

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

### **PWYLLGOR DATBLYGIAD A RHEOLI**

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli yn Siambr y Cyngor - Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr CF31 4WB ar **Dydd Iau, 7 Mehefin 2018 am 14:00.**

### **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deul o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnlyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Ymweliadau Safle  
I gadarnhau dyddiad dydd Mercher 18/07/18 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.
4. Cymeradwyaeth Cofnodion 3 - 6  
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 26/04/18
5. Siaradwyr Cyhoeddus  
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
6. Taflen Gwelliant  
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.

7.	<u>Canllawiau Pwyllgor Datblygiad a Rheoli</u>	7 - 10
8.	<u>P/17/1073/FUL - Tir oddi ar Ffordd Yr Holl Saint, Penyfai</u>	11 - 32
9.	<u>P/17/824/FUL - Ar Graig, Trelales</u>	33 - 42
10.	<u>P/18/63/FUL - Tir oddi ar Dyffryn Madoc, Maesteg</u>	43 - 58
11.	<u>Apeliadau</u>	59 - 62
12.	<u>Ymateb i Ymgynghoriad y Llywodraeth Cymru ar Gyfer Polisi Cynllunio Cymru (Rhifyn 10)</u>	63 - 92
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14.	<u>Gorfodaeth a Hysbysebion</u>	97 - 98
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17.	<u>Penodi ac Enwebu i Is-Bwyllgor Hawliau Tramwy</u>	103 - 106
18.	<u>Materion Brys</u> I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.	

Yn ddiffuant

**P A Jolley**

Cyfarwyddwr Gwasanaethau Gweithredol a Phartneriaethol

**Dosbarthiad:**

Cynghowrwy

JPD Blundell  
NA Burnett  
RJ Collins  
SK Dendy  
DK Edwards  
RM Granville

Cynghorwyr

MJ Kearn  
DRW Lewis  
JE Lewis  
JC Spanswick  
RME Stirman  
G Thomas

Cynghorwyr

T Thomas  
MC Voisey  
KJ Watts  
CA Webster  
A Williams  
AJ Williams

## PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 26 EBRILL 2018

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD  
YN SIAMBR Y CYNGOR - SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT  
AR OGWR CF31 4WB DYDD IAU, 26 EBRILL 2018, AM 10:00

### Presennol

Y Cyngorydd G Thomas – Cadeirydd

TH Beedle  
MJ Kearns  
JH Tildesley MBE

JPD Blundell  
RMI Shaw  
KJ Watts

NA Burnett  
JC Spanswick  
CA Webster

SK Dendy  
RME Stirman  
AJ Williams

### Ymddiheuriadau am Absenoldeb

DRW Lewis, JE Lewis, T Thomas a/ac MC Voisey

### Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Rod Jones	Uwch Cyfreithiwr
Hayley Kemp	Prif Swyddog Cynllunio
Ingrid Iekaj	Cyfreithiwr Dan Hyforddiant
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Kwaku Opoku-Addo	Arweinydd y Tîm – Polisi, Datblygu a Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Andrew Rees	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Philip Thomas	Prif Swyddog Cynllunio
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

### 107. DATGAN BUDDIANNAU

Datganwyd y Buddiannau canlynol:

Datganodd y Cyngorydd C Webster fuddiant personol yn eitem agenda Cais Cynllunio P/17/910/FUL oherwydd ei bod yn adnabod yr ymgeisydd.

Bu i'r Cyng. RMI Shaw ddatgan buddiant personol fel Cyngorydd Cymuned Cyngor Cymuned Cwm Garw ond nid yw'n rhan o drafodaethau eu materion cynllunio.

Datganodd MJ Kearns fuddiant a fyddai'n effeithio ar eitem ar yr agenda gan ei fod eisoes wedi gwneud penderfyniad ynghylch y cais. Gadawodd y Cyngorydd Kearns y cyfarfod pan ystyriwyd yr eitem hwn.

### 108. YMWELIADAU SAFLE

PENDERFYNWYD: Cadarnhau dyddiad dydd Mercher 6 Mehefin 2018 ar gyfer archwiliadau safle arfaethedig yn y cyfarfod neu ei nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.

### 109. CYMERADWYO COFNODION

PENDERFYNWYD: Bod Cofnodion cyfarfod y Pwyllgor Rheoli Datblygiadau ar 15 Mawrth 2018, yn cael eu cymeradwyo fel cofnod gwir a chywir.

110. SIARADWYR CYHOEDDUS

Nid oedd siaradwyr cyhoeddus ar yr agenda ar gyfer cyfarfod heddiw.

111. DALEN DDIWYGIO

PENDERFYNWYD: Bod y Cadeirydd yn derbyn Dalen Ddiwygio'r Pwyllgor Rheoli Datblygiadau fel eitem frys yn unol â Rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, a gallu ystyried sylwadau hwyr a diwygiadau y mae angen eu cynnwys.

112. P/17/1073/FUL – TIR ODDI AR ALL SAINTS WAY PENYFAI CF31 4BT

PENDERFYNWYD: GORHIRIO'R cais er mwyn rhoi amser i'r datblygwr gyflwyno rhagor o wybodaeth ac eglurdeb ynghylch y lefelau a'r pellteroedd rhwng safle'r cais (ffordd fynediad) a'r eiddo presennol, ynghyd ag ymgynghoriad arall.

113. P/17/910/FUL – GYFOCHR Â RHIF 1, DANYGRAIG AVENUE PORTHCAWL CF36 5AA

PENDERFYNWYD: Caniatáu'r cais canlynol yn ddarostyngedig i'r Amodau sydd yn Adroddiad Cyfarwyddwr Corfforaethol Cymunedau:-

Cynnig

Tŷ sengl pedair ystafell wely a mynediad

Ychwanegwyd yr amod 10 canlynol:

10 Crëir y maes parcio a gymeradwyir yma mewn deunyddiau parhaol cyn cychwyn parcio yno ac fe'i cedwir at ddibenion parcio yn barhaus wedi hynny.

Rheswm: Buddiannau'r briffordd a diogelwch cerddwyr.

114. P/17/816/FUL – CANOLFAN ARDDIO'R PIL, 2 HEOL MOSTYN, Y PIL CF33 6BJ

PENDERFYNWYD: Caniatáu'r cais canlynol yn amodol ar yr Amodau sydd yn Adroddiad Cyfarwyddwr Corfforaethol Cymunedau:-

Cynnig

Ailddatblygu ac estyn er mwyn gwneud caffi, bwyty, siop cynnyrch fferm, cegin, toiledau a dwy uned fanwerthu consesiynau.

115. APELIADAU

Cyflwynodd Rheolwr Datblygu a Rheoli Adeiladu adroddiad ar yr apeliadau a dderbyniwyd ac y gwnaed penderfyniadau yn eu cylch ers cyfarfod diwethaf y Pwyllgor.

PENDERFYNWYD: (1) Y nodir yr apeliadau canlynol a dderbyniwyd ers y cyfarfod diwethaf :-

<u>Rhif Côt</u>	<u>Testun yr Apêl</u>
A/18/3197583 (1821)	Trosi'r adeilad allanol presennol yn 1 llety gwyliau gosod gydag addasiadau allanol cysylltiedig (ail-gyflwyniad): The Coppings, Bryncethin, Pen-y-bont ar Ogwr
A/18/3197583 (1822)	Annedd sengl dau lawr, dwy ystafell wely (ail-gyflwyno apêl a wrthodwyd yn flaenorol): 2 Heol y Berllan, Y Pil, Pen-y-bont ar Ogwr
A/18/3197617 (1823)	Cynnwys tir amaeth yng nghwrttil yr annedd: Tir y tu cefn i 51 Stryd Fawr, Trelales
A/18/3197606 (1824)	Cynnwys tir amaeth yng nghwrttil yr annedd: Tir y tu cefn i 53 Stryd Fawr, Trelales
A/18/3197570 (1825)	Cynnwys tir amaeth yng nghwrttil yr annedd: Tir y tu cefn i 55 Stryd Fawr, Trelales
A/18/317616 (1826)	Codi 3 annedd sengl a gwaith cysylltiedig: Tir cyfagos i Tŷ Gwyn, Heol y Graig, Porthcawl
A/18/3198111 (1827)	Dwy garafán sipsiwn preswyl ynghyd â chodi ystafell ddydd/gwaith tŷ, dwy garafán deithiol a symud y ffordd fynediad i gerbydau: tir yng nghyn-faes chwarae ffordd fynediad, Fountain Terrace, Abercynffig.

- (2) Bod yr Archwilydd a benodwyd gan Weinidogion Cymru i bennu'r Apêl canlynol, wedi cyfarwyddo y dylid CANIATÁU yr Apêl canlynol YN DDAROSTYNGEDIG I AMODAU:

<u>Rhif Cod</u>	<u>Testun yr Apêl</u>
A/17/3186793 (1815)	Defnyddio'r tir ar gyfer gosod cartrefi symudol at ddibenion preswyl: Tir yn llynnoedd Minffrwd, Rhiwceiliog, Pencoed

- (3) Bod yr Archwilydd a benodwyd gan Weinidogion Cymru i bennu'r Apêl canlynol, wedi cyfarwyddo ei WRTHOD:

<u>Rhif Cod</u>	<u>Testun yr Apêl</u>
A/17/3187606 (1818)	Cynnig cynelau cŵn a thai cathod ac annedd dros dro: Fferm Tŷ Risha, Pen y Cae, Penyfai

116. COFNOD HYFFORDDI

Adroddodd y Rheolwr Grŵp Datblygu ar gofnod hyfforddi wedi ei ddiweddarau.

PENDERFYNWYD: Nodi adroddiad Cyfarwyddwr Corfforaethol Cymunedau.

117. EITEMAU BRYS

Nid oedd materion brys.

Daeth y cyfarfod i ben am 10:25

## Development Control Committee Guidance

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

### STANDARD CONDITIONS

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

#### Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

#### Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

#### Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

### STANDARD NOTES

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.



- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits can not be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

### **Inappropriate Site Visit**

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

### **Format and Conduct at the Site Visit**

#### **Attendance**

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

### **Officer Advice**

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

### **Code of Conduct**

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

### **Record Keeping**

A file record will be kept of those attending the site visit.

### **Site Visit Summary**

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

### **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

**REFERENCE:** P/17/1073/FUL

**APPLICANT:** Morganstone Ltd & Pennant Homes Ltd Morganstone House, Unit 3, Llys Aur, Llanelli Gate, Llanelli, SA14 8LQ

**LOCATION:** Land off All Saints Way Penyfai CF31 4BT

**PROPOSAL:** Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works

**RECEIVED:** 20 December 2017

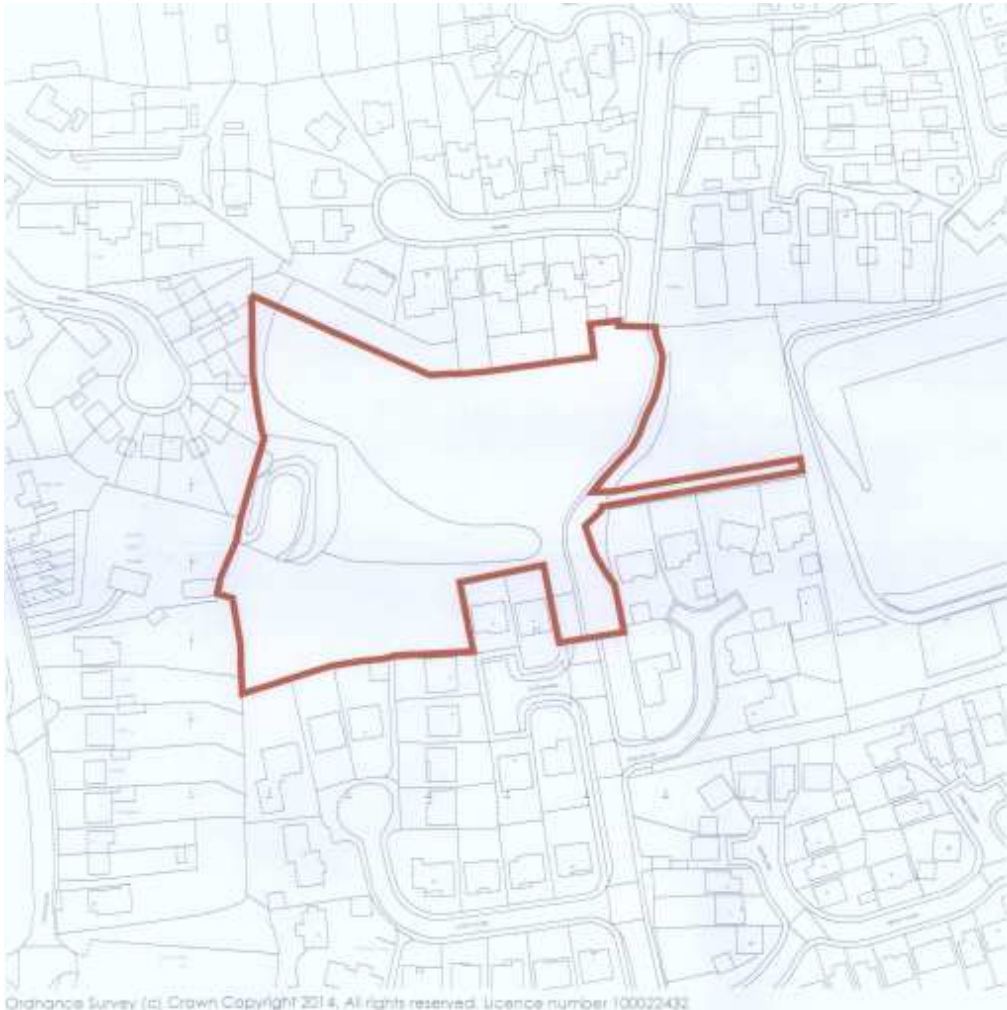
**SITE INSPECTED:** 16 January 2018

## **APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the proposed residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works on land south of All Saints Way, Pen y Fai, Bridgend.

The site is approximately 1.14 hectares (2.8 acres) and comprises an area of vegetated sloping scrub and woodland, within an established residential area. The site is currently vacant and in the ownership of Bridgend County Borough Council. The western side of the site includes a small quarried area and the site is subject to part Himalayan Balsam colonisation with no protected trees present on the site.


Site Location Plan:



Application Number

P/17/1073/FUL



W  E  
S

Page 12

**Scale 1:1,750**

**Date Issued:**  
29/05/2018

**Development-Mapping**  
Tel: 01656 643176

**Mark Shephard**  
Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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Cyngor Bwrdeistref Sirol  
Ffeir-y-bont ar Ogwr



**BRIDGEND**  
County Borough Council



A Public Right of Way runs through the site from north to south known as Footpath 29 – Newcastle Higher. The application proposes to slightly divert the footpath to align with the proposed development. The site is surrounded by existing residential development on 3 sides comprising of small cul-de-sacs of detached houses. The western part of the site also shares a boundary with Smyrna Baptist Church. Located to the east of the site is a parcel of land which is in private ownership and is subject to a recent planning application approved for the erection of 4 detached residential dwellings.

An area of informal recreation space is provided in the central part of the site. This area will also include landscaping, planting and ecological mitigation. An engineered bank will separate the northern and southern part of the site with trees and landscape planting provided throughout the site.

The application also proposes to create a 12m x 3m wide access into the Cavendish Park playing/sports field to the east of the site. This will comprise a level surfaced vehicular and pedestrian pathway from the footpath to the playing field.

The proposed site layout comprises 20 dwellings, including 3 affordable homes, with the majority of the properties being 4 and 5 bedroom homes with a short terrace of three 2 bedroom dwellings as the affordable housing provision. The site will be split into two sections, north and south with access to the site from All Saints Way to the north and off Clos Smyrna to the south. An amended site layout plan was submitted on 10 May 2018 which illustrates the correct Public Right of Way route which is to be diverted and re-routed and now incorporates approximately 150m of ARMCO barrier to the northern plateau.

### Proposed Site Layout:



The proposed dwellings will be two storeys in height in the northern part of the scheme, however due to the site levels, properties to the southern part of the site will be split level, with two storeys to the front and three storeys to the rear. At the northern end of the site, a new embankment is proposed to the rear gardens to accommodate site levels and to provide flat gardens. There are 6 house types proposed and these all consist of dark grey ridge tiles, reconstituted roof tiles, smooth render to upper floors painted white with red brickwork plinth to the ground floor, UPVC windows and doors and aluminium up and over garage doors. There are elements of facing stone brickwork on the front elevation of the dwellings which increases with the size of the properties. House Type A comprises a kitchen, hall, dining room and living room at ground floor and two bedrooms and a bathroom at first floor level with one off street parking space allocated to each dwelling located to the side of the dwellings. House types B,C,D and E comprise an internal garage, lounge, dining room, kitchen, utility room and WC at ground floor level and four/five bedrooms, en-suite and family bathroom at first floor level with two off street parking spaces accommodated on the front driveway. House Types F and F1 are three storey properties and comprise the above with a family room located on the lower ground floor and rear balconies located at first floor level.

Example of the F1 House type:



The application site lies within the residential settlement boundary of Pen y Fai as defined by Policy PLA1 of the LDP 2013 and lies approximately 2 miles from Bridgend. The application site is located close to the local facilities of Pen y Fai such as the primary school, local shops and playing fields as well as the village pub, church buildings and bus stops. The site is currently vacant and comprises trees and scrub land and is surrounded by existing residential dwellings.

The following documents have been submitted with the planning application:

- Design and Access Statement;
- Ecological Assessment by David Clements Ecology;
- Transport Statement;
- Pre-Application Consultation (PAC) Report;
- Tree Survey and Tree Constraints Plan by Tree Scene;
- Detailed Site Layout Plan, Elevations and Floor Plans;
- Engineering Strategy;
- Site Cross Sections;
- Landscape Strategy;
- Site Location Plan;
- Site Layout Plan;
- Site Investigation Report by Integral Geotechnique;
- Invasive species survey and method statement by David Clements Ecology;
- 3D images of the proposed development

### **RELEVANT HISTORY**

None

### **PUBLICITY**

The application was advertised on site and in the press.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 12 February 2018

### **CONSULTATION RESPONSES**

**Newcastle Higher Community Council** – Objects to the proposed development on the impact on highway, ecology, drainage, character, scale and privacy.

**Head of Street Scene (Highways)** - No objection subject to conditions.

**Head of Street Scene (Drainage)** – No objection subject to standard conditions and advisory notes.

**Head of Street Scene (Waste and Recycling)** - Raises concerns over width of proposed roads and room for waste vehicles to manoeuvre within the site.

**Head of Public Protection** – No objection subject to advisory notes.

**Public Rights of Way Manager** – No objection to the revised plans and diversion of Footpath 29 Newcastle Higher.

**Welsh Water Developer Services** – advise that surface water shall only be discharged into the public sewer as a last resort and the developer will have to demonstrate that all other options have been explored and exhausted with consideration given to sustainable methods of drainage. DC/WW has therefore requested a condition be attached for the submission of a drainage scheme prior to works commencing on site.

**Designing Out Crime Officer** - No objection to the site layout but requests that the residential properties overlook the public right of way to provide natural surveillance to prevent the creation of 'rat runs'.

**Natural Resource Wales (NRW)** – No objection to the proposed development and advises to contact the Authority's Ecologist in relation to European Protected Species such as bats and dormice.

**Destination and Countryside Manager** – No objection following further assessment of additional information regarding invasive species survey and method statement.

## **REPRESENTATIONS RECEIVED**

Cllr. Altaf Hussain (Local Member) objects to the proposed development has requested to speak at Committee.

25 letters of objection were received regarding the proposed development and the concerns have been summarized as follows:

- Overdevelopment of the site;
- Increased traffic;
- Impact on ecology/wildlife;
- Privacy/overlooking/overshadowing/overbearing;
- Loss of light and views;
- Concerns over safety issues and pedestrian access;
- Noise pollution
- Surface water concerns due to loss of trees and vegetation;
- Covenant to prevent development of the site;
- Impact on the public footpath;
- Lack of parking;
- Loss of trees/wildlife/plants;
- No provision of new facilities;
- Out of character with area;
- Impact on highway;
- Concerns over narrow road within site and refuse collection;
- Impact of excavation works;
- Stability of land;
- Damage to boundary walls;
- Decrease in value of properties;
- Clearance of the site prior to planning permission being granted;
- Concerns over safety and impact of development on public right of way;
- Concerns of flooding and drainage on the site;
- Concerns over access for emergency vehicles to the proposed site;
- Site former quarry – not suitable for development;
- Inadequate consultation with local residents;
- Conflict of interest with BCBC and sale of land;
- Impact on local school

A further re-consultation was undertaken and 4 objections were received to the amended plans which were received on 3 April 2018 which related to the site levels/cross section plans and a new site layout plan showing changes to the PROW and some minor works to the proposed footpaths within the site and proposed access to the playing fields. The majority of the representations re-iterated the concerns raised above, however the following points were raised in relation to the amended plans:

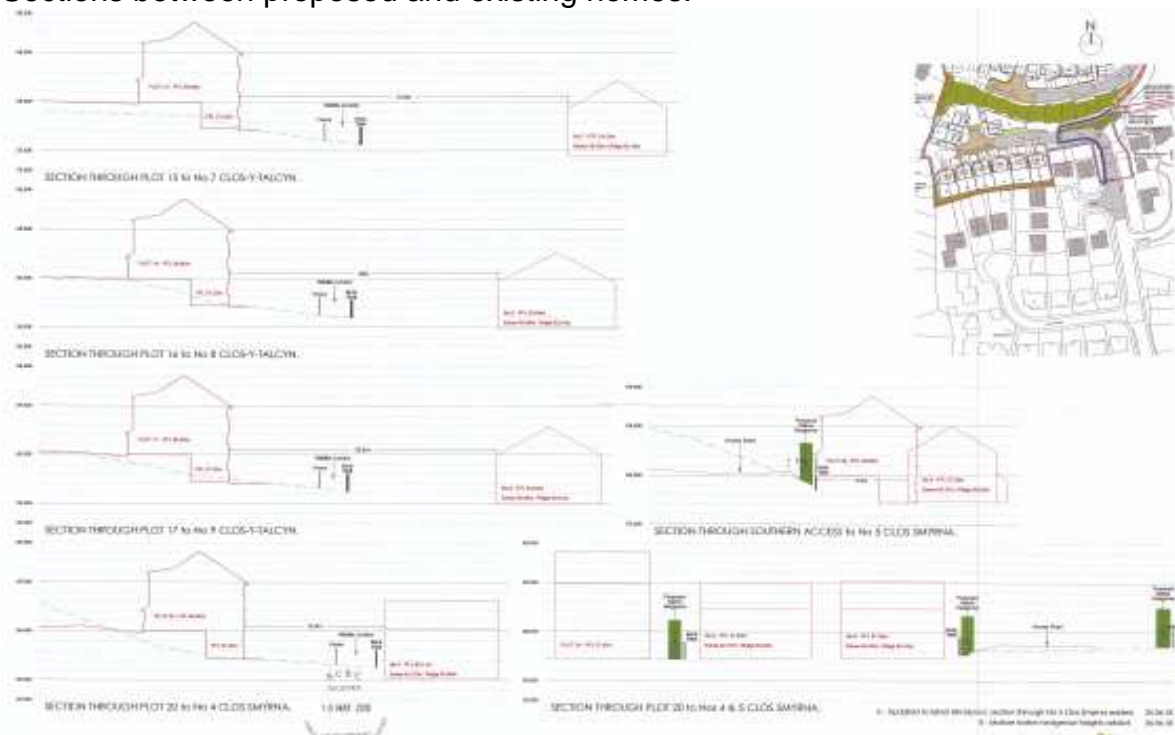
- Concerns over the proposed changes to the footpath with its series of 12 steps and its steepness preventing families with small children and prams from using the route and elderly residents who regularly use the path.



