

REFERENCE: P/21/483/OUT

APPLICANT: Mr V Hughes c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

LOCATION: Land adjacent to Tondy Ironworks Tondy CF32 9TF

PROPOSAL: Demolition of existing offices (former Resource Centre for Groundwork Trust) and proposed 6 detached houses in outline with all matters reserved

RECEIVED: 21 May 2021

APPLICATION/SITE DESCRIPTION

Outline planning consent is sought for the demolition of an existing building and the construction of 6 detached dwellings. All matters of detail have been reserved for future consideration.

The site is located within a woodland area, in an elevated position to the west of Maesteg Road in the community of Tondy. The remains of the Tondy Ironworks, which are both a listed building and a Scheduled Ancient Monument (SAM), lie some 40m to the north-west of this application site. Part of the site also lies within the Derllwyn Road Conservation Area. The nearest residential properties form part of the Ffordd Haearn Estate and comprise a row of semi-detached and detached stone-faced bungalows, the rear gardens of which are approximately 30m from the north-eastern boundary of the application site.

Where layout is a Reserved Matter, the application must state the approximate location of buildings, routes and open spaces included in the development proposed as part of an illustrative layout plan. A 1:500 scale layout plan has accompanied the revised application to address this requirement – see below:



Figure 1 – 1:500 Site Layout Plan

The indicative layout plan proposes development on the footprint of the existing resource centre and associated hardstanding areas and into the areas of adjacent trees and woodland. The six plots are generous in size and will front the existing access road. Parking will be provided alongside each of the dwellings. Site sections suggest that the dwellings will be constructed on or slightly above existing ground levels.

Retaining walls will be constructed within the rear garden of the majority of the plots to form a 3m long patio area beyond each dwelling. The remaining garden areas will slope down at various gradients towards the application site boundary. The principal elevation of the dwellings would face south, towards the existing woodland with other significant windows facing north over the pond and landscaped area, with views out towards the Scheduled Ancient Monument of Tondu Ironworks.

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwellings. The supporting planning statement indicates that the maximum parameters are at this outline stage given as:

Width – 10m
Depth – 12m
Ridge Height – 10m.

Where access is a Reserved Matter, the application must state the area or areas where access points to the development proposed will be situated. Access will be gained via the existing junction and road that serves Ffordd Haearn, Tondu Ironworks and the Former Resource Centre Building. From the 'T' junction, the 9.0m wide carriageway with footways rise then narrows to form separate points of access to the Ironworks site and application site.

No elevational details are provided at this stage although the supporting statement suggests that the palette of materials will complement the nearby Conservation Area and listed building/scheduled ancient monument and will include slate roofs, stone and render on the walls and grey or white fenestration.

The application has been accompanied by the following plans and technical reports: -

- Proposed Site Layout Plan – Drawing 21 400 02D received on 15/8/2022
- Engineering Layouts and Site Sections – Plots 1-3 102-1 received on 23/2/2022
- Engineering Layouts and Site Sections – Plots 4-6 102-2 received on 23/2/2022
- Access Tracking Drawing No: 101 received on 23/2/2022
- Site Survey Plan received on 23/5/2022
- Existing Site Layout Plan received on 18/5/2022
- Planning Statement – by Plan R Ltd received on 16/8/2022
- Tree Survey, Categorisation & Constraints Report in accordance with BS 5837:2012 (Survey Phase 4.4, 4.5 & 4.6) by Steve Ambler and Sons Tree Specialists Ltd.
- Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August and November 2022
- Tree Protection Plan/Site Layout Overlay
- Coal Mining Risk Assessment by Rhondda Geotechnical Services received on 23/2/2022
- Preliminary and Detailed Ecological Appraisals by MPS Ecology – March 2021 & December 2021
- Assessment of Heritage Impact on the Setting of the Remains of Tondu Ironworks – a Scheduled Ancient Monument and other Designated Heritage Assets by Marloes Conservation Limited – June 2023.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/97/869/OUT	Reclamation and re-development for residential, business and industrial uses	Withdrawn	09/03/2000

P/99/982/OUT	and a heritage park Heritage visitor centre, recreation facilities and infrastructure	Conditional Consent	06/06/2000
P/01/500/RES	Cycle and Education Resources Centre	Conditional Consent	15/08/2001
P/00/827/RES	Cycle and Education Resources Centre	Conditional Consent	16/02/2001
P/16/637/FUL	Change of Use of Engine House from B1 to B1 and D1 uses (Mixed Use)	Conditional Consent	30/09/2016

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Ynysawdre Community Council	<p>Ynysawdre Community Council has very strong reservations on the proposed development. This is another threat to the quality of life for the residents of Tondu, not in keeping with the area and inappropriate housing for the use of this land. The environmental value of woodland and wildlife being sacrificed for executive homes is unreasonable and disproportionate to the impact on many other residents. It would have more community value if it were adding affordable homes with less footprint. This on top of the 430 homes now being developed. Tondu is being saturated with development destroying vast acres of valuable green spaces. Trees felled which are never replaced with new.</p> <p>Will the Public Rights of Way be affected? The historic kilns which should be saved. The history of the area has been obliterated where it should be saved for future generations who should learn about local historical heritage.</p> <p>The community council suggests amendments to the application: this would be an opportunity to provide social housing and a block of flats, affordable for families would be a better use of the land and would have less impact on the environment.</p>
Councillor Tim Thomas (Local Member)	<p>I object to the proposal on the following grounds:</p> <p>The proposal will do nothing to ease the problems of lack of affordable or social housing which is in chronic need locally.</p> <p>The impact the development will have on biodiversity including woodland that is home to species including bat populations.</p> <p>The development will add additional strain to already at capacity road network. It is my understanding that access will be via the turnoff on Iron Way which is already difficult to gain access to and from.</p> <p>The development will have an adverse effect on the local character of the area with close proximity to the Ironworks.</p>
Councillor James Radcliffe (former Local Member)	<p>I have no comment to make on the application, however, as there have been some concerns expressed locally, I would like the application referred to committee.</p>

