

REFERENCE: P/21/379/FUL

APPLICANT: Mr H Navidi

LOCATION: Land at Ffordd Tirion Broadlands Bridgend CF31 5EJ

PROPOSAL: Construction of a two-storey building comprising three retail units and community use at ground floor level and ten self-contained flats at first floor level with associated car parking and amenity space

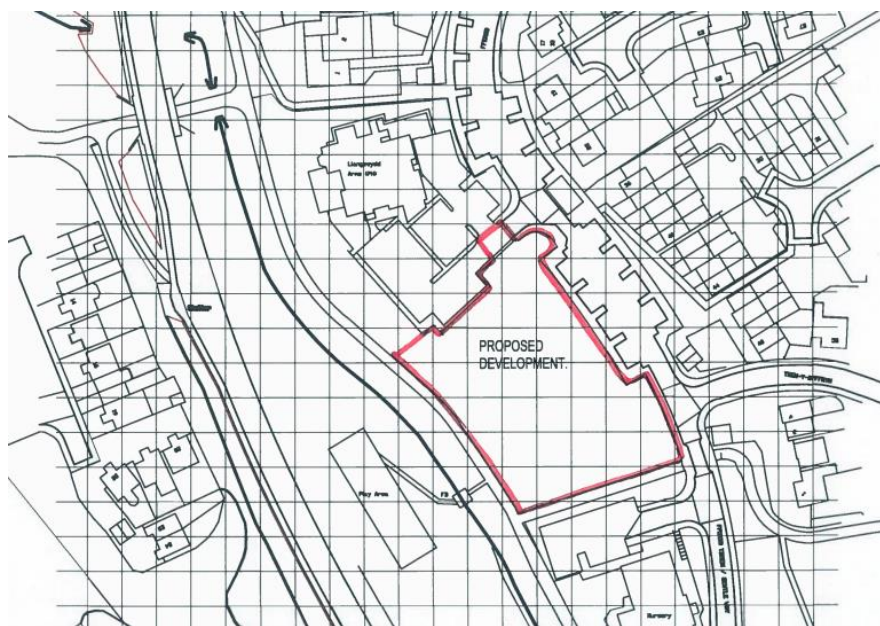
RECEIVED: 26 April 2021

APPLICATION DESCRIPTION

The planning application, following significant negotiation and the submission of amended details and plans by the applicant, seeks consent for the construction of a mixed-use development scheme comprising the erection of a two-storey building to accommodate three retail units and community use(s) at ground floor level and ten self-contained flats at first floor level.

As part of the works, associated car parking and amenity space would be provided, at land adjacent to Ffordd Tirion (Gentle Way) Broadlands, Bridgend.

Figure 1 – Site Location Plan



The proposal effectively seeks to develop a currently open, undeveloped area of land (that comprises scrub and vegetation) in between the 'Llangewydd Arms Public House' and the 'Busy Bees' Nursery, Broadlands.

The scheme comprises a mixed-use development of three shop units (A1 planning use class) and two community use units (D2 use class, as depicted on the submitted planning application forms), across the ground floor of the building. Ten residential flats are proposed on the first floor of the building. The ten self-contained flats are made up of eight one-bedroom units and two two-bedroom units with associated living space. To the rear of the building a shared amenity space for the flat units is to be created (including an informal landscaped/wooded area), with associated car parking to the rear and northern side of the new building to serve the residential flats and the commercial/community uses.

The submitted plans detail a total of eighteen car parking spaces (including a Disability Discrimination Act (DDA) compliant space), with a delivery bay/space at the site and

associated bicycle stands/storage and waste storage areas. Vehicle access to the development would be created off the highway leading into the Llangewydd Arms Public House, towards the north-eastern corner of the site. Pedestrian access will also be retained/created along Gentle Way from the front (east) of the site.

Figure 2 – Proposed Site Layout



The proposed two-storey building would be erected broadly towards the eastern frontage of the site with a generally rectangular footprint. The main, two-storey, aspect of the building, would measure approximately 41.5m by 17m (at ground floor level), accommodating a total of 585 square metres of retail and community floor space. A central circulation space/storage area would offset and separate the community and retail spaces.

At first floor level, the building would be slightly larger, incorporating an overhang over the eastern frontage of the building. The first floor would accommodate a total of 8 single bedroom flats (each measuring 50 square metres in floor area) and two, two-bedroom units (each measuring 76 square metres in floor area). Pitched gable roof forms would be utilised for the roof space with a fibre cement roof slate finish and solar panels/roof PV system to the south facing roof slopes.

The building would have a largely external rendered finish with powder coated aluminium shop style/glazed units to the commercial/community uses along the frontage of the building. The building would be slightly tiered with a split-level design given the slightly sloping topography of the site. A single storey waste and bicycle store would be created to the southern side of the building. The scheme incorporates the provision of amenity space and a landscaped area to the rear, western aspect of the site.

Figure 3 – Proposed Elevation Drawings/Illustrations



Front – East Facing Elevation



Rear – West Facing Elevation





Proposed Illustrative Perspectives

SITE DESCRIPTION

The proposed development site is located between the Llangewydd Arms Public House and a detached, nursery building 'Busy Bees' that is situated centrally within the area known as the 'Broadlands District Centre' on the large Broadlands Estate.

The site is currently undeveloped and largely covered with grass and brambles. The site gradually slopes downwards from north to south and drops more significantly at its western boundary. It is bounded by Gentle Way/Ffordd Tirion to the east that benefits from numerous car parking bays adjacent to the highway. Further to the east, and elevated in comparison to the level of the application site, are residential properties. To the north, beyond the car park of the public house and the building itself, are a number of retail and community use buildings including a dentist, pharmacy, hairdressers and a small 'Tesco's' food store as well as a number of hot food take away facilities and café.

The nursery building and associated car park sit on a lower level to the south of the site. A public walkway and cycle path are immediately adjacent to the south and west of the site, beyond which, further to the west of the application site, is a children's play park and mature planting.

Figure 4 – Photographs of the Application Site





The planning application has been supported by the following information (in addition to the detailed plans):

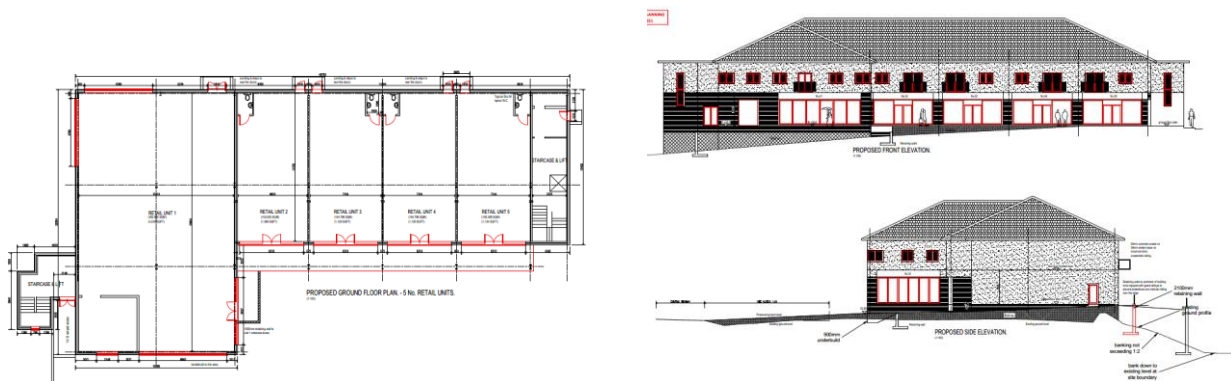
- Design and Access Statement
- Transport Statement
- Reptile Survey
- PAC Report

As referred to above, the application has been the subject of significant discussions and negotiations with amended plans being received on 16 September 2024 in respect of the proposal.

