROPOSAL:** Erection of 28 affordable residential dwellings, car parking, landscaping and associated works

### **BACKGROUND INFORMATION**

On 16 February 2017, the Development Control Committee deferred determination of this application to allow the applicant company to review the layout and design of the development in conjunction with local residents and the local Member. The application at that time proposed a development of 36 dwellings accessed via an un-adopted estate road that already served the existing Cwm Felin estate. A 5m high acoustic barrier was proposed along the eastern development boundary which is shared with an industrial operation on Isfryn Industrial Estate. Additional noise mitigation works within the neighbouring business were required and would have been secured through a Section 106 Agreement along with the provision of 2 affordable housing units and £20,000 towards existing/future community buildings. The establishment of a management company to manage the acoustic barrier and all (un-adopted) drainage systems would also have been part of the Agreement.

A report on the application had been presented to the Development Control Committee a month earlier (January 2017) where Members had resolved to refuse planning consent with the main areas of concerns being: (i) the visual impact of the proposed acoustic fence on the adjacent residents and surrounding area. (ii) The potential for the development without the noise mitigation measures to compromise the viability of the adjacent commercial operation; (iii) the development having an unacceptably high density, evidenced by a deficiency in parking provision and a lack of private amenity space which would be to the detriment of the living conditions and well-being of existing and future residents; and (iv) the development could result in surface water flooding to the adjacent commercial land and the existing properties in Cwm Felin.

Rather than refuse permission, the application was deferred and since 2017, the applicant company have submitted various housing layout plans, accompanied by technical reports including flood consequence assessments, noise assessment and ecology reports. Throughout this process, consultees and residents have been invited to comment on the submissions and their comments are retained on file.

In July 2022, Barratt Homes South Wales Ltd submitted a revised proposal to construct 28 affordable homes on the land and that is the proposal that Members are being asked to consider.

### **APPLICATION/SITE DESCRIPTION**

The application site is a vacant area of land situated between Isfryn Industrial Estate to the east, existing housing on Cwm Felin to the west and the Ogwr Fach River to the south, in the village of Blackmill. Since the application was last considered by Committee a Welsh Medium Childcare Facility has been approved on land to the east (at the junction of the Isfryn Estate road and Ebenezer Terrace (A4093)). Although constructed, the facility is not operational.

The latest layout plan proposes a mix of 2-bedroom and 3-bedroom dwellings and 1-

bedroom flats sited around an estate road that initially follows the alignment of Cwm Felin before turning 90 degrees and continuing to a turning area in the north-western part of the site. Plots 1-4 will be a terrace with parking areas to the front and side and positioned with the side elevation of Plot 1 facing the shared boundary with 26-28 Cwm-Felin. Plots 5-6, a pair of semi-detached units, will include parking bays to the front and will have rear elevations facing 24 and 25 Cwm Felin. Plots 7-9, a terraced block, will have a similar alignment with parking to the side and front and the rear elevation facing the rear elevations of 21-23 Cwm Felin. The terrace block on Plots 10-12 will front the new estate road with the rear elevations overlooking the northern boundary of the site which is a tree-lined bank that rises to Ebenezer Terrace. A dedicated parking area will be formed on the eastern side of the units.

Plots 13-26 will accommodate the 1-bedroom flats in a crescent form that adjoins the eastern boundary which is shared with Isfryn Industrial Estate. These single aspect units have no window openings on the rear and they form an acoustic barrier along with the fences and carports that lie between the unit blocks. Set back from the estate road, the intervening areas fronting the flats will be landscaped and used for parking in the form of bays and driveways. Amenity space for the future residents of the flats and this phase of the development will be provided on an area to the rear of Plots 24-28. An informal area of open space with seating areas will also provide biodiversity mitigation and enhancements. Units 27 and 28 will comprise a pair of semi-detached units facing the estate road and following on from the link units on 29-32 Cwm Felin. Driveway parking to the sides of the dwellings will be provided.

All units of accommodation will be two storeys although the three different house types will offer a subtle variation in scale and massing. In terms of appearance and architectural style, the material palette will reflect the adjacent housing on Cwm Felin. The proposed finishing materials to the external walls of the proposed units will be formed using a mixture of yellow and red facing brick with a variation of brick detailing and grey tiled roofs. The highway will be formed in traditional black top material with the raised surfaces being formed of block paving. Boundary treatment will comprise a mix of 1.8m high screen walls and fences. Acoustic fencing to a height of 2.2m will be erected along the rear boundaries of Plots 13-25.

The application has been accompanied by the following technical reports:

- Noise Assessment Report 3187/ENS2\_Rev3 dated 8 May 2019 & Technical Note 3187/TN1\_Rev3 by Hunter Acoustics dated 13 July 2022
- Flood Consequence Assessment by Grays (GRYS-7220-REP02-FCA-R5) and Associated Flood Modelling (August 2022)
- Preliminary Ecological Appraisal by Acer Ecology – September 2021
- Bat Survey Report and Reptile Survey by Acer Ecology – November and December 2021

In a supporting letter Barratt South Wales Ltd have set out how the revised application seeks to address the previous draft reasons for refusal

***Reason 1: The 5m acoustic fence which forms part of the required noise mitigation works would, by reason of its scale and proximity dominate the outlook from the existing and proposed housing estate and would detract from the visual amenities to the area, contrary to Policy SP2 Design and Sustainable Place Making of the Bridgend Local Development Plan (2013).***

Due to the location of the manufacturing unit to the east of the site, the site is constrained in respect of the potential impact of noise on the development however, Barratt's have

been proactive and engaged closely with the Local Planning Authority to discuss the best possible design layout and noise mitigation measures. Under the previous submission a 5m acoustic fence was proposed to form part of the noise mitigation works however, following the concerns raised regarding the fence, several design changes have been made to represent best acoustic design in accordance with Policy SP2 Design and Sustainable Placemaking.

Through the creation of a bespoke architectural approach, one bed walk-up flats are proposed to the eastern boundary of the site providing an improved housing mix but also enclosing the site from the manufacturing units. Habitable rooms are focused to the front of the property with the critical rear boundary screened by dwellings and car ports. Given the typical occupiers of the units (single occupants and couples as opposed to families) combined with the provision of open space nearby and the United Welsh Housing Association being happy with the proposed development, the lack of private gardens is not considered to cause any amenity issues. In addition, the area to the front of the walk-up flats is well landscaped to provide an attractive environment outside residents' front doors.