Transportation Officer (Highways)	No objection subject to conditions.
Rights of Way	No objection.
The Ramblers	No objection.
Land Drainage	No objection subject to conditions.
Dwr Cymru/Welsh Water	No objection subject to conditions.
Shared Regulatory Services Environment Team: Land Quality	No objection subject to conditions.
Shared Regulatory Services: Neighbourhood Services – Noise	No objection.
Cadw	<p>24 May 2022: We consider that the application is inadequately documented, and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance.</p> <p>This planning application is for the demolition of existing offices (former Resource Centre for Groundwork Trust) and proposed 6 detached houses in outline with all matters reserved [Affecting Footpath 16 Ynysawdre]. Located at, Land adjacent to Tondu Ironworks, Tondu, CF32 9TF.</p> <p>Located within a 2km search buffer of the application area are the above designated historic assets.</p> <p>The proposed development is located some 40m south of scheduled monument GM433 Remains of Tondu Ironworks and is likely to be visible from it. This will be a material consideration in the determination of this application (see Planning Policy Wales 2021, section 6.1.23): However, no information on this issue has been submitted with the application and therefore we are currently not in a position to provide your authority with advice. Consequently, your authority should request more information on this issue to be provided. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared by a competent and qualified historic environment expert in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017). Once this information has been submitted, Cadw should be reconsulted on this application.</p> <p>Revised comments received on 28 June 2023: Having carefully</p>

	<p>considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic park and garden.</p> <p>The application is accompanied by a Heritage Impact Appraisal produced by Marloes Conservation Limited. This work assesses the impact of the proposed development on the designated historic assets above. It concludes in relation to the registered parks and gardens that the proposed development will have no impact due to intervening woodland and the distance separating the proposed development from the registered parks and gardens.</p> <p>We concur with this conclusion; the proposed development will have no impact on the setting of registered parks and gardens PGW(Gm)5(BRI) Bryngarw and PGW(Gm)65(BRI) Coytrahen House.</p> <p>Regarding the scheduled monument GM433 Remains of Tondu Ironworks, the report concludes that retention of existing wooded areas surrounding the development site and new planting to ensure a sufficient density to such woodland will mean the proposed development will be substantially screened in views from the monument and that overall, the impact on setting will be positive as the proposed woodland management will ensure screening is maintained. However, the retention and creation of woodland unrelated to the scheduled monuments historical setting does not add an additional positive contribution to it. As such, we conclude that the proposed development will have no effect on the way that the scheduled monument is experienced, understood, and appreciated and consequently, the proposed development will have no impact on the setting of scheduled monument GM433.</p>
South Wales Police - Designing out Crime Officer	No objections. Comments have been provided on the proposed car parking arrangements, lighting, boundary treatment, etc. A copy of the observations has been passed to the applicant's agent.
The Coal Authority	No objection subject to conditions.

REPRESENTATIONS RECEIVED

The application has been advertised on site.

Neighbours have been notified of the receipt of the original application and the submission of amended plans. The period allowed for response to consultations/publicity expired on 5th April 2023.

Letters of objection have been received from the occupiers of the following properties in response to the publicity undertaken in respect of the original submission and revised plans and documents:

Original Submission:

5, 8, 10, 12, 52 and 54 Ffordd Haearn (Iron Way)
1 Pen yr Heol, Penyfai
8 Lock's Lane, Porthcawl

Revised Plans:

8, 10, 12, 16 and 52 Ffordd Haearn (Iron Way)
1 Pen yr Heol, Penyfai

The following is a summary of the representations received:

- Impact on Heritage Assets – original developers of Iron Way were refused consent on the basis that the development was too close to listed buildings/schedule ancient monument – too much housing in conservation area
- Building is an asset that could be still put to use – could be a visitor centre for tourists
- The visual impact in terms of the proposed layout and density of the development would become the main focus of the landscape leading up to the Grade II listed historic building of the former Tondu Iron Works.
- The development would result in a loss of trees and woodland – this will have a significant environmental impact – the area provides habitats for birds and bats
- The area is used for recreational purposes and should not be lost to development
- Local infrastructure (roads, school's surgeries etc) cannot cope with additional development – adjoining land will already have a significant impact
- The increase in traffic will generate noise with the access road directly behind the boundary fence of a number of properties
- The dwellings will be on elevated ground overlooking the bungalows in Iron Way - this will lead to a loss of privacy. This would be a particular problem during the Autumn and Winter months when there are no leaves on the trees immediately behind our rear garden fences.
- Little information provided about the scale and siting of the development
- All rights of way should be maintained and not affected by the development

A letter has been received from a resident claiming an interest in the land and the areas adjacent – they oppose the demolition works and development.