The original submission for 13 flat units and 5 retail units has been substantially revised by the applicant in an attempt to address a number of concerns initially raised with the application in regard to the design, layout and overall use of the building that generated both amenity and highway safety concerns.

Figure 5, below, illustrates the original plans submitted for the development that have now been superseded.

Figure 5 - Original Plans for the development (now superseded).



As further depicted below, in the '**RELEVANT SITE HISTORY**' for the plot, planning permission was previously granted at the site in 2006 for the erection of a commercial unit on the site, comprising 5 units (P/06/108/FUL refers), although this development was never progressed. That previous consent was approved subject to the following condition:

'The units hereby approved shall only be used for purposes within Classes A1, A2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class or in any statutory instrument revoking and re-enacting that Order.'

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Authority retains effective control of the uses of the approved units.'

RELEVANT SITE HISTORY

P/95/1097 - Land at Broadlands, South West Bridgend – Development: Housing, Retail, Commercial, Community, Religious, Education, Recreation & Open space Facilities – Conditional Consent 23/05/1997

P/01/414/FUL - Development Plots 5,6, 7 Broadlands District Centre, Broadlands - Advance Plot Development Works Earthworks - Conditional Consent 30/07/2001

P/06/108/FUL – Land between Llangewydd Arms & Nursery, Broadlands – Proposed Commercial Development - Conditional Consent 08/09/2006

PE/00793/2015 (Pre-application submission) – Land at Gentle Way Broadlands - Pre-Application for proposed 5 Retail Units and 13 Residential Flats – Response issued 19/08/2015.

PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (**PAC**) was carried out by the Applicant.

The consultation exercise took place between 24th February and 23rd March 2020. The consultation involved notifying residents within the surrounding area, together with Ward members and specialist consultees.

In addition to the specialist and community consultees, a total of eleven letters were raised in respect of the proposal at that stage including five letters of support and six letters of objection. The objections raised at the PAC stage are summarised as follows:

- Highway safety
- The area has sufficient shops and requires a doctor's surgery or community facility
- No need for more shops in the area
- Detrimental visual impact
- Does the applicant have right of access to the site (over the public house access).

These issues have been addressed within the PAC report, however they are relevant and have also been considered later within this report. It is noted the applicant also confirmed they do have title to cross the land in question and appropriately access the site.

PUBLICITY

The planning Application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity (second consultation exercise following receipt of amended plans) expired on 01/10/2024.

CONSULTATION RESPONSES

Laleston Community Council: Object to the Application (comments received on the original submission) and request the application is determined at Development Control Committee. It is noted no comments have been received on the revised proposal. The objections raised to the original Application submission are summarised as follows:

- Divergence from the Broadland District Centre Development Brief as the developers were required to make provisions for a health centre, a public house, a community centre, local shops and associated parking as well as open space and landscaping. Whilst it is understood that the site currently houses a public house, shops with associated parking and also that the Local Health Board did not want to pursue the development of a health centre on this site, the Community Council is apprehensive that instead of the site being allocated for community use the development of the site will be used for commercial purposes.
- The Broadlands District Centre Development Brief also outlined that the District Development site would accommodate 30% building floorspace with the remaining 70% allocated to parking, open spaces, and landscaping areas, therefore this proposal would alter this ratio considerably.
- Question the requirement for additional units in the area, due to the fact that there is always at least one empty shop/unit at any one time on the existing estate.
- Although Broadlands is a large housing estate on the edge of a town, it has a rural aspect that this development would ruin.
- Additional commercial units and flats would devastate the street scene that the community has established.
- Traffic and parking in this area is already challenging and the proposed

development will lead to additional traffic generation in the area, during and after construction, which will inevitably have an adverse complication for the nearby residents as well as the local primary school and its pupils.

- The elevations of the development are not in keeping with the single storey design of the adjacent nursery or the nearby retail units already in situ.
- Loss of accessible informal green space and open land.
- An alternative use for the land should be sought - turn the proposed land into a new car park and allow a change of use of the existing car park to an area for outdoor eating with canopies and heaters. This would provide additional and well needed outdoor space for the already in situ bars and restaurants. This would permit extended utilisation for the community and their families during the summer months and, also, if restrictions are reintroduced due to COVID.
- If Officers were mindful to accept the planning proposals, additional provisions should be provided for the benefit of the local community, including the refurbishment of the teenage park adjacent and/or the addition of outside exercise equipment.
- Vandalism and anti-social behaviour occur in this area and therefore crime prevention measures should appear in the design such as CCTV.
- Increased provisions to allow for active travel such as cycle parking and an electric car charging point or at least ducting to allow for future provisions.

Transportation Officer (Highways): No objection subject to conditions.

Land Drainage Officer: No objection subject to conditions.

Welsh Water: No objection subject to conditions and advisory notes.

Destination and Countryside Manager (Ecology): No objection subject to conditions.

Waste & Recycling, Street Scene: Comments raised on the original submission stating there is no clarification on the method for waste collections from residential and commercial premises and the access road does not appear easily accessible for waste vehicles.

Shared Regulatory Services (Environment): No objection subject to conditions.

Shared Regulatory Services (Noise): No objection subject to conditions.

South Wales Police: Designing Out Crime Officer: No objection – suggestions and informative notes provided relating to help prevent crime and burglary, deter, and detect intruders, and improve public safety.

REPRESENTATIONS RECEIVED

Councillor C A Green - Objected to the original application submission stating the land is currently identified for community use not residential, and this should be honoured for the sake of the community.

Councillor Spiller – Raises the following comments on the revised Application submission:

‘The planning application should be brought in front of the Development Control Committee for the following reasons:

- 1) The original Broadlands development brief, and subsequent Broadlands District Centre plan allocated this land for community use. It remains the only land within

the district centre area which could fulfil the brief of providing community facilities, it is encouraging to see this acknowledged within the plans and I would request that usage of D1 only is applied to the 2 allocated community buildings with relevant restrictions.

- 2) The entrance/exit would impact significantly on the junction with the Llangewydd Arms which is already highly congested at school drop off/pick up times.
- 3) Adequate parking facilities must be provided for each of the flats, along with the commercial properties. The current parking facilities adequately provide for the existing commercial properties, any addition would impact on the surrounding residential streets.
- 4) There is already a saturation of A3 usage within the Broadlands District Centre, and consideration needs to be given to odours/noise/vibration from commercial facilities underneath residential property. A rubbish store would also encourage vermin within the area.
- 5) S106 be considered to provide for CCTV to link up with the BCBC security system at the Broadlands District Centre to provide coverage of the pub/new shopping facilities and the park facilities to the rear which have been subject to anti-social behaviour and vandalism.

Broadly speaking I support the development of the area with the above restrictions in place.'

In addition, Councillor Spiller also provided the following, further comments:

- 'There is a lack of provision for service to the rear of the shops. The current vehicles delivering to the shops on Broadlands use the rear service area which allows for a turning circle along with delivery via HGVs, this is essential.
- There is no delivery area for the community buildings.'

Following receipt of the initial application proposal a number of objections and comments were received against the scheme, with approximately 43 letters/emails being received against the planning application (several letters/emails were submitted via Laleston Community Council).

The objections raised against the original submission are summarised as below:

Negative visual impact/design

A mixture of coloured render and brickwork would be an eyesore and takes away any view of the greenspace.

Poor landscaping arrangement with limited details submitted.

Poor design and layout, unimaginative elevations with a 'box and lid' appearance with an overbearing form that should be broken up and tiered more so.

No amenity provision for future residents or waste storage areas and bi-cycle storage spaces (failing to meet basic DQR requirements (Development Quality Requirements)).

Loss of visual space and a site which has been used by an air ambulance in the past for the residents of Broadlands.