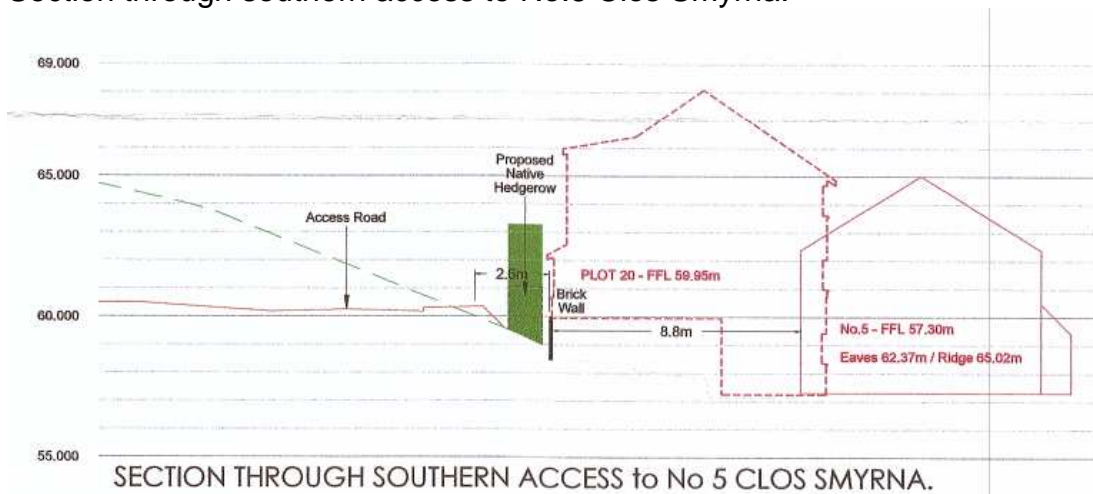
- Lack of privacy for 5 and 6 Clos Smyrna as proposed road is located at a higher level than the houses.
- Concerns over the safety of the use of the public footpath and its relationship with moving vehicles.

Further to a number of concerns and comments made at the Full Development Control Committee site visit, undertaken on 25 April 2018, further amended plans were received on 10 May 2018 to address the concerns regarding the distances and site levels of the new access road in relation to the neighbouring properties of 5 and 6 Clos Smyrna. At the site meeting, members visited the rear gardens of 4 and 5 Clos Smyrna to view the site from existing properties and it was suggested that the submitted sections were inaccurate. The agent was at the site visit and officer's requested that they address this concern. In response, the agent has advised that they have utilised the complainant's drawing and has merged them with their own topographical data and as a result, the revised plan is now based on more detailed information and fully represents the situation on the ground. It should be noted that the neighbour has not re-iterated his initial concerns regarding the inaccuracy of the plans and has only queried the proposed hedgerow between their rear wall and the proposed access road and footpath.

Sections between proposed and existing homes:



Section through southern access to No.5 Clos Smyrna:



A revised site layout plan was also submitted, which incorporated the ARMCO barrier and a revised landscaping scheme. Additional details were also submitted regarding boundary treatments, a Construction Environmental Management Plan and an email from the Council's Property Section confirming details of the surface water drainage that is located within the quarry. A further consultation was undertaken with neighbouring properties and an additional 12 letters of objection were received including an additional response from the Local Ward Member, Councillor Altaf Hussain. The majority of the representations reiterated the concerns raised previously, however, the following points were raised in relation to the amended plans:-

- Visual impact of proposed retaining wall along the path to the playing fields;
- Storage and handling of hazardous materials and development of contaminated land;
- Concerns over the height and location of the proposed hedge to the rear of 5 and 6 Clos Smyrna in relation to loss of light, privacy and maintenance;
- Concerns over land stability, subsidence, flooding and damage to properties;
- Concerns over the use of cellular storage drainage at the site and maintenance;
- Concerns over lack of details of the wildlife corridors and its maintenance;
- Limited private zone spaces for 4 Clos Smyrna and 7, 8 and 9 Clos y Talcen;
- Discrepancies in the labelling of engineering strategy plan 2209-500L and site cross section plan 2209-503B;
- Concerns over the content of the Construction Environmental Management Plan with specific reference to wheel washing;
- Concerns over viewing amended plans on line as the Council's website has been inaccessible
- Concerns regarding the proposed changes to the PROW.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above have been addressed within the appraisal section of the report, however, specifically:-

- Devaluation of properties and land covenants are not material planning considerations.
- Local residents have been consulted on the application by the Local Planning Authority as stated under Section 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- The sale of the land has been subject to a separate process with the Council's Property Section and the LDP is a different function to other Committee activities.

- Prior to the submission of this application, clearance works were undertaken by the applicant such as the removal of vegetation and works to trees that are not protected. These works did not require the benefit of formal planning permission and were approved under a separate licensing regime operated by Natural Resources Wales.
- The Council were aware that the website was unavailable due to the implementation of recent changes. In view of this, the re-consultation letter gave a direct link to the application in order to avoid residents experiencing any problems in viewing the amended plans.
- Discrepancies in the labelling of engineering strategy plan 2209-500L and site cross section plan 2209-503B are a result of a typographical error and should read the following:-

Engineering Strategy Plan 2209-500L – Plots 15-20 are to be split level bespoke units 2 storey to front and 3 storey to rear; and

Site Cross Section Plan 2209-503B section through Plot 20 to 5 and 6 Clos Smyrna

- Details of the proposed planting of the wildlife corridors are stated on the Landscape strategy plan ref 389.01 Revision B,
- With regard to land stability and contamination, it has not been possible to produce a full contaminated land assessment or a risk assessment for subsidence since the site visit. However, a condition is attached to the recommendation requiring a contaminated land assessment and report with recommendations to be submitted to and agreed by the Local Planning Authority prior to the construction of the dwellings on the site. Likewise, in terms of land stability, this issue was raised at the site visit and members and local residents were advised that any damage to private property is a civil matter between the developer and any affected party.
- With regard to the maintenance of the proposed landscaping on site, the applicant will be required to enter into a S106 agreement to provide details of a Management Company including funding and maintenance for landscape on the site.

## **PLANNING POLICIES**

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

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Whilst the bulk of Chapter 9 covers housing proposals in general, the following is considered to be of specific relevance to this proposal:

*9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public*

*transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.*

### **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 2 – Planning and Affordable Housing (2006)  
Technical Advice Note 5 – Nature Conservation and Planning (2009)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 18 – Transport (2013)

### **APPRASIAL**

A full Development Control Committee site visit was undertaken on Wednesday 25 April 2018.

The application was deferred following the full Committee Site Visit to allow the developer to provide additional information and clarity regarding the levels and distances between the application site (access road) and existing properties, together with another consultation exercise.

Amended plans were received on 9 May 2018 to address the concerns regarding the site levels of the new access road in relation to the neighbouring properties of 5 and 6 Clos Smyrna along with a revised site layout plan which incorporates the ARMCO barrier and a revised landscaping scheme. Additional details were also submitted regarding boundary treatments, a Construction Environmental Management Plan and an email from the Council's Property Section confirming details of the drainage that is located within the quarry. A further consultation was undertaken with neighbouring properties.

The application is referred to the Development Control Committee due to the number of neighbour objections received regarding the proposed development.

The main issues to consider in this application are the principle of the development, the impact of the proposed development on the character and appearance of the street scene and wider area, impact on the neighbouring properties, ecology, drainage, public right of way and consideration of access and parking.

#### Principle of the Development

The application site lies within the residential settlement boundary of Pen-y-Fai as defined by Policy PLA1 of the Local Development Plan (LDP) 2013. Policy COM3 *Residential Re-Use of a Building or Land* of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a vacant site under Policy COM3, which makes an important contribution to the overall housing supply and introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use, therefore residential development would be acceptable in principle subject to other LDP Policies.

In conclusion, the principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

### Impact on character and appearance of the street scene and wider area

The application site is located within the predominantly residential area of Pen y Fai and currently comprises vacant, sloping scrub land and woodland. Whilst the site currently provides an area of openness and foliage, it is considered that the introduction of 20 new residential dwellings would be in keeping with the residential area. Following an assessment of the submitted plans and proposed house types, it is considered that the overall design, scale and materials proposed reflect that of the surrounding existing residential housing located at Clos Smyrna, Clos Yechyd and Hillside as they are large dwellings which sit within relatively large plots. The proposed development will also result in an adequate level of amenity space to serve the development. Concerns were initially raised by the Local Planning Authority (LPA) regarding the impact of the proposed parking on the appearance of the street scene. From viewing the submitted plans, it was noted that particularly in the southern plateau and the row of three storey dwellings, the street frontage would be dominated by the appearance of off street parking. The applicant has now provided justification and 3D views/images which provides an impression of how the vehicles will sit within the development. The use of soft landscaping such as green hedges and trees is considered to help to reduce the impact and will improve the overall appearance of the development. In view of this, the proposed development is considered to sit well within the site and relate well with the surrounding properties which seeks to enhance the character and appearance of the existing area.

Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP 2013.

### Impact on the neighbouring properties

As mentioned above, the site is located within a predominately residential area and is surrounded by a number of existing properties.

The proposed dwellings located on the northern plateau of the site are located approximately 35m away from the rear of the properties of Hillside and is therefore not considered to have an unacceptable impact on the privacy and residential amenities that the occupiers of these properties currently enjoy. Also, the proposed three properties located at the entrance of the site are set back into the site and are separated by the access road and Public Right of Way from the new dwellings that have been erected opposite the site. Accordingly, the proposed development is not considered to have a significant adverse impact on the residential amenities of these properties.

With regard to the southern plateau, whilst it is noted that the site is sloping, the applicant has provided amended plans to show the site levels/ cross section of the site and how the proposed dwellings sit in relation to the existing dwellings at Clos Smyrna and Clos y Talcen. The proposed dwellings are located at a slightly higher level than the existing properties. However, due to the sloping nature of the site, it is acknowledged that some views maybe afforded into the properties, however having regard to the distances between the properties, which comply with the Council's standards as set out in the Council's SPG02: Householder Development, these views are not considered to result in a significant adverse impact on the privacy and residential amenities these properties currently enjoy.

In relation to 5 Clos Smyrna, whilst Plot 20 is located within close proximity to this dwelling, due to the setback position of the dwelling within the plot and the design of the proposed dwelling (no windows located in the side elevation), it is considered that there will be no unacceptable impact on the privacy that this property currently receives as a result of the development. Whilst the proposed dwelling will be located slightly higher than the existing dwelling, Plot 20 is to be set back off the boundary by approximately 3metres

and the implementation of appropriate landscaping will assist in reducing any further impacts on the existing property.

In relation to the impact of Plot 20 on 4 Clos Smyrna, it is noted that there is a first floor frosted window that serves as a bathroom on the side elevation of the existing property and in view of this it is not considered to have an unacceptable impact on the privacy and residential amenities of this property. With regard to the impact on the rear conservatory and private rear garden of this property, whilst it is noted that some views maybe afforded into the rear garden area, due to the distance between the two properties of 13.5m and the proposed planting of trees and vegetation within the wildlife corridor that will be located along the boundary between this property and the proposed dwellings, it is considered that there will be no significant adverse impact on the residential amenities that this property currently enjoy. It is also worth noting that the Council's Supplementary Planning Guidance: Householder Development SPG02 states, '*the minimum distance from new habitable room windows to the boundary should be 10.5m, increasing to 12 metres if the window is to a first floor living room*'. As stated above, the distance between the two properties measures 13.5m which is considered acceptable and accords with the above guidance.

As a result of a number of concerns raised at the Development Control Committee site visit regarding the impact on 5 and 6 Clos Smyrna as a result of the proposed access road, an additional cross sectional plan was submitted regarding the site levels. As a result, a 2.4m high green hedge is to be planted along the rear of these properties in order to reduce the impact on the privacy of these properties. Following further assessment of the proposal, it is considered necessary to attach a condition requesting further details regarding the re-location of the hedge closer to the footpath and located further away from the rear boundary wall of the properties in order to allow for a maintenance corridor for the hedge. It is also considered that whilst there will be a greater impact on 5 and 6 Clos Smyrna as a result of the location of the proposed access road into the site, the amount of noise generated is considered to be limited due to the number of properties which the road will serve and the impact on privacy will be reduced via the planting of native hedgerow to obscure any views into the rear gardens.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties with particular reference to 4, 5 and 6 Clos Smyrna and the proposal, therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

#### Access and Parking.

The Council's Transportation Officer has assessed the submitted scheme and has noted that the applicant has provided comprehensive site layout details which have been agreed through a number of iterations during the consultation process. However the applicant has not provided adequate detail regarding the relationship of the existing footpath, the proposed access into the sports field and also the change in surface from the existing footpath and the diverted footpath. It is considered that the existing footpath at the northern end of the development should be completed in a surface that matches the diverted footpath at the southern end of the site to encourage active travel and adhere to the Active Travel Act 2013 and this can be addressed via condition.

With regards to the proposed Green Slope embankment which will support the highway at the northern end, it is noted that this will be designed by a specialist appointed by the applicant. However to ensure that the retaining structure meets the requirements of the Highway Authority, it is considered necessary to attach a condition to request the submission of this information. In addition, the applicant provided details of the vehicle

and pedestrian restraint system to be implemented at the top of the embankment, however further details will be requested to be submitted via condition regarding its design and construction and its certification from a structural engineer. The applicant has provided off-street parking and visitor parking which now meets the Council's adopted parking standards, SPG17, for new residential dwellings.

Finally to protect the residential amenity of the existing residents and protect the free flow of traffic on the surrounding highway network, a Construction Management Plan (CEMP) is required to be submitted and agreed by the LPA which seeks to restrict vehicle movements during peak periods and avoid heavy goods vehicles during school drop off and collection times. The submitted CEMP contained insufficient information in order to agree the details and therefore a condition is necessary to be attached to any consent granted requesting further details regarding the construction of the proposed development.

Accordingly, it is considered that the proposed development accords with Policies SP2(6), SP3 and PLA11 of the LDP2013 and the Council's Supplementary Planning Guidance SPG17: Householder Development.

#### Drainage

The Council's Drainage Officer has assessed the submitted plans and has raised no objection to the proposed development subject to the imposition of a condition to any granted consent regarding a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Concerns were raised regarding the lack of details regarding the proposed drainage at the site to support the proposed development but this is to be addressed via the imposition of a drainage condition and these details will be formally submitted, assessed and agreed by the Council's Land Drainage Officer. This condition will also address concerns raised at the Development Control Committee site visit regarding the existing surface water drainage system that drains into the disused quarry on the site. BCBC Property Section has confirmed that they are aware of the capture of off-site surface water within the site and this was highlighted in the marketing information. It is envisaged that the drainage scheme will provide sustainable solution for foul and surface water drainage.

The application site does not lie within a Flood Risk Zone as defined by the Welsh Government Development Advice Maps and the disposal of surface water from the site will be dealt with via the imposition of the above condition.

#### Proposed new access to playing fields

As part of the proposed scheme, there is to be a new 12m x 3m wide vehicular and pedestrian access created to the Cavendish Park Playing fields. The applicant has provided details of the construction of the access and how it will be retained in relation to the change in level by the insertion of steps, the Public Right of Way and the neighbouring residential development of four dwellings. However, it is considered necessary to attach a condition requesting detailed drawings of the above and of the surface finish of the access track to be submitted and approved by the LPA prior to the commencement of works on site to ensure the materials are in keeping with the area and accord with Policies SP2 and SP3 of the LDP.

#### Green Bank Area/Retaining Wall

The applicant has submitted a site investigation report into the stability of the green bank area and the proposed retaining walls. The green bank area is to be planted up and grassed over and used as informal open space. The Council's Structural Engineer has



assessed the submitted information and the information is considered acceptable and accords with Policy ENV13 of the LDP 2013.

## Landscaping

The applicant has submitted a landscaping plan and strategy for the site. The strategy includes native planting and the use of trees and hedge planting within the development.

A copy of the landscaping strategy is provided below:



The proposed landscaping seeks to provide adequate screening and mitigation for the existing residential properties and retain as much biodiversity at the site as possible which seeks to enhance the character and appearance of the area. In view of this, the landscaping proposals are considered acceptable and accord with Policies SP2 (10) and ENV6 of the LDP and the Council's Supplementary planning Guidance SPG19: Biodiversity and Development.

## Public Right of Way

A Public Right of Way (PROW) Footpath 29 Newcastle Higher runs through the eastern part of the site. The applicant has proposed and has submitted the relevant application to divert the PROW along the new entrance to the playing field and to join the main highway at Clos Smyrna with the introduction of 12 steps. In view of this, it is considered necessary to attach a condition to any consent granted to request details of a scheme for a pedestrian link to connect both the northern and southern plateaus of the site. The Council's Rights of Way officer has been consulted on this matter and has raised no objection to the proposed diversion.



## Other Matters

### Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Prior to the submission of this application, clearance works were undertaken by the applicant such as the removal of vegetation and works to trees that are not protected. These works did not require the benefit of formal planning permission and were approved under a separate licence granted by Natural Resources Wales.

An ecological assessment of the site has been prepared by David Clements Ecology Ltd and has been assessed by the Council's Ecologist.

The submitted report states that the existing woodland supports a population of slow worm and other reptiles such as the common lizard. Bat activity surveys found at least four species of bat using the site for foraging, including brown long eared bats and myotis bat and that roosting opportunities appear limited. The site supports at least 10 common bird species but the site does not contain or lie immediately adjacent to any statutory sites of nature conservation interests such as Sites of Special Scientific Interest (SSSIs) or Sites for Importance for nature Conservation (SINC). Further information was submitted by David Clement on 28 February 2018 regarding the works at the site and this was also assessed by the Council's Countryside Officer.

In view of above, the Council's Countryside Officer has raised no objection to the development subject to the works being carried out in accordance with the submitted information and pending the submission of an invasive species survey. On 27 March

2018, an invasive species survey and method statement was submitted and assessed by the Council's Countryside Officer which was considered acceptable. Overall, it is considered that there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

#### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

#### S106 Obligations

Initially, the applicant was advised that, as the application proposes the erection of 20 dwellings, Policy COM5 - Affordable Housing and Policy COM11 - Outdoor Recreation Facilities of the LDP are triggered. With regard to education, no financial contribution would be required as there is currently sufficient capacity provided for in the local catchment schools to accommodate new pupils.

The applicant has engaged in discussions with BCBC throughout the pre-application period with a focus on the viability of the site and the need to meet the requirements of Policy COM5. There are various challenges to the development of this site, each of which has an impact on the profitability of a residential led scheme. These include the topography of the land, the presence of a previously quarried area, the necessary treatment of partial Himalayan Balsam colonisation and the drainage and access solutions required to facilitate the development. The viability appraisal produced by the applicant quantifies all of these abnormal development costs and includes for the provision of 3 units of affordable housing on-site, the costs of meeting highway requirements for two separate access points and provision of a new access to Cavendish Park Playing Field & Play Area to the east to satisfy the requirements of Policy COM11.

The provision of 3 of the 20 units as affordable housing is equal to 15% as opposed to the 20% required by Policy COM5. The affordable provision has been arrived at by a process of negotiation which the applicant has sought to justify through their viability appraisal which has been closely scrutinised. The abnormal costs referred to above have been challenged where felt necessary and the figures relating to construction, revenue and developer profit have been analysed against comparable schemes. The provision of 3 units of affordable housing on-site is felt to be a reasonable compromise between enabling a fair land value to be realised (thus allowing the scheme to proceed) and meeting the affordable housing policy.

The provision of a new access to the adjacent playing fields is considered to fulfil the requirements of Policy COM11 as it will facilitate use by the new residents as well as those residing in adjacent streets subject to its design and finish.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not have a significantly adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties. All material considerations have been addressed, together with the issues raised at the full Development Control committee site visit, and officers have fully considered and responded to the concerns of local residents. Whilst it is inevitable that new development will have some impact on existing residents, it is considered that the impact will not be unacceptable in planning terms, particularly having regard to the mitigation measures proposed. In addition, it is considered that the development will not have an adverse effect on the biodiversity of the site, drainage, the public right of way or highway safety in and around the site.

## **RECOMMENDATION**

(R34)

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

### **AFFORDABLE HOUSING**

The Owner/Developer to provide 3 affordable housing units on the site to be delivered in accordance with a scheme agreed in writing between the Owner, the Council and a nominated Registered Social Landlord. The affordable housing scheme will include details of the type of units, location within the site, affordable tenure and timescale for delivery.

### **PUBLIC OPEN SPACE**

Establish a 'Management Company' for the future maintenance of the open space and landscaping serving the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-
  - Application Forms dated 20 December 2017.
  - Amended Site Layout Plan – 2209-01R received on 10 May 2018.
  - Planning Statement prepared by Geraint John Planning received on 20 December 2017.
  - Pre-Application Consultation Report prepared by Geraint John Planning received on 20 December 2017.
  - Design and Access Statement prepared by Geraint John Planning received on 20 December 2017.
  - Tree Survey and Tree Constraints Plans prepared by Tree scene received on 20 December 2017.
  - Ecological assessment prepared by David Clements Ecology Limited received on 20 December 2017.
  - Amended Engineering Strategy – 2209 – 500L received on 10 May 2018.

- Site Investigation Report prepared by Integral Geotechnique received on 8 March 2018.
- Amended Landscaping Strategy Drawing No/ 387.01 REV B received on 10 May 2018.
- Site Location Plan - 2209- 100 received on 20 December 2017.
- Invasive Species Protocol and Method Statement prepared by David Clements Ecology Limited received on 27 March 2018.
- House Type A – 2209 – 101/A Floor Plans received on 20 December 2017 and amended plan House Type A – 2209-102/A Elevations received on 3 April 2018. House Type B – 2209/103/A, 2209 – 104/A, House Type C – 2209/105/A, 2209-106/A, House Type D – 2209-107/A, 2209-108/A, House Type F – 2209-109/A, 2209-110/A and House Type F1 2209-112 received on 20 December 2017.
- Playing Field Link – 2209- 503 received on 9 April 2018.
- Amended site cross sections - 2209-503B received on 10 May 2018.
- 3D images of the development received on 3 April 2018.
- Swept Path Analysis 2209/SK650 received on 7 March 2018.

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

2. Prior to the construction of the dwellings on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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.

3. Prior to the construction of the dwellings on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and maintained in perpetuity.

