



The Application proposes the comprehensive re-development of the yard area into a residential site, comprising a mixture of one, two, three and four-bedroom units of a detached, semi-detached and linked nature. The existing, historic hay barn building adjacent to the vehicle access to the site off Marlas Road Lane, which forms a curtilage listing to the main Grade II Marlas Farm House to the east, would be converted to two independent units of a one bedroom and two bedroom nature, as part of the scheme.

Vehicular access would be gained from the north (utilising the existing access point) with a main spine road providing access into the site with public open space, landscaping and car parking/turning space which would be created from the main access point.

In detail, the works include the provision of:

- 4 bed house - 5 no. in total
- 3 bed house - 3 no. in total
- 2 bed house - 2 no. in total
- 1 bed house - 1 no. in total
- 1 bed flat - 6 no. in total.

The site proposal also contains an active travel route (3m wide) located on the southeast corner of the site, passing to the south of the farmhouse and adjoining new build houses, which would then join with Marlas Road close to the light-controlled bridge junction. An existing detached garage would be demolished/partially demolished to allow the provision of the active travel route. A pedestrian/cycle crossing point across Marlas Road to the east is also proposed to provide connections to the wider footway/footpath network.

**Figure 2 – Proposed Site Layout**



The arrangement of dwellings seeks to embrace a more informal and evolved approach, incorporating a diverse range of unit styles, varied vernacular and offering contemporary interpretations of historic farmstead buildings. The layout features varying orientations, incorporates green space and significant landscaping to maintain a sense of greenery and openness. The design principles aim to minimise the impact on the historic setting and respect the agricultural history and historic development of the site.

The external materials of the new buildings would comprise a variety of finishes, including slate roofs, smooth render, rough cast render, stonework, vertical wooden cladding, brick work and uPVC windows.

**Figure 3 – Street Scene Drawings**



The historic hay barn, first built in C16th (as detailed by the Applicant's heritage statement), backs onto the eastern boundary of the site, as illustrated below (**Figure 4**). Despite alterations, the barn remains as the only historical structure from the original courtyard farmstead. Sympathetic conversions of the single storey and two-storey barn structure are therefore proposed that seek to minimise the impact on the historic structure. The converted barn would incorporate hardwood painted windows and heritage appropriate materials including a front boundary and stone walls.



**Figure 4 - Existing main Elevation of the barn buildings.**



## SITE DESCRIPTION

The Application site is situated within the Main Settlement of Pyle as defined by Policy SF1 *Settlement Hierarchy and Urban Management* of the Bridgend, Replacement Local Development Plan (RLDP) 2024, and also located within the *Pyle, Kenfig Hill and North Cornelly Sustainable Growth Area* as defined by Policy SP1 Regeneration and Sustainable Growth Strategy.

The main Application site comprises a broadly rectangular parcel of land with a narrow linear strip extending eastwards (proposed active travel route) and covers an area of approximately 7070 square metres. Marlas Yard and Paddock is a broadly flat site in its eastern sector but slopes downwards to the northwest as the site extends westwards. The area is made up of a variety of historic and modern agricultural style buildings with a more grassed area and open feel as the site extends westwards to the large, relatively modern build housing estate adjoining the western boundary of the site. A number of stone walls, small buildings, hard standing areas and vegetation/planting exists across the site.

The site is located on the north-western edge of Pyle, immediately south of Marlas Road Lane. A primary school, including open playing fields are situated to the immediate south of the site ('Afon Y Felin Primary School'). The mainline railway line and Afon Cynffig exist further towards the north of the site, beyond the highway and an area of mature planting (including an Area Tree Preservation Order – TPO (1953 – Glam Cc NO.01). Kenfig Dune System is located further to the west of the site, and open countryside with a network of fields and hedgerows exist to the north of the railway line and river.

Although not readily visible from the Application site, the site is situated approximately two-hundred metres south from the Grade II\* listed Llanmihangel Mill, which has a leat and dam designated as a Scheduled Ancient Monument, and approximately 1 kilometre south-east of the Grade II\* listed Llanmihangel, the site of a C12th monastic grange and a C16th house. The railway bridge to the north of the site is also Grade II Listed.

**Figure 5 – Site Aerial showing wider context.**



The main farmhouse that is situated to the immediate east of the Application site is listed by Cadw as a Grade II Building, with the reason for designation including '*an unusual complex of buildings largely of C17 origin, with some original detail*'. Marlas Farm, as highlighted by the Applicant's supporting information, is described as one of the oldest farms in the Borough of Kenfig with it being presumed that the earliest buildings on the site were constructed by the Thomas family who were the owners from 1543. These early structures include the Hay Barn within this Application.

In the mid-20<sup>th</sup> Century there was a substantial expansion of agricultural activities on the site. The entire yard and paddock subject of this Application saw the erection of a dense cluster of structures and sheds. Evidently during this period the site operated as a bustling working farm. Since its earliest origins and through to the mid-late 20<sup>th</sup> Century it has seen agricultural structures situated in relatively close proximity to the Grade II listed house and associated hay barns.

**Figure 6 – Historic Photograph of the site (provided by the Applicant)**



The farm was intensively occupied by a complex of agricultural buildings in various courtyard groupings, although most of these, save for a large barn style structure to the northeast of the yard area, have been removed with the west of the site having a generally more open feel. The stone hay barn that remains is listed by virtue of being '*curtilage buildings*' to the main house and is currently used for incidental storage only. There remains a more modern, large storage/barn building along the northern aspect of the site (former pig and cow shed) that would be demolished to accommodate the proposal.

As detailed, the immediate surroundings of the site have witnessed substantial development including the erection of the nearby school, and modern housing developments.

Supporting information and documentation submitted with the Application highlight that the yard and historic paddock are no longer actively used for its historic agricultural purpose in service of the adjacent fields. Instead, it is detailed that the land is utilised for light industrial activity and storage purposes. It has been detailed that the yard has, for around 20 years, been used by various businesses subletting the premises, including a scaffolding company.



**Figure 7 – Photographs of the site and surroundings**





The amended planning Application is supported by a comprehensive level of information, including:

- Layout plans and elevation details
- Pre-Application Consultation Report
- Design and Access Statement
- Access Statement
- Green Infrastructure Statement
- Heritage Statement
- Energy Statement
- Habitats Regulations Assessment Report
- Tree Survey/Tree Constraints Plan
- Preliminary Ecological Appraisal
- Preliminary Bat Roost Assessment
- Bat Emergence Survey Report
- Updated Ecological Walkover Survey
- Highway Infrastructure and Access Report (Road Safety Audit)
- Transport Statement

### **BACKGROUND AND SUBMISSION OF AMENDED PLANS**

The Application proposals have been subject to pre-Application discussions and the scheme significantly evolved, revised and amended since the initial pre-Application discussions and over the duration of the planning Application process.

