

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*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.*



#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Thursday, 4 January 2024

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 11 January 2024 at 10:00**.

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.  
  
Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits  
To confirm a date of Wednesday 21/02/2024 for proposed site inspections arising at the meeting or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 8  
To receive for approval the minutes of the 30/11/2023
5. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

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|-----|---|---------|
| 7.  | <u>Development Control Committee Guidance</u>   | 9 - 12  |
| 8.  | <u>P/13/808/OUT Land Off Oakwood Drive, Maesteg, CF34 9TS</u>   | 13 - 62 |
| 9.  | <u>Appeals</u>  | 63 - 70 |
| 10. | <u>Royal Town Planning Institute (RTPI) Cymru Research Paper: "Building Capacity through Collaboration and Change" November 2023</u>  | 71 - 74 |
| 11. | <u>Training Log</u>   | 75 - 76 |
| 12. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency |         |

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet\_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643696

Yours faithfully

**K Watson**

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

A R Berrow  
N Clarke  
RJ Collins  
C L C Davies  
S Easterbrook  
RM Granville

Councillors

H Griffiths  
S J Griffiths  
D T Harrison  
M L Hughes  
D M Hughes  
M R John

Councillors

MJ Kearns  
W J Kendall  
J Llewellyn-Hopkins  
J E Pratt  
A Wathan  
R Williams

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 NOVEMBER 2023

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 30 NOVEMBER 2023 AT 10:00

Present

Councillor RM Granville – Chairperson

A R Berrow  
H Griffiths  
D M Hughes  
J E Pratt

N Clarke  
S J Griffiths  
M R John  
A Wathan

RJ Collins  
D T Harrison  
MJ Kearns  
R Williams

S Easterbrook  
M L Hughes  
J Llewellyn-Hopkins

Present Virtually

Apologies for Absence

C L C Davies

Officers:

Rhodri Davies  
Gillian Dawson  
Alex Fitzpatrick  
Stephen Griffiths  
Michael Pitman  
Jonathan Parsons  
Craig Flower  
Steven Jenkins  
Euan Sexton  
Robert Morgan  
Leigh Tuck

Development & Building Control Manager  
Lawyer - Planning  
Team Manager Placements  
Democratic Services Officer - Committees  
Technical Support Officer – Democratic Services  
Group Manager – Planning and Development  
Minor Planning Applications Manager  
Team Leader (West)  
Principal Planning Officer  
Principal Officer Highways Development Control  
Principal Officer Highways Development Control

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 NOVEMBER 2023****Declarations of Interest**

Councillor D Hughes declared a prejudicial interest in Agenda item 8 as she was speaking on the application on behalf of a number of objectors. After exercising her right to speak upon the application (as Ward Member) Councillor Hughes then left the meeting whilst the item was considered.

Councillor D Harrison declared a personal interest in Agenda item 9 (no reason given). Councillor Harrison took no part in the debate or the subsequent vote that took place on this item.

Councillor A Wathan declared a personal interest in Agenda item 11 ie the two Appeals relating to Litchard, in that he was a member of Coity Higher Community Council, but took no part in the planning appeals process.

**169. Site Visits**

Decision Made	<b><u>RESOLVED:</u></b> To confirm a date of Wednesday 10/01/2024 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
Date Decision Made	30 November 2023

**170. Approval of Minutes**

Decision Made	<b><u>RESOLVED:</u></b> The minutes of the 19/10/2023 were approved as a true and accurate record
Date Decision Made	30 November 2023

**171. Public Speakers**

Decision Made	Councillor D Hughes spoke on Planning application P/23/557/FUL as the local Member, before retiring whilst debate took place on this item, given the prejudicial interest she had declared earlier in the meeting.
Date Decision Made	30 November 2023

**172. Amendment Sheet**

Decision Made	<b>RESOLVED:</b> That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
Date Decision Made	30 November 2023

**173. Development Control Committee Guidance**

Decision Made	<b>RESOLVED:</b> The Committee noted the report outlining the Development Control Committee guidance.
Date Decision Made	30 November 2023

**174. P/23/557/FUL - 57 Walters Road, Ogmore Vale, CF32 7DL**

Decision Made	<b>RESOLVED:</b> That the application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.  <u>Proposal:</u>  Change of use from Use Class C3 to provide a care home for 2 children (Use Class C2)
Date Decision Made	30 November 2023

**175. P/22/563/OUT - Land rear of Arwenydd, Porthcawl Road, South Cornelly, CF33 4RG**

Decision Made	<b>RESOLVED:</b> That the application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 NOVEMBER 2023**

	<p><u>Proposal:</u></p> <p>Proposed detached residential dwelling (outline approval sought for layout and scale)</p>
Date Decision Made	30 November 2023

**176. P/23/134/FUL - Plot adjacent to 8 Swn yr Adar, Penyfai, CF31 4GE**

Decision Made	<p><b><u>RESOLVED:</u></b> That the application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-</p> <p><u>Proposal:</u></p> <p>Proposed new 3 bed dwelling.</p>
Date Decision Made	30 November 2023

**177. Appeals**

Decision Made	<p>(1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.</p> <p>(2) That the Inspector appointed by Welsh Ministers to determine the following appeals, has directed the Appeals be Dismissed:-</p> <p>Appeal No. – CAS-02534-G8P756 (1984) – Single storey side extension: 79 Woodstock Gardens, Pencoed.</p> <p>Appeal No. – CAS-02584-S0R7H6 (1988) – Retention of detached outbuildings (used as a home office and meeting place for employees) : Sandbanks, 32 The Green Avenue, Porthcawl</p> <p>(3) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed it be</p>
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 NOVEMBER 2023**

	<p>Allowed, subject to Conditions:-</p> <p>Appeal No. – CAS-02309-B6J3Q8 (1974) – Detached dwelling on land to side: Southlands Funeral Home, 59 South Road, Porthcawl.</p> <p>(4) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed that the Enforcement Notice be Varied but Upheld:-</p> <p>Appeal No. – CAS-02582-D3Q8DO (1989) – Alleged unauthorized business use of garage : Sandbanks, 32 The Green Avenue, Porthcawl.</p>
Date Decision Made	30 November 2023

**178. Training Log**

Decision Made	<b><u>RESOLVED:</u></b> That Members noted the report outlining the Committee Training Log for the coming months.
Date Decision Made	30 November 2023

**179. Urgent Items**

Decision Made	None
Date Decision Made	30 November 2023

To observe further debate that took place on the above items, please click this link

The meeting closed at Time Not Specified.

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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 cannot 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	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	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	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

**REFERENCE:** P/13/808/OUT

**APPLICANT:** BCBC AND PONTARDAWE COAL & METALS CO. LTD, C/O ASBRI PLANNING LTD, UNIT 9 OAK TREE COURT, CARDIFF GATE BUSINESS PARK CF23 8RS

**LOCATION:** LAND OFF OAKWOOD DRIVE, MAESTEG CF34 9TS

**PROPOSAL:** MIXED USE DEVELOPMENT: RESIDENTIAL (201 UNITS), EMPLOYMENT/ENTERPRISE HUB, RETAIL, PUBLIC OPEN SPACE, ACCESS, ENGINEERING OPERATIONS AND ASSOCIATED WORKS

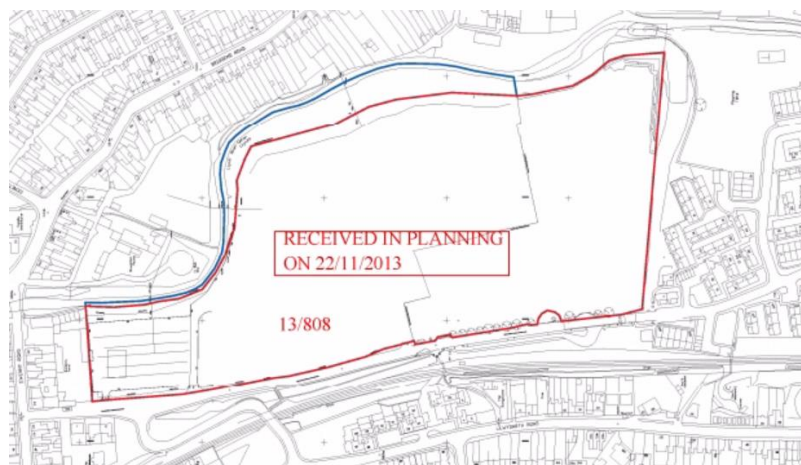
## BACKGROUND

This planning application, as Members will appreciate by the reference number, was originally submitted in November 2013 by Pontardawe Coal and Metals Company Limited (**PCMC**) who acquired the majority of the site in early 2012.

The land was previously occupied by general industrial uses (Budelpac COSi and Cooper Standard) which ceased in 2008 and, subsequently, the site was cleared of the former factory buildings.

The original application was made in Outline with all matters reserved for subsequent approval. At that time, the proposal related to a comprehensive mixed-use development and the description of development at that time was mixed use development: 138 dwellings, public house, restaurants, retail and employment.

The development area comprised 4.9 hectares within the freehold ownership of PCMC and 2.75 hectares within the freehold ownership of Bridgend County Borough Council (**BCBC**).



**Fig. 1 – Site Location Plan**

On 26 June 2014, the Council's Development Control Committee at the time resolved to approve a development on this site consisting of:

- i) no more than 115 units of residential accommodation
- ii) up to 650 sq m fast food retail

- iii) up to 447 sq m non-food retail
- iv) up to 464 sq m bulky goods retail
- v) up to 557 sq m food retail
- vi) up to 557 sq m public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial unit measuring no more than 929 sq m and
- ix) up to 14 smaller B1 industrial units, providing no more than 2323 sq m of industrial floor space in total



**Fig. 2 – Original Masterplan in 2013**

The development was approved subject to a number of planning conditions and the applicant entering into a Section 106 Agreement to to:

- i) Provide a financial contribution in the sum of £7,000 for the creation and extension of a traffic order;
- ii) Construct an extra care facility;
- iii) Provide a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP);
- iv) Provide a riverside walkway; and,
- v) Ensure that the land identified as Employment Land is re-profiled, surfaced, fully serviced and includes a highway access.

After the original resolution to grant Outline permission, discussions were held between the agent at the time and the Council in terms of implementing the project.

The viability of the project was examined in detail (with Savills acting on behalf of the Applicant and Alder King acting on behalf of the Council). Additionally, the principle of providing an extra care facility on the site was revisited.

Having considered the viability and the proposed outcomes of the project, the Applicant requested modifications to the scheme. These changes were reported to the Development Control Committee on 12 May 2016, when Members of the Development Control Committee resolved to defer the Application to enable further discussions to take place between the Authority and the agent/Applicant.



The focus of the discussion was based on increasing on-site provision of open space instead of the £35,000 off-site contribution offered by the Applicant to enhance existing provision in the locality.

As a result of the above, the Applicant requested the following modifications:

- i) To omit the requirement for the provision of an extra care facility and increase the number of dwelling-units on the site from 115 to 138, by utilising the land previously allocated for the extra care facility and make a financial contribution of £200,000 in lieu of direct on-site provision of affordable housing;
- ii) To omit the provision of a river walkway and instead, provide alternative recreation spaces within the site; and,
- iii) Modifications to the wording of several planning conditions, to allow additional flexibility in their implementation.



**Fig. 3 – Revised Masterplan in 2016**

At the subsequent Development Control Committee meeting on 9 June 2016, Members resolved to approve the application subject to the Applicant entering into a Section 106 Agreement to:

- (i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order to ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, and to ensure on-street parking is not generated in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site;
- (ii) Provide a financial contribution in the sum of £200,000 towards affordable housing;
- (iii) Provide on-site Local Areas of Play (LAP) and 2 x 400 sq. m of formal Local Equipped Area of Play (LEAP), with a combined total of 4,200 square metres of open space on the site, prior to the completion of the 50th residential unit built on the site. The specification of the Local Area of Play and Local Equipped Area of Play, including precise location, size and future maintenance and management requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development; and

(iv) Ensure that the land identified as Employment Land on Plan Number: Masterplan 15095 F002 Rev. C (received 20 May 2016) is re-profiled, surfaced and fully serviced, including a highway access of appropriate size and standard, in accordance with a scheme and method statement to be submitted and approved in writing by the Council, no later than the construction of the 50th residential unit on the site.

### **CURRENT APPLICATION/SITE DESCRIPTION**

The current proposal was formally submitted to the Local Planning Authority in November 2022. It relates to an updated Outline planning application with all matters reserved for future approval apart from access in terms of the strategic access routes into the relevant development parcels as shown within the updated masterplan.

The revised scheme relates to a proposed mixed use development comprising: residential; employment/enterprise hub, retail, public open space, access, engineering operations, and associated works. The application site is 7.65 Ha in area and is a joint venture between the Council and the main landowner.



**Fig. 4 – Latest Site Location Plan and Masterplan**

The overall vision for the site is to provide a distinctive and high-quality development which enhances this suburban area of Maesteg. The development will deliver circa 201 new dwellings with associated public open space. It will provide a choice of housing to meet the growing needs of the area, 15% of which will be affordable.

The residential parcel has a net developable area of approximately 4.1 hectares. This equates to an average density of 44 units per hectare.

