

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: 01656 643148
Ask for / Gofynnwch am: M A Galvin

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

Date / Dyddiad: 15 Medi 2014

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in Civic Offices, Angel Street, Bridgend on **Dydd Iau, 18 Medi 2014 at 2.00 pm.**

AGENDA

1. Ymddiheuriadau am absenoldeb
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Site Visits
To confirm a date of Wednesday, 15 October 2014 (am) for proposed site inspections (if any) arising at the meeting, or identified in advance of the next Committee by the Chairperson.
3. Cymeradwyaeth Cofnodion 3 - 8
To receive and confirm the minutes of a meeting of the Development Control Committee of 21 August 2014
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Datganiadau o fuddiant
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 1st 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.

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Text relay: Put 18001 before any of our phone numbers for the text relay service

Cyfnwidi testun: Rhwch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

6. Amendment Sheet 9 - 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 Report etc. 11 - 62
8. Materion Brys
 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:
 GW Davies MBE
 PA Davies
 RM James
 B Jones
 RC Jones
 DRW Lewis

Councillors
 HE Morgan
 DG Owen
 CE Rees
 CE Smith
 JC Spanswick
 M Thomas

Councillors
 JH Tildesley MBE
 C Westwood
 HM Williams
 R Williams
 M Winter
 RE Young

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 21 AUGUST 2014 AT 2.00PM

Present:

Councillor H M Williams - Chairperson

<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	C E Rees	J H Tildesley MBE	R E Young
R C Jones			

Officers:

D Llewellyn	-	Group Manager Development
J Parsons	-	Development and Building Control Manager
J Jenkins	-	Development Control Team Leader
R Morgan	-	Transportation Development Control Officer
P Stanton	-	Service Manager – Environmental Health
R Jones	-	Legal Officer
C Flower	-	Team Leader – Technical Support
J Monks	-	Democratic Services Officer – Committees (Minutes)
A Rees	-	Senior Democratic Services Officer – Committees (Electronic Back-up)

442 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor B Jones	-	Work Commitments
Councillor D G Owen	-	Work Commitments
Councillor M Thomas	-	Holiday

443 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, was confirmed as Wednesday, 17 September 2014 (am).

444 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Development Control Committee held on 24 July 2014 were approved as a true and accurate record.

445 LIST OF PUBLIC SPEAKERS

There were no public speakers.

446 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor H E Morgan	-	P/14/354/RES – Councillor Morgan declared a prejudicial interest as he had predetermined the application. Councillor Morgan left the meeting during this item.
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- Councillor C E Rees - P/14/444/FUL – Councillor Rees declared a personal interest as a Member of Porthcawl Town Council but who takes no part in planning matters.
- D Llewellyn - P/14/444/FUL – D Llewellyn, the Group Manager Development, declared a prejudicial interest due to his friendship with the Agent.

447 CHAIRPERSON'S ANNOUNCEMENT

The Chairperson announced that he 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.

448 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION GRANTED CONDITIONALLY

RESOLVED: That the following application be granted subject to the conditions contained in the report of the Corporate Director - Communities:

<u>Code No.</u>	<u>Proposal</u>
P/14/444/FUL	Rear of gardens 2 and 4 Rockfields Close, Porthcawl – New dwelling with garage.

Subject to the inclusion of additional Condition 10:

10. 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.

That Condition 4 of the report to be replaced with the following amendment:

4. 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.

449 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION FOR RESERVED MATTERS

RESOLVED: That the following application for reserved matters be granted, subject to the conditions contained in the report of the Corporate Director – Communities:

<u>Code No.</u>	<u>Proposal</u>
P/14/354/RES	Land at Island Farm, Bridgend - Indoor tennis centre with 12 external Tennis Courts, viewing areas, landscaping, car parking and associated works.

That the following conditions in the report be 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 the 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.

450 APPEALS RECEIVED

RESOLVED: That the Committee noted the Appeals received since the last meeting.

451 P/13/246/OUT - LAND AT BRACKLA INDUSTRIAL ESTATE, BRACKLA, BRIDGEND

The Group Manager - Development presented a report to inform the Committee that at its meeting on 1 May 2014, the recommendation for the above application was to enter into a Section 106 Agreement, subject to the conditions contained in the report of the Corporate Director - Communities, presented at that meeting.

In progressing the related Section 106 Agreement, the minutes of the Committee meeting were reviewed and it was noted that Clause (ii) of the recommendation had not been included, and Clause (iii) had been repeated. It was therefore necessary to seek the Committee's authority to correct the minute.

RESOLVED: That Minute 395 of the meeting of the Development Control Committee held on 1 May 2014 be amended to read as follows:

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 106 AGREEMENTS

RESOLVED: 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.

452 APPROVING NON-MATERIAL AMENDMENTS TO AN EXISTING PLANNING PERMISSION

The Development and Building Control Manager presented a report to inform Members of the Town and Country Planning (non-Material Changes and Correction of Errors)(Wales) Order 2014, which is due to come into effect on 1 September 2014. This enables Section 96A of the Town and

Country Planning Act 1990 to provide the mechanism to approve non-material amendments to an existing planning permission.

He advised that this follows recent legislative changes by the Welsh Government to essentially introduce a formal system of agreeing non-material amendments to existing planning permissions. He informed the Committee that there were currently 25 planning authorities in Wales, each with their own independent in-house protocol for determining minor amendments to approved planning consents. The new Act introduces a statutory procedure to allow a "non-material amendment" to be made to an existing planning permission via an application procedure. An application under the new procedure will involve the payment of a fee by the Applicant and the Authority should decide an application within 28 days.

He advised that a decision as to whether an amendment was non-material would depend on the circumstances relevant to each specific application. He added that essentially the new Order would not alter the way the Council currently approaches these issues, and the criteria used would still apply when determining whether a proposed change is non-material in nature.

RESOLVED: That the Committee noted the contents of the report.

453 DEVELOPMENT CONTROL COMMITTEE - FUTURE MEMBER TRAINING ARRANGEMENTS AND COMMITTEE START TIME

The Group Manager - Development presented a report to allow Members the opportunity for an open discussion on the timing of future training arrangements for Development Control Committee meetings.

RESOLVED: That following a vote by a show of hands it was agreed to continue the commencement of meetings at 2.00pm, with the training sessions commencing at 12.45pm.

454 TRAINING LOG

The Group Manager advised Members that as a result of the Committee having established the start times of training sessions, he could now arrange the dates for the topics and speakers at future training sessions, in include the following two provisional sessions due to take place in the Autumn:

- Annual Review of planning decisions – Bridgend and Maesteg Regeneration Projects
- Life of a Planning Application

RESOLVED: That the Committee noted the report.

The meeting closed at 2.43pm.

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DEVELOPMENT CONTROL COMMITTEE

18 SEPTEMBER 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.

ITEM NO.	PAGE NO.	APP. NO.
1	13	P/14/461/RLX

A full committee site visit was held on Wednesday 17 September 2014. The Local Member and the application were present.

2	21	P/13/904/FUL
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A full committee site visit was held on Wednesday 17 September 2014. The Local Members, a member of Merthyr Mawr Community Council and the applicant were present.

RECOMMENDATION:-

- (A) The applicant enter into a Section 106 Agreement to:-
- (i) control the route of abnormal load traffic to and from the site.
 - (ii) control the route of HGV traffic associated with the mass concrete pour.
 - (iii) control the route of all remaining construction HGV traffic to and from the site.
- (B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the following conditions:-

**MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
18 SEPTEMBER 2014**

Agenda Item 7

DEVELOPMENT CONTROL COMMITTEE MEETING – 18 SEPTEMBER 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/14/461/RLX	FIELD ADJACENT TO THE LAURELS PENYFAI	REFUSE
2	P/13/904/FUL	SITE OF FORMER WATER TOWER FORMER STORMY DOWN AERODROME BRIDGEND	SECTION 106
3		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

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

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

DEVELOPMENT CONTROL COMMITTEE MEETING – 18 SEPTEMBER 2014

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

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

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

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

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- 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;
 - 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;

DEVELOPMENT CONTROL COMMITTEE MEETING – 18 SEPTEMBER 2014

- 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

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.

DEVELOPMENT CONTROL COMMITTEE MEETING – 18 SEPTEMBER 2014

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 : REFUSE

REFERENCE:

P/14/461/RLX

APPLICANT:

MR JULIAN REED
GREENSLEEVES PENYFAI

LOCATION:

FIELD ADJACENT TO THE LAURELS PENYFAI

PROPOSAL:

REMOVE CONDITIONS 3, 4, 5, 6, 7 & 8 OF CONSENT P/12/656/FUL

RECEIVED:

7th July 2014

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to remove conditions 3, 4, 5, 6, 7 & 8 of planning permission P/12/656/FUL, for the erection of a 5 bedroom detached dwelling at the field adjacent to The Laurels, Pen y Fai. Work has commenced on the development.

The conditions which this application seeks to remove are:-

Condition 3 - 'Notwithstanding the submitted plans, the proposed shared access shall be a minimum of 3.65m wide and shall be laid out with vision splays of 2.4m x 43m in both directions prior to the development is brought into beneficial use.'

Condition 4 - 'No structure, erection or planting exceeding the existing 1.12m high wall shall be placed within the required vision splay areas at any time.'

Condition 5 - 'No development shall commence until a scheme for the provision of 3 replacement off street parking spaces for the property known as The Laurels, and a common turning facility to be shared by both properties, has been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking and turning purposes in perpetuity unless otherwise approved in writing by the Local Planning Authority.'

Condition 6 - 'The proposed off street parking area serving the proposed dwelling shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter unless otherwise approved in writing by the Local Planning Authority.'

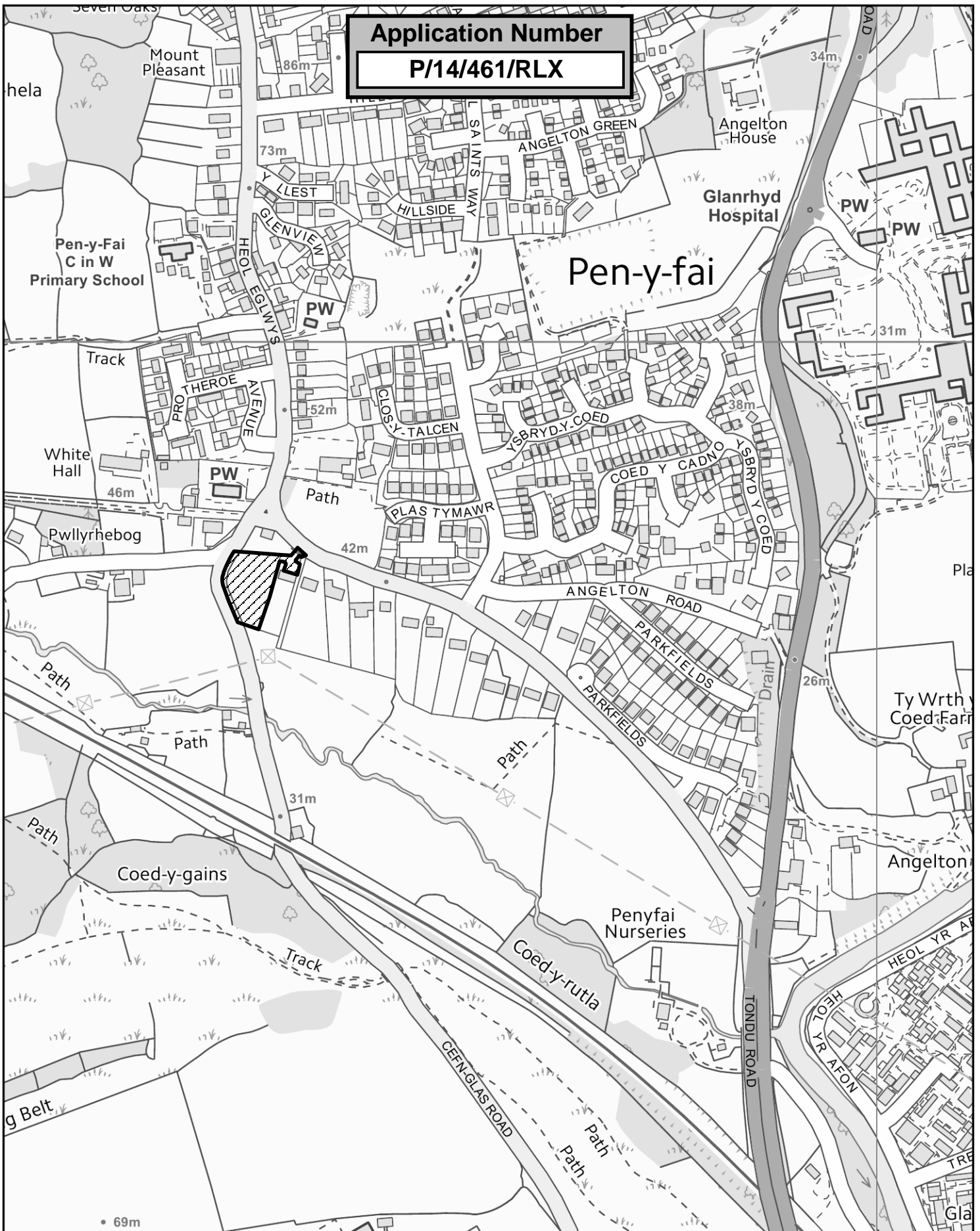
Condition 7 - 'There shall be no gates erected across the shared private drive at any time.'