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority 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 the residential amenities of adjacent properties

and to protect the amenity space provided within the property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage without the prior written consent of the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the side elevations of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

8. Notwithstanding the details hereby approved under the submitted Site Cross Section and Landscaping Strategy, prior to the construction of any dwellings on the site, revised details of the re-positioning of the hedge to the rear of Nos. 5 and 6 Clos Smyrna, including a planting timetable and schedule, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwellings and shall thereafter be retained in perpetuity.

Reason: To protect the privacy and residential amenities of the occupiers of 5 and 6 Clos Smyrna and to allow sufficient space to maintain the hedgerow.

9. No development shall commence until a scheme for the construction of the proposed access to the sports field detailing any retaining structures, site levels, boundary treatments, surface material to be used on the sports field access and the vehicle restraints used at the entrance of the sports field access route located on the southern plateau, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of the date of this consent and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to prevent the impact on the approved neighbouring development.

10. No development shall commence until a scheme for the provision of a shared use pedestrian/cycle route linking the northern plateau to the southern plateau has been submitted to and approved in writing by the Local Planning Authority. The shared use route shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of pedestrian and highway safety in and around the site.

11. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Structural Engineer certifying that the details of the ARMCO vehicle and pedestrian restraint system will be designed and constructed to British Standard EN 1317-1 to -3 and DD ENV 1317-4:2002. The design and constructional details so certified shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

12. The access road and turning facility for the northern and southern plateaus shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

13. No development shall take place 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 parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Storage of plant and materials used in constructing the development
  - iv. The erection and maintenance of security hoarding
  - v. Wheel washing facilities
  - vi. Measures to control the emission of dust and dirt during construction
  - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. The segregation of users of Footpath 29 Newcastle Higher from the development.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected.

14. The individual dwelling parking areas shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

15. Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

Reason: In the interests of public and highway safety.

16. Prior to the construction of any highway to serve the proposed development, engineering details of any retaining structure abutting or affecting the highway, including calculations certified by a professional engineer, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved details prior to the completion of the first dwelling and maintained in perpetuity.
17. 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. The report of the findings shall include 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; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and; an appraisal of remedial options, and a justification for the preferred remedial option(s). The development shall be implemented in accordance with the approved remediation measures.

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.

18. Site preparation or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

19. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character and appearance of the street scene or wider area. The development does not adversely affect the privacy or visual amenities nor so significantly harms neighbours amenities ecology, drainage, public right of way or highway safety as to warrant refusal
- b) The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) 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)
- c) The applicant is also advised that some public sewers and lateral drains may not be recorded on the 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 DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- d) The Public Protection Section draws attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide but not radon gas) being generated at the site or land adjoining thereto and recommends investigation and monitoring of the area.
- e) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the

contamination found has been approved.

- f) Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- g) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h) Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.
- i) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- j) 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.
- k) In respect of Condition 4, the following information is required:-
- Confirmation of agreement from DCWW regarding the acceptance of connections to the public sewers for foul, surface water and highway drainage.
  - A final foul, surface water and highway drainage layout.
  - A S104 plan outlining what elements of the surface water network are being offered for adoption to DCWW.
  - A maintenance plan for the highway drainage systems, including proposed maintenance responsibility.
  - Hydraulic calculations to confirm sufficient surface water attenuation has been provided for storm events and sewer networks have been adequately sized for the proposed development.
  - Technical and maintenance details associated with the proposed cellular storage.
  - A maintenance schedule associated with the site wide surface water network.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None



**REFERENCE:** P/17/824/FUL

**APPLICANT:** Mr A Mallett Ar Graig, Laleston, CF32 0LY

**LOCATION:** Ar Graig Laleston CF32 0LY

**PROPOSAL:** Change of use of the land from residential to a mixed use for residential and a dog breeding business and the erection of a new building for a dog breeding facility.

**RECEIVED:** 27 September 2017

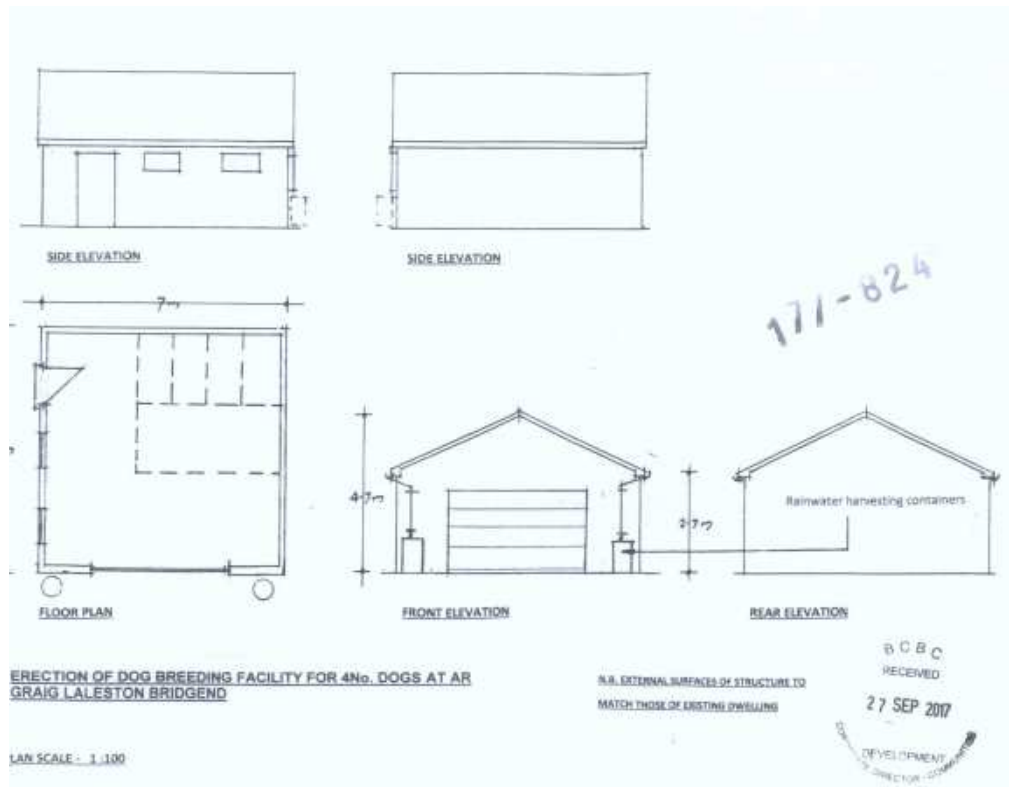
**SITE INSPECTED:** 18 October 2017

## APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the change of use of the land from residential to a mixed use for residential and a dog breeding business and the erection of a new building for a dog breeding facility at Ar Graig, Laleston, Bridgend.

The proposed building will measure approximately 7m x 7m with an overall height of 4.7m with a pitched roof. The building will be finished with a slate roof, brickwork with rendered walls, UPVC windows and doors and a roller shutter style door to match the existing dwelling. Internally, the building will comprise of 4 separate kennels.

## Proposed Elevations and Floor Plans:



An amended plan was submitted on 20 December 2017 showing the re-location of the proposed building to the east of the dwelling house. A further amended red line boundary plan was submitted which included all the land in which the applicant owned as this was to be used in connection with the proposed use. The description of the application was also changed to include a change of use of the land from residential to a mixed use for residential and dog breeding business and the erection of a new building for a dog breeding facility.

**Application Number**

**P/17/824/FUL**



**Scale 1:1,750**

**Date Issued:  
29/05/2018**

**Development-Mapping  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

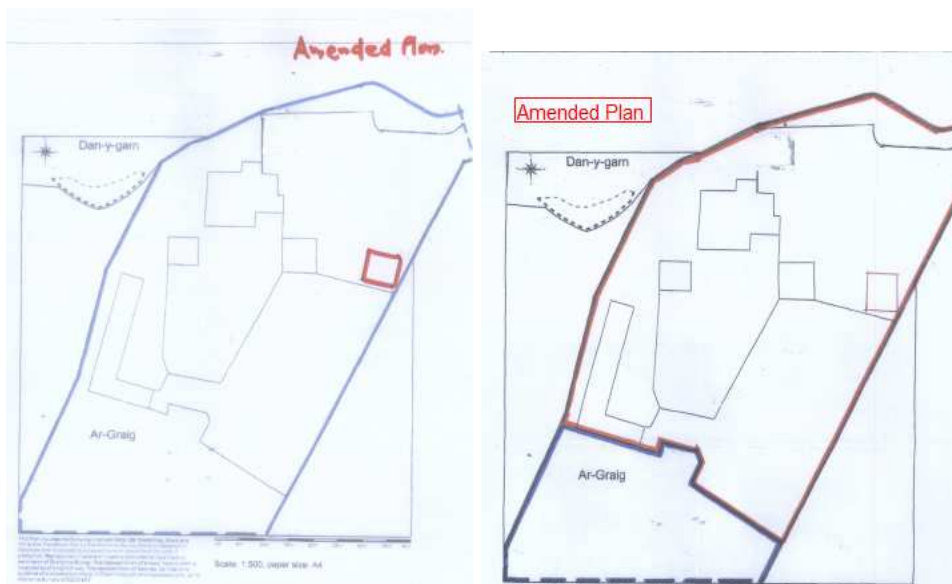
O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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(100023405)

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The proposed use of the building relates solely to the breeding of four French bulldogs with each dog delivering one litter of up to 4-5 puppies within a 12 month period.

Access to the site is via the existing driveway from the A48 with parking and turning areas us to be accommodated within the site.

The applicant confirmed at the site inspection that the dwelling house is currently used for dog breeding.

Ar Graig is a detached bungalow set within a rural location and is located outside of the defined residential settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan. The property contains a garage, stables and a detached holiday let unit that has now been converted into use as a granny annex in conjunction with the host property. The neighbouring property known as Dan y Garn is located to the north of the application site but is located at a lower level and is screened from the application site by a high tree lined embankment.

**RELEVANT HISTORY**

P/15/771/LAP - Certificate of Lawfulness For Proposed Use Of Stables As Ancillary Accommodation – Approved – 06/01/2016.

P/15/164/FUL - Convert 6 No. Stables To 2 No. Self-Contained Holiday Let Units – Refused – Appeal Allowed – 21/10/2015.

P/13/164/FUL - Alteration And Extension Of Existing Detached Dwelling - Re-Sub Of P/12/729/FUL – Approved (with conditions) – 24/04/2013.

P/12/729/FUL - Alteration And Extension Of Existing Detached Dwelling - Refused – 30/11/2012.

P/04/1672/FUL - Detached Double Garage – Approved – 18/01/2005.

**PUBLICITY**

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

Re-consultation was undertaken on 3 January 2018 which allowed for responses to consultations/publicity – the re-consultation period expired on 17 January 2018.

## **CONSULTATION RESPONSES**

Following re-consultation, the following comments were received:

Merthyr Mawr Community Council has raised an objection to the amended position of the building for the following reasons:

- Location within the curtilage;
- Near to neighbours with noise and odour issues;
- Animal welfare, no area to exercise dogs and puppies;
- Design of the building, small windows, light and ventilation issues for the dogs and puppies;
- Traffic survey required to determine the impact of vehicular access and egress from the site;
- Services to the building and waste.

Welsh Water Developer Services – No Objection.

Head of Street Scene (Drainage) – No objection subject to conditions and advisory notes.

Head of Street Scene (Highways) – No objection subject to a condition restricting the use of the site for dog breeding only.

Head of Public Protection – No objection subject to conditions regarding the restriction of number of dogs and a scheme for the insulation of the roof of the building.

## **REPRESENTATIONS RECEIVED**

Two letters of objection have been received raising the following concerns:

- Noise nuisance;
- Existing dogs at the site;
- Smell/Odour;
- Extra traffic;
- Negative impact on the area;
- Proposed development unsuitable for area;
- Proposed development shall be located in a more suitable property and area.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the issues raised above are addressed within the appraisal section of the report, however, specifically:-

The existing dogs at the site are the applicant's own dogs, several of which are working dogs that are used in connection with the applicant's part time estate game keeping duties.

The applicant has advised that the waste generated by the proposed development will be retained in a sealed container and disposed of in the site's cesspit.

Animal welfare and concerns over light and ventilation for the dogs is not a material planning consideration and is addressed under other legislation and licencing requirements.

The size of the site is considered adequate to exercise the dogs and in any event this could also be undertaken off site.

## **NEGOTIATION**

Initially, an objection was received from the Council's Public Protection Officer regarding the location of the proposed building and its potential impact on neighbouring residential amenities. The applicant's agent was advised and new locations for the proposed building were suggested in order to overcome the above objection. As a result, an amended plan was submitted proposing the relocation of the building to the eastern boundary of the site which is away from neighbouring properties.

## **APPRAISAL**

The application is referred to Committee to consider the objections received from Merthyr Mawr Community Council and neighbouring residents.

The application proposes the erection of a new building to be used as part of an extended dog breeding facility.

The main issues to consider in the assessment of this application are the principle of the development, its potential impact on the character of the existing dwelling and surrounding area and its potential impact on the neighbouring residential amenities, drainage and highway safety.

### Principle of the Development

The application site is located outside of any settlement boundary as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) as adopted in 2013 and it is, therefore, located in the countryside where Policy ENV1 Development in the Countryside ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy Traveller accommodation.

The proposal is considered to be an appropriate rural enterprise where a countryside location is necessary for the development subject to conditions. The proposal, therefore, is acceptable with respect to Criterion 3 of Policy ENV1 subject to compliance with Policy SP2 of the LDP.

### Impact on existing property and surrounding area

The existing property is a detached bungalow and is set in its own grounds with an existing access off the A48. The site contains a garage, stables and a detached holiday let facility that has now been converted into use as a granny annex with a large garden and driveway. The proposed building is to be located to the front of the main dwelling on the eastern boundary. Due to its simple design and finished materials, which will reflect the existing dwelling, the proposed development is not considered to have an unacceptable impact on the main dwelling house. Also, due to the site's elevated nature and the existing

trees and vegetation which screen it from any public viewpoint, it is considered that the proposed building will not have an adverse visual impact on the surrounding rural area. Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP (2013).

#### Impact on neighbouring residential amenities

As mentioned above, initially, the Council's Public Protection Officer raised an objection to the siting of the building due to the potential impact of the proposed use on the residential amenities of the neighbouring property known as Dan Y Garn, by way of noise. In view of this, an amended plan was submitted by the applicant, relocating the building to the eastern boundary of the site and away from the neighbouring properties. The Council's Public Protection Officer withdrew the objection as it was considered that the noise emanating from the development would be greatly reduced due to the new position of the building. However, it is still considered necessary to attach a condition restricting the number of dogs that can be kept at the site and to ensure appropriate insulation is installed in the building in order to protect the neighbouring residential amenities. Two objections have been received from the property known as Tyn Y Coed, however this property is located approximately 120 metres to the south east of the application site and is separated from the proposed facilities by a large field. Whilst some noise may be experienced by this property, it is considered that it will not have an unacceptable impact on the residential amenities that they currently enjoy due to the separation distance. Accordingly, it is considered that the proposed development accords with Policy SP2 (12) of the LDP.

#### Highway Safety

The Transportation Officer has noted that the location plan now extends the red line boundary to cover the whole of the curtilage of Ar Graig. Whilst both the implementation of the dog breeding facility and the consented holiday lets would result in an intensification of what the highway authority consider to be an access with substandard vision splays, this must be considered against the fall-back position of the recently allowed planning appeal (Appeal reference: APP/F6915/A/15/3121472). The Planning Inspector considered the intensification of the access and noted that the vision splay fell below the recommended standards. However the Inspector concluded that the highway authority should be 'able to demonstrate that the proposal would materially increase the existing vehicular access so there would be harm in highway safety'.

In considering the proposed dog breeding facility, the traffic generation is considered to be sporadic at best and not a daily occurrence with most journeys being shared with genuine residential journeys for the parent property and others akin to visitors to residents of the property. As such the highway authority would have difficulty in demonstrating a material harm to highway safety. However, this does not mean that the site can continue to develop or intensify on the back of the Inspector's findings and the Inspector was clear in that the site should have a condition imposed which removed the permitted development rights for ancillary buildings in order to control the scale of the development and in the interests of highway safety. In addition to the above, it is considered necessary to attach a condition to any consent granted to ensure that the dog breeding facility is restricted to that use only to ensure that a more intensive use, such as dog kennelling or grooming, does not evolve from this use.

Finally, in considering the increase in visitors to the site who are not familiar with the dual carriageway arrangement at the access to Ar Graig, it is considered necessary to attach a condition which seeks to install a one-way traffic signpost opposite the site access to ensure that vehicles do not travel the wrong way along the dual carriageway.

Accordingly, it is considered that this proposal will not significantly increase vehicular movements to and from Ar Graig above the current vehicle trip rates. It is also considered that the site provides adequate off-street parking and turning facilities to accommodate the vehicles generated by the sale of puppies. Notwithstanding the above and taking into consideration the substandard vision splays at the access of Ar Graig, it is considered necessary to attach a condition which restricts the use of the building to dog breeding only and to prevent the site from being used for dog kennels/boarding open to the public, as this use would generate a higher vehicle trip generation rate which has not been assessed as part of this application.

In view of the above, and subject to conditions, the proposed development is considered acceptable and accords with Policy SP2 (6) and PLA11 of the LDP and the Council's Supplementary Planning Guidance<sup>17</sup>: Parking Standards.

#### Drainage

The Council's Drainage Officer has raised no objection to the development subject to the imposition of two conditions regarding the submission of a drainage scheme and infiltration tests which accords with Policy SP2 (13) of the LDP 2013.

#### Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site which is effectively part of the existing driveway within the curtilage of the property, it is considered that, overall, there will be no significantly adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of Policy SP19 of the Bridgend Local Development Plan (2013), the Habitats Regulations 1994 (as amended), Section 6 of the

Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.”

### Other Matters

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

### **CONCLUSION**

The application is recommended for approval as it complies with Council Policy and guidance and does not have an adverse visual impact on the character of the existing dwelling or on the surrounding open countryside nor adversely affects residential amenities, drainage or highway safety.

### **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the approved plans and documents received on 27 September 2017 and the amended Site Location Plan received on 13 March 2018.

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

2. The building shall be used solely for Dog Breeding with no sales of dogs or puppies taking place at any time from the site. The total number of dogs kept at the site including puppies, pets and working dogs shall not at any time exceed 20.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site and to protect neighbouring residential amenities and the general amenities of the area.

3. The total number of breeding bitches kept at the site at any one time shall not exceed 4.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site and to protect neighbouring residential amenities and general amenities of the area.

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

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

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the building commencing and in accordance with the approved details and shall be retained in perpetuity.



Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. Prior to the commencement of development, details of a scheme for the sound insulation of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The building shall be built in accordance with these approved details and the insulation measures shall be retained in perpetuity thereafter.

Reason: To protect the residential amenities of neighbouring properties from noise disturbance.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage as hereby extended without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the scale of development and in the interest of highway safety.

8. No development shall commence until a scheme for the provision of traffic signing indicating to emerging traffic that they are emerging onto a one way dual carriageway has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall incorporate traffic signs to Diagrams 606 and 608 of the Traffic Signs Regulations and General Directions. The scheme shall be implemented before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the Interests of Highway Safety

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

a) The application is recommended for approval as it complies with Council Policy and guidance and does not have an adverse visual impact on the character of the existing dwelling or on the surrounding open countryside nor adversely affects residential amenities, drainage or highway safety.

b) With regard to Conditions 4 and 5, the applicant is advised that in order to satisfy the drainage conditions the following supplementary information is required:-

- A drainage layout showing the proposed location of soakaway and connection from the proposed building.
- Infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- A plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- A timetable for its implementation; and
- A management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

c) The applicant is advised that effluent from the dog breeding building can have serious pollution implications, also prosecutable under the Environmental Protection Act, 1990, the Groundwater Regulations 1998 and the Water Resources Act 1991 section 85. The developer should ensure that they comply with the law and follow pollution prevention guidelines, for example Works and Maintenance in or near Water: PPG5 Environment Agency. There is a Duty of Care which requires that the land owner ensures that all waste is stored and disposed of responsibly, that it is only handled or dealt with by individuals or companies that are authorised to deal with it and that a record is kept of all wastes received or transferred through a system of signed Waste Transfer Notes.

d) The applicant should note that any soakaways must not be situated within 5m of buildings or boundaries.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

**REFERENCE:** P/18/63/FUL

**APPLICANT:** Mr M Waldron c/o Green Planning Studio Ltd, Unit D Lunesdale, Upton Magna Business Park, Upton Magna, Shrewsbury, SY4 4TT

**LOCATION:** Land off Dyffryn Madoc Maesteg CF34 9RF

**PROPOSAL:** Erection of agricultural barn

**RECEIVED:** 24 January 2018

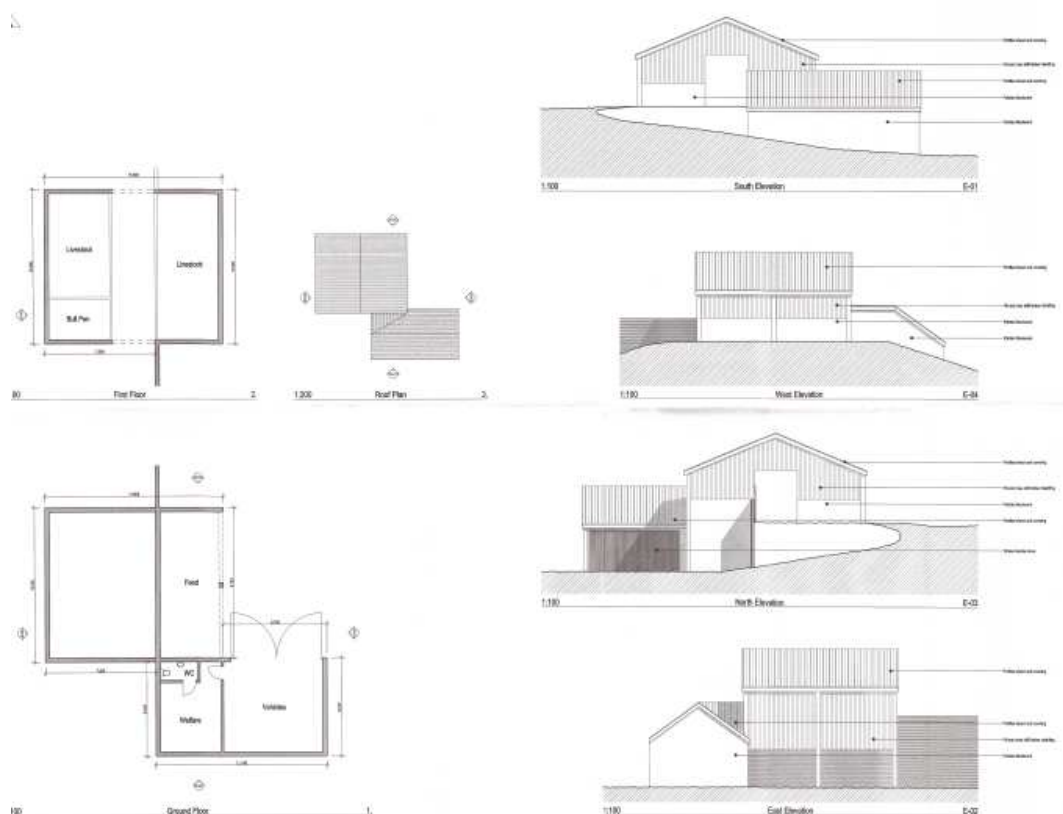
## APPLICATION/SITE DESCRIPTION

The application is a resubmission of application reference P/17/522/FUL which seeks full planning permission for the erection of an agricultural barn and an associated access track on land at Duffryn Madoc, Maesteg, Bridgend. The previous application was refused and this proposal is intended to address the reasons for refusal.