The residential development of the site will comprise a mixture of family homes, flats, apartments, flats over garages (FOGs), and maisonettes in a combination of 2, 2 ½ and 3 storey buildings. A Neighbourhood Equipped Area of Play (NEAP) is also proposed for the residential part of the development as well as outdoor recreation space to the north eastern corner of the site in an area that will be utilised as a flood conveyance channel to safely accommodate and direct floodwaters away from the more sensitive areas of the development.

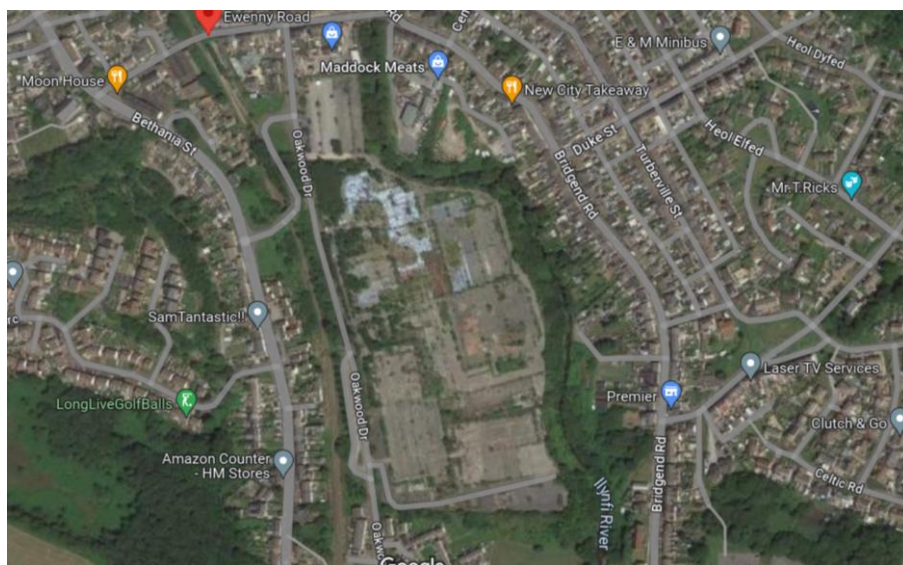


An enterprise hub will also form part of the development, with scope to include both office and retail space. The residential development and enterprise hub will be set within robust green infrastructure that enhances the existing vegetation along the peripheries of the site, particularly along the river corridor.

The development will also reserve land for a future transport interchange in order to strengthen public transport connections to and from Maesteg. Members will note that the interchange is a key component of the Metro's enhanced services on the Valley Lines via the Maesteg branch.

This mixed-use development proposal was awarded grant funding by the Cardiff Capital Region (**CCR**) in November 2022. The grant will tackle several major infrastructure and remediation works, such as diverting a historic mining drain and the backfilling of several mineshafts, which are necessary to unlock the site and enable development in the short-term.

Given the significance of redeveloping this brownfield/previously developed site, a development strategy has been progressed. Robust technical studies have been prepared that consider the level of flood risk at the site, the consequences of flooding and mitigation measures to address those risks and consequences. The phasing of the development has been considered with regard to the site enabling and flood works which will be required to be undertaken as part of the CCR funding process.



**Fig. 5 – Aerial View of Site**

The revised application has been supported by the following documents:

- Planning Technical Note
- Design and Access Statement including:
  - Masterplan
  - Location Plan
  - Land Use Parameters
  - Access & Movement
  - Scale Parameters
  - Green Infrastructure
- Ecological Appraisal and Reptile Survey

- Highway Technical Report
- Flood Consequences Assessment, and
- Engineering Plans as follows:
  - General Arrangement Plan
  - Remediation
  - New Service Connection
  - Typical Site Sections
  - Typical Road Cross Sections

The scheme has been further supplemented by flood modelling data, updated enabling works plans, updated site sections and an updated Transport Assessment Addendum since the original submission in November 2022.

### RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/1000/FUL	Drilling of methane well	Temporary Consent	27/09/2006
P/12/530/DPN	Demolish last remaining building on former factory site	DPN approve	04/09/2012
T/13/741/SOR	Screening opinion for mixed use development	EIA not required	05/11/2013

### PUBLICITY

The proposed changes to the scheme have been subject to a comprehensive public consultation process.

### CONSULTATION RESPONSES

<b>Highways Officer</b>	No objections subject to conditions.
<b>Land Drainage</b>	No objections subject to conditions.
<b>Dwr Cymru/Welsh Water</b>	No objections subject to conditions and advisory notes.
<b>South Wales Police – Designing Out Crime Officer</b>	Observations provided which relate to the layout of the site, parking areas, perimeter security, lighting, bicycle stores, bin storage, drainpipes, utilities, door security, window security, access control and dwelling identification. No objection raised and a copy of the comments has been forwarded to the agent.
<b>The Coal Authority</b>	<p>“The Coal Authority Response: Substantive Concern</p> <p>Within the application site, as defined by the red line plan, our records indicate that there are two mine entries, there are also areas of recorded and likely unrecorded coal workings at</p>

shallow depth. We previously commented on this outline application in a letter to the LPA dated 11th December 2013. At this time we raised no objections subject to conditions being imposed on any consent granted.

We note that this current consultation relates to an updated submission and that access is now being considered. As there is now a detailed element to the submission we would have expected a Coal Mining Risk Assessment, or updated coal mining information, to have been provided to support the application. This information should demonstrate how the access routes proposed within the site relate to the coal mining features present and what further investigations and remedial works are necessary to ensure the safety and stability of this element of the development. It is assumed that the exact location of the mining features within the site have been established and information relating to any investigations carried out would be appreciated. For clarity we note the Site Remediation Works Plan, prepared by WSP.”

**Natural  
Wales**

**Resources**

**05.12.22** – “The model that has been undertaken to inform the Flood Consequence Assessment (FCA) will need to be reviewed by our Flood Risk Analysis Team and Hydrology Team. Once the model is deemed fit to inform the FCA, we will then be able to undertake a review of the FCA itself.

Please can all associated modelling files, modelling report and hydrology calculations be submitted for review.”

**20.12.22 and 01.03.23** – “We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application.

Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding land contamination, pollution prevention and European protected species should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document we would object to this planning application.”

**26.06.23** – “NRW Flood Model Comments Response by WSP, dated May 2023. In relation to Item Number Two – “red grading”.

Bridges with unchanged Losses to be applied.

- LLYN1007
- LLYN1908
- LLYN1908B
- LLYN2149
- LLYN2185 (Arch)
- LLYN2361 (Arch)
- LLYN2478
- LLYN2835 (Arch)
- LLYN3222
- LLYN3722
- LLYN3913
- LLYN4253
- LLYN4393 (Arch)

We note the loss tables for the bridges above are to remain unchanged. We do not agree with the reasoning within this section of the memo. The original losses would cover the restriction due to the bridge opening area, which the BB unit will now calculate automatically, plus additional losses for pipe work, piers etc. If the losses are not checked and modified to only consider just pipe work, piers etc, it is more than likely the losses will be double counted for these bridges. Hence, the consultants will need to ensure this does not occur for these bridges.

We advise the latest version of TUFLOW has bridge unit that covers arch bridges. The consultants may wish to consider using this unit.

Sensitivity Manning Runs. We have identified the issue during sensitivity runs that Manning's falls below recommended values for the channel type. We do not have a minimum value to supply and recommend this is covered within the technical report, and note some values are below what would be applied normally.

Regarding the overall modelling proposed approach, this does appear reasonable. However, we recommend the consultants review their methodology throughout their commission to ensure it is still appropriate to meet the client and the planning process needs.

### **Hydrology**

We consider the peak flows presented in table 6.2 of the updated Flood estimation - calculation record, dated 11/05/2023, are suitable for modelling. We note the catchment area for catchment 4 has been amended from 15.39 km<sup>2</sup> to 5.28 km<sup>2</sup>.

The above issues will need to be addressed and information resubmitted for us to review. This is to ensure the model is representative of the risk of flooding and fit to inform the FCA. We reserve the right to request further information to establish the risks and consequences of flooding if necessary.”

**20.12.23** – “We have received an update from our Flood Risk Analysis Team regarding the hydraulic model review. At this time we are unlikely to accept the hydraulic modelling to support the FCA. The model has several issues which may lead to the outcomes being challenged. Detailed advice and information will be provided in our model review report. This report is awaiting internal approval, hence we are unable to provide further details at this stage, but hope to be in a position to issue the report after Christmas.”

**Network Rail**

“Having studied the details supplied and in consultation with our Level Crossing Manager (LCM), Network Rail wishes to object to the above application due to the significant impact the development will have on 3 public footpath level crossings.

We are aware of the 2013 scheme that came forward which NR subsequently objected to and our LCM is in the process of working on a risk assessment to support our concerns regarding additional risk. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

Any development of land which would result in a material increase or significant change in the character of traffic using rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that they safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.”

**South Wales Fire and Rescue Service**

“The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

- The following concerns are identified, in relation to the proposed developments, together with suggestions as to how these can be addressed.

A comprehensive fire strategy should be provided which indicates the package of fire safety measures that are proposed to satisfy the Building Regulations and should address any variations to current guidelines.

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

- a. adequate water supplies on the site for firefighting purposes; and
  - b. access for emergency firefighting appliances.
- A copy of their response has been forwarded to the agent.”

**Glamorgan Gwent  
Archaeological Trust**

“In response to the screening and pre-planning consultations, we recommend that an archaeological desk based assessment should be undertaken, and we noted that as a result of the findings of this it may become apparent that further archaeological investigation work, including archaeological evaluation may be required to be undertaken prior to the determination of any planning application.

Subsequently, the assessment was undertaken (Archaeology Wales, Report number 1200, February 2014); as we noted in our response to your department’s consultation on this in our letter of 18th March this assessment had identified the former Oakwood Colliery (later the Maesteg Merthyr Colliery), a small coke works and two farms, Maesteg Isaf and Maesteg Canol, as having been located within the application area. These sites are historic environment assets that need to be properly considered in assessing the impact of this application. The archaeological desk-based assessment identified that whilst landscaping and redevelopment works are likely to have had some effect on the archaeological remains of the aforementioned sites, the extent of survival and condition of these is uncertain and there is a strong likelihood that significant remains could survive below the current ground surface. The assessment recommended that a programme of targeted archaeological evaluation be carried out to allow a more accurate assessment of the archaeological resource to be made; the results of which would allow a full mitigation strategy for the proposed development to be devised. It remains the case that we agree with the recommendations in the report submitted by the applicant that further evaluation on the site is necessary; Planning Policy Wales, Chapter Six, Distinctive and Natural Places, particularly the advice contained in 6.1.26ff. regarding field evaluation and the understanding of impact of a development proposal on the remains. The more detailed advice is given in TAN24: The Historic Environment para 4.2ff and especially 4.7ff. The current LDP Policy SP5 relating to the Conservation of the Built and Historic Environment, and Policy ENV8 Heritage Assets and Regeneration both state that “Development which would materially harm heritage assets and features will not be permitted.” The details note that Bridgend values the unscheduled archaeological record (para 4.2.5, 4 and 4.2.6) and those elements which have no statutory protection “are of great significance to the quality of the environment and the special identity of Bridgend County Borough”. The Maesteg

area is identified as having cultural heritage (Para. 2.3.43). It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work.

Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the evaluation has been submitted to your Members. It should also be noted that additional archaeological mitigation is likely to be required, following the completion of the evaluation works.”

**Cllr Ross Penhale-Thomas** - *“Notwithstanding the inclusion of the report by Asbri, I wish to make the following observations:*

- *It is clear that vehicle usage on the highway at Oakwood Drive and on roads within the immediate proximity of the development (Bethania Street, Ewenny Road) will increase as a result of residential properties together with the transport hub*
- *Bethania Street and Ewenny Road in particular will be affected by the development as they both share a junction that will be used to access Oakwood Drive, be it from the south (A4063) or the east (B4282)*
- *The results of the surveys carried out demonstrate that excess speed is an issue at Oakwood Drive, aided by the fact it is a long and straight stretch of highway*
- *I recognise the report's suggestion that the introduction of north and southbound entry and exit onto the site at Oakwood Drive could reduce speeds, but that will only be on the occasion that a vehicle is entering and exiting those junctions. At most other times, the road will likely be free of vehicles with no physical infrastructure to prevent excess speed*
- *The report notes there have been collisions in and around the vicinity of Oakwood Drive, in particular at Ewenny Road. It's this "simple T junction" that gives me greatest concern, in addition to there being additional traffic east and west along Ewenny Road to access the site - this road, too, has been subjected to excessive speed which led to the front of a resident's property being completely destroyed*
- *Further, I would think many vehicles entering or exiting the site via vehicle toward the direction/from the direction of Maesteg (north) or Bridgend (south) would use the wide-splay junction with Bethania Street A4063. Currently, the traffic along here is relatively free-flowing with only a small number of vehicles entering or exiting the junction. This will undoubtedly increase*
- *Therefore I request that consideration is given to:*
  - *introducing road safety infrastructure along Oakwood Drive to prevent excess speed, more formally recognising the area as a residential and mixed-used location (I note that the entrance to Oakwood Estate is currently marked by road safety infrastructure - a speed 'bump' and a further two speed cushions*
  - *introducing road safety infrastructure along Ewenny Road to prevent excess speed and to discourage vehicles from using this highway (which isn't even a designated highway) as a 'rat run'*

- a review of the capacity of the "simple T junction" between Oakwood Drive and Ewenny Road, taking particular attention of its narrow width  
- a review of current arrangements at the wide-splay junction of Oakwood Drive with Bethania Street A4063 - and whether there is any scope to ensure that operates as efficiently as possible without having a detrimental impact on residents living in its immediate proximity (noise, emissions, free flow of traffic)  
Further, and separately, can I also query what S106 conversations have taken place please with regards to local amenities and infrastructure?"