Condition 8 - 'No development shall commence until a scheme for the provision of temporary traffic management in the vicinity of the site access and around the nearby road bend during the construction works has been submitted to and agreed in writing by the Local Planning Authority and implemented before and during such works.'

The above conditions were attached to the planning application in the interests of highway safety.

Application Number

P/14/461/RLX



Scale 1:5,000

Date Issued:
11/09/2014

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

(c) Crown Copyright and database rights
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(2014) Rhif Trwydded yr Arolwg Ordnans
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Cyngor Bwrdeistref Siro



DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

The applicant has provided a statement in regard to the application and the reasons for the removal of the conditions summarised as follows:-

Condition Nos 3 & 4 - The applicant considers these conditions unnecessary as the application site, The Laurels, has the best access on the road and the existing access is satisfactory. The applicant considers that vision splays are unnecessary and that the pillars do not obstruct visibility for vehicles emerging on the road, and questions the position of the signpost between The Laurels and Greensleaves if BCBC were concerned about vertical structures.

The applicant also indicates that the conditions are unnecessary as he believes the traffic passing the application site is being overstated by the Council. The applicant advises that there have been no accidents outside the application site and since the new traffic calming measures have been introduced in Pen y Fai, including a 20mph zone close to the application site, the speed of vehicles outside the application site has decreased.

The explanation provided with regard to the reason why the applicant considers Condition 5 unnecessary is summarised below:-

Both the proposed and existing properties will have plots in the region of an acre and, as such, the applicant considers that both properties will have a sufficient amount of space to turn a car within the site. Additionally, the Laurels has an existing double garage and ample space to the front to accommodate many cars.

The explanation provided by the applicant with regard to the reason why Condition 6 is considered unnecessary is stated as follows:-

'There is no need for 'off street parking' because the property to be constructed will have a double garage. The Laurels has a double garage, within which cars should be parked.'

The explanation provided with regard to the reason why the applicant considers Condition 7 unnecessary is summarised below:-

Residential amenity will be compromised by not allowing gates over the shared access, which is in breach of the Human Rights Act 1998, as the applicant and future occupiers of the new dwelling are being deprived of taking steps to ensure their security of person and deprived of privacy for home and family life. The applicant states that every other property on the road has gates, some of which are without vision splays. The applicant advises that the gates are to be inset, so that vehicles are off the highway.

The explanation provided with regard to the reason why the applicant considers Condition 8 is unnecessary is summarised below:-

The applicant considers this condition might be one that one would expect if a major house builder were to erect a housing estate and further advised that such conditions were not attached to the planning permission at The Vicarage.

The statement from the applicant can be inspected in full with the accompanying application documents on the planning pages of the Council's website.

RELEVANT HISTORY

DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

P/01/322/RLX	APPROVED +conditions	05-06-2001
RELAXATION OF STANDARD CONDITION OF 98/291 TO ALLOW FURTHER 3 YEARS FOR DWELLING		
P/03/1099/RLX	APPROVED +conditions	28-10-2003
RELAXATION OF STANDARD CONDITION ON APP. P01/322 TO ALLOW A FURTHER 3 YEARS		
P/06/776/RLX	APPROVED +conditions	11-08-2006
RELAXATION OF STANDARD CONDITION ON APP. P/03/1099 TO ALLOW A FURTHER 3 YEARS FOR ONE DWELLING		
P/09/608/RLX	APPROVED relax	16-09-2009
RELAX STANDARD CONDITIONS ON P/06/776/RLX		
P/12/155/FUL	APPROVED +conditions	23-05-2012
TWO STOREY EXTENSION		
P/12/656/FUL	APPROVED +conditions	19-11-2012
ERECT TWO STOREY DWELLING		
P/94/1210/OUT	APPROVED +conditions	11-04-1995
ONE BUNGALOW : OUTLINE APPLICATION.		
P/98/291/RLX	APPROVED +conditions	19-05-1998
RELAXATION OF STANDARD CONDITION TO ALLOW FURTHER 3 YEARS - ONE DWELLING		

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 16 September 2014.

NEGOTIATIONS

The applicant was advised that the Design and Access Statement should be updated and take account of up to date policies and should also provide reasons for the removal of the conditions.

DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

The applicant did not consider that this was necessary and in the interests of reasonableness the Local Planning Authority have progressed with the determination of the application in the absence of a design and access statement.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 19th August 2014

REPRESENTATIONS RECEIVED

B C Reed, Greensleeves

Supports the proposal and provided the following comments:-

- '1. The conditions are not needed
2. The conditions were imposed because highways were being difficult - highways did not impose conditions on other applications E.G P/13/731/FUL
3. Residents should all be treated equally.'

Robert Green, Waunhendy

Objects to the proposal and provided the following comments:-

'I fully support and agree with all the conditions that BCBC officers have imposed on this application.'

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the comments made in relation to planning permission P/13/731/FUL. Planning permission was granted on 26 November 2013 for a detached single storey triple garage at the Vicarage (P/13/731/FUL refers). The Transportation Development Control Officer assessed the scheme and requested that a condition be attached to any permission granted requiring the extended forecourt to be completed in permanent materials.

The same conditions attached to P/12/656/FUL, the subject of this application, were not attached to the application for the garage at The Vicarage as the application proposed the siting of a replacement garage to serve an existing detached dwelling and, therefore, would not generate any additional highway movements. The development approved under P/12/656/FUL, for a new detached dwelling intrudes a completely new residential use and was considered to intensify the vehicle movements associated with access at The Laurels. As such it would result in two dwellings using the same access. Consequently relevant highway safety conditions were attached to the permission.

APPRAISAL

The application is referred to the Development Control Committee for determination at the discretion of the Group Manager Development.

DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

The application seeks permission to remove conditions 3,4,5,6,7 & 8 of planning permission P/12/656/FUL. Details to address Conditions 5 and 8 have been submitted and have subsequently been agreed as part of the planning permission P/12/656/FUL.

A site visit was carried out where the site was viewed from the adjacent public highway by the case officer and the Development Control Transportation Officer where each of the conditions were considered in terms of highway safety and having regard to the information contained within the statement provided by the applicant.

Each condition was considered individually and the impact of the proposed removal of conditions 3, 4,5,6,7 & 8 of P/12/252/FUL is assessed as follows :-

Condition 3 - Width of driveway and vision splay requirements.

A driveway width of 3.65m has been sought to enable both properties to be served by larger vehicles (service and delivery vehicles) together with Fire Service vehicles given that the distance from the highway to the new property is in excess of 45m. This is a standard requirement and not particular to this development.

The vision splays requirements of 2.4m x 4.3m are appropriate for the 30mph speed restriction in force fronting the property. The applicant has indicated that the Highway Authority should have regard to the existing road sign located in close proximity to the access as being an obstruction to the vision splay, sign posts such as this have been deemed to be a 'momentary obstruction' and would not conceal an approaching car or motorcycle from the view of an emerging motorist. Vision would be obscured by the pillar which has been constructed on the Eastern side of the access, is greater than 450mm deep and would indeed obscure a vehicle to the detriment of highway safety. The highway fronting the site is open to the free passage of vehicles in both directions and the current direction of travel and proportions of movements along the site frontage are irrelevant in this case. As such it is not considered appropriate to remove these important highway safety requirements and the condition should remain.

Condition 4 - Height restriction on structures within the vision splays.

The standard requirement for obstructions to the vision splay in locations such as this would be 900mm from the carriageway level to enable vision splays to be achieved from the prescribed height of 1.05m. It is noted that there has been a relaxation in this standard requirement to a height of the boundary wall (1.12m) based on advice at the time and considering work undertaken to the front boundary wall. The 70mm difference in height above the recommended 1.05m may be able to be overcome by most drivers by sitting in a more pronounced upright manner. The removal of this condition could result in the erection of structures above this height within the vision splay area, which would have an adverse impact on highway safety. Consequently, the condition is considered appropriate.

Condition 5 - Scheme for 3 parking spaces for the Laurels and a common turning facility.

Given that the access and driveway will serve more than one dwelling the requirement for a common turning facility is considered necessary to serve the increased vehicular movements and reduce, as far as practicable, the need to reverse onto the highway to the detriment of highway safety. This is a standard requirement for this type of private drive development and, given the new access drive serving the new property utilises part of the existing driveway for The Laurels, it is reasonable to require a means of securing sufficient (replacement) parking for the parent property to ensure that there is no detrimental loss of parking which may result in inappropriate parking on the shared area of driveway (or in the required turning area) at the

access with the highway or on the highway itself as a result of the proposal. Whilst it is argued that The Laurels has a double garage and sufficient space for parking, a scheme is required to assess the dimensions of the garage (although it is noted that the applicant's plan reference 11-175 dated 10/09/12 indicates a single garage) and available area of driveway, given the loss of existing frontage. In addition, the removal of the requirement for a turning facility is not deemed appropriate without the location / size of the turning facility being agreed as this could result in the parking for the Laurels being compromised, therefore, it is not considered that the condition can be removed. Notwithstanding the above, details were submitted as part of the main planning application and the condition has been agreed. The condition requires the scheme to be implemented and retained. It is considered that notwithstanding the submission of details the condition should remain in order to ensure compliance.

Condition 6 - Proposed parking to be laid out in permanent materials.

The provision of adequate off-street parking for new development is a standard requirement and in this case it has been deemed that the proposed double garage and driveway is sufficient and there is no requirement for a 'scheme' to be submitted as in the case of condition 5. The condition imposed is the usual method of ensuring that the approved layout is physically provided before beneficial occupation of the new dwelling. The need for permanent materials is to ensure the no mud or debris (such as chippings) is carried out onto the highway to the detriment of highway safety. In this case it is noted that the length of driveway proposed and would indicate that there may be scope to relax the requirement for permanent materials for some of the area. This would need to be considered in conjunction with the approval of any scheme in respect of condition 5 although, it is anticipated that the driveway beyond the required turning head could be provided in a non-permanent material such as gravel, however the Local Planning Authority do not have sufficient information at this stage to enable a definitive view to be given. Accordingly, the condition cannot be removed.

Condition 7 - No gates across the shared private drive.

As described above the access and driveway will serve more than one dwelling and the requirement for a common turning facility is considered necessary to serve the increased vehicular movements and reduce, as far as practicable, the need to reverse onto the highway to the detriment of highway safety. The provision of gates could prevent visitors and delivery vehicles from using the common turning facility to the detriment of highway safety. This does not affect the ability of either the existing or new property to have gates to their individual parcels. Given, the adverse impact on the highway safety it is not considered appropriate to remove the condition.