Too ambitious for the surroundings and context of the retail hub in Broadlands.

A hybrid function of retail and accommodation will create a higher two storey structure which will not be pleasing to the streetscape between the pub and the childcare unit.

Spoiling the estate by cramming more buildings and retail outlets in and land should remain as it is.

Loss of Amenity/Noise Issues

The commercial development would bring increased noise levels in addition to current noise experienced from the public house and existing retail units in the area.

Negative noise impact on residents working from home.

Increased number of people gathering and loitering in the area, creating noise disruption, fear of crime and disturbance, harming the character of the area.

Further noise and pollution from extra cars, causing further chest infections for the young and old.

The impact of any A3 uses (hot food takeaways in particular) on local and future residents must be carefully considered here, including appropriate noise assessments.

Delivery times both morning and night for commercial uses needs to be carefully considered to safeguard the amenity of nearby residents and future occupiers of the site.

A high second floor would result in a loss of natural light for residents across Gentle Way/Valley View, particularly during winter months.

Highway Safety

Very busy area already, particularly in peak times, with parking already being an issue.

Increase in traffic volumes during peak times.

Pedestrian safety and access issues.

Lack of disabled parking bay provision.

Traffic already gridlocked at times from the roundabout along Gentle Way.

This area is already a major traffic problem especially at 8.30 am - 9.30am and 3.00pm - 4.40pm.

Where is the sufficient car parking area going to be to service these residential units and commercial properties.

Appropriate parking studies need to support the application.

Transport and Travel Plan needs to support the application.

No cycle parking provided.

Limited queue capacity on the existing highway network to accommodate the development.

Lack of parking and thought to movement of people from the car parking spaces along Gentle Way to the development.

Poor permeability and linkages into the pedestrian and cycle network.

No consideration as to the logistics within this plan given the congestion around school pick up and drop off times, or the busy Tesco's that has regular deliveries from heavy goods lorries.

No consideration to the extra vehicle usage of a road in the vicinity of a junior school, pub and already established shops.

Significant traffic congestion around this area at school run and coming home times.

Not enough space for all the staff, increased traffic flow and visitors to the new shops.

Dangerous to create another junction so close to the existing ones of the day nursery, Public House & entrance to Trem Y Dyffryn, plus close to the narrowing of the road for priority one way traffic.

Increased number of cars for residents and shopper's let alone delivery vans/lorries and the workforce; this is so unsafe and concerning.

Many children use this route to walk to and from school and also to meet friends to go to the park etc, it's a totally unsafe proposal.

The infrastructure in Broadlands can't cope with the traffic as it is.

If it goes ahead then the Council may need to consider a crossing guard - it all looks good on paper but real-world problems can't always be conveyed in ink.

This proposal has a high potential to overload the traffic and congestion issues as the surrounding infrastructure is fixed.

No service yard provision.

Shops and housing will increase the pressure on local services (e.g. dentist, DR and schools) but mostly, on the roads. Traffic in, out and around Broadlands is absolutely horrendous.

Area for development has already reached its maximum population and throughput; the area is congested during key hours as the primary school is local to the area and adding further housing and retail in the area will compound this issue.

Plans need to be made to address the traffic problem.

Alternative Uses

Originally the land was allocated for community use but has been sitting vacant for years waiting for a positive improvement.

Land should be used for a community centre.

Purely for financial benefit for the developer not the community, with limited S106 benefits given limited housing units are proposed.

The land was previously allocated for a doctors surgery.

A doctor's surgery or dentist would alleviate pressure from the other surgeries that have taken on thousands of patients from the estate.

The proposed site for this development is not derelict, it was ear marked as land for development for the community.

A community resource building for multipurpose use would be better suited.

The site is well used by dog walkers, and a recreation/green space for both the community and biodiversity should be considered.

This land would have been better suited to providing allotments or a community garden/outdoor hub so that there are natural well-being facilities available to all Broadlands residents to enjoy.

There is no need for more retail, and much need for a sports play area, e.g all weather football pitch.

Land should be developed into an area for the public to get closer to nature (maybe a nature garden) and not for infrastructure to be built on.

It should be just retail or just residential and the retail units should have flexibility internally to allow the units to merge as Broadlands is in need of restaurants and larger premises.

This is not wanted and goes against everything residents in Broadlands were promised.

The land was identified for community use not residential, and this should be honoured for the sake of the community.

Do not need any more accommodation in Broadlands unless its catering for the elderly, which would be some form of self-contained bungalows fitted to the area.

Provision of accommodation for the over 55's or elderly residential care would be a great asset to the estate.

Broadlands needs a community centre with swimming pool.

Two or three-bedroom housing would work, not more empty shops.

Affordable housing would be a better use.

Drainage Issues

The drainage of the site is a concern.

Lack of Suds detail with the application that would require significant earth extraction.

Surface run off on roads in the area during high levels of rainfall that the proposals would add to.

Lack of Demand

Already numerous commercial units in the area.

The town centre already has empty units which should be looked at first.

No need for further shops.

There are already empty units in the area as the rent is too high.

Broadlands does not need any more housing the development is not needed.

Risk here of having vacant and unwanted units which will detract from the quality of residents living.

Lack of solar panels

No plans to include solar panels on the building to help offset an increase in energy use and carbon emissions.

Query on nature of application/advertisement undertaken

The scheme should have been supported and advertised by a pre-application consultation which does not appear to have been undertaken.

Type of person occupying the units

What type of people are to be housed within one bedroom accommodation within the vicinity of a junior school, similar accommodation has been used as halfway houses for all manner of people, including people recently released from prison (what stringent checks are made as to whether they are a risk to the children).

What type of housing will be going there and for what tenants, residents have a right to know.

The flats are under the required amount to provide a percentage to social housing, so an argument for that cannot be made.

Tiny one bed flats will appeal to a different renter and owner to the existing larger properties on Broadlands.

Construction Noise and Disruption.

The construction of the new development would disrupt local residents particularly home workers, creating disturbance and dust.

Following negotiation and the submission of amended plans, and the re-advertisement of the revised planning application, 2 letters of objection have been received from the owners/occupiers of 23 Maes Y Piod and 42 Trem Y Dyffryn, Broadlands with a further anonymous letter of objection being received. The objections raised against the revised scheme are summarised as follows:

Highway Safety

Insufficient car parking provision.

Increased traffic problems.

Already a busy highway network in and around the site during busy periods, with additional retail units attracting more vehicles and worsening the problem.

The nearby nurse's lacks sufficient parking with the roads being congested during peak times.

Already illegal and dangerous school time parking in the area.

The size of the build should be reduced, and more public parking provided, the development would then be more favourable, despite the view that this road is already over capacity.

The units are going to be built on an already incredibly busy road, with no infrastructure improvements the proposals would just cause more congestion and cause more problems.

Noise Disruption

Added noise to the area, particularly if any food outlets operate from the site and operate late into the evening alike the public house. More business units would only create more noise depending on the nature of the business.

No demand

No need for further business units in the area when some are already empty in the adjacent shopping area. Already sufficient units nearby that cater for everyone's needs.

There could be a negative impact on existing shops.

One letter of support was also received in support of the application that states that it was

about time the land was built on and hopefully it will create employment: 'Excellent proposal'.

COMMENTS ON REPRESENTATIONS RECEIVED

Negative visual impact/design

The planning Application has been subject to significant negotiation and design considerations with the revised submission considered a significant improvement on the initial set of drawings and details submitted. The revised scheme is considered more reflective and sympathetic to the appearance of existing buildings in the area and would, on balance, not harmfully disrupt the wider character and appearance of the area with the buildings that surround the application site varying in their form and appearance. Since the original submission of the Application, the overall size and scale of the building development has been reduced, the visual and design qualities of the building enhanced with the building now being more appropriate for the locality. The number of residential units has been reduced (with the applicant being advised the units should meet DQR standards), the number and size of retail units have been reduced, community uses have been introduced to the proposal and further amenity space, landscaping, bicycle stands/storage, waste storage areas and appropriate car parking and circulation/servicing area have been introduced to the scheme. The revised proposal is therefore considered a more acceptable and appropriate development scheme that better meets place making objectives set out within local and national Planning Policy and guidance.

