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Bridgend County Borough Council



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**Gwasanaethau Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /:  
Gofynnwch am / Ask for: Mark Anthony Galvin

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

**Dyddiad/Date: 10 June 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, 9 June 2016 at 2.00 pm.**

**AGENDA**

6. Amendment Sheet 3 - 14  
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**

Corporate Director Operational and Partnership Services

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## **DEVELOPMENT CONTROL COMMITTEE**

**9 JUNE 2016**

**AMENDMENT SHEET (AS) - circulated by email 8 June 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.**

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>AS 8b</b>	<b>31</b>	<b>P/15/847/FUL</b>

### **Representations received**

A petition of 48 signatures objecting to the application was received on 6 June 2016. The objections relate to increased parking issues, increased traffic movements, lack of amenity space, removal of wall between site and Bedford Close, plan to trim/thin trees and overlooking.

Further objections were received from Mr P Rayment of 20 Bedford Close which are summarised as follows:-

- Notification placed in paper does not provide correct address
- Application site includes a boundary wall which is not in the ownership of the applicant
- The Council shall be held liable for any costs to rectify or reinstate boundary wall
- Drainage

The observations received can be viewed in full on the application file.

### **Comments on Representations received**

The issues of parking, highway safety, amenity space and overlooking have been addressed in the Committee report.

In respect of any works to trees or planting a condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

The applicant placed an advert in the Glamorgan Gazette on 25 May 2016 to comply with the requirements of the Certificate D, which seeks to notify any landowners or tenants of the application. The wording of the address was provided to the Gazette by the applicant and is considered to be a reasonable description of the site location to ensure that any interested parties can correctly identify the site. Furthermore, the address corresponds with the address on the Council's Local Land and Property Gazetteer.

The applicant, on 25 April 2016, confirmed that the block work wall facing Bedford Close is within their ownership.

Any damage caused to private property is a private matter between the parties involved.

The development has been assessed by the Land Drainage Officer who requested that a condition be attached to any permission granted.

## **ASA**

A further objection from Mr P Rayment of 20 Bedford Close was sent to members on 8 June 2016 and a copy is attached for information.

## **Recommendation**

The recommendation be amended to:-

That, if committee is minded to grant consent, that plenary powers be given to the Corporate Director Communities to issue a decision after 16 June 2016, subject to no new representations being received that raise new and relevant issues relating to the advert placed in the press on 26 May 2016 and after the applicant has entered into a S106 Agreement to provide a minimum of 4 units as affordable units in perpetuity which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority, as follows:-

**AS 8c                      43                      P/16/301/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 8 June 2016. Two local Members, a representative of the Town Council, two local residents and the applicant were in attendance.

**AS 8e                      59                      P/16/137/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 8 June 2016 and two local Members were in attendance.

Councillor P James requested to speak at the Development Control Committee meeting. The applicant has been informed of their right to speak.

## **Consultation Responses**

The Transportation Development Control Officer has no objection to the proposal subject to conditions.

## **Recommendation:-**

Condition 5 be amended to read:-

5. No development shall commence on site until details of the plant, portable cabins and the storage bays have been submitted to and agreed in writing by the Local Planning Authority. The portable cabins and storage bays shall be implemented as agreed.

Reason: In the interests of visual amenity.

The following conditions be added:-

6. No development shall commence until a scheme for the provision of 10 off street parking spaces and adequate HGV turning facilities has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented in permanent materials before the development is brought into beneficial use and retained as such thereafter.

Reason: in the interests of highway safety.

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

Reason: in the interests of highway safety.

8. No development shall commence until a scheme for the provision of an access not less than 5.5 metres wide laid out with 6 metres radius kerbing on both sides of the entrance constructed and retained in permanent materials has been submitted to and agreed in writing by the Local Planning Authority with vision splays of 2.5m x site frontage. The agreed scheme shall be implemented prior to beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

**AS 8f                      65                      P/16/130/FUL**

The application was subject to a Development Control Committee Panel Site Visit which took place on Wednesday 8 June, 2016.

The Chair agreed that the report accurately reflects the context of the site and the nature of the development.

