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Bridgend County Borough Council



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**Gwasanaethau Cyfreithiol a Rheoleiddiol / Legal
and Regulatory Services**

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Gofynnwch am / Ask for: Mark Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: 31 March 2016

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 31 March 2016 at 2.00 pm.**

AGENDA

6. Amendment Sheet 3 - 10
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

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DEVELOPMENT CONTROL COMMITTEE

31 MARCH 2016

**AMENDMENT SHEET (AS) - circulated by email 30 March 2016
Incorporating matters arising from
pre-Development Control Committee Meeting
(item number preceded by ASA)**

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.

ITEM NO.	PAGE NO.	APP. NO.
AS 8a	13	P/15/62/FUL

A site inspection by Members of the Committee was undertaken on 30 March 2016.

Since the preparation of the report, the observations of the Highways Department have been received. The comments note that the submission is supported by a Transport Assessment which demonstrates that the highway network can accommodate the traffic generated by the proposed development including the signalised junction of the A4061 / A4065 at the Royal Oak, Bryncethin. In addition to the planning obligation in respect of Act Travel Linkages, it will be necessary to seek a further contribution to fund a Road Traffic Order to designate the development site as a 20mph zone. Conditions have been recommended to secure footway / cycleway links along the frontage, a right turn holding lane and central refuge along the frontage. In addition, despite earlier advice, there is a shortfall of on site parking spaces and this will also be addressed by appropriate conditions.

Natural Resources Wales have also confirmed in writing that the land drainage run off rates proposed by the developer as part of a draft drainage scheme are acceptable and this will enable the detailed drainage scheme required by Condition 5 to be designed.

Condition 11, proposed to be attached to the consent, removes permitted development rights from all properties within the development. It was intended that this restriction was to be limited to the plots adjoining the acoustic bund but in error the plot numbers were not identified within the wording of the condition. It is therefore considered necessary to amend the condition to specify the affected plots namely Nos. 97-108.

In light of the foregoing, the recommendation should be amended as follows:-

RECOMMENDATION

- (A) In respect of the applicant entering a Section 106 Agreement add the requirement:-
 - (e) Provide a financial contribution of £7,000.00 to fund a Road Traffic Order to designate the development site as a 20mph zone.
 - (B) The following additional conditions be added, in addition, the wording of Condition 11 should be amended to read:-
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no buildings on Plots 97-108 inclusive shall be erected other than those expressly authorised by this permission.

16. No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
- i. The routing of HGV construction traffic to/from the site in order to avoid Ogmore Terrace, Wigan Terrace and Bryn Road
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. the provision of temporary traffic and pedestrian management along the A4065 Abergarw Road

Reason: In the interests of highway safety.

17. No development shall commence until a scheme for the provision of revised turning head facilities adjacent to plot 57 and fronting plot 79 together with revised visitor parking and re-sited dwelling has been submitted to and approved in writing by the Local Planning Authority. The revised turning heads and associated parking and dwelling shall be implemented in permanent materials before any of the individual residential units is brought into beneficial use.

Reason: In the interests of highway safety.

18. The proposed means of access shall be laid out with vision splays of 2.4m x 90m in both directions before any of the dwellings are occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

20. The site access and internal road layout hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

21. The construction of the roads shall be implemented in accordance with approved engineering details and completed to binder course level of bituminous material prior to the first dwelling being occupied in any one particular street to be completed and shall be completed prior to beneficial occupation of the last dwelling in such street or otherwise in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings in the interests of public and highway safety.

22. Notwithstanding the submitted drawings, no works shall commence on the construction of the roads until such time as a comprehensive traffic calming scheme has been submitted to and approved in writing by the Local Planning Authority for traffic calming restricting 85% tile traffic speeds to 15 – 20 m.p.h. The traffic calming facilities shall be implemented in accordance with the approved engineering details and completed within the same programme identified for the associated streets.

Reason: In the interests of highway safety.

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

Reason : In the interests of highway safety.

24. No development shall commence until a scheme for the provision of 3 off street parking spaces per plot for plots 3 - 5 , 33-35, 42, 47, 60, 65, 71-73, 75, 80, 83, 94, has been submitted to and approved in writing by the Local Planning Authority. None of these plots be occupied until the proposed parking areas have been completed in permanent materials in accordance with the approved layout and retained thereafter for parking purposes in perpetuity.

Reason: In the interests of highway safety.

25. No development shall commence until a scheme for the provision of 2 off street parking spaces per plot for plots 39-41, 62-63, 85-86, 89-90, has been submitted to and approved in writing by the Local Planning Authority. None of these plots be occupied until the proposed parking areas have been completed in permanent materials in accordance with the approved layout and retained thereafter for parking purposes in perpetuity.

Reason: In the interests of highway safety.

26. No dwelling shall be occupied until the proposed parking areas have been completed in permanent materials prior to the development being brought into beneficial use and retained thereafter for parking purposes.

Reason: To ensure the provision and retention of sufficient off-street parking, compliance with the Disability Discrimination Act and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the garages shall be retained as such at all times and shall not be converted into living accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure the continued provision of adequate off-street parking and minimise on-street parking, in the interests of highway safety.