***Reason 2: The failure to successfully implement the noise mitigation works set out in the Hunter Acoustics' Environmental Noise Survey 3187/ENS 1\_Rev1 dated 17 December 2014 in association with the proposed development would be likely to lead to complaints from future occupiers of the housing estate and would compromise the viability of the adjacent commercial site which is allocated and protected for employment development under Policy REG1 of the Bridgend Local Development Plan (2013)***

The proposed scheme removes the need for such measures to be secured and implemented. A planning condition can be attached to any forthcoming planning approval to ensure the car ports are kept in perpetuity.

***Reason 3: The proposed housing layout constitutes an unacceptably high building density evidenced by a deficiency in car parking spaces for the proposed three bedroom units and the inappropriate allocation of car parking spaces for the future residents, a lack of both private and public amenity space and the close proximity of the proposed housing to existing residents which would be to the detriment of the living conditions and well-being of existing and future residents, contrary to Policies SP2 Design and Sustainable Place Making, Design and PLA11 – Parking Standards of the Bridgend Local Development Plan (2013) and advice contained with Supplementary Planning Guidance Note 17 – Parking Standards (2011).***

The key areas of concern relate to density, parking and amenity. In regard to the building density, the scheme has been significantly reduced from 36 dwellings under the original submission to 28 dwellings. Comparing the new layout to the original application submission, the reduction in units has allowed for an increased distance between the existing and proposed properties to ensure that the living conditions and wellbeing of existing residents within the Cwm Felin estate will not be negatively impacted. Moreover, the reduction in units has also allowed for the site to be reconfigured to improve the design in line with Policy SP2- Design and Sustainable Placemaking. The formal crescent shaped built form arrangement will form both the gateway to the site entrance and attractively enclose the vista from the main entrance into the site. A high-quality focal space with distinctive surface treatments and high-quality landscape design will mark a sense of arrival into the site, benefitting the new residents and the existing residents of the area. The crescent then terminates in a high-quality pedestrian focused environment defined by shared spaces and private drives. Furthermore, car parking is now provided in accordance with the Council's Supplementary Planning Guidance Note 17- Parking Standards (2011).

**Reason 4: *The application fails to demonstrate that existing surface water can be disposed of in a manner that would not result in surface water flooding to the adjacent commercial land and the existing properties on Cwm Felin. The proposal therefore does not accord with Policy SP2 Design and Sustainable Place Making.***

Revised flood modelling and a flood consequence assessment submitted as part of this application have demonstrated that the proposed scheme will cause no third-party detriment. Furthermore, the evidence indicates that there will be a reduction of flood risk to Phase I as a result of the development of Phase II.

#### **RELEVANT HISTORY**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/05/1425/FUL	Erect 26 Dwellings with associated highways & engineering works -	Refused	23-12-2005
P/07/340/FUL	32 dwellings & associated works plus Community Centre	Refused	05-11-2007
P/08/591/FUL	32 dwellings & associated works and Community Centre	Refused	27-11-2009
P/09/691/OUT	Mixed use development comprising 44 dwellings, Community Centre & employment units	Application Withdrawn	

#### **CONSULTATION RESPONSES**

##### **CONSULTEE**

**Community Council:**

##### **COMMENTS**

No comments received to the amended plans received in July 2022. Ogmore Valley Community Council did however provide comments on the application as it was presented to the Development Control Committee in 2017 and objected to the development for the following reasons:

- Highway through Cwm Felin (Phase 1) which has not been adopted and is not fit for extra traffic
- Car parking not enough on plan, already problems with Phase 1 due to insufficient place for parking
- Threat to factory if residents complain about future noise problems
- Is sewerage system able to cope with extra load?
- That any future resident/tenants are not affected by the noise from the factory. The factory must be protected from possible noise complaints against them.

**Cllr Hywel Williams - Local Member**

My concerns are maintenance of the Drainage and the acoustic Fence, also I have raised this with the street cleaning team, communal bin collection sites are a problem for the Council and should not be encouraged.

**Highways**

No objection subject to conditions.

**Land Drainage**

No objection subject to conditions.

**Countryside  
Management/Ecology**

No objections subject to conditions.

**Shared Regulatory  
Services**

No objection subject to conditions.

**Dwr Cymru Welsh  
Water**

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

We note from the submitted drainage strategy the applicants' intentions are to divert a public sewer under section 185 of the Water Industry Act 1991 to allow for their proposal. We can offer our support for this application but would not be able to comment on the acceptance of the submitted diversion plan. This would be for one of our engineers to vet as part of a submitted Section 185 application. We would encourage the applicant to contact one of our engineers to engage in discussions as soon as possible.

Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Natural Resources  
Wales**

No objection subject to conditions.

**The Coal Authority**

In considering the amendments to the scheme, the Coal Authority does not wish to raise any specific observations. We would, however, reiterate our comments of 2 June 2015, which remain valid (i.e., no objections).

**PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

Residents have been consulted on the amended scheme and have submitted individual letters of objection. A joint letter of objection on behalf of the occupiers of the following properties has also been submitted:

3, 4, 5, 9, 13, 16, 21, 22, 24, 25, 27 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 41, 42, 46, 47, 48, 49, Cwm Felin; Blackmill & Glynogwr Residents & Tenants Association and 2 Mount Pleasant, Blackmill.

The following is a summary of the objections received:

**Land Drainage/Flooding** - residents ask for the opportunity to make further comment upon the flooding issue once NRW have provided their comments on the application

The site is a very wet and poorly managed by landowner - excavations made in various

locations have resulted in localised ponding all resulting in a landform which has exported surface waters to Phase I properties at times of sustained rainfall – a matter noted in the flood consequence assessment

There are some aspects of the latest CD Gray report (Flood Consequence Assessment) that have been questioned by the residents -

Para 5.4.2 states that, in the context of groundwater flooding, the site is 'wholly within an area of negligible risk'. This assertion appears to be solely reliant upon evidence of published desk top studies - this has been a long-standing matter of concern to residents of Phase I – this could re-occur on Phase II.