**ASA 8g                      73                      P/15/845/FUL**

The application is deferred to allow further negotiation on highway / access matters.

**AS 8h                      89                      P/16/189/FUL**

The application was subject to a Development Control Committee Panel Site Visit which took place on Wednesday 8 June, 2016.

The Chair agreed that the report accurately reflects the context of the site and the nature of the development.

**AS**

**URGENT ITEM**

**REFERENCE:** P/16/128/FUL

**APPLICANT:** CELTIC ENERGY LIMITED

**LOCATION:** FORMER MARGAM SURFACE MINE FFORDD-Y-GYFRAITH  
BRIDGEND

**PROPOSAL:** PROPOSED ALTERNATIVE RESTORATION AND AFTERCARE  
SCHEME IN RESPECT OF THE FORMER MARGAM SURFACE  
MINE

The Chairperson has accepted this as an urgent item in accordance with Part 4 of the Council Procedure Rules.

The application was reported to a Special Development Control Committee on the 4 May 2016 whereby members were minded to approve the application subject to the signing of a Section 106 agreement and the removal of a holding direction issued by Welsh Government. The holding direction has now been removed and the Section 106 agreement has been progressed and is about to be signed.

The purpose of this report is to advise members of a number of necessary minor amendments to the proposed planning conditions attached to the original report. The amendments are necessary to address typographical/drafting errors and to harmonise the wording with the conditions proposed by Neath Port Talbot in the corresponding application.

This is brought as an urgent item in view of the very tight deadlines associated with the development and the impending commencement of development.

The conditions that require amending are as follows:-

#### **Condition 7**

Prior to the delivery of any plant/machinery, portable buildings or materials to the site or any works of demolition/site clearance, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i. The routing of HGV construction traffic to/from the site in order to avoid Law Street.
- 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

Reason: In the interests of highway safety

The original condition referred to Fountain Road in (i) whereas it should have referred to Law Street.

### **Condition 9**

The rights of way shall be re-instated prior to 31st July 2017 in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority either as per those in shown on Figure 7 – Indicative Proposed Rights of Way or as per any subsequent confirmed Public Path Diversion Order.

Reason: To ensure that public access through the site is available from completion of the development.

The amended condition allows for the Council to have control of the construction and nature of the Rights of Way.

### **Condition 18**

Within 3 months of the date of this permission the developer shall submit a scheme for the written approval of the Local Planning Authority outlining a management and maintenance strategy for all the proposed and retained watercourses, the overspill channel, culverts and surface water management features within the site. The scheme as approved shall thereafter be complied with.

Reason: In the interests of flood prevention.

The original condition did not specify that the development should comply with the details agreed. The amendment corrects this error.

### **Condition 26**

The Great Crested Newt Reasonable Avoidance Measures as set out in section 3.3.24 and 3.3.25 of the Supplementary Mitigation Report shall be implemented during all vegetation clearance, restoration work and outfall construction. If Great Crested Newt are found such works which may adversely affect this species must cease until such time as details of comprehensive mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.

Reason: To protect against the possibility of Great Crested Newts being harmed.

This amendment harmonises with the corresponding condition proposed by NPT and allows for work to continue on site apart from the area affected by the Great Crested Newt mitigation measures. The earlier condition required all work on site to cease until the measures were agreed and in place and would have had an impact on the timescale for completion and the delivery of the scheme.

### **Condition 27**

No restoration works shall be carried out within a buffer zone 25m either side of the Craig Nant yr Aber.

Reason: In the interests of the protection of habitat which contributes to biodiversity on the site.



The condition has been amended to specify restoration works.

**Condition 46**

The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details.

Reason: To ensure adequate treatment and management of the land to an appropriate timescale.

Due to a technical error this condition and reason was not fully reproduced on the original report.

**Recommendation:-**

That the conditions indicated above be amended in place of the respective conditions previously approved.

**MARK SHEPHARD  
CORPORATE DIRECTOR – COMMUNITIES  
9 JUNE 2016**

Dear Councillor

I am writing to you in your capacity as a member of the Bridgend County Borough Council Development Control Committee.

