

**REFERENCE:** P/22/597/FUL

**APPLICANT:** FDH Property Ltd Unit 4D, Old Pill Farm Industrial Estate, Caldicot, NP26 5JH

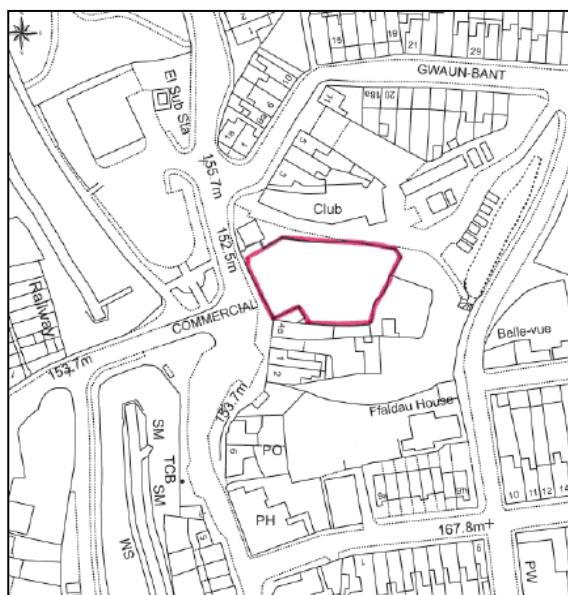
**LOCATION:** Land formerly Ffaldau Arms, Victoria Street, Pontycymmer CF32 8LL

**PROPOSAL:** Construction of a two-storey frontage block accommodating 6 No. 2 bed. residential apartments, together with a rear detached 2/3 storey residential apartment block, accommodating 4 No. 2 bed and 2 No. 1 bed residential apartments with under croft parking, associated works and landscaping.

**RECEIVED:** 26 August 2022

### **APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the construction of two blocks of residential accommodation on the site of the former Ffaldau Arms, Victoria Street, Pontycymmer. The block fronting Victoria Street will be two-storey and accommodate 6 No. 2 bed. Apartments. The 2/3 storey building at the rear will accommodate 4 No. 2 bed and 2 No. 1 bed residential apartments with under croft parking.



**Figure 1 – Site Location Plan**

The application site relates to the former public house that was fire damaged and demolished some 15 years ago. The site lies off the eastern flank of Victoria Street, being part of the A4064 main road which runs through the centre of the village of Pontycymmer. The land is set amongst a cluster of commercial properties which congregate opposite the prominent road junction with Commercial Place.

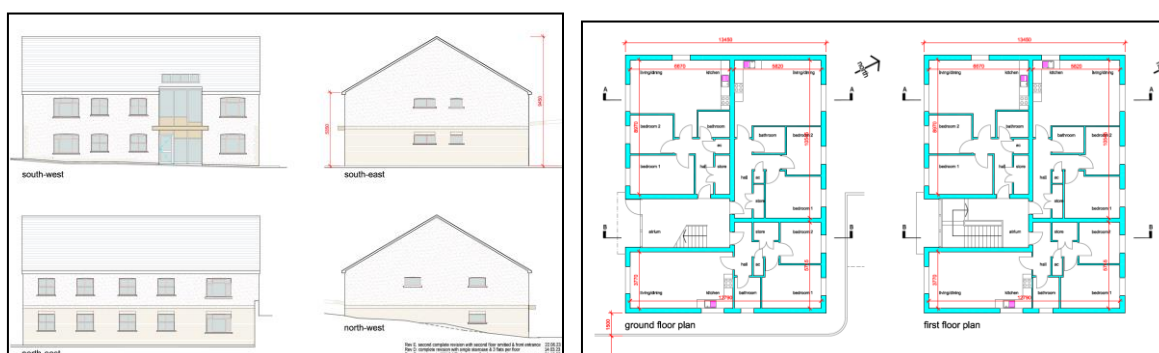
The application site is largely overgrown with self-seeded shrubs having not been maintained for some time. A handful of more mature trees are sited on the eastern perimeter and partly upon rising land which falls against an embankment to Meadow Street which is set at a much higher ground level to the east.

A two-storey commercial property lies immediately to the north, separated from the former public house site by a narrow pedestrian path, which also leads to the Pontycymmer Constitutional Club, set at an elevated back land position and partly overlooking the application site. That path also leads to a rear service lane.

The former public house site also adjoins a terrace of commercial properties which all front onto Victoria Street, being part of the commercial centre of Pontycymmer. The commercial buildings are in various stages of disrepair and largely boarded up and vacant. They include a café, hairdressing salon and hot food take-away, with the first floors of which given over to residential flats. A surfaced off-street parking area lies in front of each set between a continuous pavement and the edge of the carriageway. There is a bus stop around 20m from the site.

The application site lies within the Local Settlement of Pontycymmer as defined by Policy PLA1 of the adopted Local Development Plan (2013). The site also lies within the District Centre of Pontycymmer, as defined by Policy SP10 of the Local Development Plan (2013).

The two-storey block fronting the site will measure 17.2m wide by 13.5m in depth with a pitched roof to a height of 9.4m (5.4m at the eaves). The building will have a glazed entrance foyer and stairwell with a projecting canopy providing access to the six apartments. The building will be finished with blue/black artificial slate to the roof, render to the upper floors with a buff brick on the lower level with brick on end lintels and concrete sills to window openings.



**Figure 2 - Proposed elevations and floor plans of front block**

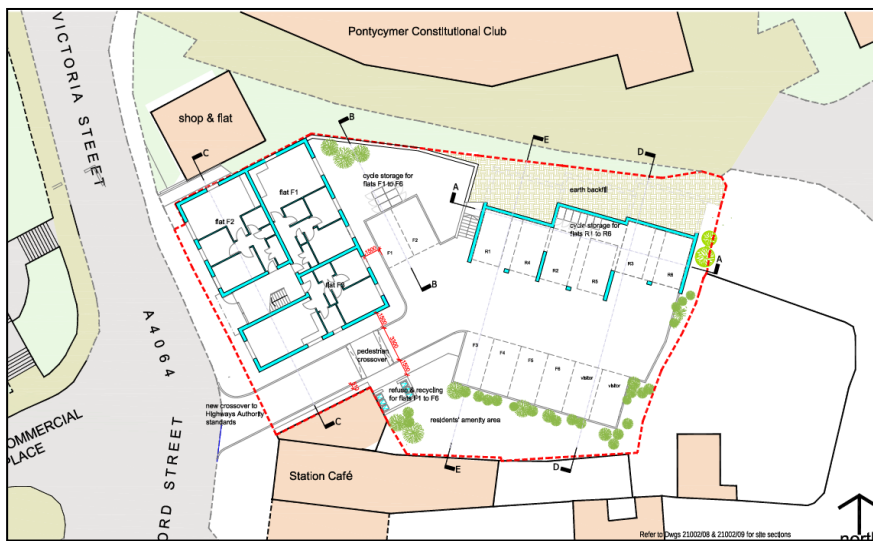
The rear 2/3 storey residential apartment block will measuring 20m wide by 11.5m in depth with a pitched roof to a height of 7.6m to ridge 4.2m at the eaves at the rear elevation increasing to 10.2m ridge to 6.8m on the front elevation. The increase is due to the change in levels of the site. This can be seen in figure 3 below. The building has a feature projection gable and pitched roof dormers to the front elevation (south).