Condition 8 - Scheme for temporary traffic management.

Given that the access is located on a bend, where slow moving emerging vehicles would be unexpected to approaching motorists, it was deemed appropriate to seek a scheme of temporary traffic management in the form of signage to warn drivers. Without this requirement there would be concern that there would be a risk posed to highway safety resulting from construction traffic serving the development. The condition cannot therefore be removed, however, it is noted that details submitted under this condition have previously been agreed. The scheme consists of warning signs either side of the site access and the use of a banksman. It is considered critical to highway safety that this requirement remains in force during construction works.

In regard to the comments relating to the Human Rights Act 1998, this legislation incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general

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purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

The Local Planning Authority is satisfied that it has considered the ECHR in considering the application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

It is noted that a significant emphasis is given by the applicant to the design and layout of other existing accesses to justify the removal of the above conditions, however, each site is considered on its own merits and the guidance applicable at that time and the presence of existing historic access arrangements and structures, which may or may not be to standard, are not appropriate justification for approving similar situations.

The imposed conditions are considered to be in line with the requirements which would be sought for other such developments in such locations and, as such, are not irregular and cannot be removed. The application was not accompanied with any alternative plans or schemes which attempt to obviate or relax the conditions.

Furthermore, it is considered that the conditions comply with the six tests identified within Welsh Office Circular 35/95, i.e. (i) Necessary; (ii) relevant to planning; (iii) relevant to the development to be permitted; (iv) enforceable; (v) precise; and (vi) reasonable in all other respects. In view of the above, it is not considered that sufficient evidence has been submitted nor has the applicant adequately demonstrated on sound planning grounds why the conditions should be set aside.

The original permission was approved when the Unitary Development Plan was the relevant local plan, however, the Bridgend Local Development Plan (LDP) was adopted in September 2013 and is now the relevant local plan to consider when assessing planning applications. Accordingly, the application has been assessed against Policies SP2 and SP3 of the LDP.

Whilst determining this application Policies SP2 and SP3 of the Bridgend Local Development Plan and Note 9 of Supplementary Planning Guidance 2 were considered.

CONCLUSION

This application is recommended for refusal as insufficient appropriate justification has been provided in terms of highway requirements and, therefore, the removal of the conditions would be to the detriment of highway safety and would be contrary to local policy.

RECOMMENDATION

(R30) That permission be REFUSED for the following reason(s):-

DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

- 1 There is insufficient appropriate justification provided in terms of highway requirements to enable the removal of the conditions without prejudicing Highway safety which is contrary to policies SP2 and SP3 of the Local Development Plan.

ITEM: 2 **RECOMMENDATION : SECTION**
106

REFERENCE: P/13/904/FUL

APPLICANT: CENIN LIMITED
THE RESEARCH CENTRE UNIT 1 FORMER STORMY DOWN
AERODROME BRIDGEND

LOCATION: **SITE OF FORMER WATER TOWER FORMER STORMY DOWN
AERODROME BRIDGEND**

PROPOSAL: PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER
TOWER

RECEIVED: 13th December 2013

SITE INSPECTED: 9th January 2014

APPLICATION/SITE DESCRIPTION

The application seeks consent for the erection of a single 1.5MW wind turbine at the former Stormy Down airfield site, Pyle.

The former Stormy Down Airfield is approximately 2km south east of the Pyle, 2kms to the east of South Cornelly and 6.5km west of Bridgend town centre and close to the A48 Trunk Road. The nearest dwellings to the application site are those in Stormy Lane to the north east some 400m away.

The former airfield site covers an area of approximately 8 hectares and is bounded to the north and west by the redundant Stormy Down and operational Cornelly quarries. The site has planning permission for a variety of uses including a Sunday market, an in-vessel compost facility, a low carbon cement substitute test plant and the storage and drying of materials. It has also been granted planning permission for the temporary storage of soil and aggregates, the installation of ground-based solar photovoltaic panels for energy generation and a training/demonstration building.

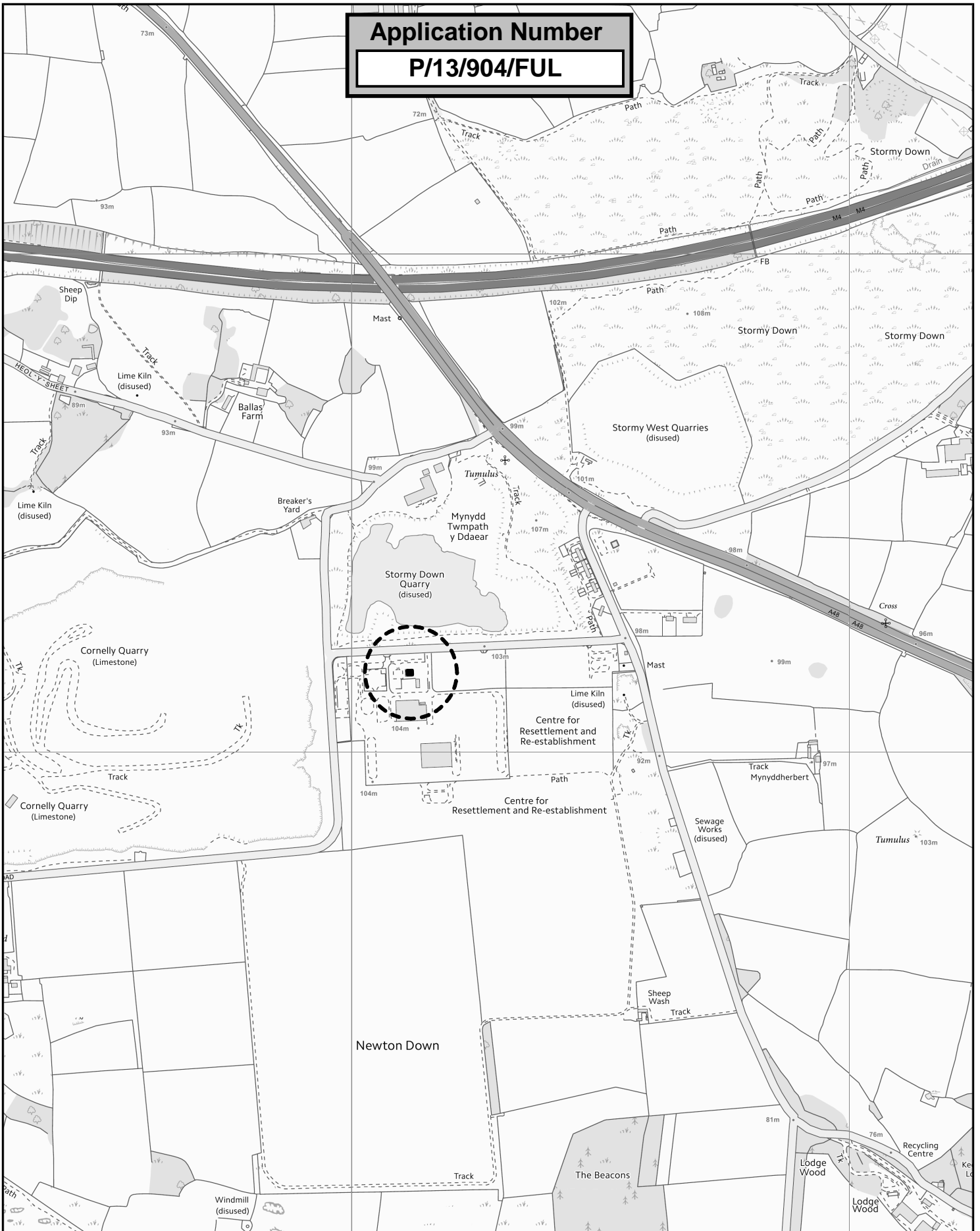
The proposed turbine would have a hub height of 65m and would be 105m high to the tip of the rotor blades. The turbine would be sited to the north of the former hanger buildings and would replace an existing water tower on the site.

The electricity generated by the proposed turbine would be used in the existing industrial process on the site.

The application was supported by an Environmental Statement.

Application Number

P/13/904/FUL



Scale 1:10,000

Date Issued:
11/09/2014

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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HGV access to and from the site would utilise the existing local highway network with all HGVs accessing the site via Junction 37 of the M4, the A4229 which runs from Porthcawl to Pyle, the A48 and Heol-y-Splot. This ensures that the residential dwellings to the north-east of the site on Stormy Lane are protected from the associated dust and noise disturbance that will arise from an increase in HGVs accessing the site, albeit intermittently.

RELEVANT HISTORY

P/07/631/FUL	APPROVED +conditions	05-06-2008
C/U TO PROVIDE TEST FACILITY FOR INNOVATIVE PROCESS TO PRODUCE AN ALTERNATIVE CEMENT SUBSTITUTE		
P/08/778/FUL	APPROVED temporarily	12-12-2008
PROVISION OF TEN SILOS IN CONNECTION WITH ESTABLISHMENT OF TEST FACILITY		
P/09/27/FUL	REFUSED	22-05-2009
PROPOSED OPEN STORAGE AREAS TO BE ASSOC. WITH SUBDIVISION OF FORMER MOD BUILDING INTO 2 UNITS & EXTRA OPEN STORAGE		
P/09/698/FUL	APPROVED +conditions	29-09-2010
PROVISION OF MODULAR BUILDING (SUITABLE FOR RELOCATION) TO BE USED FOR STORAGE AND DRYING OF MATERIALS		
P/09/917/FUL	APPROVED +conditions	29-09-2010
C/U TO PROVIDE IN-VESSEL COMPOST FACILITY, AIR MANAGEMENT UNIT		
P/11/138/FUL	APPROVED +conditions	09-05-2011
GROUND BASED SOLAR PHOTOVOLTAIC PANELS FOR ENERGY GENERATION		
P/11/140/FUL	APPROVED temporarily	18-05-2011
ERECT DE-MOUNTABLE RESEARCH LABORATORY		
P/11/225/FUL	APPROVED temporarily	03-06-2011
C/U FOR TEMP STORAGE OF SOIL & AGGREGATES GENERATED WITHIN SITE (PENDING RE-USE IN BUILDING) & IMPROVEMENT WORKS		
P/11/529/FUL	REFUSED	07-09-2011
TEMPORARY STORAGE OF TIMBER IN ADVANCE OF THE ERECTION OF THE APPROVED DRYING SHED		

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P/11/531/FUL Non-determ. 18-10-2012
(Appeal)
PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER

P/11/627/FUL APPROVED 21-10-2011
temporarily
ERECT 6 NO. 50KW SOLAR PHOTO-VOLTAIC TRACKING ARRAY

P/12/534/FUL REFUSED 19-11-2012
PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 14 January 2014.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

MERTHYR MAWR COMMUNITY COUNCIL

Object to this proposal for the following reasons:

The Councillors recognise the need to provide environmentally sustainable forms of energy. To this end it has supported various proposals involving, for example, the installation and use of photo voltaic cells for domestic and commercial purposes.

The Councillors feel it is important however, to balance this need against the wider environmental, social and commercial interests of the region. South Wales is a poor economic area where, for centuries, the landscape was subject to abuse by heavy industry and mining. The only redeeming feature of this damage was that it provided employment for a large proportion of the population.

Today such large scale employment is largely confined to history but so is the landscape damage caused by mining and heavy industry. Extensive remedial works have gradually restored the landscape of the Region to something approaching its original beauty.

South Wales is establishing itself as an area that is as attractive as the Lake District or Scottish Highlands. Yet it also has far better road and transport communications than Devon or Cornwall.

Being perceived as an attractive place to live and work is essential if the Region is to attract the

jobs and investment needed for its future.