The proposal is to erect an agricultural barn in connection with the established agricultural enterprise on the site with two interconnecting sections comprising an internal floor area of approximately 205 sq.m. positioned in the south west corner of the site. Due to the sloping nature of the site, one section of the barn will be positioned at a higher level than the other. The upper level element will house livestock and feed and will have a steel portal frame with block work and "hit and miss" timber cladding. The other element is to be positioned at a lower level, will be brick built and will accommodate welfare facilities, machinery and vehicles.

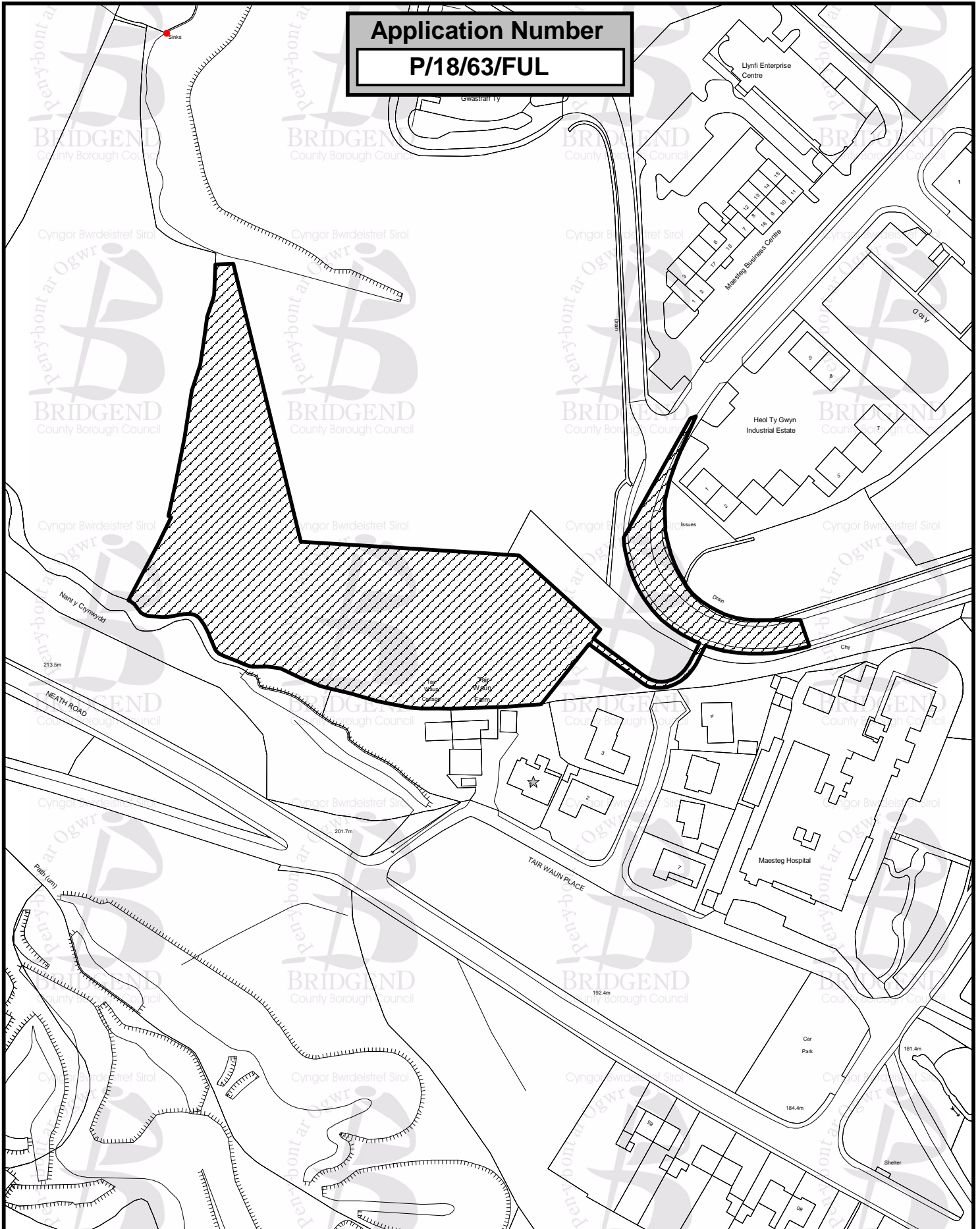
The proposed building will measure 18.3m x 16.1m, with an overall height of 9m to the ridge (due to the sloping nature of the site) and will be surrounded by a hard standing area finished in a loose bound permeable material.

## Proposed Elevations and Floor Plans:



**Application Number**

**P/18/63/FUL**



Page 44

**Scale 1:1,750**

**Date Issued:**  
**29/05/2018**

**Development-Mapping**  
**Tel: 01656 643176**

**Mark Shephard**  
Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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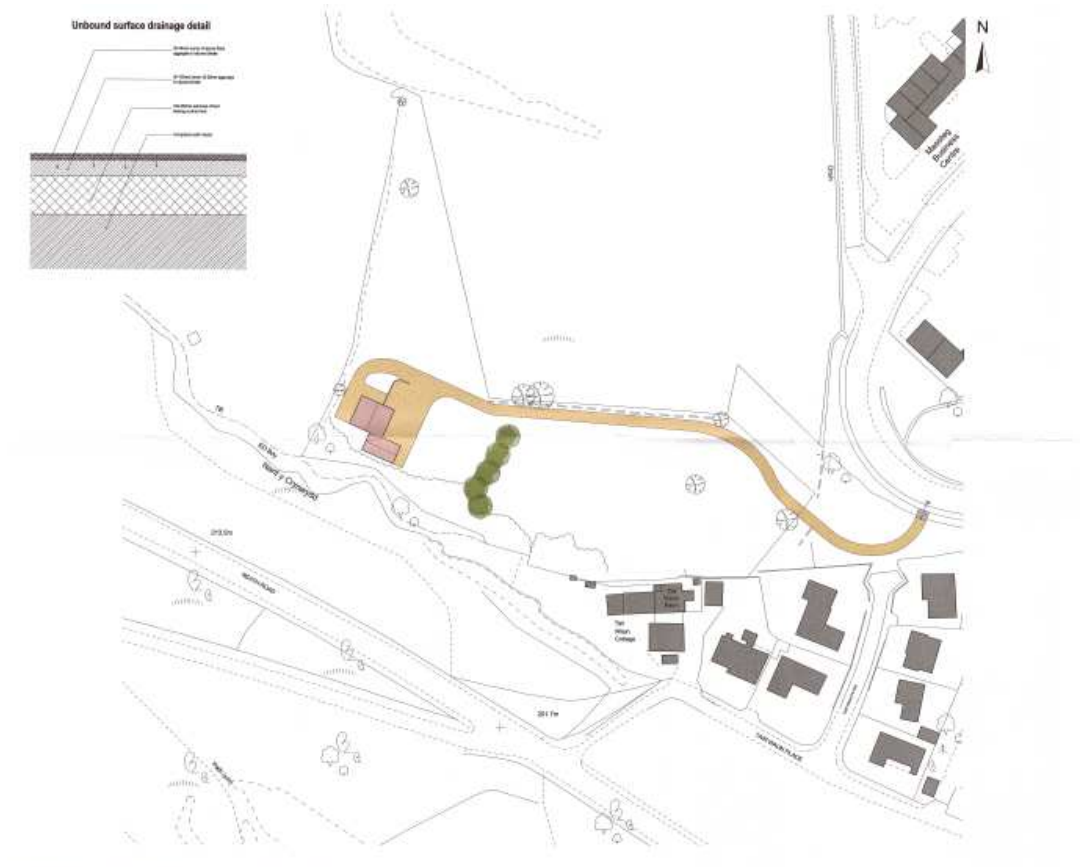
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Cyngor Bwrdeistref Sirof  
Pen-y-bont ar Ogwr

**BRIDGEND**  
County Borough Council

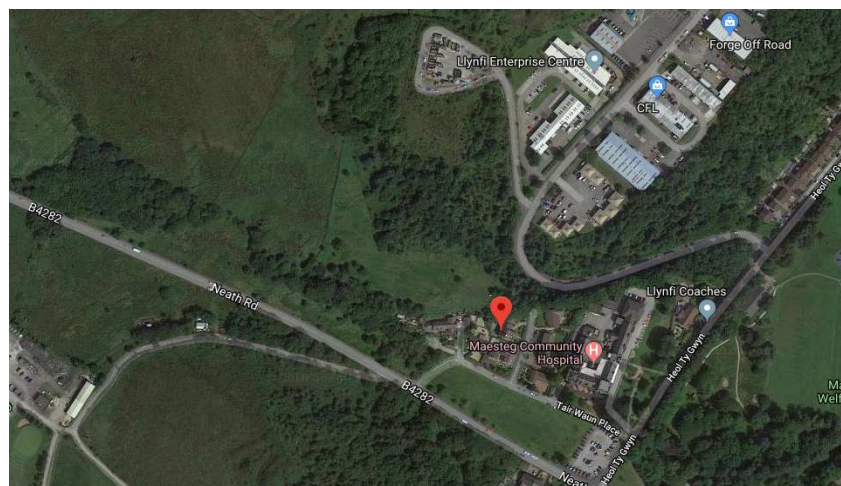
The proposed building is to be positioned at the far eastern corner of the field and is to be accessed via an extended access track (approximately 150m in length) that runs along the northern boundary of the site and connects the barn and the access off the industrial estate access road. The access road is to be finished in a loose bound permeable material to match the hard standing area.

### Proposed Site Layout:



There is a gated access located on Tair Waun Place and a protected mature oak tree however, these do not form part of this application.

There are a number of mature trees and hedgerows located along the northern and western boundaries of the site.





The site is located to the north west of Maesteg and lies outside the settlement boundary of Maesteg as defined by Policy PLA1 of the Local Development Plan (LDP) 2013 and is part of a wider agricultural holding of 25 hectares. It is a sloping site (from west to east) and is bounded to the east by an industrial estate, to the north and west by agricultural fields and to the south by residential properties.

An amended site location plan was submitted on 10 April 2018 which included land located on the opposite side of the proposed access via the Industrial Estate.

### **Proposed Site Location:**



The application is accompanied by the following documents:

- Supporting Planning Statement produced by Green Planning Studio;
- Agricultural Appraisal prepared by Charles Holt Consultancy;
- Preliminary Ecological Assessment produced by Biocensus;
- Coal Mining Risk Assessment;
- Goat and Sheep Movement Documents;
- Rights of Way Agreement.

### **RELEVANT HISTORY**

P/14/841/APN – Proposed Agricultural Barn – Planning Permission required – 29/01/2015.

P/17/522/FUL – Erection of an agricultural barn – Refused – 07/11/17.

## **PUBLICITY**

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to re-consultation/publicity expired on 28 March 2018.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021 (LDP), which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy ENV1 – Development in the Countryside
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV13 – Unstable Land

### **Supplementary Planning Guidance**

SPG07: Trees and Development

SPG19 – Biodiversity and Development

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

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability -

*4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. All new development should respect the character of the surrounding area and should be of appropriate scale and design.*

### **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 6 – Planning for Sustainable Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2013)

## **CONSULTATION RESPONSES**

Maesteg Town Council – No Objection.

Head of Street Scene (Highways) – No objection subject to conditions.

Head of Street Scene (Drainage) – No objection subject to standard conditions and advisory notes.

Destination and Countryside Manager – No objection subject to a condition regarding the conclusion section of the submitted ecology report and submission of a method statement

prior to works commencing on site.

Coal Authority – No objection subject to the imposition of conditions regarding site investigation works and remedial works at the site.

## **REPRESENTATIONS RECEIVED**

Councillor Phil White has raised no objection to the proposed development.

One letter of support has been received from 4 Tair Waun Place, Maesteg.

Maesteg Hospital has raised an objection to the proposed development on the following grounds:

- Noise from farm machinery & increase in traffic noise travelling on the road at the front of the hospital as the main ward is at the front of the hospital.
- Increase in heavy traffic travelling on the main road outside the hospital entrance to access the site e.g. lorries transporting livestock, tractors
- Possible smells from farm animals experienced by patients & staff whilst inside the grounds of the hospital
- Possibility of burning waste on the land causing smoke & smells
- The possibility of wandering animals on to hospital grounds
- Concerns around the security of the proposed site – would this have the potential to an increased security risk for the hospital

A petition has been received from the Tair Waun Community Committee raising an objection to the proposed development. The document has been signed by 8 local residents.

Five separate letters of objection have been received from individual residents including a letter from KGJ Planning Consultant on behalf of a local resident.

The main issues regarding the proposed development are summarised below:

- Farm vehicles still using the cul-de-sac entrance by removing the fence causing traffic concerns;
- Damage to trees and hedgerows as a result of the development;
- Damage to the protected Oak tree on Tair Waun Place;
- Impact of noise and smell as a result of the development;
- Impact of heavy vehicles crossing a public footpath;
- Possibly contamination of a stream that links with the Lynfi River;
- Proposed scale of barn appears very large for the field and is not in keeping with the countryside;
- Proposed building will be prominent and obtrusive in the landscape;
- No legal agreement to form an access over Tyle Teg;
- Concerns regarding the viability and sustainability of the whole business;
- Unauthorised building erected on the site;
- No substantial existing enterprise on the site;
- Lack of agricultural justification;
- Adverse impact on the ecology value of the site;
- Concerns over drainage and water run off;
- Proposed access will have a detrimental impact on highway safety due to poor visibility;
- Impact on existing residential amenities due to intensification is use of site.



Following re-consultation on the amended site location plan, two letters were received regarding the changes, one letter of support and one letter of objection stating that the proposal is unsafe and a danger to the public and other road users. No consideration has been taken to the length of vehicles using the access route especially when being towed and the difficulty due to the gradient.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the issues raised above are addressed within the appraisal section of this report, however, specifically:-

The applicant has served Notice on the Council's Property Section, as the owners of the land that relates to the access road into the site and submitted Certificate B.

The applicant has also provided, as part of the application, the legal agreement for the right of access across Tyle Teg.

The agricultural appraisal was submitted to the Local Planning Authority (LPA) and published on the website for comment on 27 February 2018. The period for consultation was extended in order for this document to be viewed and to allow time for further comments.

The application form was completed by the applicant's agent and the matters that have been raised in the Tair Waun Community Committee submission have been addressed through the planning process.

No public footpaths cross the site.

Access to the site from Tair Waun Place and the impact on the protected oak tree do not form part of this application.

Animal waste from the site will be recycled for fertiliser as much as possible. Any remaining waste that cannot be recycled will be transported off site by a local collection and disposal consultant.

### **APPRAISAL**

The application is referred to the Development Control Committee for consideration due to the number of objections and petition received from the locality.

The main issues to consider in this application are whether the proposed development is justified and reasonably necessary for agricultural purposes in this open countryside location, whether the proposed design of the development is appropriate for its purpose as well as its potential impact on neighbouring residential amenity, land stability, ecology and highway safety.

The previous application was refused on 7 November 2017 for the following reasons:

- 1. The proposed barn is not considered to be reasonably necessary for agricultural purposes on the unit as there is no significant established agricultural activity at the site and the uses proposed do not provide sufficient justification for a barn of the size and scale proposed. As such, there is no agricultural justification for the proposed barn which is contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan 2013, advice contained within Planning Policy Wales (Edition 9, November 2016), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and Technical Advice Note 12: Design (2016).*
- 2. The proposal, by reason of its design, nature and proximity to the neighbouring residential properties, would fail to protect the residential amenities of adjoining*

*properties contrary to Policy SP2 (12) of the Bridgend Local Development Plan 2013, Council's Supplementary Planning Guidance SPG02: Householder Development (2008) and advice contained in Planning Policy Wales (Edition 9, November 2016).*

3. *The proposed development would generate extraneous traffic into a predominantly residential area to the detriment of highway safety contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2013).*
4. *Insufficient information has been submitted with the planning application to allow an assessment of the impact of the development on land stability contrary to Policies ENV7 and ENV13 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Edition 9, November 2016).*

This application seeks to address all reasons for refusal and an alternative scheme has been submitted which includes a reduction in the scale and re-positioning of the barn, access track and access into the site and an up to date Coal Mining Risk Assessment Report.

#### Justification for the proposed building

The proposal is to erect an agricultural barn in connection with the established agricultural enterprise on the site. The barn has two interconnecting sections comprising of an internal floor area of approximately 205 sq.m. This is stated to be required to accommodate the existing 20 Lleyne ewes and 1 Charolais ram, the proposed addition in the Lleyne flock of 50 ewes and to develop a small herd of approximately 20 Welsh Black cattle.

The application has been accompanied by a supporting planning statement and an agricultural appraisal as justification for the proposed development. The agricultural appraisal states that the applicant owns approximately 21 hectares (52 acres) of land. The land is in two parcels, with a small section of 3.09 acres to the south east of the main parcel. The land is all permanent grassland of low agricultural quality. There are currently no buildings located on the site. The appraisal also confirms that the applicant currently grazes Lleyne sheep on the site, however, due to the lack of buildings on the site, the applicant has to sell the in-lamb ewes prior to them lambing in March.

The agricultural appraisal also refers to the proposed farm business and the wishes of the applicant to develop a small livestock farming business, rearing and selling finished lambs bred and reared on his own land. He wishes to increase the Lleyne flock to 50 ewes and develop a small herd of Welsh Black cattle (approximately 20) to calve in the spring. The appraisal also refers to the current and future investment in machinery and budgets for the business.

Both local and national policies contain strict controls on development in the countryside. However, Policy ENV1 of the LDP does allow for certain works, including those necessary for agricultural purposes. The supporting text also recognises the important role that the agricultural industry has on the local and wider economy and this approach is supported by national guidance, including Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. Paragraph 7.6.5 of PPW states:-

*Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive*

*approach to the conversion of rural buildings for business re-use.*

The applicant's agent has submitted supporting justification for the proposal. This outlines the current operations on the holding and the difficulties relating to the sheep rearing element.

The site currently comprises a single field which is approximately 3.4ha in area. The agent has advised that the field is being used for an established agricultural activity. This is further supported by the submitted Sheep and Goat movement documents which also states that it is extremely difficult to produce a profit from the land without appropriate facilities for wintering livestock and storing farm requisites. At the site inspection, it was noted that an unauthorised steel container and a temporary style building have been erected on the land to house the existing livestock on the field. Due to the poor design and condition of these buildings, it is necessary to attach a condition to any consent granted to require the removal of these buildings on completion of the permanent barn building subject of this report. It is also considered that the reduction in the size/scale of the barn by 50% is justified in view of the established agricultural activity being undertaken on the site. The applicant's agent also states that the reduction in the scale and size of the building also allows the applicant to grow his business gradually in a more secure and sustainable way. In conclusion, from the submitted appraisal and documents, it appears that there is a genuine need for the erection of an agricultural building in the absence of any authorised buildings on the site. This would provide improved welfare conditions for the animals and would allow the established agricultural enterprise to expand and be more sustainable. This explanation provides a reasonable and acceptable justification for the building and is therefore considered to accord with the requirements of Policy ENV1 of the LDP which requires the development to be essential and necessary for the purposes of agriculture within the unit. It is also considered to accord with paragraph 4.4.3 of Planning Policy Wales (Edition 9, 2016).

#### Visual impact of the proposed barn and access track

Following an assessment of the submitted plan, it is noted that the proposed barn has been re-located and has been reduced in size/scale by more than 50% as opposed to that proposed under the previous application (P/17/522/FUL refers). Furthermore, additional screening is proposed to be placed in front of the barn in order to mitigate any visual impact experienced from any public vantage points and from neighbouring residential properties. It is also considered that, due to the position of the proposed barn at the top of the field and the location of the proposed access track along the northern boundary of the site, the generally open appearance of the field will be retained and the overall visual impact reduced.

Whilst the introduction of the 150m long access track into the site will have an impact, its proposed location along the northern boundary of the site and the finished materials will sufficiently reduce the visual impact of the development such that it is in keeping with the character and appearance of the rural site.

Also, the design of the barn is considered to be appropriate for agricultural purposes and the reduction in its size/scale will limit its prominence and will enhance and respect the landscape character of the area. The design is also compatible with the surrounding landscape and adjacent land uses being agricultural in nature. Accordingly, the proposed development is considered to accord with Policies SP2 (2) and SP2 (3) of the LDP 2013.

#### Impact on neighbouring residential amenities

The proposed barn has been re-located to the eastern corner of the site approximately 100m away from the nearest residential properties. It will also be screened by native species trees and hedgerows. In view of this, it is considered that the proposed re-located

position of the barn will not have an adverse impact on overlooking, overbearing or on the current levels of privacy enjoyed by the neighbouring properties. The proposed access track through the field has also been re-sited and is to be located along the northern boundary of the site, which is located away from the rear boundaries of the existing residential properties. Whilst it is noted that the existing neighbouring residents may experience increased noise and vehicle movements as a result of this development, the LPA have to have consideration for the fact that the site is a working farm and that these activities are currently being undertaken at the site, albeit on a smaller scale.

The application also proposes access to the site from Heol Ty Gwyn and not from Tair Waun Place as previously stated under refused planning application P/17/522/FUL, thus reducing the impact of noise and nuisance from the use of the site by large agricultural vehicles.

Accordingly, it is considered that the re-location of the proposed barn and associated access track do not have a significant adverse impact on the residential amenities of the neighbouring properties and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

### Landscaping

The application proposes a planted screen consisting of a number of native species in front of the proposed barn in order to reduce its visual impact on the area. The hedge planting will consist of hawthorn, hazel and alder, will be 0.6 – 0.8m high at the time of planting and will be planted 5 plants per metre in a staggered row which will be undertaken within 12 months of the commencement of development. In view of this, the development is considered acceptable and accords with Policies SP2 and ENV6 of the LDP (2013) and the Council's Supplementary Planning Guidance SPG07: Trees and Development.

### Access

The Transportation Officer has assessed the submitted details and, in principle, the creation of an agricultural access at this location is accepted. The traffic generated by the agricultural use is not considered to be of such volume that it would be detrimental to the free flow of traffic on the industrial estate to such a level that would cause a highway safety concern. In addition the access road into the industrial estate is constructed to accommodate heavy goods vehicles which serve the estate. It is noted that the applicant has provided details regarding a 'no-dig' method of creating the access track. However there is some concern that if the track follows the gradient of the land at the start of the access track then it will not meet the 1:12 gradient standard. In order to overcome those concerns, it is considered necessary to attach a condition which requests a scheme to be submitted to show the routing and gradient of the access track to ensure it meets the standards.

