

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



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

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol:  
Ask for / Gofynnwch am: Mr Mark Anthony Galvin

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

**Date / Dyddiad: 5 December 2014**

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices, Angel Street, Bridgend on **Thursday, 11 December 2014 at 2.00 pm.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Site Visits  
To confirm a date of Wednesday 7 January 2015 (am) for proposed site inspections arising at the meeting, or identified in advance of the next Committee by the Chairperson
3. Approval of Minutes 3 - 6  
To receive and confirm the Minutes of a meeting of the Development Control Committee dated 13 November 2014
4. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any)
5. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those from Members who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council, and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the following planning applications report

6. Amendment Sheet

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

7 - 126

8. Urgent Items

To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is 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  
JC Spanswick  
M Thomas  
JH Tildesley MBE

Councillors

HJ Townsend  
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, 13 NOVEMBER 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	J C Spanswick	C Westwood
P A Davies	H E Morgan	M Thomas	R Williams
B Jones	D G Owen	J C Tildesley MBE	M Winter
R C Jones	C E Rees	H J Townsend	R Young

Officers:

D Llewellyn	-	Group Manager Development
J Parsons	-	Development and Building Control Manager
J Jenkins	-	Team Leader Development Control
N Gandy	-	Principal Planning Officer (Development)
C Flower	-	Team Leader - Technical Support
R Morgan	-	Transportation Development Control Officer
R O Jones	-	Legal Officer
A Rees	-	Senior Democratic Services Officer - Committees (Minutes)
M Galvin	-	Senior Democratic Services Officer - Committees (Electronic Back-up)

478 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member for the reason so stated:

Councillor R M James - Other Council Business

479 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, 10 December 2014 (am).

480 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Development Control Committee of 16 October 2014 be approved as a true and accurate record, subject to the name of R Morgan - Transportation and Development Control Officer being added to the list of Officers present and that Councillor Tildesley's apologies for absence being recorded in Minute Number 463.

481 LIST OF PUBLIC SPEAKERS

The Group Manager Development read out the names of the public speakers to address the following applications being considered at the meeting.

<u>Name of Speaker</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Councillor C A Green	P/14/337/FUL	Objector
Mr K Brady	P/14/337/FUL	Objector
Mr Simon Wragg of Suncredit UK Limited	P/14/337/FUL	Applicant

482 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

- |                           |   |   |
|---------------------------|---|---|
| Councillor R Williams     | - | P/14/337/FUL - Councillor Williams declared a personal interest as some of the objections are known to him.   |
| Councillor C E Rees       | - | P/14/506/FUL - Councillor Rees declared a personal interest as a Member of Porthcawl Town Council but took no part in the consideration of planning applications.               |
| Councillor H J Townsend   | - | P/14/618/FUL - Councillor Townsend declared a personal interest as a Member of Brackla Community Council but took no part in the consideration of planning applications.        |
| Councillor B Jones        | - | P/14/506/FUL - Councillor Jones declared a personal interest as a Member of Porthcawl Town Council but took no part in the consideration of planning applications.              |
| Councillor J C Spanswick  | - | P/14/618/FUL - Councillor Spanswick declared a personal interest as a Member of Brackla Community Council but took no part in the consideration of planning application.        |
| Councillor G W Davies MBE | - | P/14/644/FUL - Councillor Davies declared a personal interest as a Member of Maesteg Town Council but took no part in the consideration of planning applications.               |
| Councillor H E Morgan     | - | P/14/337/FUL - Councillor Morgan declared a personal interest as a Member of Bridgend Town Council but took no part in the consideration of planning applications.              |
| Councillor D R W Lewis    | - | P/14/337/FUL - Councillor Lewis declared a personal interest as he attends meetings of meetings of Newcastle Higher Community Council.  |
| Councillor P A Davies     | - | P/14/337/FUL - Councillor Davies declared a personal interest as a Member of Newcastle Higher Community Council but took no part in the consideration of planning applications. |

483 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 require to be accommodated.

484 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS GRANTED CONDITIONALLY

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

Code No.                      Proposal

P/14/644/FUL                      16 Golden Terrace, Maesteg - Change use of dwelling to 2 x 2 bed flats, single storey rear ext with escape walkway over and metal staircase.

P/14/506/FUL                      7 Bredenbury Gardens, Porthcawl - 3 bedroom bungalow in rear garden - re-sub of refusal P/14/158/FUL.