In 2020 the Applicant /agent originally presented a ‘*volume housebuilder*’ approach to the re-development of the site, that included the provision of a total of 28 units. The approach was deemed overly intensive, unsympathetic and needed re-thinking to appropriately address the impact on the setting of the historic assets.

***Figure 8 - Original Pre-Application Layout***



Following initial input and further pre-Application discussions with Conservation Officers, Planning Officers and Highway Officers the scheme evolved into a submission comprising the provision of a total of 24 units. As highlighted in the Applicant’s Design and Access Statement:

*'This new proposal adheres to principles aimed at minimising the impact on the historic setting. These principles are grounded in an understanding of the site's evolution and a commitment to re-contextualising Marlas House and its attached hay barns within a development that respects the significance of its agricultural history and setting.'*

*We agree that adopting a volume house builder approach directly contradicts the historical use of the site and its setting...we therefore propose an approach to residential design that is centred around the concept of an 'evolved settlement', deviating from the formulaic nature associated with mass-housing intended for density and profitability.'*

**Figure 9 - Original Application Plans (now superseded).**



Following careful consideration of the originally submitted plans, concerns were again raised in respect of the overall design, number of units and highway safety issues with the scheme. A number of discussions and meetings were subsequently then held with the Applicant/agent to further address the concerns and enhance the scheme, whilst improving the overall layout of the site in line with the recommendations of both the Council's Highway Officers and Conservation Officers.

On 6 February 2025 (supplemented by an updated site layout plan received 12 March 2025), the Applicant submitted final revisions to the proposal that is now to be considered by Members (**as illustrated in Figure 2 above**).

### **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 6<sup>th</sup> February and 5<sup>th</sup> March 2024. 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 three responses were raised in respect of the proposal at that stage (each raising concerns with the development). The objections raised at the PAC stage are summarised as follows:

- Highway safety
- Loss of views
- Loss of farmland
- Overpopulated area already



- Daily disruption

These issues have been addressed within the PAC report, however, they are relevant and have also been considered later within this report.

### **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 (and therefore is not deemed EIA development).

### **RELEVANT PLANNING HISTORY**

P/24/149/LIS - Listed Building Consent for the demolition of cow barn and pig sheds to allow a residential development consisting of 17 units in total. 15 new units and the conservation of existing Listed Barns to provide 2 residential units, including Active Travel Route, access, car parking, landscaping, drainage and attenuation, and associated works – Pending

P/24/192/LIS - Marlas Farm, Marlas Road, Pyle – Listed Building Consent for roof and internal repairs further to fire damage – Granted 14/01/2025

P/21/586/LIS - Marlas Farm, Marlas Road, Pyle Listed Building Consent for the demolition of a detrimental 1980s extension within the central courtyard at Marlas House, comprising demolition by hand and considered repair works to safeguard the surrounding dilapidated historic fabric – Granted 08/11/2021

P/18/756/FUL - Land east of Marlas House, Marlas Road, Pyle - Two houses plus car parking using existing access – Granted 20/12/2018

### **NEGOTIATIONS**

As referred to above, the scheme has been subject to significant negotiation and the submission of amended plans. The Applicant was also asked to clarify ownership of the site and the associated access area with evidence submitted in the form of plans and a supporting solicitor letter that the Applicant does have appropriate control over the point of vehicular access to the site (which is reflected in the submitted ownership certificate presented with the Application).

The Applicant/agent also submitted various information and documentation to support their claims that the site is not a working farm and hasn't been for some time. The Applicant/agent was also requested to undertake an updated ecological appraisal/walkover for the site.

### **PUBLICITY**

The Application has been advertised on site and by press notice.

Neighbours were notified on the receipt of the original Application and have been invited to provide observations on the latest, set of amended plans received 6 February 2025. The period allowed for response to consultations/publicity has expired.

### **CONSULTATION RESPONSES**

**Cornelly Community Council** - Concerns are raised by Members of Cornelly Community Council about the access road in Marlas Lane being narrow, with the additional problem of the traffic lights and no footpath. Parking per property is limited. Overdevelopment in the area, which is an area where swifts nest.

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

**Conservation and Design Officer** - No objection subject to conditions.

**Countryside Management Officer (Ecologist)** - No objection subject to conditions.

**Natural Resources Wales (NRW)** - No objection subject to conditions.

**Land Drainage Officer** - No objection subject to conditions.

**Dwr Cymru Welsh Water** - No objection subject to conditions/advisory notes.

**SRS Environment Team (Land Quality)** - No objection subject to conditions.

**SRS Environment Team (Noise)** - No objection subject to condition.

**South Wales Police** - No objection with general design comments raised.

**Fire Service** - No objection with general comments raised.

**Education, Early Years and Young People Directorate** - No objection, comments raised that suitable arrangements need to be put in place to ensure the disturbance to the nearby school during the construction phase is minimised (for example scheduling particularly noisy construction activities outside of school hours and pre-notifying the school of potentially disruptive activities).

**Coal Authority** - No objection.

**Heneb (Glamorgan - Gwent Archaeology)** - No objection, it is advised the site is located outside of any Archaeological sensitive area. However, a condition is recommended to ensure a historic building survey is undertaken prior to any works commencing given the demolition proposed and Listed status of the buildings on the site.

**Neath Port Talbot County Borough Council (Neighbouring Authority)** - No objection to the scheme.

**Cadw** (when commenting at pre-Application stage) - No objection/comments, advising there would be no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development.

**Public Rights of Way Officer** (when commenting at pre-Application stage) - No objection, advising there are no registered public rights of way or claimed rights of way affecting or abutting the area in question.

## **REPRESENTATIONS RECEIVED**

Following the advertisement of the original Application submission, letters of objection were received from the occupiers of 16 residential properties (from the local and wider locality).

It is also noted Dr. Charles Smith (former Cllr.) raised the following comment on the scheme: *'the demolition of the listed buildings should be avoided if at all feasible'*.

Following receipt of amended plans and re-advertisement of the Application, objections were subsequently received from the occupiers of 1 neighbouring residential property.

The following is a summary of the concerns and objections received from residents:

**Loss of farmland** - the proposal would take away land that is grazed by sheep and lambs. This is a working farmyard; development would lead to loss of income of a local business which have farmed on the site for four generations. The claim that it is not a working farm is false. It should not be permitted in the context of the challenging background farmers face and the reliance upon local supply, the proposal would have serious knock-on effects for the business. Building more houses would impact the livelihood of the current farmer and their family and generations of farming activity would be lost.