With regards to the positioning of the proposed access onto the industrial estate access road, the vision splays have been calculated for 30mph speeds. It is considered that the vision splays for vehicles emerging from the access meet the standards, however, it is noted that the forward vision splay for vehicles travelling downhill out of the industrial estate is restricted by dense vegetation. The applicant submitted a revised red line boundary/site location plan which includes the land required to be cleared in order to achieve the required vision splays. In view of this, it is considered necessary to attach a condition to ensure that the vegetation is cleared and remains free of any obstruction in perpetuity.

Finally, it is noted that the applicant has indicated that the first 5 metres of the proposed access track will be surfaced in permanent materials, however considering the proposed

use of the access for agricultural purposes, it is considered that it would be appropriate to surface the first 10 metres in permanent materials, with any gate installed at least 10 metres from the back side of the footway.

Accordingly, it is considered that the proposed development accords with Policy SP2 (6) of the LDP 2013.

#### Drainage

The Council's Drainage Officer has assessed the submitted details and considers that they are acceptable subject to the imposition of a condition on any consent requiring a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

#### Coal Authority

The application site falls within the defined Development High Risk Area, therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Minor Development Risk Report (received on the 24 January 2018) which accompanies the planning application. In view of this, the Coal Authority raises no formal objection to the development subject to a condition requiring site investigation works be undertaken prior to the commencement of development and to accord with Policy ENV13 of the LDP 2013.

#### Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The applicant submitted a preliminary bat roost assessment report prepared by Biocensus. Following further assessment of the report, the Council's Ecologist supports the findings of the report and recommends that the conclusion section of the assessment, and a request for a method statement, form part of the conditions of any approval.

The applicant has also provided further details and a method statement of how the access track is to be constructed at the site and details of how the existing hedgerows, trees and their roots will be protected during the construction works. The submitted details advise that, prior to works commencing on site, protective fencing will be erected 3m away from and around the existing trees and hedgerows to form an exclusion zone. This will ensure that the roots will not be severed during the construction work and the soil in the area of the exclusion zone will not be compacted. The access track will also be hand dug and the works will be carried out in accordance with BS:5837 (2012) Trees in relation to Construction.

Given the above, it is considered that overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009), relevant LDP policies, Supplementary Planning Guidance SPG07: Trees and Development and SPG19: Biodiversity and Development: A Green Infrastructure Approach.

#### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

#### **CONCLUSION**

The application is recommended for approval as it complies with Council policy and guidance as it is considered to be a justifiable form of development which does not have an unacceptable impact on the character and appearance of the open countryside nor a significant adverse impact on any neighbouring amenities, drainage, ecology or on highway safety.

## RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:  
Drawing No. 16\_825A-005, Planning statement, Agricultural appraisal, Ecological appraisal and Coal Mining Risk Assessment Report submitted on the 24 January 2018; amended proposed site drawing no. 16\_825A\_003 Rev D and tree protection details received on the 29 March 2018 and amended Site Location Plan received on the 10 April 2018.

Reason: For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. The agricultural building hereby approved shall be used solely for the keeping of sheep and cattle as specified in the supporting planning statement and agricultural appraisal statements submitted on 24 January 2018 and shall not be used for any other use. In the event that the use of the agricultural building hereby approved permanently ceases, the building shall be removed from the site along with the associated access track and works and the ground shall be returned to its former condition within 6 months of the last agricultural use of the building.

Reason: To safeguard the use of the site and protect the character and appearance of the rural area.

3. Prior to the erection of the barn building, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details

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.

4. No development shall take place until details of the proposed floor levels of the building in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

6. If within a period of three years from the date of the planting of any landscaping or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

7. No development shall take place until an intrusive site investigation report detailing the exact situation regarding ground conditions and identifying the necessary remedial measures and works shall be submitted to and agreed by the Local Planning Authority. The approved development shall be carried out in accordance with the approved details.

Reason: In the interest of public safety and the stability of the proposed development.

8. The barn building shall not be brought into beneficial use until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use.

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

9. No development shall commence until a scheme detailing the alignment and gradient of the access track serving the site has been submitted to and approved in writing by the Local Planning Authority. The agreed alignment of the access track shall be implemented before the development is brought into beneficial use and retained for access purposes in perpetuity.

Reason: In the interests of highway safety.

10. No development shall commence until a scheme for the provision of a 33 metre forward vision splay envelope on the inside of the bend (opposite the proposed access) at the eastern side of Heol Ty Gwyn Industrial Estate access road, has been submitted to and approved in writing by the Local Planning Authority. The vision splay envelope area shall be cleared before the development is brought into beneficial use and shall be kept clear of vegetation in perpetuity and shall always be used as a vision splay.

Reason: In the interests of highway safety.

11. The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

12. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas as stated in Condition 10 and 11 at any time.

Reason: In the interests of highway safety.

13. Notwithstanding the approved details, the access shall be completed in permanent materials for the first 10 metres prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

14. The access gates from the highway shall be set back not less than at least 10 metres



from the nearside edge of carriageway.

Reason: In the interests of highway safety.

15. Prior to works commencing on site, a site specific ecology method statement shall be submitted and approved by the Local Planning Authority which assesses the ecological impact of the development on the site and shall be implemented in accordance with the recommendations of that method statement.

Reason: To ensure compliance with wildlife and invasive species legislation.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

- a) The application is recommended for approval as it complies with Council policy and guidance as it is considered to be justified development which does not have an unacceptable impact on the character and appearance of the open countryside nor have a significant adverse impact on any neighbouring amenities, drainage, ecology or on highway safety.
- b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- c) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.
- d) No surface water is allowed to discharge to the public highway.
- e) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- f) With regard to Condition 8, the applicant is advised that in order to satisfy the drainage conditions the following supplementary information is required:
  - Provide further details on the proposed sustainable drainage system
  - Provide a drainage layout showing proposed surface water drainage

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

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## APPEALS

**The following appeals have been received since my last report to Committee:**

<b>CODE NO.</b>	A/18/3200227 (1828)
<b>APPLICATION NO.</b>	P/17/777/FUL
<b>APPELLANT</b>	PENYBONT REAL ESTATE CO LTD
<b>SUBJECT OF APPEAL</b>	CONVERSION OF 3 LOCK-UP GARAGES INTO A SMALL SHOP GARAGES TO REAR OF 67 JOHN STREET, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its type, location and substandard access, fails to provide a suitable principal means of vehicular and pedestrian access to the retail unit, contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Supplementary Planning Guidance 17: Parking Standards (2011).
2. The proposed development, by reason of its type, location and substandard access, will generate vehicular reversing movements to and from the highway, creating traffic hazards to the detriment of pedestrian and highway safety, contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Supplementary Planning Guidance 17: Parking Standards (2011).
3. The proposed development, by reason of its type, location and substandard access, will attract new pedestrian movements into a rear service lane, creating further traffic hazards to the detriment of pedestrian and highway safety, contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Supplementary Planning Guidance 17: Parking Standards (2011).

<b>CODE NO.</b>	A/18/3200555 (1829)
<b>APPLICATION NO.</b>	P/17/563/OUT
<b>APPELLANT</b>	MRS SIAN LEWIS
<b>SUBJECT OF APPEAL</b>	NEW DWELLING LAND OFF ALBANY ROAD, PONTYCYMMER
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The development by reason of its siting and location, represents an inappropriate form of infill development due to the unacceptable relationship that would be created between the

new development and the host residential property known as Ty Rhedyn, which would have a harmful overlooking and overbearing impact on the proposed development, to the detriment of the outlook from and amenity levels that could reasonably be expected to be enjoyed by future occupiers of the proposed property. The application is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Technical Advice Note (TAN) 12: Design (2016) and advice contained within Planning Policy Wales (2016).

2. Insufficient information has been submitted with the planning application to assess the potential impact of the development on highway safety in and around the application site, contrary to the requirements of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).

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<b>CODE NO.</b>	D/18/3201727 (1830)
<b>APPLICATION NO.</b>	P/17/465/FUL
<b>APPELLANT</b>	MR RYAN ELWARD
<b>SUBJECT OF APPEAL</b>	RETENTION OF DECKING TO THE REAR OF THE PROPERTY 9 BRYN COTTAGES, PONTYRHYL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The extended decking area, by reason of its size, extent and siting results in a visually obtrusive, incongruous feature in this publicly visible area that is detrimental to the visual amenities of the area and out of keeping with the remainder of the terrace, contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance 2: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 9, Nov. 2016).

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<b>CODE NO.</b>	A/18/3202759 (1831)
<b>APPLICATION NO.</b>	P/18/103/OUT
<b>APPELLANT</b>	MR D SMITH
<b>SUBJECT OF APPEAL</b>	NEW THREE BEDROOM DWELLING LAND AT 49 ALBANY ROAD, PONTYCYMMER
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its siting, scale, difference in land levels and the constrained nature of the site, would have a significant detrimental, overbearing and

dominating, impact on the privacy and amenities of existing nearby residential properties, particularly 49 Albany Road and Ty Rhedyn and could not provide an acceptable poor level of amenity for future occupiers of the proposed dwelling contrary to Policy SP2 of the Bridgend Local Development Plan and Planning Policy Wales (Ed 9, Nov 2016).

2. The proposal constitutes overdevelopment of the site as it has not been demonstrated that there would be sufficient car parking and turning facilities for the future use of occupiers of this development, which would be likely to generate vehicular reversing movements along the access road to its junction with the public highway at Richard Street, increasing the risk of pedestrian and vehicular conflict to the detriment of highway safety contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 : Parking Guidelines.
3. Insufficient details in respect of drainage and retaining structures have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority contrary to Policy SP2 of the Bridgend Local Development Plan.

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### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
(see application reference number)

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## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

7 JUNE 2018

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES BRIDGEND CBC LOCAL PLANNING AUTHORITY –

#### BCBC RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON DRAFT PLANNING POLICY WALES (EDITION 10)

#### 1. Purpose of Report

- 1.1 Members will recall a report for noting on the 15 March 2018 Agenda which highlighted Welsh Government proposals to revise Planning Policy Wales in light of the Well-being of Future Generations (Wales) Act 2015.
- 1.2 The Welsh Government has restructured Planning Policy Wales into policy themes around the well-being goals and updated the document to reflect new Welsh Government strategies and policies.
- 1.3 The consultation period on the Draft Planning Policy Wales: Edition 10 expired on 18 May 2018.

#### 2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### 3. Background

- 3.1 Planning Policy Wales (PPW) is the national land-use planning policy document for Wales. It is used by Local Planning Authorities (LPAs) to inform policies and land-use allocations in Local Development Plans (LDPs) and it is a material consideration for decision makers in determining individual planning applications. PPW sets out the land use policies of the Welsh Government and provides the context for land use planning in Wales.
- 3.2 The current format of PPW has changed very little since it was first published in 2002 with each chapter dedicated to one or more theme or topic. These chapters outline the Welsh Government's strategic objectives for these areas, set the policy context and describe key issues, identify areas which LDPs should address locally and outline matters which should be taken into account when planning applications are decided.
- 3.3 When the Planning (Wales) Act, the Well-Being of Future Generations (Wales) Act (WFG Act) and the Environment (Wales) Act were being developed, a commitment was given to restructure PPW so it more clearly evidenced the legislative requirements of these pieces of legislation.
- 3.4 The legislative requirements set out in the Well-being of Future Generations (Wales) Act mandate improving the social, economic, environmental and cultural well-being of Wales. The Act requires public bodies (including the Welsh Government and Local Planning Authorities) to think about the long-term, to work better with people and communities, to look to prevent problems and take a more joined up approach to deliver sustainable development.



3.5 The planning system is one of the main tools to create sustainable places. It is the main way the planning system can contribute to the successful implementation of the Well-being of Future Generations (Wales) (WFG) Act. Everyone engaged with or operating within the planning system must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of Sustainable Places.

3.6 Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalises on a local community's assets, inspiration and potential, with the intention of creating developments that promote people's health, happiness and well-being. It is therefore central to the wider objectives of the WFG Act.

3.7 The consultation sought views on the new structure of PPW, the placemaking concept and the new or revised policy requirements and 36 specific questions relating to the draft document.

3.8 The detailed consultation responses (one from the LPA and another from the Building Conservation and Design Team which specifically relate to the historic environment aspects of PPW: Edition 10) were submitted to the WG on 18 May 2018 and are attached as Appendices to this report for noting.

#### **4. Wellbeing of Future Generations (Wales) Act 2015**

4.1 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

4.2 The duty has been considered in the production of this report.

#### **5. Recommendation**

5.1 That Members note the content of the Council's consultation responses to the Draft Planning Policy Wales (Edition 10).

**Mark Shephard**  
**Corporate Director Communities**

**Contact Officer**  
**Mr Richard Matthams**  
**Team Leader - Development Planning**  
**Telephone Number: 01656 643162 e-mail: richard.matthams@bridgend.gov.uk**

#### **Background documents**

**Appendix A** – BCBC LPA response to the consultation

**Appendix B** – BCBC Building Conservation and Design response to the consultation

# Appendix A – BCBC LPA response

## Comments on PPW 10

**Q1**

Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why.

The form and structure of the existing PPW works well and is accessible to practitioners and stakeholders in that it sets out individual policy areas with clear links to how policy areas should be considered in relation to development plans and development management, with key considerations clearly signposted. This existing PPW format and structure is transparent and, importantly, user friendly. The same cannot be said of the draft revised PPW. It is not clear as to which 'theme' a policy area comes under, there seems to be much repetition throughout, as well as inconsistencies, and there are no clear links to how policy areas should be considered in relation to development plans and development management. The tables at the end of each chapter in the existing PPW provide useful signposts to key policy issues in the document – it is requested that a similar approach could be adopted in the revised PPW.

Whilst it is accepted that there is a need for PPW to take account of the provisions of the Well Being & Future Generations Act 2015, it does not necessarily follow that this requires an alteration of the document's structure. In doing so, PPW has attempted to simplify a very complex and interrelated system of land uses that has consequently made the document less policy focussed and less user-friendly for the practitioners intended to use it, and for its main purpose in setting out the context and policies for land use planning in Wales. Consequently, if the structure of the draft PPW10 is retained, it will lose its functionality and will result in a document that is far less user-friendly than its predecessors.

Paragraph 2.17 states "The relationship between development proposals, planning policy topics and the well-being goals is complex". Whilst acknowledging the complexities, PPW then attempts to define themes without rationale and in the absence of any explanation of how the complexities of the relationships have led to the identification of the themes and component topics. In respect of the relationships between development proposals, planning policy topics and the Well-being goals, no explanation is given as to how they interrelate, how they contribute towards Well-being, or how the groupings should be considered at a strategic level.

The groupings themselves have ignored very significant and obvious linkages, most notably housing and employment uses which are the cornerstone uses in placemaking, a theme which excludes these major players in settlement form and function. Similarly retail and commercial centres are major employment centres, but are put into Active and social places, and are divorced from other employment uses. It is essential that employment is dealt with holistically, rather than different aspects contributing towards different themes.

The Themes, and their component topics, are arbitrarily derived, are unjustified and attempt to simplify a very complex and interrelated system of landuses that need to be considered on a holistic basis. Breaking complex strategic landuses into the identified themes creates unnecessary barriers and restrictions on the landuses, particularly in how they contribute towards the overall aim of the Well-being goals.

The interrelationship between different topic areas is well understood by planning professionals, who are more than capable of addressing topic-specific matters whilst considering them in the round in a more general context. Paragraph 2.22 states that 'PPW should be read as a whole' and that "aspects of placemaking and their application to a particular development proposal will occur in several parts of the document". Providing national policy on a topic-by-topic basis is the most clear and logical way of ensuring that the Welsh Government's agenda as it relates to the planning system is taken into account in practical terms and is not easily navigable in this revised format.

It is recognised in the text that many topic areas have linkages with two or more Well-being goals. However, in terms of the structure of the document, each policy topic has been categorised under one thematic heading. In attempting to categorise complex topic areas under arbitrarily derived themes, there is significant overlap between themes resulting in a lot of repetition and unnecessary complication which results in confusion.

## Q2

Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why.

The opening paragraphs of the Introduction chapter of PPW (paras.1.1 to 1.2 refers) make reference to the Development Plans Manual and Development Management Manual and state these should be read in conjunction with PPW. This is further demonstrated by the interlocking diagram shown on page 7 of the Introduction chapter. It is considered that there is a lack of detailed policy guidance in comparison to the previous PPW (9th Edition) and it is assumed that the important sections omitted from this new edition of PPW will be contained in the relevant manuals e.g. specific reference to how policy guidance should be interpreted into the development management process on a variety of issues or how PPW will influence the planning process in terms of LDPs. In the absence of the relevant manuals it is difficult to comment on the adequacy of this section of PPW. The mentions of SDPs, LDPs and Place Plans are very cursory and do not offer much explanation (unlike the existing PPW). There is also concern that if such details are not contained within PPW but instead the LDP manual, would they carry as much weight in the Manual, which is much more a good practice guide rather than actual policy.

It is essential that the Development Plans Manual is published as soon as possible to ensure that the current round of plan revisions and emerging SDP(s) are properly informed with regard to procedure (which is distinctly lacking from the draft revised PPW).

The introduction gives a simple run down of the planning system and how it works in relation to all the new legislation which influences it. As the Welsh planning system has seen many changes in recent years, with the adoption of different Acts which can all relate to the planning system, it is welcomed that these documents have been summarised in one place. However, the end user for PPW needs to be considered as the tone of the document can be overly descriptive in nature which results in the role of legislation being oversimplified in places. This approach works well to help the public understand the planning system and the role PPW plays in directing development in Wales and promoting sustainability. On the other hand in relation to those reading the document in a professional capacity the substance of what is being stated is lost in some cases and how the policy guidance should be interpreted becomes confusing and contradictory as the document tries to describe how the planning system works.

Paragraph 1.1 should state that PPW should be taken into account in making decisions on planning applications in addition to the statement that it should be taken into account in the preparation of all tiers of development plan. In addition for completeness paragraph 1.1 and 1.4 of the introduction should also make reference to Mineral Technical Guidance Notes (MTANs) as they provide a context for land use planning relating to aggregates and coal in Wales.

Paragraph 1.3 of the introduction references the need for Local Authorities to have regard to the well-being plans prepared for their area. This is supported as they will be more tailored to the plan area. However it is unclear from PPW where the well-being plans sit in relation to the planning system and what weight the local authority gives to each piece of legislation. It is also prudent to note that the well-being plans have been in preparation by the joint boards for a number of years in the absence of this revised PPW document.

Paragraph 1.10: the Law Commission is suggesting that the Welsh government should retain an up to date list of 'duties' relevant to planning and use PPW and TANs to explain how they are relevant. It would be useful to refer to the list of duties here.

Paragraph 1.16 makes reference to keeping plans regularly under review; this is understood as they provide certainty, however the process of doing so is very resource intensive and often a lengthy process particularly in relation to the limitations around the short form process of review. More guidance is needed in relation to this if the process of keeping plans up to date is to be efficient and effective.

Paragraph 1.18 -1.21 discusses the Sustainable Management of Natural Resources as introduced by the Environment Act. The premise of these is understood however it is difficult to see within the document how all of these different requirements work together. In particular, the Area Statement process has yet to be completed, so it is hard to comment on its relationship with the planning process. Hopefully it will be a co-production between NRW and the LAs (in the spirit of WFG Act) which will ensure it is relevant to planning and translates the SMNR locally. The Biodiversity Duty could be referenced here.

Paragraph 1.27 makes reference to the purpose of development plans being to provide certainty to the public and development industry, this is supported and is a very important part that the plan led system plays. However this certainty is put at risk due to the JHLA method of calculation as this can see a Local Authority having a less than 5 year land supply very soon after adopting a new plan. This may lead to pressure on Local Authorities for 'non-planned' (non-allocated) applications. This does not then provide certainty for anyone and is not helpful nor the point of the planning system.

In fact the interaction of the JHLA and viability assessment completely undermines the stated purpose of planning (development and use of land in the public interest, prioritising long term collective benefit as per para 1.7) by setting up short term (5year) housing land availability and current economic viability (for the developer) above all other considerations. The sustainable development principles and ways of working, and the Wales well-being goals cannot be achieved, particularly in areas of low land value and periods of economic austerity. The re-ordering of PPW around the WFG Act demonstrates this very clearly. Housing land supply and viability are very important planning considerations but they should not undermine the overall purpose of the planning system and the WFG Act.

Paragraph 1.32. The reference in this paragraph to LDPs having to be prepared quickly is questioned. Wording such as "quick" and "simple" concerning the production of LDPs is not considered a suitable choice in a national policy document. The process is presently so onerous in relation to the degree of evidence and work necessary to get a plan through to examination stage; it is felt that this is almost a contradiction in terms. The lexis employed highlights that there may be a lack of understanding or appreciation for the time it takes to undertake each element of the LDP process. Whilst it is understood that LDPs are intended to be much simpler documents with the new NDF and SDP structure there is still a statutory process to go through to prepare them. Indeed, this PPW gives further levels of detailed considerations. The length of time taken to write these will depend on the nature and content of the SDP and how much local circumstances of the local authority area deviate from the generalised policies in the SDP. If there is a lot of locally specific content required in the LDP then this process maybe longer for some Local Authorities. For those LPAs embarking upon LDP revisions in advance of the higher tier plans, the LDP process will remain as complex and time consuming. It is also important to remember that resources are also a very large concern for some LPAs tasked with writing these plans, as they have a lot less resources than in previous plan cycles.

It is also concerning that Paragraph 1.32 is promoting joint LDPs when there is no current agreement that these are an appropriate way forward. This approach also contradicts the reference in this paragraph to the requirement for LDPs to be 'locally focussed' – it is unclear how a joint LDP on the large footprints recently proposed by the Cabinet Secretary can be locally focussed. It is recognised that local housing markets and travel to work patterns etc. cross LPA boundaries but these matters can be dealt with on a collaborative basis in advance of SDPs. Paragraph 1.32 states that 'LDPs are site allocation documents, with locally specific policies only where evidence supports a different approach to national or SDP policy'. This

assumes that the whole of Wales is covered by an adopted SDP. It does not allow for scenarios where parts of Wales might not choose to produce an SDP, and does not assist in the current scenario in SE Wales where a number of LPAs are embarking on revised LDPs, as requested by the Cabinet Secretary, and will be at an advanced stage in advance of the SDP being placed on deposit. In these scenarios, the LDP must be more than a site allocations document. Even with an SDP, this statement predetermines the scope and content of the SDPs: it is unhelpfully specific.

Paragraph 1.35 is welcomed as it emphasises how important it is for all stakeholder to work together to deliver good outcomes in the planning system.