485 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS DEFERRED

RESOLVED: (1)                      That the Committee deferred the following application as it was minded to refuse the application on the grounds of visual amenity, highway infrastructure the scale of the proposed development and the potential for flooding and the detailed reasons for refusal be reported to the next meeting of the Committee.

Code No.                      Proposal

P/14/337/FUL                      Land near Court Coleman, Penyfai - Solar park inc. switchroom, fencing and cameras, landscaping & assoc. works.

The Committee adjourned at 3.34pm to enable the public gallery to be cleared and reconvened at 3.46pm.

(2)                      That consideration of the under-mentioned application be deferred to consider further information in respect of the use of the current play area and alternative provision within the area.

Code No.                      Proposal

P/14/618/FUL                      Land at Madoc Close, Brackla, Bridgend - Construct eight single bedroom apartments.

486 APPEALS RECEIVED

RESOLVED:                      That the appeals received since the last meeting of the Development Control Committee be noted.

487 TRAINING LOG

The Group Manager Development reported on an updated training log.

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

The meeting closed at 4.22pm.

This page is intentionally left blank

# Agenda Item 7

## DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 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/14/168/FUL	BLUE SEAS GUEST HOUSE 72 BEACH ROAD PORTHCAWL	GRANT WITH CONDITIONS
2	P/14/714/FUL	LAND ADJACENT 11 CARN WEN BROADLANDS BRIDGEND	GRANT WITH CONDITIONS
3	P/14/618/FUL	LAND AT MADOC CLOSE BRACKLA	SECTION 106 AGREEMENT
4	P/14/518/FUL	LAND OFF TYTHEGSTON CLOSE PORTHCAWL	SECTION 106 AGREEMENT
5	P/14/337/FUL	LAND NEAR COURT COLMAN	
6		APPEALS	
7		TRAINING LOG	

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

#### **STANDARD CONDITIONS**

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

##### Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

##### Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

##### Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

##### Recommendation:

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

#### **STANDARD NOTES**

- Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014**

action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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

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

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-



## **DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014**

- re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

### **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

#### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

#### **Inappropriate Site Visit**

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

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014**

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

#### **Attendance**

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

#### **Officer Advice**

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

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

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

#### **Code of Conduct**

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

#### **Record Keeping**

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

#### **Site Visit Summary**

In summary site visits are: -

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

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

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

**ITEM:**

1

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/14/168/FUL**

**APPLICANT:**

MR GRIFFITHS  
BLUE SEAS GUEST HOUSE 72 BEACH ROAD PORTHCAWL

**LOCATION:**

**BLUE SEAS GUEST HOUSE 72 BEACH ROAD PORTHCAWL**

**PROPOSAL:**

CHANGE OF USE FROM GUEST HOUSE AND CAFE INTO 5 NO. SELF-CONTAINED FLATS

**RECEIVED:**

12th March 2014

**APPLICATION/SITE DESCRIPTION**

The application seeks planning permission to convert the ground floor and first floor of this guest house and café to 5 two bedroom apartments. The second floor is currently occupied by the owners of the guest house and café and is used as residential accommodation and shall be retained as such. There are two existing bungalows located to the rear of the building which will be demolished to accommodate the off street parking to serve the proposed development. The net increase in dwellings will be 4.

The application proposes the erection of a mansard roof to replace the existing hipped roof on the front elevation. The proposed mansard roof will increase the overall height by 0.5m to a maximum height of 8.5m. The application also proposes the erection of balconies to the front, side and rear elevations.

The application property is a three storey building which is currently used as a café at ground floor level, a guest house at first floor level and private residential accommodation at second floor level. The applicant has indicated in writing that he will be retiring in the near future and will cease the Bed & Breakfast and Café operation at the premises.

