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**Bridgend County Borough Council**  
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



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

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol:  
Ask for / Gofynnwch am: Andrew Rees

Our ref / Ein cyf:  
Your ref / Eich cyf:

**Date / Dyddiad: 7 August 2014**

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in Civic Offices, Angel Street, Bridgend on **Thursday, 21 August 2014 at 2.00 pm.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Site Visits  
To confirm a date of Wednesday, 20 August 2014 (am) for proposed site inspections (if any) arising at the meeting, or identified in advance of the next Committee by the Chairperson.
3. Approval of Minutes 3 - 6  
To receive and confirm the minutes of a meeting of the Development Control Committee of 24 July 2014.
4. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those from Members who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1<sup>st</sup> 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 following planning applications report.
6. Amendment Sheet 7 - 10

That the Chairperson accepts the Development Control Committee amendment sheet as a late 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.

7. Planning Applications Etc.

11 - 56

8. Urgent Items

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 of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

**P A Jolley**

Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Councillors:

P A Davies  
G W Davies MBE  
R M James  
B Jones  
R C Jones  
D R W Lewis

Councillors

H E Morgan  
D G Owen  
C E Rees  
C E Smith  
J C Spanswick  
M Thomas

Councillors

J H Tildesley MBE  
C Westwood  
H M Williams  
R Williams  
M Winter  
R E Young

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 24 JULY 2014 AT 2.00PM

Present:

Councillor M Thomas - Vice-Chairperson (in the Chair)

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
G W Davies MBE	D R W Lewis	C E Smith	C Westwood
P A Davies	H E Morgan	J C Spanswick	R Williams
R M James	D G Owen	J H Tildesley MBE	R E Young
R C Jones	C E Rees		

Officers:

D Llewellyn	-	Group Manager Development
J Parsons	-	Development and Building Control Manager
J Jenkins	-	Development and Building Control Team Leader
C Flower	-	Team Leader - Technical Support
T Godsall	-	Traffic and Transportation Manager
R S Hughes	-	Legal Officer
M A Galvin	-	Senior Democratic Services Officer - Committees (Minutes)
A Rees	-	Senior Democratic Services Officer - Committees (Electronic Back-up)

431 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor H M Williams  
Councillor B Jones  
Councillor M Winter

432 DATE FOR PROPOSED SITE INSPECTIONS

RESOLVED: That the date for site inspections (if any) arising from the meeting, or identified in advance of the next meeting of the Committee by the Chairperson, be confirmed as Wednesday, 20 August 2014 (am).

433 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Development Control Committee held on the 26 June 2014 were approved as a true and accurate record.

434 LIST OF PUBLIC SPEAKERS

The Group Manager Development read out the name of the public speakers to address the following application being considered at the meeting:

<u>Name of Speaker</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
A Hicks	P/14/263/FUL	Objector
Dr S Kandiah	P/14/263/FUL	Applicant's Agent

435 DECLARATIONS OF INTEREST

The following declarations of interest were made:

- Councillor R E Young - P/13/579/OUT - Councillor Young declared a prejudicial interest as the applicant was known to him. Councillor Young left the meeting whilst the application was being considered.
- Councillor G W Davies MBE - P/14/263/FUL - Councillor Davies declared a personal interest as a Member of Maesteg Town Council who takes no part in planning matters.

436 CHAIRPERSON'S ANNOUNCEMENT

The Vice- Chairperson announced that she had accepted the Development Control Committee amendment sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council's Procedure Rules, in order to allow for the Committee to consider modifications to the Committee report, so as to take account of any late representations and revisions that may require to be accommodated.

437 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION GRANTED UNCONDITIONALLY

RESOLVED: That the following application be granted:-

Code No.                      Proposal

P/14/344/FUL                  Former Church Hall, Church Terrace, Blaengarw - 12 No. Velux windows.

438 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS GRANTED CONDITIONALLY

RESOLVED: That the following planning applications be granted subject to the Conditions contained in the report of the Corporate Director - Communities:-

Code No.                      Proposal

P/13/579/OUT                  Land off Waterton Lane, Waterton, Bridgend - 3 No. Detached dwellings.

P/13/740/FUL                  2 Well Cottages, Coychurch, Bridgend - Two storey extension to rear.

P/14/263/FUL                  Garn Inn, Alma Road, Maesteg - Widen main entrance doorway.

P/14/343/FUL                  Former Church Hall, Church Terrace, Blaengarw, Bridgend - Change of use of one room to beauticians.

439 APPEALS DECISIONS

RESOLVED: (1) That the Inspector(s) appointed by the Welsh Ministers to determine the following Appeals has directed they be DISMISSED:-

Code No.                      Subject

A/14/2217504 (1738) Two storey annexe extension to rear : Gadlys Villa, Maesteg Road, Maesteg. (Appendix A to the report refers)

A/14/2212872 (1736) Two/single storey extensions and change of use from farmhouse to guesthouse : Felindre Mill, Pencoed. (Appendix B to the report refers)

- (2) That the Inspector appointed by the Welsh Minister to determine the following Appeal has directed it be ALLOWED, subject to Conditions:-

A/14/2215085 (1735) New detached house and garage : Land adjacent to 3 Mill Lane, Bridgend. (Appendix C to the report refers)

440 DEVELOPMENT MANAGEMENT QUARTERLY SURVEY - JANUARY - MARCH 2014

The Group Manager - Development presented a report confirming that the Welsh Government undertakes a survey of local planning authority Development Control Services on a quarterly basis, to allow them to monitor and analyse the quality and speed of processing planning decisions.

The purpose of the report he stated, was to provide Members with an update to the Annual Statistical report presented to the Committee early last May, and provide information on Bridgend's performance in relation to other local planning authorities in Wales.

The report made for positive reading, in that the statistics at the end of the first quarter of 2014, placed Bridgend joint second in the speed of determining applications at 84% determined within eight weeks. Merthyr were first on 93% and the Wales average for this quarter was 70%. Bridgend's average for 2013/14 was 82% he added.

The report therefore highlighted that the local planning authority maintained a consistent position as one of the best performing in Wales continuing into the above period.

RESOLVED: That the report be noted with pleasure.

441 TRAINING LOG

The Group Manager presented a report on up and coming training sessions for Members on topics that come under the purview and remit of the Development Control Committee.

The items so listed which were going to be scheduled probably for the end of August/ September 2014, were:-

- Annual Review of planning decisions:-
  - Bridgend and Maesteg Regeneration Projects
- Life of a planning application.

RESOLVED: That the report be noted.

The meeting closed at 2.50pm.

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## **DEVELOPMENT CONTROL COMMITTEE**

**21 AUGUST 2014**

**AMENDMENT SHEET**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>1</b>	<b>11</b>	<b>P/14/444/FUL</b>

A Full Committee Site Visit was held on Wednesday 20 August 2014. The Local Member, applicant and agent were in attendance.

### **Publicity**

The period allowed for response to consultations expired on 10 August 2014.

### **Recommendation:**

The following condition is added:-

No development shall commence until there has been submitted to and agreed in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the agreed details.

Reason: To ensure that general amenities are protected.

Condition 4 be replaced with the following :-

Notwithstanding the submitted block plan there shall be no common boundary structure for a distance of 10 metres (measured from the back edge of the footway) between the proposed and replacement accesses.

Reason: In the interests of highway safety

<b>2</b>	<b>18</b>	<b>P/14/354/RES</b>
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A full Committee Site Visit was held on Wednesday 20 August 2014. The Local Member and the applicant's Agent were present.

Consultation response from Natural Resources Wales – No objections subject to conditions.

The applicant's agent has requested minor changes to the wording of planning conditions 3, 9 and 15 on the report. The changes include the insertion of the phrase, 'unless otherwise agreed in writing' into conditions 3 and 15 and the introduction of a trigger at the beginning of condition 9.

In addition the Highways Officer has requested the inclusion of an additional item to the proposed condition 13 (construction method statement) to require the construction route to



be established to prevent concern over construction traffic entering via the access of Eweny Road, adjacent to the nursing home.

## **RECOMMENDATION**

The conditions are revised as follows:-

3. All hard and soft landscape works (Drawing No: DLA-1561 (02) 01 and 02) shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

9. No development shall take place until Noise Assessments have been submitted to and agreed in writing by the Local Planning Authority relating to...

13. No development shall take place until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall provide for the:-

- i. 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. measures to control the emission of noise, dust and dirt during construction
- v. provision of temporary traffic and pedestrian management along Classified Route A48
- vi. establishment of the construction route

The agreed Statement shall be adhered to throughout the construction period.

**Reason:** In the interests of highway safety.

15. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 136 off street parking spaces and 8 disabled parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR – COMMUNITIES**  
**21 AUGUST 2014**

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# Agenda Item 7

## DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014

### BRIDGEND COUNTY BOROUGH COUNCIL

#### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES ON PLANNING APPLICATIONS

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.

#### **AGENDA FOR PLANNING APPLICATIONS**

<u>ITEM NO.</u>	<u>APPLICATION NUMBER</u>	<u>APPLICATION ADDRESS</u>	<u>RECOMMENDATION</u>
1	P/14/444/FUL	REAR GARDENS 2 & 4 ROCKFIELDS CLOSE PORTHCAWL	GRANT WITH CONDITIONS
2	P/14/354/RES	LAND AT ISLAND FARM BRIDGEND	GRANT WITH CONDITIONS
3		APPEALS	
4	P/13/246/OUT	LAND AT BRACKLA INDUSTRIAL ESTATE BRACKLA	
5		APPROVING NON-MATERIAL AMENDMENTS TO AN EXISTING PLANNING PERMISSION	
6		FUTURE MEMBER TRAINING ARRANGEMENTS AND COMMITTEE START TIME	
7		TRAINING LOG	

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.

##### Recommendation:

That Members note the requirements of the Act to impose time limits when granting planning permission for all new developments.

#### **STANDARD NOTES**

- 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.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

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/guidanceandleafilets/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 exchange of correspondence in a limited number of cases. The following amendments should 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;

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

- 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.

As a general rule it is considered that if an amendment warrants re-consultation, it should not be regarded as minor, and, therefore, not considered without a fresh application.

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

### **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

#### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

#### **Inappropriate Site Visit**

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

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

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

#### **Attendance**

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

#### **Officer Advice**

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

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

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

#### **Code of Conduct**

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

#### **Record Keeping**

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

#### **Site Visit Summary**

In summary site visits are: -

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

#### **Frequently Used Planning Acronyms**

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

**ITEM:**

1

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/14/444/FUL**

**APPLICANT:**

MR & MS WALLIS & JONES  
C/O. PLANNING AND DEVELOPMENT CONSULTANT ANGLESEY  
HOUSE 47 ANGELSEY WAY PORTHCAWL

**LOCATION:**

**REAR GARDENS 2 & 4 ROCKFIELDS CLOSE PORTHCAWL**

**PROPOSAL:**

NEW DWELLING WITH GARAGE

**RECEIVED:**

30th June 2014

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

The application seeks planning permission for the erection of a single dwelling on this plot located off Rockfields Close, Porthcawl. The building plot is formed from the rear garden areas of 2 and 4 Rockfields Close.