**Maesteg Town Council (MTC)** – No comments on the revised scheme have been received to date. However, MTC had no observations to make on the original submission in 2013 and they also indicated their support for the changes in 2016.

### **REPRESENTATIONS RECEIVED**

The owners/occupiers of 1 Lansbury Crescent support the Application but find it disappointing that the restaurants have been removed from the plans.

The owner of 2 Oakwood Drive supports the Application but sought clarification on some points.

The owner/occupier of 14 Oakwood Drive supports the proposal.

The owners/occupiers of 2 Hearts Oak Cottages are broadly in favour of the Application with suggestions relating to traffic levels, use of renewable energy, EV charging points, bicycle storage, active travel, impact on healthcare provision, the long term viability of Maesteg Train Station and the replacement of the football pitch with a village green.

There were no neighbour objections to the proposal.

### **RELEVANT POLICIES**

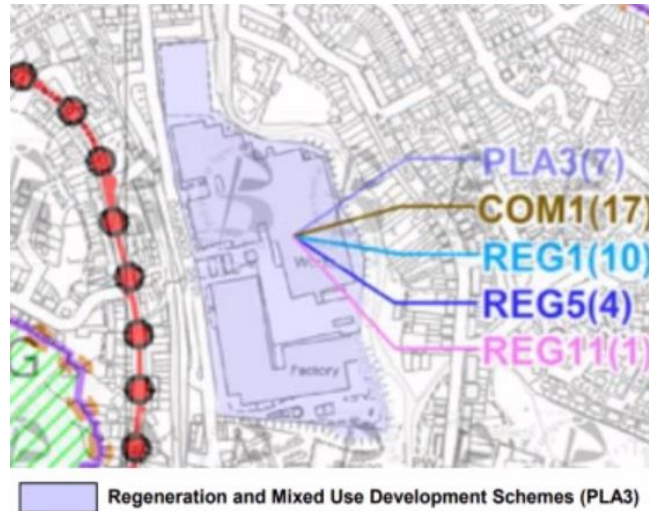
#### Local Policies

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

<b>Policy SP1</b>	Regeneration Led Development – Spatial Distribution of Growth
<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy PLA2</b>	Implementation of Regeneration Strategies
<b>Policy PLA3(7)</b>	Regeneration and Mixed-Use Development Schemes (Ewenny Road, Maesteg)
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA5</b>	Development in Transport Corridors
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV5</b>	Green Infrastructure
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy ENV13</b>	Unstable Land



<b>Policy SP9</b>	Employment and the Economy
<b>Policy REG1</b>	Employment Sites
<b>Policy SP10</b>	Retail and Commercial Hierarchy
<b>Policy REG5</b>	Local Retailing and Commercial Development
<b>Policy SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building or Land
<b>Policy COM4</b>	Residential Density
<b>Policy COM5</b>	Affordable Housing
<b>Policy COM11</b>	Provision of Outdoor Recreation Facilities



**Fig. 6 – Extract from Current LDP Proposals Map**

<b>Supplementary Planning Guidance 05</b>	Outdoor Recreation Facilities and New Housing Development
<b>Supplementary Planning Guidance 07</b>	Trees and Development
<b>Supplementary Planning Guidance 08</b>	Residential Development
<b>Supplementary Planning Guidance 13</b>	Affordable Housing
<b>Supplementary Planning Guidance 16</b>	Education Facilities and Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity and Development

National Policies

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

**Future Wales – the National Plan 2040**

<b>Planning Policy Wales Edition 11</b>	
<b>Planning Policy Wales TAN 2</b>	Planning and Affordable Housing
<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations (Wales) Act 2015 (“**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.

### **The Socio Economic Duty**

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

### **APPRAISAL**

This Application is referred to the Council’s Development Control Committee due to the objections raised and the fact that the original proposals were also referred to the Development Control committees in June 2014 and in May 2016 and June 2016. In addition, part of the site is owned by the Council.

The key considerations of this proposal, whilst being mindful that this is a long standing Application and it is in Outline with all matters reserved for future approval apart from access, are the principle and compatibility of the development with the existing surrounding uses, character and appearance of the area; the impact of the scheme on highway capacity and pedestrian safety in terms of the access to the site and footways leading to the site; the impact of the scheme on the residential amenities of neighbouring and future occupiers; whether the development is at risk of flooding and the drainage proposals for the site; whether it would result in the unacceptable loss of local biodiversity; the levels of contamination on the site based on its historic use; and whether it would have any impact on legacy coal mining and archaeological features.



*Fig. 7 – Photograph of Site*

### **PRINCIPLE OF DEVELOPMENT**

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

The proposed site is also located within the Maesteg Regeneration Growth Area as defined by Policy SP1 of the LDP, which states that development will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of settlements as set out in the settlement hierarchy.

The site is allocated for regeneration and mixed-use development as defined by Policy PLA3 of the LDP. Specifically, PLA3(7) allocated the site for up to 125 residential units, 3.5ha of employment land, bulky goods facility and up to 1000sqm of local retailing. Policy PLA3 states that the regeneration of brownfield and under-utilised sites within defined settlements that provide an appropriate mix of land uses will be permitted.

Ewenny Road is therefore an extant mixed use development allocation (Policy PLA3(7) refers) in the existing adopted Local Development Plan (LDP). It is a high priority brownfield regeneration site that demonstrates significant propensity to stimulate economic growth within the Main Settlement of Maesteg and address the past industrial legacy of the town.

The site is closely aligned to existing transport hubs, services and facilities, thereby proving highly conducive to sustainable development and delivery of the full range of placemaking principles outlined in national policy.

Maintenance of this existing allocation within the Replacement LDP represents a necessary degree of continuity with the first adopted Local Development Plan (**LDP**), and is essential to implement the Replacement LDP's long-term regeneration strategy. Hence, the site is now proposed as a 'rollover' allocation within the Replacement LDP (replacement Policy COM1(R2/5) refers).

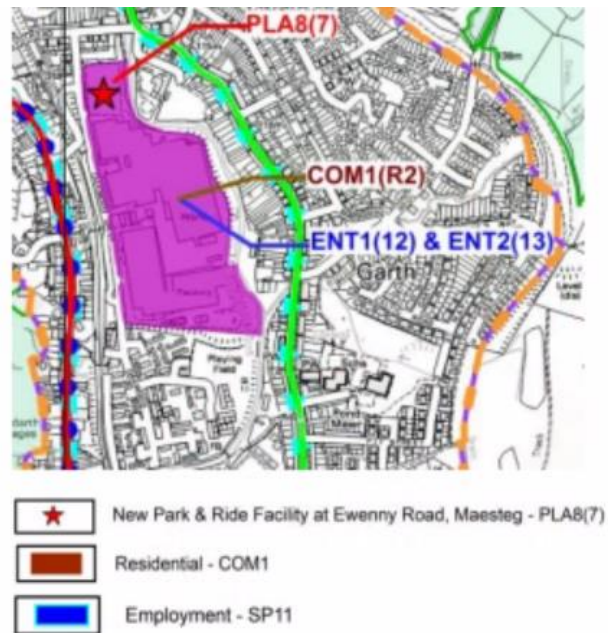


Fig. 8 – Extract from Replacement LDP Proposals Map

## IMPACT ON SURROUNDING USES AND THE CHARACTER AND APPEARANCE OF THE AREA

Planning Policy Wales (Edition 11, February 2021) states at paragraph 3.9 that *“the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations”*.

Policy SP2 of the Local Development Plan (2013) stipulates that *“all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. Design should be of the highest quality possible, and should be appropriate in scale, size and prominence”*. The Policy contains 15 Criteria that all development proposals should meet.

It is acknowledged that this is an Outline Application with all matters apart from access reserved for future approval. However, regard and consideration has been given to the scale parameters of the proposed dwellings and other buildings. For the proposed dwellings, they are indicated as being up to 9.75m in height to ridge for the 2 and 2 ½ Storey units and up to 12.75m in height to ridge for the 3 Storey units. In terms of the employment/enterprise hub and retail space, the units will have a maximum ridge height of 19.5m. A full breakdown of the proposed scale parameters is included in the table below.

Building Type	Max. Ridge Height above ffl (m)	Min. Ridge Height above ffl (m)	Max. Building Width (m)	Min. Building Width (m)	Max. Building Lengths (m)	Min. Building Lengths (m)
2 Storey Residential	9.75	3	15	4	15	4
2.5 Storey Residential	9.75	3	15	4	15	4
3 Storey Residential	12.75	3	15	4	15	4
Mixed Use	19.50	3	100	8	100	8
Offices	19.50	3	100	8	100	8

NOTE. The residential parameters provided in the above table are for individual dwellings. These may be combined into semi-detached or terraced blocks.

**Fig. 9 – Scale Parameters for the Development**

The site is bounded on its eastern side by the Llynfi River; to the south by Oakwood estate and to the west by Oakwood Drive beyond which lies the railway line. The area allocated for a Transport Interchange adjoins a Builder’s Merchants to the north of the site.

Therefore, whilst it is in a sustainable location close to services and facilities such as Maesteg (Castle Street and Ewenny Road) and Garth Train Stations, and to Asda, Aldi and Tesco Supermarkets, it is effectively an “island” site, although it will be read in conjunction with the built development to the south. The site has not been in use since around 2008 but the Design and Access Statement submitted in support of the Application has considered the site context, the nature of development in Maesteg, the site constraints and its immediate context.

The illustrative masterplan has been refined and designed around the Principal vehicular access from Oakwood Drive; secondary streets perpendicular to the principal street and along the North-South axis which provide a permeable connecting network to a series of mews streets running East to West; off-site improvements to the existing footpath network connecting to Ewenny Road and Oakwood Estate and a new Active Travel Route running parallel to Oakwood Drive. In addition, a large proportion of the site will be given over to Green Infrastructure particularly the eastern perimeter of the site and through the central corridors.

It is considered that the illustrative masterplan and urban design strategy offer a suitable basis for a scheme can integrate into this edge of town brownfield site whilst responding to its unique characteristics in line with the placemaking principles in Planning Policy Wales 11 and Policy SP2 of the Local Development Plan.

### **HIGHWAY SAFETY**

The Highway Authority have considered the scheme which has been supported by a Highways Technical Note and updated Transport Assessments. The Technical Note aimed to demonstrate that the current proposals have an impact commensurate with that assessed in the 2013 Transport Assessment, using the TRICS trip generation database to establish a range of surveys that would be representative of the new proposals. Once established, it will be possible to determine what impact (if any) the new scheme will have when compared to the analysis undertaken within the 2013 TA.

The new scheme proposes a number of different Use Classes compared to the original scheme in 2013, comprising a total of 201 residential units (made up of 113 Houses; 12 Flats Over Garages; 25 Flats; 25 Maisonettes and 30 Apartments), 6,000 square metres of office space and 720 square metres of retail space.

The Technical Note aimed to report and audit existing transport conditions surrounding the site; review the layout of the proposals (with particular regard to parking provision and pedestrian and vehicular access), and review trip generation from the new scheme.

The means of access to the site is to be agreed at Outline stage with all other matters (appearance, landscaping, layout and scale) reserved for future approval. The implementation of the access points into the site will allow the necessary enabling, site preparation and flood prevention works to be undertaken in line with the requirements of the CCR funding. Parking provision within the site will be assessed at the detailed Reserved Matters stage, however, it is expected that the level of provision will accord with guidance contained within the Council's adopted Supplementary Planning Guidance Note 17 – Parking Standards.

In order to access the site, the current masterplan shows three new points of vehicular access onto Oakwood Drive, in the form of simple priority junctions. All three, new access points will have visibility splays of 2.4m x 43m in both directions based on the existing 30mph speed limit along Oakwood Drive. In addition, the access points are no less than 40m apart from one-another (measured from the centre of each junction (in the interests of highway safety)).

In terms of trip generation, the original scheme could generate up to 352 (two-way) vehicle movements in the AM peak period and 531 (two-way) vehicle movements in the PM peak period. Applying the same methodology to that of the 2013 Transport Assessment, the TRICS database derived the anticipated number of vehicles that would be expected to be generated by the proposed development to allow a comparative exercise between both the current proposals and what was submitted in 2013, to eventually determine the net change in traffic levels.

The proposed housing element is anticipated to generate 117 movements (two-way) in the AM peak period and 101 movements (two-way) in the in PM peak period; the proposed employment element/B1 use is anticipated to generate 114 movements (two-way) in the AM peak period and 104 movements (two-way) in the in PM peak period and the proposed retail element is anticipated to generate 119 movements (two-way) in the AM peak period and 132 movements (two-way) in the in PM peak period. This results in a slightly lower level of AM peak hour traffic and a significant reduction of 195 vehicle trips in PM peak hour traffic when compared to the original scheme in 2013.