**RELEVANT HISTORY**

**P/07/200/FUL**

APPROVED  
+conditions

23-04-2007

PROVISION OF TEA ROOMS

**P/08/594/RLX**

APPROVED  
+conditions

22-08-2008

RELAX CONDITION 3 OF 07/200 TO ALLOW EXTERNAL SEATING

**P/08/822/RLX**

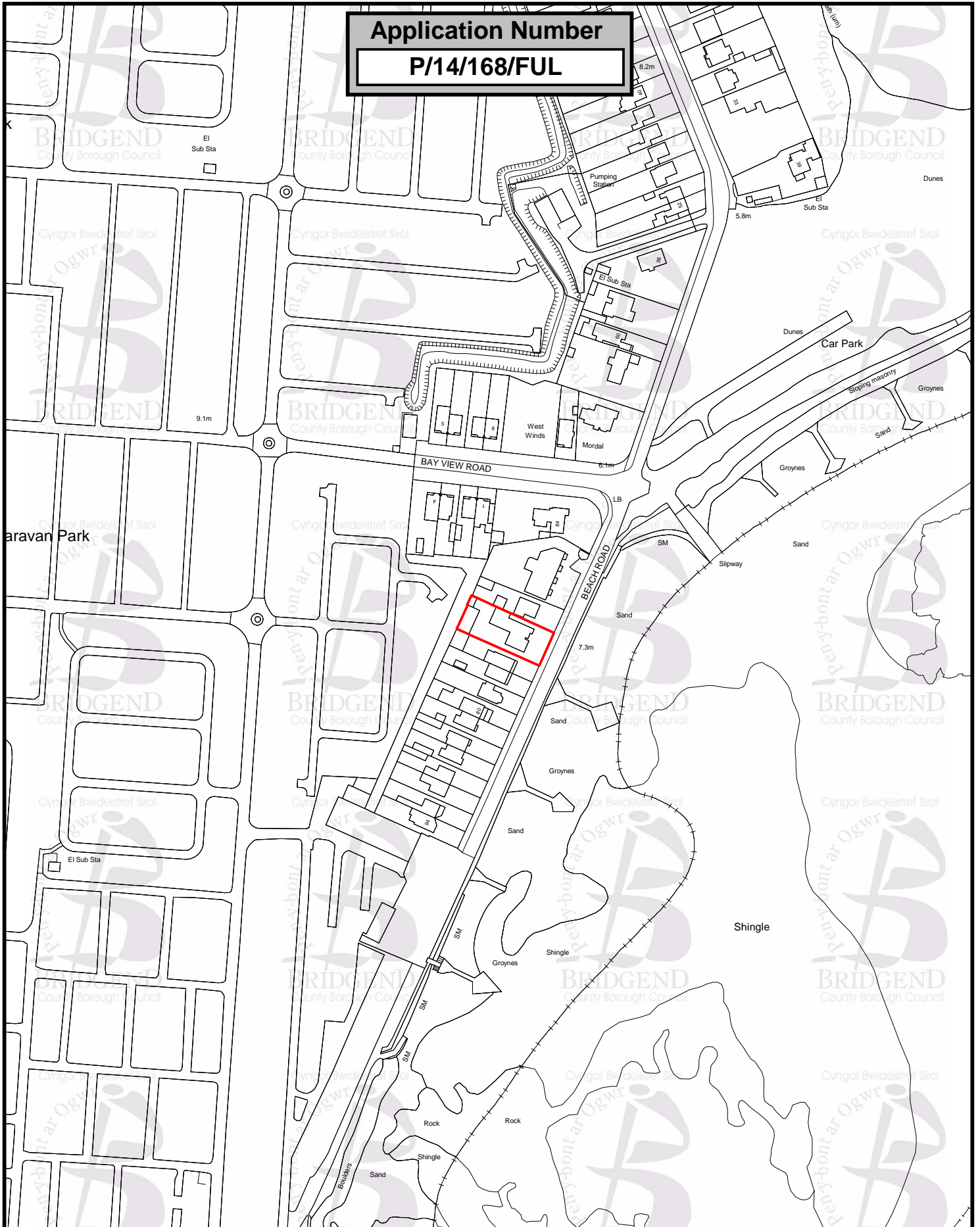
APPROVED  
+conditions

16-01-2009

REMOVAL OF CONDITION 2 OF P/07/200/FUL TO ALLOW CAFE AND TAKEAWAY HOT DRINKS & SNACKS

Application Number

P/14/168/FUL



Scale 1:2500

Date Issued:  
04/12/2014

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  
(2014) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2014) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

**P/10/435/RLX**

APPROVED

26-08-2010

+conditions

RELAX CONDITION 1 OF CONSENT P/08/594/RLX TO ALLOW ADDITIONAL EXTERNAL SEATING

**P/11/243/FUL**

APPROVED

03-06-2011

+conditions

TWO STOREY EXTENSION TO REAR, MANSARD ROOF WITH LOFT CONVERSION, BALCONY TO REAR, KITCHEN EXTENSION TO FRONT

### **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 expired on 15 September 2014.

### **NEGOTIATIONS**

The applicant was advised that the elevation and floor plans did not correlate. The applicant on 29 August 2014 submitted amended plans and amended the description to 4 apartments.