The proposed dwelling measures 11.6m x 7.5m and is finished with a pitched roof reaching a maximum height of 9m. The ground floor will accommodate 2 living rooms, an office, kitchen/dining room, utility room, w.c./wetroom and a hall, the first floor will accommodate a 3 bedrooms, a dressing room, a bathroom and an ensuite bathroom.

The dwelling will have three dormer windows to the front elevation and a porch on the front elevation. Access to the property will be gained via a private drive to the north of 4 Rockfields Close, in the Nottage area of Porthcawl.

#### **RELEVANT HISTORY**

None

#### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 30 July 2014.

#### **NEGOTIATIONS**

The agent was requested to provide plans of the garage. Plans were received on 29 July 2014.

#### **CONSULTATION RESPONSES**

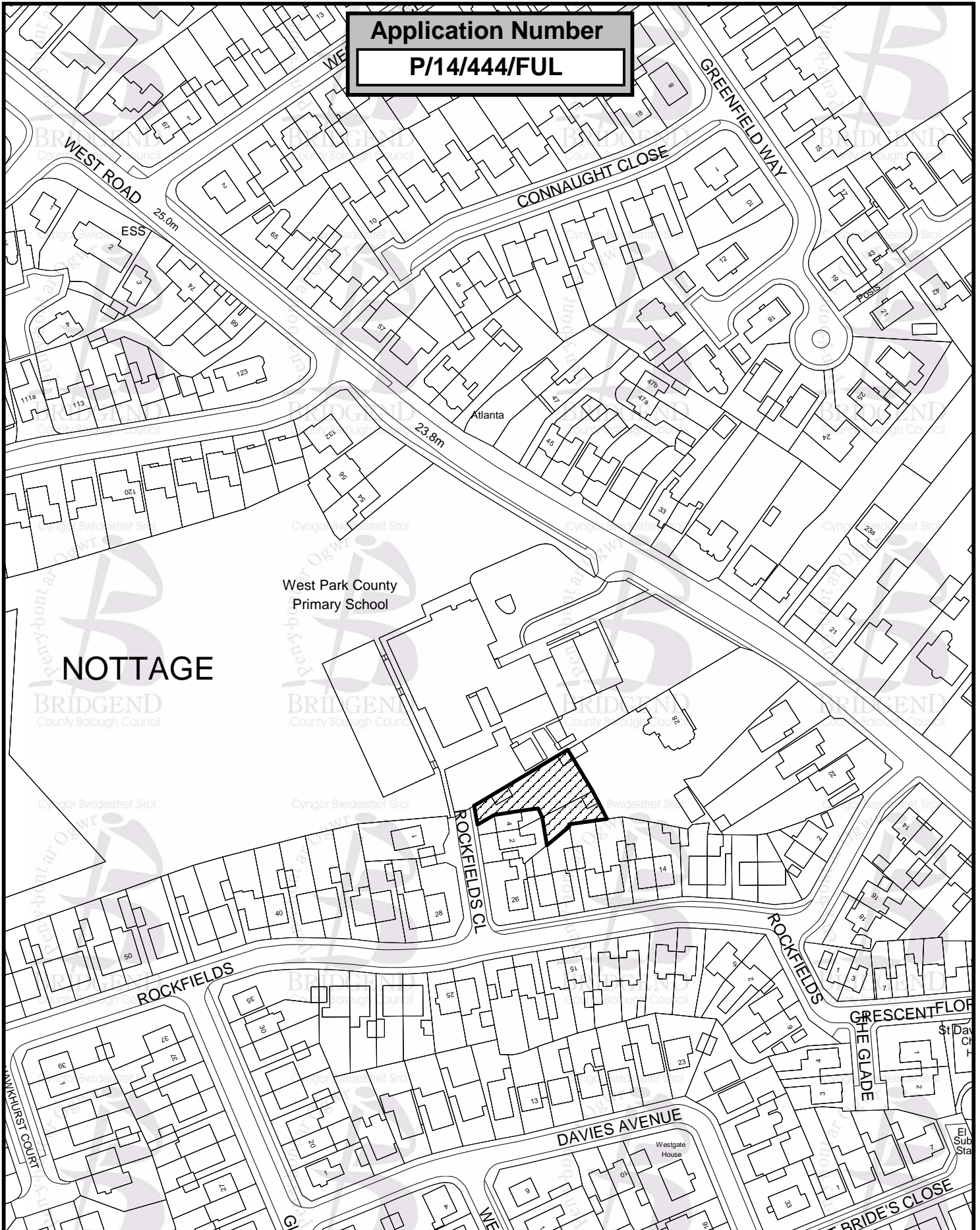
##### **Town/Community Council Observations**

Notified on 2nd July 2014

Objects to the proposal for the following reason:-

**Application Number**

**P/14/444/FUL**



**NOTTAGE**

West Park County  
Primary School

ROCKFIELDS CL

ROCKFIELDS

DAVIES AVENUE

CRESCENT FLO

THE GLADE

BRIDE'S CLOSE



**Scale 1:1,750**

**Date Issued:**  
**13/08/2014**

**Development-GIS Team**  
**Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro





## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

'Access and egress in terms of width of access to the proposed development. Proposed development out of character with existing properties. No visual amenity for proposed development. Concern with regard to vehicle and pedestrian safety (there is a primary school adjacent to the proposed new development).

### **Councillor N Clarke**

Requested full site visit and provided the following comments:-

- (a) Rockfields Close already has safety issues with regards to pedestrian/vehicle conflict especially at school opening and closing times.
- (b) The police are continually receiving complaints with regards to parking issues at these times and extra residential vehicles will only exacerbate this situation.
- (c) The occupiers of this development will have no outlook and therefore there will be no visual amenity as it will be situated in a totally enclosed area except for the access and egress point.

Councillor Clarke also advised that she is a LEA Governor at the school.

### **Head Of Street Scene (Drainage)**

Advised on drainage and requested that a condition be attached to any permission granted.

### **Destination & Countryside Management**

Has no objections to the proposal.

### **Head Of Street Scene (Highways)**

Has no objections to the proposal subject to conditions.

## **REPRESENTATIONS RECEIVED**

### **Nathan Merchant, 22 Rockfields**

Raised the following concerns:-

'While in principle I see no reason to utilize the large gardens at the rear of numbers 2&4 Rockfields Close, my wife and I have some concerns with regard to the following:  
- Concerns regarding the loss of privacy from the rear facing rooms of our house/garden. With the scale of the project being difficult to imagine the plans indicate that the upstairs windows of the new build would look directly into our house.'

### **The Owner And/Or The Occupier, 24 Rockfields**

Objects to the proposal and provided the following comments:-

'We do not object to the dwelling.

1. We do object to the height of the dwelling and position .
2. Windows overlooking gardens of No. 24-22 giving us no privacy
3. Parking for extra cars in the close as we have great trouble with school parking.
4. Who will monitor the coming and going of Builders
5. parking in Rockfields itself with extra vehicles for the builders etc.
6. The view from the houses No. 124-22. We have lived in our house for 47 years with sight of more than walls and blue sky.'

**COMMENTS ON REPRESENTATIONS RECEIVED**

The Transportation Development Control Officer has assessed the scheme and considers it to be acceptable in terms of highway safety and parking provision subject to conditions.

The concern expressed in regard to the parking problems associated with the school at the start and end of the school day is an existing problem and it is not considered that a single dwelling would increase traffic movements to such an extent as to warrant refusal of the scheme.

As Rockfields Close accommodates a pedestrian access into the adjacent primary school, a condition shall be attached to any permission to restrict construction traffic movements around the school opening and closing times and a note shall be attached to any permission granted advising the developer to advise the school of the additional traffic movements.

It is not considered reasonable to request that the applicant pay for road markings to attempt to resolve an existing highway parking problem.

The height of the dwelling at 9m is not considered to be out of keeping with the surrounding area, and given the position of the proposed dwelling in relation to neighbouring properties it is not considered to give rise to any unacceptable overshadowing.

The future occupiers of the dwelling will have an outlook over the front garden area from the main living room, kitchen/dining room and an outlook over the access point from the smaller living room, the only room which will have a poor outlook is the small office room. The first floor bedrooms will all have reasonable outlook over the garden and driveway.

The distance between the proposed first floor windows on the front elevation and the windows on the rear elevations of the properties at 24-18 Rockfields is in excess of 30m. Note 6 of Supplementary Planning Guidance 02:Householder Development States that the distance between directly facing habitable room windows should not be below 21m, as the distance is greater than this the proposed dwelling is not considered to infringe privacy standards.

Any disturbance caused during the construction phase will be short term only.

**APPRAISAL**

The application is referred to the Development Control Committee for determination at the request of the Local member and due to the objection received from Porthcawl Town Council.

The application seeks planning permission for the erection of a single dwelling to the rear of 2 & 4 Rockfields Close, Porthcawl.

The application site is located within the settlement boundary of Porthcawl as identified by Policy PLA1 of the Local Development Plan (LDP) and, as such Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlements boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.'

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

The proposed dwelling is considered to be compliant with Policy COM3 of the LDP. All new development in the County borough is also assessed against Policy SP2 of the LDP, which states:-

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment

The dwelling will be orientated within the plot so that the front elevation is south facing and faces the rear gardens of the properties on Rockfields, the rear elevation faces West Park Primary School, the eastern elevation faces the rear garden of 28 West Road and the western elevation faces the proposed driveway.

The proposed dwelling will be some 12m at the nearest point from the rear gardens at 18-22 Rockfields, which is in excess of the 10.5m distance recommended by Supplementary Planning Guidance 02:Householder Development and, as such, the proposed dwelling is not considered to infringe the privacy standards of the properties on Rockfields.

The proposed dwelling has two first floor windows on the eastern elevation, however one of these windows faces the proposed driveway and the other, nearest 4 Rockfields Close, will be a secondary window serving bedroom 2 and will be obscurely glazed. There are no habitable room windows proposed on the western elevation facing 28 West Road or on the rear elevation facing the school. The ground floor windows on the rear elevation are screened from the school by the boundary wall and two of the three windows do not serve habitable rooms. Consequently, the proposed dwelling is considered acceptable in terms of privacy standards.

The dwelling house will be some 10m north west of the nearest dwelling, 4 Rockfields Close, and, therefore, does not give rise to any residential amenity concerns for neighbouring properties.

The property to the east of the application site, 28 West Road, is served by a large rear garden and, as such, any overshadowing during the latter part of the day caused by the proposed dwelling is not considered to be so significant as to warrant refusal of the scheme.