In addition to this, the Industrial use of the site up until 2008 would have produced high levels of traffic onto Oakwood Drive and beyond and, since the Covid pandemic, there is more home working taking place leading to less traffic on the roads. The site is also in a sustainable location close to Ewenny Road train station and bus stops on Bridgend Road and Llwydarth Road.



The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys and requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities, according to paragraph 4.1.27 of PPW11. This legislation requires that all developments must contribute to the sustainable transport hierarchy, which prioritises walking, cycling and public transport.

PPW11 states at paragraph 3.13 that *‘existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility of non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect the cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development’.*

In terms of Active Travel, the scheme proposes off-site improvements to the existing footpath network connecting to Ewenny Road and Oakwood Estate and a new Active Travel Route running parallel to Oakwood Drive at the front of the site. The site, as a former Industrial Estate, is not directly served by pedestrian footways.

In consideration of the scheme, the Highway Authority has provided the following comments:

*It is noted the application is in outline with all matters reserved for future consideration except the access points into the site. It is also noted that the Highway Authority previously provided observations of ‘No Objection’ subject to conditions and a S106 agreement for the 2013/14 and 2016 iterations.*

*The applicant has updated and revised the 2013 Transport Assessment to assess the impact of traffic on the priority junctions and local highway network as a result of the latest change to the mix of uses within the latest proposal. The use of the TRICS database is recognised as an industry standard and therefore the analysis and conclusions relating to the potential future traffic generated by the site is agreed. Importantly the loss of the fast-food restaurants, care home and light industrial uses has lowered the number of trips generated by this latest development mix and ultimately reduced the impact on the local highway network. Therefore, the proposal is considered acceptable in traffic generation terms.*

*It is noted that within the applicant’s transport assessment update, they have concluded that the transport interchange was only included in previous assessments as a sensitivity test and has little bearing on the modal shift of future residents. Whilst it is agreed that the provision of the transport interchange has not been funded to date and no firm plans have been developed, it was correct to only include its provision in any TA as a sensitivity test.*

*It is also clearly understood by the HA that future residents would not drive from the development site to the transport interchange as they are too close to each other. However, the HA considered that to have a new transport interchange, which included a bus stop / bus terminus, on the doorstep of the development, that would generate a*

*significant modal shift and reduce car borne journeys by future residents. This has not been addressed in the latest transport assessment.*

*In order to mitigate the likelihood that the transport interchange may not come forward in the short term, a planning condition has been requested which seeks to create a new footway to the Bridgend Road bus stops as well as a scheme for a new bus stop on Oakwood Drive. Although no bus service runs along Oakwood Drive it is hoped that the local bus operators will slightly extend the existing 71 service to tap into a new customer base and realise the modal shift from car to bus that the transport interchange would have provided.*

*All other sustainable transport modes and active travel requirements can be secured via planning conditions.*

*With regards to access to the site of which this application seeks full approval, the principle of a vehicular access off Oakwood Drive that meets current highway design standards has been demonstrated through the transport assessment and the indicative highway engineering drawings that have been provided.*

*The drawings detail that the vision splay standards can be achieved and vehicle speed reduction measures can be implemented. However, the exact location and type of junction cannot be agreed at this stage due to other reserved matters that feed into that design, such as the internal road layout/internal junctions and the active travel provision along the site frontage which will both have a bearing on the access points into the site.*

*Therefore, for the purposes of this Outline application, the principle of vehicular access from Oakwood Drive is agreed by the Highway Authority. However, a planning condition requiring the developer to engage with the Highway Authority on the final design and location is requested.*

*Finally, the applicant is requested to provide a S106 contribution for the implementation of a legal traffic regulation order (TRO). The TRO will seek to ensure that vehicles do not park or load/unload on Oakwood Drive or the road linking Oakwood Drive to Bethania Street to ensure it remains free flowing. The link road is the only route high vehicles and HGV's can access Garth and surrounding areas by avoiding the low Bridges on the B4282 and Ewenny Road.*

As such, the scheme is generally considered to accord with criterion (6) of Policy SP2 of the Local Development Plan (2013), guidance contained within PPW11 and will not have a detrimental impact on the highway, pedestrian safety or the free flow of traffic in the surrounding area.

## **CONTAMINATION**

Criterion (9) of Policy SP2 of the Local Development Plan (2013) states that development proposals should incorporate methods to ensure that development sites are free from contamination (including invasive species).

Shared Regulatory Services Environment Team (when commenting on previous development proposals at the site), have identified that the site, due to its former use,



could reasonably be expected to have problematic environmental issues. These issues could pose potential risks to human health and the environment for the proposed end use.

NRW note that the Report on Site Investigations at Ewenny Road Industrial Estate Maesteg, dated October 2010, and the Site Investigations for Pontardawe Coal & Metals Company Limited's Project Ewenny Road Maesteg, dated November 2013, both prepared by Johnson Poole & Bloomer Land Consultants, meet the requirements for a Preliminary Risk Assessment.

However, both reports refer to the need for further sampling to be undertaken on site, and 9 years have elapsed since the last site investigation was undertaken. Therefore, in terms of an adequate site investigation, it is considered that an update is required as to any changes on the site since 2013, to be able to understand any contaminant hotspots. Furthermore, soakaways are recommended, which need to be risk assessed to ensure these are not in any areas of contamination.

Given this, it is recommended that conditions requiring contamination and ground gas assessments, together with any necessary remediation and/or protection measures, are included.

In this instance, and as referred to above, where the initial enabling engineering operations and associated works required by the CCR funding need to be undertaken in advance of the Reserved Matters applications and redevelopment of the site (i.e. major infrastructure and remediation works, such as diverting a historic mining drain and the backfilling of several mineshafts, which are necessary to unlock the site and enable development in the short-term), the conditions will be separated to refer to the two distinct elements of the scheme.

Therefore, subject to the inclusion of the recommended planning conditions from NRW, no objection is raised in respect of contamination and the scheme is considered to be acceptable in this regard.

### **FLOOD RISK AND LAND DRAINAGE**

In October 2022, WSP were commissioned to undertake a Flood Consequences Assessment (**FCA**), at Ewenny Road.

This was undertaken in support of the Outline planning Application in accordance with existing TAN 15 and is based on data sets licensed from Natural Resources Wales (NRW).

This FCA was updated in October 2023 to include a range of flood extents modelled by WSP in the updated NRW model in order to inform flood risk mitigation. The 2023 FCA concludes by stating, provided the mitigation measures are given suitable consideration, then the level of flood risk and consequence may be considered satisfactory and commensurate with the proposed development.

Equally, an addendum to the Strategic Flood Consequence Assessment (**SFCA**) Site Screening Update has been prepared and incorporated into the submitted Replacement LDP's evidence base. The SFCA addendum provides a more current

and detailed assessment of the site in the context of the latest draft version of the new TAN 15 (January 2023); concluding that the proposed development is capable of meeting all aspects of the Justification Tests of TAN 15.

This report sets out the status of the site in relation to the existing Development Advice Map (**DAM**) and existing TAN 15 **in addition to** the more recent Flood Map for Planning (**FMfP**) and proposed TAN 15. It then summarises the findings of both the FCA and SFCA addendum to demonstrate how the site can come forward in accordance with TAN 15 (both existing and proposed January 2023 draft versions).

#### Existing TAN 15 and Development Advice Map (DAM)

NRW's flood maps show that the majority of the site is located within DAM Zone C2 and Zone B with an approximate 50-50 split in area. Specifically, the northern most end of the site, the edge of the site adjacent to Oakwood Drive and a smaller area in the middle of the site are classed as DAM Zone C2. This is because the primary flood mechanism is waters flowing over Eweny Road. Zone B is alongside the river and covers the majority of the remainder of the site, with a small area in DAM Zone A.

The northern parcel of the site is predominantly within an area of medium risk of flooding from rivers, the remainder of the site has some small flow routes spreading from Oakwood Drive identified as low risk. The majority of the site is not in an area considered to be at high risk of flooding from surface water, however Oakwood Drive and the northern parcel are identified as being at high risk.

DAM Zone C2 is the area defined by NRW as without significant flood infrastructure; Zone B is defined as areas known to have flooded in the past (based on geological mapped outlines). According to the existing TAN 15, highly vulnerable developments should not be proposed within Zone C2, whereas Zone B is considered generally suitable for most forms of development.

It should be noted that the DAM has not been updated for over two years and no future updates are expected (in anticipation of the FMfP superseding it). The FCA has also concluded that the DAM is no longer accurate. While it is therefore considered out of date, it remains a reference point for the current policy document TAN 15.

#### FMfP Classification

The recently published FMfP is intended to support the new TAN 15 guidance and shows flood risk that includes an allowance for climate change. While implementation of this guidance has been suspended, the mapping will be treated as a material consideration in planning applications forthwith.

The FMfP rivers layer for Maesteg was updated by NRW in May 2023. The main source of flood risk to the site is flood risk from rivers (fluvial flooding). The former car park area to the north of the site is situated at a lower level to most of the site, consequently this is the area of greatest flood risk and is entirely within the extent of Flood Zone 3. The extent of Flood Zone 3 extends south along the western boundary of the site where water from the north flows along Oakwood Drive. The area within Flood Zone 3 accounts for 10.88% of the site, whereas 57.13% of the site area is located within Flood Zone 2. Only areas to the north-east and south-east of the site are typically outside of Flood Zone 2 and 3.

There is risk of surface water flooding across the wider Maesteg area as a result of the steep topography of the valley sides combined with the relatively flat valley bottom. The western boundary and northern area of the site is located in Flood Zone 3 of the FMfP Surface Water and Small Watercourses layers. This aligns closely with the outline of Flood Zone 3 in the FMfP Rivers. While it is quite possible that the FMfP Surface Water and Small Watercourses is underestimating the capacity of culverted sections of the watercourses and other drainage infrastructure, there is susceptibility to such flooding in these areas. Built development in these areas would need to be supported by further, more detailed, assessment to demonstrate that the flood risks are manageable to an acceptable level.

### Site Configuration

Due to the site's configuration it is useful to consider the site in four distinct parcels:

1. A northern parcel, which will accommodate the future transport interchange. While this will be a separate development, the Application does propose an intercepting flood conveyance channel around the perimeter and an access from the highway to enable this future proposal to be delivered.
2. A central parcel containing general commercial units. This parcel will be elevated to allow for the capping of the site with inert material (to address potential human health issues), as well as to mitigate flooding.
3. A southern parcel containing residential development, again elevated to allow for the capping of the site with inert material (to address potential human health issues), as well as to mitigate flooding.
4. An eastern parcel of public open space and flood conveyance channel arranged to safely accommodate and direct floodwaters away from the more sensitive areas of the development.

In order to overcome risks associated with contamination and fulfil a capping requirement for public health reasons, the proposal is to raise the central and southern development parcels; the areas that will contain commercial and residential development, respectively. This will have a simultaneous benefit of raising these parts of the site above the extreme flood level, which will reduce the risk of onsite flooding.

In order to mitigate the loss of flood conveyance/storage afforded by the existing site, the proposed scheme also includes a conveyance channel to draw floodwaters off Oakwood Drive in extreme events to an area of public open space which will serve to attenuate flows prior to spilling back into the Afon Llynfi. Flood waters will be routed through the site via the 'alternate' northern entrance and into a flood conveyance channel. This will route floodwaters (arriving at the site from the north), clockwise around the site perimeter to the public open space, where the flood waters will be attenuated.

### Existing TAN 15 Justification

The northern parcel is to be left undeveloped (in order to accommodate a future transport interchange), while commercial and residential development is proposed on the central and southern parcels, which are classed as low and highly vulnerable developments respectively.

As outlined in Section 4 of TAN 15, highly vulnerable development may be acceptable within DAM Zone B. If site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further. The FCA has determined that extreme flood outline does affect the existing site and therefore flood risk should be considered further.

For developments in DAM Zone C2, the planning requirements are that: the Justification Test is applied; the consequences are acceptable and; surface water requirements are met. Whilst it is noted that highly vulnerable development should not be permitted in DAM Zone C2, TAN 15 at para 6.1 recognises that, *“some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land”*.

The northern parcel of the site (not proposed for development via this planning application), will remain DAM Zone C2, although it is intended to accommodate the future transport interchange. The future interchange is considered ‘commercial’ and ‘general infrastructure’ class, which is less vulnerable development. It is considered that a future transport interchange proposal on the northern parcel can meet the justification tests for developments in DAM Zone C2 on this basis.

Moreover, the FCA clarifies that the site has been previously developed and as a result requires a clean cap of inert material to make it safe from a human health point of view. The proposed 600mm deep cap of material elevates site levels such that they would be dry in the 0.1% AEP (1 in 1,000yr) event. Following the placement of the capping (i.e. post remediation), aside from the northernmost area, which is to remain undeveloped (and the flood mitigation areas along the eastern edge of the site), the site would be classified as DAM Zone A. The proposed development has nevertheless been assessed against the requirements within TAN 15 (i.e. Justification, Acceptability and Surface Water), within the FCA as summarised below.