Access is provided at the rear elevation with a projecting stairway and canopy that provides access to all the apartments. The lower level of the apartments provides a parking area and cycle storage. The building will be finished with blue/black artificial slate to the roof, render to the upper floors with a buff brick on the lower level with brick on end lintels and concrete sills to window openings.



**Figure 3 - Proposed elevations and floor plans of rear block**

Externally the site will provide 1 parking space per apartment, 2 visitor spaces, cycle storage, an external amenity area for residents and a bin storage area and associated engineering works and landscaping. This is shown in figure 4 below.



**Figure 4 - Proposed layout site plan**

The following documents were submitted in support of the application:

- Design and Access Statement by Evans banks dated Aug 2022
- Coal mining Risk Assessment by Blanford Consulting
- Flood Consequences Assessment by Francis Sant dated Aug 2022
- PAC Report by Evans Banks Planning dated Aug 2022
- Transport Statement Rev A by Evans Banks dated April 2023
- Preliminary Ecology appraisal by Aderyn dated Aug 2022
- Updated Preliminary Ecology Appraisal dated Jul 2023

## RELEVANT HISTORY

None

## PUBLICITY

A site notice has been displayed and neighbours have been notified of the receipt of the application. The period allowed for response to the most recent consultations/publicity will expire on 24 July 2023.

## **CONSULTATION RESPONSES**

**Welsh Water Developer Services:** No objection subject to condition.

**Highways Officer:** No objection subject to conditions.

**Natural Resources Wales:** Have raised a concern in relation to flooding.

**Drainage Officer:** No objection subject to conditions.

**Coal Authority:** No objection subject to conditions

**Shared Regulatory Services (Public Protection):** No Objection subject to conditions.

**Shared Regulatory Services - Environment Team:** No objection subject to conditions and an informative note.

**Crime Prevention Design South Wales Police:** No objection. General comments in relation to security and designing out crime such as fencing, lighting, CCTV etc.

**Fire service:** No objection.

## **REPRESENTATIONS RECEIVED**

18 letters of objection have been received from Bryn Bedw Street; 89 King Edward Street; 85 Victoria Street; 2 Station Row; 136 Victoria Street; 3 Lower Adare Street; 69 Victoria Street; 12 Albany Road; 2 St. James Church, Church Terrace, Blaengarw; Flat 2 Victoria Street; 6 Garw Fechan Road; 40 The Avenue; 6 Albany Road; 4A Oxford Street; 6 King Edward Street; 6 Hillside Gardens and 18 The Avenue (some of these properties have sent in more than one letter of objection). The objections received have been summarised into topic areas as detailed below:

### **Highways Issues**

- a) Not enough parking spaces have been provided the proposal does comply with the provisions of Policy PLA11.
- b) No Visitor parking has been provided.
- c) The A4064 road is already subjected to heavy traffic and the proposed plan has the entry and exit from the development right on a curve which is a blind spot, and the proposed development will certainly add to this.
- d) The additional traffic will increase noise and pollution.
- e) There could be an increase in incidents or accidents.
- f) There is a high risk of accidents already at this area due to corners, gradient of the road both for pedestrians and car users, Pontycymer Square is a bus pick up and drop off point for many local schoolchildren.
- g) The undercroft parking gives the wrong impression to people by use of 'undercroft' alone - it gives the impression the car parking spaces will be underground.
- h) The access point within 10 metres of a junction, cars pulling out of this junction on a steep gradient will find it difficult turning left and avoiding oncoming traffic.
- i) The valleys are not built for large delivery lorries day in, day out, the roads can't cope.

### **Retail**

- a) What are the plans for the commercial units.
- b) The valley currently has empty shops and doesn't need any more, why not use the empty shops in the area.
- c) Current shops are struggling so extra shops are no good as everyone goes to larger stores where things are cheaper.

### **Residential Amenity**

- a) The proposed three-storey buildings at the back of the site will provide an undeterred view of a garden with the consequence of the loss of privacy.
- b) The planned building is too close to 4a Oxford Street which will cause a significant loss of light from the part of the house.
- c) The flats have no outside space.

### **Visual Amenity**

- a) Three storey buildings will also be out of keeping with the current architectural look of the area.
- b) Fourteen flats in a small area is overdevelopment.
- c) The application drawings do not show the elevations of the proposed buildings within the context of the neighbouring and adjoining buildings
- d) The building should be the same scale as the properties either side.

### **Ecology**

- a) There are two mature trees standing on the site. However, those trees are currently on what will become the traffic area in front of parking space F8 so I assume the plan is not to retain them.
- b) The amended plan shows an oak tree was to remain on the land. This oak tree doesn't exist.

### **Drainage**

- a) The proposal is to take all the surface water runoff from the roofs and hard landscaped areas [amounting to the vast majority of the site area] and drain it to the "landscaped pocket" against the boundary of 4a oxford Street. How is this to be done?
- b) I am very concerned about the structural implications of excavating a pond of unspecified depth and size so close to my house and garden. which poses a health and safety risk as children could walk onto the site.
- c) There is a cellar underneath our house and have been informed that the entrance to this cellar was somewhere on the Ffaldau Arms Site. We would like to ask that this is thoroughly investigated before works commence laying foundations etc.
- d) I'm very concerned about the flood risk in the area. The Nant Gelli Wern runs un-culverted under the garden and through the cellar of my property
- e) Please seek a report from Welsh Water for the area. We have been experiencing many floods in the last several years due to heavy rain fall, poor sewage feeder pipes. They cannot cope with the usage.
- f) The applicants claim that the site is NOT "within an area at risk of flooding" but this is contradicted in Section 5 of the Flood Consequences Assessment Report, which states that "NRW have identified that the Flood Maps For Planning, referred to in the proposed revised TAN 15 shows the area at risk of flooding".

### **Land Ownership**

- a) The application form states that the developer is the sole owner of "ALL the land". However it appears from the plans that the upper flight of the external stairs, on the North West elevation of the "Front Block" over sails the red line denoting the boundary of the application site.

### **PAC**

- a) The owner of 4A Oxford Street, has not been consulted on the PAC.

## **Other**

- a) The local Surgery is currently under extreme pressure, are there any plans to alleviate this issue as more housing creates additional pressure?
- b) How will this effect schools as they are under pressure.
- c) BCBC should display these plans on the site, with clear information attached of how to register concerns/comments to allow the community to voice their concerns.
- d) There are several schools and child play areas located nearby, how will you ensure the people who are housed in this accommodation will not pose a threat to the families who use these?
- e) What type of persons will be moving into the Flats we don't want undesirable tenants due to public disorder issues and there being a park nearby
- f) Are these flats going to be rentals. There will be no vetting these people if it's an external landlord.
- g) Concerns over the objectivity of Local Councillors.
- h) If developed for residential purposes it should be family homes.