The proposed garage will be located to the south of the site adjacent to the boundaries of 18 & 20 Rockfields. The proposed garage is single storey and will reach 2.2m at eaves level, consequently, the proposed garage is not considered to cause any overshadowing or dominance.

The proposed dwelling will be served by an adequate amount of amenity space and the occupiers of 2 & 4 Rockfields Close will also retain sufficient amount of amenity space appropriate to the size of dwelling.

Whilst the design of the proposed dwelling is not generally in keeping with the properties on Rockfields or Rockfields Close, the dwelling is located to the rear of properties and will not be visible from many public positions. Additionally, the proposed dwelling has some architectural merit.

Whilst determining this application Policies COM3 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

**CONCLUSION**

Notwithstanding the objections received, this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

**RECOMMENDATION**

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

- 1 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SK/SECT/SEELEV/03 REV (B), SK/SWELEV/04(A), SK/NW&NEELEV/05(A)SK/FF/02(A, SK/GF/01(B), DRG/GAR/01 & SITE LOCTAION PLAN.

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

- 2 No development shall commence until the materials to be used in the construction of the external surfaces of the approved dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

- 3 No vehicles associated with the construction works within the site shall enter or leave Rockfields Close during the periods of half hour either side of West Park County Primary School commencing and ending times.

Reason: In the interests of highway safety.

- 4 The first 2m of the proposed common boundary structure (measured from the back edge of footway) between the proposed and replacement accesses shall not exceed more than 0.6m in height.

Reason: In the interests of highway safety.

- 5 No development shall commence until a scheme for the provision of temporary traffic and pedestrian management along Rockfields Close and in the vicinity of the Rockfields/Rockfields Close junction during the construction works has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented before construction works commence and shall be retained for the duration of these works.

Reason: In the interests of highway safety.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

- 6** No works shall commence on the proposed dwelling until such time as the proposed replacement off street parking area for 4 Rockfields Close as shown on the submitted proposed block plan has been fully implemented in permanent materials. The replacement parking area shall be retained for parking purposes in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 7** The proposed access, turning and parking areas for the new dwelling as shown on the submitted proposed block plan shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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

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

- 9** Notwithstanding condition 1 above no development shall take place until the exact siting and finished floor levels of the dwelling have been agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: In the interest of respectful amenity.

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

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

b) The applicant/developer should contact the Head Teacher of the West Park County Primary School in order to make the school aware of the additional construction traffic movements.

c) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Tel No. 01656 642541

d) Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

e) The applicant should be advised that any building materials delivered to the development site

**DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

f) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access, turning and parking areas, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmacadam extending across the full width of these areas should not be considered as a first option.

g) In order to satisfy the requirements of condition 8, the following information is provided:-

- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Provide confirmation of the proposed foul drainage system.

h) In regard to the requirements of condition 3, West Park Primary School opening hours are 08:55 - 15:30.

h) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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<b>ITEM:</b>	<b>2</b>	<b>RECOMMENDATION : GRANT WITH CONDITIONS</b>
<b>REFERENCE:</b>	<b>P/14/354/RES</b>	
<b>APPLICANT:</b>	<b>H D LTD C/O SAVILLS 12 WINDSOR PLACE CARDIFF</b>	
<b>LOCATION:</b>	<b>LAND AT ISLAND FARM BRIDGEND</b>	
<b>PROPOSAL:</b>	<b>INDOOR TENNIS CENTRE WITH 12 EXTERNAL COURTS, VIEWING AREAS, LANDSCAPING, CAR PARKING &amp; ASSOCIATED WORKS</b>	
<b>RECEIVED:</b>	<b>16th May 2014</b>	
<b>SITE INSPECTED:</b>	<b>23rd May 2014</b>	





**APPLICATION/SITE DESCRIPTION**

Reserved matters consent is sought for an indoor tennis centre and 12 external tennis courts with associated works on land at Island Farm, Bridgend. The application is pursuant to the outline planning permission granted, following the signing of the related S106 agreement, for a Mixed Use: Sport/Leisure/Commercial/Office Development (P/08/1114/OUT refers).

The following documents and drawings are submitted in support of this application:-

- \* Design and Access Statement
- \* Supporting Planning Statement
- \* Copy of Revised Masterplan
- \* Drawings of the Tennis Centre
- \* Drainage Strategy
- \* Landscaping Strategy including Lighting Schemes

The Supporting Planning Statement introduces the proposal as follows:

'The outline planning permission and the Section 106 agreement describe a series of phases in which the development is expected to progress on site. Phase 1A and 1B relate to highway infrastructure. Phase 2 (A) relates to the construction of the tennis facility. Notwithstanding the infrastructure works, in terms of the development of sports facilities at the Island Farm Institute of Sport it has always been envisaged that the tennis centre would be the first parcel of built development at the site. The Wales National Tennis Academy is the first part of the wider project at Island Farm, and is anticipated to build momentum for and trigger the next phases of development at the site.

The Wales National Tennis Academy comprises an indoor tennis centre, 12 outdoor and flood-lit tennis courts with viewing areas, car parking, bus parking and new public spaces including a piazza. The indoor tennis centre will comprise of seven indoor tennis courts (including one tournament court with spectator seating), eight squash courts, changing facilities and toilets, a café, ancillary retail space, a gymnasium, offices and conference rooms. A detailed description of the development is documented in the Design and Access Statement (DAS).

The site of the proposed tennis centre comprises approximately 3.5 hectares and is located toward the eastern side of the Island farm development site, sharing its boundary with the south-western corner of the Bridgend Technology Park, to the west of Bro-Ewenni and Penybont Court Nursing Homes and adjacent to the Vale of Glamorgan Branch Line. The site is currently surrounded by arable farmland with its associated field boundaries, defined by mature trees and hedgerows.

The circular form of the proposed building has a diameter of 111m and a maximum height of 13m and according to the DAS has 'evolved from the desire to produce a simple yet iconic building form'. The massing and height of the centre is generated by the Lawn Tennis Association which requires a minimum of 9m head height local to the net, with a minimum of 5m local to the baseline. The palette of materials proposed for the building includes silicone jointed curtain walling, polyester powder coated metal brise-soleil system and masonry construction.¿

Accommodation will comprise entrance lobby, reception, retail space, changing facilities, 8 squash courts, 7 indoor tennis courts, cafe and seating area, tournament court and associated spectator seating and facilities on the ground floor with gymnasium, associated changing



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

facilities, conference rooms, balcony and viewing gallery on the first floor.

The wider Island Farm site will be served by two points of access, the primary being located off the A48 with the secondary access being via Technology Drive off the B4265 Ewenny Road. The supporting Planning Statement confirms that detailed proposals for the spine road from the A48, with a link to Technology Drive will be submitted in due course as a separate Reserved Matters application.

Car-parking for the 'Tennis Centre' is provided in a radial form around approximately half of the building's circumference, equating to a total of 148 car parking spaces. Bus and cycle parking will be accommodated on the service road and throughout the site respectively.

Davies Landscape Architects have submitted detailed landscape and maintenance proposals in support of this application and to partially satisfy planning conditions for landscaping proposals associated with the outline planning consent. The document provides details of hard surfaces, planting proposals, permanent fencing, tennis court lighting and management plans for the proposed landscape to support the tennis centre.

It recognises that existing hedgerows will be affected by the development but confirms they will be translocated in accordance with the requirements of the outline planning permission. The applicant's landscaping consultant indicates that the underlying landscape design objectives also accord with the principle of the previous application.

The DAS indicates that all site excavation works, both soil and stone will be implemented into a comprehensive recycling scheme which will see formation levels balanced out as part of a 'cut and fill' operation.

### **RELEVANT HISTORY**

<b>P/08/1114/OUT</b>	<b>APPROVED</b>	<b>14-03-2012</b>
	+conditions	
<b>NEW DEVELOPMENT (MIXED USE - SPORT/LEISURE/COMMERCIAL/ OFFICES)</b>		

### **PUBLICITY**

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17th June 2014.

### **NEGOTIATIONS**

Negotiations commenced on 9th June and sought clarification that the proposed landscaping proposals were not compromised by Dwr Cymru Welsh Water's requirements to retain a 6m wide easement in respect of their existing apparatus.

### **CONSULTATION RESPONSES**

**Town/Community Council Observations**

Notified on 20th May 2014

Bridgend Town Council considers that at this time the absence of essential specific information, a decision other than objection is not justifiable.

Information required:

1. The applicant's statement in the supporting documentation - Savills's letter dated 14th May 2014 first paragraph extract below. Without this information, which should include siting and configuration details that directly relate to the 'Proposed Wales National Tennis Academy, Island Farm Institute of Sport' and associated works, the Town Council cannot properly evaluate the application proposals.

'A further Reserved Matters submission for the road infrastructure (the A48 Junction, internal access road and Green Bridge) and enabling landscaping and ecological mitigation works is being prepared and will be submitted for consideration in the coming weeks'.

The application for reserved matters is varying the site development - building locations, number of tennis courts etc. and the possibility of variation to the access is potentially high.

2. The applicant has stated that the development is likely to commence in 2015. The period before development commences is six months and the Town Council considers that it is imperative that it receives all relevant information details so that the proposal can be considered comprehensively in the interests of highway safety, environmental factors and the wellbeing of the community. The Town Council considers that the proposal is deficient to such a degree that full and proper consideration by itself and the LPA is prejudiced:-

The reserved matters application form does not contain any detailed statement as to floorspace; employment neither does the Design & Access Statement.

Missing information

\* A48 Access and site road configuration including green bridge

\* Construction works access - Condition 14 of P/08/1114/OUT

\* Details of floorspace areas and use

\* Detail in percentages of the Financial Strategies stated in the Design & Access Statement Page

\* Details of use of the Tennis Centre in terms of attendances, frequency of events, day and night periods of use internally or outdoors, etc.

3. The Town Council notes that the location of the Academy Building and external tennis courts has been repositioned and that the external lighting in terms of luminosity has been substantially increased. Refer applicant's letter extract below. The Town Council is concerned at this increase and the potential effect upon the environment locally and the intrusion into the landscape.

4. The Town Council is aware that highway issues figured prominently within the LPA and the BCBC Highway Department and that a detailed Section 106 agreement has been completed, however, at face value this application does not address in detail the traffic generation and

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

attendances by the public which may well be in excess of that considered at the outline stage P/08/1114/OUT and Section 106 Agreement.

5. The Town Council is concerned that the proposed café and restaurant may encourage additional and non-ancillary use by the public to the detriment of the local community.

6. The Town Council is especially concerned at the statement in the applicant's supporting information - Savills's letter dated 14th May 2014 and requires an explanation from the LPA as to the policy implications for the proposal contained within the Outline Planning Application P/08/1114/OUT before any further consideration is given by the Town Council. The Town Council provided evidence at the LDP Public Enquiry on the issue of Employment policy and supported the LPA's designation of Special Employment SP9 (2).