#### Justification

In terms of the TAN 15 Justification Test (as outlined within Section 6 of the TAN and shown in bold below), it is considered that:

- **The development’s location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

The site is an extant Mixed Use and Development Allocation (Policy PLA3(7) refers) within the existing adopted LDP. It is a high priority brownfield regeneration site that demonstrates significant propensity to stimulate economic growth within the Main Settlement of Maesteg, capable of addressing the past industrial legacy of the town in a positive placemaking-led manner. The site is proposed as a ‘rollover’ allocation within the Replacement LDP (replacement Policy COM1(5) refers), represents a necessary degree of continuity with the existing adopted LDP and is essential to implement the Replacement LDP’s long-term regeneration strategy.

- **Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region.**

The proposed development includes a commercial element, which will make significant contribution to local employment opportunities and will help sustain the existing settlement of Maesteg.

- **It concurs with the aims of PPW and meets the definition of previously developed land**

The former use of the site by several (now demolished) factories demonstrates that the site meets the definition of previously developed land, thereby concurring with the aims of PPW in prioritising the re-use of previously developed land for mixed-use development.

- **The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable**

The FCA demonstrates that the proposed development and its impacts, as currently understood, have been duly considered and found to be acceptable.

#### Acceptability

The acceptability of the development is most appropriately considered in the context of the different parcels:

- **Northern Parcel (Future Transport Interchange) and Eastern Parcel (Public Open Space and Flood Conveyance Channel)**

The need to remediate the site has been balanced with the need to manage floodwaters through the site such that the floodwaters are not displaced and thereby cause adverse impacts to adjacent landowners. The undeveloped northernmost portion of the site, the flood conveyance channel and the public open space are all predicted to flood during both the design and the extreme event. The flood conveyance channel and flood storage area (which has a dual public open space use), have been designed to convey floodwaters in extreme flood events. The depths and velocities of flooding are in excess of the TAN 15 guidance, but the affected areas can be carefully managed to ensure that site occupants are aware of the dangers associated with such areas. Such management procedures would be documented in a Flood Action Plan and defined roles then allocated to ensure measures were in place. Moreover, the future transport interchange (which is not part of this development proposal, although intended to be located in the northern parcel), is considered 'commercial' and 'general infrastructure' class, which is less vulnerable development.

- **Southern Parcel (Residential)**

Ground remediation works required at the site will result in ground levels generally being raised. The results of the updated hydraulic modelling presented in the FCA demonstrate that these remediated levels will create a

safe flood free development platform for the residential element (in both the design and extreme events), and the proposed flood mitigation measures will also have a net overall reduction in flooding to the surrounding area. In this case, the requirements of TAN 15 A1.14 and A1.15 are deemed to be satisfied.

- **Central Parcel (Commercial)**

Similar remediation works are required to cap this area of the site and thereby raise site levels. In this case, though, the external areas within the commercial element of the scheme would experience shallow flooding in the design event and slightly greater flood depths in the extreme event. The FCA modelling shows this to be less than 600 mm and so it is clear that this area is within the indicative depth criterion and the slab levels of the proposed building units are dry in both events. The FCA recommends the commercial area should be designed to passively accommodate flood waters, with readily accessible egress to safety. In this case the requirements of TAN 15 A1.14 and A1.15 are deemed to be satisfied.

### Surface Water

The recommended drainage strategy is to treat and reduce runoff where viable. The FCA details several potentially suitable methods for achieving this. Whilst there is no formal requirement for a separate application to the SuDS Approval Body (Land Drainage Section), due to the previous validation of the Application and resolutions to grant this scheme before the SuDS legislation was introduced in 2019, there should be ample opportunities for SuDS given the nature of the development and a more detailed drainage strategy will be formulated as the design progresses.

However, the 'in principle' strategy for the management and disposal of surface water is covered in Section 5 of the FCA, where the requirements of planning policy can be seen to be satisfied.

The results from the FCA suggest that the flooding predicted is within existing TAN 15's recommended criteria, with only minor variances from these limits where areas are designed as a flood route. Results suggest that access routes are impacted but that access and egress to the site should remain achievable. Given that the floodwaters associated with both the design and extreme flood events affect Oakwood Drive (onto which all access/egress options from the site exist), an Emergency Flood Action Plan should be established and implemented to manage site access/egress in such extreme events. The preferred emergency access route from Oakwood Drive West to Bethania Street/Llwydarth Road should remain substantially passable; i.e. restricted but not severed for emergency vehicles for the majority of the extreme flood event. In non-emergencies, a policy of safe refuge avoiding flood waters is deemed suitable for this development.

In summary, this section has outlined the site configuration and results of hydraulic modelling detailed within the FCA, which assesses pre- and post- development scenarios for the site. The modelling outputs suggest the effects of the remediation and proposed development on flood risk can be mitigated and brought into general compliance with the guidance set out in the existing TAN 15.

### Proposed TAN 15 Justification

The SFCA considered the key proposed changes to the new TAN 15 in conjunction with the FMfP and applied current expectations of the new TAN 15 to the Replacement LDP's site screening. For consistency, the SFCA addendum applies the latest draft version of the new TAN15 (January 2023), to Ewenny Road's site screening, uses best available information and considers the constraints and opportunities of the site in further detail.

The SFCA addendum has considered detailed flood mapping for Maesteg (developed in 2012 and provided by NRW). This models a range of fluvial events for both the defended and undefended scenarios. The model was rerun in 2022 for the 1% Annual Exceedance Probability (AEP) plus climate change and 0.1% AEP plus climate change events. These re-runs have allowed NRW to apply the local model data to the latest version of the FMfP, superseding the previous generalised modelling. The 2022 model re-runs used the original 2012 hydrology, but with updated climate change allowance to reflect current Welsh Government guidance.

The SFCA addendum has also considered the FCA modelling and flood mitigation strategy (that was undertaken to support the planning Application and mentioned in the previous section), to consider whether the results are broadly similar.

While the new TAN 15, including the FMfP, is still evolving during this interim period, the proposed revised guidance makes it clear that the TAN,

*“does not seek to prevent appropriate regeneration of our towns and cities, but rather highlights that such activities must take flood risk into account and requires local authorities to clearly identify adaptation initiatives, and above all not knowingly expose communities to unacceptable risk” (WG, 2022, para 2.2).*

The size of the site and mixed-use nature of the proposed development provides greater opportunities to adopt a sequential approach to the layout and design of the development, as advocated in proposed TAN 15 paragraphs 6.6, and 13.4. This would seek to align the vulnerability of development with the flood risk in the area; steering more vulnerable development away from areas of flood risk. The SFCA addendum exemplifies that it may be more appropriate to utilise those areas most at flood risk for water compatible public open space provision, but where the risk is very low (naturally or by design), more vulnerable uses could be allowed.

### Development in Flood Zone 1

The proposed TAN is clearly risk-based in approach. While it is clarified that development in Flood Zone 1 should be prioritised to support the overarching ambitions of the Development Plan, *“sites may also be allocated for any type of development on brownfield land in the TAN 15 Defended Zones, or in areas that would benefit from flood mitigation measures that enable the site to meet the criteria of the Defended Zone” (WG, 2022, para. 7.14).*

### Development in Flood Zone 2

The proposed TAN 15 also specifically states that development in Flood Zone 2 (Rivers and Sea) can be acceptable and allocations may be made where they

implement *“in full or in part a strategy to regenerate or revitalise existing settlements or to achieve key economic or environmental objectives”* (WG, 2022, para. 7.15).

Ewenny Road’s Central and Southern Parcels (commercial and residential proposals, respectively) meet these criteria. Delivery of new homes and jobs on brownfield land in this “Main Settlement” is considered a high priority regeneration proposal, essential to implement the long-term regeneration strategy within both the existing and replacement LDPs. Such development will stimulate significant regenerative benefits throughout Maesteg and enable urban renewal through sustainable placemaking in accordance with “Town Centre First” principles; an approach entirely compatible with national policy aspirations.

The further requirements for development in Flood Zone 2 are that the location meets the definition of previously developed land, and the acceptability of flood consequences are found to be satisfied. The site in its entirety meets the definition of previously developed land and the acceptability criteria are considered below.

### Development in Flood Zone 3

The proposed TAN 15 further adds *that “allocations for new residential and other types of highly vulnerable new development must not be made”* in Flood Zone 3 (Rivers and Sea), whereas *“allocations for less vulnerable new development, including essential transport and utilities infrastructure, should only be made [in Zone 3] in exceptional circumstances”* (WG, 2022, para. 7.16).

The former car park area in the northern parcel of the site is located in Flood Zone 3. While not specifically proposed as part of planning Application P/13/808/OUT, the northern parcel will be left undeveloped to enable a future transport interchange. This is a key component of the Metro’s enhanced services on the Valley Lines via the Maesteg branch and is essential to strengthen public transport connections to and from Maesteg. The future development proposal is therefore considered one such exception in accordance with the new proposed TAN 15 criteria.

Extensive background evidence has been prepared to verify the development can meet the remainder of TAN 15’s proposed acceptability criteria for flooding consequences. As in all flood zones, water compatible development (e.g. flood mitigation measures, public open space), would be acceptable within Flood Zone 3, which is the proposal within the eastern parcel. Similar to development in Flood Zone 2, development in Flood Zone 3 must also be located on previously developed land and satisfy the acceptability of flood consequences.

### Acceptability of Flood Consequences

There are three principal aspects to the Acceptability Criteria:

- 1. Flood frequency requirements.** The frequency at which flooding is regarded to be acceptable, depending on the primary source of flooding.
- 2. Tolerable conditions.** The flood conditions that are regarded to be acceptable during an extreme flood event, depending on the type of development.



**3. Avoidance of third-party impacts.** Development must not cause or exacerbate the nature and frequency of flood risk elsewhere.

The SFCA addendum found NRW model results show that the first test of flood frequency requirements is satisfied for all parts of the site other than the former car park to the north of the site, which is situated in Flood Zone 3 (i.e. the northern parcel). Therefore, this area will require some form of flood mitigation if it is to be developed for “Less Vulnerable Development” (“Highly Vulnerable Development” not being allowed in Flood Zone 3). This is acknowledged and the parcel is intended to be developed as a future transport interchange, which will be considered under a separate planning application.

NRW model results suggest that flooding in the extreme design event will not exceed tolerable conditions (>600mm) across the vast majority of the site. Again, the only possible exception is the former car park to the north of the site (i.e. the northern parcel), where this threshold is exceeded by 150mm in some locations. However, as previously acknowledged, this area requires some form of flood mitigation for development to take place.

The SFCA addendum also considered the FCA undertaken to support the planning Application. It was considered that the FCA modelling demonstrates, at least in principle, that the risks of flooding can be managed to satisfy the acceptability criteria. The flood mitigation strategy would ideally prevent flooding of all areas of development, with the deliberate exception of areas of water compatible development. Indeed, such a strategy for the site is likely to be able to exceed the requirements of ‘flood frequency’ and ‘tolerable conditions,’ and reduce flood risk elsewhere.

Overall, the SFCA addendum therefore concludes that the proposed development is very likely to be able to satisfy the acceptability of flood consequences.

### **Conclusion**

The proposed development at Ewenny Road is considered to have a low risk of flooding from most sources, except fluvial sources. Ground remediation works required at the site will result in levels being raised at the central and southern parcels; the areas that will contain commercial and residential development, respectively.

The FCA demonstrates that these remediated levels can have a net overall benefit to flood consequences in Maesteg and that the level of risk and consequences are acceptable when assessed against the requirements of the existing TAN 15 in the context of the existing DAM. The proposed scheme also includes a conveyance channel to draw floodwaters off Oakwood Drive in extreme events to an eastern area of public open space, where the flood waters will be attenuated.

The development proposal has also been considered in light of the proposed TAN 15 and FMfP. As a large mixed-use development, the SFCA addendum found that the proposed allocation and development is capable of meeting all aspects of the Justification Tests of the proposed TAN15. This will require some aspects of site zoning and flood mitigation, but the evidence considered above has demonstrated that this is very likely to be achievable.

**On balance, it is therefore considered that the flood risk can be effectively managed with appropriate mitigation and is not considered to outweigh the wider site coming forward for development. This is especially given the site's status as a high priority regeneration allocation that will enable re-use of previously developed land, deliver homes and jobs within a main settlement and facilitate placemaking-led, transit-oriented development.**

Turning to the consideration of drainage and water supply, regard is given to criterion (13) of Policy SP2 of the Local Development Plan (2013), which stipulates that development proposals must incorporate appropriate arrangements for the disposal of foul sewage, waste and water, in order to be considered as acceptable.

Dŵr Cymru/Welsh Water (**DC/WW**) have commented that the developer has indicated that foul flows are to be disposed of via the public sewerage system and they offer no objection in principle to the foul flows discharging to the public sewer. The surface water is set to be drained via soakaways. To ensure there is no detriment to the public sewerage system or water supply in the area, DC/WW request that a condition and advisory note to be included in any recommendation to stop surface water or land drainage from connecting with the public sewerage network and to fund a hydraulic modelling assessment on the water supply network.