There are already wind farms to the north of Llanharan and in the Afan Forest and there are proposals to develop wind farms at:-

- Neath
- Seven Sisters
- Merthyr Tydfil
- Rhondda Cynon Taf
- The Bristol Channel
- Near Bridgend at Mynydd Y Gelli.

The applicants behind a proposal at Swansea that was rejected in the Court of Appeal say they will submit a new, revised proposal for the same site.

It is the view of the Councillors that the applicants for this proposal, and those outlined above, still perceive the landscape of South Wales as an area to be exploited for commercial gain with little regard for its natural beauty. Yet this time there will be no commensurate benefit to the local economy in the form of large scale local employment. Surely from its history, the landscape of South Wales has already contributed enough to the economic gain of this Country.

The Councillors therefore feel that this proposal is inappropriate due to:

- Adverse effect on landscape
- Adverse effect on local flora and fauna
- Consequent and cumulative adverse effect on tourism
- Consequent and cumulative adverse effect on employment investment

The Councillors are also concerned that the constant low-level noise associated with the proposed turbines could have a deleterious effect upon the rights of residents at Stormy Down to the quiet enjoyment of their properties.

In conclusion, while the Councillors reaffirm their support for the development of sustainable forms of energy provision they feel this technology is inappropriate. More effort should be directed towards less obtrusive solutions such as hydro-electric schemes.

Notified on 17th December 2013
PORTHCAWL TOWN COUNCIL

No objection
Notified on 17th December 2013
CEFN CRIBBWR COMMUNITY COUNCIL

The Members of the Cefn Cribwr Community Council wish to oppose strongly the application to install a 105m Wind Turbine at Stormy Down. It is the belief of the Members of Council that such an application, if granted, would cause severe damage to the visual amenity currently enjoyed by the residents of Cefn Cribwr. It is felt that the application is inappropriate given the topography of the area which cannot allow for adequate screening of the proposed Wind Turbine.

Cefn Cribwr Community Council therefore wishes to oppose the application under Policy U9.

1. It is felt that the sighting and design would cause harm to the character and appearance of the landscape of Stormy Down, situated as it is in a vast panorama of open countryside. It is therefore totally inappropriate to place such a massive structure at this place.

2. It is not possible to screen the Wind Turbine adequately given the topography of the area. The turbine would be visible from a considerable distance, even Devon, which must highlight the

DEVELOPMENT CONTROL COMMITTEE MEETING - 18TH SEPTEMBER 2014

inappropriate nature of this application.

Furthermore, Council would add that a similar application in August 2012 for a 65 metre Turbine at the same location was refused.

If the application is considered by the BCBC Planning Committee then a representative of Cefn Cribbwr Community would like to address the Planning Committee on the occasion.

LALESTON COMMUNITY COUNCIL

This council wishes to object to the noise which will be created and affect the neighbouring houses.

It is felt also that the height of the wind turbine is incongruous.

Notified on 17th December 2013

Councillor M W Butcher

Verbally advised that she had no objection to the development.

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions and the applicant entering into a S106 Agreement.

Destination & Countryside Management

Advised that Natural Resources Wales should be consulted to query whether a further Bat Survey is required and requested that a condition be attached to any permission granted.

Group Manager Regeneration- Tourism

In relation to this application we would like to draw your attention to our observations regarding this proposal.

The proposed development is within close proximity to Ballas Farm Country Guest House, a successful Visit Wales 4* graded Guest House, opened in 2010, which has proved a superb addition to the tourism accommodation bed stock in the area. The Guest House is located in a secluded area of countryside offering calm surroundings and peace and quiet for their guests.

Ballas Farm Country Guest House is situated within the Shadow Flicker area as stated on page 7 of the ES Volume 1: Non-Technical Summary, consequently interference from the rotors during certain weather conditions could be experienced as well as the concern about noise and vibration from the turbine, especially during the night.

The actual construction phase would require HGVs to transport abnormal loads, causing some disruption and noise with the vehicles using Heol y Splott to access the site, which is also the main access road to the Guest House from the A48.

The owners of Ballas Farm Country Guest House have worked closely with the Tourism Team to develop their business and are established and active members of the Bridgend Tourism Association. The provision of a wind turbine, taller than the existing water tower, may cause disruption to their business and adversely affect bookings.

We would request that consideration be given to the potential negative impacts of this development for the business concerned and the effect on staying visitors.

Head Of Street Scene (Drainage)

No objection.

Nats (National Air Traffic Services) Safeguarding

No objection.

Natural Resources Wales

Has no objection to the proposal.

Glamorgan Gwent Archaeological Trust

No objection subject to a condition.

Vale Of Glamorgan Borough Council

No objection.

Cardiff Airport

Requested that a condition be attached to any permission granted requiring mitigation measures to be submitted and agreed by the Local Planning Authority.

Group Manager Public Protection

No objection subject to conditions.

REPRESENTATIONS RECEIVED

Suzy Davies Am, 1a Station Hill

Objects to the proposal and provided the following reasons:-

1. The siting of a wind turbine, which will be over 344 feet high, on land which is over 300 feet above sea level will have a detrimental impact on the landscape for miles around.
2. The wind turbine will be sited in close proximity to the nearby hamlet and will have a detrimental impact on the residential amenity of all those living there.
3. This area is outside the Strategic Search Area (TAN 8) which states that there is an implicit objective outside SSAs to maintain the landscape character, i.e. there should be no significant change in landscape character from wind turbine development. This proposal clearly does not adhere to that principle.
4. The massive wind turbine will have a detrimental visual impact on sensitive important areas such as The Glamorgan Heritage Coast, Merthyr Mawr, Kenfig and Margam Burrows and Rest Bay.
5. The cumulative impact of the many proposed and operational wind farms visible from the area should be considered.
6. In my opinion, this proposed turbine along with the 2 turbines at Newton Down have the potential to constitute a risk to highway safety along the A48 and A4106, both of which already have a high incidence of vehicular accidents.

Byron Davies Am, 11 St James Gardens

Objects to the proposal and provided the following reasons:-

As I understand the situation two applications were submitted P/12/368/FUL and P/11/531/FUL by the appellants. Both were subject to appeal for non-determination. The Newton Down appeal

was upheld. The Stormy Down appeal was put in abeyance.

The Planning Inspectorate decision reference APP/F69151A11212184131 dated 24 May 2013 Paragraph 50 stated that - I consider that the Stormy Down turbine, if permitted and constructed, would be seen and experienced in conjunction with this appeal proposal from many locations in the area, thus potentially raising significant cumulative impact issues.

This development is outside Strategic Search Area (SSAs). I consider that this development is not an acceptable balance, given the cumulative effects when taken together, with existing wind turbine schemes in the vicinity.

I also believe that this falls foul of Policy EV42. This policy demands a sensitive approach to and enhancement of, views both in and out of the Conservation Area. The overall impact of the turbine will have an adverse impact on the visual amenity of the area.

Porthcawl Civic Trust Society, C/O Mrs Caroline Vaughan

Object for the following reasons:-

- i) Proposal would be unduly prominent and incongruous feature on the landscape and would spoil the natural vistas of Porthcawl, the Heritage Coast and 2 Landscape Conservation areas.
- ii) Cumulative impact of other existing wind turbines and proposed turbines.
- iii) Proposal is outside the Strategic Search Area for wind turbines in TAN 8.

The Society considers that the Council should take into consideration a recent High Court ruling and also a United Nations decision regarding renewable energy targets imposed on EU countries.

Objections Have Been Received From The Occupiers Of, .

the following properties:-

1 Stormy Lane, Stormy Down,
Swyn Y Don, Stormy Down,
Hillcrest, No. 1, Swyn y Don - Stormy Lane;and
Pentre, Stormy Down.

Their objections can be summarised as follows:-

- i) The proposed turbine would be an incongruous feature in the landscape and have a visual impact on the area, including the heritage Coast, Porthcawl and Landscape Conservation Areas
- ii) Noise impact.
- iii) Impact on wildlife, especially through the loss of the existing water tower.
- iv) Contrary to policies in the Local Development Plan.
- v) Previous application has already been rejected by the Council.
- vi) Impact from shadow flicker.
- vii) Wind turbine would dominate properties.
- viii) Wind turbine would not contribute a significant amount of renewable energy and would only benefit the developer.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections received from local residents are addressed in the Appraisal section of this

report.

In regard to the comments from the Tourism section, it is not considered that the disruption caused by traffic movements during the erection of the turbine would warrant refusal of the scheme as this is a short term disruption and will be effectively controlled by a S106 agreement. In response to concern raised regarding noise, a series of conditions shall be attached to any permission granted relating to noise and will ensure that nearby properties amenities are safeguarded.

The developer has advised that if natural screening does not prevent shadow flicker the developer will install a mitigation method of shutting down the turbine during certain times of the day when the turbine causes shadow flicker to nearby properties, this issue is further addressed in the Appraisal section of the report.

APPRAISAL

This application is reported to the Development Control Committee in view of the objections received from 2 Assembly Members, 3 Community Councils and several local residents. This report will address the material planning considerations in relation to determination of this application.

Members will recall that a previous planning application (Ref. P/11/531/FUL) for a wind turbine with the same dimensions as the current proposal, was reported to the Development Control Committee on 18 October 2012 as a result of the applicant submitting an appeal to the Planning Inspectorate against the non-determination of the planning application by the Council. The report contained a comprehensive assessment of the proposal and although the Council was unable to determine the application, the purpose of the report was to provide an indication as to how the application would have been determined if an appeal had not been made. The report included a recommendation based on the information provided in the submission.

The report highlighted the concerns about the impact of the proposed wind turbine development and especially the impact on landscape and visual amenity and noise nuisance. The recommendation included 4 reasons for refusal as follows:

1. The development is located close to a populated area and a number of residential dwellings on an elevated site above Porthcawl, the Glamorgan Heritage Coast and Kenfig and Margam Burrows Historic Landscape. The turbine by virtue of its size, scale and appearance will represent an incongruous and dominating feature within the landscape and surrounding area and would be detrimental to visual amenity and to the setting of the Glamorgan Heritage Coast and Historic Landscape. As such the development is contrary to national policy in Planning Policy Wales and Technical Advice Note 8 and Policies EV1 EV7, EV9, EV27, EV28 EV42, EV45, U2, and U3 of the Bridgend Unitary Development Plan.
2. The proposal would constitute a source of nuisance to the residents of properties in close proximity to the site, by virtue of noise and disturbance during the overnight period contrary to Policies EV27 and EV45 of the Bridgend Unitary Development Plan.
3. There is insufficient information submitted with the application to adequately assess the impact of the development on nearby residential dwellings in terms of visual impact and shadow flicker and also the impact on the users of the adjacent A48 and M4. There is also insufficient information submitted to assess the impact on local biodiversity, drainage and hydrology. As such the proposal is contrary to National planning guidance in Planning Policy Wales and

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Technical Advice Note 8 and Policies U2 and U3 of the Bridgend Unitary Development Plan.

4. The cumulative impact of the proposed development and the adjacent Newton Down wind turbines by virtue of their size, scale and appearance will appear as a single wind farm development and represent incongruous and dominating features within the landscape and surrounding area and will be detrimental to visual amenity and to the setting of the Glamorgan Heritage Coast and Kenfig and Margam Burrows Historic Landscape. As such the development is contrary to national policy in Planning Policy Wales and Technical Advice Note 8 and Policies EVI, EV7, EV9, EV42, EV45, U2, and U3 of the Bridgend Unitary Development Plan.

A duplicate application (P/12/534/FUL), which was submitted in July 2012, was refused on 19 November 2012 for the same reasons.

Following the submission of additional information to the Planning Inspectorate (PI) during 2013, a Planning Inquiry date was set for 25th and 26th March 2014 in respect of application P/11/531/FUL.

The planning application for the erection of 2 wind turbines at Newton Down (Ref. P/12/368/FUL) was also subject of an appeal against non-determination which was dealt with at a Hearing on 28 March 2013. The Inspector allowed the appeal and issued a decision letter on 24 May 2013.