Tondu and Aberkenfig Community Association has very strong reservations on the proposed development. They comments as follows:

This is another threat to the quality of life for the residents of Tondu, not in keeping with the area and inappropriate housing for the use of this land. The environmental value of woodland and wildlife being sacrificed for executive homes is unreasonable and disproportionate to the impact on many other residents. It would have more community value if it were adding affordable homes with less footprint. This on top of the 430 homes now being developed. Tondu has been saturated with development destroying vast acres of valuable green spaces. Trees felled which are never replaced with new. Will the Public Rights of Way be affected? The historic kilns which should be saved. The history of the area has been obliterated where it should be saved for future generations who should learn about local historical heritage. The Association suggest amendments to the application: this would be an opportunity to provide social housing and a block of flats, affordable for families would be a better use of the land and would have less impact on the environment.

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections raised align with the main considerations in the assessment of this

application and are addressed in the appraisal section of this report. The following comments are offered in response to the other issues raised:

Building is an asset that could still be put to use: The condition of the building does not demand demolition and it could be put to a different use. The Council is however required to consider the merits of this application and not alternative uses. Furthermore the building does not enjoy any protected status nor has any architectural or historic merit.

The area is used for recreational purposes and should not be lost to development: the site has no formal designation in terms of recreation but a number of rights of way pass through and alongside the site.

All rights of way should be maintained and not affected by the development: the public right of way that passes through the site on the access track has recently been diverted – (Public Path Diversion Order NO. 3 2022 refers). All other rights of way outside the site which includes a section of the national cycle route will be unaffected by the development.

The increase in traffic will generate noise with the access road directly behind the boundary fence of a number of properties: colleagues in Shared Regulatory Services have examined the application details and have not highlighted any concerns regarding noise from development traffic. The Council would impose conditions controlling the hours of construction as part of an agreed construction method statement.

Little information provided about the scale and siting of the development: as the application seeks only to agree the principle of the development, detailed plans of the housing are not required at this stage. The parameters of the development in terms of the size of the housing have been submitted for consideration.

RELEVANT POLICIES

Local Policies

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

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA3	Regeneration and Mixed-Use Development Schemes
Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil
Policy SP3	Strategic Transport Planning Principles
Policy PLA5	Development in Transport Corridors (Llynfi)
Policy PLA8	Development Led Improvements to the Transportation Network – Access to Land West of Maesteg Road, Tondu
Policy PLA9	Development Affecting Public Rights of Way
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP5	Conservation of the Built and Historic Environment
Policy COM1	Residential Allocations in the Strategic Regeneration Growth Areas (31)
Policy COM3	Residential Re-Use of a Building or Land
Policy COM4	Residential Density
Policy COM5	Affordable Housing
Policy COM11	Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance:

SPG5	Outdoor Recreation Facilities and New Housing Development
SPG7	Trees and Development
SPG13	Affordable Housing
SPG16	Educational Facilities and Residential Development
SPG17	Parking Standards
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 11	Noise
Planning Policy Wales TAN 12	Design
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 comprising 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 response to the request from the Local Member and in view of the number of material objections received from residents and the Community Council.

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

1. Whether the principle of developing this site in the manner proposed is in accord with the policies of the Bridgend Local Development Plan (2013)
2. The effects on the surrounding highway network and the sustainability of the access arrangements
3. The effect on the character and appearance of the area with specific reference to the site's biodiversity interests and heritage assets
4. The effect on the living conditions of the occupiers of the nearest residential properties
5. Whether Coal Mining Legacy issues will affect ground conditions/stability and the future development of the site and finally
6. Whether the development can provide an acceptable level of affordable housing and community facilities to accord with local policies and guidance.

Whether the principle of developing this site in the manner proposed is in accord with the allocating policies of the Bridgend Local Development Plan (2013)

The application site lies within a larger area of 43 hectares identified in the adopted Bridgend Local Development Plan (LDP) 2013 as a regeneration and mixed-use development on a former opencast site. Policy PLA3 (10) describes the site as a brownfield and under-utilised site within a defined settlement. Some development has already taken place within the policy allocation, with residential development to both the south and south-west of the application site. Retail uses including a supermarket and smaller units have also been built in the southern part of the site along with a Waste Transfer Station.

Specifically, PLA3(10) allocates the site for up to 538 residential units, employment uses and improvements to the Transportation Network (access to land west of Maesteg Road). To date, consent has been granted for a total of 636 units, exceeding the allocation by 98 units. The figure of 636 is made up of 186 units that have already been constructed on the southern part of the regeneration area and the 450 units that were consented under application P/16/366/OUT. Llanmoor Homes are in the process of implementing the 2016 application but with a reduced quantum of development. The reserved matters application that followed proposed 405 units, reflecting development constraints. Technically, the six units proposed under this application would exceed the figure quoted under Policy PLA3 (10) when added to implemented/consented schemes but only by 59 units. The remaining requirements of the policy namely the employment site and improvements to the transportation network have been secured under consents P/16/366/OUT and P/19/915/RES. This includes the construction of the new link road, as a by-pass to part of Maesteg Road and the associated changes to the connecting roads and traffic light-controlled junctions.

On a matter of principle, the development of this brownfield site for housing accords with the allocating policies of the Bridgend Local Development Plan (2013). Paragraph 3.55 of Planning Policy Wales does however indicate that not all previously brownfield land is suitable for development because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage. All these matters are relevant to the determination of the application and will be considered in the following sections.

The effects on the surrounding highway network and the sustainability of the access arrangements

The adequacy of the highway network to accommodate the development on this site have been raised as objections to the scheme by a number of parties.

All development proposals should promote safe, sustainable and healthy forms of

transport through good design, enhanced walking and cycling provision, and improved public transport provision. Reducing congestion, the need to travel, reliance on the private car and improving road safety are some of the principles that should be incorporated into development schemes.