The application site is currently unoccupied and green in nature, but it is ultimately a private space that is largely overgrown with brambles, poorly maintained and largely unusable by the public - rather than a significantly valued area of public open space that has significant amenity value. Whilst the importance of maintaining space around properties and built form is acknowledged, in this instance, the loss of this green area is not considered a justified reason to warrant the refusal of the planning application.

It is also acknowledged this area of land was always highlighted and allocated for development within both the original development briefs for the Broadlands site and subsequent Local Development Plans, including the currently adopted Replacement Bridgend Local Development Plan, 2024. Indeed, Planning Permission was granted in 2006 for the significant re-development of the site in the form of a commercial building comprising five units, planning Application P/06/108/FUL, refers.

Loss of Amenity/Noise Issues

The revised drawings submitted indicate that the development proposal and siting of a new building of the design detailed could be appropriately accommodated on the site without seriously compromising the outlook, levels of privacy and levels of daylight received within neighbouring properties, particularly those residential properties situated opposite the development site along Gentle Way/Valley View to the east. These neighbouring properties are generally elevated and offset by the highway, parking bays and feature trees/landscaping along the highway that would remain and continue to buffer and screen the site from the nearest, neighbouring residential properties.

Comments raised in respect of increased noise and disturbance are noted and have been carefully considered. The proposal, as detailed within the application submission, in addition to the flat units, is for the provision of shop style units (A1 planning uses) and community uses rather than specific hot food/takeaway establishments (A3 planning uses). The site does fall within an identified commercial area, with a public house and other shop/commercial facilities situated to the north, that the proposal is considered compatible with.

Whilst the intended uses somewhat differ from that indicated in the original development

brief for the Broadlands Estate, the general noise and disturbance levels should not significantly differ and not be so detrimental or to a degree that would result in a sustainable objection on amenity grounds; the lands has always been proposed for a form of commercial/community development.

Shared Regulatory Services have been consulted on the scheme and raise no objection to the proposal subject to appropriate conditions to control noise, waste and general amenity issues associated with the use of the site for the uses described (as further discussed in the Appraisal Section of this report).

The application, which is for a mixed-use development of residential and commercial/community use, is unlikely to result in such serious levels of anti-social behaviour, fear of crime and disturbance as to warrant or justify the refusal of the planning application. It is further noted the South Wales Police Designing Out Crime Officer has raised no objection against the proposal and has made suggestions relating to help prevent crime and burglary, deter and detect intruders, improve public safety and increase surveillance and lighting.

Delivery times both morning and night for the commercial and community uses has been carefully considered by Shared Regulatory Services and a recommended condition restricting permitted hours of deliveries between 07.00hrs and 18.00 hrs Monday to Saturday and between 08.00 and 18.00hrs on Sundays is recommended in this case to safeguard the amenity of nearby residents and future occupiers of the site.

Highway Safety

The transportation and highway safety implications of the proposal have been fully considered by the Council's Highway Officer who raises no objections against the planning Application (subject to the imposition of conditions), as further discussed in the Appraisal Section of this report.

Alternative Uses

The planning application must be judged on the basis of the information and plans submitted and as significantly amended during the processing of this application. Whilst alternative proposals have been suggested and recommended by several residents for the site, the scheme before Members is for a mixed-use proposal of residential, retail/commercial and community uses, with associated car parking, servicing and amenity spaces.

The application site does fall within an identified area for development, falling within the boundaries of the 'Broadland District Centre' and has both historically and currently, under the provisions of the newly adopted Replacement Bridgend Local Development Plan, 2024 been effectively allocated for development purposes.

As detailed, the site lies within the Broadlands District Centre Boundary as defined in the originally approved Broadlands District Centre Development Brief (August 2000). The area in question was identified originally, in the Development Brief, broadly for a community centre and public house. The designated uses identified in the Development Brief have not necessarily materialised in their specific locations. In this instance for example a public house was permitted and developed on a site identified for a health centre.

Furthermore, the adoption of the Replacement Local Development Plan (RLDP) 2024, that in itself arguably supersedes the significantly dated Development Brief (2000) is more material to the decision-making process, which identifies and allocates the application site in question as a Local Centre of Broadlands. Under Policy SP12: Retailing, Commercial and Service Centres of the RLDP, all new developments within retailing and commercial

centres must provide retail, community or commercial floor space on the ground floor. The development proposes three retail units and community uses at ground floor level and ten residential flats at first floor level that is considered to be in full accordance with the principle requirements of the adopted Replacement Local Development Plan, 2024 (the supporting text of Policy SP12 highlighting at paragraph 5.4.43 - *Equally, mixed uses with for example residential provision above ground floors, are encouraged*).

The contents and requirements of the original Broadlands District Centre Development Brief (August 2000) have, nevertheless, been acknowledged in the consideration of the Application with the applicant indeed being encouraged to introduce community uses to the development (as detailed and now proposed within the revised submission).

In line with the requirements and current allocation of the site as a Local Centre for Broadlands, for new retail, commercial, leisure, education, health, community and appropriate employment developments under the provisions of the adopted RLDP, 2024, in these circumstances the development of the site for mixed use purposes of the nature detailed, is considered an acceptable and appropriate use of the site.

Drainage Issues

Following consultation with the relevant drainage bodies, no objections have been raised against the application subject to the imposition of conditions should permission be granted for the development.

Lack of Demand

It is acknowledged there are currently empty units within the nearby complex of units to the north of the site although refusing the planning application on the basis of lack of demand would not be reasonable or justified in this instance.

Planning Policy Wales, Edition 12 at para 4.3.14 advises that:

'There is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.'

The site falls within a prescribed retail, commercial and service centre of the adopted Replacement Local Development Plan 2024, which defines the site as being part of the Local Centre of Broadlands. Proposed retail/commercial and community uses with an element of first floor residential accommodation is therefore deemed appropriate for the site.

Lack of solar panels

It is acknowledged the revised submission includes the provision of roof solar panels that improves the sustainability credentials of the scheme.

Query on nature of application/advertisement undertaken

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (**PAC**) was carried out by the Applicant, as earlier detailed.

The planning Application has also been appropriately advertised by direct neighbour notification letters and the erection of a site notice to ensure residents are aware of the scheme and have been afforded reasonable opportunity to comment on the Application proposal.

Public consultation is undertaken once a planning Application is submitted to the Planning Authority and was undertaken in this case in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and the general public have had the ability to view plans and make comments on the scheme (as reflected in the level of comments received against the planning Application).

Type of person occupying the units

The application must be judged on the land use merits of the scheme and it is not the responsibility of the planning system to judge or determine the type or nature of people who would potentially occupy the residential units; this is not a material consideration. The scheme would provide a welcomed form of residential accommodation to help meet the housing demands within the Borough and contribute towards the delivery of the overall housing requirement within the area.

It is also noted that it would be expected for a scheme of this nature in this locality, that 15% of the overall residential units provided (two units) would need to be affordable in this instance and be secured by an appropriate Section 106 Agreement.

Construction Noise and Disruption

In terms of noise and disruption from the construction phase of the development it is acknowledged and generally accepted there would be a level of some disturbance from such development works, although this would be of a temporary nature and is not considered a reason to warrant the refusal of such a planning Application. Nevertheless, a condition could be imposed to ensure construction takes place during sociable hours to help safeguard neighbouring amenity levels during construction.