Residents in Phase I have been affected by surface water run-off from the embankment serving the A4093 - Barratts' assertion is that this outcropping is due to road drains but this occurs during dry periods – residents contend that this outcropping is a feature of the local geology/hydrology and is caused by groundwater from the hills to the north - this matter is being completely ignored by Barratts and their consultants, and is storing up trouble for the intended future owner and residents of the Phase II site.

Para 6.1 states that there is no formal record of any flooding events on this site – the applicant company are fully aware of multiple events of flooding - the report is incorrect to ignore such events.

Para 16.5 asserts that 'no significant ponding would be experienced on the development site'. However, we note that an earlier Flood Consequences Assessment a 'Flood Compensatory Area' was to be created in the unbuilt-upon southern portion of the site – this has been omitted but with no explanation

This current scheme includes a 2.2-metre-high acoustic barrier, has this barrier been considered in the Flood Consequence Assessment?

Flood risk applies as much to the construction phase as it does to the final landform, and as it has been stated above that there is an unfortunate history of floodwaters migrating from Phase II to affect the existing Phase I development. What measures will be taken to protect the Phase I development from flooding during construction, and in particular at what stage in the program of works will the unnamed watercourse be reinstated?

The Applicant should be required to appoint a suitably competent and accredited independent engineering consultant to oversee the land drainage and flood prevention measures and to validate that the approved design of works are actually carried out.

**Noise** - this development may prove to be a 'bad neighbour' development in noise terms which could rebound on the factory operator to threaten much needed local employment.

**Car Parking** - limited opportunity within the site layout for visitor and informal parking, we are concerned that there will be overspill of parked vehicles into the Phase I site. In the last two years or so, the lack of informal parking space in Phase I has resulted in an increasing number of vehicles being parked overnight on the bend in the road leading into the site, and we are concerned that the limited parking provision in Phase II will add to the parking here.

**Access and Movement** - highways previously submitted a supplementary report concerning the dimensions of the manoeuvring areas for refuse collection and recycling vehicles provided in the proposed site layout at that time. Are the dimensions provided here as shown on Hammond drawing 2268/AM-01 acceptable to the Authority?

Other residents have questioned the suitability of the existing estate road to serve additional traffic and the potential for conflict to be generated between pedestrians (including young children) and vehicles

**Proximity to Phase I Houses** - one of the issues of concern in previous designs relates to the height and proximity of the proposed housing to the backs of no's 21 and 22 Cwm Felin located in the north-east corner of the Phase I site. These two houses are overshadowed at the front by the side wall and roof of a garage block, and by trees located in the adjacent banking to the front and rear of the properties which are not in the ownership of the householders. The ground levels surrounding the buildings in these latest proposals now appear to be 0.32 metres higher than at that time.

Other residents have expressed the following concerns:

- **Garden areas will be overlooked by new development**
- **Social housing will de-value property**

On 23 January 2023, another joint letter of objection was submitted on behalf of the residents listed above. Much of the content was a review of the observations received from Natural Resources Wales to the latest flood consequence assessment. A summary of the main issues is provided below:

- Have all the outstanding concerns regarding river flows, ground levels and the management and maintenance of the flood compensatory area been addressed
- Are NRW satisfied that the modelling used now accurately reflects the newest arrangements, and, crucially, the proposed topography – can residents have faith in the outcome of the report
- References to increases in flood depths and velocities in the culvert under the A4093 is not being addressed – no measures are proposed to deal with this matter – is this issue for the Council to investigate?
- No regard has been given to the outcropping of water from the embankment above Phase I

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The objections offered by residents align with the main issues to be considered in the determination of the application and will be addressed in the appraisal section of this report. Concerns that the development of social housing will de-value property is not evidenced and in any event would not be material to the determination of the application.

## **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 (SPG) are relevant:

Policy PLA1 Settlement Hierarchy and Urban Management

Policy PLA3 (17) Regeneration and Mixed-Use Development Schemes

Policy SP2 Design and Sustainable Place Making Policy

Policy SP3 Strategic Transport Planning Principles

Policy PLA5 Development in Transport Corridors

Policy PLA11 Parking Standards Policy

Policy ENV5 Green Infrastructure

Policy ENV6 Nature Conservation

Policy ENV7 Natural Resource Protection & Public Health (Noise Pollution, Contamination)

Policy REG1 Employment Sites – Isfryn Industrial Estate (31)

Policy REG 2 Protection of Identified Employment Sites  
Policy COM2 (4) Residential Allocations outside the Strategic Regeneration Growth Areas  
Policy COM4 Residential Density  
Policy COM5 Affordable Housing  
Policy SP13 Social and Community Facilities  
Policy COM11 Provision of Outdoor Recreation Facilities  
Policy SP14 Infrastructure

SPG 5 Outdoor Recreation Facilities and New Housing Development  
SPG 7 Trees and Development  
SPG 13 Affordable Housing  
SPG 16 Educational Facilities and Residential Development  
SPG 17 Parking Standards  
SPG 19 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 11 Noise  
Planning Policy Wales TAN 12 Design  
Planning Policy Wales TAN 15 Development and Flood Risk  
Planning Policy Wales TAN 18 Transport  
Planning Policy Wales TAN 23 Economic Development

### **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**

The application is referred to the Development Control Committee for determination in view of the number of objections received.

The main considerations in the assessment of this application relate to the following:

- whether the form of development proposed accords with the site's allocation in the Bridgend Local Development Plan
- the effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents
- the effect of the development on the highway network and highway safety generally and whether sufficient parking facilities can/are being provided,
- whether the development would impact on the adjoining employment site which is allocated and protected under policies of the Bridgend Local Development Plan.
- the impact of the scheme on the natural environment
- the effect of the development on the existing drainage systems and connected flood risk and
- Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

### **Whether the form of development proposed accords with the allocation of the Bridgend Local Development Plan**

Under the Bridgend Local Development Plan (2013), the application site is allocated for Regeneration and Mixed-Use Development (Policy PLA3 (17) refers) where it was intended that the site would accommodate a mix of uses comprising residential, work units and local community facilities. The allocation reflected the resolution to grant permission for a mixed-use development submitted as part of a 2009 application. A change in site circumstances, namely the revised noise profile associated with the Coppice Alupack operation and the resultant reduction in the developable area, prevented the delivery of the original scheme.