Notified on

Merthyrmaur Community Council objects to this Application and offers the following observations:

A. My Council considers this is a significant departure from the site plan approved as part of application Island Farm, P/08/1114/OUT. Approval notice dated 14.3.12 together with the accompanying Section 106 Deed of Agreement.

The Tennis Academy site in P/14/354/RES is considerably altered in size and content from that approved as part of P/08/1114/OUT. In addition the applicants are now concurrently submitting a totally new Site Plan from that approved in P/08/1114/OUT and the accompanying S 106 Deed of Agreement.

Not only is the Tennis Academy altered but also the location of other activities and buildings on the site including alteration to the major component - the 15,000 spectator stadium.

The S106 deed accompanying the P/08/1114/OUT approval which is signed by both parties; Bridgend County Borough Council and applicants/land owners (of part of the site) contain the following note under 'attention is drawn to' Item J:

'The Local Planning Authority will only consider minor amendments to approved development by the exchange of correspondence in a limited number of cases. The following amendments should require a fresh application:

- Increase in volume
- Increase in height
- Changes to the site area
- Changes which alter the nature or description of the development
- New works or elements not considered by an environmental statement submitted with the application.'

Is it correct that the Section 106 deed condition requires that no development takes place until a Landscape Management Plan for the whole development has been approved? So has this been submitted and approved?

My Council requests a response from the Borough Council 'in writing' as to whether a new Planning Application for the Island Farm site will be required and if not please advise the reasons why the applicants will not be asked to submit a new planning application.

We also ask that Planning Application P/14/354/RES not be brought forward for consideration by

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

Council Members until such time as your response is in our hands.

We respectfully remind the Borough Council that at the LDP Inquiry meeting at which our representatives were present, CCW requested that if there was any alteration to the site plan they would wish to know as they would wish to revisit their response to the Planning Application. The Borough Council representative acknowledged this request, as did the applicants representatives.

My Council is also most concerned at the developers' comments regarding the Science Park extension and employment. In their submission document the outline proposals included a 20,000 sq.m Science and Technology park. But the applicants made representations during preparation of the Local Development Plan that the allocation of the site should reflect the extant outline planning permission for mixed use development. Whilst the LDP allocates the site for employment development, should the existing permission for mixed use development be implemented, the LDP allocation becomes immaterial.

We are aware the Borough Council is actively seeking to attract high quality jobs to Bridgend and the future development of a High Technology Site forms a valuable part of the employment objective. However, the Inspector in his report questioned whether the site would be built in the manner for which permission has been given - and specified an allocation for the High Technology extension as an additional safeguard.

My Council notes the applicant is seeking a different access to the Academy. If this is to be through the High Technology Site it would be contrary to the strategic aims of having a 'special site for High tech' and be highly detrimental to its character. This would inevitably deter prospective companies. In addition, if public access is to be across Bridgend Borough Council land, has BCBC been formally approached and what decision has been made?

We are mindful the applicant has obligations under the P/08/1114/OUT approval for considerable upgrading of the A48 trunk road, of Ewenny roundabout and of Ewenny road and trust these obligations will not simply be allowed to lapse should the revised access above be given and further proposed development abandoned.

B. Should the Borough Council proceed to consideration, my Council offers the following observations:

1. A new Environmental Study is necessary due to the nearby special species hedges which impact on both bats flight paths and dormice locations. The developers claim the area is not ecologically sensitive, yet their plans show hedges of importance.

During the many years that applications have been made for Island Farm, my Council has consistently been firm in its support for the ecological value of the area. Developers have sought to diminish its importance both in terms of flora and fauna and the many species present, including dormice, bats, special butterflies and orchids.

The latest assessments from the current application vindicate the Community Council's plea for treating the Island Farm area as special. It is the Community Council's sincere hope that the people who now have permission for development on the site will also share this special regard.

Reason: The alteration of the site plan for the Tennis Academy. This new site was not part of the P/08/1114/OUT approval and is therefore subject to BCBC's advice in the S106 on 'new works or elements not considered by an environmental study'.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

2. An Environmental Study is required in order that the impact of the increased level of lighting at this site should be evaluated for its impact both on local residents and on species on site, protected and otherwise.

Reason: The Developers have indicated that the previously approved maximum of 300 Lux will now be exceeded. Submitted drawings now show figures in excess of 300 Lux with developers quoting 500 Lux, together with a considerable number of lighting masts.

3. A further Contamination Study is required to take account of the deep piling that may be required to build this facility. Whilst the approval P/08/1114/OUT stated there was no contaminated material on site, the consequences of deep piling may have an effect on the water sources below the site.

4. No information has been offered by the applicants for a Management of Spectators Plan which is a condition of P/08/1114/OUT approval.

The applicant states spectator levels will not rise above 8,000 and will therefore remain below the threshold requiring such a plan. However my Council believes that if, as the applicant claims, the tennis facility will be promoted as the National Academy for Wales then there is a strong likelihood of spectator levels exceeding the 8,000 spectator threshold.

We suggest an Events Management Plan is required and that steps are taken to bring into being the TP & EM Forum, which is also a requirement of the P/08/1114/OUT approval.

Reason: S 106 Deed Agreement Section 17

5. The link road is required to be completed (see S 106 deed) prior to occupation of the Tennis Academy.

My Council suggests that, given this requirement, the access to the site from the A48 should begin either prior to, or concurrently with, the development in order that both can be completed at the same time.

The developers now suggest different construction access possibilities but my Council submits that this must form part of the current application in order that comment can properly be made by both the Community Council and local residents before it is presented to Borough Council Members.

Reasons: To allow consultation. To mitigate traffic on Ewenny Road junction and assist with the reduction of Nitrogen Dioxide

6. The Developers mention in a letter of support that the facility will support the local community. However no mention is made in the application as to the types of charges which may be made to individuals/groups/clubs which would give an indication of its financial availability to residents. Indeed no answer was made to this question when raised at the BCBC Planning Committee approval meeting as to what proportion of the site will be for 'private members' as opposed to 'open to the public.'

7. If the site is to be disturbed by development it is essential that the wildlife area of 43 acres be brought into use before the development commences in order that existing wildlife can migrate to this locality. A condition is therefore suggested.

8. The Developers were questioned extensively both at the BCBC planning approval meeting and by the Inspector for the LDP about the financing both of the site and the elements of the site, together with the timing of such investment. HD limited said in 2012 and in 2013 that financing was in preparation.

My Council notes no further information has since been offered regarding financing for the project. A variety of high profile organisations have all been mentioned in non-specific terms, including Wales Government, European funding, the LTA, Sport Wales, the National Lottery, HD and private.

My Council suggests it would be prudent for BCBC officers to have more precise information for BCBC Council Members as to the financial viability of this project before Council Members personally commit to giving their approval. This is especially important as parts of the site, including the area that would provide access arrangements, are owned by the Borough Council.

In addition my Council suggests enquiries should be made into the reasons behind the closure in 2013 of the National Tennis Centre situated in Cardiff - where it had the benefit of a much larger population living in close proximity.

9. Mention is made of the possibility of sink holes in the area. My Council wishes to remind the developers that there was a sink hole in recent memory at the base of one of the railway support columns where the line passes over New Inn road. This is close to the projected Tennis Academy.

10. My Council notes there is no information as to the positioning of electricity lines and pylons on this site and any necessary changes to current positions. We request additional information on the proposals for dealing with this aspect.

Merthyr Mawr Community Council has requested the inclusion of a number of planning conditions, full details of which can be provided for Members consideration.

### **Head Of Street Scene (Drainage)**

The application form does not include any information in regard to the flood risk of the development site. A review of the proposed area notes that it is not within a flood risk zone or within 20m of a watercourse.

A review of the drainage strategy notes reference to previous discussions with the Council's Drainage Engineers. Whilst an infiltration system would be acceptable in principle this would be subject to an appropriate ground investigation report supporting the proposal to utilise this method in relation to possible sink holes.

The drainage strategy later describes that the highway drainage and private surface water will be drained separately, with highway drainage via a piped network and the private surface water to an infiltration system via a series of open ditches & swales. The Strategy recognises that a sinkhole has previously occurred on the site and so indicates that proposed ditches/swales may require lining in areas deemed susceptible to erosion. This statement shows the susceptibility of the site to sink holes/limestone cavity formation, which is why it is imperative to have a sufficient geotechnical report in support of any proposed infiltration drainage system.

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

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

In view of the information available at this time it is recommended that conditions are imposed on any consent you are minded to grant requiring the submission of a ground investigation report/infiltration tests and a comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, including future maintenance requirements.

**Group Manager Public Protection**

I have looked at the attached information provided by the applicant's agent and would have the following comments:

1. Light- the lighting assessment shows that the additional level of lighting has been designed so that it will not cause a nuisance to the nearest premises, which I understand is the nursing home. You may wish to impose a condition to ensure that any change to the above intensity plan is notified and agreed in writing by Planning to ensure that the predicted level of lighting does not increase further if the current condition relating to the outline permission does not adequately address this. I would also suggest that a condition is imposed to ensure that the operational times of the lighting are agreed with in writing by Planning so that it can be controlled.

2. Air Quality- the proposal for the reserved matters for the tennis courts should not affect the previous air quality assessment that has been completed as there will be no additional vehicle movements generated with the relocation of the outdoor tennis courts from the front to the rear of the main tennis auditorium. Consequently, the condition relating to the outline planning permission should still be applicable and there will be no need to carry out an additional survey at this stage. However, a condition should be imposed to ensure that the scheme of mitigation relating to the development is agreed in writing with the Local Planning Authority and is carried out in full prior to the development being brought into beneficial use (the current condition just states that a scheme shall be submitted). I have attached below the original comments made in respect of the outline application for your information:

'Long term monitoring of nitrogen dioxide levels (using a diffusion tube method) at Ewenny roundabout on the A48 in the vicinity of the proposed development, indicates that the levels are generally increasing towards, and in some cases are exceeding the national air quality objective values for nitrogen dioxide. This information is documented in the Bridgend County Borough Council's 'Air Quality Updating and Screening Assessment (USA) 2009' which was carried out in fulfilment of Part IV of the Environment Act 1995- Local Air Quality Management. It is therefore essential that any predictions of future air quality are based on the most current data available. The 2009 USA report is available from the Public Protection Department. Although the information contained in the EIA states that the air quality assessment that has been undertaken was made using the data in the 2009 progress report, the latest progress report was actually carried out by this department in 2008. Clarification is therefore required as to whether the data used was actually from the 2008 progress report or the 2009 USA. Furthermore, paragraph 12.4.23 acknowledges that the predicted annual mean concentration of nitrogen dioxide at Ewenny Cross exceeds the objective in 2009, but a range of measures introduced at national and international levels to reduce emissions from road vehicles and other sectors are expected to result in an improvement at this location by 2012. However, whilst these measures are expected to reduce emissions by 2012, it cannot be guaranteed. The report also concludes in section 12.7 that if the scheme was to proceed without any upgrade to Ewenny Cross which is planned by the Highways Department that the impact from the development has been judged to be 'substantially adverse', but will only be at most 'slight adverse' if the improvements go ahead.