Request for CCTV coverage at the site and to link into BCBC security system.

It is not considered reasonable or necessary to consider a S106 contribution for CCTV provision at the site in this instance. The applicant has been advised (advisory note) and encouraged to introduce CCTV at the site, as also advised by the Police Designing Out Crime Officer. The introduction of residential units at the site would also aid the natural surveillance of the area and the adjacent park facility, which would hopefully help deter anti-social behaviour occurring in the locality.

RELEVANT POLICIES

National Planning Policy:

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (PPW) are of relevance to the determination of this application.

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.

PPW12 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 1.30 of PPW confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.’*

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.” (Paragraph 2.2 of PPW refers) Para 2.3 states *“The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”*

At Para 2.7, it states *“Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *“ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”*

PPW at para 5.4.1 states *“For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long-term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.”*

The Well-being of Future Generations (Wales) Act 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 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.

Technical Advice Notes, the Welsh Government has provided additional guidance in the form of Technical Advice Notes.

- Technical Advice Note (TAN) 4 Retail and Commercial Development
- 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

Local Planning Policy and Guidance:

The Development Plan for the area comprises the Bridgend Local Development Plan 2024, and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP8: Health and Well-being
- Policy SP9: Social and Community Infrastructure
- Policy SP12: Retailing, Commercial and Service Centres
- Policy SP15: Sustainable Waste Management
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy PLA12: Active Travel
- Policy ENT6: Retail and Commercial Development
- Policy ENT8: Non A1, A2 and A3 uses outside of Primary Shopping Areas
- Policy ENT15: Waste Movement in New Development
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource and Public Health

Supplementary Planning Guidance

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

- SPG07 - Trees and Development
- SPG08 - Residential Development
- SPG13 - Affordable Housing
- SPG17 - Parking Standards
- SPG19 - Biodiversity

EIA Screening

The Application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposed development is also not located within a zone of influence for any SAC (Special Areas of Conservation), CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

APPRAISAL

The Application is referred to the Development Control Committee at the request of the Local Ward Member and given the level of objection against the planning Application (original submission).

Having regard to the above, the main issues for consideration in the assessment of this Application are the principle of the development, its visual impact and its potential impact on neighbouring properties, highway safety, land drainage and biodiversity.

Principle of the 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 application site is located within the designated settlement boundary, inside the primary key settlement of Bridgend as defined by *Policy SF1 Settlement Hierarchy and Urban Management* of the Replacement Local Development Plan (RLDP) adopted in 2024. The site is also located in the Bridgend Sustainable Growth Area as defined by *Policy SP1 Regeneration and Sustainable Growth Strategy*.

Policy SP6 Sustainable Housing Strategy of the RLDP supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land. The proposed site would constitute a windfall site under *Policy SP6* and would contribute towards delivery of the overall housing requirement subject to other RLDP Policies.

Policy COM6 Residential Density of the RLDP requires that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. In the first instance, residential development should seek to reflect a density of 50 dwellings per hectare. The site consists of an approximate overall density of 40 dwellings per hectare. Given the proposal also includes three retail units and community use in addition to residential units, the proposed density is broadly in accordance with *Policy COM6*.

The site is also subject to *Policy SP12: Retailing, Commercial and Service Centres* of the RLDP, which defines the site as being part of the Local Centre of Broadlands. *Policy SP12* states that all new development proposals within retailing and commercial centres must provide retail, community or commercial floorspace on the ground floor. The development proposes three retail units and community uses at ground floor level and ten residential flats across the first floor. This accords with *Policy SP12*, with the principle of the development being compatible with the area and deemed to be acceptable in this location.

It is also acknowledged that the planning history for the site shows that commercial development was previously approved on the Application site in 2006. Whilst the original aims and general provisions of the '*Broadlands Development Brief and Broadlands District Centre Development Brief*' have been acknowledged in this case, which broadly sought the provision of a community centre and public house on this site, the revised scheme that includes the provision of a mixed-use development with community uses, raises no 'in-principle' objections in this instance.

Impact on Visual Amenity and Character

Planning Policy Wales (Edition 12) 2024 firmly promotes the place making agenda and the principles of high design standards and at paragraph 4.11.9 stipulates the following: "*The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations.*"

Technical Advice Note (TAN) 12: Design states:

"(2.2) The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed-use communities."

Strategic Policy *SP3 Design and Sustainable Place Making of the RLDP (2024)* incorporates the concept of placemaking and considers the development and its associated benefits as a whole rather than a physical boundary as follows: -

"All development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment"

Policy SP3 stipulates design should be of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character; and development proposals must be appropriate to their local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

In the context of the above policies it is considered that, following significant revision and design improvements to the development scheme and the subsequent development of the currently vacant although allocated site, in the manner proposed represents an appropriate and sympathetic scheme that, on balance, would not have a significant detrimental impact on the existing character and appearance of the locality to warrant the refusal of the planning application.

Following the submission of amended plans the proposed development includes the construction of a two-storey building comprising a mix of both retail and community uses at ground floor with independent residential flats across the first floor of the building. The scheme also includes the provision of on-site car parking provision, waste recycling/refuse stores, bicycle stands and associated rear amenity spaces/landscaping.

Collectively the mix of uses are considered appropriately designed and compatible with the immediate site context and the variety of land uses and buildings that surround the site, which is reflective of the allocated nature of the locality within a 'Local District Centre' as prescribed by the Replacement LDP (2024).

The mix of uses is acceptable and first floor, residential accommodation above commercial units is encouraged within such commercial and retail centres by both local and national planning policy and guidance to help sustain and enhance the attractiveness and general vitality and viability of such centres.

The proposed building, following significant negotiation and the submission of varying iterations from the applicant, has evolved into a relatively traditional, two-storey structure in its form and massing, with a pitched roof that is broadly in-keeping with the style of the nearest properties and buildings that surround the development site. The roof utilises an acceptable roof finish of tile/slates (further controlled by a recommended planning condition) and would also incorporate solar panels like the solar panels evident on the adjacent public house known as Llangewydd Arms. An acceptable rendered finish would also be largely utilised for the elevations of the building that is again in keeping with neighbouring buildings, particularly the existing commercial units.

The proposal does have acceptable design qualities and would be complementary to the predominant land uses within the vicinity of the site and the appearance of nearby

buildings, enhancing the existing visual qualities of the application site and bringing about the use of a vacant, overgrown and under used area of land. The loss of any informal open space is regrettable and needs to be carefully considered although, given the design merits of the scheme and the fact the development of this site was always likely and expected, as originally highlighted in the design briefs for the estate and under the current policies of the adopted Replacement LDP (2024), the proposal can be supported in design terms.

Landscaping along the boundaries of the site would be largely retained (particularly the mature tree planting to the front highway along Gentle Way that falls outside of the red line submission) and positively contribute to the character and feel of the existing street scape. Additional landscaping is proposed to the site to help integrate the building into its surroundings and a recommended condition would also ensure that this is encouraged and maintained at the site, ensuring the building and associated infrastructure assimilates with its surroundings and retains a green feel whilst also providing a positive biodiversity enhancement at the site.

The general layout of the scheme is appropriate with the permeability, pedestrian linkages and car parking provision for both the residential and commercial aspects of the scheme being deemed acceptable. The proposed main vehicular access to the site would be formed to the northeast of the site from the Llangewydd Arms Public House entrance.

Overall, it is acknowledged that the site would change from its open, 'green nature' to a form of built development comprising a mix of uses although this is a private site that is currently covered by brambles and nettles and is largely unusable by the public. In addition, the site has always been allocated for commercial and community purposes within the original development briefs for the Broadlands Estate and more recently the adopted Local Development Plans including the currently adopted Replacement Local Development Plan (2024).