This appeal decision had implications for the assessment of the proposed wind turbine at Stormy Down and it was considered that it was unlikely that the 4 putative reasons for refusal of the proposed Stormy Down wind turbine could be successfully defended at an Inquiry. An unsuccessful appeal outcome would be likely to result in costs against the Council being sought by the appellant. As a result a report was presented to the Development Control Committee on 12 December 2013 explaining the situation.

Members accepted the recommendation that the 4 putative reasons for refusal of the proposed Stormy Down wind turbine would not be contested at any Inquiry and the reasons were withdrawn.

Following this decision, the current, duplicate application was submitted and the PI agreed to put the outstanding Inquiry into abeyance for a 3 month period, which has been further deferred to allow discussions between the applicant and Cardiff Airport.

Wind power schemes are seen as a key part of the Welsh Government's targets for renewable energy electricity production and as such it would not be appropriate for the report to discuss issues such as the relative merits of wind power as a renewable energy resource or the qualities of national planning guidance.

The report will assess the relative merits of the proposed Stormy Down airfield wind turbine and its impact within the Bridgend County Borough area. The appraisal will cover the following subject areas.

1. The development in relation to the national and local policy context.
2. Landscape and visual amenity
3. Ecology and ornithology
4. Shadow Flicker
5. Hydrology, hydrogeology, geology and water sources
6. Noise
7. Air quality

8. Traffic and transport
9. Heritage
10. Aviation and telecommunications

1. THE DEVELOPMENT IN RELATION TO THE NATIONAL AND LOCAL POLICY CONTEXT.

National Policy

National Policy in relation to renewable energy developments is contained within Planning Policy Wales (7th edition updated in 2014) and Technical Advice Note 8: Renewable Energy. "A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement" was issued in March 2010, which sets out the Welsh Government (WG) target of 2GW of installed onshore wind generation capacity by 2015/2017. This has since been incorporated into Planning Policy Wales (PPW), which also places emphasis on meeting the UK Government's commitment of 15% of energy to be generated by renewable sources by 2020 (The UK Renewable Energy Strategy 2009), together with the assertion that the greatest contributor to this target will be from strategic (over 25MW) wind power schemes. It goes on to state that wind power is the most commercially viable technology and is a key part of meeting the WG vision for future renewable electricity production. The proposal will produce around 1.5MW of power and whilst this may make a contribution to this target it is not considered as a strategic scheme in the context of the above policy.

Technical Advice Note (TAN) 8 identifies the areas of Wales which are considered to be the most appropriate locations for large-scale wind farm developments. These areas are known as Strategic Search Areas (SSAs). The site subject to this application is some distance outside SSA F: Coed Morganwg, which covers the upland areas to the north and west of the County Borough. TAN 8 states that there is an implicit objective outside SSAs to "maintain the landscape character i.e. no significant change in landscape character from wind turbine development".

"Planning for Renewable and Low Carbon Energy - A Toolkit for Planners" was published by WG in July 2010 and provides a methodology to calculate the wind energy potential in local authority areas and publication of a Renewable Energy Assessment.

WG issued "Practice Guidance - Planning Implications of Renewable and Low Carbon Energy" in February 2011. This document updates the advice contained in TAN 8 as well as providing detailed criteria for the assessment of renewable energy schemes including wind turbine development. The appraisal subject areas and assessment criteria in this report reflect the advice and guidance in this document.

"Energy Wales: A low carbon Transition" was issued by the Welsh Government in March 2012 and outlines aims and objectives as to how Wales can move towards a low carbon economy with specific reference to the planning process and renewable energy schemes.

Other Relevant Technical Advice Notes are TAN 5 - Nature Conservation, TAN 11 - Noise and TAN 12 - Design.

The Design Commission for Wales issued a document in August 2012 entitled "Wind Farm Design Guidance Designing Wind Farms in Wales" with the aim of setting out the design objectives and considerations for the sensitive development of large scale wind farms and ancillary development.

Local Policy

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In terms of local policy, the Local Development Plan (LDP) which was adopted by the Council in September 2013, is the development plan for the area.

The site is located outside any designated settlement boundary and, as such, is in the countryside. Policy ENV1 of the LDP strictly controls development in the countryside and states :-

Development in the countryside of the County Borough will be strictly controlled.

Development may be acceptable where it is necessary for:-

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

Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

The proposed development could be considered as the provision of a utilities infrastructure under Criterion 6 which may be acceptable in a countryside location.

Policy SP8 of the LDP - Renewable Energy - states:

Development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities.

Policy ENV17 - Renewable Energy and Low/Zero Carbon Technology - of the LDP states:-

The Council will encourage major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. These technologies include onshore wind, landfill gas, energy crops, energy from waste, anaerobic digestion, sewage gas, hydropower, biomass, combined heat and power and buildings with integrated renewable sources.

In achieving this, all development proposals of 10 or more residential dwellings or with a total floorspace of 1,000 sq metres or more should, where viable, be able to connect to district supply networks of heat and energy. In addition, energy assessments should be submitted with applications to investigate incorporating on-site zero and low carbon equipment or connecting to existing sources of renewable energy. Such investigations should also examine the potential for heat and electricity generated by the development to power/fuel nearby receptive buildings.

The Council's Energy Opportunities Plan will inform consideration of these issues.

The following site is allocated for renewable energy generation:

ENV17(1) Former Llynfi Power Station Biomass.

Policy ENV18 of the LDP - Renewable Energy Developments - states:-

Proposals for renewable energy developments will be permitted provided that:

- 1) In the case of wind farm developments of 25MW or more, the preference will be for them to be located within the boundary of the refined Strategic Search Area;
- 2) The availability of identified mineral resources or reserves will not be sterilised;
- 3) Appropriate monitoring and investigation can demonstrate that the development will not have any significant impacts on nature conservation;
- 4) Appropriate arrangements have been made for the preservation and/or recording of features of local archaeological, architectural or historic interest;
- 5) They can be safely accessed to permit regular maintenance without detriment to the environment or the public rights of way network;
- 6) They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment;
- 7) They will not lead to electromagnetic disturbance to existing transmitting and receiving systems (which includes navigation and emergency services), thereby prejudicing public safety;
- 8) Local receptors of heat and energy from the proposal are identified and, where appropriate, are connected to/benefit from the facility; and
- 9) Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.

The criteria in Strategic Policy SP2 - Design and Sustainable Place Making - are also relevant in assessing the proposal.

As the site is located within the Limestone Resource Safeguarding Area for the Cornelly Group of Quarries, Policy ENV9 of the LDP - Development in Mineral Safeguarding Areas - is relevant and states:-

Development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate that:

- 1) If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and
- 2) In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and
- 3) In the case of temporary development, it can be implemented and the site restored within the timescale the mineral is likely to be required.

The site is also located within the Mineral Buffer Zone designated for the Cornelly Group of quarries, Policy ENV10 of the LDP is also relevant and states:-

Proposed development within buffer zones will need to demonstrate that:

- 1) The mineral resource will not be sterilised; and
- 2) The proposals will not be adversely affected to an unacceptable degree by mineral operations

Strategic Policy SP5 - Built and Historic Environment - states:

Development should conserve, preserve, or enhance the built and historic environment of the

County Borough and its setting.

In particular, development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon the following heritage assets:

- SP5(1) Listed Buildings and their settings;
- SP5(2) Conservation Areas and their settings;
- SP5(3) Scheduled Ancient Monuments;
- SP5(4) Sites or Areas of Archaeological Significance;
- SP5(5) Historic Landscapes, Parks and Gardens or;
- SP5(6) Locally Significant Buildings;

The Bridgend Renewable Energy Assessment (REA) has been undertaken to inform energy policies within the LDP. This assessment, using a constraints mapping exercise, identifies areas within the County Borough which could be suitable for wind power generation. The purpose of the Renewable Energy Assessment (REA) (originally published in February 2011 and updated in November 2011) was to establish the potential amount of energy capable of being generated in the County Borough from renewable sources up to 2021. The results of the assessment were used to formulate policies in the deposit Local Development Plan.

The methodology used to calculate the wind energy potential in the REA was taken from the Planning for Renewable and Low Carbon Energy - A Toolkit for Planners referred to above. Essentially the toolkit methodology firstly identifies the areas which are subject to the most commercially viable wind speeds for energy generation and then 'overlays' areas of constraint on to these to produce the areas identified in the REA. The constraints are:

- * Special Areas of Conservation (SAC);
- * RAMSAR Sites;
- * National Nature Reserves (NNR);
- * Site of Special Scientific Interest (SSSI);
- * Scheduled Ancient Monuments (SAM);
- * Principal and Secondary Transport Network (+ "topple distance" buffer);
- * Woodland;
- * Inland waters;
- * Existing dwellings + 500m noise buffer;
- * Aviation and Radar Constraints.

The size of the resultant area will vary depending on the size of the turbine used in the calculations (decreasing the area with an increasing height of turbine). The resultant areas can then be used to calculate a potential electrical output based on the assumed size of turbines.

In short, the REA wind farm cluster areas merely show the windiest places in the County Borough where a theoretical turbine will not be set in a protected area, will not topple over in woodland, onto a road or waterway or are located close to existing dwellings or impact on air transport. This itself would be the first step any reputable wind farm developer would take in undertaking due diligence to assess the suitability of a site. Areas of land in and around Newton Down have been identified in the REA and it is therefore not surprising that a developer has identified a scheme in this area. Indeed, interest in the Newton Down area for wind farm developments predates the REA. However, both the toolkit and the REA itself stress that the calculations and areas should only be used as a high-level assessment of the accessible wind power potential for an area. Assessments of landscape sensitivity, visual impact and biodiversity impact (amongst others) are not included in the process and it is for individual proposals to address these issues.

The REA itself is an evidence based document. It is not a statement of policy or Supplementary Planning Guidance (SPG) and, as such, it has not been issued for public consultation and therefore carries no or very limited weight in decision making. The REA also states that individual schemes applications will need to take into account other factors, most notably landscape protection, which were not taken account of during the mapping exercise.

Policy REG4 of the LDP is also relevant to the application which states that temporary development of the former Stormy Down Airfield will be permitted where it relates to/facilities the creation of a cluster of innovative green industries.

The impact of the development in the context of the relevant national and local policies will be discussed in more detail in the relevant subject areas below.

2. LANDSCAPE AND VISUAL AMENITY

Wind turbine development by its very nature is likely to raise issues in terms of visual appearance and setting within the landscape.

The cumulative impact of the wind turbine with other proposed or operating wind farm schemes must also be considered including 2 wind turbines on Newton Downs some 750m to the south, which were allowed on appeal (Ref. P/12/368/FUL).

Chapter 6 of the ES provides the Landscape and Visual Assessment (LVA) for the proposal. The assessment has applied the LANDMAP evaluation tool, which for members information is the Welsh Government (WG) approved landscape evaluation methodology and comprises of a series of "layers" including visual and sensory, cultural heritage, historic landscape, geological landscape and habitats. The landscape and visual impact assessment in the ES has been undertaken in this context and describes the operational phase of the proposed wind turbine on the landscape of the site and its environs as well as the effects on visual amenity.

The LVA has identified the following factors within its scope:

* Landscape Issues including landscape elements, character and the effect on any designated areas.

* Visual issues including local communities, residential properties and settlements, tourist destinations and major transport and tourist routes.

The LVA assesses the sensitivity of landscape receptors (ranging from low to high), the magnitude of landscape impact (from major landscape benefit to major adverse landscape impact), the sensitivity of visual receptors (from low to high), the magnitude of visual impact (from neutral to major adverse) and the assessment of landscape and visual significance (from low to high).

The LVA identified a study area of 15kms radius from the turbine locations. A cumulative assessment has been undertaken taking into consideration existing and consented wind turbines in the surrounding area.