In addition to the above representations, local Garw Valley ward members have commented as follows:

**Cllr. H. Griffiths** – “I met with the Applicants several months ago to inspect the site and discuss the application. This site has been left for 15 years since it burnt down. It is rat infested, severely overgrown and a dumping ground for local fly-tippers and I for one would welcome the redevelopment of the site. It is in the most prominent place in Pontycymmer which has historically been a gathering place, this would be a vast improvement to the area and I am supporting the application.”

**Cllr. M. Jones** – “I have not been approached by any member of the public with representations regarding this development proposal. I assume the application is in line with the revised LDP. Therefore, I have no comment to offer.”

**Cllr. M. Lewis** – “I haven't received any official objections to these plans. As a resident of Pontycymer I look forward to seeing an improvement to this site.”

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Highways Issues**

Highways and Pedestrian safety matters are addressed in the appraisal section of the report. The submitted plans clearly show the parking arrangement.

### **Retail**

The retails units have been removed from the proposal; the scheme is now residential only.

### **Residential Amenity**

Residential amenity is addressed within the appraisal section of the report.

### **Visual Amenity**

Visual Amenity is addressed within the appraisal section of the report.

### **Ecology**

- a) The updated report does not identify any trees within the site that are worthy of retention or prevent any development from taking place. A condition has been imposed relating to landscaping which will mitigate and enhance the biodiversity characteristics of the site and compensate for the loss of any trees to be felled.

- b) The revised ecology report refers to an oak tree however this is on land adjacent to the site; measures will be in place to ensure that this tree is protected during the course of the development.

### **Drainage**

- a) A condition has been imposed to ensure the site will be adequately drained. The development is over 100 sq. m. therefore a SAB application will be required.
- b) No ponds have been proposed as part of this application. Any drainage feature would be carefully assessed as part of the condition or separate SAB application.
- c) The drainage condition and SAB application would need to have regard to any such features.
- d) Flood risk is addressed within the appraisal section of the report.
- e) Dwr Cymru/Welsh Water has been consulted as part of this application and have raised no objection to the proposal.
- f) Flooding has been assessed within the report - the site is currently in zone A as defined within the Development Advice Maps (DAM) contained in TAN15 (2004).

### **Land Ownership**

- a) The development is wholly within the curtilage of the revised red line boundary and does not involve land outside of the applicant's ownership. However, it should be noted that land ownership is not a material planning consideration.

### **PAC**

- a) The PAC report has identified that all adjoining properties have been consulted on the scheme. It should also be noted the PAC report refers to a response from 4A Oxford Street and that 4A Oxford Street has provided several letters of objection during the course of this application.

### **Other**

- a) This is not a material planning consideration as this would be a matter for the Local Health Board, however, this is a small scale development and is unlikely to have any unacceptable impacts on health services/provision particularly as it is likely to provide alternative accommodation for existing residents of Pontycymmer.
- b) There is no requirement for a development of this scale and type to provide a contribution towards Education.
- c) The application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 and the general public have had the ability to view plans and make comments on the scheme.
- d) This is not a material planning consideration.
- e) This is not a material planning consideration.
- f) This is not a material planning consideration.
- g) This is not a material consideration, each application is determined on its own individual merits and considered against relevant National and Local Planning policies.
- h) This is not a material planning consideration.

## **RELEVANT POLICIES**

### **National Planning Policy:**

Planning Policy Wales (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW 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 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Paragraph 4.2.23 states 'Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable place making outcomes.

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 5 Nature Conservation and Planning
- Technical Advice Note (TAN 11) Noise
- Technical Advice Note (TAN) 12 Design
- Technical Advice Note (TAN) 18 Transport
- Technical Advice Note (TAN) 23 Economic Development

**The Well-being of Future Generations Act (Wales) 2015** places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle" as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

#### **Local Planning Policy and Guidance:**

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021, and within which the following policies are of relevance:

#### *Strategic Policies*

- **Policy SP1: Regeneration Led Development**



- **Policy SP2:** Design and Sustainable Place Making
- **Policy SP3:** Strategic Transport Planning Principles
- **Policy SP4:** Conservation and Enhancement of the Natural Environment
- **Policy SP7:** Waste Management
- **Policy SP8:** Renewable Energy
- **Policy SP10:** Retail and commercial hierarchy
- **Policy SP12:** Housing
- **Policy SP14:** Infrastructure

#### *Topic based Policies*

- **Policy PLA1:** Settlement Boundary and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy ENV5:** Green Infrastructure
- **Policy ENV6:** Nature Conservation
- **Policy ENV7:** Nature Resource Protection and Public Health
- **Policy ENV15:** Waste Management in New Development
- **Policy ENV17:** Renewable Energy and low/zero Carbon technology
- **Policy REG7:** Non A1, A2 and A3 uses outside primary shopping frontages
- **Policy COM3:** Residential Re-use of a Building or Land
- **Policy COM4:** Residential Density
- **Policy COM5:** Affordable Housing

#### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance:

- SPG7: Trees and Development
- SPG8: Residential Development
- SPG13: Affordable housing
- SPG15: Community Facilities and Residential Development
- SPG16: Education Facilities and Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development

#### **APPRAISAL**

This application is referred to the Development Control Committee due to the number of objections received.

Having regard to the above, the main issues for consideration in the assessment of this application are the principle of the development, visual impact regarding proposed scale, design and materials, impact on neighbouring properties, ecology, drainage, flooding and highway safety.

#### **Principle of Development**

The primary objective of PPW 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. PPW and the National Development Framework (NDF) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

The site is located within the local settlement of Pontycymmer as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

Policy COM3 Residential Re-use of a Building or Land of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small sites or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3, which makes an important contribution to the overall housing supply and introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use. Residential development is therefore acceptable in principle subject to other LDP Policies.

The site is also subject to Policy SP10 Retail and Commercial Hierarchy of the LDP which defines the site as part of the Pontycymmer District Centre. Policy SP10 states that all new developments within retailing and commercial centres should provide retail, community or commercial floor space on the ground floor. However, Policy REG7 Non-A1, A2 and A3 Uses Outside of Primary Shopping Frontages of the LDP states:

*“Changes of use to non-A1, A2 and A3 premises on the ground floor outside of primary shopping frontages but within a retailing and commercial centre will only be permitted:*

1. *If for residential purposes:*
  - a. *The premises/floorspace has been vacant for at least two years and has been actively marketed over that time; and*
  - b. *The premises/floorspace does not form part of a purpose-built retail environment or a continuous frontage of three or more existing commercial units.*
  
2. *If for other purposes, the proposal does not involve the loss of existing A1 floorspace.*

*Whenever possible, proposals for a change of use of existing floorspace should be designed so as not to prejudice a future conversion back to a retail or commercial use.”*

The proposed development seeks the change of use from the site of a former public house (demolished over 15 years ago) to residential accommodation. However, as the site has remained vacant ever since with the land overgrown, the site is not considered to be associated with an existing retail use class. On balance, the proposed change of use is considered acceptable in relation to Policy REG7.