Consequently, if the planned Highways improvements do not proceed, I would request that the applicant submit a scheme which must be agreed with the Local Authority to ensure that the air quality objective for nitrogen dioxide will not be breached. The agreed scheme must be implemented to the satisfaction of the Local Authority prior to the development being brought into beneficial use. A detailed air quality assessment is currently in the process of being undertaken in the vicinity of Ewenny roundabout by the Public Protection Department. It is anticipated that this report will be available in 2010. Should this report demonstrate that the levels of nitrogen dioxide differ significantly from the 2009 USA data, I would request that the applicant submits an updated assessment in respect of the impacts associated with this development if planning permission is granted.'

### 3. Noise

Fixed Plant - I would suggest that the noise from any fixed plant would be covered by the existing condition on the outline permission that was granted (condition 21). If it does not then a condition can be imposed to ensure that the noise is assessed and mitigation measures proposed to control the noise.

Noise from PA systems - the condition on PA systems on the outline planning only covers match day stadium events. Internal PA systems within the main internal tennis auditorium and crowds inside should not cause a problem of noise. The agent has advised that it is not anticipated that there would be external PA systems at the Tennis Academy or outdoor courts and I would suggest that either a condition be imposed to ensure that this is the case or an alternative condition be imposed to control the use and noise from any external PA systems.

Noise from crowds and external courts - I agree with the agent that the noise from crowds internally will not be an issue. However, with regards to the external courts, it is noted that these have been relocated from the front of the main building to the rear. Consequently, whereas the main building would have shielded any noise from the outdoor courts, this is no longer the case. The agent states in the paragraph relating to noise that that the facility is 'not proposed to be built as a tournament facility but as a tennis academy for training and playing tennis'. However, under the paragraph for lighting, it states that the reason for increasing the lighting to 500 lux is 'to ensure the National Tennis Academy can facilitate and hold championship level tournaments'.

As the impacts of the noise from the Tennis Academy, in particular with respect to the uses of the outdoor courts have not been adequately assessed with the submission of the reserved matters, I would request that a condition is imposed to provide a detailed noise assessment prior to the development being brought into beneficial use which must assess the impact of the National Tennis Academy. This impact should include:

- \* The noise from any plant and machinery associated with the Academy
- \* The noise from external crowds associated with practice and playing of tennis on the outdoor courts and external crowds associated with tournaments
- \* Noise from the playing and practicing of tennis and tournaments
- \* Intended operational hours, both indoors and outdoors
- \* Information relating to the anticipated number of tournament events and the average length of these tournaments
- \* Noise associated with any external PA systems if a condition is not be included preventing or controlling their use outdoors.

The assessment shall predict the noise levels at the nearest sensitive noise receptors and propose any mitigation measures that are identified. These may include limiting the hours of use,



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

limiting crowd capacity outdoors, erection of physical measures such as barriers/ bunding, limiting the number of tournaments events. Any mitigation measures must be carried out in full.

A construction management plan should also be submitted prior to the commencement of any part of the development and a condition included to this effect if the current condition on the outline permission does not cover the Tennis Academy and associated infra-structure.

### **Welsh Water Developer Services**

We would request that if you are minded to grant Planning Consent for the development that the recommended Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

## **REPRESENTATIONS RECEIVED**

### **Letters Of Objection Have Been Received From The Following: , .**

Crud Yr Awel, Windways, Greenacre, Milnhorne, Charnwood, Two Chimneys Raheen and 'The Residents Association' on Island Farm Road, Bridgend

4, 5, 9, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24, 27 on Island Farm Close, Bridgend

The following is a summary of objections received in addition to those set out in the observation provided by the Town and Community Council:

1. The application seeks permission again for a 'Sports Village', previously opposed by residents
2. The appearance of the development is unsuitable for an area of outstanding natural beauty. Wildlife in their natural environment, trees and shrubs of untold varieties will be destroyed.
3. Car parking provision is not sufficient to serve the proposed development
4. Existing infrastructure (A48, Ewenny Road, and Merthyrmaur Road) cannot cope with the additional development - new Traffic Management Schemes would add to the congestion. Movements to and from Island Farm Road are already difficult and will be made worse by the development
5. The proposed new road system will completely surround the area with traffic. The new access road connecting the development to the Science Park is closer to existing properties on Island Farm Road/Close - privacy and the general amenities of the neighbours will be affected.
6. Increased noise and pollution (air) would have a considerable impact on the amenities of local residents
7. Development more unsuitable and unsustainable given the loss of the proposed tenants. Without access to the developer's business plan it is impossible to question the demand for such facilities. What market research has been done to justify the proposed development?
8. Sporting Facilities are already available across the County Borough

9. Proposed new link road would be routed through the historic part of Island Farm, destroying a vital part of its history - this land is not owned by the developers

**COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the representations received:

1. Both Bridgend Town and Merthyr-mawr Community Council have opposed the development on the basis that additional information is required prior to this application being determined.

Supporting documentation provided by the applicant's agent has confirmed that a reserved matters submission for the access road is being prepared and will be submitted in the very near future. It is understood that it will follow the alignment identified on the 'Indicative Masterplan' which broadly follows that proposed on the original outline planning application. The applicant's decision to seek to agree details of the building (tennis centre) before the road, does not conflict with the outline planning permission and requirements of the S106 agreement. It will however be necessary to gain approval for the reserved matters for the road prior to commencing development on the Tennis Centre.

Condition 14 which relates to construction access is a pre-commencement planning condition and therefore the developer is only required to submit such a scheme at that stage.

Floor plans identifying the various elements of the tennis centre have accompanied the planning application thus enabling a proper assessment of the proposal.

The Design and Access Statement includes a section which names the organisations from which the applicant may seek funding. For the determination of this reserved matters application it is not necessary to require the breakdown of the funding in any greater detail. The report presented to committee on the outline application advised Members that it was not for the Local Planning Authority to query the financial funding for any scheme - it is not a material planning consideration or a requirement of national or local planning policy.

The Planning Statement confirms that the Tennis Academy will provide facilities for playing and coaching tennis and the ability to hold championship standard competitions. It is expected that the indoor courts, including the tournament court with spectator seating, will be used for the finals. Conditions may be imposed to control activities on the outside courts to ensure that the amenities of neighbouring properties will be safeguarded, both in terms of noise and light pollution.

2. The Planning Statement indicates that the development is likely to commence in 2015. A number of pre-commencement planning conditions on the outline planning permission will need to be agreed prior to the development commencing. Whilst local residents and both the Town and Community Council will be consulted on any future reserved matters applications, agreeing planning conditions is a matter delegated to officers.

3. The permission for development, issued under planning reference P/08/1114/OUT, permitted a Mixed use development comprising sport/leisure/commercial/offices on land at Island Farm and subject to conditions specifying reserved matters for the authority's subsequent approval with respect to matters relating to layout, scale, appearance of the buildings and proposals for landscaping. The outline planning consent was accompanied by a Site Masterplan which proposed, on an illustrative basis, the elements of the proposed scheme, including an indoor

tennis centre plus outdoor courts. This application seeks to agree the reserved matters, those being the layout, scale, and appearance of the indoor tennis centre and the associated landscaping works, pursuant to the outline planning permission. The reserved matters submission relates to land that falls within the outline application site boundary and accords with the planning conditions imposed on the outline consent and the terms of the legal agreement which did not specify the location, size and content of the indoor tennis centre. The proposed site plan which accompanies the new reserved matters application differs from the 'Illustrative Masterplan' that supported the outline planning application. The reserved matters application does not however seek permission for development beyond the red outline. Notwithstanding the changes on the Site Development Plan, there is no requirement to submit a revised outline planning application at this stage.

The external lighting in terms of luminosity has been increased and the Town Council is concerned about the potential effect upon the environment locally and the intrusion into the landscape. Abacus Lighting Ltd, lighting consultants acting on behalf of the applicant company, advised on the proposed specification of the lighting scheme. To ensure the National Tennis Academy can facilitate and hold championship level tournaments, class i (500 lux) lighting is required. This is proposed for the 6 northern courts. The 6 southern courts, adjacent to the site boundary are proposed to have class ii (lux) lighting and the columns will be fitted with back-shields to further reduce the potential light spillage. The nearest sensitive residential receptor to light spillage is the Pen-y-Bont Court Nursing Home to the south east of the site. The closest mast is however approximately 50m from the receptor and the lux level will be less than 0.1 lux at the boundary of the site. It is the consultant's view that there will be no risk of light spillage from the courts on or near to the adjacent properties. Furthermore, the proposed buffer planting, when established would further mitigate the light spillage. On this basis, the impact of the lighting on local properties is considered to be negligible and this is a view accepted by the Group Manager Public Protection.

4. Traffic generation associated with the mixed uses was considered at the outline application stage. The Transportation Assessment revealed that, subject to various improvements, sufficient capacity existed on the highway network to cater for the majority of traffic generated by the development as a whole. It was however acknowledged that congestion would occur on days when major events were held but this was not grounds to refuse the outline planning consent. Through planning conditions imposed on the outline consent and clauses in the related S106 agreement, the developer will be required to provide highway improvements at appropriate times, prior to beneficial use of the appropriate phase of the development. For the tennis centre, it is a requirement that the new junction on the A48 and the internal access road are constructed prior to the development being brought into beneficial use.

5. The tennis centre does include ancillary/concessionary uses such as a gymnasium, café etc within the building. Leisure and commercial uses are permitted under the outline planning permission and given the relative configuration of floorspace, will provide important income streams but remain ancillary to the main tennis centre use. These elements will not be detrimental to the local community.

6. The Town and Community Councils provided in evidence in support of the site's allocation for 'Strategic Employment' at the Examination into The Bridgend Local Development Plan and are concerned in the manner the applicant's agent appears to dismiss the importance of the site's allocation in the LDP.

Following examination, the Inspector's confirmed the employment allocation and rejected the applicant's request to align the LDP allocation with the outline planning consent. The Inspector acknowledged that the scale of the employment, sports and leisure components was considered

capable of creating and attracting significant employment but recognised that the construction of the stadia would be dependent on a number of factors including significant capital funding. Given the uncertainty about whether these sports uses would be delivered, the Council contended that the land should be retained as an 11 ha strategic employment allocation as a fall-back position should the developer fail to secure reserved matters approval for all the elements of the consented mixed use development. The Inspector recognised that whilst this would preserve the site's employment potential, the outline planning permission would nevertheless remain capable of implementation. In the absence of identified occupiers or funding there was, in the Inspector's opinion a lack of evidence to confirm that such a scheme was deliverable. Moreover to align the permission and the policy would potentially obstruct an alternative form of strategic employment development with equal or greater economic and employment benefits.