This revised application, according to the supporting planning statement, has sought to address the identified constraints and bring forward the residential element of the mixed-use allocation. Policy COM2 (4) is part of the allocation and indicates that a development of 43 units could be delivered on land surrounding the Cwm Felin estate. The quantum of housing was based on a different site area and layout nevertheless, the proposed development corresponds directly with the LDP planning policy allocation for residential development and broader support for developing brownfield and under-utilised land for housing.

The application proposes 100% affordable housing with Barratt Homes partnering with United Welsh Housing to deliver the scheme. The planning statement reminds the Council of the national policy support to increase the supply of affordable housing and has quoted the current shortfall in provision within the County Borough. Furthermore, it is suggested that the mix of housing proposed will meet a specific local need.

Overall, the scheme fails to deliver all the elements of the mixed-use allocation with the omission of the employment provision (this was originally to be 'Live Work' and starter units) and the levels of community benefit which previously included a new multi-purpose building. Development viability has however been significantly affected by the reduction in the housing numbers and delivering all the elements of the original allocation and obligations is no longer achievable, a position that was not challenged by Members when this application was considered by the Development Control Committee in 2017. Since the

application was last considered by Members, part of the allocation has been developed as a Welsh Medium childcare facility.

Whilst the development will not realise the economic benefits of earlier submissions it will deliver much needed affordable housing on a brownfield site within a settlement and on this basis the principle of the site being developed for housing is accepted.

**The effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents**

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. 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. At a local level Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

Objectors have highlighted the difference between the existing Cwm Felin estate and the proposed development in terms of housing mix, density and the scale of the development. Specific reference has been made regarding the relationship of the new housing to 21 and 22 Cwm Felin, located in the north-east corner of Phase I. Other residents have suggested that existing garden areas will be overlooked.

National policy requires applicants to demonstrate and justify how they arrived at a particular mix of housing with specific reference to local housing need and with the objective of creating sustainable cohesive communities. As stated in the previous paragraphs, the application seeks to deliver 100% affordable housing in response to the national policy requirement to increase the supply of such schemes. The Council's 2019/2020 Local Housing Market assessment has been referenced which indicates a shortfall and a specific need for accessible one-bedroom units in the Ogmre Valley area. Three house types will provide a range of 1 bed-flats (14) and 2 and 3 bedroom dwellings (12 and 2) at a density that accords with the policies of the current plan. The higher proportion of 1 bed units is the developer's response to a specific local need.

In terms of scale and design, all units will be two storey which reflects the existing residential vernacular in Phase I. Apart from the proposed flats, the level of amenity space is also comparable with the majority of the properties having garden lengths of 10m. On the matter of mix, density and scale, the residents' concerns are noted but do not represent grounds to refuse this revised layout.

The developer recognises that the layout has been influenced by the need to achieve an optimum acoustic design which includes the bespoke one bed single-aspect flats. Hard and soft landscaped areas including parking will be provided to the front of the units but they will lack private useable space. The developer suggests that given the units will be occupied by single persons or couples, the demand for private garden space is not so critical and have also indicated that the Housing Association is content with the arrangement which would need to be compliant with the Welsh Government's Design Quality Requirements (DQR). The lack of space for the flats is a design compromise and in general, schemes should be providing space even small balconies on flatted development. Site constraints will not permit such an arrangement. Overall, the amenities that will be afforded to the future occupiers of this development will just reach an acceptable level.

The site lies immediately adjacent to the eastern boundary of Phase I with the applicant's

supporting statement indicating that careful consideration has been given to the proposed layout to ensure that the amenity of the adjacent existing residents is not unduly harmed. The layout and house-type drawings have been submitted along with engineering plans that indicate the existing and proposed site levels.

The proposed units on Plots 5 and 6 and the terrace block on Plots 7-9 will include rear facing habitable room windows that will overlook the shared boundary which is defined by a 1.8m fence and the rear elevations of 21-25 Cwm Felin. Based on the plans, the minimum privacy standard of 21m will be achieved between Plots 5 and 6 and 24 Cwm Felin to the rear. The distance is however marginally compromised between Plots 7-9 and 21 and 22 Cwm Felin – the developers have confirmed that a back-to-back distance of 20.6m will be achieved. If that measurement is taken to internal finished wall within the habitable room, a distance of 21m will be achieved. It should be noted that the floor levels of the proposed dwellings on Plots 5-9 will be 0.9m above the levels of the existing properties however, even accounting for this increase, the separating distance will ensure that the outlook from the existing properties will not be dominated or overshadowed to such a degree to warrant refusing consent. The applicant company are providing cross-sections through this part of the development which will be available for Members to view in the Committee meeting. Whilst it is understandable that from the occupiers' perspective the outlook will dramatically change, when considered against the Council's standards, the impact is not unacceptable.

The proposed dwellings on Plots 1 and 28 of the submitted layout also adjoin the site boundary which is shared with existing dwellings on Cwm Felin. Plot 1 will be occupied by a two-storey end of link property separated from the shared boundary by parking spaces. A distance of 16m between the rear windows in 27 and 28 Cwm Felin and the side elevation of the dwelling on Plot 1 is recorded on the submitted plans which accords with the guidelines regarding domination of outlook and overshadowing. Even accounting for the proposed levels of the new dwelling which will be 0.8m above the neighbouring properties, the impacts should not be so significant as to seriously detract from the living conditions of the occupiers of the existing properties.

More generally, a number of residents have expressed concerns that gardens will be overlooked. Where direct overlooking may take place from the new housing, the layout has incorporated sufficient space to comply with the Council's standards. Existing residents that face the development site currently enjoy an uninterrupted outlook and generous levels of privacy – they will be reduced by the development but not to levels that would represent a serious breach of the Council's privacy guidelines.

The designer's response to this challenging site is to propose a layout that will not adversely affect the amenities of the existing residents or the area more generally. Conditions will be required to control levels, boundary treatment and, on certain plots, permitted development rights to allow the Council to control any future alterations to those dwellings that lies closest to existing properties.