Further amended plans were received on 7 October 2014 after discrepancies were found between the plans.

A statement was received from the applicant advising that the guest house was in need of modernisation and, given the seasonal trade, this is not a viable option.

### **CONSULTATION RESPONSES**

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

Notified on 14th March 2014

Object to the proposal for the following reasons:-

'Loss of service to tourism. Only tourism facility in the area. Loss of comfort facilities. Suggestion to utilise Regulation 106 Agreement to ring-fence money for public toilets in Beach Road, Newton.'

#### **Cllr K Watts**

Raised the following concerns on the application:-

'Whilst I have no objections to the proposed flats per se I do have concerns that should they be approved a busy tourist area of Porthcawl will be without any kind of cafe or hot food outlet for the many visitors to the area. What is also of concern is that at the moment Blue Seas allow non customers to use their toilets under the BCBC scheme. Should this facility be lost we shall return to areas of the dunes being used as a public toilet. If planning permission is given could a 106 payment be sought to provide a public toilet in the vicinity.'

**Head Of Street Scene (Highways)**

Has no objection to the proposal subject to conditions.

**Group Manager Regeneration**

Consider that the loss of the guesthouse would have a negative impact on Tourism in Porthcawl.

**Group Manager Public Protection**

Has no observations to make on the proposal.

**Natural Resources Wales**

Advised that, while they have concerns in relation to the application, as this is a change of use application and there is existing sleeping accommodation at ground floor level, there is no objection raised.

**Head Of Street Scene (Drainage)**

Advised that NRW should be contacted.

**REPRESENTATIONS RECEIVED**

**Mrs Merle Gregory, 70 Beach Road**

Raised the following concern to the application:-

'On taking a close look at the amended plans submitted we realise that there is a balcony proposed at the front (room above existing kitchen) which will have a clear view of our back yard area. Already there has been a balcony added at the back when previous alterations were made.

We objected to that but nothing was done about it. Please come and have a look at our concerns at the current proposed plans.'

**P Schmidt, 74 Beach Road**

Object to the proposal as it is considered to infringe privacy standards.

**COMMENTS ON REPRESENTATIONS RECEIVED**

In regard to the comments relating to balconies, Note 6 of Supplementary Planning Guidance 02: Householder Development (SPG02) states 'An extension should respect the privacy of neighbouring house.' Para 4.6.5 continues 'Balconies often cause the greatest difficulty, but sideways facing windows can also be undesirable. If a balcony is proposed it should be located or screened to prevent or minimise overlooking.'

Whilst the proposed balconies will allow for angled views over the neighbouring properties and garden areas, a condition shall be attached to any consent granted requiring obscure screens to be erected along the sides of the proposed balconies to ensure that privacy standards are maintained.

Whilst, the existing business allows the public to use the toilet facilities at the premises and the

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

proposed development would result in the loss of this facility, it is not considered reasonable to expect the landowner to contribute towards toilet facilities in the area as the lack of such facilities is an existing problem. Furthermore, the landowner could, at any point, cease the agreement with the Council to allow the toilet facilities to be used by the public.

The loss of a tourism facility is addressed in the 'Appraisal' section of this report.

### **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objection received from Porthcawl Town Council.

The application seeks planning permission to change the use of the ground and first floor of this guest house and café into 4 two bedroomed residential apartments.

The application site is located within the settlement boundary of Porthcawl as defined by Policy PLA1 of the adopted Local Development Plan (LDP). The application site itself has no specific allocation in the LDP.

The application is located within the settlement boundary of Porthcawl and, as such Policy COM3 of the LDP is applicable. Policy COM3 states:-

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

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

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

With regard to the mansard roof, this will replace an existing pitched roof which is 0.5m lower than the proposed roof. The proposed roof will be some 2.5m from the property to the north, 70 Beach Road, will slope at an angle away from No. 70 and replaces an existing flat roof dormer. As such, the proposed mansard roof is not considered to adversely affect the residential amenities of 70 Beach Road.