Access to this site will be via the existing junction on the A4063 that serves Ffordd Haearn, Tondu Ironworks and the Former Resource Centre Building. This 'A' road is part of the strategic road network of the county borough and development that would (a) adversely affect safe and efficient movement along this route and/or (b) create or exacerbate harm to the environment and/or (c) not be capable of mitigation will not be permitted.

The transportation implications of the proposal have been considered against this policy framework and it is noted that the number of units proposed has been reduced from the original submission. In traffic generation terms, the 6 units is commensurate with the traffic generation of the existing office use on this site. Any occasional traffic generation above the extant use would be within the daily fluctuations of traffic in the area and would not result in a detrimental effect on the capacity of the local highway network. As a result, it is considered the proposal is accepted in traffic generation terms.

Additional information has also been supplied, in the form of swept path drawings/analysis that demonstrate that the largest vehicle (refuse/re-cycling/delivery) will access the proposed development in a safe manner. The turning-head at the end of the proposed driveway will have to be amended at the detailed stage to ensure that vehicles will be able to enter and leave in a forward gear. A condition will be imposed to address this matter.

Active Travel provision is key on any new development, and it is noted that the latest layout plan has been revised to show a continuous 1.8m footway leading from the development site to Iron Way and the wider connections. Informal routes are also available within the woodland that would connect the new properties to the national cycle route to the south and the wider network.

Overall, the development is compliant with national and local highways and transportation policies.

The effect on the character and appearance of the area with specific reference to the site's biodiversity interests and heritage assets

The potential for the development to result in the loss of trees and woodland and the consequential impacts on biodiversity have been highlighted by the community council, the local action group and the local member.

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) which determined the baseline conditions on site and adjoining through a combination of desk-based consultation and ecological site surveys. The habitats within the site were assessed for their potential to support legally protected or otherwise notable flora or fauna. The survey also incorporated a subjective ground-based assessment of the potential of the building and the mature woodland to support bats. The ecology report confirms that the areas of broadleaved semi-natural woodland are of high ecological value and holds the potential to support a variety of protected species, including bats. These areas should be retained and protected as far as is reasonable. The site also provides suitable habitat for Dormice, Great Crested Newts and Badgers although none were recorded on site. In order to protect species, sensitive clearance and precautionary methods would need to be followed prior to and during construction. The site and the wider woodland area support an assemblage of woodland bird species. Nesting boxes should be provided to compensate for any loss of nesting features due to tree removal. The ecology survey also noted a number of stands of Rhododendron and Japanese Knotweed on site which would need to be eradicated through a program of works. In conclusion, the ecology report proposed compensatory, and enhancement works which would include the provision of native wildflower seed mixes and trees of local provenance within the landscaping proposals, bat and bird nesting boxes in appropriate locations on the new dwellings and trees and small holes within the boundary fencing to allow hedgehogs to forage and pass freely through the site. It is suggested that the eradication of invasive species will improve the ecological value of the woodland.

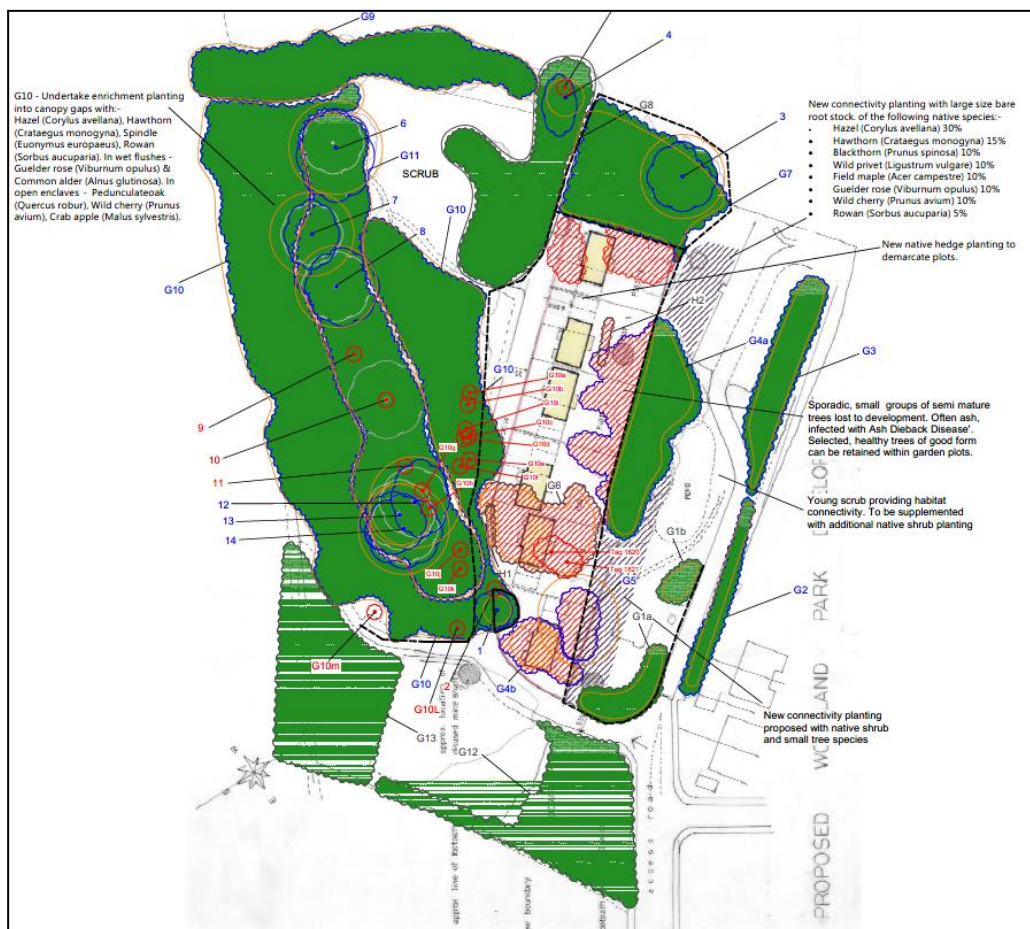
Recognising that the trees on site provide the highest ecological value, there was concern that any loss, if not justified on arboricultural grounds would result in the loss of habitat and also affect the connectivity between the woodlands around the site which are likely to provide an important route for bats. In addition, the introduction of the built development among the retained trees could cause compaction of roots, potentially leading to the decline of the trees. The trees are not only important in terms of biodiversity but also define the character of the landscape which forms the setting of the adjacent listed buildings/structures.