### **The effect of the development on the highway network and highway safety generally and whether sufficient parking facilities can/are being provided**

A key objective of Planning Policy Wales – Edition 11 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity and realising the goals of the Well-being

of Future Generations Act. Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Development proposals must seek to maximise accessibility by walking, cycling and public transport by prioritising the provision of appropriate on-site infrastructure and where necessary, mitigating transport impacts through the provision of off-site measures such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Blackmill is recognised as a local settlement in both the adopted and replacement Local Development Plan and is capable of supporting some additional growth, particularly on underutilised or brownfield land. The village is reasonably well-served by public transport and access to active travel is available. It is however acknowledged that trips to places of work and major retail facilities are still likely to be made by car.

The revised site layout has been carefully considered by the Transportation and Development Control Team but has been the subject of objection by residents of Phase I concerned that the current demand for parking in Cwm Felin exceeds the provision which leads to significant on-street parking and a narrower running carriageway. If the parking provision on the new phase of development is deficient, this could exacerbate the problems. Parking provision for both residents and visitors on the revised layout does however accord with the Council's guidelines and the road has been designed to accommodate all servicing vehicles without any detriment to highway safety.

The Local Member has questioned the appropriateness of communal bin collection sites and has suggested that such facilities have been problematic elsewhere in the County Borough. Whilst no adverse comments have been received from the Cleaner Streets & Waste Management Section, it would be appropriate to impose a condition to agree a bin collection and waste management strategy given that the site will be managed by a Housing Association.

Whilst it is understood that the existing estate road serving Cwm Felin has not been adopted, that process is continuing and does not prejudice the determination of the new application. The adoption of Phase I and II will be a requirement of the proposed S106 agreement.

**Whether the development would impact on the adjoining employment site which is allocated and protected under policies of the Bridgend Local Development Plan**

Under Policy REG1 (31) of the Bridgend Local Development, Isfryn Industrial Estate is allocated and protected for employment uses. Planning Policy Wales – Edition 11 indicates that whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised. (Paragraph 5.4.15 refers).

In 2017, Members of the Development Control Committee were concerned that any failure on the part of the developer to implement the noise mitigation works required as part of the scheme would be likely to lead to complaints from future occupiers which could compromise the continued operation of the manufacturing unit on Isfryn Industrial Estate. The mitigation measures included the erection of a 5m high acoustic barrier and various works within the Coppice Alupack plant including the introduction of white noise reversing alarms on the forklift trucks in operation and the provision of an alternative access arrangement to the existing warehouse to prevent the necessity for the forklift trucks operating at Coppice Alupack to sound their horns as they enter and leave the building.

A revised noise assessment has accompanied the amended housing layout which proposes a reduction in unit numbers, a layout incorporating a continuous block of single aspect dwellings/car ports in lieu of the 5m acoustic fence on the eastern boundary and all garden areas located on the opposite side to Coppice Alupack. In the noise assessor's view, the layout represents *best acoustic design with no habitable rooms on the critical boundary and all gardens screened by the dwellings. Noise modelling now demonstrates that an industrial noise rating level of no more than 5dB above background can be achieved in all gardens/outside plots across the development without treating the industrial noise at source. This is also achieved at all front facades containing habitable rooms with the exception of a marginal exceedance at the first-floor façade of plot 5. Additional sound insulation could be included on this plot.*

Colleagues in Shared Regulatory Services acknowledge that in terms of noise mitigation, the latest layout is the best that can be achieved with no habitable rooms on the critical boundary and no gaps between the houses which are bridged by mostly porches and some car ports with the peak of the roof ridge being 5m high for both. It is also noted that the 1-bedroom flats on the critical boundary have no garden areas to the rear but amenity space to the front and off-site. Officers have noted two properties where exceedances have been evidenced – Plots 5 and 18. Mitigation can however be provided and on that basis, there are no objections to the development offered by the statutory consultee.

Incorporating noise mitigation through the design and layout of the proposed housing is encouraged in national policy and on the basis of the evidence submitted with the application, it should ensure that the operation of Coppice Alupack should not be compromised by the introduction of new housing.

### **The impact of the scheme on the natural environment**

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

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 application has been accompanied by a preliminary ecological appraisal (PEA) and reptile and bat surveys. In ecological terms, the site comprises a mosaic of marshy grassland, poor semi-improved grassland, scattered scrub and bare ground. Two areas of woodland lie at the northern end while the Ogwr Fach forms the southern boundary. Under the development proposals, the southern third of the site will be retained while the centre and north will be permanently lost to the development. Small areas of woodland in the north-eastern and north-western corners will be retained. There is, however, potential for indirect impacts to the woodland to occur, associated to root damage and inadvertent damage during the construction phase of works. Protective measures to avoid such impacts have been detailed by the applicant's consultant and will be secured through the consent.

The marshy grassland is considered to be of local ecological value. Whilst losses of habitat should be minimised where possible, the retention and enhancement of the southern third will help to offset losses.

The proposed development could potentially have adverse impacts of varying degrees on a range of legally protected species including nesting birds, foraging bats, otters, reptiles and hedgehogs. Appropriate mitigation measures are proposed as part of the development which includes the creation of a Wildlife Protection Zone in the southern part of the site which could support a reptile population. The creation and management of this ecological enhancement feature will be controlled through the S106 Agreement and conditions.

The PEA notes that Himalayan Balsam is present at the centre of the site while Japanese Knotweed has colonised the northern bank of the Ogwr Fach at the south. A specialist Invasive Non-Native Species contractor will be commissioned to produce a method statement and management plan dealing with the on-site Japanese Knotweed and Himalayan Balsam.

Subject to the scheme retaining and protecting the broadleaved woodland, the developer submitting and agreeing a construction environmental management plan (CEMP) and implementing all the mitigation measures and compensations works, the proposal accords with the requirements of Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

### **The effect of the development on the existing drainage systems and connected flood risk**

National policy confirms that the climate emergency is likely to increase the risk of flooding as a result of increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding as well as the likelihood of an event occurring. Councils should adopt a precautionary approach of positive avoidance of development in areas of flooding from rivers. The Development Advice Maps which are part of Technical Advice Note 15 inform decisions on the location of new development and the requirements necessary to support any applications. As a guide, development should reduce and must not increase flood risk arising from river flooding on and off the development site itself.