The main cow shed/yard/paddock is in constant use, most recently housing livestock with the paddock used for sheep/lamb grazing. An integral part of any farm business is a dry area away from pasture and arable land to house cattle during the winter, lambing, TB tests, Ministry inspections, storage of fodder, silage and straw bales, and store machinery – without a yard the farming business cannot function.

**Negative impact on the converted listed barn building and the Grade II Listed Farm House** - the farm is steeped in history and the conservation value of the Grade II Listed Marlas House and its associated existing agricultural buildings/yard setting will be unacceptably and irretrievably damaged because the proposed residential development will totally change the historical agricultural use and physical appearance of the listed building and its setting. The proposal will neither preserve nor enhance this important historic asset.

Cadw's conservation principles statement regarding historical value, states:

*“An historic asset might illustrate a particular aspect of past life, or it might be associated with a notable family, person, event or movement. These illustrative or associative values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present. Of course, the functions of an historic asset are likely to change over time and so the full range of changing historical values might not become clear until all the evidential values have been gathered together. Historical values are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them”.*

The proposed plans are a reckless challenge against the heritage values of Cadw and BCBC - stone walls and historic features would be completely lost. It is poor that the proposed plans target the Granary (called Hay Barn in plans) building, and it can be carved up and turned into dwellings with unsympathetic modern external features such as dormer windows added. The re-development merely adds to the depreciation of our local heritage.

The land surrounding both Marlas Farm and Hall Farm has been sold for housing over the years. The farms have therefore both lost much of their original character already. The impact on the original buildings by the surrounding developments is often commented on as a shame by visiting historians and Cadw, a repeat should not be made at Marlas Farm.

Everything within the boundary walls is within a conservation area, and development of the proposed plans show a reckless attitude towards the site.

**The Application is out of character with the main farmhouse building** - the farmhouse building at Marlas Farm is a building of significant historic importance to the area and the current Application may impact and harm the existing structure and area. The building materials identified in the pre-planning Application and subsequent documents do not adequately address the need to match the properties in the surrounding area and especially the Grade II listed house.



**Overdevelopment of the site with too many houses being proposed within a car centric proposal** - internal layout also not easily accessible to fire emergency services and waste recycling lorries.

**Detrimental impact on Marlas Farm House existing levels of residential amenity and privacy** - the development would increase the impact of noise, dust and disturbance to the existing property at Marlas Farm. More traffic would increase emissions in the area, more noise pollution and site construction noise and disturbance causing mental health issues.

**Highway Safety Issues** - the road leading to the proposed site is already quite dangerous and inadequate for the development. Vehicles have hardly any room to pass and any increase in traffic on this road would have an adverse effect. The general area by the traffic lights is hazardous. Access is appropriate for existing use but unsustainable and unsafe for a substantial number of dwellings. Poor vision in the area.

The road is already saturated with extra traffic from the Redrow site since it's construction in 2004 and more dwellings would add to this issue. It is a narrow lane and in some places two cars cannot even pass each other currently.

The Transport Reports have not been updated since February.

**Pedestrian risks** - there is currently no footpath along the access road. The proposed pedestrian access is not safe connecting to the western side of Marlas Road that has no pedestrian pavement. The proposed footway connection is indirect, and no details have been provided on materials, drainage, gradients or lighting provision. The route is unlikely to be adopted or maintained by the Highway Authority, at public expense. Therefore, it is not possible to conclude that this is appropriate to serve the development and to fully provide for the needs of people of all abilities and issues and for children to travel to school during all times of the year. The proposal could effectively fall into disrepair or flood, or not be suitable or safe and the only other resort is private car use for all local journeys.

The proposals are not an example of a safe and appropriately accessible development and have clear inherent design issues which are the product of over intensive development.

**The access road floods on a regular basis.**

**The local area has a number of significant ecological sites** - the development at Marlas farm, could provide a pollution risk to the River Afon Cynffig, with a further negative impact from an increased level of people accessing the SSSI at Kenfig Nature Reserve. Noise and light pollution could also impact local wildlife and livestock.

**Destroying Land and Views** - the reason why people bought homes in the area.

**More unnecessary housing in an already overpopulated area with lack of quality schooling** - there is already a large residential establishment in place, do we really need to build another 20 plus houses on this site. Land in the area already lost to housing and this should stop.

**Destroy a garden boundary fence.**

**Grade list properties are not attractive for buyers and developers**, and the dwellings (within the barn conversion) will devalue the proposed site greatly due to the enhanced admin needed to complete transformation to the Heritage/Cadw high standards. The

overall value of the proposed site makes it an uncommercial opportunity for any developer.

**Section 4 of the PAC report states that there were 3 objectors but it is suspected there would be more to the actual, formal Applications** – claiming there was only three objectors within the PAC report is untrue and damages the integrity of the proposal entirely. The credentials and methods undertaken to submit a PAC report needs to be questioned in this case.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Many of the objections offered by residents align with the main issues to be considered in the determination of the Application and are addressed in the appraisal section of this report.

It should be noted that the Application site does not fall within a conservation area and does not propose the demolition of the Grade II Listed Building. A separate Listed Building Consent Application has also been submitted for the re-development of the site/conversion of the barn building.

Concerns that the development would result in loss of views, property damage and devaluation/values of the site are not deemed material to the determination of the planning Application.

Any disruption through the construction period will be short lived and managed through the agreement of a construction method statement; therefore, it is not a valid a reason to refuse such a planning Application in this case.

## **RELEVANT POLICIES**

### **Local Policies**

The Development Plan for the area comprises of the Bridgend, Replacement Local Development Plan 2018-2033 which was formally adopted by the Council in March 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 SP6: Sustainable Housing Strategy
- Policy SP8: Health and Well-Being
- Policy SP10: Infrastructure
- Policy SP15: Sustainable Waste Management
- Policy SP17: Conservation and Enhancement of the Natural Environment
- Policy SP18: Conservation of the Historic Environment

### **Topic Based Policy**

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy PLA12: Active Travel
- Policy EN10: Low Carbon Heating Technologies for new development
- Policy ENT15: Waste Movement in New Development
- Policy COM6: Residential Density
- Policy COM10: Provision of Outdoor Recreation Facilities
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development

- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health
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#### Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG07 - Trees and Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

#### **National Planning Policy and Guidance**

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.

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.”*

*Para 2.7 PPW12 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 highlights at para 4.2.24 *“Development plans must include clear policy criteria against which Applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.”*

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 - Nature Conservation and Planning (2009)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 - Transport (2007)
- Technical Advice Note 24 - The Historic Environment (2017)

#### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).



The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this Application.

### **The Socio Economic Duty**

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.

### **APPRAISAL**

The Application is referred to the Development Control Committee in view of the number of objections initially raised by local residents/members of the public, and the Community Council.

The Application seeks full Planning Permission for the development of Marlas Farm Yard for residential purposes, comprising a mix of 17 residential units in total.