The Tree Survey, Tree Categorisation and Tree Constraints Plan which accompanied the original planning submission highlighted conflicts between the development and trees with losses being evident. Negotiations followed and a revised layout plan was submitted proposing a reduction in unit numbers from 9 to 6. An Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement and further ecology report were also commissioned which sought to address the initial objections to the development.

The reduction in unit numbers minimised the impact of the development on the trees and biodiversity interest but the development would still require the removal of trees.

The arborists responded to the continuing concerns, confirming that the partial loss of the early mature tree cover on the northern side of plots 3, 4, & 5 (G4a) is limited and in response to Ash dieback disease. Much of the dense wooded section on the bank will be retained. G4a and G4b comprise of mostly native species, however they also have an element of non-native, invasive bamboo species, and *Rhododendron ponticum*. Both of which should be eradicated to the benefit of the native ground flora and the promotion of natural tree regeneration overtime. A small hedgerow (H1) and a group of trees (G6) will be removed to accommodate plots 2, 3. H1 & G6 have been awarded a 'C' retention category rating, and in accordance with BS 5837 'should not necessarily pose a constraint to development'. Two trees within G6 were regarded as unsafe to retain with very limited life expectancy. Subsequently one of these has since failed. Hedge 1 as well as being 'C' category, is species poor and comprises of the non-native oval-leaved Oval leaved privet. Plot 1 which lies at the eastern end of the site, close to the entrance, is heavily constrained by existing trees. A group of native trees and a pair of non-native Western red cedar will be removed to accommodate the dwelling on this plot.

The arborist has submitted a tree retention/tree loss plan based on the submitted site layout drawing which is reproduced below:



In numerical terms, of the total site covered by trees (1.97 hectares), 8% of the coverage will be lost to accommodate the development. Recognising the requirements of both national and local planning policy to mitigate and compensate for any loss of trees and/or biodiversity interests, mitigation has been offered in three ways: 1). New planting is offered as mitigation with a view to improving the habitat connectivity along the eastern boundary with the use of native species. There are two sections identified on the plan above for new planting. This is aimed at improving the wooded corridor between the woodland to the north and the pond. 2). Enrichment planting with native species is proposed for the main woodland 3). Native hedgerow planting to demarcate plot boundaries.

Addressing the concerns about the loss of connective woodland and the impact on bats, the arborist and consultant ecologist suggest that this could only relate to the loss of trees affecting plots 2 and 3 (G6) which is relatively modest in scale and would not negatively affect the movement of bats, some species of which will cross open areas up to 50m wide. As mitigation, connectivity will be enhanced on the northern side of the site through the planting of native tree and shrub species, along with hedges to demarcate plot boundaries to provide habitat corridors through the development area.

Concerns that the proposed plot fencing will result in the compaction of roots have been considered in the Arboricultural Method Statement. If undertaken as specified, under the recommended supervision of a Project Arborist through an Arboricultural Watching Brief, the impact of this operation should be negligible. Fencing location will be offset to accommodate the retention of trees along the leading edge of the retained woodland to the rear of plots 3-5.

The applicant's consultant arborist and ecologist maintain that the scheme has evolved through the design process, with the development primarily occurring within the footprint of the existing building and car park and formal grounds. Full consideration for the woodland setting and the advice provided by officers has informed the layout. Mitigation and enhancement measures can be secured through the grant of planning permission that will exceed the proposed tree losses and will see the introduction of additional new native species. Additionally, if the tree survey recommendations are fully implemented, the control of non-native invasive species within the wooded groups will also occur, which will be beneficial for a local ecology perspective.

Based on the technical reports submitted in respect of arboriculture and ecology, the impacts of the development can be mitigated, and enhancements secured which will meet the national and local policy tests. Critical will be the wording of the planning conditions to ensure that adequate controls will be in place to guide the future development of this site.

The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. This Council has the responsibility for considering the historic environment as part of their role in determining planning applications. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

The application site forms part of an area of Archaeological Significance which includes schedule ancient monuments, listed buildings, (Tondy Ironworks) and the Derllwyn Road Conservation Area. The Tondy Ironworks, which is listed and a scheduled ancient monument, lies some 40m north of the application site. Policy SP5 of the Bridgend Local Development Plan states that development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact. As the heritage assets lie outside the application site, a Heritage Impact Assessment has not accompanied the application

Residents have expressed concerns about the impact of the development on local Heritage Assets and suggest that the development is too close to the former ironworks. Further development will only diminish the character of the conservation area.