Therefore, an appropriate and well-designed form of development can be supported on the site with the current scheme deemed an acceptable and well-designed proposal that has been subject to significant amendments to ensure the development has a positive impact on the place making qualities of the Broadlands Estate.

As referred to above, a commercial development was granted planning permission on the site in 2006 with additional residential units above community/commercial units being a welcomed form of development by both local and national planning policies and guidance.

On balance, and having due regard to the objections raised, particularly those objections originally raised against the initial scheme, it is considered that the design, general layout, scale and massing of the revised development proposal would not have an unacceptable, detrimental impact upon the visual amenities of the area.

Accordingly, it is concluded that the proposal accords with Policy SP3 of the Bridgend Replacement Local Development Plan and reflects the aspirations for design quality within Planning Policy Wales 12 and Technical Advice Note 12: Design (2016).

Residential Amenity

Policy SP3 of the RLDP criterion (k) states a development must ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals.

In terms of the potential impact of the scheme on general residential amenity, particularly the residential properties towards the eastern end of the application site, it is considered

that the two-storey building would not have a significant adverse impact on the existing levels of residential amenity enjoyed by the neighbouring residential properties. With due regard to the revised drawings and the comments received from residents, the building would be positioned with an acceptable offset from the nearest front elevations of existing properties to the east of the highway of Ffordd Tirion/Gentle Way, particularly the properties at 36 to 48 Trem Y Ddyffryn/Valley View.

A minimum distance of approximately 31 metres would be retained from the front of the new building and the front elevations of properties along Trem Y Ddyffryn which are elevated above the application site, offset by the existing highway and its associated parking bays and further screened from the development site by a level of mature planting/existing tree lines.

Given the appropriate offset that is in excess of the standard 21 metres usually encouraged between habitable room windows to ensure privacy levels are maintained, the proposed siting of the new building in this location not raise any serious loss of amenity or privacy issues. Again, given the separation distances and characteristics of the site, with residential units only being positioned in an elevated manner to the east/front of the application site, the scheme raises no serious overbearing, dominating or overshadowing concerns.

Policy SP3 of the RLDP criterion (g) also states *“Development should avoid or minimise noise, air, soil and water pollution”*.

Shared Regulatory Services Officers have reviewed and examined the planning application submission and raise no principle objections to the scheme subject to the imposition of conditions should Planning permission be granted for the development.

It is noted that the flats are to be located above the retail and community uses and are also to be located on land next to a public house. However, no detailed noise assessment has been undertaken to predict the noise from deliveries, noise from the community use or to determine limiting plant noise levels for fixed plant such as condensers, refrigerators, air conditioning units etc. It is also noted that there is only one service delivery bay serving the 5 units, which may cause congestion with deliveries if they are not properly managed.

There is also no information relating to how the communal waste areas for the flats will be managed and these communal areas have been known to lead to problems in respect of a build-up of waste. As such, and to address these matters, Shared Regulatory Services suggest a number of conditions should the scheme be recommended for approval. These conditions relate to the submission of a noise assessment, restricting hours of delivery and waste collection, restricting hours of operation of the commercial/community uses and ensuring the submission of both a service and delivery management plan (SDMP) as well as a waste management plan (WMP) prior to the occupation of any of the units.

The revised scheme incorporates amenity space for use by future occupiers of the site and provision for waste, bicycle and general storage purposes with the level and standard of accommodation being proposed (subject to the conditions recommended by SRS) being viewed as being acceptable for likely future residents of the development, particularly given the proximity of local amenities.

In addition, given the size of the plot and the position and design of the access to the site, coupled with the type and nature of the uses being proposed (A1 shop/retail units, community uses and small scale residential flats), it is unlikely that the intensified use of the site (which has always been earmarked for development) would give rise to a substantial or harmful increase in the general levels of noise and disturbance to

neighbouring residents, particularly as a result of increased traffic movements, to warrant the refusal of the planning application.

In terms of noise from construction it is generally accepted that there would be some disturbance from this development, however, this would be transient in nature. Nevertheless, a condition can be imposed to ensure construction takes place during sociable hours. As such, there are no concerns in relation to construction noise.

Overall, when taking a balanced view of the merits of this scheme and having due regard to the comments raised in respect of the application, it is considered that the mixed-use development scheme of the nature and design proposed is acceptable and would not have a detrimental impact on the existing neighbouring properties and the levels of amenity currently enjoyed, whilst also creating an acceptable living environment for likely future occupiers of the development.

As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds and the scheme is considered to accord with the requirements of Policy SP3 of the Replacement LDP (2024) in respect of amenity protection.

Highway and Pedestrian Safety

Policy SP5 of the Replacement LDP (2024) states '*Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure*'. Policy PLA11 of the adopted Replacement LDP (2024) also stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards. Consideration must be given to electric and Ultra Low Emission Vehicles.

The Transport Assessment undertaken by Apex Transport Planning, at the request of the Council's Highway Officer, considers the transport implications of the proposed development. It demonstrates that the site location would encourage and promote sustainable travel behaviour in accordance with transport policies within Future Wales, PPW, TAN18 and the LDP. It concludes that data does not indicate a road safety issue which would be exacerbated by the proposals.

The Council's Highways Officer has carefully considered the Transport Statement which outlines the impact of the development on the local highway network as well as outlining the site's proximity to public transport, walking and cycling routes and local services.

It is considered that the site is in a highly sustainable location with good access to walking and cycling routes and infrastructure and access to retail services. However, there are measures which could further improve the accessibility of the site and these have been agreed by the applicant and noted on the latest, revised plans. These include additional parking, direct access to the cycle route, an increase in the width of the pavement along the site frontage and the widening of the access to allow refuse and delivery vehicles to access the site and keep Gentle Way clear.

It is, however, requested that a delivery traffic management plan, via a planning condition, be provided in this case to ensure deliveries do not clash with the supermarket (Tesco Express) and public house adjacent to this site.

With regard to the vehicular trips generated by the retail element of the proposal it is considered that the vast majority of these trips will not be new trips but will consist of trips linked with other uses from the nearby Broadlands Retail Park or passer-

by/diverted/transferred trips. As such, a significant proportion would be 'secondary' trips, already on the network and travelling between origin and destination.

As such, although there would be an increase in movements into and out of the site access onto Gentle Way, these are unlikely to materially change movements on the wider network and are not likely to impact the AM and PM traffic peaks.

In regard to the residential element of the proposal, the submitted Transport Statement indicates that the flats are forecast to generate 4 two-way vehicular movements during the AM and PM peak hours. Over a 12 hour period, the apartments are forecast to generate 41 two way vehicle movements. As detailed in the TRICS database, which is the industry standard for forecasting vehicle movements, this equates to less than 1 vehicle movement a minute during the peak hour which will not affect the local highway network and is well below an increase of 5%, which is a material planning consideration.

An interrogation of the accident data records for the last 5 years confirms one slight accident on the B4622 spine road through Broadlands and none on Gentle Way. As such the data does not indicate that there is an existing safety issue which would materially increase from this proposal.

It is noted that a number of objections raised relate to highway safety, however, there is no evidence to suggest or indicate that the current highway arrangement is unsafe. Gentle Way already benefits from traffic calming measures and vehicle speeds are low on the highway adjacent to the site.

The proposal would not materially change the conditions on the highway and would not have an unacceptable impact on safety given that there is no evidence of an existing safety issue. A significant proportion of vehicle movements generated by the site would be 'secondary' trips already on the network and travelling between Broadlands and places of school or work, particularly during the peak network hours. There is real scope for future residents and visitors to change their mode of transport due to the improvements required as part of this development and the proximity of local services and public transport.

As a result of the above, the Highway Officer offers 'No Objection' to the planning application subject to conditions and it is considered that, on balance, the mixed use proposal would not have any unacceptable impacts upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP5 and PLA11 of the Replacement Local Development Plan (2024) in this regard.