Turning to the planning obligation requirements, the following observations concern the need for the applicant to enter into a Section 106 Agreement in conformity with LDP Policy SP14:

### ***Affordable Housing***

As a proposal of 12 residential apartments, the application triggers Policy COM5 of the LDP regarding affordable housing. In order to ensure compliance with the LDP, the affordable housing target of 15% for the Garw Valley should be secured through a Section 106 Agreement. As such, 2 of the 12 units should be provided as affordable housing of an appropriate tenure to be agreed between the applicant and the Council. Exceptionally, if

on-site provision is considered unfeasible, off-site provision or payment of a commuted sum may be considered as an acceptable alternative.

### ***Public Open Space***

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments 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 12 No. dwellings that meet the criteria for SPG5 would lead to an estimated development population of 23 (based on an average occupancy rate of 1.5 people per dwelling within proposed 1-bed flats and 2 people per dwelling within the proposed 2-bed houses).
- The total amount of Formal Outdoor Sport space required should be approximately 368sqm based on 12 dwellings.
- The total amount of Children's Playing Space required should be approximately 160sqm, based on 10 eligible dwellings.

### ***Education***

The proposed type and mix of development do not trigger the threshold indicated in the Council's Supplementary Planning Guidance (SPG) 16: Education Facilities and Residential Development; therefore, there will be no requirement for a contribution towards Education.

Policy SP14 acknowledges that the provision of planning obligations can affect the viability of residential development; therefore, the aforementioned requirements are subject to negotiation.

In this case the applicant has substantially altered the original scheme in order to satisfy the requirement of the Local Planning Authority. To achieve this, the front block has been reduced in size and scale and the commercial elements have been omitted. This provides a better scale, layout and access, especially for emergency vehicles. It also provides future residents with communal outdoor amenity space. However, in achieving these changes the viability/deliverability of the site has been compromised. This has been discussed at length with the applicant.

The applicant has advised they would still be able provide the 2 affordable units despite the drop in the number of residential units being provided. They have asked the Local Planning Authority. to consider removing the open space/play requirement. The revised layout now has an element of open space for residents which has been achieved by reducing the scale and density of the proposal. In terms of play, it should be noted that there is a play area directly behind the site on Meadow Street, where there are also tennis courts, sport pitches and open grassed areas.

It is considered that the relatively small scale of this development would not have any unacceptable impacts upon these amenities and the small financial contribution would not provide much in terms of enhancements to these facilities. As such, in this case, the benefit to the local area from the re-development of this derelict brown field site, which has been an eyesore for many years, would significantly outweigh the small requirement for a financial contribution towards open space. It is therefore considered that in this case the Local Planning Authority. would only seek to secure 2 affordable residential units. This can be achieved via a Section 106 legal agreement.

In conclusion, the proposal is considered acceptable from a Strategic Planning perspective and complies with the requirements of Policies SP2 and SP14 of the LDP. As such the principle of development is acceptable subject to further design, residential amenity, highways, drainage, ecology and noise considerations addressed within this report.

### **Impact on Visual Amenity and Character**

Planning Policy Wales emphasises the need to embrace the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities, noting (at 3.3) that ‘Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.

To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area’.

Strategic Policy SP2 *Design and Sustainable Place Making* seeks to conserve and enhance the built environment states “*All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.*”

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area.

Within this overarching Policy context and noting especially the need to embrace the principles of placemaking, it is clear that this development has at its heart, a determination to not only improve the visual appearance of the area which has been derelict for many years, but more importantly to create a desirable place to live. The principles behind such a scheme are thus wholeheartedly supported, albeit the assessment below seeks to ensure that the general scale, form and finished layout would not only accord with such aspirations but also have no unacceptable local impacts.

The applicant has taken design steps to provide an attractive modern development that uses a variety of materials, an architectural design to provide a fresh modern looking housing development that makes good use of the topography of the site providing an attractive street frontage. A condition can be imposed to ensure samples of the proposed building materials are submitted to ensure they are appropriate and provide an attractive development.

#### *Landscaping*

Some, landscaped areas have been proposed around the site which will add visual interest to the development and will mitigate and enhance biodiversity. Extra details will be required in relation to the planting mix and density to ensure they are appropriate not only in terms of visual amenity but also the biodiversity value. This will be secured via a condition alongside another condition to ensure these areas are appropriately managed, maintained and monitored in the future.

#### *Bin and Cycle Storage*

A bin storage area is proposed; however, one is in close proximity to the rear of 4A Oxford Street and no details have been provided of the structure. It is considered that this should be repositioned away from the boundary and closer to the main footpath. As such a condition will be imposed requiring further details to ensure it is adequately sited, screened and will complement the surroundings.

Two cycle stores are shown on the site plan providing 12 spaces. This equates to one secure storage unit per flat. However, no details have been provided and a condition can be imposed to ensure these are provided so that the design and appearance, as well as the practicality of the bin stores, can be considered.

#### *Means of enclosure and retaining structures*

The submitted plans do not show any details of the proposed means of enclosures and as such a condition will be imposed requiring details of all new boundary treatments in terms of their design and position. In addition to this, there will also be some retaining structures within the car parking area and to the rear of the site some of the structures would be visible from within the car park/courtyard area however these are not considered to be overly large structures and are required due to the contrasting levels across the site. A condition will be imposed requiring details of the retaining structures.

#### *Visual Amenity Conclusion*

The existing site is undoubtedly an eyesore and has been since the demise of the Ffaldau Arms. It has been cleared and is in desperate need of re-development. The design, scale and massing of the scheme have been amended through negotiation together with a proportional increase in the availability of useable outdoor amenity space and biodiversity enhancements. Accordingly, it is concluded that the proposals accord with Policy SP2 of the Bridgend Local Development Plan and reflects the aspirations for design quality within Planning Policy Wales and Technical Advice Note 12: Design (2016)

#### **Residential/Neighbouring Amenity**

Policy SP2 of the LDP criterion (12) states “*that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected*”. This has been addressed as follows:

The nearest properties are 4A Oxford Street which is residential property is located towards the South of the site, Square View is located to the North which is a commercial premises on the ground with a flat above and the Pontycymmer Constitutional Club which is located further to the North at a higher level. There are no properties in close proximity to the front of the site (West), and the same applies to the rear as the properties are some distance away and at a much higher level than the application site.

#### **Overbearing and overshadowing in relation to the existing dwellings/buildings surrounding the site**

In relation to 4A Oxford Street, the nearest building is the front block which fronts onto Oxford Street. This amended scheme has pushed the building 5.7m from the side of 4A Oxford Street and has been reduced to a 2-storey building having a similar scale to the established buildings in this row. The rear block is over 17m away. It is considered that the proposal is sited a sufficient distance and orientated away from the adjoining property to ensure that there is no unacceptable overbearing or overshadowing impacts.