The application proposes the demolition of a relatively modern office building on site which

is supported in terms of the above policy, as it contributes little to this historic environment.



Figure 2 Photo of the Existing Office Building

Concerns about the scale of development, the loss of trees and a lack of information as to how the dwellings would respond to the changing the topography and by extension the nearby heritage assets were highlighted early in the processing of the application. Initial plans included gabion baskets as retaining features on the boundary closest to the scheduled ancient monuments and listed building. It was however acknowledged that the form of the development on the indicative plan and palette of materials (render, stone and slate roofs) reflected traditional workers housing within the Derllwyn Road Conservation Area and the more recent development at Ffordd Haearn.

A revised site layout plan reducing the unit numbers was accompanied by cross-section drawings, illustrating the proposed modest retained terraces to the rear of the dwellings with the remaining garden areas following the existing site topography. Some form of boundary treatment would be required to define the termination of the gardens but that would be a detail to be agreed at a later stage. Beyond this boundary would be the new tree and hedge planting to compensate for the losses on site. The applicant's planning consultant suggests that this approach would minimise the impact on trees and the setting of the heritage assets. In a planning statement to accompany the revised plans, the agent suggests that there is very little intervisibility between the proposed site and the Engine House. The retained trees on the development site will screen much of the built form from the scheduled ancient monument. As indicated above, significant mitigatory planting is proposed on the northern boundary of the site which over time will 'hide' the development from the important heritage assets.

In responses to concerns offered by Cadw, the applicant's agent submitted an Assessment of Heritage Impact on the Setting of the Remains of Tondu Ironworks and other Designated Heritage Assets. The report recognised that the development was on the edge of what is considered to be one of Wales's most important industrial sites but offered the view that the layout had been carefully designed to retain existing planting of woodland providing natural screening of views both into and out of the site. This was demonstrated

through the commissioned Arboricultural Report and proposals which includes a Woodland Management Plan.

The heritage assessor indicated that the removal of a late C20, office building would help to secure the amenity and improve the quality of the area. The assessment concluded that the proposals would improve the setting of the character and appearance of the area to the south of Tondu Ironworks Scheduled Ancient Monument and the area to the south of the Derllwyn Road Conservation Area. The proposals would also have no impact on the setting of the other heritage assets due to their separation by the existing woodland on the site which it is proposed to retain, and their distance. By meeting the requirements of Planning Policy Wales and TAN 24, the proposals further met the requirement of the Bridgend Local Development Plan 2006-2021

In responding to the Heritage Assessment, Cadw noted the assessor's conclusion that the retention of existing wooded areas surrounding the development site and new planting to ensure a sufficient density to such woodland would mean the proposed development will be substantially screened in views from the monument and that overall, the impact on setting will be positive as the proposed woodland management will ensure screening is maintained. Cadw suggested that the retention and creation of woodland is unrelated to the scheduled monuments historical setting and does not add an additional positive contribution to it. However, Cadw concludes that the proposed development will have no effect on the way that the scheduled monument is experienced, understood, and appreciated and consequently, the proposed development will have no impact on the setting of scheduled monument. Accordingly, Cadw have no objection to the development.

Section 66(1) of the Listed Buildings Act 1990 requires the local planning authority when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In this case taking into account the submitted Heritage Assessment, comments from Cadw and the mitigating screening outlined above it is not considered that the setting of the listed building would not be negatively impacted. Overall, the development of this site could enhance the wider conservation area and safeguard the setting of the listed building and scheduled ancient monument. Much however will depend on the retention and management of the trees on site, the implementation of new planting along the critical northern boundary and a layout and house designs that will contribute to this historic environment. Before any application is submitted for this development, a site-specific brief will have to be agreed with the Local Planning Authority.

The effect on the living conditions of the occupiers of the nearest residential properties

Residents have been invited on the comment on the various layout plans that have been submitted with this application and have consistently raised concerns that the elevated position of the new dwellings will overlook the properties on Ffordd Haearn (Iron Way) which would result in a loss of privacy. This would be a particular problem during the Autumn and Winter months.

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. At a local level, Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

The application site occupies elevated ground to the south-west of properties on Ffordd Haearn (Iron Way). From the OS maps, some 28m separate the rear boundaries of 2-16 Ffordd Haearn (Iron Way) from the application site. Although the submitted layout plan only shows an indicative position of the dwellings, the distance between habitable room windows will be even greater, probably closer to 40m in most cases. Even accounting for the difference in site levels which is not insignificant, the levels of privacy for the existing residents will not be significantly compromised. The retention of the trees on site, particularly on the northern boundary will provide screening although leaf fall will diminish the benefits during autumn and winter. Again, at this stage it is difficult to fully appraise the impacts of the dwellings, as their scale and form has not been finalised, but it seems unlikely that overshadowing or loss of outlook would be a significant factor. Although the Council may agree the principle of the development, it will have an opportunity to carefully consider the development of the site to ensure that the layout and design does not significantly compromise the amenities of residents.