Land Drainage

Welsh Water and the Council's Land Drainage Officer have assessed the submitted details and raise no objection to the proposed scheme subject to standard drainage conditions and advisory notes. It is also advised that the applicant/developer would need to submit a sustainable drainage (SAB) application for the development.

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

Biodiversity

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 12 (PPW12) 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.”*

Policy SP3 of the adopted Replacement Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through Planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

To support the Application the applicant submitted a reptile survey following a request from the Council’s Countryside Officer (Ecologist) who has assessed the planning application. The Council’s Countryside Officer who carefully reviewed the scheme originally advised:

‘The site comprises a species rich grassland, developing scrub, bare ground and piles of stones. A number of these features combine to provide potential reptile habitat. In addition, the site is in the vicinity of other vegetation that adds to the ecological connectivity of the site. It is therefore recommended that an assessment of the reptile potential at the site is undertaken.’

This was duly undertaken by the applicant and the submitted Reptile Survey undertaken by Acer Ecology and concluded: *‘There was no reptiles detected throughout the duration of the survey work, indicating a likely absence of reptile populations at the site. There is a very low risk of encountering or affecting reptiles during the proposed works. Therefore, no further survey or mitigation for reptiles is required.*

However, it is not possible to rule out reptile use entirely, and in the unlikely event that reptiles are encountered during works at the site, all works will cease immediately, and a suitably qualified ecologist will be contacted for advice.’

The Council's Countryside Officer has reviewed the report and is satisfied with the results and conclusions, raising no objection to the scheme. It is however further recommended that the site be cleared outside of the bird nesting season (circa March- August) and the clearance should also be undertaken in accordance with a method statement including such measures as clearing/protection to vegetation that will be retained. This method statement should be agreed (by means of recommended condition) by the Local Planning Authority in advance of works commencing. Furthermore, given the site has some local ecological value measures to offset the loss of habitat should be agreed that could include, tree planting and the inclusion of bat and bird boxes within the development (that could be agreed through planning conditions). Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

On the basis of the comments received by the Council's Countryside Officer (Ecologist) and the appropriate survey work undertaken at the site, subject to necessary conditions, the works on balance are considered to be compliant with Policy SP3, SP13, DNP6, DNP7 and DNP8 of the Replacement Local Development Plan (2024) and wider national Planning Policy requirements in terms of Biodiversity.

Other Matters

Shared Regulatory Services (SRS) Environment Team have advised that Contamination is not known at this site, however, the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

SRS have also advised that should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

The application site is not directly crossed by any identified Public Rights of Way and does not host any Tree Preservation Orders. There are also no Listed Buildings directly adjoining or immediately surrounding the application site with there being no known archaeological constraints to this site. The site is also not situated in a Conservation Area.

Policy ENT15 of the RLDP - Waste Management in Development – requires that all proposals for new built development must include provision for the proper design, location, storage and management of waste generated by the development both during construction and the operation of the site. Development must incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

A bin storage area has been shown for the retail and residential spaces (although nothing has been detailed for the community uses), however, specific details of how this would work and how waste would be managed have not been provided. A condition can be imposed to address such requirements as suggested by the comments raised by Shared Regulatory Services Officers.

Section 106 Legal Requirements/planning obligations

Policy SP10 Infrastructure of the Replacement LDP (2024) states that all development proposals must be supported by sufficient existing or new infrastructure. In order to mitigate likely adverse impacts and/or to integrate a development proposal with its

surroundings, reasonable infrastructure provision or financial contributions to such infrastructure must be provided by developers where necessary.

This will be secured by means of planning agreements/obligations where appropriate (and if deemed necessary). In respect of affordable housing the application also triggers *Policy COM3 On-Site Provision of Affordable Housing* which requires 15% affordable housing in the Bridgend housing market area for a scheme of this nature.

A scheme of ten residential units would therefore need to provide 2 units to achieve compliance with *Policy COM3*, and the preferred option would be for both residential units to be social rented with both being 1-bed flats. Each affordable unit would also need to be compliant with the Welsh Government's Development Quality Requirements (DQR).

With regards to education the proposed development consists of eight 1-bedroom flats and two 2-bedroom flats, therefore, the development will not increase pressure on educational facilities within the catchment area.

Policy COM10: Provision of Outdoor Recreation Facilities of the RLDP requires the provision of satisfactory standards of recreation space from all residential development. BCBC's Outdoor Sports & Children's Play Space Audit (2021) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of recreation facilities are required to ensure compliance with COM10 of the LDP and SPG 5 – Outdoor Recreation Facilities and New Housing Development:

- A development of 10no. dwellings (eight 1-bed, two 2-bed) would lead to an estimated development population of 16.
- For children's play areas, as the development is for eight 1-bed apartments and only two 2-bed apartments, no recreation space is required.
- For outdoor sport (formal) facilities, the total amount of provision required should equal 256m².
- Given the size of the site a commuted sum may be more appropriate than on-site provision with a contribution to be spent on improving existing facilities within the locality of the proposed development. Based on historic planning applications of this nature in BCBC, the contribution would equate to £570 per dwelling/flat unit, thus providing a figure of £5,700.

CONCLUSION

The decision to recommend that Planning permission be granted 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, Replacement Local Development Plan (2024).

On balance, and having specific regard to the objections and concerns raised, it is considered that the revised proposal would provide a good quality mixed use development that would positively contribute to both the vitality and viability of the Broadlands District Centre whilst also providing a form of new residential units for the locality.

The scheme would utilise a significantly underused and overgrown area that has always been allocated and earmarked for development. The scheme represents an appropriate form of development that would have no unacceptable impacts on visual amenity, residential amenity, drainage, biodiversity and highway safety. The proposal is therefore

recommended for approval subject to conditions and the necessary planning obligation requirements.

Accordingly, the proposed development accords with the relevant and applicable policies of the Replacement Local Development Plan (2024) and wider national planning policy and guidance.

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.

RECOMMENDATION

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

- i) Provide 15% (two units) of the residential units as affordable housing units.
- ii) Provide a financial contribution for the sum of £5,700 (index linked) towards the provision/improvement of equipment/outdoor sport facilities within the locality of the application site.

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

1. The development shall be carried out in accordance with the following approved plans received 16/09/2024 (as amended) and the following document:

Proposed Site Plan - Draw. No. 00105 E
Proposed First Floor Plan - Draw. No. 00111 A
Proposed Section 1 - Draw. No. 00131
Proposed Section 2 - Draw. No. 00132
Proposed Main Street Elevation (from Gentle Way) - Draw. No. 00141A
Proposed Elevation 2 - Draw. No. 00142
Proposed Elevations 3 & 4 - Draw. No. 00143A
Reptile Survey undertaken by Acer Ecology (October 2022)

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

2. The ground floor units of the building hereby permitted shall only be used for purposes within Classes A1, D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), as illustrated on the submitted plans and supporting information and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Authority retains effective control of the uses of the approved units.

3. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction

of the external surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained in perpetuity.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to ensure the development complies with Policy SP3 of the Bridgend Local Development Plan, 2024.

4. Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, height, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected and to ensure the development complies with Policy SP3 of the Bridgend Local Development Plan, 2024.

5. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the building being occupied and maintained and retained in perpetuity.

Reason: To ensure effective drainage facilities are provided for the proposed development and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

6. Notwithstanding the requirements of condition 1, no development shall take place until a landscape management plan, including responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, including full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme including full details of any trees to be removed at the site. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

7. All planting, seeding or turfing comprised in the approved details of landscape management plan shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development are removed, uprooted, or destroyed or die or become, in the opinion of the Local Planning Authority, seriously damaged or Defected shall be replaced in the next planting season with others of similar size and species as that originally planted.