There is limited reference to SPGs in the revised PPW, in contrast to section 2.3 of the existing PPW, with the latter being very useful. Also, while it is appreciated that Place Plans are non-statutory, Draft PPW10 does little to make it clear that Place Plans are a formal part of the Welsh planning system. The issue of Place Plans also requires a degree of clarification in terms of how they will operate in practice. Whilst a closer working relationship with local communities is welcomed; there could potentially be a resource issue, particularly if communities embark upon Place Plans at the same time, alongside the LPA working on both the SDP and LDPs. Despite Place Plans being the “community’s” plan; if they are to become SPG it is likely to require a significant degree of officer time and investment to make this happen and take it through a comprehensive consultation process. Following recent Place Plan events communities have been led to believe these documents can be ‘whatever they want them to be’ when in truth they need to conform to policies in the LDP.

It is also noted that the draft revised PPW sets out a wide ranging number of policies to be included within development plans – this seems somewhat contrary to LDPs being ‘site allocation documents’ and advocates the repetition of national policy within LDPs.

It is concerning that the document states that LDPs cannot be adopted unless they are in general conformity with the NDF and SDP. Given the timescales for preparing the NDF and SDPs, the current round of LDP revisions will be prepared in advance of the NDF and SDPs. This section needs to be reworded or the revised LDPs being prepared now in alignment with WG’s desire will be deemed unsound at examination for failing to comply with this part of national guidance.

This section should be amended to clarify the position before and after SDPs, and also for those areas who might not proceed with an SDP. This is likely to be of particular significance to National Parks.

The Welsh Government has a legal duty to promote sustainable development in its undertakings and, indeed, sustainable development is a well-understood pillar of the contemporary planning system. In this regard, the overview could be considered to be superfluous and unnecessarily. Statements such as “the planning system should be...simple in operation” are not necessarily supported. The successful implementation of the planning system can, and does, often rely on a complex weighing of different, often competing, factors and interests, and a decision-making process that must be as fully conversant with these complexities as possible in order to arrive at an appropriate conclusion.

The intention for LDPs to be simple, short and locally focussed is difficult to comprehend given the emphasis on regional working, the added complexity being introduced by this document and the need to cover so many areas.

**Q3**

Do you agree with the Planning Principles? If not, please explain why

The Planning Principles set out worthy aspirations and tenets of good planning that practitioners try to implement in practice. They are the kinds of issues that are considered during daily decision making and any sort of plan making process. However there is concern that a fundamental strand of well-being has been omitted from the Key Planning Principles with no reference made to economic development, growth or prosperity.

It is not always easy to see how the Planning Principles relate to the five ways of working. Supporting text appears contrived to fit into the ways of working and does not always seem appropriate. Given that the 5 Principles are meant to address how the 5 ways of working relate to the planning system, it would make more sense to define principles along the lines of the 5 ways of working, rather than create new categories and then explain how they apply. The first principle “To facilitate the right development in the right place” delivers the remaining 4 principles, as the right development in the right place would:

- Make the best use of resources
- Facilitate accessible and healthy environments
- Create and sustain communities
- Maximise environmental protection and limit environmental impact

It is questionable whether the Planning Principles add anything to the process, particularly when there are 22 ‘Placemaking Outcomes’ that say the same things in much more detail. It is difficult to see how local development plans are to have regard to these principles or indeed how Development Management should use them. It appears that each planning application would need to be considered against these principles and all LDP policies cross referenced to them. This adds unnecessary complexity.

In addition to this the key planning principles fail to recognise the key role evidence gathering plays in the planning process in both development plan preparation and making decisions on planning applications. The role evidence gathering plays in determining social, environmental, cultural and economic needs and ensuring development takes place in the right place should be referenced in this section.

In order to address this an additional principle could be included “Evidence based and responsive to change”. This would have the added value of building into the planning principles the need to evaluate the impact of new development so decision making can be improved over time and respond to technological and legislative changes.

The fifth principle states that ‘applying the precautionary principle to ensure cost effective measures to prevent possibly serious environmental damage are not postponed just because of scientific uncertainty about how serious the risk is.’ It is not clear how this uncertainty would apply in terms of a Habitat Regulations Assessment, clarification is required in respect of this matter as would the prevention measures be enough to satisfy an Appropriate Assessment?

#### Q4

Do you agree with the definition of what is a ‘Sustainable Place’? If not, please explain why.

The document is not particularly clear what the definition of a sustainable place is. The definition for the purpose of PPW should be clear, concise and more relevant to land-use planning.

The text box with coloured text under para 2.9 is a statement of aim for the planning system and development proposals, It requires the planning system to create sustainable places with a very long list of what characteristics make up a ‘sustainable place’ and is not very user-friendly as a definition.

The diagram immediately under the text box addressed above is also not a definition of a

sustainable place. The diagram sets out a series of altruistic objectives that a sustainable place should deliver, but these are not fundamental characteristics that sustainable places can be defined upon. The diagram includes contradictory objectives and does not explain how these are to be addressed.

## Q5

Do you agree with high-level planning outcomes highlighted by People and Places: The National Placemaking Outcomes? If not, please explain why

These high-level planning outcomes set high expectations for development plans and proposals to meet. It is not clear if this is a checklist to be used for sites to be included in development plans. If this is the case, it removes the ability to reflect local priorities and objectives.

It is not very clear what weight should be given to these outcomes in development management decisions. Are they 'must haves' or 'nice to haves'? The statement "development proposals must seek to deliver developments that address the National Sustainable Placemaking Outcomes" would suggest the former but it is not always possible for new development to meet all of these goals.

### **National Placemaking Outcomes**

The National Placemaking Outcomes have been developed to ensure that development decisions "take a holistic view and consider well being goals at the earliest stage of the development process." In principle we would not disagree with the placemaking outcomes as generally they appear to collectively comprise those tenets of good planning that are borne in mind by practitioners at a strategic level in any event and are already incorporated in national planning guidance in PPW 9. However, critically it should be noted that not all development will be able to meet all of the placemaking outcomes and this should be acknowledged in PPW10.

### **National Placemaking Outcomes -**

**Is strategically planned to focus development in existing settlements and to maximise use of existing infrastructure and considers how the provision of infrastructure can be coordinated**

This placemaking outcome should either be amended or removed as in its current form it would not allow for strategically planned new settlements and / or could preclude against the release of greenfield land for future development.

**National Placemaking Outcomes – Responds to our special areas, countryside and high quality agricultural land which should be protected from inappropriate development whilst also encouraging appropriate development which sustains rural communities**

This placemaking outcome needs to be amended to reflect that not all countryside can be protected from development and that development in some parts of the countryside is inevitable e.g edge of urban settlements, new settlements etc.

The National Placemaking outcomes should also make specific reference to the following issues:

- Need to meet the evidenced need for affordable housing.
- Need to ensure that the necessary infrastructure is secured to support development.
- Need to provide minerals to meet society's needs and protect important mineral resources for future generations.

It is also considered the links between health and the national Placemaking outcomes have been under represented in the analysis on pages 20 to 22 and the 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup> and 17<sup>th</sup> outcomes should acknowledge the links with Health.

Whilst we would agree that all are worthy aspirations, it is difficult to see how the high level planning outcomes can be used in practical terms and how they fit into the planning process. Most development plans would have objectives that cover similar ambitions. The scope of the outcomes needs to be explained, including whether these constitute policy and whether in practical terms all developments have to satisfy every outcome. If this is the case some of the

terms are ambiguous at best such a 'convenient access' and are subject to interpretation. If development is expected to address all of these outcomes then it is likely that viability will be affected.

## Q6

Do you agree with the search sequence outlined for the formulation of development plan strategies? If not, please explain why

Whilst the preference for the use of brownfield land is desirable, this can place pressure on existing 'employment' land, community facilities or other commercial uses, for housing development and the outcome will not necessarily mean overall 'sustainable places' are delivered. Brownfield land will not always be in the best place for new development and its re-use could be counter-productive if it is in remote locations not accessible other than by private car. Candidate sites have to undergo detailed assessments and the brownfield/greenfield edge of settlement consideration is only one part of this process.

The search sequence should also highlight other key considerations such as national policy in respect of flooding by clearly stating that sites falling substantially within C1 and C2 flood zones must not be allocated for development within LDPs. This is consistent with the position of Welsh Government Planning Policy Division at recent LDP examinations and appeals.

It is welcomed that the draft PPW has made clear its stance regarding highly vulnerable development within C2 zones under paragraph 5.176. Previously, policy allowed for development in these areas if it could be evidenced that the potential flood risk could be mitigated. However, in reality the response from Welsh Government and the Planning Inspectorate did not reflect the flexibility of national policy as vulnerable development was not being permitted in C2 flood zones. Paragraph 5.176 clearly sets out the approach which should be undertaken by Local Authorities stating that all highly vulnerable development located within C2 flood zones is inappropriate and acknowledges that even with mitigation the risk of flooding remains in these areas. It is therefore considered that it should be included within the search sequence detailed within the Strategic Placemaking section under paragraph 2.54.

### *Paragraph 2.54 & 3.33 Search Sequence outlined for the formulation of development plan strategies*

The search sequence for the allocation of land is referenced in both Paras 2.54 and 3.33. However, the wording in these two paragraphs differs, which may cause confusion. In paragraph 2.54 it appears that the search sequence should start with brownfield or underutilised sites within or on the edge of settlements, followed by greenfield sites within or on the edge of settlements (provided they are not sensitive), followed by other greenfield sites, starting with the least versatile agricultural land. Para 3.33, however, reflects the wording in previous editions of PPW, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions and then new development around settlements. This paragraph makes no reference to how sensitive areas should be considered.

It is stated that the search sequence should be carried out on a housing market area basis across local authorities. In the context of South East Wales, this approach may be appropriate for the allocation of strategic sites as part of a Strategic Development Plan, as this will allow consideration of sites on a regional basis. However, it is anticipated that non-strategic housing allocations will be made through Local Development Plans. Whilst some LDPs may be prepared jointly, it may not be the case that all housing markets will be covered and this is probably best addressed through the SDP. In Caerphilly County Borough, for example, there is some overlap in housing markets between most neighbouring authorities (Cardiff, Newport, Blaenau Gwent, Torfaen, RCT, Merthyr), which would mean this objective would be difficult to achieve as the LPA cannot allocate land to meet its housing requirements in an area within the region outside of its control. PPW should be sufficiently flexible in this regard and allow the search sequence to be considered at the most appropriate geographical areas.

As a point of clarification in relation to Paragraph 3.33, it is important to note that when the LPA is preparing a development plan it is not only looking for land for housing. There are many other



land uses that require sites to be identified. Previously developed land is potentially suitable for all manner of uses and not solely for housing.

Further (in connection with para. 3.33) there is general agreement that where housing market areas cover more than one authority the aim should indeed be to make the best possible use of previously developed land. However, it would be useful to understand how this would work in practice (in the absence of joint LDPs) in terms of individual LDPs housing supply figures and allocations.

Would one LPA be able to rely on an adjacent LPA's brownfield housing allocation to be part of their own housing land supply? And so reduce the need to allocate additional greenfield sites in their own area to cater for their own housing land requirement? (any nearby greenfield allocations could undermine the preferable brownfield allocations in the same housing market area).

In the absence of any status for such a cross-boundary housing sharing, would the existence of the brownfield housing site just represent a material issue in the consideration of a settlement strategy and present one of the LPAs with the evidence to resist greenfield allocations on the basis of the nearby more sustainable development?

**Q7**

Do you agree with our revised policy approach for the promotion of new settlements and urban extensions. If not, please explain why

Disagree.

It is recommended that the title of the section is renamed to "New Settlements and Major Urban Extensions" as it also relates to major urban extensions.

There appears to be no evidence or rationale for PPW to specify that proposals for urban extensions in excess of 1000 dwellings must be identified in the NDF, SDPs or Joint LDPs rather than single LDPs.

The current suite of adopted LDPs within South East Wales allocates urban extensions and new housing developments in excess of 1,000 dwellings. These have been successfully dealt with in LDPs, many have been local issues that needn't have been considered at a regional or sub-regional level. PPW is not the correct place to specify what site size thresholds are appropriate for each tier of Development Plan. This decision should be evidence based and dealt with as appropriate. There is no apparent reason to preclude new settlements from individual LDPs. PPW should be flexible to allow this at a single LDP level, otherwise it may unduly restrict the ability of LAs to allocate the most appropriate sites within an LDP.

If revised LDPs are required to achieve a housing supply to last up to 15 years then LPAs should have the ability to explore all options now without the delay that would result from waiting for the NDF or any SDP. It is appreciated that large scale housing developments of 1,000 or more dwellings could potentially in some instances have impacts beyond local authority boundaries, but many will not. However it does not follow that allocation in an individual LDP is inappropriate. The wording as proposed would prevent LPAs such as Newport and Bridgend from re-allocating large sites to carry them forward into revised LDPs. This is presumably an unintended consequence. Moreover, it once again assumes that Wales has 100% SDP coverage, which may not be the case.

It is not clear why the threshold has been set at 1,000 or more dwellings. The evidence to justify this has not been made clear to determine the appropriateness of setting this figure across Wales. It is likely that settlements or urban extensions of this size would incorporate a mix of uses, including employment land and this should also be taken into consideration when setting thresholds.

What should be encouraged and supported is greater joint working by local authorities in identifying cross boundary infrastructure requirements to deliver large developments where these adjoin LPA boundaries and this is likely to be done through the preparation of Strategic

## Development Plans.

Where new settlements have a regional significance, there is general consensus that the SDP or NDF is an appropriate level to plan for this. The fact that PPW10 no longer includes the statement that "new settlements on greenfield sites are unlikely to be appropriate in Wales" is welcomed. The policy shift to allow new settlements is welcomed, as the availability of land and constraints in South East Wales in particular, mean that the potential for new settlements in sustainable locations in the region needs to be explored as an option for meeting growth. This section could however do with more explanation and detailed policy considerations regarding this issue. Key considerations should be outlined in the consideration of why a new settlement could be preferable to the further expansion of existing settlements, for example, where existing settlements are constrained by factors such as environmental designations, physical constraints, infrastructure pressures, where significant further growth would exacerbate existing problems or simply is not feasible.

PPW should provide clarification on what makes a new settlement a sustainable place, what considerations development plans should make about strategies including new settlements and how they should be promoted through the development plan process.

Paragraph 2.62 recognises that that new settlements could have advantages over further expansion of existing settlements. However it is not clear how any proposals for new settlements would fit in the search sequence proposed in Paras 2.54 and 3.33, and, as it stands, the search sequence outlined in Paragraph 2.54 would not allow for new settlements.

Paragraph 3.10 states that "to foster cohesive communities development will need to be located within the existing settlement pattern", this paragraph needs to be amended as it would not allow for new settlements.

## Q8

Do you agree with our revised policy approach to the preference for the re- use of previously developed land? If not, please explain why.

### Disagree

Whilst the approach to consider brownfield sites before greenfield sites is a continuation of existing planning practice and is supported, the revised PPW introduces a presumption that previously developed land in settlements "should generally be considered suitable for development because their re-use will promote sustainability principles.", which almost gives brownfield land a presumption in favour of allocation/development. If the intention is to indiscriminately prioritise brownfield land over greenfield then there should be an awareness that this brings considerable risk.

Quite often previously developed land is difficult and expensive to remediate and issues regarding viability and delivery can arise, this is particularly the case in less buoyant market areas. In addition to this, regenerated brownfield sites, particularly those associated with former mining activities, are often the location of some of the best and most important areas of ecological value, whose destruction through development would definitely not be in accordance with sustainability principles. Indeed in some cases development on greenfield sites with little or no ecological value (such as improved farmland) would have much less adverse impact than development on a species and habitat rich brownfield site.

The issue of ecological importance used above is only one example of the issues that can make brownfield development less sustainable than greenfield development. However there is no provision within the section for considering the relative merits of brownfield and greenfield sites to identify the most sustainable options and sites, but rather slavishly sticks to a sequential approach based upon a supposition that brownfield development will be more sustainable.

Paragraph 2.63 should also be caveated to ensure that where brownfield sites have been identified for a specific use or 'appropriate development' for example a brownfield site identified

for employment use within a development plan, that alternative uses are not permitted. There needs to be an appreciation that employment sites can take longer to come forward depending on market forces, however where development pressure for housing is significant such sites should not be lost to housing development. As currently worded paragraph 2.63 could be interpreted as 'anything goes' on brownfield land.

**Q9**

Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why

Paragraph 2.69, 2.76 & 2.77 Green Belts

Whilst the clarification on the difference between green belt and green wedges is welcomed, PPW contends that due to their "significance beyond a single local authority" green belts should only be proposed as part of either a joint LDP or the SDP. We would disagree with this approach, in the absence of any rationale and would maintain that there is no valid planning reason as to why a green belt cannot be identified in an individual LDP, providing cross boundary issues are identified and given due consideration.

Paragraphs 2.76 and 2.77 refer to the drafting of exception policies when considering applications for planning permission in Green Belts and Green Wedges, "Policies should be devised to outline the circumstances when development would be permitted in these areas." We would disagree with this approach as exception policies should not be written to cover every eventuality.

**Q10**

Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?

Disagree

Providing national policy on a topic-by-topic basis is the most clear and logical way of ensuring that the Welsh Government's agenda as it relates to the planning system is taken into account in practical terms.

The groupings themselves have ignored very significant and obvious linkages, most notably housing and employment uses which are the cornerstone uses in placemaking, a theme which excludes these major players in settlement form and function. Similarly retail and commercial centres are major employment centres, but are put into Active and social places, and are divorced from other employment uses. It is essential that employment is dealt with holistically, rather than different aspects contributing towards different themes.

Retail and Commercial Centres are increasingly becoming 'hubs' for investment with funding forthcoming from City Deal and the Metro as well as being identified as locations for investment by Valleys Taskforce. With the increasing prominence of Town centres as service centres, economic development hubs and major employers, it could be considered more appropriate for this topic to be included under Productive and Enterprising Places. Whilst it is appreciated that a number of topics are cross cutting and could be placed under a number of themes, this necessitates the question, whether 'themes' are really needed as they serve no useful purpose.

It is not clear from the Chapter heading what 'Active and Social Places' refers to. It all seems rather muddled, trying to incorporate key fundamental aspects of planning policy (including housing, retail, transport) into one 'theme'. As such it is not user friendly. It is obviously recognised that these policy areas are inter-linked (in developing LDP policies and in DM decisions), however, the existing PPW more appropriately deals with these important policy areas on an individual basis which makes it more transparent for the user. Given that PPW has been re-written to specifically focus on place-making, there is little emphasis on design/quality of place which is concerning.

Paragraphs 3.10 and 3.11 note the need to locate development within existing settlements to benefit from existing facilities and services. Whilst we would not disagree with this principle, PPW needs to acknowledge that in order to achieve the housing requirements set for some authorities; development may need to be located within new settlements. The principle of co-locating people, services and jobs and reducing the need to travel set out in the Cohesive Communities and Globally Responsible Wales could still apply, but this might not always be achievable within existing settlements.

Whilst ensuring new and existing developments have access to community facilities is supported, in practice it is not always within the control of the LA to do this. Health care for example can be allocated on sites but ultimately it is for the NHS to finance, which unfortunately can be difficult due to lack of funding. Community facilities are often private sector led and therefore whilst land can be allocated to accommodate them and should be, it does not always mean these facilities will be delivered. When allocating new development next to existing commercial centres or community facilities objections are often raised due to the increased pressure put onto these facilities.

**Q11**

Do you agree that it is important for viability to be assessed at the outset of the plan preparation process and for this to be supported by an enhanced role for housing trajectories? If not, please explain why.

There was no general consensus and a difference of opinion amongst LPAs on the assessment of viability at the outset of the plan preparation process. This was largely due to the viability issues experienced by each LPA.

Within LPAs that contain lower viability areas, for example mid / upper valleys there was a strong disagreement to this approach. In order to fully understand whether a site is viable and deliverable, it will be necessary to undertake detailed site investigations to identify any constraints and abnormal costs. In areas where land values are low and viability is marginal, such as in the Mid and Upper Valleys, many landowners are risk adverse and are unwilling or unable to invest in undertaking the detailed site investigations to inform viability early in the plan preparation process, without the certainty of an allocation in a plan. These landowners may have sites that are viable, deliverable and meet the placemaking objectives, but would be unable to demonstrate this. On this basis, the approach in PPW would indicate that such sites should not be included.

Landowners/developers in areas where land values are higher are likely to be more willing to invest the money required to demonstrate that a site is viable, as the return for the risk is likely to be greater. This could potentially lead to sites being allocated in higher value areas where developers would like to develop, but where the benefits to delivering sustainable communities would be less. This undermines the role of Planning as an intervention in the market. The viability of a scheme will change over the lifetime of the LDP in line with changes in economic circumstances. Sites on the margins of viability at the start of a plan period may become realistic propositions if there is a major increase in house prices for example.

Para 3.22 states that "planning authorities must consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the housing requirement." Whilst LAs can identify which sites may need intervention in the form of strategies or funding, there will be no guarantee that funding will be available within the plan period. It will therefore be difficult to demonstrate that sites are realistic and deliverable and can contribute towards meeting the housing requirement.

In higher viability areas, LPAs were generally supportive of assessing viability at the outset. However concern was expressed that requesting detailed viability assessments at the outset of the candidate sites process would deter some site owners/agents (particularly small sites/SMEs/small-scale developers) promoting their sites given the substantial upfront costs/work associated with such assessments and the fact that there is no guarantee that a site will be included as an allocation in a plan. It was also noted that there would be limitations to

this approach as plan preparation is a lengthy process (almost 4 years) and it will be necessary to undertake regular reviews of viability to take into account changes in market factors and legislative requirements. It will also be important for viability reports and trajectories submitted by developers to be subject to independent scrutiny particularly at the examination stage in order to ensure realistic assessments are submitted in order to avoid problems with the implementation of the plan following adoption.

Housing Trajectories: It was generally considered that housing trajectories provide a useful tool in illustrating the delivery of housing over the lifetime of a development plan and the presence of a 5 year land supply on adoption of an LDP, However it is unclear what level of evidence /detail is needed to adequately inform a trajectory to ensure that it is realistic. It would be useful if the new LDP Manual includes further guidance on the information that should inform an authorities housing trajectory, including evidence on delivery from the development industry. It should however be recognised that it will be difficult to be very accurate in a housing trajectory for the longer term or latter part of the plan period (i.e. over 5 years) because there will be less certainty about when sites without planning permission can / will come forward. There should also be more consideration by WG in PPW of 'phasing' allocations to allow a more realistic housing trajectory to be undertaken for the whole plan period.

### Q12

Do you agree that it is important for a flexibility allowance to be included as a policy requirement in order to facilitate the delivery of planned housing requirements? If not, please explain why.

It is agreed that development plans should include a flexibility allowance to cover any sites that do not come forward as planned. This is the approach that has been taken by local authorities in the preparation of LDPs, so the inclusion of this policy requirement simply reflects what is being done in practice.

It is advocated that PPW does not identify an appropriate percentage for a flexibility allowance, as this is a matter that will be dependent on local evidence

### Q13

Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.

This approach is supported, as it will increase the diversity of the housing stock and will allow a range of sites to come forward to meet different needs and should lead to an overall increase in housing provision.

It is important that opportunities are provided for small-scale house builders/SMEs to contribute to housing delivery and not to focus solely on the large volume builders. This approach should act to increase capacity and delivery. Although to make the process manageable there would be a need to have a realistic cut-off site size threshold (for example <10, depending on the circumstances in the LPA area) below which candidate sites will not be considered for allocation as part of the LDP process. Proposals for small scale residential development within existing development boundaries can also be considered against criteria based policies.