Having regard to the above, the main issues to consider in the assessment of this Application relate to the principle of development, the impact on visual amenities including the impact on the character and setting of the listed building, the impact on the amenities of neighbouring residents, highway and pedestrian safety, biodiversity and drainage.

### **Principle of Development**

The Application site is located within the main settlement of Pyle as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (RLDP) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

Policy SP6: Sustainable Housing Strategy 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 could contribute towards delivery of the overall housing requirement. The site is not allocated for a specific use; therefore, residential development would be acceptable in principle.

It is acknowledged that the site would result in the loss of a historic 'farmyard' although the Applicant's supporting information highlights the yard and historic paddock are no longer actively used for its historic agricultural purpose in service of the adjacent fields. Instead, it is detailed the land is utilised for light industrial activity and general storage purposes.

This assertion has been contested by local resident's representations as earlier detailed, although the loss of a historic yard of this nature, be it in agriculture use or not, based on the information and objections received is not deemed a justified or material reason to warrant the refusal of such a scheme, or to not support such a scheme in principle. Ultimately the site falls inside settlement limits, has previously been occupied by built

development and is not recognised as high quality agricultural land (for example Grades 1, 2 and 3a of the Agricultural Land Classification System), that would be lost because of such a proposal. Furthermore, the site is abutted to its western, eastern and southern sides by further built development including residential units. The use of the existing plot for residential purposes represents a sustainable and compatible use of the site. The proposed residential use of the site is therefore considered acceptable in principle.

It is, however, acknowledged that Policy SP3: Good Design and Sustainable Place Making of the RLDP states that 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.

And, whilst it is considered that in principle the scheme accords with the general aims of the RLDP, the scheme must comply with the requirements of RLDP Policy SP3 and satisfy other material planning considerations, as detailed below.

### **Visual Impact including the impact on the character and setting of the listed building**

Policy SP3 of the adopted Bridgend, Replacement Local Development Plan (RLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of good design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

Given the location of the Application site adjacent to the Grade II Marlas Farm House and the listed status (curtilage listed) of the barn to be converted in this instance, regard must be given to Policy SP18 of the RLDP that highlights development proposals must protect, conserve and where appropriate preserve and enhance the significance of historic assets, including their setting.

Furthermore, 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.”*

Placemaking should be delivering housing developments that respond to context and form a high-quality townscape, providing people-friendly green streets, with high quality building design and private and semi-private space for all occupants.

The submitted Design and Access Statement and Heritage Impact Statement set out a vision and agenda for the redevelopment of the site. It is the Applicant's view that the scheme, which has now undergone significant design and layout changes, comprises a high-quality development that adheres to principles aimed at minimising the impact on the historic setting, and respects the significance of its agricultural history and setting. Adopting a volume house builder approach would directly contradict the historical use of the site and setting, with the approach to the residential design now being centred around establishing a sense of place, and meaningful connections between buildings, access and landscape.

In addition to this, the scheme fulfils the housing aspirations of Bridgend County Borough Council by providing a mix of units ranging from 2 to 4 bedroom houses and 1 bedroom flats. The specific appearance and form of the proposed dwelling types represent an appropriate design style which in the Applicant's view embraces a more informal and evolved approach.

The Application proposes the construction of 15 new residential units and two additional units within an existing barn building(s) which would be converted to residential use as part of the scheme. The proposed buildings are all of a traditional two-storey design with pitched roofs, comprising detached, semi-detached and link properties.

The layout of the site, as detailed, has been subject to much negotiation and discussion with the Applicant/agent which has resulted in the submission of amended plans (received 6 February 2025). The amended plans, which have been revised from a total of 28 units initially proposed at pre-Application stage down to a total number of 17 units, seeks to improve and enhance the visual appearance and general design of the scheme and ensure a sympathetic form of development that is reflective of the surrounding character and appearance of the area (particularly the Listed Building), and its historic setting is achieved in this case.

Whilst it is somewhat regrettable that the general character and historic agricultural nature of the site would inevitably be lost, the proposal has been subject to continuous discussions and subsequent improvements to ensure the dwellings, their general setting, space about buildings and overall layout and design is of a high design standard.

The subsequent development of the site, in the manner proposed, represents an appropriate and sympathetic scheme that, on balance, would not have such a significant detrimental impact on the existing character and appearance of the locality to warrant the refusal of the planning Application. 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. Landscaping within and along the boundaries of the site would be further introduced and integrated into the proposals and positively contribute to the character and feel of the site, with a central area of feature open space being introduced. The landscaping would help integrate the building features into their surroundings and a recommended condition would also ensure that this is encouraged and maintained at the site, ensuring the buildings and associated infrastructure assimilate with their surroundings and retains a green feel whilst also providing a positive biodiversity enhancement at the site.

It is acknowledged that the development comprises the conversion of a curtilage listed barn(s) associated with the main Marlas Farm House, Grade II Listed Building, that is situated to the immediate east of the Application site. Consequently, it is important to consider the effect the proposed development may have on the Listed Building and its setting and, in this respect, Policy SP18: Conservation of the Historic Environment of the RLDP is also relevant (as earlier detailed).

The Council's Senior Conservation and Design Officer has been fully engaged and involved with the planning Application process and has no objections to the revised proposal. It is highlighted the proposed scheme has been based on a well-researched Heritage Impact Assessment (**HIA**) and whilst the haybarn and adjacent walls are referred to as curtilage listed they do form a cohesive part of the listing as stated by Cadw. Nevertheless, the role and purpose of listing is not to hold structures in aspic or prohibit sensitive change. It is to protect a non-renewable asset and inform appropriate, measured change.



The HIA states that the land west of Marlas Farm, including the yard and paddock are no longer actively used for its historic agricultural purpose in service of adjacent fields but used for light industrial activity. If this is indeed correct, the proposed change is more acceptable in this location than the current use.

The original proposal for 28 dwellings has been reduced following discussion to 17 units. This consists of 15 new build dwellings and the conversion of the hay barn to provide an additional two dwellings. The details of the conversion of the Hay Barn are given in this Application and also form part of a separate Listed Building Consent (LBC) Application. The planning Application considers the acceptability of the principal of a separate housing development and its impact on the setting of the listed buildings.

The design development of the proposed site is discussed throughout the HIA document and presents a logical and balanced approach to the site evolution.

In recognising the historical significance of Marlas as a holistic entity, a meaningful response has fed into the understanding of form and space. Restoration and removal of less sympathetic additions further enhance the original aesthetic of the same. However, the details of new fenestration are to be addressed in the LBC Application (west facing elevation of the converted barns). Additionally, the relocation of gate posts and boundary walls are referred to in the listed building consent Application.