The living conditions of the future residents of the development must also be considered but again given the indicative nature of the layout no firm conclusions can be drawn. It appears that parking can be provided on plot to accord with the Council's guidelines and the garden areas would appear to be reasonably generous in area. However, to minimise the impact of the development works on trees, retaining works will need to be minimised. Cross-section plans indicate modest terraces beyond the rear elevations of the dwellings. What is lost in depth is however made up in the width of the plot. Tree retention is critical to the acceptability of this scheme and that will mean that future occupiers will have to live with mature trees shading gardens and limiting light to habitable rooms. Experience does suggest that in such situations, pressure is placed on the Council to allow works to protected and retained trees. All works would however need the consent of the Council as the trees are protected. Management of the retained trees will be key and it is proposed that a management plan be agreed for the trees that future occupiers of the plots will have to follow. This should ensure the well-being of the trees but also a requirement to re-plant should any of the retained trees fail.

At this stage of the planning process on the basis of the information available, the quality of life and well-being of both existing and future residents should achieve an acceptable level that accords with the Council's policies and guidelines. It will however be necessary to impose conditions to control the future development of the site.

Whether Coal Mining Legacy issues will affect ground conditions/stability and the future development of the site

When considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to the surface of landfill or mine gases.

Much of this application site lies within the Coal Authority's designated Development High Risk Areas, with the presence of several mine entries on, or adjacent to the site. A Coal Mining Risk Assessment has accompanied the application which has been examined by the Coal Authority.

The Coal Mining Risk Assessment acknowledges that there are coal mining legacy features present, including recorded mine entries, which pose a risk to the development. Based on their review of available information the report author concludes that intrusive site investigations should be carried out on site in order to investigate if shallow coal workings are present beneath the site and to locate the mine entries. The report author

recommends that appropriate remedial works should also be carried out to ensure that the risks posed by these features are properly addressed.

The Coal Authority records indicate that there is a recorded mine entry within the site and a further three mine entries within 20m of the site boundary. The recorded positions of these mine entries may be subject to significant departure from their actual locations. The mine entry recorded as being in the centre of the site should be located and its condition assessed. The three features recorded as being off site should be subject to on-site investigations to discount, or confirm, their presence within the site boundary. If these features can be proven to be off-site, we would still expect detailed consideration to be given to the potential risk posed to the development by the collapse of off-site mine entries. Prior to any investigations being designed and undertaken it would be prudent to carry out a positional review of the mine entries from source data.

The mine entries should be located, where possible, and their zones of influence calculated in order to inform appropriate no build zones around these features. The Coal Authority would expect the same calculated no build zones to be defined around the off-site mine entries. These works should then inform the layout of the development in order that the application is able to demonstrate that adequate separation has been provided between the new dwellings, the mine entries and their no build zones. The Coal Authority have indicated that the indicative layout plan that has accompanied the application may need to be amended.

Intrusive site investigations of shallow coal workings and the mine entries will be required and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority have no objections in principle to the development but have requested that conditions are imposed on any consent requiring the following:

- Intrusive site investigations, the findings of which including any remediation works and/or mitigation measures necessary to address land instability arising should be agreed.
- Submission of a layout plan which identifies the exact locations of the mine entries, as established, their calculated no build zones and how these relate to the development proposed in order to demonstrate adequate separation between these features and any buildings.
- Before occupation, a signed statement confirming that the site is, or has been made, safe and stable for the approved development.

The Coal Authority's requirement to undertake intrusive site investigation works had the potential to impact on the site's arboricultural and biodiversity interest. The applicant's geotechnical consultant has confirmed that the works will consist of rotary boreholes, followed by a shallow soil strip to locate the old shafts. These investigations will be carried out entirely within the existing car park. No trees are within this area and no site clearance works will be necessary.

National policy confirms that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. Based on the evidence submitted with the application and the comments from the Coal Authority, there is no indication that any ground instability could not be addressed by mitigations works. A recommendation to approve would appear to align with national

and local policy. Changes to the indicative site layout plan may be necessary but that would be addressed as part of a revised or new planning application.

Whether the development can provide an acceptable level of affordable housing and community facilities to accord with local policies and guidance

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.

Policy COM5 of the LDP requires 20% of the proposed housing in this area to be affordable and this will be secured by agreement. As such, 1 of the units should be provided as affordable housing of an appropriate tenure to be agreed between the applicant and the Council or alternatively a financial contribution, to an equivalent benefit, could be sought towards off-site provision

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 educational facilities within the catchment area. However, capacity exists within local schools to accommodate the number of children generated by the proposals, so no contribution is required.

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:

- A development of 6 dwellings would lead to an estimated development population of 14 (based on an average of 2.34 people per house)
- The total amount of outdoor recreation space required should of approximately 336sqm of Outdoor Sport and 168sqm of Children's Play Space.

The proposed development does not include provision on-site, although access to informal open space surrounding the site is readily available. In these circumstances and considering the scale and constraints of the site, a financial contribution towards off-site provision should be secured as part of the consent. This will however be calculated at £470 per dwelling for children's play space and £569 per dwelling towards outdoor sport facilities.

CONCLUSION

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the planning authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused brownfield sites for housing has been part of the plan strategy at a national and local level.

Such support is not however unqualified and Policy SP2 of the LDP demands a high quality of design for all development and represents the starting point for all planning applications.

This site lies within the settlement of Tondu and is underutilised, previously developed land which is accessible by all modes of transport but importantly those other than the private car. Although it has the potential to achieve a number of national and local sustainable placemaking outcomes, there are a number of design challenges including the retention of trees, the implementation of works to mitigate and compensate for their loss and measures to secure biodiversity enhancements on site.

The indicative layout plan and supporting evidence suggest that the aforementioned challenges can be addressed. Conditions will be key to managing the future development of this site.

On balance, the application is considered acceptable.