In terms of the impact on 68 Beach Road the Mansard roof will be some 3.5m from the boundary with No. 68, and as the roof slopes away from No. 68, the roof is not considered to adversely affect the residential amenities of 68 Beach Road.

With regard to privacy, the development proposes a number of balconies and in order to overcome any infringement of privacy standards, a condition shall be attached to any consent granted requiring a scheme for the provision of obscure screens on the sides of the proposed balconies.

The balcony to the northern elevation, will be within close proximity to the side elevation of 70 Beach Road, however, as it is set some 5m back from the balcony at No.70, it is not considered

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

to adversely affect the residential amenities of this property to such an extent as to warrant refusal of the scheme.

Whilst the internal arrangement of the existing property will be altered, the scheme does not propose any additional habitable room windows on the side elevations facing the neighbouring properties. There are no habitable properties directly to the rear or to the front of the property and, as such, the proposed development is not considered to adversely affect privacy standards.

In terms of visual amenities, the proposed mansard roof will match the existing roof form on the building to the rear and is, therefore, considered to be acceptable within the street scene. There are a number of balconies proposed on the front elevation and, as balconies are a common feature along this element of Beach Road, it is considered that the proposed balconies are acceptable in terms of visual amenities. In order to ensure that the materials used in the external surfaces enhance the visual amenities of the area a condition shall be attached to any consent granted requiring details of the external materials to be submitted to and agreed in writing by the Local Planning Authority.

The proposed development will result in the loss of a tourism and café facility in the area. Policy REG13 of the LDP seeks to protect existing Tourism Accommodation and states:-

'The loss of serviced and self catering tourist accommodation will be permitted only if:

1. Its loss would not adversely affect the range and quality of tourist accommodation available within the locality and/or the County Borough.
2. It can be demonstrated that there is no long term demand for the property to be used for tourist accommodation.
3. It can be demonstrated that the building is no longer suitable or viable for tourist accommodation. '

Whilst the development will result in the regrettable loss of a tourism facility, the applicant has indicated that this would be the case regardless of whether planning permission is obtained or not, as he has indicated that he intends to retire in the near future and will be ceasing the commercial operations at the property. Therefore, as the use will extinguish, at the control of the landowner, it is not considered that the Local Planning Authority can refuse the application on the grounds of the loss of a tourist facility as the facility would be lost in any case due to the imminent retirement of the applicant. The continued use of the premises for accommodation purposes is, therefore, not within the control of the Local Planning Authority.

Furthermore, the applicant has advised that a number of the rooms in the guesthouse share a bathroom and, in order to update the facilities, a large amount of capital would have to be invested, which is not a viable option for the business given the seasonal trade and the difficulties encountered sustaining the business. It is not considered that the loss of the guesthouse will materially affect the provision of service accommodation in Porthcawl.

Also, the site is located in a predominantly residential area and the proposed use is not incompatible with the general character of the area.

The application site is partly located within a Zone C1 flood zone and is wholly within a Zone C2 flood zone as defined by the Development Advice Maps issued by Welsh Government. The proposed development includes a ground floor apartment with sleeping accommodation, however, Natural Resources Wales have assessed the scheme and have not objected to the development as the existing arrangement on site includes two single storey bungalow style buildings to the rear of the site with sleeping accommodation and, as the proposed development



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

will not result in any increase in the amount of ground floor sleeping accommodation at the site, the situation remains unchanged. Whilst, there is no objection to the development from NRW as the development does not propose a net increase in ground floor sleeping accommodation, a note shall be attached to any permission granted encouraging the developer to incorporate flood protection measures.

A Shoreline Management Plan (South Wales) covers the application site. The plan includes an early warning system to the potential of flooding and the application site is located in an area which is covered by the early warning system.

Whilst determining this application Policies COM3 & EV45 of the Bridgend Local Development Plan and Notes 1, 2, 6, 10, 11, 12 & 14 of Supplementary Planning Guidance 2 were considered

### **CONCLUSION**

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

### **RECOMMENDATION**

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

- 1** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3 of 4 'Rev B' and 4 of 4 'Rev B' received on 7 October 2014.

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

- 2** No development shall commence on site until a scheme detailing obscure and solid screens to be erected along the sides of the balconies hereby approved has been submitted to and agreed in writing by the local Planning Authority. The scheme shall include details of the positions, dimensions and materials of the screens. The screens shall be implemented as agreed before the respective flat is brought into beneficial use and retained in perpetuity.