The principle of the new dwellings is supported, however the use of materials, in terms of colour palette and the nature of materials is not fully supported and would need to be controlled under a recommended planning condition.

Marlas and its related structures consist of limestone and some Pennant stone. Its colour palette is one of a warm tone. The use of dark tones featuring contemporary form will detract significantly from the historic setting although the use of stone and smooth painted render is however supported. It is therefore recommended that all the materials are subject to condition with a view to directing the choice of materials to a greater empathy to the original and existing historic form.

In conclusion, the Application, in principle, is supported by the Council's Senior Conservation and Design Officer subject to the imposition of conditions in respect of controlling the hay barn materials and west facing elevation/fenestration details, controlling all materials/finishes for the new development including rain water goods and roof finishes, submission of detailed landscape plans indicating the extent of demolition of boundary walls, existing field walls, gate piers and new hard surface material and the submission of a proposed lighting scheme for the site.

In view of the above, it is considered that there would not be any adverse impacts on the Listed Building or its setting, and the scheme, subject to control through recommended conditions, would not harm the existing visual amenities currently enjoyed in the locality with Policy SP18 of the RLDP, on balance, not being compromised by the proposal.

Policy COM6 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. A lower density of development will only be permitted where:

- 1) Design, physical or infrastructure constraints prevent the minimum density from being achieved; or

- 2) The minimum density would harm the character and appearance of the site's surroundings; or
- 3) Where it can be demonstrated there is a particular lack of choice of housing types within a local community.

The site consists of a lower density than prescribed by Policy COM6 (approximately 23 dwellings per hectare), however, given the constraints of the site and the character of the surrounding area coupled with the historic assets in and around the Application site, the proposed density is considered acceptable for this setting. The scheme has evolved and been substantially amended over the process of the planning Application and pre-Application discussions and a lesser density in this case is deemed appropriate to the site context and improves the design qualities of the development.

In comparison to earlier submissions (at pre-Application stage and the original planning Application), the scheme has been significantly revised to overcome numerous issues originally raised, including visual and general design concerns with the development. The scheme has now reached an acceptable standard and, on balance, subject to conditions, it is concluded the proposed development accords with Policy SP3 and SP18 of the RLDP in terms of safeguarding visual amenities and preserving the character and setting of the Listed Building.

### **Residential Amenity**

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *“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”*.

Criterion (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Having regard to the submitted layout plan, including the size of the site (approx. 0.7 Ha) and the density and scale of the dwellings, it is considered that the site is capable of accommodating a total of 17 units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

With due regard to the revised drawings and the comments received from residents, the buildings would, on balance, be positioned with an acceptable offset from the nearest rear/side elevations and garden spaces of the existing properties to the west of the site, along Skylark Road.

It is acknowledged that whilst a small number of properties would have their rear outlook completely changed as a result of the scheme, it is deemed that the relatively well designed and appropriately positioned, residential units within the development plot, would not adversely overlook or adversely overshadow the nearest neighbouring dwellings. It is appreciated the exact distances between the rear of plot 4/block3 (a proposed, detached residential property), within the development proposal and the rear of existing properties along Skylark Road fall marginally below the usual guideline distances. However, the proposed property is slightly angled away from the existing plot(s) and would benefit from rear boundary landscaping to screen the site that could be further ensured by a recommended condition and the design and position of the rear first floor windows could

also be high level/obscurely glazed to prevent any serious loss of privacy to the existing dwelling(s) (also controlled by a recommended condition).

With all other aspects of the development having an acceptable relationship to existing plots and with the converted barn building having no proposed, rear habitable room windows facing towards the existing main dwelling known as Marlas Farm House, the proposed siting of the new dwellings raises no serious loss of amenity or privacy issues. Again, given the separation distances and characteristics of the 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 (Noise) have reviewed and examined the planning Application submission and raise no ‘in-principle’ objections to the residential scheme in this location subject to the imposition of a condition should planning permission be granted for the development. It is noted the proposed residential properties are in close proximity to the nearby, main railway line, and whilst there is no objection raised to the development it should be ensured appropriate sound insulation measures are installed to ensure acceptable internal noise levels to habitable rooms are achieved in this case.

It is further acknowledged the revised scheme also 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 a relatively standard condition in respect of detailed waste management measures) being viewed as acceptable for likely future residents of the development, particularly given the proximity of local amenities within Pyle and North Cornelly.

In terms of noise from construction, whilst also noting the proximity of the nearby primary school and existing residential units to the site, 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 significant 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 residential 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, and subject to the imposition of the detailed conditions, there are no justifiable reasons 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 Safety**

A key objective of Planning Policy Wales – Edition 12 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity and realising the goals of the Well-being



of Future Generations (Wales) Act 2015. Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

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

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

Policy PLA11 of the adopted Replacement Local Development Plan (2024) 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.

It should be noted as acknowledged throughout this report, that the Council has been working with the Applicant/agent to resolve a number of initial concerns with the site layout and access arrangements through revisions of the plans. The Highway Authority have carefully considered the revised submission and advised the latest proposals are now deemed acceptable.

It is advised the current layout provides compliant levels of on-plot vehicular parking alongside appropriate cycle storage in line with Active Travel Act requirements. Following revisions to the internal site layout, the Applicant has also submitted updated swept path analysis demonstrating that a range of vehicles can safely access the site via the proposed junction and realigned internal road. On this basis, the Authority is satisfied with the active travel provision, parking arrangements, and internal road configuration.

In terms of traffic impact, modelling of the signal-controlled junction on Marlas Road shows modest increases in queue lengths by 2036, attributable to background growth rather than the development itself. In the AM peak, queue lengths are forecast to rise from two to three vehicles (approx. 16.5m) on the west approach, and by one vehicle on both the north (six to seven) and south (four to five) approaches. In the PM peak, no increase is predicted on the westbound approach fronting the site. The proposed site access lies approximately 130m west of the signal stop line and will remain unaffected by current or future queuing at the junction.

Regarding traffic volumes, the Highway Authority notes the supporting surveys were undertaken in September 2021, after COVID-19 restrictions had ended and with schools operating normally. While there is no defined shelf life for a Transport Assessment, it is relevant that the modelling reflects an earlier scheme for 24 dwellings. The current Application reduces this to 17 (near 30% decrease) - without factoring in potential reductions in travel demand due to increased homeworking. This provides confidence in the continued relevance and robustness of the assessment. The Authority is therefore satisfied that the development will not have a material impact on highway safety or the operational capacity of the local road network.

Finally, to meet the required design standards for residential access, works will be necessary to regrade the verge to the west of the proposed junction in order to achieve appropriate visibility splays in both horizontal and vertical planes. The Applicant has confirmed that the affected verge is under their control, has incorporated the visibility splays within the red line boundary, and provided longitudinal engineering sections showing the extent of regrading required. Accordingly, the Highway Authority raise no objection to the scheme subject to the imposition of conditions in respect of the submission of a Construction Method Statement, submission of detailed access point arrangements and maintenance of appropriate vision splays, and full details of the dedicated footpath link and control over future use of the garage spaces that should be retained for parking purposes in perpetuity.