In relation to Square View, the separation distance between the front block equates to a 1.2m wide pedestrian walkway that allows pedestrian access to the Constitutional Club and land beyond. The proposed development has been reduced in scale to two storeys and, as such, its siting does not raise any concerns. Furthermore, Square View has no side facing windows that would be adversely affected by the proposed development. The rear block is over 21m away. It is considered the proposed development would not have any unacceptable overbearing or overshadowing impact that would warrant refusal.

In relation to The Constitutional Club this is located to the North and is a minimum of 9.5m from both blocks and across an access road. It is considered that, due to the reduced scale and siting, the proposed development would not have any unacceptable impacts in terms of overbearing and overshadowing on this commercial property.

Overlooking in relation to the existing dwellings/buildings surrounding the site

There are four windows in the southern gable end of the front block of the development serving kitchens and bathrooms at ground and first floor levels. There are no side facing windows at 4A Oxford Street. Given the separation distance and orientation of the windows, no issues are raised in terms of overlooking or loss of privacy to any private amenity space. Furthermore, the windows would provide natural surveillance over the main vehicular access into the courtyard.

In relation to the rear block, this has habitable room windows on the elevation facing 4A Oxford Street serving bedrooms and living rooms. However, the separation between windows is approximately 16m and across different levels and the internal courtyard of the site. Given the acute angle between these windows, it is considered that there would be no unacceptable impact in terms of overlooking between habitable room windows or in terms of loss of privacy to the private rear garden of 4A Oxford Street, especially as the proposed windows are more than 16m from the boundary line of the garden.

In relation to Square View the nearest building is the front block of 6 flats. There are side facing windows on the front block - two on the ground floor and two on the first floor which serve a kitchen and bathroom respectively. There are no side facing windows on the side elevation of Square View and, as such, the windows do not raise any issues in terms of overlooking or loss of privacy. Furthermore, the windows would provide natural surveillance over the path that separates the two sites. In terms of the rear block there are no windows that would directly overlook Square View.

In relation to the Constitutional Club, there are windows facing the club, however, as this is a commercial premises no issues are raised in terms of overlooking or loss of residential privacy. In addition, the windows would provide a level of natural surveillance over the access road that serves the Club.

*Noise*

Policy SP2 Criterion (8) also states “*Development should avoid or minimise noise, air, soil and water pollution*”.

The development has now been amended to residential use only, therefore, noise disturbance would not be a concern. There could however be issues with noise during construction and demolition. As such Shared Regulatory Services (SRS) - Public Protection have recommended a condition requiring the submission of a Construction Method Statement to deal with construction times and noise nuisance as well as other matters.

*Lighting*

In terms of external lighting, no details have been provided with this application. As external lighting may be required for such a development to illuminate external areas, it is necessary to impose a condition to ensure adequate details are provided prior to any lighting being installed to ensure any future lighting does not have any unacceptable impacts upon the amenity of surrounding residential properties.

### Overlooking, overbearing, and overshadowing issues within the proposed development

In terms of potential overlooking, the development has been designed to allow an acceptable distance between new units and ensure that the proposal will safeguard the residential amenities of future occupiers. In terms of potential overshadowing and overbearing impacts, the two blocks are well separated and are almost perpendicular to each other and, therefore, would not cause any such issues between the two blocks of flats.

### *Amenity Space*

With regard to on-site amenity space, it is considered that the proposed layout provides adequate private amenity space for future occupiers of the development. Communal spaces are suitably overlooked providing a safe environment for occupiers which will benefit their health and wellbeing. Adequate screening will be provided to ensure a suitable level of privacy is retained.

### *Noise and Outlook*

The block to the rear of the site backs onto the Constitutional Club and has been designed so that the living rooms/spaces are closest to the club so that the bedrooms are furthest away from the potential noise source.

However, the outlook from these rooms will be limited with views over the rear lane and Constitutional Club and oblique views of the Meadow Street playground/open space, playing fields and surrounding open countryside beyond. It is considered that the internal layout of the flats should be amended so that the bedrooms are to the rear of the block overlooking the Constitutional Club with the living space to the front overlooking the courtyard with access to sunlight from the south. This will ensure a better living environment for future occupiers of the flats. The Constitutional Club is an established facility and any prospective purchasers or tenants of the flats will be aware of its existence.

Having regard to the above, it is concluded that while the proposal would introduce new built development close to existing residential properties and commercial units, any impacts from the development have been sufficiently controlled by the design and siting of the development or can be controlled by a condition. As such the proposal would have no unacceptable impacts on residential amenity, and thus complies with Policy SP2 of the Bridgend Local Development Plan.

### **Access and Parking**

Policy SP2 states that all development should have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. Policy PL11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

In support of the application a Transport Statement was provided to address the concerns put forward by the Council's Highways Officer. It has sought to examine the sustainable attributes of this site in relation to National and Local Planning Policy and its proximity to existing, neighbouring residential and commercial development and the ground levels of the site.

In light of the above, the scheme has been revised by removing the proposed ground floor commercial units from the front block and relocating and reforming the proposed access point off the common boundary with Station Café. A 3.3m wide access with 1.5m wide pavement on one side, with a 1m wide pavement on the other has been provided. The amended access will also allow emergency vehicles to enter and leave the site which was hindered by the earlier iteration and proposals for an archway. The proposal will provide each residential apartment with one parking space each (12 spaces) with 2 visitor spaces

and sufficient space to turn so that vehicles can enter and leave in a forward gear. Each parking space will be laid to dimensions of 2.6m x 4.8m. Each apartment will also have a secure cycle storage facility and the front block will be accessed from the street rather than the internal courtyard to encourage active forms of travel to local facilities.

The site is generally considered a sustainable location with good connections to the local public bus network and cycle routes, together with opportunities on foot via an existing network of footways to the nearby facilities and services. A Traffic Speed Survey has been conducted, which illustrated that the 85th percentile speed for vehicles in both directions is 29 mph. Consequently, in accordance with national guidance provided by TAN18, visibility splays of 2.4m x 40m can be provided in both directions along the A4064 road, ensuring that vehicles entering and exiting the site can do so under conditions which preserve road safety standards for all users.

The site was occupied by a public house which was demolished a number of years ago. As a result, it is considered that the site has been abandoned and does not have a 'fallback position' in terms of traffic generation and all traffic emanating from the proposed development is considered new traffic on the local network.

The Highway Authority requested that the applicant undertake a traffic survey to determine the speed of traffic and number of vehicles passing the site. The average daily total of vehicles passing the site was approximately 2100 vehicles, which equates to 175 vehicles an hour. Therefore, it is considered that the increase in trips generated by the residential development can be accommodated by the local highway without resulting in a material increase in traffic levels to the detriment of highway safety.

With regards to historic highway safety in the vicinity of the site, an interrogation of the Crashmap database indicates that there have been 3 'slight' accidents opposite the site in the last 8 years. Therefore, there is no reason to believe that the current highway arrangement would raise any highway safety concerns or that the traffic generated by the proposal would result in an increase in highway safety concerns.

The applicant has also detailed on a plan how the vision splays can be achieved over existing adopted highway extents. As a result, the vision splays are considered acceptable.