Grays (Consulting Engineers) Ltd were commissioned by the applicant company to undertake hydraulic modelling and an assessment of flood consequence to better understand the flood risk and the impact of the proposed development. As a residential

development the FCA recognises the scheme is classified as 'highly vulnerable' in accordance with TAN15. A small portion of the northern area of the site is shown to lie within Flood Zone A which is recognised to lie outside of the extreme flood risk outline. Most of the development site area lies within Flood Zone B which is designated as an area known to have been flooded in the past. The site also abuts a Flood Zone C2 area on the south-eastern corner which has deliberately been excluded from the developable area site boundary thereby allocating development to the lowest areas of flood risk.

The FCA provided the following summary and conclusions:

- Flood risk originating primarily from the unnamed watercourse running through the proposed development site to the Ogwr Fach on the site's immediate southern boundary is considered the dominant source of flood risk to the proposed development site.
- Hydraulic modelling has been undertaken to assess the flood risk and impacts of the proposed development under flood.
- By reinstating the unnamed watercourse and raising the proposed development plateau site levels, the entirety of the Phase 2 area will remain flood free even in the most extreme event of 0.1% (Q1000) AEP under normal flow conditions. This meets the criteria under TAN15 for highly vulnerable end use classification associated with new residential development.
- These measures also benefit the existing Phase 1 properties and reduce existing flood risk posed to these dwellings.
- The effects of flood risk on and resulting from the proposed development have been fully considered. This FCA demonstrates that there is a low risk of flooding affecting the development site.

NRW in their consultation response have confirmed the development area to be flood free in both the 1% (1 in 100 year) Annual Exceedance Probability (AEP) plus climate change flood event and most extreme 0.1% (1 in 1000 year) AEP event. As such, the Phase 2 development site is not directly impacted by flooding and safe and flood free refuge will be available to all residential properties. NRW note that the sole access and egress to Phase 2 is through Phase 1 which is shown to be at risk of flooding. The FCA indicates that shallow flooding may be experienced on part of the estate road but only to a depth of 0.3m which is within the acceptable limits of TAN15 and should remain passable by emergency vehicles in a flood event.

Regarding the impact of increased flooding elsewhere, the FCA states 'The only detriment indicated outside of the red line boundary is within the corridor of the re-instated watercourse itself'. NRW have indicated this is a consequence of the modelling approach and not resulting from the development. The review of the modelling report for the culvert under the A4093 shows an increase in flood depths and velocities on the road and at Glenview House. This is an issue irrespective of the development of Phase II and is a matter that the Council will have to consider outside the process of this application. It will not be caused by the development and in fact, the compensatory storage areas provided within the layout will offer an improvement.

From the sections which summarises the representations received, Members will note that residents have challenged the findings of the Flood Consequence Assessment and the position of Natural Resources Wales in withdrawing their original objections to the scheme. Grays, the consulting engineers who carried out the flood modelling and assessment and NRW were invited to respond to these issues raised by the residents.

NRW reaffirmed their position as a technical advisor to the local authorities on issues relating to the environment and natural resources. In line with the requirements of TAN15 a Flood Consequence Assessment (FCA) should be produced for any development at risk

of flooding. They confirmed that their role is to advise on the risk of flooding based on evidence presented in the FCA and undertake model reviews if applicable. This should then enable the authority to make a judgement on the acceptability and consequences of flooding. They have confirmed again that the latest flood modelling information shows that all the new built development (Phase 2) is not directly impacted by flooding. As this area is outside the modelled flood extents, it negates the need for flood compensation. In addition, it is shown that there is a reduction of flood risk to Phase 1 as a result of development of Phase 2.

Surface water run-off from the embankment to the north of Phase I has been an issue consistently raised by objectors with a number of residents having experienced flood events over a number of years. This appears to be an existing situation, possibly a matter for the Highway Authority to consider outside the determination of this application. The applicant company and their consultants are confident that the development of Phase II will not exacerbate the situation.

The concerns of residents as to the implications of this development on flood risk are understandable given the site's proximity to nearby water courses however, based on the technical advice received, the proposed development will not increase flood risk on and off the development site and is therefore compliant with national policy.

### **Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy**

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise. The Council does acknowledge that development costs including the costs of implementing planning agreements may result in a scheme being unviable and in such circumstances the Council may consider the benefits of the development may outweigh the benefits of seeking to secure all infrastructural requirements.

Previous site layouts have been accompanied by viability appraisals that suggest that the levels of obligations previously sought could not be delivered based on a reduction in the unit numbers, higher development costs including abnormal costs associated with flood mitigation and ecology enhancements - the last appraisal was submitted back in April 2021.

Under the current policies of the plan, 20% of the proposed housing in this area should be affordable and secured by Agreement. At the quantum of development proposed, that would equate to 6 units although it is understood that all dwellings to be constructed will be affordable. An Agreement will still be required to control the number and tenure of the housing.

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 the quantum and tenure of development, a financial contribution would be required towards primary and secondary school places. From previous responses, it is understood that capacity exists within the schools to accommodate the pupils that would be generated by the development. The current position is being reviewed by colleagues in Education although based on the viability appraisals that have accompanied this application, the level of obligation that would normally be required could not be delivered.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. BCBC's



Outdoor Sports & Children's Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM11 of the LDP and SPG 5 – Outdoor Recreation Facilities and New Housing Development:

A development of 28 dwellings that meet the criteria for SPG5 would lead to an estimated development population of 50 (based on an average occupancy rate of 1.5 people per dwelling within proposed 1-bed flats, 2 people per dwelling within the proposed 2-bed houses, 2.5 people within the proposed 3-bed houses). As such:-

- the total amount of Designated Playing Space required should be approximately 125 sqm
- the total amount of Informal Playing Space required should be approximately 275 sqm
- the total amount of Outdoor Sport space should be 800 sqm

The Council's Supplementary Planning Guidance indicates that wherever possible public open space should be within the boundaries of the development site as an integral part of the development. From the submitted layout plan (see extract below) over 2,000 square metres of open space will be provided which exceeds the total requirement set out in the formula above.



Figure 1 – Extract from Proposed Site Landscaping Plan

The submitted plans indicate that a landscaped informal area of open space with seating area will be provided. A 'Wildlife Protection Zone' will also be formed with the public open space to mitigate and compensate for the impacts on local biodiversity interests. Members should note that a play area has been provided within Phase I and this will be easily accessible from the new housing.