In terms of the assessment of landscape and visual effects, wind farm appeal decisions in Wales have often referred back to an Inspector's report in relation to the Llethercynon Wind Farm in 2004. It describes turbines as being "prominent" when they are easily seen and identified without the need for close examination of the landscape. Turbines that are not just visible, but draw the eye to the extent that little else is seen, even in an attractive landscape, are described as "dominant". A turbine is described as "overwhelming" if it is so close and of such a size, as to

be likely to make the observer uncomfortable and want to move away. These are useful definitions, although turbines may be prominent, dominant or overwhelming when seen from particular viewpoints, this does not necessarily imply that they would cause unacceptable harm, as landscape and visual effects must be weighed in the balance with other considerations including the methodology and assessment made in the individual LVA which will also identify any mitigating factors. Also and of significance is the fact that whilst a wind turbine may be visible from a particular location it does not necessarily follow that its impact will be unacceptable.

Fifteen viewpoints from locations surrounding the site have been identified and visualisations including photomontages indicating how the scheme would appear have been submitted. The visualisations provided indicate the potential visual impact of the proposal from various locations within the BCBC area as well as some views from neighbouring authority areas.

The site is not located within any Special Landscape Area (SLA) but is located approximately 450m to the west from the Laleston SLA.

The site does not fall within the Glamorgan Heritage Coast but is approximately 3 kms to the north as is the Grade II Listed Merthyr Mawr Historic Landscape.

The Tythegston Court Historic Park and Garden lies to the east, approximately 2kms from the site boundary and there are conservation areas in Tythegston, Newton and Laleston. There are 5 listed buildings within 2 kms of the site.

The Kenfig SAC is within 3.5 kms of the site while the Merthyr Mawr SSSI is within 3 kms of the site boundary.

The turbine would be placed on a significantly high ridge within the southern area of the County Borough and could, therefore, have a visually intrusive impact on a wide area, particularly in conjunction with other consented wind farms in the area, notably the 125m high turbines proposed at Newton Down. A smaller turbine already operates at Stormy Farm to the north and recently an application for a 35m high turbine at Haregrove Farm some 2kms to the north east of the site was approved.

At a height of 105 metres to blade tip and 65 metres to hub height the proposed turbine at Stormy Down would represent the largest feature in the landscape, far higher than the tallest electricity pylon and with most of the machine visible from below hub height from a wide area. Whilst it is acknowledged that when viewed from some areas the impact of the turbines will be screened by the presence of trees, vegetation and other features, this is unlikely to be sufficient to adequately mitigate the impact in visual and landscape terms.

In assessing the landscape and visual issues at the proposed Newton Down wind turbine appeal, the Appeal Inspector was of a view that the site and its environs comprise moderately attractive countryside, which although predominantly rural in nature, also possesses a number of characteristics of a more industrial or urban nature. He also added that the character of the locality is influenced by its proximity to the built-up area of Porthcawl and to the coast and that these varied elements give the area a mixture of rural and more urban influences. He concluded that the proposed turbines would not have an unduly dominant or overbearing visual impact, particularly once their initial impact as a new feature is past.

The Inspector also assessed the impact on the Newton Burrows, Merthyr Mawr Warren and the wider Heritage Coast area including the Wales Coast Path. He was of the view that, notwithstanding the comparatively high sensitivity as receptors ascribed to footpath users, he

considered that in this case, awareness of the development would be largely diverted by the much more immediate sensory focus provided by the sea and shoreline and the extensive dune area immediately inland, bounded by the wooded escarpment. Although man-made structures are largely absent from this stretch of the coast path, walkers approaching Newton Burrows become increasingly aware of the nearby urban areas of Newton and Porthcawl and the related holiday parks. The Inspector was also of the view that, from the promenade at Porthcawl Point, the turbines would again form clearly visible skyline background features at some 4.1 kms away. However, he considered that their visual prominence would be very much reduced by the foreground promenade and harbour features and other built elements.

The Inspector also considered views from various roads in the vicinity of the site and he was of the view that the turbines would undoubtedly appear as large features in the landscape and may appear dominant when seen at their closest. However, he concluded that road users are not generally classed as particularly sensitive receptors and, in this case, given the largely fleeting views from major routes, the relationship with other elements in the landscape and the mixed character of the locality, he did not consider that the development would give rise to unacceptable effects in these terms.

In terms of landscape effects, the Newton Down appeal Inspector considered that, in relation to the visual and sensory aspect layer, the information provided by LANDMAP for areas other than the Heritage Coast and the registered historic landscape, showed that the visual and sensory characteristics of the locality are such that the proposed development would assimilate acceptably as features in the landscape.

The Inspector also assessed the impact on a range of designated areas, including the Merthyr Mawr, Kenfig and Margam Burrows Landscape of Outstanding Historic Interest and the Glamorgan Heritage Coast. He was of the view that, due to the distances between these features and the proposed turbines, any effects would be limited to indirect visual effects.

The approved wind turbines at Newton Down have a height of 125m to the tips of the blades while the proposed Stormy Down turbine would be 105m high. The submitted photomontages suggest that when viewed from the south the top half of the turbine would be visible above the tree line. As the appeal Inspector was of a view that the 2 larger Newton Down wind turbines would not impact significantly on the landscape of the area and on nearby designated areas, it is considered that the erection of a smaller wind turbine at Stormy Down, approximately 700m, to the north of Newton Down, would have a lesser visual impact on the area.

In view of these comments it is considered that the erection of the smaller wind turbine at Stormy Down, some 700m to the north of the Newton Down turbines, although seen together with the Newton down turbines, would not impact significantly on the designated areas to the south and the users of the Wales Coast Path.

The closest visual impact of the development will be from Mount Pleasant Road immediately adjacent to the site, especially as the blades would extend almost as far as the northern boundary of the site if operating during westerly winds. Although this impact could be described as a dominating impact it would only occur for a limited period while a vehicle passed the site. The impact from other roads in the area, including the A48 would also be fleeting glimpses.

The nearest residential properties to the application site are located approximately 400m to the east on Stormy Lane. However, there is a landscaped embankment to the rear of these properties which helps to screen any views of the wind turbine. There are 2 other dwellings some 530m and 560m from the application site and the proposed turbine will be visible from these properties. However, these properties are orientated in an east-west direction with their

principal elevation facing south and, as such, the turbine would not be visible from the main habitable room windows, however, it would be visible from the gardens of these properties.

The turbine would be visible from the western parts of Laleston at a distance of approximately 3kms, however, these views would be restricted to the top half of the tower and the turbine blades.

Other more distant views would be available from Cefn Cribbwr to the north at a distance of 2.5kms. The photomontages also show that the turbine would be visible from adjoining Authority's areas namely the Vale of Glamorgan and Neath Port Talbot.

With respect to Cumulative Impact, the definition of cumulative landscape and visual effects can be described as follows:-

- i. Cumulative effects - the additional changes caused by a proposed development in conjunction with other similar developments or as the combined effect of a set of developments, taken together;
- ii. Cumulative visual effects - effects caused by combined visibility, which 'occurs where the observer is able to see two or more developments from one viewpoint' and/or sequential effects which 'occur when the observer has to move to another viewpoint to see different developments'; and
- iii. Cumulative landscape effects - effects that 'can impact on either the physical fabric or character of the landscape, or any special values attached to it'.

The Inspector advised that he was unable to consider the proposed Stormy Down turbine as, at that time, it was the subject of an appeal. He did indicate, however, that, if the Stormy Down turbine were to be permitted and constructed, it would be seen and experienced in conjunction with the Newton Down turbines from many locations thus potentially raising significant cumulative impact issues. The Inspector did advise, however, that consideration of the proposed wind turbine at Stormy Down would need to take into account the Newton Down appeal decision

A 20km study area was defined which shows the locations of existing, consented and undetermined wind energy developments. A set of photomontages has also been submitted showing how the other wind turbines appear in the landscape alongside the proposed turbine at Stormy Down. These are supported by wireframe diagrams.

There is one existing wind turbine at Stormy Farm (26m to tip of blades) some 900m to the north while planning consent was granted in January 2014 for a 35m high turbine at Haregrove Farm approximately 2.6kms to the north east of the site, although this has not been erected. The 2 turbines at Newton Down (125m high) would be located some 700m to the south. The more distant wind farms such as Pant y Wal and Fforch Nest have also been referred to in the assessment and included in the photomontages submitted.

The photomontages show that, in most of the assessment viewpoints, the proposed Stormy Down wind turbine will be seen as an addition to the 2 Newton Down turbines increasing the group from 2 to 3. However, from certain locations the Stormy Farm turbine will also be visible, increasing the group to 4. Some other long distance views also include the Pant y Wal and Fforch Nest wind farms on the distant horizon.

When viewed from the south it is considered that the cumulative impact of the smaller Stormy Down wind turbine when seen in conjunction with the Newton Down turbines would not have a detrimental impact on the destination landscape areas or have a detrimental impact on the amenity of local residents or users of the Wales Coast Path.

3. ECOLOGY AND BIODIVERSITY

The potential impact of the wind turbine development on the ecology or biodiversity of an area, as well as any effect on a protected species, is a material planning consideration. Planning Policy Wales advises that biodiversity considerations must be taken into account in determining individual applications. Further advice is contained in Technical Advice Note 5 Nature Conservation and Planning (TAN5). Further advice is contained in TAN 8, renewable energy and LDP Strategic Policies SP2 and SP4 and Policies ENV6, ENV7 and ENV18 are also relevant. Section 40 of the Natural Environment and Rural Communities Act 2006(NERC) also places a biodiversity duty on local authorities when discharging their functions.

An Extended Phase 1 Habitat Survey was submitted which concentrated on the airfield site, including the existing buildings. The survey concluded that, as the site was mainly comprised of hard standing, there was limited opportunity for colonisation by ruderal plant species. In addition, the grassland either side of the main entrance was considered to have limited conservation value.

The buildings on site were surveyed and no evidence of bats was found in them.

The Council's ecologist advised that, as the blades of the proposed turbine would come within 10m of a hedge to the north of the site boundary, an assessment of any possible impact on bats using the hedgeline as a feeding route needs assessing. A separate bat assessment was subsequently submitted. It was not considered that there will be any adverse impact on a protected species.

The Kenfig Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and National Nature Reserve (NNR) is located approximately 5 km to the north-west while the southern part of the Kenfig SAC and the Merthyr Mawr SSSI and Merthyr Mawr Warren NNR are closer at 2.5 kms from the southern part of the site. Notwithstanding the importance of these sites in ecological terms, it is not considered that they will be significantly affected by the development in view of the distance from the proposed turbine locations.

4. SHADOW FLICKER

Shadow flicker can be a material planning consideration and is a phenomenon that describes the effects of rotating wind turbine blades casting moving shadows that can cause a flickering effect affecting residents living nearby. It is referred to in Policy ENV18 of the LDP.

Shadow flicker may occur under certain combinations of geographical position and time of day, when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. As the blades rotate, the shadow flicks on and off, an effect known as shadow flicker. The effect occurs inside buildings, where the flicker appears through a window opening.

The likelihood and duration of the effect depends upon:

- i) Direction of the property relative to the turbine(s). In the UK, only properties within 130 degrees either side of north, relative to the turbines, can be affected, as turbines do not cast long shadows on their southern side;
- ii) Distance from turbine(s): the further the observer is from the turbine, the less pronounced the effect would be. Flicker effects have been proven to only occur within ten rotor diameters of a turbine;
- iv) Turbine height and rotor diameter;
- v) Time of year and day; and

vi) Weather conditions (i.e. cloudy days reduce the likelihood of effects occurring).

The ES explains that a study area was initially defined based on a distance of 10 rotor diameters (800m) of the proposed wind turbine location. This was then further refined to include only areas within 130 degrees of north of a proposed wind turbine location. Properties within this 800m /130 degree area were identified.