Turning now to the off-street parking proposed within the site, it should be noted that the originally proposed parking accessed via an archway through the front block was considered to be an unacceptable solution by the Highway Authority due to the limited height and width of the access.

The applicant has removed this feature and the parking courtyard is now accessed via a dedicated lane with no height restrictions. With regards to the number of parking spaces the applicant has provided 1 space per flat with 2 visitor parking spaces. The Council's adopted parking standards, SPG17, indicates that the maximum number of parking spaces would be 1 space per bedroom. It is considered however that due to the sustainable location of the site and its proximity to established walking and cycling routes and bus stops with parking restrictions (double yellow lines) on the immediate highway to stop inappropriate parking, the proposed parking provision is acceptable. In addition, a reduction in parking at this location meets the aims of current local and national planning policies.



In order to improve the sustainability credentials of the site, the applicant has committed to providing secure and weatherproof cycle parking for future residents as well as electric vehicle charging points. The front block has also been set back by 1m to maximise the depth of the footway abutting the site which will encourage active travel.

Finally, it is noted that the proposed access is located partially over the existing layby which will need to be shortened to ensure that the proposed site access is constructed at a 90-degree angle to the existing carriageway. As a result, the applicant will be required to submit a scheme for the works to the highway before development commences.

In light of the above, the Highway Authority offers no objections to the scheme subject to conditions relating to shortening the layby, electric charging points, cycle storage, no structures in vision splay and alterations to the site front boundary access.

Accordingly, it is considered that the proposed development is acceptable in highway terms and accords with Policy SP2(6) and Policy PLA11 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

### **Drainage**

The Council's Land Drainage Officer has assessed the submitted scheme and states that a review of the OS database confirms that the development is within 20m of a culverted watercourse but not within a flood zone on the current Development Advice Maps. The applicant has taken a precautionary approach and submitted a Flood Risk Assessment to take account of the proposed changes to the NRW Flood Map for Planning and revisions to TAN 15.

The applicant states foul drainage will be disposed of via a connection to the public sewer and the applicant will be required to agree any new connection with DCWW. Dwr Cymru/Welsh Water offers no objection in principle to the foul flows discharging to the public sewer and there is sufficient water supply to serve the development.

The development is over 100 sq. m. therefore a SAB application will be required.

As such the Local Authority's Drainage officer has no objection subject to conditions relating to preventing surface water entering the public highway and into the mains sewer and a condition relating to 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 and infiltration tests. This can be imposed via a suitably worded condition.

The Coal Authority has advised that it should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### **Flood Risk**

The application site is within Zone A of the Development Advice Map (DAM) contained in TAN15 (2004). As such there is no requirement to investigate flooding further, however, during the Pre-Application Consultation process, Natural Resources Wales identified that the new Flood Map for Planning, released in draft in conjunction with the proposed revised TAN 15, has changed the expected risk of flooding in the area. In response, the applicant took it upon themselves to produce a Flood Consequence Assessment (FCA) for the

scheme.

It should be noted that NRW's letter to Local Planning Authority's dated 14<sup>th</sup> January 2022 States *"in order to ensure that their advice is based on the best available flood risk information they hold, they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. If a site is shown not to be at risk of flooding on the DAM but it is shown to be at risk on the new FMfP, our substantive response will be 'concerns' and we will recommend an FCA is submitted in support of the planning application."*

This is the case with this application as the site is located within Zone A and does not require the submission of an FCA, yet NRW have advised that the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 3 Rivers and the defended flood zone.

They note that the application has been supported by a Flood Consequence Assessment (FCA) produced by Francis Sant Limited, dated August 2022. The proposed use is purely a residential use, which is classified as a 'Highly Vulnerable' use within Section 5.2 of TAN 15. NRW's strict advice is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. However, they acknowledge that the zones identified within FMfP i.e. zones 1, 2 and 3 bear no resemblance to the flood zones set out within the DAM and current TAN15 (2004) i.e. A, B, C1 and C2 and no guidance has been given on how the two relate.

A letter dated 23<sup>rd</sup> November 2021 from the Welsh Government Minister for Climate Change advised that they were suspending the introduction of the new TAN15 from coming into force until 1<sup>st</sup> June 2023. The Minister stated within that letter that ***"the existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk."***

In another letter dated 15<sup>th</sup> December 2022, the Welsh Minister for climate change stated *"In light of the decision to pause the new TAN 15, decisions on planning applications as well as pre-application discussions where flood risk is a consideration must be based on the existing TAN 15. Section 6 of TAN 15 sets out the sequential test to be undertaken by a planning authority to justify the location of development within a flood risk area."*

*Local planning authorities have a duty to consult Natural Resources Wales on planning applications for development in flood risk areas<sup>1</sup>, where:*

- *The land is designated as Flood Zone C2 on the DAM; or*
- *The development is for emergency services development or highly vulnerable development where the land is designated as Flood Zone C1 on the DAM.*

*It is standard practice for Natural Resources Wales to be consulted on any development in an area of flood risk (Flood Zone C1 or C2). This should continue.*

*Local planning authorities can expect advice from Natural Resources Wales to highlight the FMfP where it clearly affects the context of the application. For example, if a site in DAM Zone C1 will become Zone 3 in the FMfP, Natural Resources Wales will highlight that fact and advise whether a flood consequences assessment should be undertaken. Natural Resources Wales may also draw attention to flood risk on sites where they are consulted for other reasons, if it is currently in Zone A of the DAM but in a flood risk area on the FMfP. This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The **FMfP holds no formal weight** as it is not yet national policy, but best available information may be*

*regarded as a material consideration.” (Emphasis added)*

A further Written Statement from the Minister for Climate Change was issued on 12<sup>th</sup> May 2023 and stated *“The focussed consultation on further changes to Technical Advice Note 15 (TAN 15) concluded on 17 April and responses is now underway. It is clear that the issue of Climate Change mitigation, and flooding in particular, are complex. The consultation responses have raised many differing views which need to be fully assessed. There is a substantial amount of detailed work to be undertaken in analysing the responses and, if appropriate, make further changes to the TAN.”*

The Minister further states *“The TAN was originally suspended until 1 June 2023 but the re-consultation now means that this date will no longer be achievable. Given the size and complexity of the task in analysing the responses and making further changes to **the TAN it is unlikely that the new version of the TAN will come into force before the end of this year.**”*

To conclude, the development is not within Zones C1 or C2. There is no requirement under the current framework (TAN 15 2004) to provide a Flood Consequence Assessment for this type of development at this location. As such NRW’s objection in this instance is considered to be unreasonable given that the FMfP has no formal weight and Welsh Ministers have advised that the existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk.

Nevertheless, the applicant has provided a list of recommended measures that they intend to incorporate into the scheme. It is considered reasonable to impose conditions relating to the following:

- Floodproofing measures, as identified in Section 4, are included in the development where necessary.
- Flood doors are used for the entrances.
- A non-return valve is installed on the foul sewer system.
- An emergency evacuation plan is prepared, maintained and effectively disseminated to all future occupiers.
- If available, the development is registered on the flood warning scheme provided by NRW.