Reason: To maintain and improve the appearance of the area in the interests of visual

amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

8. No development shall commence until a Biodiversity Enhancement Scheme, including a timetable for implementation, has been submitted to the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To promote nature conservation in accordance with policy SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

9. No development shall take place until a clearance methodology statement for the site 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 agreed methodology statement.

Reason: In the interests of safeguarding biodiversity and ecology in accordance with policy SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

10. No development shall commence until there has been deposited with the Local Planning Authority a Certificate from a consulting engineer certifying that any retaining wall(s) will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall shall be constructed in accordance with the details so certified.

Reason: In the interests of public safety and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

11. Notwithstanding the requirements of condition 1, no development shall take place until details of the proposed floor levels of the building in relation to existing ground levels and the finished levels of the site 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 that the development relates appropriately to the topography of the site and the surrounding area and to accord with Policy SP3 of the Bridgend Local Development Plan, 2024.

12. Prior to the commencement of development a noise assessment shall be undertaken which shall be submitted to and agreed with the Local Planning Authority. The noise assessment shall include the following:

- (i) Predicted noise from deliveries likely to be experienced by future occupants of the flats and the existing properties in accordance with BS4142:2014+A1:2019.
- (ii) Background noise levels to establish plant noise limits for fixed plant in accordance with BS4142:2014+A1:2019. The noise rating level to be achieved for the fixed plant from all community and retail units shall be agreed in writing with the Local Planning Authority.
- (iii) Sound insulation measures to be installed to reduce the impact of noise emanating from the community and retail uses to the flats above.
- (iv) Any necessary mitigation measures to reduce the noise impacts from car park noise, deliveries and noise emanating from the adjacent public house.

Any mitigation measures shall be agreed in writing with the Local Planning Authority and shall be completed in accordance with the agreed scheme prior to the occupation

of the flat units.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

13. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve the agreed rating level in condition 12 (following submission of the noise assessment), are submitted to and approved in writing by the local planning authority. The details shall be included in a noise report demonstrating that the agreed rating level will be achieved. The rating level of the sound emitted from the site shall not exceed the agreed rating level. The sound levels shall be determined by measurement or calculation or a combination of both at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: In the interests of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

14. Prior to the occupation of any retail and community use units, a servicing and delivery management plan (SDMP) for the approved uses shall be submitted to and agreed in writing by the Local Planning Authority. The SDMP shall include details of how the deliveries will be managed so that deliveries do not coincide with each other due to there being only one servicing bay to avoid the queuing of delivery vehicles and avoid vehicles leaving their engines running, particularly refrigerated vehicles and to ensure that noise from the deliveries from unloading operations will be kept to a minimum. All deliveries to the community and retail units shall be carried out and maintained for as long as the development continues in accordance with the agreed SDMP. The SDMP shall be kept under review and where there is a change in tenancy of any unit /different permitted use occupies the community/retail units. Where any changes are necessary as part of the review, the SDMP shall be re-submitted and agreed in writing with the Local Planning Authority and deliveries thereafter shall be carried out and maintained for as long as the development continues in accordance with the amended agreed servicing and delivery management plan.

Reason: In the interests of safeguarding residential amenities and highway safety and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

15. Notwithstanding the submitted plans, prior to the beneficial occupation of the development hereby permitted, a Waste Management Plan (WMP) shall be submitted to and approved in writing by the Local Planning Authority detailing how the refuse and recycling waste from the residential units and the commercial/community uses will be stored and effectively managed at the site. The WMP shall thereafter be operated and maintained in accordance with the approved details and retained for so long as the use(s) continues.

Reason: In the interest of safeguarding general amenities and to ensure sustainability principles are adopted for the development in accordance with Policies SP3 and ENT15 of the Bridgend Local Development Plan, 2024.

16. Waste collections from the commercial/community units shall be restricted to between 08.00 - 18.00 hours Monday - Saturday.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

17. Deliveries to the commercial/community units (except for newspaper deliveries) shall be restricted to between 07.00 and 18.00 hours Monday to Saturday and 08.00-18.00 hours on Sundays.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

18. Operating hours of the commercial/community units shall be restricted to between 07.00 and 22.00 hours Monday-Saturday and 08.00 and 22.00 hours on Sundays.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

19. 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 in advice of any remediation measures being undertaken. 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 in accordance with policies SP3 and SP8 of the Bridgend Local Development Plan, 2024.

20. Any topsoil [natural or manufactured], or subsoil, or 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 of investigation 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 the safety of future occupiers is not prejudiced in accordance with policies SP3 and SP8 of the Bridgend Local Development Plan, 2024.

21. Construction works shall not take place outside the following hours: -

08:00 hours to 18:00 hours Mondays to Fridays

08:00 hours to 13:00 hours on Saturdays

No work shall take place on Sundays or Bank Holidays.

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

amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

22. No development shall commence until a scheme for the provision of a 3m active travel shared use route along the total site frontage has been submitted to and approved in writing by the Local Planning Authority. The active travel link shall be implemented in permanent materials, in accordance with the agreed details, before the development is brought into beneficial use and retained in perpetuity thereafter.

Reason: In the interests of highway safety and to accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

23. 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 accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

24. The common turning facility and delivery vehicle parking spaces shall be provided before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

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

- i. The routing and timing of HGV construction traffic to/from the site in order to avoid school drop off and pick up times
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along Gentle Way.

Reason: In the interests of highway safety and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

26. There shall be no outside storage of bins, equipment, waste, materials etc. except within the designated bin storage areas.

Reason: In the interest of visual amenity and to ensure compliance with Policy SP3 of the Bridgend Local Development Plan, 2024.

27. Before beginning any development at the site, the developer/applicant must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form

substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason: To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

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

a. It is considered that the proposal which has been subject to significant negotiation and amendment, would provide a quality mixed use development that would positively contribute to both the vitality and viability of the Broadlands District Centre whilst also providing a form of new residential units for the locality. The scheme would mark the positive development of a significantly underused and overgrown area that has always been allocated and earmarked for development. The scheme represents an appropriate form of development that would have no unacceptable impact on visual amenity, residential amenity, drainage, biodiversity and highway safety. The proposal is therefore recommended for approval subject to conditions and the necessary planning obligation requirements.

b. The applicant is advised that the Waste Management Plan in respect of the residential units shall detail how the refuse and recycling waste from the residential units will be stored and effectively managed to ensure that only the permitted number of refuse bags are put out for collection, who will be responsible for managing and putting out the waste on the street from the bin stores ready for collection and who will be responsible for maintaining the area and keeping the bin store free from rats and mice.

c. The applicant is advised that the residential flat units should meet the Welsh Government's Development Quality Requirements. Planning Policy Wales (Edition 12) specifies that 'all affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards' (para 4.2.30). This requirement applies to both social rented and intermediate dwellings.

d. The applicant is advised to consider the comments of the South Wales Police Designing Out Crime Officer (available in full on the Planning Pages of the Council's Website) that advise appropriate security measures should be incorporated into the design of the development, including consideration to the installation of a CCTV system to protect the use of the building and associated spaces.

e. The applicant is advised to liaise with Welsh Water Developer Services to establish the location of any infrastructure (including water mains) at the site prior to the undertaking of any works and no structure is to be sited within a minimum distance of 3m from the centre line of any Welsh Water infrastructure/water pipes.

f. The proposed layout of the flats is such that kitchen facilities are located directly adjacent to the flat exit door which can pose an increased fire risk. The layout and design of the flats should be in accordance with Building Regulations to ensure fire risk is adequately managed.

g. 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 re-minded that the responsibility for:

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license.

The following must not be imported to a development site;

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

(iii) the safe development and secure occupancy of the site rests with the developer.

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

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None