Reason: In the interests of residential amenities

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

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

- 4 Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 11 off street parking spaces and associated turning areas has been submitted to and agreed in writing by the Local Planning Authority. The parking and turning areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use and shall be retained for parking and turning purposes in perpetuity.

Reason: In the interests of highway safety.

- 5 No development shall commence until a scheme for permanently stopping up the proposed redundant vehicular access abutting Beach Road and reinstating the vehicular crossing as footway has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to any part of the development being brought into beneficial use.

Reason: In the interests of highway safety

- 6 Notwithstanding the submitted plans, the retained vehicular access shall be widened to not less than 4.5m in order to serve the proposed development. The works shall be completed in full prior to any part of the development being brought into beneficial use.

Reason: In the interests of highway safety

- 7 There shall be no entrance gates erected across the retained vehicular.

Reason: In the interests of highway safety.

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

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

b) The developer is advised that each parking space must be a minimum of 2.6m wide x 4.8m long.

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

d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area at Bridgend County Borough Council, Angel Street, Bridgend or by

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

telephone on 01656 642541.

e) The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

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 developer is urged to consider the advisory information on this application that has been received from consultees and in particular the comments received from Natural Resources Wales regarding risk from Coastal Flooding, which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

---

<b>ITEM:</b>	<b>2</b>	<b>RECOMMENDATION : GRANT WITH CONDITIONS</b>
<b>REFERENCE:</b>	<b>P/14/714/FUL</b>	
<b>APPLICANT:</b>	MR JUSTIN GRIFFITHS 11 CARN WEN BROADLANDS BRIDGEND	
<b>LOCATION:</b>	<b>LAND ADJACENT 11 CARN WEN BROADLANDS BRIDGEND</b>	
<b>PROPOSAL:</b>	DOUBLE GARAGE (TO SERVE No.11) WITH SELF CONTAINED FLAT ABOVE (EXISTING SINGLE GARAGE TO SUPPORT NEW FLAT)	
<b>RECEIVED:</b>	27th October 2014	

### **APPLICATION/SITE DESCRIPTION**

The application seeks planning permission to erect a double garage with a self-contained flat above. The proposed building will measure 11m x 6m, will be finished with a pitched roof reaching a maximum height of 6.7m and will include two modest dormer windows to the front elevation. The proposed development will accommodate a day room, a w.c. and a double garage at ground floor level and a kitchen/dining room, 2 bedrooms and a bathroom at first floor level. The flat will be accessed via the door on the front elevation and will be served by a private garden area.