As such, the proposed development, subject to conditions, is considered to be compliant with policies SP3 and PLA11 of the Bridgend Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

### **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 Local Development Plan (2024) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 of the RLDP 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 where ever 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 of the RLDP 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.

The Application has been accompanied by a Green Infrastructure Statement (**GIS**), Preliminary Ecological Appraisal (**PEA**) and Preliminary Roost Assessment, Bat Emergence Survey Report and Tree Survey and Constraints Plan. A Habitats Regulations Assessment has also been submitted in support of the Application (in relation to Kenfig Special Area of Conservation), with a further updated walkover ecological survey also being undertaken to support the scheme.

The Ecological Appraisals and supporting information have provided baseline ecological information describing the main characteristics of the proposed development site. An assessment of likely impacts has been made for the majority of habitats, species and species groups, subject to a number of recommendations and assuming these precautions are followed as stated, impacts on these species' groups are likely to be negligible.

The identified recommendations are summarised as follows:

- Provision of boundary planting a) around the edges of the site where this does not already exist, and b) where existing boundary planting is gappy.
- Where new fencing is required, care should be taken to ensure that appropriate gaps are present at the fence base to allow hedgehogs to pass through (13cm by 13cm gap is sufficient).
- Appropriate Sustainable Drainage System.
- Lighting within the development should be kept to a minimum.

Furthermore, recommendations during construction include:

- Scrub and tree removal outside the bird nesting season.
- Supervised strip of the site by a competent Ecological clerk of works.
- Appropriate precautions in relation to badgers and other mammals.
- Standard pollution control measures during construction.

And, additional Enhancements, include:

- Provision of built in bat-boxes within each new dwelling house.
- Provision of bird boxes associated with each new property.

The Tree assessment undertaken established that the trees on site were overwhelmingly in sub-optimal condition and largely in need of intervention. The Tree Survey accounted for each tree present on the site and categorised each based-on tree quality. The tree survey found that overwhelmingly the physiological condition of the trees on site were considered either fair or low quality or in such a condition that they cannot realistically be retained as living trees in the context of the current land use for more than ten years (Category U trees).

Many of the trees on site were also considered to be suffering from Dutch Elm Disease and Ash Dieback, whilst some trees were partially collapsed or dead. The survey recommended the removal of eight trees/tree groups based on their condition and the monitoring of another seven.

The Application following discussion and input from Natural Resources Wales (**NRW**) and the Council's Countryside Management Officer (**Ecologist**) is also supported by a Habitats Regulations Assessment that summaries the key factors potentially affected by the scheme although generally concludes the scheme would not significantly impact or directly



influence the special features of the Kenfig Special Area of Conservation (**SAC**).

The Ecologist has fully assessed the scheme and is in support of the planning Application on the basis of the information submitted in support of the scheme.

NRW have also reviewed the submission and amended planning Application details and comment as follows:

*'The proposed development site is located approximately 50 metres (m) south of the Afon Cynffig. Due to this proximity and the gradient of the land, we consider the demolition and construction phases of the development would present a pollution risk to the watercourse. Therefore, it is advised an appropriate condition is attached to any approved consent to ensure an appropriate Construction Environmental Management Plan is submitted to and approved in writing by the Local Planning Authority, accordingly.*

*The proposed development site is also located within 1 Kilometre of Kenfig Special Area of Conservation (SAC). Section 5.2.3 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment by Koru Ecology Associates (04/10/2022) considers it is possible the proposal may affect the SAC, for example due to increased visitor pressures associated with new housing.*

*However, from the information provided in the Habitats Regulations Assessment Report (November 2024), NRW consider the proposal is not likely to have a significant effect on the Kenfig SAC given the small-scale nature of the proposed development.*

*The proposed development site is located within 460m of Kenfig Site of Special Scientific Interest (SSSI). Section 5.2.2 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment considers given the distance from the proposed development site to the SSSI, no detrimental effects are considered likely on the SSSI. Based on the information provided, NRW also consider the proposed development is not likely to damage the features for which the SSSI is of special interest.*

*The Bat Emergence Survey Report by MPS Ecology has identified bats were not using the Application site. NRW therefore have no adverse comments to make in relation to European protected species on the Application as submitted (although consultation with the Council's in house ecologist is recommended in this respect also)'.*

In summary, on the basis of the information presented, and the input and final comments of key consultees, there are no fundamental in-principle constraints to the proposed development in ecology and biodiversity terms and subject to necessary conditions including managing the development through an agreed construction environmental management plan (**CEMP**) and implementing all the mitigation/enhancement measures, the proposal is considered to accord with the requirements of Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant RLDP policies.

### **Drainage**

Dwr Cymru/ Welsh Water in their observations have confirmed that they have no objection to the proposed development and it is commented that the developer has indicated that foul flows are to be disposed of via the public sewerage system, and no objection in principle to the foul flows discharging to the public sewer is raised. Turning to surface water drainage, such a proposal would require approval of Sustainable Drainage Systems features and at this stage no objections to the means of surface water disposal are raised. To ensure there is no detriment to the public sewerage system standard advisory notes are recommended accordingly.

The Council's Land Drainage Officer has also recommended the imposition of a condition that would address a comprehensive drainage submission. Subject to its agreement, the site can be properly drained and in a manner that will protect the environment and local residents.

### **Other Matters**

Shared Regulatory Services (**SRS**) Environment Team have advised that the site has previously been used for storage of agricultural equipment and supplies including diesel and vehicles. This may have caused the land to become contaminated and may give rise to potential risks to human health and the environment for the proposed end use. The inclusion of conditions requiring contamination assessment and any necessary remediation is therefore requested in this instance.

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. Conditions and advisory notes are therefore suggested accordingly.

Policy ENT10 Low Carbon Heating Technologies for New Development seeks to ensure that low carbon heating technologies are installed as part of all new major development. New major development should be accompanied by an 'Energy Masterplan' that demonstrates that the most sustainable heating and cooling systems have been selected. The Local Area Energy Strategy identifies that an electric/district heat mix could be suitable in this area. If this is proven to be financially or technically unviable then development proposals must follow the sequential approach to identify low carbon heating technologies in accordance with ENT10.