I am aware of the fact that when Committees make decisions that it is important that they have all the facts at their disposal hence I am writing to ensure that you at least have a summary of some of the current objections relating to this proposal.

I would be grateful if you are able to take the time to read this before tomorrow's Development Control Committee where this item will be tabled.

I am writing to raise objections to the planning application P/15/847/FUL on a personal level and on behalf of the 47 people who as residents of Bedford Road, Cae Pentice and Bedford Close signed a petition of objection.

Objections are on the following grounds -

**1) Proposed flats will overlook properties in Bedford Close and Cae Pentice.**

All the flats will have their sitting rooms overlooking Bedford Close

The proposal is to put open metal rails as the boundary which will provide a direct view through from the flats, "to give the flats a better view".

This will cause significant issues and will impact negatively on the current property owner's rights to enjoy their properties and privacy. The flats will look directly into the gardens of 1 Cae Pentice, 1 and 20 Bedford Close.

In the case of 20 Bedford Close 4 plus flats will look directly down into the garden of this property from a distance of 1.2 metres from the boundary in an elevated position. This is different to occasional passers by seeing into the front garden.

How do I tell my 3 and 6 year old daughters that they can no longer play and use their paddling pool in the front garden (currently the only flat and sunny part of our garden) because of all the people in the sitting rooms of the flats that could be watching them?

Hence my objection to the proposal on behalf of my family under 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".

## **2) Increased Parking issues in and around Bedford Close (Unadopted) and Cae Pentice.**

Currently there are already significant parking issues around the junctions of Cae Pentice and Bedford Close, to the point that visibility is already compromised and accidents have happened. Increased vehicles will exasperate this problem.

The previous planning permissions for 3 Houses and 2 Bungalows on the site had a requirement for 11 parking spaces. However the Proposed 12 Flats have a parking allocation of 11 spaces. Guidance documents state 1 space per bedroom (16) plus spaces for visitors! There is not enough parking allocation for this development.

## **3) Increased Traffic movements**

12 Flats will greatly increase traffic movements around the junctions.

## **4) Lack of Amenity space (at present undefined)**

There is very little amenity space on site, it seems that the objective has been to build as large a building as possible with little thought for amenity space or parking.

The previous planning permissions had a garden for each property. The flats will have little or no amenity space.

Where will they hang washing, store items etc?

**5) Plan to remove wall between site and Bedford Close.**

As the Council has been made aware on many previous occasions the wall is not owned by developers. Therefore they have no right to remove it, and the Ground floor flats will look directly into a wall.

**6) Plan to trim/thin mature trees outside ownership of developers.**

Again these trees are not owned by the developer to trim/thin, so the upper floor flats will all look directly into the trees. These trees are currently higher than the flats and provide Green environmental space and a wildlife corridor. This area has been tended by residents.

**7) Out of Character**

The proposed 2 storey building is over a 145 feet long characterless building, raised in elevation above surrounding buildings. It will have a projecting Terrace out towards Bedford Road across land not owned by the developer.

One house in close proximity to the proposed development was refused permission to have timber cladding on an extension because it was "out of character" - Surely the 12 Flats will have a greater impact than this.

**8) The building is too large (over development)**

In fact the building is bigger than the site owned by the developer. It will project across the site boundary towards Bedford Road. The end walls of two apartments will be outside the land legally owned by the developer. At the other end it is 90cm from the wall of 20 Bedford Close. Why does it need to be this big?

The building will have a dominating effect over neighbouring properties particularly 20 Bedford Close and the Bungalows on Bedford Road.

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### 9) Overshadowing

The front and rear gardens of 20 Bedford Close will be overshadowed throughout the whole year by the proposed elevated flats. All parts of the garden and the front of the house will be in shadow during some part of the day - this is not currently the case. 20 Bedford Close has an uninterrupted "Right to Light" this development will reduce daylight in my sitting room below an acceptable level. Whilst the Planning Officers refute this, this has not been backed by any evidence.

I hope that you will take into consideration these objections and the high level of feelings of the residents against the proposal when making a decision in relation to this application.

Thank you

Peter Rayment

20 Bedford Close, Cefn Cribwr.

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