The Council's Land Drainage Officer has advised that the Application form states that the proposed development is located within a flood risk zone, is located within 20m of a watercourse and does not propose to increase flood risk elsewhere. A review of the OS database notes the development is partially located within a flood risk zone and is located adjacent to the River Llynfi. A Flood Consequence Assessment (**FCA**) has been provided. The Applicant shall seek approval from NRW for the proposed flood defence works and provide written confirmation outlining who will be responsible for future maintenance of this structure and channel.

The Application form states foul water will be disposed to the public sewer. An indicative foul drainage layout has been provided. The Applicant shall contact DC/WW to discuss the proposed connection to the public sewer. The Applicant shall contact DC/WW to discuss whether any build over sewer agreements or sewer diversions are required.

The Application form states surface water will be disposed via sustainable drainage system and soakaways. Given the development is located in close proximity to the River Llynfi and part of the development is located within a flood risk zone, it is highly likely that infiltration will not work in this location due to high water table, particularly during the winter months. There is also a history of mine shafts within this location. Therefore, infiltration solutions will not be accepted as part of the development.

The proposed layout identifies that surface water will be disposed to the River Llynfi, potentially via existing outfalls. The drawing also advises that some existing highway drainage sewers will be diverted as part of the works. The Applicant should contact BCBC highways/land drainage to discuss the proposed highway sewer diversions.

As such, the scheme is considered to be acceptable in respect of flooding, land drainage, foul and surface water removal and water supply subject to the

implementation of the flood mitigation proposals and the imposition of suitably worded conditions.

## **BIODIVERSITY**

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."*

The revisions to the scheme were submitted before the requirements of the new Chapter 6 of Planning Policy Wales came into effect in October 2023, namely the submission of Green Infrastructure Statements. However, there will be scope within the development (and in extensive soft landscaping proposals as part of a future reserved matters application), to provide substantial biodiversity enhancements, particularly along the river corridor.

The current Application submission is supported by a Preliminary Ecological Appraisal and Reptile Survey prepared by Tetra Tech.

All the habitats on site are secondary and associated with the former industrial use of the site and its demolition. The most diverse habitat is the large extent of scrub which

varies in structure and composition across the site. There are no natural habitats present on site.

The site is relatively isolated in an urban setting with the only connecting habitat being the Llynfi River running to the east. Due to the location and nature of the site, there are limited opportunities for protected species, except potential for reptiles, common species of nesting birds and foraging and commuting bats.

There is one SSSI within the 2km search radius of the development site. Cwm Du is one of the largest remaining broadleaved woodlands in the South Wales coalfield and is designated due to the native oak that dominates the woodland species. The SSSI is located approximately 1.2km south-east of the development site across sub-urban sprawl, with no direct connectivity (via green corridors or aquatic/hydrological connectivity). Based on this, it is unlikely there will be a direct or indirect impact to the SSSI from the proposed development.

There are 22 locally designated sites within the 2km search radius, the closest being Llwydarth Wood SINC located approximately 0.2km to the south-west of the site. This site is separated by Llwydarth Road, two rows of residential buildings and the railway line and is not connected hydrologically or terrestrially. The woodland is on private land with no Public Rights of Way (PRoW). It is therefore not considered at risk of being impacted the development.

The document confirms that there are no ecological concerns which would prevent the site from being developed in line with the proposed illustrative masterplan and recommendations.

Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to *'seek to maintain and enhance biodiversity'* so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to *'promote the resilience of ecosystems'*.

The Ecological Appraisal and Reptile Survey by Tetra Tech acknowledges that opportunities should be sought where possible for nature conservation enhancement of the site in line with current planning policy guidance. They recommend that the landscaping scheme for the new development should aim to incorporate connectivity to the wider landscape (most notably the Llynfi River to the east and woodland to the south); buffer zones and boundary habitats should be enhanced through natural regeneration and native planting; compensation for the loss of scrub habitat through the creation of habitat corridors and planting of native species of flowers and trees to increase the pollination resource; the promotion of wildlife diversity and the installation of bird boxes and bat boxes on retained trees and/or incorporated into the new buildings.

With the proposed green infrastructure corridors and the 2.4 Ha of green open space within and around the site, net biodiversity enhancements will be achieved by this development and the ecosystems of the site would be in a much better state than before the development had taken place. It is the Council's view that the development

accords with Section 6 of the Environment (Wales) Act 2016 and will ‘*promote the resilience of ecosystems.*’

## **OTHER MATTERS**

### **Residential Amenity**

Given the Outline nature of the Application with all matters other than access being reserved for future approval, the offset of the Application site and the surrounding characteristics of the site, the proposal raises no serious issues in respect of loss of amenity or privacy to existing neighbouring occupiers.

Any future reserved matters application could more carefully address this matter and the Design and Access Statement submitted in support of this current proposal acknowledges that the proposed homes can be located at an appropriate distance away from existing uses and residential properties, and can be orientated side-on to ensure windows of habitable rooms do not directly overlook existing properties. In addition, the established hedgerow that lines the southern boundary will be retained with opportunities to enhance this green buffer with new planting in areas that are less dense.



***Fig. 10 – Illustrative view of the site from the South***

Finally, the range of uses now proposed for this site (residential; employment/enterprise hub and retail), are more “neighbour” friendly than its original Industrial use and the original regeneration scheme which included for fast food retail, non-food retail, bulky goods retail, food retail, a public house, a 50 bed extra care residential home, a large B1 industrial unit and up to 14 smaller B1 industrial units. Therefore, it is unlikely that the proposed uses will have a detrimental impact on air quality and noisescapes.

## **Network Rail**

As with the original scheme, an objection has been received from Network Rail due to the existing railway pedestrian crossings in close proximity to the site. As addressed in the original committee report for the redevelopment of this site in 2014, these are existing crossings for which Network Rail have not identified any evidence to demonstrate that they are unsafe or explained how any additional usage will make them unsafe. Whilst extra footfall may result in greater maintenance costs to the train operator, this is not a material planning consideration and cannot form a reason for refusal. It should also be noted that this is a key regeneration site for Maesteg and the Llynfi Valley and it is likely to be beneficial to the train company that operates this line in terms of additional passengers.

## **Coal Mining Legacy**

Within the Application site, as defined by the red line plan, the Coal Authority's (CA) records indicate that there are two mine entries and there are also areas of recorded and likely unrecorded coal workings at shallow depth.

The CA previously commented on this outline Application on 11th December 2013. At this time, they raised no objections subject to conditions being imposed on any consent granted.

The CA note that this current consultation relates to an updated submission and that access is now being considered. As there is now a detailed element to the submission, they would have normally expected a Coal Mining Risk Assessment, or updated coal mining information in order to support the application. This information should demonstrate how the access routes proposed within the site relate to the coal mining features present and what further investigations and remedial works are necessary to ensure the safety and stability of this element of the development.

This information, as with the original application and resolutions to grant, will be secured via a condition attached to the recommendation.

## **Archaeology**

Glamorgan Gwent Archaeological Trust (**GGAT**) previously recommended that an archaeological desk-based assessment should be undertaken and further archaeological investigation works, including archaeological evaluation, may be required to be undertaken prior to the determination of any planning application.

Subsequently, the desk-based assessment identified the former Oakwood Colliery (later the Maesteg Merthyr Colliery), a small coke works and two farms, Maesteg Isaf and Maesteg Canol, as having been located within the Application area.

These sites are historic environment assets that need to be properly considered in assessing the impact of this Application. The archaeological desk-based assessment identified that whilst landscaping and redevelopment works are likely to have had some effect on the archaeological remains of the aforementioned sites, the extent of survival and condition of these is uncertain and there is a strong likelihood that significant remains could survive below the current ground surface.

The assessment recommended that a programme of targeted archaeological evaluation be carried out to allow a more accurate assessment of the archaeological resource to be made - the results of which would allow a full mitigation strategy for the proposed development to be devised.

GGAT agree with the recommendations in the report submitted by the Applicant that further evaluation on the site is necessary. Planning Policy Wales' chapter on Distinctive and Natural Places includes particular advice regarding field evaluation and the understanding of impact of a development proposal on archaeological remains. More detailed advice is given in TAN24: The Historic Environment (para 4.2 and especially paragraph 4.7).

The current LDP Policy SP5 relating to the Conservation of the Built and Historic Environment, and Policy ENV8 Heritage Assets and Regeneration both state that *“Development which would materially harm heritage assets and features will not be permitted.”*

The details note that Bridgend values the unscheduled archaeological record (para 4.2.5, 4 and 4.2.6) and those elements which have no statutory protection *“are of great significance to the quality of the environment and the special identity of Bridgend County Borough”*. The wider Maesteg area is identified as having cultural heritage (Para. 2.3.43).

GGAT, in their role as the professionally retained archaeological advisors to the Local Planning Authority, recommend that the Applicant should be requested to commission the required archaeological work. Whilst, normally, the impact of the development on the archaeological resource will be a material consideration in the determination of a current planning application, it is considered that this work (and any future archaeological mitigation) can be secured via condition bearing in mind the Outline nature of this Application, the involvement of the Council as landowner and based on the required CCR works. It should also be noted that additional archaeological mitigation is likely to be required following the completion of the evaluation works.

### **Planning Obligations**

The following refers to the Applicant's obligation to enter into a Section 106 Agreement in accord with Policy SP4 of the Local Development Plan (2013). Policy SP14 of the Local Development Plan (2013) highlights the general principle that infrastructure will be required where necessary in planning terms and indicates the broad range of matters that may need to be addressed, which include the following:

- Affordable Housing;
- Education facilities and/or their upgrades;
- Outdoor recreation;
- Renewable energy and low carbon technologies;
- Improvements to the highway network, including walking and cycling routes and public transport;
- Protection, enhancement and management of the natural, historic and built environment;
- Community facilities and/or their upgrades;
- Waste management and recycling facilities;

- Initiatives to manage and mitigate the impact of climate change; and
- Improvements to the public realm.

### **Highways**

The Applicant has agreed to enter into a legal agreement to contribute the sum of £8000 to cover the costs of extending the existing traffic regulation orders which prohibit parking or loading/unloading on Oakwood Drive or the road linking Oakwood Drive to Bethania Street in order to ensure that the streets remain free flowing.

### **Affordable Housing**

The Application triggers Policy COM5 of the LDP, which in this location requires 15% of the dwellings to be provided as affordable housing with the units being transferred to a Registered Social Landlord, approved by the Council.

### **Education**

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

However, whilst it is considered that sufficient capacity exists within local schools to accommodate the number of children generated by the proposals, the viability of the scheme would not be able to support a contribution.

### **Open Space**

Policy COM11 of the Local Development Plan (2013) recognises the importance of outdoor recreation facilities, stipulating that *“provision, or the equivalent value of a satisfactory standard of outdoor recreation space will be required for all new housing developments”*. This is defined as 2.4 hectares per 1,000 of the population.

Bridgend County Borough Council’s Outdoor Sports and Children’s Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in the locality of the Application site. In order to ensure compliance with COM11 the proposed development will incorporate formal (in the form of a Neighbourhood Equipped Area of Play) and informal open space within the site.

### **CONCLUSION**

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act, 2015, the Well-being of Future Generations (Wales) Act, 2015 and other key legislation.

It is the role of the Local Planning Authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable.

In deciding whether to approve or refuse a planning application, the policies of the adopted Bridgend Local Development Plan (2013) are the starting point.



Having considered all relevant evidence and material planning considerations, as well as the concerns raised by consultees, this Outline Application is again, on balance, recommended for approval because the development complies with Council policy and guidelines. More specifically, it relates to an allocated site for regeneration and mixed-use development in the Maesteg Regeneration Growth Area as defined by Policy PLA3 of the LDP, and it is a high priority brownfield regeneration site that demonstrates significant propensity to stimulate economic growth within the Main Settlement of Maesteg and address the past industrial legacy of the town.

The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to Maesteg Town Centre, nor so significantly harm neighbouring residential amenity as to warrant refusal.

It is concluded that the benefits secured from the development are a significant material consideration in the determination of this Application.

As referred to in depth above, matters relating to flooding have been addressed and, subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to vulnerable users.

## **RECOMMENDATION**

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

(i) Provide a financial contribution in the sum of £8,000 for a traffic order to confirm that vehicles cannot park or load/unload on Oakwood Drive or the road linking Oakwood Drive to Bethania Street in order to ensure that the streets remain free flowing.

(ii) Provide a minimum of 15% of the units as affordable housing with the affordable tenure and location within the site to be agreed by the Council.