Eight sample properties have been identified within a distance of 800 metres and 130 degrees either side of north of the proposed wind turbine locations, namely Ballas Farm, 3 of the terraced dwellings on Stormy Lane and Cae Cornel, Manderlay, Cross Winds, Cambrian House and Mynyddherbert. The assessment concluded that these properties would be likely to be affected by shadow flicker for between 5.2 hours and 15.9 hours per year.

The study carried out did not take into account features such as trees and buildings that may screen views of the turbines from the windows of nearby houses and, therefore, prevent or reduce shadow flicker. The properties on Stormy Lane and those known as Cae Cornel and Manderlay are likely to be screened from views of the proposed wind turbine by a dense belt of mature trees. This is likely to further limit the potential occurrence of shadow flicker at these locations.

Should natural screening be insufficient the developer has advised that the principal method of mitigation available for shadow flicker effects is to close down the wind turbine at times when the turbine has been predicted or demonstrated to cause shadow flicker effects. A system is available for use with the proposed turbine which uses a device to measure the intensity of sunlight occurring at a particular moment and uses this, together with the date and time, location of the wind turbines and locations of nearby houses to calculate whether shadow flicker will occur. The developer, if required, could install this device to prevent shadow flicker affecting nearby properties.

5. HYDROLOGY, HYDROGEOLOGY, GEOLOGY AND WATER SOURCES

Planning Policy Wales para 13.5.1 indicates that the responsibility for determining the extent and effects of any ground instability or risk rests with the developer. It is, therefore, for the developer to ensure that the land is suitable for the development proposed. Policy ENV13 of the LDP is relevant. Section 8 of the ES relates to soil, geology and hydrogeology.

The geology of the area is characterised by the lower Carboniferous sequence which, by its nature, is porous allowing the easy passage of groundwater. Previous hydro-geological surveys associated with the nearby Cornelly Quarry has concluded that groundwater within the area has the potential to flow to the Kenfig SAC. As such it is essential to establish whether there is any potential impact on groundwater from the construction phase of the development.

The Natural Resources Wales (NRW) has advised that the potential biggest risk is from a pollution viewpoint which could occur during the construction phase. NRW does not include an assessment on the possible impact on groundwater from the proposed construction works, however, this is likely to be limited due to the size of excavations required to erect the turbine.

It is considered, therefore, that the implementation of specific mitigation measures during the construction phase will ensure that any potential impacts will be minor and quickly controlled, with no significant negative impact.

6. NOISE

Noise is a material consideration in the determination of wind farm applications and Chapter 11 of the ES specifically covers this subject.

National planning advice is contained in Planning Policy Wales, TAN 8 and TAN 11. Strategic Policy SP2 and Policy ENV7 of the LDP include references to noise.

The relevant guidance document to assess wind farm noise is ETSU-R-97 - The Assessment and Rating of Noise from Wind Farms (1996). This provides a framework for the measurement of wind farm noise limits to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm developers or local authorities and is endorsed by TAN 8. The issue of noise has been raised in objections.

TAN 8 advises at Paragraph 2.14 that: "Well designed wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable noise levels with relation to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any existing noise sensitive development. Noise levels are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind generated background noise."

TAN 8 goes on to discuss the noise sources found within wind turbines. These may be summarised as follows:-

1. Mechanical Noise

Generated by the gearbox, generator and other parts of the drive train which can be radiated as noise through the nacelle, gear box and tower supporting structures. Careful design at the development stage of a wind turbine can eradicate this source of noise such that most modern wind turbines do not exhibit tonal noise within the measured/audible noise emissions.

2. Aerodynamic Noise

Generated by the action of the rotating blades of the turbine as they pass through the air. The level of noise from the source is determined by the speed of the blades as they pass through the air. This, in turn, is determined by the rotor diameter and the rate of rotation. Tip designs for blades have improved resulting in reductions in high frequency noise emissions from this source.

There may also be noise associated with the construction and decommissioning of the wind turbine.

The ES contains a noise assessment which has been undertaken with reference to ETSU-R-97. It also advises that the noise levels generated by the operation of the wind turbine have been predicted in accordance with the noise prediction framework set out in ISO 9613-2 Acoustics - Attenuation of Sound During Propagation Outdoors - Part 2 General Method of Calculation. The model takes into account the distance between the source and the receptors and the amount of attenuation due to atmospheric absorption.

The principal noise concern with regard to wind turbine proposals is the potential for noise nuisance once the turbines are in operation. The applicant has addressed this in the ES and has considered the impact of the noise from the turbines on residents living near to the development, especially Cae Cornell and Mount Pleasant Farm. Both the day time and night time operation of the turbines have been assessed using the appropriate criteria.

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The Stormy Down airfield site has been the subject of several planning consents for development with the potential to create noise, namely the alternative concrete test facility, the in-vessel composting plant and the materials drying shed. In view of the site owners plans to create a 'green energy' park at the airfield site a Design Brief was prepared and approved by the Council in 2010. The main aim of the brief is:-

'To ensure that future development proposals are adequately controlled and do not prejudice future mineral resources and are generally in compliance with policies in the UDP and the future LDP. Development should not adversely affect highway safety and visual amenity or harm neighbours residential amenity'.

To ensure that the amenity of the occupiers of nearby dwellings was protected the brief placed limits on noise generation from the site as follows:-

- (i) The cumulative noise rating level in any one hour period between 0700-2300 shall not exceed an LAeq (1hour) of 44dB at Cae Cornell and 34dB at Mount Pleasant Farm.
- (ii) The cumulative noise rating level in any 5 minute period between 2300-0700 shall not exceed an LAeq (5mins) of 34dB at Cae Cornell and 30dB at Mount Pleasant Farm.

Public Protection has advised that the amended noise report shows that the noise from the proposed turbine when operating both in isolation and cumulatively with the turbines at Newton Down does not exceed the noise levels recommended in the ETSU guidance which is the guidance that the Government has stipulated must be used for large wind turbines. Although it exceeds the levels in the Design Brief that was developed for industrial/commercial activities at the site, the levels do not exceed those within the ETSU guidance and therefore, Public Protection has advised that they are not in a position to object on grounds of noise, subject to the conditions that have been put forward.

7. AIR QUALITY

The issue of dust and other emissions to air such as from vehicle exhausts may be relevant during the construction and decommissioning stages of the wind turbine, however, this is likely to be short term. It is not considered that the operational phase of the wind turbine would raise any air quality issues.

8. ACCESS, TRANSPORTATION AND HIGHWAYS.

The main transport implications for this development are associated with the movements of commercial vehicle heavy goods vehicles (HGVs) to and from the site during the construction phase. Access to the site would be gained via the M4 (Junction 37) A48 and then along Heol y Splott to the site. This route would only apply to construction vehicles and materials while the delivery of the turbine itself would have to be brought to the site via Stormy Lane as its dimensions would not allow it to travel via Heol y Splott.

The Highways Section has not raised any objection to the proposal subject to conditions, however, a Section 106 Agreement has been suggested to control lorry routeing. Legal agreements are already in place to control lorry routeing at the alternative cement test centre and the adjacent recycling development.

9. HERITAGE

The impact of a development on a listed building, conservation area, historic park or garden or an ancient monument is a material consideration in the determination of a planning application as indicated in Planning Policy Wales (PPW). Policy ENV8 of the LDP is relevant.

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The ES contains a brief archaeological assessment which refers to possible impacts on prehistoric and Roman remains on the application site.

The Glamorgan Heritage Coast and Merthyr Mawr, Kenfig and Margam Burrows Historic Landscape are located to the south of the application site and the visual impact of the proposal on these areas has been addressed in the landscape and visual amenity section above.

Most of the application site occupies a former WWII RAF airfield and, whilst operational flying ceased before the end of the Second World War, some of the features of the wartime use still exist including the former hanger buildings and water tower, currently part of the Stormy Down industrial complex. There is, therefore, a historical significance to the site and this is recorded on the National Monuments Records of Wales.

No adverse comments have been received from the Glamorgan Gwent Archaeological Trust Ltd although the Trust has recommended that a suitable condition be attached to any consent granted to photographically record the water tower before demolition.

Other than the issues raised in terms of landscape and visual amenity described above it is not considered that there will be any direct adverse impact on the historic environment of the immediate area or the application site.

10. AVIATION AND TELECOMMUNICATIONS

Wind turbines may potentially have an impact on aviation activities, typically on radar systems or on low flying. The Ministry of Defence (MoD), Civil Aviation Authority (CAA) and National Air Traffic Services (NATS) have a statutory duty to safeguard certain sites and airspace from radar interference in the interests of national security and for the safe operation of passenger and military aviation.

The Authorities referred to above have been consulted together with the Welsh Air Ambulance and the South Wales Police Air Support Unit.

When the initial planning applications were submitted in 2011 and 2012 (P/11/531/FUL and P/12/534/FUL) there was no objection to the proposal from Cardiff Airport. However, in this instance given the increase in wind turbine approvals within 30 km of Cardiff Wales Airport, they have requested a condition be attached to any permission granted requiring details of mitigation measures to be installed on the Cardiff airport radar system in order to ensure that the turbine is acceptable in terms of aviation safety.

In terms of any impact on telecommunications, wind turbines can cause electro-magnetic interference (EMI) in two ways:

- * Interference that 'scatters' signals and can lead to a phenomenon called 'ghosting' on television screens and;
- * Interference, caused to communications equipment, such as mobile phones.

The switch to digital television signals has reduced the potential impact. Where interference to television reception is predicted developers may be required to enter into legally binding agreements to rectify any problems - there is no evidence to suggest that this is case with this development. Similarly no concerns were raised by telecommunications operators in the area.

In view of the above it is considered that, as a result of the conclusions of the Inspector at the Newton Down appeal and his subsequent decision, it is unlikely that the 4 reasons for refusal

given for the previous application for a wind turbine at this site (P/12/534/FUL refers) can be successfully defended at an appeal. Also the Council has now withdrawn its reasons for refusal. An unsuccessful appeal outcome is likely to result in costs against the Council being sought by the appellant. Consequently, the proposed development is recommended for approval subject to a S106 Agreement and conditions.



CONCLUSION

This application is recommended for approval because the proposed wind turbine is considered to comply with National and Local policy and does not adversely affect highway safety, aviation safety, ecology, visual amenities nor significantly harms neighbours amenities in terms of noise and shadow flicker as to warrant refusal. Any potential impacts that have been identified will be mainly short term and can be addressed by suitable mitigation measures, which are controlled by either S106 Agreement or conditions.

The proposed wind turbine also makes a positive contribution towards the production of green energy on a site which has been identified in the Local Development Plan suitable for green innovative industries.

RECOMMENDATION

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

- (i) control the route of abnormal load traffic to and from the site.
- (ii) control the route of HGV traffic associated with the mass concrete pour.
- (iii) control the route of all remaining construction HGV traffic to and from the site.

1 Notwithstanding the submitted plans, this consent relates to the installation of a single 1.5MW wind turbine with the tip height not exceeding 105m from ground level. Detailed plans showing the turbine to be installed and confirming the base level and tip height of the turbine shall be submitted to and agreed in writing prior to installation. The development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2 The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (at Appendix A), shall not exceed the values set out in Tables 1 and 2 attached to these conditions at any dwelling. For the purpose of this condition a dwelling is defined as a building within Use Class C3 of the Town and Country Planning (Use Classes) Order, 1987.

Reason : In the interests of safeguarding amenity.

- 3 The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) (at Appendix A). This data shall be retained for a period of not less than 24 months from the date of first operation of the turbine. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request within 14 days of the receipt in writing of such a request.

Reason : In the interests of safeguarding amenity.

- 4 No electricity shall be exported until the wind turbine operator has submitted a list of proposed independent consultants, who may undertake compliance measurements in accordance with Condition 2, to the Local Planning Authority for their written agreement. Amendments to the list of approved consultants shall be made only with the prior written agreement of the Local Planning Authority.

Reason : In the interests of safeguarding amenity.

- 5 Within 21 days from the receipt of a written request from the Local Planning Authority following a written complaint from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its own expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property. The assessment shall be carried out in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction and, if possible, include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason : In the interests of safeguarding amenity.