Overall, the development makes a reasonable contribution to the requirement of policy SP14 given the site constraints, the loss of unit numbers and the development costs. Some weight should be afforded to the scheme potentially delivering a level of affordable housing that exceeds the current policy requirement.

## CONCLUSION

This application is recommended for approval because the development is in accord with the policies of the Bridgend Local Development Plan and will deliver affordable housing on a sustainable site. The effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents has been carefully considered and subject

to control being imposed through the grant of planning permission, the impacts on the living conditions should not be so adverse as to warrant refusing planning permission.

In transport policy terms, the site is reasonably well-served by public transport and access to active travel is available. It is however acknowledged that trips to places of work and major retail facilities are still likely to be made by car. The layout has been amended to address previous concerns but the current arrangements both in terms of the road design and parking accord with the Council's guidelines.

Biodiversity impacts will be modest and at a local level and mitigation and enhancement works as recommended by the applicant's consultant ecologist will be secured through the consent.

The introduction of a noise sensitive land use next to an allocated and protected employment site has been carefully considered and permanent mitigation has been provided through the design and layout of the housing on the eastern boundary of the site. This should offer sufficient protection and should not prejudice the continued operation of the Coppice Alupack manufacturing unit.

Finally, the contentious issues of flooding and site drainage have been assessed by Natural Resources Wales and they are content that the development will be flood free and will not increase the risk of flooding elsewhere, critically Phase I.

The representations received have been considered however, on balance, it is not considered that they outweigh the merits of the development.

## **RECOMMENDATION**

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

- i. Provide 6 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council
- ii. Agree and implement management plans for the future maintenance of the existing watercourse on the eastern boundary of the development site, all storage drainage systems in the private areas of the development, the noise mitigation works, the areas of open space including the Wildlife Protection Zones and all Ecological Enhancement Works. Details of the Management Plan, Management Company (including the funding of the Management Company) and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.
- iii. Enter into a Highways Agreement to secure the adoption of the proposed roads that will serve the development site.

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

1.	The development shall be carried out in accordance with the following plans: <ul style="list-style-type: none"><li>• Site Location Plan Ref: SLP-01</li><li>• Site Layout Ref: TP-02 Revision J</li><li>• External Works Layout Ref: EW-01 Revision G</li><li>• Engineering Layout Ref: 10290 – 100 Revision P9</li></ul>
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	<ul style="list-style-type: none"> <li>• Drainage Layout Ref: 10290 – 102 Revision P2</li> <li>• Access and Movement Plan Ref: AM-01 Revision D</li> <li>• Walk-up Flat Planning Drawings Ref: BM58-59-PL-01 Revision A</li> <li>• Walk-up Flat Special Planning Drawings Ref: BM58-59SP-PL-01 Revision A</li> <li>• Carport Planning Drawing Ref: CP-01</li> <li>• Larch House Type Elevations Ref: LAR-PL-01 Revision B</li> <li>• Olive House Type Elevations Ref: OLV-PL-01 Revision B</li> <li>• House Finishes Layout Ref: HF-01 Revision D</li> <li>• Storey Height Plan Ref: SH-01 Revision D</li> <li>• Street Scenes Ref: SS-01 Revision C</li> <li>• Softworks Plan Ref: 1900-URB-XX-XX-DR-LA-0001-P06</li> <li>• Planting Schedule Ref: 1900-URB-XX-XX-DR-LA-0003-P05</li> </ul> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety.</p>
2.	<p>Before any site clearance or construction works takes place on site, a detailed program for the implementation of the following ecological mitigation and enhancement works shall be submitted to and agreed in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Section 5 of the Preliminary Ecological Appraisal by Acer Ecology (September 2021) and with specific reference to the Retention of Broadleaved Semi-Natural Woodland and Watercourse through the establishment of Wildlife Protection Zones (WPZ).</li> <li>• Section 6 of the Reptile Survey by Acer Ecology (December 2021) and with specific reference to Habitat Retention and Reptile Method Statement through the establishment of Wildlife Protection Zones (WPZ) and the creation of a Hibernaculum and grassland area.</li> <li>• Section 6 of the Bat Survey Report and Reptile Survey by Acer Ecology – November and December 2021 with specific reference to the protection of Retained Habitats, the implementation of a sensitive lighting strategy and wildlife friendly soft landscaping and the installation of bat roosting features in the proposed houses.</li> </ul> <p>All works shall be carried out in accordance with the recommendations in the above reports and the agreed implementation program and maintained and retained in perpetuity.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development</p>
3.	<p>No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP should include:</p> <ul style="list-style-type: none"> <li>• Construction methods including details of materials, waste, contaminated land.</li> <li>• General Site Management: construction/phasing programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffers zones, relevant protection measures</li> <li>• Biodiversity Management: tree and hedgerow protection, invasive species management.</li> </ul>

	<ul style="list-style-type: none"> <li>• Soil management: topsoil strip, storage and amelioration for re-use.</li> <li>• Control of Nuisances: restrictions on timing/duration/frequency of works, dust control measures and control of light spill.</li> <li>• Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.</li> <li>• Traffic Management: construction vehicle routes to and from the site including temporary traffic signing including any necessary timing restrictions, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials deliveries, storage of plant and materials used in constructing the development plant on site, wheel washing facilities</li> <li>• Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.</li> <li>• Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.</li> <li>• Details of the persons/bodies responsible for activities associated with the CEMP and emergency contact details.</li> </ul> <p>The CEMP shall be implemented as agreed during the site preparation and construction phases of the development.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p>
4.	<p>Prior to the development commencing a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting plans shall be implemented as approved.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
5.	<p>No development shall commence until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme and throughout the development of this site.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
6.	<p>Notwithstanding the submitted plans, no development shall commence until a detailed landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include all areas of informal open space, retained woodland and ecological enhancement areas and shall include proposals for surface treatment, indications of all existing trees and hedgerows on land and details of any to be retained together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site and shall be maintained and retained in perpetuity.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>