It must be remembered that the outline planning consent was issued against the framework of the plans and policies of the Bridgend Unitary Development Plan but is nevertheless an extant permission. The site's allocation for Strategic Employment is not material to the determination of a reserved matters submission pursuant to the outline planning consent. It would only become relevant should the outline planning consent lapse and a new application needed to be submitted. The applicant's agent fully acknowledges that the LDP does contain general development management policies that are relevant and have been taken into account in the evolution of the proposed detailed design.

7. Merthyr-mawr Community Council has also submitted representations alleging that the scheme departs from the outline planning permission with the tennis centre and other elements of the scheme being different to that shown on the indicative plan that accompanied the outline planning permission. This matter is fully addressed in paragraph 3 above and a letter has also been sent to the community council answering these specific matters.

8. The outline planning permission includes a number of planning conditions, 41 in total, many of which require the submission of detailed plans and require that no development commences until various schemes are submitted and agreed by the Local Planning Authority. All such conditions carry through to the grant of any reserved matters consent and this includes condition 31 which states:

'No development shall take place until a Landscape Management Plan, including long-term design objectives, management responsibilities, maintenance schedules for all landscaped areas and a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The agreed Landscape Management Plan shall be implemented in accord with the agreed timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to ensure that the development does not adversely affect the habitats or interest of Protected Species in the locality.'

The management plan need only be submitted prior to the commencement of development. This does not prevent the submission and determination of any reserved matters application, such as the current proposal for the indoor tennis centre.

9. The applicant is not seeking a different access to the tennis centre than proposed on the outline planning consent. Condition 13 of the outline planning consent required that detailed plans be submitted to include a carriageway link between the Route A48 and Route B4265 (Ewenny Road) and the agreement requires the completion of the internal spine road and associated

junctions linking the A48 to B4265 prior to the beneficial occupation/use of any phase of the development, including the tennis centre.

10. Highway access from the A48 and Science Park would appear to cross land in Council ownership. Negotiations are taking place but these are not material to the determination of this application.

11. The impact the proposed development would have on the landscape and ecology was a main area for consideration on the outline planning application. As stated in the Environmental Statement, the proposed development would transform the landscape from a rural, farmed and low intensity use area into an active area for sports and business use. The effect of an unmitigated scheme on the landscape would, therefore, be significant. However, with the mitigation measures proposed and secured through a planning condition (condition 27 refers) this impact can be appropriately addressed.

In respect of the ecology and nature conservation issues it is also acknowledged, in Chapter 9 of the Environmental Statement, that an unmitigated scheme would have significant implications for the ecology of the area. The applicants, however, identified a number of mitigation measures which reduce or eliminate negative impacts and, where possible, have enhanced the site for ecological gain. The most significant mitigation measure would be the provision of over 12.5 hectares of land, within the existing settlement boundary, and a further 3 hectares, outside the settlement boundary, for nature conservation purposes which includes the protection and enlargement of the existing Site of Interest for Nature Conservation. The applicant's agent has confirmed that the proposed tennis academy is to be located outside the parts of the site previously considered to be ecologically sensitive. Furthermore, the detailed landscaping schemes have taken into account the ecological mitigation required as part of the outline planning permission.

Condition 27 of the planning consent also provides additional safeguards, in that, prior to development commencing, it will be necessary to submit, amongst other things a scheme for lighting, consistent with the requirements of both bats and dormice, to include measures to monitor lux levels as part of the need to maintain dark corridors, including consideration of the impacts during construction phase, any phasing of the development and the operational phase and shall include remedial action to be undertaken where problems are identified by the monitoring scheme.

12. Conditions 32-37 on the outline planning consent were imposed to protect controlled highly sensitive groundwaters on the development site. The applicant's agent confirms that a two stage geo-environmental and geo-technical investigation has been carried out which concluded that the controlled waters were not at risk from site derived contaminated materials as the site has been classified as 'decontaminated' and therefore there are no site derived sources of contamination. This information has been the subject of a consultation with Natural Resources Wales. No adverse representations have been received to date. Whilst a further contamination report is not necessary, conditions will be imposed to safeguard the controlled groundwaters.

13. No information has been offered by the applicants for a Management of Spectators Plan, (Travel Plan and Events Forum) as the S106 agreement requires this to be agreed prior to the beneficial use of any part of Phase 2(C) (Rugby Union Stadium) commencing.

14. The S106 agreement requires the owner to complete Phase 1 (a) (Main Access Junction off A48 and Green Bridge) in accordance with detailed drawings (previously submitted) prior to any other phase of the construction commencing. The internal spine road that will link from the Green Bridge and will be the subject of a separate reserved matters application will be finished to

base course prior to the tennis centre being brought into beneficial use. Construction access will be controlled through condition 14 of the outline consent which requires the submission of a scheme for the construction access, incorporating details of any temporary traffic management required to ensure safe operation, onto Route A48, at the main site access, prior to any development commencing.

15. The charges that will be levied for use of the facility is not a material planning consideration. It was acknowledged in the report on the outline planning application that the development of a 'Sports Village' in Bridgend would bring benefits to the County Borough in terms of profile on a regional and national level and would increase the sports and leisure 'offer' of Bridgend. It was argued that one of the most important benefits would relate to the quality of life issues relating to the increased access to first-class sporting and recreation facilities for the residents of Bridgend and the wider region. In this respect the proposal would also reduce the significant deficiency in provision of outdoor sport facilities in the Bridgend area.

The supporting documents confirm that the proposed tennis academy has the full endorsements from the Lawn Tennis Association (LTA) and Tennis Wales. It is maintained that the facility will provide excellence in tennis coaching programmes, supporting the local community to enable players of all ages and abilities to fulfil their tennis potential. Moreover, the development will address the lack of community accessible indoor tennis facilities in South Wales.

16. The community council has requested that the wildlife area be brought into use before the development commences. The S106 agreement confirms that the site (Site Important for Nature Conservation - SINC) will become the responsibility of the Council with the owner required to pay a commuted sum of £100,000 for the purpose of assisting with such management prior to development commencing on Phase 1a (Main Site Access junction off A48 and Green Bridge). No further conditions are considered necessary.

17. The closure in 2013 of the National Tennis Centre in Cardiff is a matter of fact and is not material to the determination of the application.

18. Chapter 7 of the Environmental Statement confirmed that the site geology will be fully investigated and recorded before detailed design commences and appropriate engineering treatment carried out to remove risks associated with the presence of, for example sink holes. Conditions have also been imposed on the outline consent to safeguard the protected groundwaters.

19. The Design and Access Statement confirms that the applicant has contacted the National Grid for their comments on the proximity of the external tennis courts to the existing power lines that are in close proximity. In addition they have requested an engineer visit the site to make an accurate assessment of the proposal. From analysis of the National Grid (NG) 'Development Near Overhead Power Lines' documents we have deduced that the proposal has a Type - L2 - 275KV Pylon and Overhead Power Lines that run WSW-ENE direction across the site to the south of the proposed tennis centre. The National Grid has responded to the applicant company confirming they have no objection to the development.

20. The report on the outline planning application recognised that design considerations could only be assessed when the detailed proposals were submitted. It was accepted that the development would transform the landscape from a rural, farmed low intensity use into an active area for sport and business use. The applicants maintained that the scheme would be of a high standard and the DAS that accompanied this application considers design as follows:

'The proposal will provide a bold, iconic structure to the site. The proposal has a 'poise' that

results from its slightly elevated central axial approach. This symmetrical and prominent siting hopes to provide a wonderful sense of arrival and place making. The sensitivity of the landscape setting emanates from its siting deep into the development site. The proposal's tree-lined boundary backdrop and proposed landscaping integrate the built form into its context. The proposal's strong geometric form has been used as a driver for the associated elements within the development. The geometry has derived an efficient radial car parking arrangement, creating an interesting and responsive landscaping feature. The proposal's nodal location, symmetry, centrally located entrance and evident car parking arrangement, provides the visitor/building user with a coherent and legible entrance approach.

Externally, the proposal aims to create a visually dynamic, iconic, signature building that instils well-being and user-friendliness. The circle by its very nature is a naturally powerful dynamic shape. The forms lack of angularity and corners help to create a soft and welcoming environment. This approachability provides visitors and internal building users alike with a real sense of arrival and place. The architecture is one of a simplistic and pure arrangement of elements that are ordered to fulfil the requirements of the spaces within.

The Academy looks to use a limited palette of materials that include silicone jointed curtain walling, polyester powder coated metal brise-soleil system and masonry construction. The building has been designed to accommodate a humane scale, through reducing large framed structural modules to smaller secondary modules, providing visual and textural interest'.

The siting and orientation of the building has been determined to minimise the mass/visible area of development from the sensitive views to the south. Additional planting along the southern boundary is proposed to filter view of the building - this accords with the development framework and landscape parameters plan included in the Environmental Statement.

It is considered that the building has been designed to have a minimal impact on the surrounding landscape, environment and amenity.

21. The proposed layout plan indicates 148 car parking spaces, including 15 Blue Badge parking bays to serve the Tennis Academy. The Head of Street Scene (Highways) consider this to be an over provision based on the floor area and proposed uses. Condition 17 of the outline planning consent specified the number of spaces that were to be provided to serve the whole development and this totalled 2262. It will be necessary to impose a planning condition requiring the submission and agreement of a revised parking scheme. Contrary to the claims of the objectors, more than adequate car parking facilities can be provided to serve the development.

22. As referred to above, the adequacies of the existing infrastructure (including the junction serving Island Farm Road/Close) were carefully considered as part of the outline planning application. The developer has entered into a S106 agreement to provide highway improvements and fund appropriate traffic management and parking measures. This application does not alter those requirements.

23. The position of the new road network serving the development has not altered significantly from that submitted on the indicative plan that accompanied that application. The separating distances, for example between the access road connecting to Phase 3 (Extension to Science Park) and the properties on Island Farm Close/Road has not changed. Opportunity still exists to provide screen planting between the road and existing properties and this will be secured when permission is sought for that section of the road network.

24. Noise and air pollution were considered in the Environmental Impact Assessment (EIA) that accompanied the outline planning application. However, at the outline application stage, the

design details of the stadium, plant, construction work, PA systems and any other significant noise sources were not available. Condition 21 of the consent required the submission of individual noise assessments to address the construction phase, operational and match day traffic, fixed plant, match day activities and noise generation and the predicted level of any public address system. Condition 23 required that detailed plans should specify a scheme to ensure that the limit values for nitrogen dioxide would not be breached.

Initial observations from the Group Manager Public Protection suggested that insufficient information had been submitted to address the above conditions. The applicant's agent responded accordingly:

'It should be noted that there are no new noise sensitive receptors within close proximity of the tennis academy and outdoor courts since the 2009 EIA was undertaken.