Unfortunately the admirable objectives of the viability requirements and level of work, detail and commercial risk required to promote sites will mean SMEs might be excluded from the process. This is a difficult balance to strike.

### Q14

To ensure that small sites are allocated, should there be a requirement for a specific percentage (e.g. 20%) of sites to be

small sites? If not, please explain why.

It is considered inappropriate to impose arbitrary targets on LPAs without having a clear understanding of the characteristics and mechanisms of local housing markets present within each local planning authority. It would be more appropriate for PPW to encourage LPAs to consider whether there is a need to allocate small sites within their development plans. The definition of small sites will be different by LA, with TAN 1 defining small sites as under the threshold of 10, or 5 in rural areas. Most local authorities do not allocate sites below a certain threshold. Instead, it is customary for development plans to include an assumption for the supply likely to be delivered from small sites within land supply calculations.

The requirement to allocate small sites would have significant resource implications for planning departments who would be required to assess the suitability, viability and deliverability of a significant number of sites. Many small sites are infill or small scale redevelopments within settlement limits that would be acceptable in principle for development without an allocation. They will also generally have less of a lead in time than larger sites. Developers/landowners of small sites may be reluctant to spend money promoting small sites through the candidate site process when the principle of development is already established, so it may be difficult for local authorities to demonstrate a sufficient supply, even though sites are available.

A register of small sites or plot shop would be an alternative way of encouraging the delivery of housing on small sites.

**Q15**

Do you agree that the custom and self-build sector can play an important role in housing delivery, in particular when linked to the use of Local Development Orders and design codes? If not, please explain why.

Agree.

LPAs agreed that the custom and self build sector has a role to play particularly where the mass house builders are reluctant to build. The number of units that are likely to be developed by this sector will make a small but important contribution to the housing supply.

It is recognised that self and custom build can offer an alternative housing model especially in areas where the traditional approach to housing delivery has been unsuccessful. It provides for a greater choice for the market and can have many spin off benefits including increasing the local supply chain and supporting SME builders. The Welsh Government should also seek to support this industry by working with the financial sector which is often a major barrier for this type of development as they are seen as too much of a risk. The use of LDOs is an area that could be explored along with the 'plot shop' concept that is often used in other areas of Europe.

**Q16**

Do you agree that negotiating on an 'open book' basis would help to improve trust between the parties and facilitate the delivery of both market and affordable housing? If not, please explain why.

Agree

However, there is a conflict being open and transparent and the desire of housebuilding industry to protect commercially sensitive information. There has to be an appreciation that it would not be appropriate to make commercially sensitive information publicly available.

**Q17**

Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why.

There is no issue with the requirement that LPAs develop a strategic and long-term approach to the provision of community facilities when preparing development plans. However, increased emphasis should be placed on the delivery of such facilities (where they exist and operate beyond the realm of local government e.g. health boards) to assist in this process, in order that it can be done in a comprehensive and effective way. Where the delivery of community facilities is reliant on developer contributions it needs to be recognised that this could be at the expense of other benefits such as affordable housing (competing priorities).

## Q18

Do you agree that giving greater emphasis to the transport hierarchy will improve the location and design of new development? If not, please explain why.

Partially agree, Design – yes, location – no.

In terms of design the transport hierarchy provides a robust sequential approach to how movement is designed into and to and from proposed developments. Developments that follow the hierarchy are often better designed in urban design terms and accords better with TAN12 and Manual For Streets. The only issue in respect of the design of developments is the issue of car parking, which by the hierarchy is the least important issue, but can cause significant issues for an otherwise compliant design.

The transport hierarchy is a key element in delivering more sustainable transport and the increased emphasis active travel and public transport is welcomed. However, existing public transport services travel routes that are already well developed and development/redevelopment opportunities are not often available. As a result the hierarchy cannot influence development location in these circumstances as the opportunities do not arise. In such cases basing site or development decisions on active travel merits, which now take increased importance due to the impracticalities of locating on public transport routes, particularly for large-scale developments may lead to less sustainable locations being chosen. For example a site that is served by a significant park & ride facility within a reasonable distance that provides public transport directly to principle destinations is more sustainable than locating a development on an active travel route that would provide access to a small number of people who need to travel short distances.

The transport hierarchy is, in reality, a user hierarchy, with pedestrians and cyclists given priority, the bus and rail users next in priority and finally those in cars. Whilst this hierarchy is a good tool to be used in considering the design and layout of new development, it is less useful when considering the location of new development sites as it does not consider all trips. A key omission from the hierarchy relates to the reduction in the distance of car borne trips (as opposed to the number of trips). Whilst the ultimate aim should be for all transport to be undertaken on sustainable modes, the first aim should be to reduce both the numbers **AND lengths** of car-based journeys. The hierarchy only really addresses the number of trips, not their distance. This ignores multi-modal travel where more than one mode is used to make a journey, with one of the modes being by car. Such trips convert some of the trip length from car borne to sustainable mode, which can only be a positive effect in terms of reducing reliance on the car. It should be noted that multi-modal trips are a significant issue in residents commuting to work, with park & ride and park & share schemes, reducing traffic levels across the strategic highway network. Multi-modal trips do not reduce the number of trips, but reduce the length of the trip undertaken by car and, as a result, reduce the impact of the car borne element of the trip. Multi-modal trips are fundamental to addressing daily commuting and the consequential congestion that results from it. However, using the user hierarchy, sites need to be located to facilitate walking & Cycling, then public transport and finally the car. As a result multi-modal trips pose two problems, firstly where they sit in the hierarchy and what part of the trip is to be considered in respect of the hierarchy, e.g. a scenario of a short car trip to a P&R facility, then a train trip to Cardiff and finally a cycle trip to the workplace – 3 modes, but is a site considered in this respect?

We would suggest that the “Transport” hierarchy needs to allow the consideration of sites that could benefit from multi-modal travel, which are better than fully car borne trips. Therefore the

hierarchy should be amended to include multi-modal travel (between 'public transport' and 'private motor car').

**Q19**

Do you agree that the policy will enable the plsystem to facilitate active travel and the provisions of the Active Travel (Wales) Act 2013? If not, please explain why.

Generally agree

PPW sets out the role that active travel is to play in the delivery of sustainable transport and its importance for short trips. It also sets out the requirement for development to be located to promote active travel. The requirement to set out minimum cycle standards is welcomed. However, delivery of an active travel network is heavily dependent upon funding and without dedicated funding streams it is difficult to foresee significant improvements in connectivity and accessibility, other than new development linking into existing active travel routes.

Active travel is an important element in reducing car use and an attractive interconnected system of routes can only encourage pedestrian and cycle modes of travel. However, without dedicated funding the network is unlikely to be maximised to deliver the real modal shift that could occur.

One of the key criticisms of the planning system is the apparent lack of consideration given to transport infrastructure when creating places. As the section is named Active and Social Places, it is considered it would make more sense to introduce the topic of transport first, reiterating its importance within the planning system and how it should influence other forms of development. Within this section emphasis could be placed on the importance of sustainable transport options within the development process especially considering the purpose of the Active Travel Act and how it should influence planning decisions in relation to proposals for housing and retail development.

**Q20**

Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.

There was mixed consensus on this issue, of the LPAs that agreed, it was considered that the expectation explicitly contained within the consultation draft of PPW to reflect the principles in Manual for Streets would result in well designed, people orientated streets

Of the LPAs that disagreed it was felt that there is little policy in the document related to the design of streets, which is more importantly included within Manual for Street and Manual for Streets 2, which both provide detailed guidance on the design and layout of street spaces. PPW policy addresses traffic management, including traffic speed, and sets out requirements for active travel facilities, but neither of these specifically address the design of streets or would lead to well-designed streets.

**Q21**

Do you agree with the requirement for non-residential development to have a minimum of 10% of car parking spaces with ULEV charging points? If not, please explain why.

Generally agree.

Welcome the requirement for 10% provision of ULEV spaces. However PPW initially advises that "Planning authorities should require a minimum of 10% of non-residential car parking spaces to have ULEV charging points". Then it goes on to advise that "Planning authorities should apply this flexibly". These are 2 conflicting statements. A requirement is something that must be delivered, so it cannot be applied flexibly. The guidance needs to be clear whether LPAs are requiring 10% or, similar to the provision of affordable housing, seeking 10% but



sometimes amending it to ensure the level, location and type of provision is appropriate to the local circumstances. This needs to be clarified.

Whilst PPW advises a 10% provision for non-residential uses, it does not set out a target or requirement for residential uses. PPW seeks provision in all new developments, including “homes”, but does not set out what level of provision is required. As a result if one unit in a 1000 house development includes such provision it will have met the requirements of the guidance, but would not secure the benefits that this guidance is seeking. More detailed guidance is required on the provision required for residential developments, whether it is full provision or merely the provision of infrastructure into which future users may tap into, particularly in areas with Air quality issues.

The planning system is well placed to enable provision of ULEV facilities in all forms of development.

**Q22**

Do you agree with the issues and interlinkages highlighted in the introduction to the Productive and Enterprising Places chapter? What other issues and linkages could be identified to support this theme?

The Productive and Enterprising Issues and Trends (p.69) identified are agreed with, although the degree to which the planning system can have an impact is limited with regard to some of these. This has not been stated by the document, although it is assumed that this recognition is implied by the document’s emphasis on collaboration and integration, which are key factors in the delivery of the WBFGA.

The same is true with regard to the Productive and Enterprising Linkages (p.70) identified, although the achievement of some of these, notably improving digital connectivity, will not be of economic benefit in the round unless those deeper socio-cultural factors that contribute to such things as low broadband take-up are addressed. In this regard, it is correct that the objectives set out in PPW are tied to those of the WBFGA, as long as those sectors (e.g. education, training) that are more able to contribute to addressing these sectors are also tied in with this agenda. The planning system should not be used to trial the effectiveness of this legislation in isolation from other areas of public policy, and attempting to do so would be futile.

Again, the diagram seems to try and cover everything associated with these policy areas and as such is way too detailed / unreadable. The diagram needs re-focusing on key aspects and again clarification is sought in respect of how this illustration is intended to be used.

**Q23**

Do you agree with the changes to the Telecommunications section? If not, what other changes could be made to clarify the situation? If not, please explain why

Disagree

Planning Policy as it relates to telecommunications is sufficiently set out by TAN 19, therefore we would question the need for the repetition of national guidance within LDPs, as outlined by paragraph 4.26.

The telecommunications section contains contradictory objectives, whereby paragraph 4.27 states that ‘planning authorities should not question the need for telecommunications’ and Paragraph 4.30 states that ‘the number of masts and sites should be consistent with the efficient operation of the network.’

The existing PPW seeks to provide telecommunications infrastructure, ensure efficient use of infrastructure and pays consideration to health and safety considerations - this is nothing new. Paragraph 4.25 is a new insertion suggesting active engagement between planning authorities and mobile operators when preparing development plans in relation to service provision and

coverage. What it does not do is go any further and state what should be done with this information once received, further clarification is required in relation to the implications for areas that have limited or no provision. It should be noted that planning authorities have been engaging with mobile operators in the development plan process for many years in accordance with LDP Regulation 2 and Annex B of the LDP Manual as a Specific Consultation Body.

It is unclear if the suggestion is that new development should be located where telecoms infrastructure is located, or that telecom infrastructure should be facilitated to support new development. The latter is preferred. However, it is not appropriate for LDPs to identify or allocate telecom sites: this is a level of minutia best covered via existing DM practices. Requirements for mast sharing should be strengthened.

In addition to para 4.25, para 4.28 relating to 5G is new. The support for evolution of technology is welcomed, however, the historic environment within urban areas should be specified as a consideration as well as amenity.

Whilst we would not necessarily disagree with the overall policy intent, the level of detail and policy relating to telecommunications is set out in too much detail for PPW and should be incorporated in to a TAN 19 Update.

## Q24

Do you agree with the location of the transport infrastructure section in the Productive and Enterprising Places chapter? If not, please explain why.

Disagree. There appears to be no reason or logic behind splitting transport into two arbitrary elements and locating them under separate headings. Both parts of the transport guidance can be applied to either the Active and Social Places section or the Productive and Enterprising Places section. Whilst the transport guidance can fit under either section, splitting them across themes has the unwanted risk of them being given different focuses. Transport guidance could be viewed as aiming towards increasing activity and improving social connections, whilst transport infrastructure guidance aligned to creating productive and enterprising places. This could result with different interpretations being placed upon the two distinct sections, which would cause confusion.

It would be better for the whole of the transport guidance to be included under one or other of the headings to preclude any unintended misinterpretation

There is concern with regard to paragraph 4.45 where it notes that development plans should set out policies to increase the use of public transport. While the principle of increased public transport is supported how can policies influence the public to utilise such services in practice? This is particularly difficult in rural areas where public transport is limited with infrequent bus services. Development location needs to consider public transport, and planning contributions could pump-prime new services: beyond that the use of public transport is a combination of service reliability/routes and consumer choice. An LDP/SDP policy will not affect either not would it be deliverable/implementable/enforceable.

## Q25

Do you agree with the new requirements for local renewable energy planning as set out in the draft PPW? If not, please explain why.

Disagree

Taking an active and leadership role in setting absolute energy installed capacity based on the resource potential of the area places greater requirements on the local planning authority. Developing area wide renewable energy targets requires an understanding of technical maturity, commercial viability, extent of institutional support, covering the likelihood of securing planning consent, as well as the availability of suitable grid infrastructure, transport infrastructure etc. Renewable energy targets would be better addressed at a regional level than at a local authority level.

**Q26**

Do you agree with the use of the energy hierarchy for planning as contained in the draft PPW? If not, please explain why.

Whilst we would agree with the energy hierarchy and support the transition to a lower carbon economy, we would raise concern over the expectations placed upon the planning system in delivering this agenda.

Greater consideration should be given to alternative mechanisms for delivery including the role of Welsh Building Regulations to drive forward and deliver this agenda.

**Q27**

Do you agree with the approach taken to coal and onshore oil and gas as contained in the draft PPW? If not, please explain why. Please consider each source separately.

Coal: While the main use of coal has historically been for energy generation, it is not the only use and there is no guidance on how applications for coal extraction for steelmaking, industrial use or the smaller markets of heritage use (railways), domestic coal or other uses should be considered.

However, the clarification of the future role of coal for energy generation is welcomed. This resolves an issue where coal was included in the energy mix in Overarching National Policy Statement for Energy EN-1 which appeared to be out of step with the Welsh Government's aim to decarbonise energy supply and phase out coal-fired energy generation by 2025.

It seems prudent however, to continue to safeguard coal resources in the interest of national security of supply, especially since Wales still has abundant resources of coal. Coal is a relatively cheap and accessible indigenous energy source in Wales and it should not be ruled out completely.

The technology to support carbon capture and storage is developing slowly but may have a role to play in clean coal power generation in the future. This potential could be acknowledged in the guidance.

Onshore Oil & Gas: Additional Guidance on unconventional oil and gas is welcomed

It is noted (paragraph 4.159) that there is no absolute moratorium on unconventional oil and gas development, including shale gas development, which has proved controversial in England. While any proposals should be examined robustly while the industry is in its early stages in the UK, it should not be ruled out unless the environmental effects are proved to be unacceptable.

The continued use of offshore oil and gas as set out in the draft National Marine Plan gives a different stance on this matter. Clarification is therefore sought because terrestrial plans could be asked to support associated infrastructure with marine sourced oil and gas developments.

**Q28**

Do you agree with the approach taken to promoting the circular economy and its relationship to traditional waste and minerals planning as contained in the draft PPW? If not, please explain why.

Whilst we support the principle of a circular economy in so far as "it aims to keep materials, products and components in use for as long as possible" it is not clear as to how the planning system can influence matters such as the choice of materials, minimising waste and ensuring that materials can be recycled at the end of its lifetime (recycling buildings in effect).

The legislative requirements contained within this chapter have been ill conceived with no consideration as to how these requirements can be practically applied. Whilst this might be the policy direction of Welsh Government it does not necessarily follow that this can or should be delivered through the planning system. The inclusion of this chapter has the potential to stymie

all development within Wales and should be reconsidered in its entirety.

The benefits of putting in such a system are not practical in reality and it not understood how a LPA could practically resource yet enforce many of the requirements set out in this chapter . Paragraph 4.167 sets out a legislative requirement “must embrace” and outlines “material preferences when considering development proposals.” We strongly object to the inclusion of this paragraph and consider that the implications of its inclusion have not been fully considered or justified. There is no explanation as to how a LPA could enforce the requirements set out in paragraph 4.167 and there is no evidence to suggest that the cost implications of such requirements have been considered or even understood. Similarly, when taken in conjunction with Paragraph 4.143 would it be right to refuse an application on such matters? The inclusion of paragraph 4.167 has the potential to grind all development in Wales to a halt.

Similarly Paragraph 4.170 should also be deleted for the same reasons as it states “opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings should be identified when proposing plan strategies and policies”

Paragraphs 4.175 and 4.176 and the cost implications of their inclusion to “design in locally sourced, alternative or recycled materials” is again not substantiated by any robust evidence for its being, nor is it suggested how in practical terms this can be monitored or policed by LPAs and the resources for them to do so.

**Q29**

Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?

Disagree

PPW has attempted to simplify a very complex and interrelated system of land uses that has consequently made the document less policy focussed and less user-friendly for the practitioners intended to use it, this is apparent within this section where the document has attempted to amalgamate a number of key planning considerations within this chapter.

One of the main concerns in relation to this chapter relates to Development and flood risk, and the De-Risking of development:

#### **Paragraph 5.173 Development and Flood Risk**

Paragraph 5.173 states: “The continued construction of hard engineered flood defences to protect development in areas of floodplain is not sustainable. Government resources for flood and coastal defences are directed at protecting existing developments and are not available to provide defences in anticipation of future development. Measures such as managed retreat, the creation of washlands and flood plain restoration should be considered as alternatives to engineered flood defences.”

We object to the inclusion of this paragraph and the use of the terminology “managed retreat”, whilst we appreciate that certain forms of new development should not be located within flood risk areas and that the problem should not be exacerbated, the implication of “managed retreat” impacts on existing properties and premises. The implications of such approach and the lack of investment in flood defences would result in huge areas of the valley floor and thousands of homes becoming threatened.

#### **Paragraph 5.187 Integrated Approaches to De-Risking**

Paragraph 5.187 states: “As part of combining a de-risking approach with other strategies (such as securing opportunities for green infrastructure and biodiversity) to realise the potential of place and encourage investment, development plans or supporting supplementary guidance should indicate the general location of known areas of dereliction, contamination, flood risk and

unstable ground and other constraints in recognition that addressing surface and sub-surface dereliction and risk at an early stage is a key part of unlocking barriers to growth and ensuring the resilience of places.”

The local planning authority will not have sufficient information to prepare this information to a sufficient level of detail and accuracy that it could be relied on. This should not be included in the development plan but if the information were available could form part of the Constraints mapping.

### Q30

Do you agree with the approach taken to landscape, biodiversity and green infrastructure? If not, please explain why.

The draft PPW acknowledges the importance of green infrastructure and refers to it being of relevance in most chapters of the document. This is strengthened further by the requirement to undertake a Green Infrastructure Assessment (GIA).

Whilst the importance of green infrastructure and undertaking a GIA as the basis for protecting and improving green infrastructure is supported, the scope of the assessment and level of detail raises concerns. There is considerable technical detail in the Biodiversity section, that goes beyond the level of detail that should be included in a broad policy document. It is questionable whether this level of detail is required, particularly as some of it is at a technical level more appropriate to a specialist rather than a general reader. While the importance of Biodiversity is recognised, especially in the light of the requirements of the 2016 Environment (Wales) Act, care must be taken not to give the topic a disproportionate emphasis if other, often competing, planning objectives are to be achieved. The environment is one of the four ‘legs of the sustainability stool’ and should not have a disproportionate weight. This level of detail is perhaps more appropriate for inclusion within a technical advice note.

### Q31

Do you agree with the approach taken to distinctive coastal? If not, please explain why

The relationship between the land sea has seen a recent change in terms of planning for development with the creation of the Welsh National Marine Plan. The overlapping nature of these plans will have an impact on how we plan our coastal areas. Para 5.108 could be strengthened to add in reference to the overlap between plans. Para. 5.118 should include reference to seascapes.

A current concern is how much overlap there is between these plans that are beyond the high and low mean spring tide marks. For example where a wind farm/turbine is located on the coast it could be said to have an impact on seascape and so the marine plan may be relevant in the assessment of this development. We believe it is also the role of PPW to clarify this and the general impacts from the marine plan onto terrestrial planners and plans.

This is particularly important where it comes to the reference of the Shoreline Management Plan. We would like some clarity as to the weight of this document PPW states that SMPs should influence and inform the preparation of development plans, but this has been limited in practice. The marine plan seems to give great weight to SMPs which will have a direct impact on terrestrial planning as the coastal defences/realignments are more than likely going to be in the overlapping areas.

However the reiteration of heritage coast designations within the draft PPW is generally supported.

### Q32

Do you agree with the approach taken to air quality and

soundscape? If not, please explain why.

Whilst we agree in principle to the approach taken, the level of information incorporated within this section is far too detailed for PPW, which is intended to be a broad policy document. The level of detail should be incorporated within a revised TAN to reflect the new emphasis on 'soundscape' and the technical consideration of both noise and air quality.

**Q33**

Do you agree with the approach taken to water services as contained in the draft PPW? If not, please explain why.

The majority of the Water Services section is already covered under existing legislation and mechanisms which are in place outside of the planning system. However, these existing provisions are not referenced under this section for example, Section 41 to 44 of the Water Infrastructure Act 1991. Therefore, it is suggested that the Water Services section is reduced by signposting the relevant provisions instead.

**Q34**

Do you agree with the approach taken to addressing environmental risks and a de-risking approach? If not, please explain why.

Planning authorities are now expected to facilitate awareness of environmental hazards and risks and to identify opportunities for 'creative placemaking'. 'Creative placemaking' needs to be defined or referenced. Firstly it is not clear if this is only required where sites are being brought forward for development or the whole LPA area. Secondly and more importantly there is a risk of sharing information with the public on contamination as this will often lead to worry when the actual risk to health is not an issue. Environmental Health are involved in determining suitable after uses for sites based on information they hold on sites. Undertaking preliminary site or area based risk assessments to ensure awareness of potential risks as an integral part of the planning process is putting a further burden on the development plan process in terms of cost and time. It also raises expectations that something will happen when in reality there is no funding available to address the issues. Whilst it would be possible to pull together much of the information suggested in paragraph 5.186 the idea of sharing this with the public would cause more issues than it would resolve and would slow the development plan process and cause unnecessary controversy.

Edition 10 indicates that LAs are encouraged to take a de-risking approach, although it is not explicit as to what this would involve. In order to assist in bringing forward difficult sites, there may be a significant cost to be borne upfront from LAs to determine the level of risk at a time when resources are stretched and LAs have experienced sustained cuts to their budgets. PPW continues to include the policy statement that LAs may need to purchase land to facilitate development. In addition to the financial, administrative and time burden this would bear, LAs will not wish to take on the liability of contaminated land and the associated costs of remediation.