The following additional advisory notes should be added:-

- g. The Highway Authority will require the developer to enter into legal Agreements (Section 111 Licence Agreement, Section 38 Road Agreement and 104 Sewer Agreement) including, appropriate bonds to secure the implementation of the proposed highway and sewer works.
- h. The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.
- i. An information pack containing public transport information including timetables, shall be provided by the developer upon occupation of each residential unit.
- j. The shared surface access street shall be laid out with the carriageway and the abutting pedestrian footways close to the same level to create a shared surface environment. The carriageway and footway surfaces shall be finished in StreetPrint and paviour blocks respectively with a granite sett ramped rumble strip at the entrance to the site.
- k. The applicant is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.
- l. The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.
- m. In accordance with the Bridgend County Borough Council Design Guide road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform (1:20 or 1:25 maximum) shall apply at junctions. Access roads shall have a minimum gradient of 1:125.
- n. 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 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 tarmac extending across the full width of the access and parking areas should not be considered as a first option.
- o. Details of any retaining walls within the site to be submitted to the Authority shall comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway the design details, duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.
- p. Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at the public expense.

- q. The scheme submitted to satisfy Condition 16 should comprise details of a mechanically operated wheel wash including a temporary access road completed in permanent materials (concrete or tarmac) that shall be located at least 15 - 20 metres from the edge of carriageway to ensure that when mud is washed off the wheels it can also be washed off the wash station.
- r. The developer should contact the Head Teacher of any local School affected by site traffic in order to make the School aware of the additional traffic movements and that no vehicles associated with the construction of the site will be allowed to enter or leave the site during the periods of half hour either side of the School's commencing and ending times.
- s. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.
- t. All lorries should be suitably sheeted, as agreed in writing by the Local Planning Authority, before leaving the site.
- u. The developer is recommended to consider the provision of secure cycle parking facilities to serve each dwelling within the development.
- v. Construction traffic should enter or leave the site outside half an hour either side of school opening and closing times.
- w. Street nameplates reflecting the original street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Highways Department before occupation of the first dwelling on the street.

ASA

In response to consultations undertaken in respect of the revised layout for 108 residential units, further observations have been received from the consultant acting on behalf of Pin-It and Weddell Swift operating at the Abergarw Industrial Estate. The objections to the scheme are maintained for the following reasons which can be summarised as follows:-

1. The Council has been in discussion with Weddell Swift to upgrade and relocate the first floor plant room with the Authority bearing the costs but these works are no longer being pursued in favour of the revised scheme which includes bungalows.
2. Discussion on the use of a power wash equipment at WS are continuing and without resolution could give rise to unacceptable noise levels at night.
3. Updated noise maps appear to demonstrate the night time noise levels would be acceptable with the revised layout but do not take account of the power washing.
4. Not convinced that layout will protect operators from future noise complaints as best case scenarios show noise levels to be only marginally within acceptable limits. Operators should not be placed at such risk.
5. Not convinced that Noise Surveys are sufficiently up to date and relate to current operations at the businesses.

6. Consider development could limit businesses potential to expand or alterations - as this may increase noise levels.
7. Remain of the opinion that the site is unsuitable due to its proximity to the adjoining industrial estate.

In response to the issues raised the following comments are provided:-

1. The Local Planning Authority, on the advice of the Public Protection Department, considers that the revised layout satisfactorily addresses the noise generated by the adjoining industrial operators. The Authority, therefore, has concluded that it would not be reasonable to incur the considerable costs involved in relocating and upgrading the plant room at WS.
2. Discussions with regard to the operation of the power washer at WS are continuing but in advance of their conclusion a condition requiring the installation of thermal double glazing together with mechanical ventilation to the bedrooms of the affected plots has been imposed to overcome this concern (Condition 7 refers).
3. The Authority cannot guarantee that there will be no complaint from future occupiers but it is assured that on the basis of current noise levels the mitigation measures satisfactorily address noise issues and thereby obviate the need to serve abatement notices.
4. The Noise Surveys have been updated as recently as February 2016.
5. The expansion potential of the adjoining industrial operators is limited by the existing plots and the development, whilst being a factor, would not prevent this.
6. Despite objector's opinion regarding the acceptability of the proposed development, the site is allocated within the Local Development Plan for residential development in this area.

AS 8b

27

P/15/847/FUL

The application site was inspected by the Development Control Committee Panel on 30 March 2016. The Ward Member, Councillor H J David and one of the residents registered to speak were in attendance.

ASA

Additional comments have been received from P Rayment of 20 Bedford Road.

In summary these relate to:-

- The Human Rights Act Article 8 which states "a person has the substantive right to respect for their private and family life", and "peaceful enjoyment of all their possessions which includes the home and other land".
- A claim that not all of the land is owned by the applicant – part is unregistered
- With regard to the Council's statement *the development will not cause any overshadowing* is incorrect as the whole front of 20 Bedford Close will be placed in

shadow (for the whole of the year) by the proposed building. My family has a Right to Light under Common Law and this will be detrimentally impacted upon.

- There only appear to be 12 spaces on the site plan not 16 as stated on the form.
- The boundary wall to the north of the property is not in their ownership.
- The ground floor flats have no "acceptable outlook" as they will be looking straight into a boundary wall just over three feet away. The first floor apartments will be looking directly into foliage from trees.

A second email received reiterates the above.

RECOMMENDATION

It is recommended that the application be DEFERRED until the land ownership of the site has been resolved.

AS 8c

37

P/16/11/OUT

The application site was inspected by the Site Inspection Panel on 30 March 2016. One local resident who has registered to speak at Committee was present. It was agreed that the report accurately reflected the nature of the development and site conditions.

AS 8d

45

P/16/80/FUL

Representations Received

The following concerns were received from Pyle Community Council:-

- Rights of Way should be protected and not used for vehicular access
- Design and location of houses

Comments on representations received

There are no Rights of Way through the application site.

The issue of design is addressed the 'Appraisal' section of the report.

**MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
31 MARCH 2016**