#### Operational Plant Noise

In terms of assessment of operational plant, the Group Manager Public Protection suggests that an assessment should be carried out prior to the commencement of development. The layout plan for the National Tennis Academy shows a small, internal plant room on the ground floor. The exact specification of the plant contained within this area is unlikely to be determined at this stage, so we propose that any residual concerns about noise generated from this plant is dealt with by a condition prior to the commencement of development. The operational noise of this plant is likely to be minimal and insignificant - and will not cause an increase in current ambient noise levels at the nearest sensitive receptor, or requires any additional mitigation to be required. As requested, this can be done using the methodology contained in BS4142, and can, in accordance with the Construction Management Plan, also consider the management of noise impacts during construction.

#### Other noise/crowd / PA systems / open courts

The Group Manager Public Protection suggests that a new noise assessment needs to be undertaken to take into account the impact of potential noise from the crowd and PA systems as the designs have changed from the original P/08/1114/OUT. We are concerned that the GMPP does not understand the detailed proposals which have been submitted. There is no reference in the reserved matters application to any change to potential noise impacts caused by crowds or PA systems and as such, the assessment of noise impacts at Chapter 13 of the 2009 ES remains a suitable and up to date assessment of the noise impacts of the tennis academy. Rather, reference to the assessment of match day / crowd noise and the effect of a PA system relates to the use of the other 2no. external stadia (which are not part of this Reserved Matters submission). The proposed National Tennis Academy will not require use of an external PA system (and if there is a need for one in the future, then this can be conditioned). It will be possible to condition the internal PA system so that it should not be audible externally. In addition, the prospect of significant noise breakout of crowds within the building is very unlikely. However, the National Tennis Academy provides a small area for spectators as it is not proposed to be built as a tournament facility but a tennis academy for training and playing tennis.

A substantial landscape strip is proposed on the eastern and southern boundaries of the site, which will buffer noise impacts from the outdoor courts with the nearest sensitive receptors. In any event, the noise from sporting activities at the outdoor courts are not expected to cause significant intrusion and give rise to any significant noise impacts on nearby residents. It should be noted that the site will not operate on a 24-hour basis, rather seven days a week, between 07:00 to 23:00 hours as a worst case scenario.



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

As such, it is proposed that the need for a noise assessment, specific to the limited noise impacts of the National Tennis Academy building and use, can be conditioned as part of the Reserved Matters permission, with this detail to be submitted prior to the commencement of development. By this point, the exact specification of plant will be known and an accurate assessment can be provided.

### **Air Quality**

The GMPP has requested that a new nitrogen dioxide assessment is submitted in respect of any impacts that will be associated with the new development (i.e. the increase in traffic). The traffic generation of the development has been accepted by BCBC in granting outline planning permission and we are not proposing to increase the number of traffic movements (and therefore emissions) as part of this Reserved Matters application. As per the approach proposed above, we suggest that a further nitrogen dioxide assessment can be dealt with by condition. The principle of the use, and the traffic it will generate, is approved by virtue of the granting of the outline permission.

The revised observations from the Group Manager Public Protection are reproduced in the earlier section of this report and confirms that subject to certain safeguards that will be secured through planning conditions that the amenities of the nearest neighbours will be protected.

26. The position of the new link road from the A48 accords with the alignment agreed in principle as part of the outline planning consent. The permission does pass through the area on which the Island Farm Prisoner of War Camp existed but the 'listed' Hut 9 will be retained and managed by the Council.

## **APPRAISAL**

This application seeks reserved matters approval for an indoor tennis centre and 12 external tennis courts, car parking and associated works including access routes, landscaping and public realm works, lighting and other plant and infrastructure. The agreement of all reserved matters pursuant to outline planning consent for part of the site which comprises the tennis centre is being sought.

The principle of developing a new tennis centre has been agreed under permission P/08/1114/OUT. The first consideration is whether the details of the reserved matters application are in line with the outline approval, including any conditions attached to the permission. In the supporting statement, the applicant's agent recognised that a number of the outline planning conditions required that certain information would be submitted with the detailed plans and has provided a table summarising the conditions and the developer's response to each. Reference is also made to the drafting of the outline planning consent which did not require strict adherence to the masterplan and Design and Access Statement that accompanied that application. This has allowed for a 'series of modest but positive changes to the masterplan, including the reduced capacity of the main stadium, (not part of this reserved matters submission), and small adjustments to the size and alignment of the stadium and training centre and the tennis centre', without falling outside the terms of the original outline planning consent. On the first test it is considered that the proposal accords with the outline planning permission and does not conflict with any clauses in the related S106 agreement.

The detail of the scheme must however be examined against the Council's policies and guidelines and in this regard the following Local Development Plan policies and planning guidance have been considered:

- \* Policy SP2 - Design & Sustainable Place Making
- \* Policy SP4 - Conservation and Enhancement of the Natural Environment
- \* Policy PLA4 - Climate Change & Peak Oil
- \* Policy PLA11 - Parking Standards
- \* Policy ENV1 - Development in the Countryside
- \* Policy ENV2 - Development in Green Wedges
- \* Policy ENV3 - Special Landscape Areas
- \* Policy ENV5 - Green Infrastructure
- \* Policy ENV6 - Nature Conservation
- \* Policy ENV7 - Natural Resource Protection & Public Health

Policy SP2 represents the starting point for the assessment of all planning applications which are received by the Local Planning Authority. 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.

It is considered that the submitted proposal addresses all the relevant criteria of the policy. The design is of a high quality and will deliver a national tennis centre that will 'boost Bridgend's profile as a destination of sporting excellence'. The proposal's tree-lined boundary backdrop and landscaping buffers will integrate the built form into its surroundings.

The proposed development will transform the rural landscape but this was acknowledged in agreeing the principle of the development. The scale of the building is significant and determined by its intended function. Every reasonable attempt has been made by the designer to minimise any harmful impacts through the design and form of the building and the proposed hard and soft landscaping.

Pedestrian, cycling and vehicular access will be provided in a manner that is safe and permitting access for all. Importantly, the development accords with the provisions of the outline planning permission.

Minimising noise, air soil and water pollution are an important aspect of policy SP2 and through conditions, imposed on the outline consent and this reserved matters submission, will be properly addressed in the interests of safeguarding the amenities of the area. As discussed in the earlier section of this report, safeguarding and enhancing bio-diversity and green infrastructure are achieved by the scheme and measures required by conditions imposed on the outline planning consent. The applicant's agent confirms that the academy is located outside parts of the site previously considered to be ecologically sensitive. The detailed landscaping and lighting schemes have taken into account the ecological mitigation required as part of the outline permission, notably the landscape buffer on the southern boundary of the site.

The proposal will not generate any overlooking or privacy issues to any neighbouring building with nearest being the Penybont Nursing Home. Furthermore, despite the height of the building (13m) it will be sufficient distance from existing housing/nursing home to ensure that sunlight/daylight to properties will not be affected. The extensive hard and soft landscaping that is part of the submission will further protect the amenities of the neighbouring uses and their occupiers.

A detailed drainage strategy has accompanied this reserved matters submission, in accordance with condition 19 of the outline planning consent. In light of the comments received from the Council's Land Drainage Engineer further pre-commencement planning conditions will be imposed to ensure the safe drainage of the development and site.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

The development seeks to make a positive contribution towards tackling the causes of, and adapting to, the impacts of Climate Change by achieving the BREEAM rating of Very Good. Benefitting from solar gain/natural day lighting, through appropriate orientation, and achieving high thermal performance and air tightness will contribute to the rating, as will the use of water management techniques (rain water harvesting etc.) and sustainable urban drainage, where appropriate.

Having assessed the proposal against all the aforementioned policies and critically SP2 it is considered that this reserved matters application accords with the policies and should, therefore, be recommended for approval.

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy, guidelines and the conditions attached to the outline planning consent P/08/1114/OUT. The development should not adversely affect privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal. Furthermore, the development should not be detrimental to highway safety.

### **RECOMMENDATION**

(R04) That permission be GRANTED subject to the following condition(s):-

- 1 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL 13530002 Site Plan: Phase I Welsh National Tennis Academy Site Boundary; PL 13530106 Existing Site Contour Plan showing Proposed Formation Levels; PL 13530107 Proposed Site Plan; PL 13530110 Proposed Ground Floor Plan; PL 13530111 Proposed First Floor Plan; PL 13530115 Proposed Roof Plan; PL 13530131 Proposed Section AA; PL 13530132 Proposed Section BB; PL 13530141 Proposed Elevations 01 and 02; PL 13530142 Proposed Elevations 03 and 04; Landscaping Strategy, including Lighting Scheme (DLA, May 2014) and the following drawings: DLA-1561-(02)-01; DLA-1561-(02)-02; DLA-1561-(02)-03; DLA-1561-(02)-04; DLA-1561-(02)-05; DLA-1561-(02)-06; DLA-1561-(02)-07; DLA-1561-(02)-08 - Lighting proposals; UKS922412 Rev A - Tennis court lighting proposals

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

- 2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

- 3 All hard and soft landscape works (Drawing No: DLA-1561 (02) 01 and 02) shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

- 4 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

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

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

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

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

- 7 No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the development being brought into beneficial use.

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

- 8** The premises shall be used for a Tennis Academy with ancillary facilities and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the development site and to ensure that any future development accords with the outline planning consent P/08/1114/OUT.

- 9** No development shall take place until individual Noise Assessments relating to:-

a. Noise from any plant and machinery associated with the Academy and the impact of fixed items such as ventilation, coolers pumps etc, using the methodology contained in BS4142. The assessment and subsequent specification of plant shall include an assessment and mitigation of any tonal noise. Any plant shall be designed and operated to ensure that the rating level (LArTr) from the cumulative effect of all plant noise when assessed using the above methodology at the boundary of any noise sensitive receptor shall not exceed the pre-existing background level (LA90T) by more than 2dB. If any plant is operated over a 24 hour period, further background noise levels will also have to be undertaken and the details of any mitigation measures, that may be required, provided;

b. The noise from external crowds associated with practice and playing of tennis on the outdoor courts and external crowds associated with tournaments and noise from the playing and practicing of tennis and tournaments. The assessment shall include details of the intended operational hours, both indoors and outdoors and information relating to the anticipated number of tournament events and the average length of these tournaments.

c. Noise associated with any external Public Announcement (PA) systems;

The development shall only be implemented in accordance with any approved mitigation measures that will form part of the noise assessments and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the reasonable amenity of the occupiers of neighbouring development/dwellings

- 10** No development shall take place until a scheme has been submitted to and agreed in writing by the Local Planning Authority specifying that the limit values for nitrogen dioxide, as prescribed in the Air Quality Standards (Wales) Regulations 2010, will not be breached by this phase of the development. The agreed scheme of mitigation shall be implemented throughout the period of construction and retained thereafter in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the general amenities of the area

- 11** The lighting of the outside tennis courts shall be carried out in accordance with the 'Lighting Proposals' DLA-1561-(02)-(09) and Abacus Lighting Ltd ¿ Drawing No. 2737/2/M/C unless otherwise agreed in writing by the Local Planning Authority.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 21ST AUGUST 2014**

Reason: In the interests of the general amenities of the area.