It is noted that there is no reference to any potential WG funding such as land reclamation grants that could be used to support this.

There are a number of competing priorities for the limited funding that is available at present and it is unknown what funding will be available in the future. Whilst LAs will be able to identify the brownfield sites upon which intervention may be required, there will be no guarantee that they can be funded over the lifetime of the LDP. Given this issue, and the longer lead in time associated with many brownfield sites, this may be at odds with the section on housing delivery.

Given the emphasis on delivery, Para 3.35 states that regeneration sites may be harder to deliver so could be excluded from the housing supply. If key regeneration sites are not included in the land supply on the grounds of delivery, there will be a need for additional housing sites to be allocated instead. Depending on the land availability in an area, it may well be that these are sites that are lower on the search sequence list i.e. greenfield settlement extensions rather than previously developed land. The allocation of greenfield sites would further reduce the likelihood of the regeneration sites coming to fruition.

Paragraph 2.66 raises unrealistic expectations, stating that where previously developed land is not suitable for development it “may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.” The idea that LA’s can clear up these sites and turn them all into green infrastructure is idealistic and raises expectations for the public, in the absence of an identified funding mechanisms and with no funding source forthcoming from Welsh Government, this sentence should be deleted.

**Q35**

Do you agree that other than those policy statements referred to in Questions 1 to 33 above, the remainder accurately reflect the existing policy? If not, please explain why.

### **Signposting & Referencing**

Edition 9 included tables at the end of each chapter setting out locational considerations, topic-based policies and National development management policies. From our understanding Welsh Government intended to make it clearer what policy is. Edition 10 has made a retrograde step and this need must be addressed.

### **The requirement for LDPs to be in conformity with higher tier plans**

Higher tier plans such as the National Development Framework (NDF) and Strategic Development Plan (SDP) are yet to be prepared and published with a high likelihood that the preparation of many replacement LDPs will commence in advance of the higher tier plans. Draft PPW should be amended to read: “Once the NDF and SDPs are prepared, LDPs will be required to be in general conformity with the higher tier plans”

### **Paragraph 2.23 – Policy Requirements and Expectations**

Paragraph 2.23 sets out the definitions for the terms “Must” and “Should”, whereby the former indicates a legislative requirement to take action and the latter reflects Welsh Government expectations. We object to the inclusion of this paragraph on the basis that the terms are used interchangeably throughout this document with no consistency between an actual policy requirement or an expectation. For example Paragraph 2.81 refers to placemaking in rural areas, where the countryside “must” be conserved. As written this would prevent almost any development in the countryside and is not helpful when LPAs need to allocate greenfield land in the preparation of Local Development Plans.

### **Paragraph 2.25 – Assessing the sustainable benefits of development**

Paragraph 2.25 should be reconsidered in its entirety. The paragraph as it is currently written serves as an objector’s charter and serves no useful purpose to practitioners.

### **Test of Retail Need**

Paragraph 3.66 suggests that in order to establish whether retail provision is ‘adequate’ or not an ‘assessment of further expenditure capacity in a catchment area’ should be undertaken. This form of words should be removed as the term “adequate” is subject to interpretation. It is widely accepted that no single catchment area is going to retain 100% comparison and convenience expenditure, therefore it follows that the term could always be open to the interpretation that provision is ‘not adequate’ even if there is only a small percentage of expenditure loss.

### **Economic Evidence and Employment Land Reviews**

Paragraph 4.71 states that employment land reviews should include not only an assessment of anticipated employment change by sector and land use but also that they inform the economic vision (which, as TAN 23 states, should exist as part of the LDP vision and not be separate to it). Targets for land provision for employment uses, showing net change in the office, industrial and warehousing sectors separately should not be included within the employment land review (which is not an instrument of policy), but rather the LDP itself in the form of site allocations and policy. The economic vision cannot stand alone from the LDP vision and, consequently, any targets or policies emanating from the land review will be influenced not only by the findings of this document, but also by the LDP (or SDP) strategy as a whole. Any targets included in the employment land review will therefore not take account of competing influences that may influence the LDP or SDP strategy.

### **Steering Economic Development to the most appropriate locations**

Paragraphs 4.72 – 4.78 refers to SDPs and not the requirements of LDPs, identifying that SDPs are best placed to consider the economic needs for the region.

### **Business Clusters**

Paragraph 4.81 states that “development plan policies should identify potential networks and clusters, and make clear the criteria used to categorise them”.

It is recognised that certain industries require specific infrastructure or location criteria, whether this is proximity to a Motorway, port or runway for example. However, in general terms, a demand led perspective would promote high quality sites and buildings for a range of industries. Clusters of like-minded industries will, naturally emerge and these are to be nurtured as centres of excellence when the opportunity arises. However the identification of criteria in the development plan is inappropriate.

### **Paragraph 4.185 and Paragraph 4.189 Waste Facilities / Infrastructure**

Paragraph 4.185 introduces a new requirement that every LPA independently or in concert with its neighbours “make provision for storage and processing of inert materials arising from construction, demolition and maintenance operations by the identification of preferred locations for recycling facilities in development plans.” Planning for waste management is performed on a regional basis in Wales, with the preparation of Regional Waste Plans and the procurement of major new waste facilities being achieved through regional consortiums. A significant implication of the regional approach to waste management provision is that the requirements of an individual local authority can be met within another local authority’s area, or through a combination of facilities throughout the region.

Similarly Paragraph 4.189 states that “For all wastes, suitable locations for sustainable waste management should be identified in development plans”. As outlined above, waste management is largely procured through regional consortiums and there may not be a land use requirement within an individual LPA area.

## **Q36**

Are there any existing policy statements in PPW Edition 9 which you think have not been included in the draft of PPW Edition 10 and you consider should be retained? If so, please specify.

### **General Comments:**

- The form and structure of the existing PPW works well in that it sets out individual policy areas with clear links to how policy areas should be considered in relation to development plans and development management, with key considerations clearly signposted. This format and structure is transparent and, importantly, user friendly. The same cannot be said of the draft revised PPW. It not clear as to which ‘theme’ a policy area comes under, there seems to be much repetition/rambling throughout, as well as inconsistencies, and there are no clear links to how policy areas should be considered in relation to development plans and development management.
- The tables at the end of each chapter in the existing PPW provide useful signposts to key policy issues in the document –a similar approach should be adopted in the revised PPW.
- Lacks the legislation and procedural context in relation to the planning system. Assume this will be set out in the Development Plans Manual. (This reiterates the need for the Development Plan Manual to be produced within the next few months to ensure LDP revisions are appropriately informed). If such details are not in PPW would they carry as much weight in the Manual, which is much more a good practice guide rather than actual policy?
- Concerned as to how user friendly the revised PPW will be for DM colleagues (who increasingly have to rely of PPW/TANs as LDPs shouldn’t repeat national policy), as well as other users, including members of the public.



- The use of plain language throughout the document, together with a clear, succinct form/structure would vastly improve readability and usability, and would more effectively align with the '5 ways of working' in relation to involvement and collaboration.

# **Appendix B – BCBC Building Conservation and Design Team response**

## **Response on the Historic Environment from the Conservation & Design Team**

### **Structure of PPW - Aligning Planning Policy Topics to the Goals of the WFG Act**

**Q1. Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why**

The purpose of clustering of planning policy topics around the themes identified is unclear and there is a risk that the full impact of the policy topic will not be fully recognised or considered by decision makers and developers / applicants. For example, whilst the 'Historic Environment planning policy topic' has been allocated to the '**Distinctive and Natural Places**' theme, this topic is cross cutting to the extent that it could equally apply to all 4 distinctive themes.

The Historic Environment is a fundamental consideration in "*placemaking*", in particular in relation to the restoration and new use of historic buildings that can 'Create Sustainable Places' and initiate and support 'Good Design'. Equally, the historic environment has a significant influence on '**Active and Social Places**', as these places often include historic buildings and structures in use as dwelling houses, rural and buildings in community use.

'**Productive and Enterprising Places**' can often be centred around historic buildings and designated areas, including historic parks and gardens or historic landscapes that are key tourism destinations and educational resources.

Due to the intrinsic well established links and influences between the historic environment, the themes and other planning topics, the justification and purpose of clustering the topics is unclear and may be detrimental to the process and outcomes. It is suggested that the interlinkages may be better demonstrated diagrammatically.

**Q2. Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why?**

It is unclear where the comprehensive programme of Cadw issued detailed guidance on the Historic Environment fits with this structure and its status. Will the aim now be to revise TAN 24 and guidance referred to above to reflect the provisions of PPW 10<sup>th</sup> Edition? If so what is the timescale for this? Also the perceived strengthening of the Historic Environment Sector over the past 18 months appears now to have been diluted in being referred to "*Distinctive and Natural Places*", somewhat vague and open to interpretation which is in contrast to the publication of detailed guidance in the past 18-24 months?

Is there an expectation that the local communities produce place plans through the LDP review process, in conjunction with LPA's or via the Well Being Action Plan activities?

**Q3. Do you agree with the Planning Principles? If not, please explain why**

Is it realistic to expect a development to follow all planning principles in every development proposal, there are likely to be as always conflicts that need to be balanced?

**Q4. Do you agree with the definition of what is a ‘Sustainable Place’? If not, please explain why?**

Sustainable development is identified as a process and is more easily achieved than a somewhat idealistic “Sustainable Place”. Has a sustainable place been created only if all criteria have been met?

**Q9 .Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why.**

There is a potential detrimental impact on the historic environment in the case where green wedge designations form part of the setting of historic buildings / landscapes / areas.

**Q10. Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?**

Role the historic environment plays in town centres etc. is underplayed.

**Q13 Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.**

Yes but there needs to be more alignment with the National Placemaking Outcomes in relation to the prioritisation the re-use of existing buildings i.e. vacant properties

**Q17. Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why**

Yes as there is a potential benefits for the re-use of historic buildings particularly those at risk.

**Q20. Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.**

Yes with additional guidance there is a potential for positive impact on historic townscapes and conservation areas.

#### **Distinctive and Natural Places Theme**

**Q29 Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?**

Under Landscape, there is no inclusion of ‘Historic Landscapes’ that are contained within the Cadw/ ICOMOS UK Register of Landscapes of Special Historic Interest in

Wales and these should be specifically mentioned here as well as later on in paragraph 5.94 under the Historic Environment section.

Under the heading Trees, Woodlands and Hedgerows there is no specific mention or link with the extra restrictions that are in place in relation to trees within conservation areas as there should be. (Refer to para 6.5.23 in Edition 9).

Within **The Historic Environment** section in paragraph 5.88 there is no mention of conservation areas 'or their settings' in the first introduction as there should be and which was referred to in paragraph 6.5.20 in Edition 9. Settings are inconsistently referred thereafter.

In addition, in paragraph 5.88 reference is made to 'character and appearance' when the primary legislation and paragraph 6.5.20 in Edition 9 refers to the fact that *'there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. Paragraph 5.90 suggests that " damage to an unacceptable level" should not be allowed but the inference underlying is that some damage is likely to be acceptable.*

In the 'Historic Parks and Gardens' sub section the first line should read '*Planning authorities should value, protect and conserve the special interest of parks and gardens **and their settings** included on the register of historic parks and gardens in Wales,* (as referred to in 7.2 of TAN 24).

The holistic view in the document that the historic environment should be "identified understood, valued protected and enhanced" is welcomed whilst disappointing that the role of the planning system is only to "protect and conserve".

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7 June 2018

**REPORT OF THE CORPORATE DIRECTOR COMMUNITIES  
BRIDGEND CBC LOCAL PLANNING AUTHORITY –****SCHEDULE 3 OF THE FLOOD AND WATER MANAGEMENT ACT 2010 –  
THE MANDATORY USE OF SUDS ON NEW DEVELOPMENTS AND THEIR  
APPROVAL AND ADOPTION BY THE SUDS APPROVING BODY (THE SAB)****1. Purpose of Report**

- 1.1 The Welsh Government is proposing a policy objective to deliver effective, multi-purpose SuDS (Sustainable Drainage Systems) in new developments that will be maintained for the life-time of the developments they serve.
- 1.2 For every new development, the Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.
- 1.3 This report informs Members that Schedule 3 of the 2010 Act makes the use of sustainable drainage in all new developments (including re-developments) with drainage implications mandatory and provides a mechanism for their adoption and maintenance.
- 1.4 The SuDS Approval Process will be separate from, but coincidental with, the Planning Process but the developer will not be able to commence works until both forms of approval are secured. There is a separate fee for SAB approval of a SuDS scheme and the Council's Land Drainage Section has recruited a SAB Officer to process the applications although administrative support will be provided by the Planning Section.
- 1.5 The Commencement Order was signed 1 May 2018 which means that Schedule 3 becomes law as from **7 January 2019**.

**2. Connection to Corporate Improvement Plan/Other Corporate Priorities**

- 2.1 The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage. Implementing effective SuDS on a development site will require a joined-up approach by the local authority across multiple disciplines and early involvement of drainage/flood risk engineers, landscape architects, highways engineers and planners is key to secure quality effective SuDS.
- 2.2 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

**3. Background**

- 3.1 Surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding of

homes. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. In particular, local flooding, due to the overloading of volume constrained drainage systems and sewers, is of increasing concern. Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authorities (LLFAs) are responsible for managing local flood risk which includes that from surface water.

3.2 Uncertainty over the design and adoption of surface water drainage for new developments can hamper development. There are also lost opportunity costs where the drainage design fails to deliver multiple benefits (for example recreation and amenity) beyond simple surface water management.

3.3 Schedule 3 of the Act requires Ministers to publish national standards for surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS) on new developments. It also requires surface water drainage systems to be approved by the SuDS Approval Body (SAB) before construction work with drainage implications may begin for most developments. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDS that service more than one property, either at the request of the developer or on the SAB's own initiative.

3.4 The responsibility for delivery of the SAB functions rests with the 22 Local Authority's in Wales alongside their duties as LLFA.

3.5 The policy objective is to deliver effective, multi-purpose SuDS in new developments that will be maintained for the life-time of the developments they serve. To deliver this, it is vital that partnership working between those involved in the design, construction and maintenance of the SuDS is enabled.

3.6 For every new development, the Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.

3.7 Schedule 3 of the Flood and Water Management Act 2010 (the 2010 Act) provides a framework for the approval and adoption of surface water systems serving new developments. It does not apply retrospectively to retrofit existing drainage systems. The Welsh Government consulted on its implementation from May to August 2017. A further consultation on the Statutory Instruments required to deliver this followed the announcement in November 2017 by the Cabinet Secretary of the intention to introduce the Schedule 3 requirements for new developments.

3.8 The issues raised during consultation have been considered in finalising four statutory instruments, which deal with:

**Approval and Adoption** (The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018);

**Procedural matters relating to approval and adoption** (The Sustainable Drainage (Procedure) (Wales) Regulations 2018);

**Enforcement of the requirement for approval by the SuDS Approving Body** (The Sustainable Drainage (Enforcement) (Wales) Order 2018); and

## **Appeals against decisions of the SuDS approving body (The Sustainable Drainage (Appeals) (Wales) Regulations 2018.**

3.9 Exemptions from the need for SAB approval include:

- Single dwellings and developments of less than 100 square metres will be exempt from the need for SAB approval and
- work requiring development consent as a nationally significant infrastructure project .

## **4. Wellbeing of Future Generations (Wales) Act 2015**

4.1 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

4.2 The duty has been considered in the production of this report.

## **5. Recommendation**

5.1 That Members note the content of this report and the implementation of Schedule 3 of the 2010 Act as law from 7 January 2019 onwards.

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**Corporate Director Communities**

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**Background documents**  
None



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## **Enforcement and Advertisements**

Further to a recent Member Training session on Advertisement Control, the following report is presented to Members for noting.

The display of advertisements is subject to a separate consent process within the planning system and they are controlled with reference to their effect on amenity and public safety only.

This is principally set out in the Town and Country Planning (Control of Advertisements) Regulations 1992. For planning purposes, 'advertisement' is defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended) as:-

*any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.*

In 2017 the Enforcement Officer investigated 51 cases where advertisements were being displayed without the appropriate consent. This is a criminal offence and the companies concerned were advised that they were contravening the Advertisement Regulations with a Caution also being issued. In the majority of cases the advertisements were removed however, where they were not removed the matter was referred to the Legal Section for prosecution.

In March 2018, the Legal Section proceeded with four prosecutions and the results are as follows:-

- Cold Black Label were found guilty in their absence and given a fine of £990.00, £400.00 legal costs, £136.00 investigation costs and £99.00 victim's surcharge;
- Coyoti Ski & Snowboard were represented in Court and entered guilty pleas. The representative was fined £596.00, ordered to pay £500.00 costs, £166.73 investigation costs and £60.00 victim's surcharge;
- LTS was found guilty in its absence and was fined £666.00, ordered to pay £350.00 legal costs and £66.00 victim's surcharge;
- Pyle Garden Centre were represented in Court and entered a guilty plea. The company was fined £4,000 ordered to pay £650 costs and £140 victim's surcharge.

## **RECOMMENDATION**

That the Report be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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## **TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Kwaku Opoku-Addo, <i>Highway Services, BCBC</i>	“Community Transport”	7 June 2018	12.45pm
Cenin Renewables at Stormy Down	Member training site visit at Cenin Renewables to view wind turbine, solar panels, cement labs, anaerobic digestion plant, battery bank	18 July 2018	10.00am
Gareth Denning, <i>Section 106 Officer</i> & Rod Jones, <i>Senior Lawyer</i>	“Section 106 legal agreements – basics and limitations”	19 July 2018	12.45pm

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

### **Background Papers**

None.

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## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

7 JUNE 2018

### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

#### DEVELOPMENT CONTROL COMMITTEE SITE VISIT PANEL

##### **1. Purpose of Report.**

- 1.1 The purpose of this report is for the Development Control Committee to nominate three Members to form the Committee's Site Visit Panel, which is to comprise of the Chairperson, Vice-Chairperson and a third Member and to also nominate a reserve Member to sit on the Panel should any of the three nominated Panel Members be unavailable.

##### **2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.**

- 2.1 The establishment of necessary Committees and other bodies fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its Corporate Priorities.

##### **3. Background.**

- 3.1 At a meeting of the Development Control Committee on 31 May 2012 the Committee agreed to establish a Site Visit Panel.
- 3.2 The Committee at the above meeting appointed 4 of its Members to form the Panel, in order to undertake visits of planning application sites, with the composition of this Panel being as detailed in paragraph 1.1 of this report.

##### **4. Current situation / proposal.**

- 4.1 The Annual Meeting of Council of 16 May 2018, approved the membership of the Development Control Committee and the Committee is required to consider the membership of the Site Visit Panel.

##### **5. Effect upon Policy Framework and Procedure Rules.**

- 5.1 This report accords with the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.

##### **6. Equality Impact Assessment.**

- 6.1 There are no equality implications regarding this report.

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

- 7.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The

following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

- Long-term - The approval of this report will assist in the long term planning of the business associated with one of the Council's Regulatory Committees, in both the short term and in the long-term.
- Prevention - Having a Development Control Site Visit Panel, promotes good governance
- Integration - The report supports all the wellbeing objectives.
- Collaboration - The proper composition of the Development Control Committee Site Visit Panel assists the Committee in achieving effective decision making.
- Involvement - Establishing a Site Visit Panel allows Members to be better apprised of planning applications to be considered by Committee, in the presence of key representatives, for example local Members, Town/Community representatives, objectors from the local community, applicants/their agents, together with representation from any other key statutory undertakers, where appropriate.

## **7. Financial Implications.**

- 7.1 The cost implications relating to the report will be met within existing budgets allocated for Members allowances.

## **8. Recommendation.**

- 8.1 That the Development Control Committee nominate Members to sit as its Site Visit Panel, to include:
- The Chairperson of the Development Control Committee;
  - The Vice-Chairperson of the Development Control Committee;
  - A third Member;
  - A reserve Member (to sit on the Panel should any of the above be unavailable).

**P A Jolley**

**Corporate Director – Operational and Partnership Services**

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**Bridgend CF31 4WB**

### **Background documents:**

Report and Minutes of the Development Control Committee of 31 May 2012 entitled Site Visit Panel

## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

7 JUNE 2018

### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

#### NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE

##### 1. Purpose of Report.

- 1.1 The purpose of this report is for the Development Control Committee to nominate and appoint Members to the Rights of Way Sub-Committee.

##### 2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.

- 2.1 The establishment of necessary Committees and other bodies fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its three Corporate Priorities.

##### 3. Background.

- 3.1 The remit of the Development Control Committee includes for the nomination and appointment of 6 of its Members to form the Rights of Way Sub-Committee, with the Chairperson and Vice-Chairperson of the Development Control Committee fulfilling the same role for the Rights of Way Sub-Committee.
- 3.2 The Annual Meeting of Council on 16 May 2018 approved changes to the membership of the Development Control Committee and, as a result of this, the nomination and appointment of Members to the Rights of Way Sub-Committee needs to be considered.

##### 4. Current situation / proposal.

- 4.1 The Rights of Way Sub-Committee currently consists of six Members of the Development Control Committee and it is proposed that no change is made to the number of Members on the Sub-Committee.
- 4.2 The political balance of the Sub-Committee, based upon the number of Members it comprises of, is as follows:-

Labour	- 2 Members	- (to include the Chairperson
Conservative	- 1 Member	and Vice-Chairperson of the
Independent/Alliance	- 1 Member	Development Control
Llynfi Independents	- 1 Member	Committee)
Plaid Cymru	- 1 Member	

##### 5. Effect upon Policy Framework and Procedure Rules.

- 5.1 This report accords with the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.



## **6. Equality Impact Assessment.**

6.1 There are no equality implications regarding this report.

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

**7.1** The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

- Long-term - The approval of this report will assist in the long term planning of the business of the Council in both the short term and in the long-term.
- Prevention - The proper composition of Council Committees meets the requirements of the Local Government and Housing 1989 Act in achieving political balance and the allocation of Committee seats which supports the effective decision making of the Council.
- Integration - The report supports all the wellbeing objectives.
- Collaboration - Consultation has taken place with the Group Leaders and Independent Members regarding the allocation of memberships of Committees and other bodies and the allocation of Chairs to these, where appropriate.
- Involvement - Advance public notice of Council Committee meetings can ensure that the public and stakeholders can engage in these meetings. Agendas and minutes of all public meetings will be available in the Welsh language in compliance with the Welsh Language Standards.

## **7. Financial Implications.**

7.1 There are no financial implications regarding this report.

## **8. Recommendation.**

8.1 That the Development Control Committee nominate and appoint six (6) Members from this Committee to form the membership of the Rights of Way Sub-Committee, to include:

- 2 Labour Members (to include the Chairperson and Vice-Chairperson of the Development Control Committee)
- 1 Conservative Member
- 1 Independent Alliance Member
- 1 Llynfi Independents Member
- 1 Plaid Cymru Member

**P A Jolley  
CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES**

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**Background documents:**

There are no background documents in relation to this report.

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