- 6 The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall be submitted to and agreed in writing by the Local Planning Authority . The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes attached where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generations and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under condition 5, and such others as the independent consultant considers likely to result in a breach of noise limits.

Reason : In the interests of safeguarding amenity.

- 7** Where a dwelling to which a complaint is related is not listed in Table 3 attached to these conditions (at Appendix A), the wind turbine operator shall submit to the Local Planning Authority for written approval, proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the wind turbine, when determined in accordance with the attached Guidance Notes, shall not exceed the noise limited approved in writing by the Local Planning Authority.

Reason : In the interests of safeguarding amenity.

- 8** The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions, undertaken in accordance with the Guidance Notes, within two months of the date of the written request of the Local Planning Authority for compliance measurements to be made under Condition 5, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) (at Appendix A) and certificates of calibration shall be submitted with the assessment of the rating level of noise emissions.

Reason: In the interests of safeguarding amenities.

- 9** Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 4(c) (at Appendix A), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment, unless the time limit has been extended in writing by the Local Planning Authority.

Reason : In the interests of safeguarding amenity.

- 10** Once the Local Planning Authority has received the independent consultant's noise assessment required by condition 5, including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of noise limits set out in Tables 1 and 2 (at Appendix A), upon notification by the Local Planning Authority in writing to the wind turbine operator of the said breach, the wind turbine operator shall within 21 days propose a scheme for the approval of the Local Planning Authority to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason : In the interests of safeguarding amenity.

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- 11** In order to demonstrate compliance with the levels stated in Tables 1 & 2 attached (at Appendix A), the wind turbine operator shall employ a consultant, to be agreed in writing by the Local Planning Authority during the first 12 months of operation, to assess the level of noise emissions from the wind turbine, according to the measurements protocol pursuant to condition 6.

Reason: In the interests of safeguarding residential amenities.

- 12** In the event that the proposed turbine model for installation differs from the machine utilised in the 'Noise Survey Report@Rev1 Nov 2012', a revised noise impact assessment report shall be submitted demonstrating that predicted noise levels indicate likely compliance with the day time and night time noise condition levels stated in Tables 1 and 2.

Reason : In the interests of safeguarding amenity.

- 13** Upon the request of the Local Planning Authority, following a complaint to it about noise emissions from either the Cenin Wind Turbine or the Newton Down Wind turbines, the wind turbine operator shall, if requested shut down the turbine for such period that the Local Planning Authority reasonably require, to enable an assessment to be carried out either by a consultant or the Local Planning Authority to determine compliance with the noise limits in Table 1 and 2 (at Appendix A) and/or to enable isolated monitoring to be undertaken to determine the contribution of noise from each wind turbine.

Reason : In the interests of safeguarding residential amenities.

- 14** Prior to the turbine hereby approved being brought into beneficial use a method statement detailing a bat monitoring programme shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring programme shall be implemented as agreed and prior to the turbine being brought into beneficial use.

Reason: In the interest of biodiversity.

- 15** No development shall commence on site until details of the mitigation measures to be installed on the Cardiff Airport Radar system together with a programme for their installation has been submitted to and agreed in writing by the Local Planning Authority. The mitigation measures shall be installed in accordance with the agreed details and programme and retained as such at all times thereafter.

Reason: In the interests of aviation safety.

- 16** No development shall commence on site until an appropriate photographic survey of the existing structure on site (water tower) has been submitted to and agreed in writing by the Local Planning Authority. The resulting photographs should be deposited with National Monuments Record and the Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfields, Swansea SA1 6EL Tel: 01792 655208).

Reason: In the interests of archaeological records.

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- 17** The site compound and car park for construction vehicles shall be located within the grounds of the existing Cenin, Parc Stormy site.

Reason: In the interests of highway safety.

- 18** The proposed access via Mount Pleasant Road (the northern site boundary) as shown on drawing number 5132-001, received by the Local Planning Authority on 13 December 2013, shall be laid out in permanent materials prior to the commencement of works on site and maintained thereafter.

Reason: In the interest of highway safety.

- 19** Not later than 12 months before the cessation of the operation of the wind turbine, a site restoration scheme shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period. The scheme shall be implemented as agreed.

Reason: In the interests of pedestrian and highway safety.

- 20** No works on the construction of the wind turbine shall commence on site until design details of the wind turbine structure and foundation pad, duly certified by a professional engineer, including full engineering details and structural calculations have been submitted to and agreed in writing by the Local Planning Authority. The wind turbine structure and foundation pad shall be constructed in accordance with the agreed design and construction details prior to the beneficial use of the proposed development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 21** Notwithstanding the submitted information, no works shall commence on site until a method statement detailing the means of preventing 'ice throw' from occurring has been submitted to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 22** If the wind turbine hereby approved fails to produce electricity for a continuous period of 12 months the Local Planning Authority shall be notified in writing and, if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 23** The development hereby permitted shall be discontinued and the land restored to its former condition on or before 31 December 2035.

Reason: To enable the Local Planning Authority to review the matter at the end of the period of the temporary consent and to protect identified reserves of limestone.

- 24** No development shall commence until a written protocol relating to the assessment and mitigation of shadow flicker at any affected dwelling has been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the identification of relevant dwellings and potential measures to be employed as mitigation in response to any established occurrence of shadow flicker. In the event of a complaint to the Local Planning Authority which the authority considers to be valid and made by the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of this permission, the turbine shall operate in accordance with the approved protocol.

Reason: In the interest of safeguarding amenities.

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

(a) This application is recommended for approval because the proposed wind turbine is considered to comply with National and Local policy and does not adversely affect highway safety, aviation safety, ecology, visual amenities nor significantly harms neighbours amenities in terms of noise and shadow flicker as to warrant refusal. Any potential impacts that have been identified will be mainly short term and can be addressed by suitable mitigation measures, which are controlled by either S106 Agreement or conditions.

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(b) The developer is advised that it will be necessary to enter into a Section 69 Agreement for extraordinary maintenance liability in accordance with the Highways Act, 1980 prior to the commencement of development.

(c) The applicant should enter into a Section 59 Agreement for extraordinary maintenance liability (in accordance with the Highways Act 1980) prior to any consent being granted to make certain the applicant can be held fully liable for any deterioration of the highway and verges as a result of the construction operation.

(d) The applicant will be required to enter into a Section 106 Agreement to strictly control the routing of all HGVs and abnormal loads entering and leaving the site during the demolition, construction and decommissioning works. The Agreement will also need to cover the mass concrete pour required for the turbine foundation and details of the concrete production site will need to be identified to allow a suitable route to be defined.

(e) The applicant will be required to enter into discussions with South Wales Police and the

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Council's Traffic Management Section in order to progress any necessary Temporary Traffic Regulatory Order for the abnormal loads that need to be escorted along the public highways. The applicant will be required to fully fund any such Order.

(f) 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.

(g) The Tables and Guidance Notes referred to in the Noise Conditions are attached for the developers information.

(h) The applicant is advised that the buildings on site have the potential to be used by nesting birds and the areas surrounding the application site may also be used by nesting birds. It is an offence under the Wildlife and Countryside Act 1981 (Section 1) to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

(i) Advice notes are attached for the developers information in relation to condition 16.

(j) The developer is advised that if a complaint is received regarding shadow flicker the developer should investigate the complaint and install appropriate mitigation.

(k) 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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ITEM: 3

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
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
12 SEPTEMBER 2014**

APPENDIX A

TO BE READ IN CONJUNCTION WITH ITEM 2

P/13/904/FUL

OF THE REPORT OF THE
CORPORATE DIRECTOR – COMMUNITIES

Table 1 - Between 07:00 and 23:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods

Location	Measured wind speed at 10 m height, m/s										
	3	4	5	6	7	8	9	10	11	12	
H8	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
Cae Cornell	39.0	39.0	41.0	43.2	43.2	43.2	43.2	43.2	43.2	43.2	43.2
Mount Pleasant farm	33.0	33.0	33.2	33.7	34.3	35.1	35.7	36.1	36.1	36.1	36.1

Table 2 - Between 23:00 and 07:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods

Location	Measured wind speed at 10 m height, m/s										
	3	4	5	6	7	8	9	10	11	12	
H8	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
Cae Cornell	39.0	39.8	40.9	41.2	41.2	43.2	43.2	43.2	43.2	43.2	43.2
Mount Pleasant Farm	30.0	30.0	30.0	35.0	35.0	35.0	33.3	35.1	36.9	38.8	

Table 3: Coordinate locations of the properties listed in Tables 1 and 2

Location	Easting	Northing
H8	284938	179963
Cae Cornell	284520	180248
Mount Pleasant Farm	283341	179524

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes For Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) Values of the $L_{A90,10}$ -minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The $L_{A90,10}$ -minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. During any noise compliance test, the mean wind speed and wind direction shall also be measured on-site at a height of 10m above ground level. The wind speed measurement shall not be unduly affected by any turbine wake. It is this measured 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter. In the event that it is not possible to undertake wind speed measurements at 10m, the wind speed can be measured at another height and converted to a height of 10m according to a method to be agreed with the Local Planning Authority.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

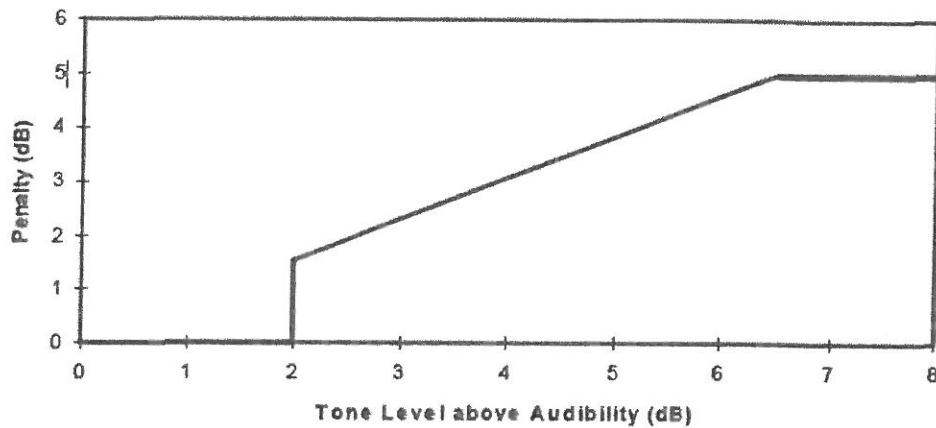
Guidance Note 2

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2.
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under condition 5 of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10}$ -minute noise measurements and corresponding values of the 10-minute wind speed, as measured at a ten metre height wind speed using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the measured 10m mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under condition 5 of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10}$ -minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under condition 5 of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with condition 6 of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant reasonably requires to undertake the further assessment or any other assessment to determine compliance with tables 1 and 2 as attached. The further assessment shall be undertaken in accordance with the following steps:
- (i) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under condition 4 and the approved protocol under condition 5 of the noise condition.
 - (ii) The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- (iii) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L_1 at that integer wind speed.
- (iv) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 6 of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 6 of the noise condition then the development fails to comply with the conditions.

DEVELOPMENT CONTROL COMMITTEE : 18-SEP-14

P/14/461/RLX/NG

Town/Community Council :

NEWCASTLE HIGH

FIELD ADJACENT TO THE LAURELS PENYFAI

P/13/904/FUL/NG

Town/Community Council :

MERTHYRMAWR

SITE OF FORMER WATER TOWER FORMER STORMY
DOWN AERODROME
BRIDGEND

BRIDGEND COUNTY BOROUGH COUNCIL

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

MEETING: Development Control Committee

DATE OF MEETING: 18 SEPTEMBER 2014

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

<u>ITEM</u>	<u>FILE NO.</u>	<u>LOCATION</u>
Where the application / appeal / enforcement number is quoted, please refer to the file of that number		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

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