7.	<p>If within a period of up to five years from the planting of any landscaping, any tree or hedgerow planted is removed, uprooted, 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.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
8.	<p>The noise mitigation works set in the Noise Assessment Report 3187/ENS2_Rev3 dated 8 May 2019 &amp; Technical Note 3187/TN1_Rev3 by Hunter Acoustics dated 13 July 2022 shall be implemented as follows:</p> <ul style="list-style-type: none"> <li>a) The layout of the development shall be as shown on plan TP-02, Rev J with Plots 13-22 being erected as a continuous block of flats with no gaps and the internal layout of the walk-up and special walk-up flats of Plots 13-26 as shown on in Figures D.2 on page 15 and D.3 on page 16 of Hunter Acoustics Technical Note 3187/TN1 Rev 3 dated 13 July 2022 so that there are no habitable rooms or windows on the critical plots backing onto the industrial site.</li> <li>b) The car ports shall be constructed as shown on the plan CP-01 July 22 with no gaps between the houses, the car ports or in the construction itself and with the boarding having a mass of at least 10kg/m<sup>2</sup>. The roof ridge height of the car ports shall be at least 5m high as specified in Hunter Acoustics Technical Note 3187/TN1 Rev 3 dated 13 July 2022. They shall be maintained and retained in perpetuity including the acoustic grade timber cladding on the rear walls (as they form an integral part of the noise mitigation scheme).</li> <li>c) The roof ridge height of the entrance porches to the flats of Plots 13,16,18, 19, 22, 24 and 26 (as shown on drawing TP-02, Rev J) shall be at least 5m high and shall be constructed in accordance with the TP-02, Rev J site layout- HA scheme</li> <li>d) A 2.2m high barrier shall be erected along the boundary of the rear of Plots 13-22 (as shown on drawing TP-02, Rev J). The barrier shall be imperforate with no gaps, continuous and shall have a minimum mass of 10kg/m<sup>2</sup>. The barrier shall be maintained in that condition and retained in perpetuity.</li> <li>e) All boundary treatments shall be erected as specified on drawing TP-02, Rev J</li> <li>f) The first-floor window to the side elevation of Plot 18 shall be a fixed pane window and shall have an alternative means of extract ventilation to the kitchen. Any extraction vent on the side elevation shall be subject to sound insulation measures to ensure that the internal noise level achieves LAeq1 hour 35dB.</li> <li>g) The first-floor windows to Plot 5 shall have an Rw (Weighted Sound Reduction Index) of at least 27dB and shall have trickle ventilators fitted.</li> </ul> <p>All the above works shall be implemented prior to any of the dwellings being</p>

	<p>occupied and shall be retained and maintained as agreed in perpetuity.</p> <p>Reason: To safeguard the amenities of residents and to enable to the continued operation of the industrial premises on Isfryn Industrial Estate.</p>
9.	<p>No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.</p> <p>Reason: To ensure effective drainage facilities are provided for the proposed development.</p>
10.	<p>No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained in perpetuity.</p> <p>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.</p>
11.	<p>Notwithstanding the submitted details, no development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.</p> <p>Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.</p>
12.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out on Plots 5, 6, 7, 8 and 9 which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.</p> <p>Reason: To enable the Local Planning Authority to exercise 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.</p>
13	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwellings on Plots 5, 6, 7, 8 and 9.</p> <p>Reason: To enable the Local Planning Authority to control the scale of development.</p>
14.	<p>No development shall commence on site until a scheme has been submitted to and agreed in writing showing a traffic calming feature in the vicinity of 28 Cwm Felin</p>

	<p>and Plot 1. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.</p> <p>Reason: In the interests of highway safety.</p>
15.	<p>No dwelling shall be occupied until the approved parking arrangements (driveway and/or parking spaces) have been completed in permanent materials and at gradients that do not exceed 8.33% (1 in 12). All visitor parking spaces shall be completed in permanent materials and at gradients that do not exceed 8.33% before the nearest dwelling is occupied. The approved parking arrangements shall be retained for parking purposes in perpetuity.</p> <p>Reason: To ensure the provision and retention of sufficient off-street parking and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.</p>
16.	<p>No development shall commence until a scheme for the boundary treatment between the driveway for 27 Cwm Felin and Plot 1 has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented as approved before the development is brought into beneficial use and retained in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
17.	<p>No development shall commence until a scheme for the boundary treatment between the driveway for 29 Cwm Felin and Plot 32 has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented as approved before the development is brought into beneficial use and retained in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
18.	<p>The highway access, footways and turning facility shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p>
19.	<p>No dwelling shall be occupied until the cycle parking sheds serving the dwelling concerned have been provided in accordance with the approved layout and they shall be retained thereafter for cycle parking purposes.</p> <p>Reason: In the interests of promoting sustainable means of travel to/from the site.</p>
20.	<p>Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 1 secure cycle parking stand per flat has been submitted to and agreed in writing by the Local Planning Authority. The stands shall be installed before the occupation of any of the flats and shall be retained as such thereafter.</p> <p>Reason: In the interests of promoting sustainable means of travel to/from the site.</p>
21.	<p>No development shall commence until full details of the Residential Recycling and Waste Collection Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Residential Recycling and Waste Collection Strategy shall</p>

specify how all recycling and waste should be stored and collected. Development shall be carried out in accordance with the approved strategy and the approved strategy shall be implemented in perpetuity.

Reason: In the interests of highway safety and residential amenity.

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\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- a) Foul and surface water shall be drained separately.
- b) No surface water will be allowed to discharge to the public sewer.
- c) No land drainage run-off will be permitted to discharge either directly or indirectly into the public sewerage system.
- d) Rainwater run-off from driveways shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.
- e) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.
- f) The Highway Authority will require the developer to enter into a Section 38 Road Agreement and a Section 104 Sewer Agreement including appropriate bonds to secure the implementation of the proposed highway and sewer works.
- g) The applicant is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.
- h) In accordance with the Bridgend County Borough Council Design Guide road gradients shall be such that the maximum gradient of 1:12 is not exceeded, a 10m near level platform shall apply at junctions and access roads shall have a minimum gradient of 1:125.
- i) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas although compacted chippings would not be acceptable as they may be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the access and parking areas should not be considered as a first option.
- j) Details of any retaining walls within the site to be submitted to the Authority should include location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway, the design details shall be duly certified by a professional Structural Engineer including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well



as qualification that the structure will achieve a 120 year life span.

- k) Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at public expense.
- l) Street nameplates reflecting the official street name allocated by the Council should be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.
- m) The applicant should be advised that in addition to Planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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

**Background Papers**

None