- 12** No development shall commence until the operational times of the lighting for the outside tennis courts has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall only be operated in accordance with the agreed times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the general amenities of the area.

- 13** No development shall take place until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of noise, dust and dirt during construction
- v. the provision of temporary traffic and pedestrian management along Classified Route A48

Reason: In the interests of highway safety.

- 14** The highway access from the A48 shall be completed in permanent materials in accordance with the layout approved under application P/08/1114/OUT prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

- 15** Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 136 off street parking spaces and 8 disabled parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 16** No development shall commence until a scheme for the provision of 18 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable means of travel to / from the site.

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

This application is recommended for approval because the development complies with Council policy, guidelines and the conditions attached to the outline planning consent P/08/1114/OUT. The development should not adversely affect privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal. Furthermore, the development should not be

detrimental to highway safety.

The developer is reminded of the need to comply with conditions attached to outline planning consent P/08/1114/OUT and the clauses in the related S106 Agreement.

Foul water and surface water discharges shall be drained separately from the site.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014

### ITEM: 3

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

**CODE NO.** X/14/2222050 (1740)  
**APP. NO.** P/14/223/LAP  
**APPELLANT** MR MARC WEINZWEIG  
**SUBJECT OF APPEAL** NEW ROOF COVERINGS & STRUCTURE TO EXT LOUNGE, OLD BREWARY & POOL ROOM & NEW WINDOWS DOORS & INT ALTERATIONS: HOME FARM COYTRAHEN  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The Local Planning Authority cannot issue a decision concerning this request for a Proposed Lawful Development Certificate since a significant amount of work had already commenced to those elements which are under consideration. Secondly, in the event that the Council could issue a decision, it would be minded to issue a certificate to REFUSE since it is considered that the works associated with the outbuilding requires planning permission.

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**CODE NO.** C/14/2221455 (1741)  
**APP. NO.** ENF/306/13/C  
**APPELLANT** MR PAUL KINSELLA  
**SUBJECT OF APPEAL** UNAUTHORISED USE FOR SKIP BUSINESS: FORMER DEVON VIEW GARAGE SOUTH CORNELLY  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** ENFORCEMENT NOTICE

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**CODE NO.** A/14/2222838 (1742)  
**APP. NO.** P/14/135/FUL  
**APPELLANT** MR P HEARNE  
**SUBJECT OF APPEAL** PROPOSED ERECTION OF 3 BED DETACHED DWELLING: 9 ADAMS AVE BRYNCETHIN  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:



## **DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

The proposed extension would result in a cramped form of development that would have a detrimental impact on the wider street scene and provide a poor level of amenity for future occupiers contrary to Policy SP2 of Bridgend Local Development Plan and the advice contained in the Council's Supplementary Planning Guidance (Design Guide 2 House Extensions).

The proposed development would, by virtue of its siting be visually obtrusive and generally out of character with existing properties in the area, contrary to Policy SP2 of the Bridgend Local Development Plan.

Insufficient details in respect of the means of foul and surface water drainage have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.

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### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014

### ITEM: 4

**REFERENCE:** P/13/246/OUT

**APPLICANT:** S.WALES LAND DEVELOPMENTS LTD  
C/O LAMBERT SMITH HAMPTON 3 CALLAGHAN SQUARE  
CARDIFF

**LOCATION:** LAND AT BRACKLA INDUSTRIAL ESTATE BRACKLA  
BRIDGEND

**PROPOSAL:** DEVELOPMENT OF UP TO 230 DWELLINGS & 0.3  
HECTARES OF MIXED USE CENTRE (USE CLASSES AI, A3  
AND C3)

At the meeting of the Development Control Committee on 1st May 2014 a report on the above application was considered. The recommendation required the applicant to enter into a Section 106 agreement in relation to the following: -

(i) Provide a financial contribution on the commencement of development of £317,000 towards enhanced highway, pedestrian, cyclist traffic calming facilities and traffic orders on the local highway network, including works to Heol Simonston, Coychurch Road, Wyndham Close and Church Acre.

(ii) Provide a financial contribution in accordance with the Educational Facilities SPG formula towards the provision of additional nursery and primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide a financial contribution on the commencement of development towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area, the monetary contribution being based on the most up to date formula for the calculation for equipped play areas, recreational facilities and open space, based on the number of dwellings.

(iv) The following noise mitigation measures to implement at the BEI lighting site prior to commencement of any phase of the residential development:

Reduce the noise from the paint extract and smaller extract fans identified in the above noise report to ensure that the rating level from the extract fans when operating together does not exceed 43dBA when measured as a 1 hour LAeq at the boundary of any residential premises, (i.e. a reduction of 8dB is required)

Relocate the current loading area away from the top of the site as indicated as position D on page 6 of the above Noise Report. Additional sound insulation measures to the office building such as installation of acoustic/secondary glazing with passive or mechanical ventilation to comply with the ventilation rates specified in the Building regulations with the office windows closed will also be required.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014

The forklift truck and side loader tonal reversing beepers shall be replaced with white noise beepers.

In progressing the related Section 106 agreement, the minutes of the committee meeting were reviewed and it was noted that clause (ii) listed above had not been included and clause (iii) had been repeated. It is therefore necessary to seek the committee's authority to correct the minute.

**RECOMMENDATION:** Minute 395 of the meeting of the Development Control Committee held on 1st May 2014 are amended to read as follows:

### 'TOWN AND COUNTRY PLANNING ACT 1990 SECTION 106 AGREEMENTS

RESOLVED: (1) That having regard to the following application, the applicant be required to:

(i) Provide a financial contribution on the commencement of development of £317,000 towards enhanced highway, pedestrian, cyclist traffic calming facilities and traffic orders on the local highway network, including works to Heol Simonston, Coychurch Road, Wyndham Close and Church Acre.

(ii) Provide a financial contribution in accordance with the Educational Facilities SPG formula towards the provision of additional nursery and primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide a financial contribution on the commencement of development towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area, the monetary contribution being based on the most up to date formula for the calculation for equipped play areas, recreational facilities and open space, based on the number of dwellings.

(iv) The following noise mitigation measures to implement at the BEI lighting site prior to commencement of any phase of the residential development:

Reduce the noise from the paint extract and smaller extract fans identified in the above noise report to ensure that the rating level from the extract fans when operating together does not exceed 43dBA when measured as a 1 hour LAeq at the boundary of any residential premises, (i.e. a reduction of 8dB is required)

Relocate the current loading area away from the top of the site as indicated as position D on page 6 of the above Noise Report. Additional sound insulation measures to the office building such as installation of acoustic/secondary glazing with passive or mechanical ventilation to comply with the ventilation rates specified in the Building regulations with the office windows closed will also be required.

The forklift truck and side loader tonal reversing beepers shall be replaced with white noise beepers.

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**ITEM: 5**

**APPROVING NON-MATERIAL AMENDMENTS TO AN EXISTING PLANNING PERMISSION**

Background

The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 comes into effect on the 1<sup>st</sup> September 2014. This enables Section 96A of the Town and Country Planning Act 1990 (TCPA 1990), which provides the mechanism to approve non-material amendments to an existing planning permission.

This section of the Act introduces a statutory procedure to allow a “non-material amendment” to be made to an existing planning permission via an application procedure. The application is made to the local planning authority and has a quick determination period of 28 days. There is also a fee for such applications.

Currently the Council operates its own in-house protocol for determining whether amendments to approved consents are considered to be a minor amendment i.e. material or not. These requests are determined under delegated powers.

Under the new legislation there is no statutory definition of a “non-material amendment” as it is dependent upon a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas. This will vary from one application to another. What may be non-material in one context may be material in another.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. Welsh Government suggests the following tests in order to assist local planning authorities:-

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) would the interests of any third party or body be disadvantaged in planning terms; or,

(c) would the proposed change conflict with national or development plan policies?

The tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

There is no right of appeal against a decision made by a local planning authority in respect of an application for a non-material amendment.

### **Conclusion**

It is not considered that the introduction of a formal legislative process for determining non-material amendments will adversely impact on the function of Bridgend's planning service, whilst there is now a requirement to formally register such a request, this is off-set by the requirement of a fee.

### **Recommendation**

That the contents of the report be noted.

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## **ITEM: 6**

### **DEVELOPMENT CONTROL COMMITTEE – FUTURE MEMBER TRAINING ARRANGEMENTS AND COMMITTEE START TIME**

Members will recall at the July 2014 Development Control Committee that it was agreed to add an item to the agenda to allow an open discussion on the future training arrangements for Members, which may include alterations to the start time for Committee.

Members views are requested.

### **Recommendation**

That any suggestions put forward and agreed by Members form the basis for the future training arrangements and committee start time, and that Council be advised of any changes agreed.

**DEVELOPMENT CONTROL COMMITTEE MEETING – 21 AUGUST 2014**

**ITEM: 7**

**TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
None			

Dates for other topics and speakers to be arranged including the following:

**Subject**

- Annual review of planning decisions ~ Bridgend & Maesteg Regeneration Projects ~ Autumn 2014
- Life of a planning application

**Recommendation:**

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
15 AUGUST 2014**

**DEVELOPMENT CONTROL COMMITTEE : 21-AUG-14**

**P/14/354/RES/PT**

Town/Community Council : **BRIDGEND**

LAND AT ISLAND FARM BRIDGEND

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**P/14/444/FUL/NG**

Town/Community Council : **PORTHCAWL**

REAR GARDENS 2 & 4 ROCKFIELDS CLOSE PORTHCAWL

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**BRIDGEND COUNTY BOROUGH COUNCIL**

**LOCAL GOVERNMENT ACT, 1972 - SECTION 100 LIST OF BACKGROUND PAPERS**

**MEETING: Development Control Committee**

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**DATE OF MEETING: 21 AUGUST 2014**

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**REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES**

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<b><u>ITEM</u></b>	<b><u>FILE NO.</u></b>	<b><u>LOCATION</u></b>
Where the application / appeal / enforcement number is quoted, please refer to the file of that number		Corporate Director - Communities - (Planning Dept)
Approving non-material amendments to an existing planning permission		Corporate Director - Communities - (Planning Dept)
Future Member training arrangements and Committee start time		Corporate Director - Communities - (Planning Dept)
Training Log		Corporate Director - Communities - (Planning Dept)

For further details on the above please contact Craig Flower on 01656 643157 or email [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)