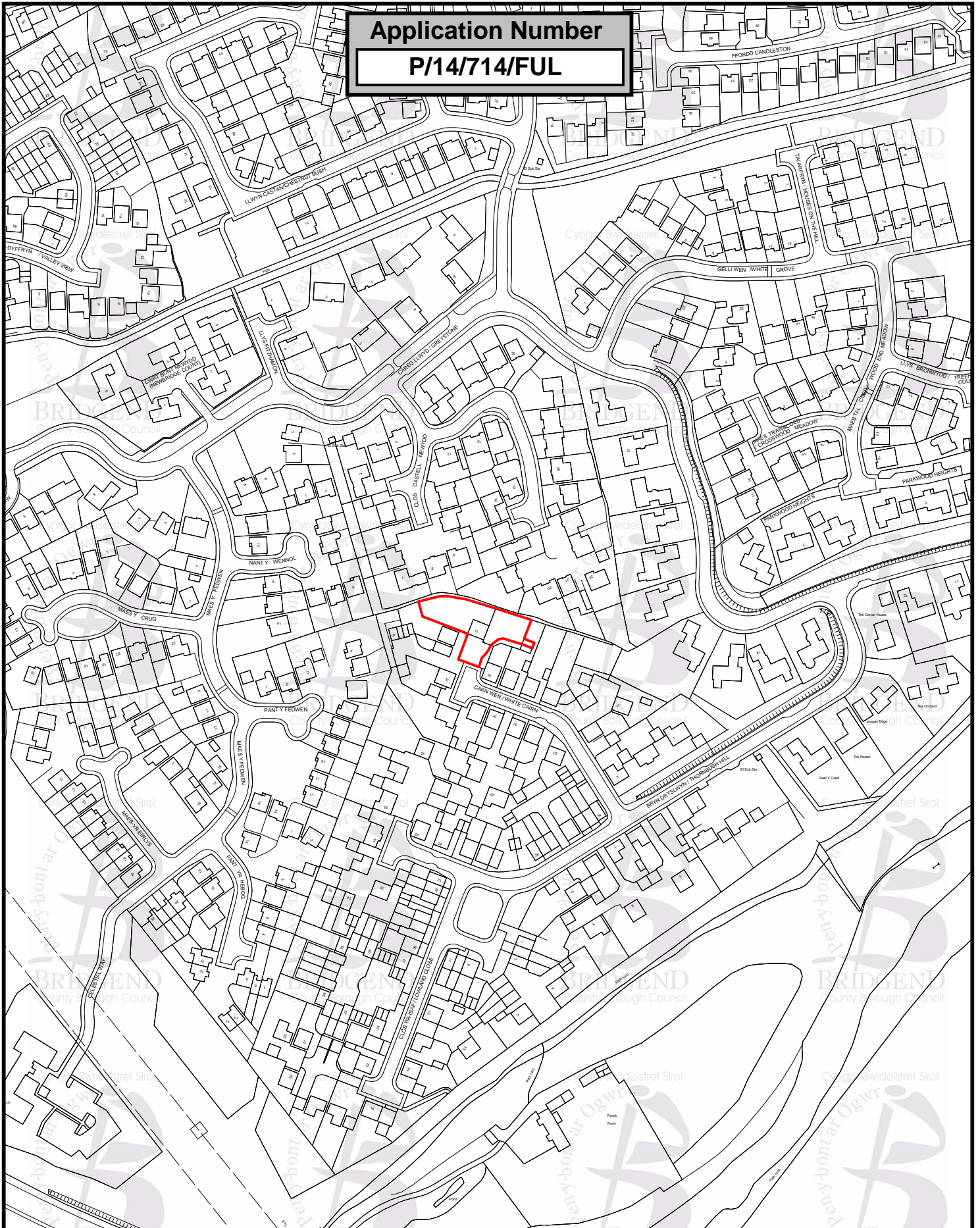
11 Carn Wen currently uses the single garage to the east of the site, the turning head and the parking space to the front of 11 Carn Wen to park vehicles. The existing garage and parking space adjacent to the garage will be used to serve the proposed flat and the proposed double garage and existing parking space to the front of 11 Carn Wen will be used to serve No. 11.

The application site is located at the head of a cul de sac serving Carn Wen in the Broadlands housing estate, Bridgend.

### **RELEVANT HISTORY**

Application Number

P/14/714/FUL



Scale 1:2500

Date Issued:  
04/12/2014

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  
(2014) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2014) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

None

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 2 December 2014.

### **NEGOTIATIONS**

The agent was requested to provide a plan identifying trees to be removed and to remove the proposed French doors and balcony at first floor level and replace them with a window in order to reduce the impact of overlooking. The amended plans were received on 2 December 2014.

### **CONSULTATION RESPONSES**

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

Notified on 29th October 2014

Provided the following comments on the application:-

'Laleston Community Council considered the application and came to the conclusion that it looked rather complicated.

I am directed to request that this application be considered after a local site meeting. This should allow our local County Borough Members to see the site and have the guidance of Planning Officer on site.'

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

Has no objection to the development.

#### **Destination & Countryside Management**

Verbally advised that a Bat Survey is not required.

#### **Welsh Water Developer Services**

Advised on sewerage.

#### **Natural Resources Wales**

Has no objection to the proposal.

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

Requested a condition be attached to any permission granted.

### **REPRESENTATIONS RECEIVED**

#### **Alan Marsh, 14 Carn Wen**

Supports the proposal.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

### **Mr I And Mrs L Porter, 17 Carn Wen**

Supports the proposal and provides the following comments:-

'I own number 17 Carn Wen, which is opposite number 11 & the proposed new development. I can't think of any reason why this development should not go ahead, as it is set back from the road & will have little or no effect on the surrounding properties.'

### **Paul Curryer, 12 Carn Wen**

Supports the proposal.

### **Julian & Sarah Arthurton, 19 Clos Castell Newydd**

Supports the proposal and provides the following comments:-

'Have discussed with Applicant desire for 1.5/2 foot gap from our boundary / our garden decking rail to new rear wall of build plus possible need for small retaining wall on Applicants adjoining boundary to ensure no land slip from where our decking posts are situated due to dig out / levelling of site required for build. Happy in general otherwise and no issues with velux roof windows on rear of build roof.'