An Energy Masterplan has recently been submitted which describes how the proposed development would be designed using the Energy Hierarchy and will make the fullest contribution to minimising carbon dioxide emissions and energy demand. An average overall site-wide carbon reduction of 78% can be achieved through the energy strategy demonstrated in the Energy Masterplan. The site would benefit from the installation of fabric efficiency measures, and the site would additionally benefit further from the installation of ASHP (Air Source Heat Pumps) and solar PV's, which together achieve a total carbon reduction of 78% and a primary energy reduction of 45%, demonstrating broad compliance with Policy ENT10 of the RLDP.

Furthermore, the Application site is not directly crossed by any identified Public Rights of Way and does not host any Tree Preservation Orders. The Application site itself is not situated within a recognised flood risk area. The site is also not situated in a conservation area. It is also acknowledged the Application site falls within the Coal Authority's defined Development Low Risk Area.

### **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).

### Affordable Housing

Policy COM3 of RLDP requires no affordable housing contribution in this housing market area (Pyle, Kenfig Hill and North Cornelly).

### Education

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on educational facilities within the catchment area.

The site is located within the catchment areas of Afon Y Felin Primary School and Cynffig Comprehensive School. The Education and Family Support Directorate have confirmed that there is insufficient capacity at Afon Y Felin Primary School to accommodate the likely number of children generated by the proposed development. A contribution of £18,599 for Education provision is therefore required in this case.

### Open Space

Policy COM10 of the RLDP requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. BCBC's *Outdoor Sports & Children's Play Space Audit (2021)* shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM10 of the RLDP and SPG 5 – *Outdoor Recreation Facilities and New Housing Development*:

A development with 17no. dwellings that meet the criteria for SPG5 would lead to an estimated development population of 37. This is based on the formula in the SPG.

House Type	Number of Dwellings	Average Occupancy	Total People
1 bed	7	1.5 persons	10.5
2 bed	2	2 persons	4
3 bed	3	2.5 persons	7.5
4 bed	5	3 persons	15

In order to reflect the likely population characteristics of the development, the full calculated development population will be applied to the formal Outdoor Sport requirement, whereas a reduced development population (excluding the one-bedroom dwellings on the basis of no anticipated child occupants) will be applied to the equipped and informal playing space requirement.

The total amount of Formal Outdoor Sport space required should be  $37 \text{ people} \times 16\text{m}^2 = 592\text{m}^2$ .

The total amount of Equipped Playing Space required should be  $27 \text{ people} \times 2.5\text{m}^2 = 67.5\text{m}^2$ .

The total amount of Informal Playing Space required should be  $27 \text{ people} \times 5.5\text{m}^2 = 148.5\text{m}^2$ .

The proposed site layout includes the provision of some POS (approx.  $50\text{m}^2$ ) in the central section of the site which would achieve a proportion of the requirements (Equipped Playing Space/Informal Playing Space), on-site. To achieve full compliance with the requirements of Equipped Playing Space/Informal Playing Space a proportionate part-commuted sum will be required on the remaining amount ( $166\text{m}^2$ ). This will be used to upgrade existing provision in the local area.

In terms of Formal Outdoor Sport, given the constraints of the site, a commuted sum may be more appropriate than on-site provision, with a contribution to be spent on the improvement of facilities within the vicinity of the proposed development. Based on current costs for provision in BCBC, the contributions would equate to £470 per dwelling for Equipped Playing Space/Informal Playing Space and £570 per dwelling for Outdoor Sport. A partial contribution for Equipped Playing Space/Informal Playing Space would therefore equate to £3,619 (23% discounted off total to account for partial onsite provision), and a full financial contribution of £9,690 for Outdoor Sport.

## **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).

This Application is recommended for approval because the development is in accord with the policies of the Replacement Local Development Plan 2024 and will deliver a mixture of housing provision on a sustainable site. The loss of the historic farmyard use is somewhat regrettable although on balance is not deemed a justifiable reason to refuse the scheme. The effect of the proposal on the character and amenities of the area, specifically, those enjoyed by existing residents, has been carefully considered and subject to control being imposed through the grant of planning permission the impacts on the living conditions should not be so adverse as to warrant refusing planning permission.

On balance and having specific regard to the positive comments raised by the Council's Senior Conservation and Design Officer, the scheme would not adversely impact the historic character and setting of the Grade II Listed Building. Biodiversity impacts would be modest and at a local level and mitigation and enhancement works as recommended by the Applicant's consultant ecologist would be secured through the consent.

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

It is further considered that the decision complies with 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 a financial contribution of £9,690 towards the provision of Formal Outdoor Sport to be used to upgrade/improve existing provision in the local area.
- (ii) Provide a financial contribution of £3,619 towards the provision of Equipped Playing Space/Informal Playing Space to be used to upgrade/improve existing provision in the local area.
- (iii) Provide a financial contribution of £18,599 towards the provision of additional primary school places in the schools serving this development (Education Provision for Nursery - 1 additional space).

(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 (as amended) - Received 06/02/2025:

Block One (plans & elevations) 2145 - 201A  
Block Two (plans & elevations) 2145 - 202A  
Block Three (plans & elevations) 2145 - 203A  
Block Four (plans & elevations) 2145 - 173A  
Block Five (plans & elevations) 2145 - 174A  
Block Six (plans & elevations) 2145 - 175A  
Block Seven (plans & elevations) 2145 - 207A  
Marlas Farm Hay Barn Conversion - Proposed Ground Floor Plan 302-P03  
Marlas Farm Hay Barn Conversion - Proposed First Floor Plan 303-P03  
Marlas Farm Hay Barn Conversion - Proposed Roof Plan 304-P03  
Marlas Farm Hay Barn Conversion - Proposed West Elevation 305-P03  
Marlas Farm Hay Barn Conversion - Proposed North & South Elevation 306-P03  
Marlas Farm Hay Barn Conversion - Proposed North East Elevation 307-P03  
Site Layout Plan 2145 - 200E - Received 12/03/2025

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

2. Notwithstanding Condition 1, in accordance with Section 6 Recommendations of the Preliminary Ecological Appraisal undertaken by Koru Ecology Associates - Received 25th March 2024, the general recommendations and enhancement measures for biodiversity shall be implemented in full at the site in accordance with a detailed scheme and timescales that has first been submitted to and agreed in writing by the Local Planning Authority. No development shall proceed until the detailed scheme and timescales have been agreed and works shall proceed in accordance with the details agreed.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12, February 2024) and Policies SP17, DNP6 and DNP9 of the Replacement Local Development Plan, 2024.

3. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification and plans for the final fenestration arrangement and elevation treatment of the west facing, front elevation of the converted hay barn structure hereby permitted, including samples/specific details of all the materials to be used in the conversion of the structures to residential use, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development and proposed materials of construction are appropriate for the site so as to enhance and protect the visual amenity of the area and the setting of the Listed Building and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

4. 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 new dwellings hereby permitted (including roof finishes and any solar panel details, and rainwater goods) 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 and SP18 of the Replacement Local Development Plan, 2024.