(iii) Provide and maintain outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance Note 05 – Outdoor Recreation Facilities and New Housing Development (2022) prior to the first beneficial occupation of the residential element of the scheme.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement and/or other appropriate legal agreement to secure the planning requirements listed under (A) above and subject to the standard outline conditions and the following additional conditions:

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

Location Plan 21040(05) 090 Rev A

Masterplan 21040(05) 100 J

Access and Movement Parameters 21040(05)201 Rev B

Scale Parameters 21040(05)202 Rev B  
 Green Infrastructure Parameters 21040(05)203 Rev B  
 General Arrangement 70060546-WSP-XX-XX-DR-0002 P02  
 Drainage Strategy 70060546-WSP-XX-XX-DR-0003 P04  
 Site Remediation Works 70060546-WSP-XX-XX-DR-0004 P02  
 Existing Services and New Service Connections 70060546-WSP-XX-XX-DR-0005 P02  
 Typical Site Cross Sections 70060546-WSP-XX-XX-DR-0006 P03  
 Highway Work Proposals Typical Sections 70060546-WSP-XX-XX-DR-0007 P02  
 Site Clearance Plan 70060546-WSP-XX-XX-DR-0008 P01  
 Site Fencing Requirements 70060546-WSP-XX-XX-DR-0009 P01  
 Flood Consequences Assessment and Appendices by WSP – October 2023  
 Transport Assessment Addendum by Asbri Transport – December 2023  
 Design and Access Statement by Powell Dobson Architects  
 Ecological Appraisal and Reptile Survey by Tetra Tech

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

2. Notwithstanding the submitted plans, the consent hereby granted shall be limited to:
  - i) no more than 201 units of residential accommodation
  - ii) up to 6,000 sq m of office space
  - iii) up to 720 sq m of retail space

Reason: To avoid doubt and confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

3. No development shall take place for the enabling engineering operations and associated works phase of the development ("**Enabling Works**"), including any works of demolition/site clearance for the Enabling Works, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. 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. wheel washing facilities
  - v. measures to control the emission of dust and dirt during construction
  - vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
  - vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
  - viii. Approximate timescales of each operational phase;
  - ix. Operational hours;

- v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
- x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement for the Enabling Works.

Reason: In the interests of highway safety and general amenities.

4. No development shall take place for the Reserved Matters element of the development, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. 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. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
- vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
- viii. Approximate timescales of each operational phase;
- ix. Operational hours;
- v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
- x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement.

Reason: In the interests of highway safety and general amenities.

5. Notwithstanding the submitted plans, no development shall commence apart from the Enabling Works as approved under this consent until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing revised access point into the residential site, revised access point into the office/business area, removal of the access points into the proposed transport interchange and reinstatement back to footway of existing redundant vehicular access points. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

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

6. There shall be no development or construction material storage in the area of land to the parcel of land to the west within the red line boundary which will

accommodate any future transport interchange, as shown on drawing number: General Arrangement 70060546-WSP-XX-XX-DR-00 rev P02.

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

7. Notwithstanding the submitted plans there shall be no means of vehicle access into the western site boundary for the first 80m (measured from the northern site boundary - the communal boundary with the adjacent builders merchants)

Reason: In the interests of highway safety.

8. Notwithstanding the submitted plans the main access points into the site shall be no less than 40m apart (measured from the centre of each junction).

Reason: In the interests of highway safety.

9. Notwithstanding the submitted plans, no development shall commence apart from the Enabling Works as approved under this consent until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting 43 Eweny Road and 1 Oakwood. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

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

10. Notwithstanding the submitted plans, no development shall take place apart from the Enabling Works as approved under this consent until there has been submitted to and agreed in writing by the Local Planning Authority a scheme showing vehicular turning facilities for that particular phase. The turning facilities shall be designed so as to enable vehicles to enter and leave in a forward gear. The turning facilities shall be implemented in accordance with the agreed scheme and completed prior to the respective proposed development associated with each land use being brought into beneficial use. The agreed turning facilities shall be retained thereafter.

Reason: In the interests of highway safety.

11. All vehicle accesses linking onto Oakwood Drive 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 as such thereafter in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

13. Notwithstanding the submitted plans, no development apart from the Enabling Works as approved under this consent shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along Oakwood Drive between Ewenny Road and 1 Oakwood and a revised and realigned junction bell mouth on the southern side of the junction with the Link Road and Oakwood Drive. Such a scheme shall include appropriate signage and carriageway markings and shall be fully implemented in accordance with the agreed scheme before the development is brought into beneficial use.

Reason: In the interests of highway safety.

14. No development apart from the Enabling Works as approved under this consent shall commence until a scheme for the provision of improvements to the two bus stops sited on the A4063 in the vicinity of 262 Bridgend Road (B4282) and a footway created from the site along Oakwood Drive (in the vicinity of the weigh bridge) to those bus stops, as well as a scheme for a new bus stop on the southern end of Oakwood Drive, has been submitted to and agreed in writing by the Local Planning Authority. The improvement works shall be fully implemented in accordance with the agreed scheme before the development is brought into beneficial use.

Reason: To promote sustainable means of transport to/from the site.

15. No development apart from the Enabling Works as approved under this consent shall commence until a scheme for the provision of pedestrian crossing points at appropriate locations across: Oakwood Drive, the road linking Oakwood Drive with the A4063, each of the accesses into the site, and the roads between 2 and 31 Oakwood, and 48 and 49 Oakwood has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall consist of dropped kerbs and tactile paving and shall be implemented before each individual development is brought into beneficial use and retained as such thereafter in perpetuity.

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

16. No development or phase of development, apart from the Enabling Works as approved under this consent, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
  1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

17. Prior to the beneficial occupation or operation of the development or phase of development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Prior to the beneficial operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
  - Details of the methods and triggers for action to be undertaken;
  - Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
  - Timescales for submission of monitoring reports to the LPA e.g. annually;

- Details of any necessary contingency and remedial actions and timescales for actions;
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts because of development on water quality.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

21. No development or phase of development, apart from the Enabling Works as approved under this consent, shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

22. No development shall commence, apart from the Enabling Works as approved under this consent, until a site wide Construction Environmental Management

Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas), and any watercourse or surface drain;
- Biodiversity Management: details of invasive species management (INNS management plan);
- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Control of Nuisances: details of dust control measures;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

23. Prior to installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- Details of the siting and type of external lighting to be used;
  - Drawings setting out light spillage in key sensitive areas, in particular the vegetation along the River Llynfi corridor;
  - Details of lighting to be used both during construction and operation; and,
  - Measures to monitor light spillage once development is operational.

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

Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.



24. The A1 use hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:  
0700-2300 hours Monday-Saturday  
0700-2200 hours Sundays

Reason: In the interests of amenities.

25. Any subsequent reserved matters application for employment uses (B1) shall include the submission of a report which reviews the noise likely to be emitted as a result of the employment uses. The report shall include:

- i) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations
- ii) details of fixed plant, including the location and noise levels to be emitted from the plant
- iii) hours of operation
- iv) details of deliveries
- v) any mitigation measures

Reason: In the interests of neighbouring residential amenities.

26. The remedial measures for the shallow workings and the stabilisation and remediation works for the mine entries, shall be carried out in accordance with the documents titled:

Report on Site Investigations (2010) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Site Investigations (2013) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Reason: To ensure a satisfactory form of development.

27. No development shall commence until a scheme for the eradication and/or control of Japanese Knotweed & Himalayan Balsam (and any other invasive species) has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure for a satisfactory form of development in the interests of biodiversity/ecology.

28. No development shall commence apart from the Enabling Works as approved under this consent until a scheme providing details for the disposal of foul, roof and yard drainage has been submitted to and approved in writing by the Local Planning Authority, the approved scheme must be in place prior to beneficial occupation of the development.

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

29. No development shall commence on site apart from the Enabling Works as approved under this consent until a detailed, comprehensive and site-specific emergency flood plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details on the designated emergency routes and the method of how on-site occupants will be notified of the flood event.

Reason: To ensure that flood risk is clearly identified and that all parties are aware of the associated risks.

30. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist and no work shall commence until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within three months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

31. The plans and particulars submitted in accordance with the reserved matters in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

32. No development shall take place apart from the Enabling Works as approved under this consent until a schedule of landscape maintenance (excluding domestic gardens) for a minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

33. No surface water is allowed to discharge to the public highway.

Reason: To ensure for a satisfactory form of development.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

## **ADVISORY NOTES**

NRW recommend developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM);
2. Refer to Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
3. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any

proposed on-site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

When preparing the Pollution Prevention Plan which will form part of the CEMP, we recommend the applicant refers to the Guidance for Pollution Prevention (GPP) documents, particularly GPP1: Understanding your environmental responsibilities – good environmental practices and GPP5: Works and maintenance in or near water, which are available on the NetRegs website. All work should avoid entering/crossing watercourses, but if this is unavoidable, the time spent in the watercourse should be minimised and suitable mitigation measures put in place to prevent mobilisation of silt or other pollutants. For further advice and guidance please see GPP5. No phase of construction may cause a discharge of any polluting materials, for example silt, to any watercourse. Should any spills occur, appropriate measures to contain and clean up these spills must be taken immediately, according to an incident response plan. Any discharges to the water environment must be self-reported to Natural Resources Wales on 0300 065 3000 immediately. If flocculant is required on site to treat silty water, a permit will be required. The average time for processing applications is 3-4 months and this should be built into the construction timeline prior to commencing. Please refer to our website for further details.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

To satisfy the above Land Drainage condition(s), the applicant must:

- Provide an agreement in principle from NRW with regards to the proposed FCA and its findings;
- Provide an agreement in principle from NRW with regards to Flood Risk Activity Permits for works within or adjacent to the River Llynfi;
- Provide an agreement in principle from NRW with regards to the installation of flood defence bank and flood alleviation swale channel;
- Provide written confirmation outlining who will be responsible for future maintenance associated with the existing and proposed flood defence structures;
- Provide foul and surface water drainage layouts;
- Provide details of the proposed flood defence bank and flood alleviation swale;
- Provide an agreement in principle from DCWW for foul (and surface water, if required) disposal to the public sewer;
- Provide written confirmation from DCWW with regards to the adoption of the proposed foul and surface water sewers;
- Provide an agreement in principle from DCWW for any build over sewer agreements or sewer diversions, if required;
- Provide an agreement in principle from BCBC highways/land drainage with regards to proposed highway sewer diversions, if required;
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30%CC event.

DC/WW advise that, in accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant should take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would

recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

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

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

## WATER SUPPLY

In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For you to obtain a quotation for the hydraulic modelling assessment, we will require a deposit of £250. This fee is non refundable, however, if the developer wishes to proceed with the assessment the £250 will be deducted from the final modelling costs.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

**JANINE NIGHTINGALE**  
**CORPORTATE DIRECTOR COMMUNITIES**

### **Background Papers**

None

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## Appeals

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

<b>APPEAL NO.</b>	CAS-02483-N2F1B6 (1982)
<b>APPLICATION NO.</b>	P/21/301/FUL
<b>APPELLANT</b>	MULBERRY HOMES LTD
<b>SUBJECT OF APPEAL</b>	NON-DETERMINATION APPLICATION FOR THE ERECTION OF 70 DWELLINGS, COMMUNITY ROUTE AND ASSOCIATED PLAY AREA AND PUBLIC OPEN SPACE: LAND REAR OF WAUNSCIL AVENUE EXTENDING TO THE REAR OF MORFA STREET BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

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<b>APPEAL NO.</b>	CAS-02897-L2J7K9 (1992)
<b>APPLICATION NO.</b>	ENF/97/20/ACK
<b>APPELLANT</b>	MR GARETH RICHARDS
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED USE OF LAND: LAND ADJACENT TO BRYN LLEFRITH FARM MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO.</b>	CAS-02920-L0R2H6 (1993)
<b>APPLICATION NO.</b>	P/22/23/FUL
<b>APPELLANT</b>	CARHYS
<b>SUBJECT OF APPEAL</b>	ONE 3 BED DETACHED DWELLING WITH ACCESS DRIVEWAY: LAND REAR OF 17-21 CASTLE VIEW BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

- 
1. The proposed dwelling, by reason of its siting, represents an uncharacteristic form of development which is at odds and harmful to the established character and appearance of the prevailing built up residential area contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).

2. The proposed development, by reason of its siting, scale and design, would result in the overdevelopment of the site and would constitute an unneighbourly and harmful form of development that would be detrimental to the existing levels of residential amenity and privacy currently enjoyed in the locality by way of overlooking, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).

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<b>APPEAL NO.</b>	CAS-03071-C2M9Y2 (2000)
<b>APPLICATION NO.</b>	P/23/360/FUL
<b>APPELLANT</b>	MR D FLOWER
<b>SUBJECT OF APPEAL</b>	RETENTION OF FRENCH DOORS AND BALCONY AS BUILT: 28 SANDERLING WAY PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its siting, scale, intended use and design, constitutes an unneighbourly and harmful addition that would be detrimental to the residential amenities of the adjoining property by way of a significant loss of privacy, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).

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<b>APPEAL NO.</b>	CAS-03073-F3V2C6 (2001)
<b>APPLICATION NO.</b>	ENF/164/23/TAC
<b>APPELLANT</b>	MR RICHARD BOOTH
<b>SUBJECT OF APPEAL</b>	HIGH HEDGE: 10 CYPRESS GARDENS PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	APPEAL AGAINST DECISION NOT TO SERVE A REMEDIAL NOTICE (HIGH HEDGES) UNDER SECTION 69 OF PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003

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**The following appeal has been decided since my last report to Committee:**

<b>APPEAL NO.</b>	CAS-02978-D8C2G7 (1995)
<b>APPLICATION NO.</b>	P/23/354/FUL
<b>APPELLANT</b>	MR A PRICE
<b>SUBJECT OF APPEAL</b>	SINGLE STOREY SIDE/REAR EXTENSION AND HIP TO GABLE DORMER LOFT CONVERSION: 11 HEOL Y FOELAS BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER



**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE PART ALLOWED/PART DISMISSED AND SUBJECT TO CONDITIONS.

A copy of the appeal decision is attached as **APPENDIX A**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

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

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



## Appeal Decision

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by Richard James Bsc (Hons) Msc MRTPI  
an Inspector appointed by the Welsh Ministers  
Decision Date: 04.12.2023  
Appeal reference: CAS-02978-D8C2G7  
Site address: 11 Heol-Y-Foelas, Bridgend, CF31 4RR

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Andrew Price against the decision of Bridgend County Borough Council.
  - The application Ref P/23/354/FUL, dated 24 May 2023, was refused by notice dated 3 August 2023.
  - The development proposed is a single storey side/rear extension and hip to gable dormer loft conversion.
  - A site visit was made on 21 November 2023.
- 

### Decision

1. The appeal is dismissed insofar as it relates to the hip to gable dormer loft conversion. The appeal is allowed insofar as it relates to the single storey side/rear extension and planning permission is granted for a single storey side/rear extension at 11 Heol-Y-Foelas, Bridgend, CF31 4RR in accordance with the terms of the application, Ref P/23/354/FUL, dated 24 May 2023 and subject to the conditions set out in the schedule to this decision letter.

### Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site comprises an end of terrace two storey dwelling, on a block of dwellings, which are set back and elevated from the Heol-Y-Foelas highway, with hipped roofs at each end. The terrace forms part of a planned residential estate of predominantly semi-detached gabled dwellings. Whilst of modest architectural merit, properties on the estate largely retain a consistent simple form with uniform proportions. A footpath runs adjacent to the appeal site's side boundary and provides clear and prolonged views of its side and rear elevations. An area of public open space exists to the rear, which enables views of the terrace block and neighbouring dwelling roofs, with the appeal site partially obscured by rear boundary trees.
4. Dealing firstly with the proposed rear dormer, this would have a flat roof, which would run along most of the extended roof plane width and would be similar in height to the existing ridge height of the dwelling.
5. The Council's supplementary planning guidance 02 Householder Development (SPG) advises that amongst other matters, dormer windows should be subservient to the main

roof, cover no more than 50% of the roof area on which they are located and should be set down from the ridge. It also advises that materials for dormers should match or harmonise with the roof materials. This advice is in general accord with Policy SP2 of the Bridgend Local Development Plan (LDP), which amongst other matters, states that all development should contribute to creating high quality and attractive places, whilst having full regard to the built environment by having a design of the highest quality possible and being of an appropriate size.

6. Despite being set back from the roof's eaves and sides, the proposed dormer would cover an area substantially over 50% of the rear roof plane. Whilst I acknowledge the need to comply with Building Regulation requirements, the dormer's height would disrupt the otherwise continuous and clearly visible ridge line of the terrace from side and rear views. The use of horizontal cladding would not in itself be harmful subject to an appropriate finish and colour to effectively tie in with the existing tile roof. However, the proposed dormer, by virtue of its excessive size and elevated position, would display a distinct lack of subservience to the roof plane. Consequently, it would appear as a domineering structure, which would be visible from the front, side and rear public views. Whilst the appellant contends these views do not comprise main public routes, the harm to the existing form and proportions of the dwelling and terrace would nevertheless still exist, in a visually prominent position. As such, despite minimising the amount of greenspace used, the proposed dormer would fail to provide an appropriate form of modernisation for the dwelling, and it would harm the appearance of the surrounding area.
7. The appellant has referred to other examples of flat roof dormers in the general area. I am unaware of the planning status of these examples. Nonetheless, I saw that the larger dormer examples along Llangewydd Road and Goldsmith Road, which have similar heights to their respective ridges, reinforce my concerns that the proposed dormer would comprise an overly dominant and unsympathetic addition to the host dwelling. Other examples provided along Wordsworth Avenue and Goldsmith Road covered a smaller area of roof plane and as such, held greater levels of visual subservience than the proposed dormer. As such and having regard to the fact that each case should be treated on its own particular merits, I do not consider that such evidence should be determinative in this instance.
8. The terrace's hipped roofs, whilst distinctive, do not offer a particularly important design feature within the street scene given the prevalence of gable roofs in the vicinity. Furthermore, whilst located closer to the highway than the remaining terraced properties, this does not increase the dwelling's frontage prominence to a significant extent. A substantial distance and thus, visual separation from the terrace's other hipped roof is available, with a gable end roof on the neighbouring dwelling opposite. As such, the hip to gable extension itself would not cause a harmful unbalancing effect upon the terrace block or negatively affect the wider estate character. However, it would be inextricably linked to the rear dormer, which for the reasons identified above, would be harmful.
9. The proposed side/rear extension would wrap around the dwelling with a new lean-to roof, replacing a side flat roof section and linking to an existing rear lean-to. The Council does not object to this part of the proposal. I see no reason to disagree with the Council's view, having regard to its subservient and sympathetic design. This element would therefore comply with the objectives of LDP Policy SP2. As it is clearly severable from the proposed hip to gable dormer loft conversion, I have issued a split decision.

## **Other Matters**

10. In reaching my decision I have had regard to the appellant's personal circumstances, in particular the need to accommodate a growing family. However, there is little evidence that the appeal proposal is the only realistic means of securing the identified benefits, and the harm I have identified would be significant. I do not therefore consider that my decision would result in a disproportionate effect on the interests of the appellant, and consequently it would be proportionate to withhold planning permission for the hip to gable dormer loft conversion in the circumstances. That the proposal has received no neighbour objections is of neutral weight to the appeal.

## **Conclusion**

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part, as set out in the formal decision.

12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*Richard James*

INSPECTOR

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## **SCHEDULE OF CONDITIONS**

1. The development shall begin not later than five years from the date of this decision.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans insofar as they relate to the single storey side/rear extension only:

Site Location Plan, Drawing No. AP/01

Existing Ground Floor Plan, Drawing No. AP/02

Existing First Floor Plan, Drawing No. AP/03

Proposed Ground Floor Plan, Drawing No. AP/04

Proposed First Floor Plan, Drawing No. AP/05

Existing Elevations, Drawing No. AP/07

Proposed Elevations, Drawing No. AP/08

Section AA, Drawing No. AP/09

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

Ref: CAS-02978-D8C2G7

3. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

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<b>Meeting of:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>Date of Meeting:</b>	<b>11<sup>TH</sup> JANUARY 2024</b>
<b>Report Title:</b>	<b>ROYAL TOWN PLANNING INSTITUTE (RTPI) CYMRU RESEACH PAPER: “Building Capacity through Collaboration and Change” NOVEMBER 2023</b>
<b>Report Owner / Corporate Director:</b>	<b>CORPORATE DIRECTOR COMMUNITIES</b>
<b>Responsible Officer:</b>	<b>JONATHAN PARSONS – GROUP MANAGER PLANNING &amp; DEVELOPMENT SERVICES</b>
<b>Policy Framework and Procedure Rules:</b>	<b>The report content has no direct effect upon the policy framework and procedure rules.</b>
<b>Executive Summary:</b>	<p>Previous studies into the effectiveness of the planning system in Wales has indicated that it is experiencing a critical lack of resources and expertise to deliver the placemaking agenda and respond to climate and nature emergencies as well as providing the land use planning framework for future growth including affordable homes.</p> <p>This RTPI Cymru research paper identifies what planners are doing to make more effective and efficient use of existing resources - and the potential to collaborate and change within the parameters of present resources.</p>

## 1. Purpose of Report

- 1.1 The purpose of the report is to provide the Development Control Committee Members with a summary of the key findings of the report. The full research paper may be viewed online via the following link:-

<https://www.rtpi.org.uk/find-your-rtpi/rtpi-nations/rtpi-cymru/policy-and-research/policy-publications/building-capacity-through-collaboration-and-change/>

Further information on the current state of the planning profession in the UK can be found via the following link:-

<https://www.rtpi.org.uk/policy-and-research/state-of-the-profession-2023/>

The RTPI research paper ‘The Big Conversation’ may be found via the following link

<https://www.rtpi.org.uk/media/13648/big-conversation-report-final.pdf>

## 2. Background

- 2.1 Members will recall that a report was presented to the Development Control Committee in February 2023, on the RTPI Cymru research in 2022 into the wellbeing of the planning profession in Wales. The report titled 'The Big Conversation' highlighted the difficulties faced by planners in carrying out their professional roles, a significant aspect of which revolved around lack of resourcing. The latest research from RTPI Cymru focusses on this area and how these issues may be addressed.
- 2.2 A series of published reports over the last few years highlight some inadequacies of the statutory land use planning system in Wales. Focused mainly on the public sector, these reports identify recruitment challenges, lack of specialist skills, reduction in budgets of local authority planning departments with planning services stretched to the point of a high risk of failure. Notwithstanding this, the range of issues and the scale of the challenges faced by the planning system in Wales, and what it is expected to achieve, continues to increase. Audit Wales in its 2019 report, 'The Effectiveness of Local Planning Authorities in Wales', described the system "*neither 'fit for the future or able to deliver what is needed'*". Other reports on specific service areas have identified that planning departments are "*having to deliver more for less*" - a situation likely faced by many local planning authorities in Wales.
- 2.3 The constraint on resources is not just confined to council planning teams but also extends to Welsh Government and other public bodies and agencies engaged in the planning system in Wales such as Natural Resources Wales (NRW), and other statutory consultees crucial to positive planning outcomes.
- 2.4 The RTPI Cymru's research report (**Report**) suggest that there is a clear need for a better resourced planning system if it is to effectively deliver on the far-reaching economic, social and environmental agenda for Wales. A key aim within the Report is to recognise the reality of the resource constraints planners and other stakeholders are working within and that these challenges are not going to be lessened within the foreseeable future. Whilst it is important to continue to pursue better resourcing solutions, exploring new and different ways of working is also important. As such the Report takes a proactive and positive approach with an emphasis on identifying ways of using current resources in more effective and efficient ways.
- 2.5 This includes sharing experience and knowledge to sustain planners' skills and abilities, designing more efficient ways of producing information for users of planning services, and potentially developing shared services to enable higher quality input into plan-making and decisions.
- 2.6 The Report recognises that the implementation of the ideas and actions identified will require professional support as well as a degree of political leadership. This may entail a change in approach in current budget priorities.



### 3. Current situation / proposal

#### 3.1 The key findings of the Report include:

- There has been a significant decline in resources in the planning system and this has impacted on the capacity of the planning system;
- There is a lack of capacity in some local planning authorities due to difficulties in recruiting and retaining planning staff;
- There are increasing demands of the planning system and an increase in stakeholder expectations – the planning system has been trying to ‘do more with less’;
- There is a skills deficit in some important but specialist areas of planning;
- There is a need to improve some local planning authorities performance data and other workload information to secure better and more focused use of their resources.

#### 3.2 Key areas identified in the Report for developing good practice and identifying solutions to resource constraints are:

- Ensuring quality applications and decisions – for example, helping landowners and developers bring forward suitable sites for inclusion in Local Development Plans, and supporting applicants and agents to provide good quality information when submitting planning applications;
- Building expertise and capacity – for example, identifying those areas of specialist expertise that are in limited supply and exploring shared service models to sustain this expertise, as well as building planners’ expertise and confidence more generally;
- Communications and information – including making it easier for users of the planning service to find key information, managing planning enquiries in a more efficient way, and making planning and other data more accessible to the public and external users;
- Support systems and workload management – for example, using systems that promote more timely and efficient management of staffing and other resources, as well as building better insight into how well planning services are performing;
- Strategy and prioritisation – including working out what to focus on when resources are under pressure, as well as how planning services can connect with corporate priorities and their wider organisational context.

*\* Extracted from the article in ‘Cynllinio’ - Journal of RTPI Cymru – Winter 2023*

3.3 With regard to the current situation within Bridgend, like most other local planning authorities there has been a reduction in the level of staffing and specialist skills and business support roles over the last decade. However, during this time investment has been made in back office and public facing ICT systems, improvements in efficiency and reduction of unnecessary tasks, as well as the introduction of a new bespoke paid for pre-application advice service in order to reclaim costs. Bridgend is also pursuing the use of planning performance agreements (**PPAs**), for large scales developments in order to focus resources and backfill any resultant staff shortfalls.

- 3.4 The Council's planning team face challenges in 2024 with the adoption of the replacement Local Development Plan (**RLDP**), which will see a number of large - scale strategic housing sites come forward during the course of the year. There are also large inward investment developments and renewable energy schemes currently at pre-application stage that will require significant resource input.
- 3.5 Bridgend continues to work with neighbouring authorities and regional partners in developing and exploring ways of collaborative working.
- 4. Equality implications (including Socio-economic Duty and Welsh Language)**
- 4.1 The report is for noting and there are no negative impacts
- 5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**
- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 6. Climate Change Implications**
- 6.1 There are no Climate Change Implications arising from this report.
- 7. Safeguarding and Corporate Parent Implications**
- 7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.
- 8. Financial Implications**
- 8.1 None – the report is for noting.
- 9. Recommendations**
- 9.1 It is recommended that the Development Control Committee notes the report.

### **Background documents**

None

## **TRAINING LOG**

*All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Appeals performance and key decisions from 2023	11 January 2024 <i>(to be held immediately after the Committee meeting)</i>
Development in Conservation Areas	2024
PEDW Briefing for Members	
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	
Wellbeing and Future Generations Act Commissioner	

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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