Having regard to the flood mitigation measures and the fact that there is a reasoned justification to override the assessment of the scheme against the yet to be adopted Flood Map for Planning parameters in the form of securing the much needed regeneration of a vacant and derelict site in a prominent position at the heart of the village of Pontycymmer, as well as providing much needed accommodation to serve the local population, the scheme is considered to be acceptable in flooding terms.

Taking into consideration all of the flooding issues, the letters and statement from the Welsh Minister and NRW and the mitigation measures proposed by the applicant, as well as the wider regeneration benefits of the scheme, the proposal is acceptable on flooding grounds subject to conditions.

### **Biodiversity/Ecology**

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 11 (PPW11) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

The original application was supported by a preliminary ecology appraisal (PEA) however due to some clearance works on site an updated PEA was undertaken on the 1st of July 2023. This identified that a large amount of scrub across the site had been cleared and put into piles across the site during the winter 2022/23 and outside the bird nesting season.

This clearance has allowed greater access within the site than was possible at the time of the original site visit, especially to the rear of the site where the mature trees had been recorded. The mature *Leylandii* previously identified at the rear of the site are in fact located just over the boundary on a neighbouring plot of land, separated from the survey site by a stone wall approximately 1.5m tall. The Oak tree appears to be located above the site separated from the cleared area by a retaining wall. A group of three Goat Willow *Salix caprea* are located just inside the site in the south-east corner and an Ash *Fraxinus Excelsior* is located in the centre of the eastern end of the site. This has been heavily cut back at some point in the past and consists of a coppiced stump with several regrowing shoots. The other remaining vegetation consists of Elder *Sambucus Nigra* growing along the retaining wall that forms the eastern boundary and the remaining mature willow trees are separated from the majority of the site by a concrete ramp.

The report recommends that tree protection fencing be placed adjacent to the ramp to prevent accidental damage to the trees during construction. The report also recommended enhanced landscaping to ensure connectivity is retained around the site, bird and bat boxes to be erected and that any lighting should avoid the vegetation to the rear of the site.

The Local Authority's Ecologist has reviewed the information submitted with the application and notes the ecological information and the updated ecology survey. It is advised that there is no objection to the proposal subject to conditions to ensure the biodiversity of the site is enhanced and maintained with additional conditions relating to landscaping and its management, bird and bat boxes, tree protection and a clearance methodology. These will all be imposed via suitably worded conditions.

To conclude, the applicant has demonstrated that there is no unacceptable impact upon ecology or protected species and has demonstrated that the biodiversity will be maintained and enhanced and the scheme accords with advice contained with PPW11, Technical Advice Note 5 (Nature Conservation and Planning) and Policies SP2 and ENV5 of the Bridgend Local Development Plan.

### **Land Contamination**

Shared Regulatory Services Environment Team have advised the site has been identified as a vacant overgrown plot, formerly occupied by a public house. Contamination is not

known at this site, however, the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemicals or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services Environment Team requests the inclusion of the conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

### **Coal Mining risk**

The site is located within a development high risk area. The application site and surrounding area includes coal mining features and hazards which need to be considered. The Coal Authority records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depths associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The Coal Authority have advised that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (August 2022, prepared by Blandford Consulting) to accompany the planning application.

The report states that, *'No risk has been identified from the solid geology nor from the mining history of the Site, with the result that no mitigation measures are required'*.

### **Mine Gas**

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Coal Authority, in its role as statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted as implying that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist.

Shared Regulatory Services (SRS) Environment Team have advised, based upon the information submitted, that the risk of shallow mine workings affecting the site is low and therefore the risk of mine gases is also considered to be low. However, a note can be attached advising the applicant to ensure they also make their own assessment in terms of mine gas.

In light of the above the Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning process and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

## **Fire Safety**

The Fire Authority has no objection to the amended proposals. It is noted that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes. It is considered that a note can be attached to inform the applicant of the Fire Authority's response, however, the amended layout shows an adequate access can be achieved and the applicant has advised an adequate water supply will be obtained.

## **CONCLUSION**

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance, and having regard to the objections raised, it is considered that the proposed development would positively transform this derelict site and enhance the character and appearance of the wider area. The development would have no unacceptable impacts on residential amenity, drainage, ecology, environment, flooding or highway safety and subject to the imposition of conditions and the signing of a Legal Agreement to secure affordable housing provision, the residential development is considered to accord with Policies SP1, SP2, SP3, SP4, SP7 SP8, SP10 SP12 SP14, PLA1, PLA11, ENV5, ENV6, ENV7, ENV15, ENV17 REG7, COM3, COM4 and COM 5 of the Bridgend Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and sustainable development principles in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

## **RECOMMENDATION**

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

(i) Provide a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council in accordance with Policy COM5 and SPG13;

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

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

Location Plan – Received 10 July 2023  
21002-02g site layout - lower level A3  
21002-03g site layout - upper level A3  
21002-04f front block - sections A4  
21002-05d front block - elevations A3  
21002-06d front block - plans A3  
21002-07b rear block - elevations A3  
21002-08b site sections 1 A3  
21002-09c site sections 2 A3  
21002-10b rear block - plans A3

Design and Access Statement by Evans banks dated Aug 2022  
Coal mining Risk Assessment by Blanford Consulting  
Flood Consequences Assessment by Francis Sant dated Aug 2022  
PAC Report by Evans Banks Planning dated Aug 2022  
Transport Statement Rev A by Evans Banks dated April 2023  
Preliminary Ecology appraisal by Aderyn dated Aug 2022

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

2. No development shall commence on site, including further site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information:
  - a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials
  - c) Routes of vehicles, plus delivery and construction times
  - d) storage of plant and materials used in constructing the development.
  - e) the erection and maintenance of security hoarding
  - f) wheel washing facilities to prevent deposition of material onto any hard surface road.
  - g) measures to control the emission of dust and dirt during construction.
  - h) Identification of the significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
  - i) Hours of working on site (which must not be outside the following hours 8am-6pm Monday- Friday, 8am -1pm Saturdays with no working Sundays or Bank Holidays, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to nearby properties.
  - j) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, biodiversity, human health and to accord with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

3. 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 and to comply with Policy ENV7 of the Bridgend Local Development Plan.

4. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, 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 and to comply with Policy ENV7 of the Bridgend Local Development Plan.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to protect the public highway network and to comply with policy ENV7 of the Bridgend Local Development Plan.

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of a shortened layby and new dropped kerb arrangement for the proposed site access has been submitted to and approved in writing by the Local Planning Authority. The revised layby and new access shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to comply with policy SP2 of the Bridgend Local Development Plan.

7. No development shall commence until a scheme for the provision of 2 No. electric car charging points within the rear parking courtyard (1 for each building block) and the ducting installed for two additional electric charging points for future installations, has been submitted to and approved in writing by the Local Planning Authority. The two electric charging spaces shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of promoting sustainable means of travel to and from the site and to comply with policy SP2 of the Bridgend Local Development Plan.

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

Reason: In the interests of highway safety and to comply with policy SP2 of the Bridgend Local Development Plan.

9. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting the unit to the south of the site. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site and to comply with policy SP2 of the Bridgend Local Development Plan.



10. Notwithstanding the submitted plans and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting and design of the cycle storage areas (12 secure units). The cycle storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual amenity, residential amenity and to ensure adequate cycle storage is provided for future residents and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

11. No development shall commence until a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

Reason: To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy ENV15 of the Bridgend Local Development Plan.

12. Notwithstanding the submitted plans and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and finish of the bin storage buildings located around the site. The bin stores as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual amenity, residential amenity and to ensure adequate bin storage is provided for future residents and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

13. There shall be no outside storage of bins and recycling equipment except within the designated bin storage areas.

Reason: In the interests of the visual amenities of the site and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

14. Prior to the first beneficial use of the development hereby approved, a Flood Warning Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following measures:

- Floodproofing to be incorporated within the buildings, as identified within Section 4 of the Flood Consequence assessment by Francis Sant dated Aug 2022
- Details of the Flood doors to be used for the entrances.
- Details of a non-return valve to be installed on the foul sewer system.
- Details of Flood emergency plans/procedures during an extreme flood event.
- Confirmation that the building is registered with the NRW flood warning service (if available within the area).

The approved scheme shall be fully implemented on site prior to the first beneficial use of the building and retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and to incorporate flood resilient

measures to comply with the requirements of Policy SP2 of the Bridgend Local Development Plan.

15. Notwithstanding the submitted plans, no development shall take place until details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP2 and ENV5 of the Bridgend Local Development Plan.

16. Prior to the first occupation of any of the units hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason: In the interests of visual amenity, and to ensure the long term management and maintenance of all landscaped areas within the site and to ensure the development complies with policies SP2 and ENV5 of the Bridgend Local Development Plan.

17. Prior to the construction of any building, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing artificial nesting sites suitable for house sparrow, swift and house martin and bat tiles/bricks/boxes. The scheme shall include detail and locations of bird nesting boxes and bat tiles/bricks/boxes to new build elements or at other appropriate locations around the site. All approved artificial nesting sites/ and bat tiles/bricks/boxes shall be implemented in accordance with the approved details prior to the first occupation of the building.

Reason: In the interests of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP2 and ENV5 of the Bridgend Local Development Plan as well as the Council's Biodiversity Duty.

18. No development shall take place until a clearance methodology statement for the site, with specific reference to and consideration for reptiles, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed details and recommendations of the methodology statement.

Reason: In the interests of safeguarding biodiversity and ecology and to comply with Policy SP2 and Policy ENV6 of the Bridgend Local Development Plan.

19. No development shall commence on site until a method statement detailing how the

mature trees within and close to the boundaries of the site shall be maintained and protected during the construction works and are compromised by the development. This method statement should be in line with BS5837 Trees in relation to design, demolition and construction. Works shall proceed in accordance with the approved method statement.

Reason: In the interests of safeguarding biodiversity and ecology and to comply with Policy SP2 and Policy ENV6 of the Bridgend Local Development Plan.

20. Notwithstanding the submitted plans a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented as approved prior to the first beneficial use of the development and retained as such thereafter in perpetuity.

Reason: In the interests of visual and neighbouring residential amenities and to ensure compliance with Policy SP2 and ENV5 of the Bridgend Local Development Plan.

21. Prior to the installation of any CCTV cameras on the site, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all cameras indicating their field of view. The scheme shall ensure no residential property is adversely affected by the proposed camera positions. The cameras shall be implemented on site in accordance with the approved scheme and retained as such thereafter.

Reason: In the interests of residential amenity and to prevent any unacceptable overlooking and loss of privacy and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

22. Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining properties and incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation). The lighting scheme shall be implemented on site in accordance with the approved scheme only and retained as such thereafter in perpetuity.

Reason: In the interest of residential amenity, biodiversity and to prevent any unacceptable light spill, and to ensure compliance with Policies SP2, ENV5 and EN7 of the Bridgend Local Development Plan.

23. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure that the development complies with Policy SP2 of the Bridgend Local Development Plan.

24. Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until revised floorplans and associated elevations for the

block of flats to the rear has first been submitted to the Local Planning Authority for approval. The revised drawings shall show the living rooms/spaces overlooking the internal courtyard in order to achieve a better outlook for future occupiers of the flats. The development shall be carried out in accordance with the agreed details and shall be retained as such thereafter.

Reason: To ensure a satisfactory form of development and an acceptable living environment in accordance with Policy SP2 of the Bridgend Local Development Plan.

25. Notwithstanding the submitted plans and prior to the commencement of works on site a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing any retaining walls, including full structural calculations for any walls 1.5m high including details of their finish. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of any residential unit and maintained and retained as such thereafter.

Reason: In the interests of visual amenity, residential amenity of the neighbouring properties and land stability, and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

26. Notwithstanding the submitted plans, no development shall commence until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan.

28. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

29. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that risks from imported aggregates (other than virgin quarry stone) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

30. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced. and to ensure compliance with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

31. THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

A) The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance and having regard to the objections raised the proposed development, would transform this derelict site, and enhance the character and appearance of the wider area subject. The development would have no unacceptable impact on residential amenity, drainage, ecology, environment, flooding or highway safety and subject to the imposition of conditions and the signing of a Legal Agreement to secure the affordable housing the residential development complies with Policies SP1, SP2, SP3, SP4, SP7 SP8, SP10 SP12 SP14, PLA1, PLA11, ENV5, ENV6, ENV7, ENV15, ENV17 REG7, COM3, COM4 and COM 5 of the Bridgend Local Development Plan (2006-2021).

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

#### B) ECOLOGY ADVISORY NOTE

Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately.

Where bats or their roosts are present, no works of felling, lopping or pruning shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.

#### C) COAL ADVISORY NOTE

The applicant should have Note to the comments raised by the Coal Authority's response dated 25th October 2022 in regard to mine gas, foundation design and Sustainable drainage Systems.

#### D) CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

(i) determining the extent and effects of such constraints;  
(ii) ensuring that any imported materials (including, topsoil's, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

#### E) DRAINAGE ADVISORY NOTE

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m<sup>2</sup> or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved.

In order to satisfy the comprehensive drainage condition the following supplementary information is required:

- Confirm proposed foul and surface water disposal method including discharge points;
- Provide a foul & surface water drainage layout to show off-site route;
- Provide an agreement in principle from DCWW for foul and any surface water disposal to the public sewer;
- The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

In order to satisfy the infiltration drainage condition the following supplementary information is required:

- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk);
- Provide surface water drainage layout (including location of proposed soakaway, if required).
- 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.

#### F) WELSH WATER ADVISORY NOTE

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to

discuss their water efficiency requirements.

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

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### G) FIRE SAFETY NOTE

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the applicant require further information in relation to these matters they should contact the fire safety officer.

#### H) DESIGNING OUT CRIME NOTE

The applicant should have regard to the comments made by South Wales Police Designing Out Crime Officer Dated 22/02/2022

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

#### **Background Papers**

None