5. 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, design, materials and type of boundary treatment to be erected throughout the site 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 and SP18 of the Replacement Local Development Plan, 2024.

6. Notwithstanding the requirements of condition 1, no development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- \* The extent of demolition of boundary walls, field walls and gate piers across the site;
- \* A scheme for the re-use of appropriate materials from the demolition of structures/walls across the site;
- \* New hard surface materials;
- \* All proposed planting and landscaping such as schedule of plants/trees, species and number/densities; and,
- \* an implementation programme including full details of any trees to be removed at the site and protection measures for those being retained (during construction).

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, to enhance and preserve the setting of the Listed Building, and to promote nature conservation, in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

7. All planting, seeding or turfing comprised in the approved details of landscaping 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 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to enhance and preserve the setting of the Listed Building, and to promote nature conservation, in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

8. No development or phase of development, including demolition and site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Demolition and construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the demolition and construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater, and energy use;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan; and,
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

9. Notwithstanding the approved layout plan, no development shall commence until a revised scheme and plan indicating the positions, height, design, materials and type of boundary treatment to be erected on the shared boundary with the existing rear boundaries of properties on Skylark Road, and a timetable for implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the scale and type of boundary treatment for the completed development which shall have regard to the proposed site levels and existing levels of the adjoining properties and shall include detailed landscaping. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the living conditions of the adjoining occupiers are appropriately protected, in accordance with Policy SP3 of the Replacement Local Development Plan, 2024.

10. Notwithstanding the approved plans, no development shall commence until a revised scheme and plan indicating the positions, height, design, and type of rear first floor windows within dwelling plot 4 has been submitted to and agreed in writing by the Local Planning Authority. The windows shall be fitted as agreed prior to the dwelling being occupied and shall be retained in perpetuity.

Reason: To safeguard residential amenities and ensure that the living conditions of the adjoining occupiers are appropriately protected, in accordance with Policy SP3 of the Replacement Local Development Plan, 2024.

11. Prior to its installation, full details of any lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
  - Details of the siting and type of external lighting to be used.
  - Details of lighting to be used both during construction and operation.
  - Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.

Reason: To reduce the impacts of lighting on the setting of the Listed Building and in the interests of protected species and their habitats in accordance with Policies SP3, SP13, SP18, DNP7 and DNP8 of the Replacement Local Development Plan, 2024.

12. No development shall commence until full details of the Residential Recycling and Waste Collection Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Residential Recycling and Waste Collection Strategy shall specify how all recycling and waste should be stored and collected. Development shall be carried out in accordance with the approved strategy and the approved strategy shall be implemented in perpetuity.

Reason: In the interests of residential amenity in accordance with policies SP3 and SP15 of the Replacement Local Development Plan, 2024.

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

Reason: To ensure effective drainage facilities are provided for the proposed development.

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

The Statement shall provide for:

- i. The routing and timing of HGV construction traffic to/from the site in order to avoid Marlas Road (westerly) and 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. hours of working on site
- viii. a scheme for implementing effective liaison with the local residents/nearby school.

Reason: To safeguard residential amenities and highway and pedestrian safety.

15. Notwithstanding the requirements of condition 1, no development shall take place until a detailed plan and specification indicating the extent of demolition and subsequent replacement details of the garage to be demolished (in part), to accommodate the active travel route, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To enhance and protect the visual amenity of the area and to ensure the development complies with Policy SP3 and SP18 of the Replacement Local Development Plan, 2024.

16. Notwithstanding the requirements of condition 1, no development shall commence until a

scheme for the provision of a dedicated footpath link between the site and Marlas Road (through Marlas Farm); and the provision of dropped kerbs and tactile crossing points on Marlas Road, to connect with the wider footway/footpath network within North Cornelly has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to promote sustainable modes of transport to and from the site.

17. Notwithstanding the requirements of condition 1, the proposed means of access shall be laid out with 7.4 metre radius kerbing on both sides of the entrance and constructed and retained in permanent materials with vision splays of 2.4m x 49m in both directions, full details of which shall first be agreed and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

19. The garages hereby approved shall only be used as a private garage and at no time shall they be converted to a room or living accommodation or for any commercial business use.

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

20. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining walls necessary due to differences in levels will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason: In the interests of public safety.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out on any of the plots hereby approved which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

Reason: To enable the Local Planning Authority to exercise future control over the scale of development as well as the installation of new windows or dormers or the extension of the properties to the rear, in the interests of visual amenity, the residential amenities of adjacent properties and to protect the amenity space provided within the properties.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), other than those permitted by the approved plans, no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of any of the dwellings or flats hereby approved.

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

23. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external noise in excess of 55 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. Where it is a requirement that in order to achieve these internal noise levels, the windows shall remain in the closed position, a scheme of alternative ventilation measures designed to the latest Building Regulations Part F and to meet the internal noise levels, shall be submitted to and agreed with the Local Planning Authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures, should they be required, have been installed in that room.

Reason: In the interests of safeguarding residential amenities in accordance with Policies SP3 and DNP9 of the Replacement Local Development Plan, 2024.

24. Prior to the commencement of development an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the building(s) on site is of architectural and cultural significance the specified records are required to mitigate impact.

25. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

All work and submissions carried out for the purposes of this condition must be conducted



in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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.

27. The remediation scheme approved by condition 26 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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.

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

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

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

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

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

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

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

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

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

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

32. 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.

33. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This Application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. The Applicant/developer is advised to review the comments of South Wales Police and South Wales Fire & Rescue Service in respect of the development proposals that are published in full on the planning pages of the Council's Website under the planning Application reference number.

c. In respect of the noise condition (condition number 23), the Applicant will need to undertake a noise assessment by a qualified acoustic consultant to establish the noise level from the railway line in order to determine the necessary sound insulation measures. However, if the Applicant is able to find a noise consultant where they have already taken recent noise levels (unscreened) for assessments they have previously undertaken in Bridgend along the same railway line, (as the same trains will be travelling the line) and will be able to predict the noise levels at the Applicant's site as a result of this and provide details of mitigation, we would also accept that providing that the scope of the assessment is first agreed with Shared Regulatory Services. This is to ensure that SRS are satisfied that any previous assessment that has been undertaken is comparable in terms of noise levels before any predictions are undertaken and mitigation is recommended.

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

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

(ii) ensuring that any imported materials (including, 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.

e. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member.

f. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Bridgend County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB Application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

The Applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the Applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

requirements.

g. Should a retaining structure be required to provide the proposed visibility splay to the west a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement in accordance with condition 20, shall be submitted to the Local Planning Authority in this case.

h. The Highway Authority will require the Developer to enter into a legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

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

**Background Papers**

None.