RECOMMENDATION

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

- i. Provide a minimum of 20% of the units as affordable housing with the type of unit(s), location within the site and affordable tenure to be agreed by the Council or a financial contribution towards off-site provision of affordable dwellings to an equivalent value.
- ii. Provide a financial contribution of £6,234 on the commencement of development towards the provision/upgrading of children's play space and outdoor sports facilities in the vicinity of the application site.
- iii. Comply with the Design Brief and Phasing Plan to be agreed in respect of condition 2.
- iv. Agree a programme for the management of all retained trees and new tree and hedge planting on the development site and adjacent woodland area

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

1. No more than 6 dwellings shall be constructed on the application site and the development hereby permitted shall be developed generally in accordance with the following plans and documents:

- Proposed Site Layout Plan – Drawing 21 400 02D received on 15/8/2022
- Engineering Layouts and Site Sections – Plots 1-3 102-1 received on 23/2/2022
- Engineering Layouts and Site Sections – Plots 4-6 102-2 received on 23/2/2022
- Access Tracking Drawing No: 101 received on 23/2/2022
- Site Survey Plan received on 23/5/2022
- Existing Site Layout Plan received on 18/5/2022
- Planning Statement – by Plan R Ltd received on 16/8/2022
- Tree Survey, Categorisation & Constraints Report in accordance with BS 5837:2012 (Survey Phase 4.4, 4.5 & 4.6) by Steve Ambler and Sons Tree Specialists Ltd.
- Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August, and November 2022
- Tree Protection Plan/Site Layout Overlay
- Coal Mining Risk Assessment by Rhondda Geotechnical Services received on 23/2/2022

- Preliminary and Detailed Ecological Appraisals by MPS Ecology – March 2021 & December 2021

Reason: To ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions and the sites biodiversity interest.

2. Prior to submission of the first of the Reserved Matters application, a Design Brief and Phasing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Design Brief and Phasing Plan will have regard to the submitted site layout plan, site sections, the recommendations in the arboricultural implications assessment, method statement and coal mining risk assessment and shall accord with the planning conditions contained in this Notice. The Design Brief and Phasing Plan shall include, as a minimum, the following elements:

- a. Details and timing of all site investigation works
- b. Details of engineering works including site drainage and all retaining works affecting each residential plot
- c. Tree removal/tree retention works including timing with reference to the Arboricultural Implications Assessment and Method Statement (Version 3) Updated March, August, and November 2022
- d. Details of ecology/tree mitigation and enhancement works including details and timing of implementation
- e. Finished site levels
- f. Road layout incorporating a turning head suitable to accommodate a 11metre refuse vehicle
- g. Building Footprints – including parking and amenity areas
- h. Scale of development
- i. Materials of construction (roofs, walls, windows, doors, boundary treatment etc.)

All applications submitted for development on site must accord with and be carried out in accordance with the agreed Design Brief and Phasing Plan

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

3. No trees, shrubs or hedges within the site which are shown as being retained on the Design Brief and Phasing Plan to be agreed under condition 2 above shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

4. The development shall be carried out in accordance with the following tree protection measures:

- a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

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

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

- i. The routing and timing of HGV construction traffic to/from the site.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety.

6. Prior to the submission of the first Reserved Matters application, further site investigation works shall be carried out in accordance with a methodology that is first to be submitted to and approved in writing by the Local Planning Authority to establish the risks posed to the development by past coal mining activity on site. Within 3 months of the site investigation works being carried out, a detailed report including remediation works and/or mitigation measures necessary to address land instability arising from coal mining legacy shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the future occupiers of the development.

7. Prior to the submission of the first Reserved Matters application a layout plan shall be submitted to the Local Planning Authority which identifies the exact locations of the mine entries, as established, their calculated no build zones and how these relate to the development proposed in order to demonstrate adequate separation between these features and any buildings.

Reason: In the interests of the safety of the future occupiers of the development

8. Prior to the submission of the first Reserved Matters application an assessment of

the risk from mine gas* shall be submitted to and agreed in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person**. The report of the findings shall include:

- I. a desk-based review of all available coal mining and geological information relevant to the application site and the proposed development; a preliminary assessment of the risks to the proposed development from mine gas; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.
- II. an intrusive investigation and monitoring programme*** to assess the site for the presence of gases which may be present, if identified as required by the desk-based review.
- III. an assessment of the potential risks from mine gas to human health and property.
- IV. an appraisal of gas protection options and justification for the preferred option(s).

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

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

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

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

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

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

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

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

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

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

10. Prior to the occupation of any dwelling, a verification report undertaken by or under the direction of a suitably qualified competent person*, demonstrating the completion and

effectiveness of the protection scheme approved by condition 9 above must be submitted to and approved in writing by the Local Planning Authority.

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

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

11. Prior to the submission of the first Reserved Matters application, an assessment of the nature and extent of contamination shall be submitted to and agreed in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

I. a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages

II. an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study

III. an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at

IV. an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

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

12. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing

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

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

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

13. The remediation scheme approved by condition 12 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

14. Prior to the occupation of any of the dwellings on site, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason: In the interests of the safety of the future occupiers of the development

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

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

16. 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.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

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

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

18. *** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a. To satisfy the condition 15 the applicant must:

- Provide a foul and surface water drainage layout
- Provide an agreement in principle from DCWW for foul disposal to the public sewer
- Provide a construction management plan outlining how surface water runoff will be managed during the construction phase
- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).
- Provide a surface water drainage layout including the location of a soakaway
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None