### **David Smith, 10 Carn Wen**

Objects to the proposal and has requested to speak at the Development Control Committee meeting.

The objection is summarised as follows:-

- Loss of trees and green buffer zone between dwellings
- Loss of privacy
- Overshadowing
- Increase in on-street parking
- Increase in noise
- Restriction to parking area for No. 10 Carn Wen during the construction period
- The coach house at 14 Carn Wen, differs from the proposed dwelling, in that it is on level land and has a large area directly to the front.
- Drainage
- Parking and highway safety
- Risk to Bats and biodiversity

The full objections can be viewed at the reception area of the Civic Offices.

### **Colin Tutton, 9 Carn Wen**

Objects to the proposal and has requested to speak at the Development Control Committee meeting. The objects are as follows:-

- 'Loss of Privacy

The garden buffer and all the big trees are to be removed to make way for the new structure and the garden thereof. This means a total loss of privacy from our back garden the felling of the trees also means the wild life population will be lost, birds, squirrels, bats etc.

Not only will be overlooked by the new structure the windows etc. face east, therefore, overlook our back garden and the back of the house. Also once the trees are felled the properties behind will be in view so again will overlook our property.

Obviously the building of the structure will cause much disruption but also worrying id the infrastructure or drainage/sewerage. '

### **Fay Nevens, 20 Clos Castell Newydd**

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

Objects to the proposal and has requested to speak at the Development Control Committee meeting. The objects as follows:-

- '1. I had a measured boundary survey in July 2014 by a professional surveyor, which confirms my legal boundary lies beyond my picket fence almost 2 metres into the tree-line. The plans show the new structure as abutting my picket fence, which is well within my legal boundary.
2. According to my professional survey, the trees, which form the natural barrier between the properties, were a condition on the original development.
3. I believe the work would be a threat to the wildlife currently inhabiting the adjoining boundary.
4. Loss of privacy from back of house and back garden as the trees currently provide the privacy between the separate houses and gardens.
5. The proposal would likely cause damage to root structures of remaining trees, which could make them dangerous.
6. I believe my entire garden would be overlooked by the upstairs window of the proposed side elevation, even if a fence was erected along the boundary.'

### **L Watts, 8 Clos Castell Newydd**

Objects to the proposal and provides the following comments:-

'I object to the proposal due to noise and disturbance including traffic (engine noise) coming & going. As a whole I feel the area will be affected with possible removal of cutting down of trees & bushes.

I am particularly worried about green area at back of my property (at side of 11 Carn Wen) which proposer tells me he now owns? I would be extremely grateful for confirmation on this aspect of my objection. '

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The agent was advised that a claim was made in regard to land ownership and a Certificate B was submitted to the Local Planning Authority on 11 November 2014.

In regard to the claim from 8 & 20 Clos Castell Newydd the applicant has verbally confirmed that the land, other than the shared access, is within his ownership.

The Land Drainage Officer has assessed the scheme and considers it acceptable subject to a condition.

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety and parking provision as the proposal will retain 3 spaces for 11 Carn Wen and 2 spaces for the proposed flat. The turning facilities are unaffected and the existing parking arrangements for 10 Carn Wen remain as existing.

The Land Drainage Officer and Welsh Water have assessed the scheme and consider it acceptable subject to a condition.

With regard to the comments relating to the lack of a turning head as vehicles are parking in this

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

position, this is a private matter occurring on private land and is outside of the remit of planning. The matter is a private matter between the parties involved.

The Council's Ecologist has verbally advised that the development is acceptable in terms of biodiversity and ecology and a bat survey is not required.

With regard to the removal of trees, a condition was attached to the original planning permission for the site to the north (P/98/1073/RES refers), which required written consent from the Local Planning Authority prior to the removal of the trees from the northern boundary of the site. The submission of this application is considered as a written request for prior consent from the Local Planning Authority for the removal of some of the trees. The trees do provide some visual amenity value but are not prominent from any public positions and, during the site visit, it was noted that the trees were not of a high quality. As such the removal of the trees is not considered to be so harmful to the visual amenities of the area to warrant refusal of the scheme.

Furthermore, none of the trees are protected by a Tree Preservation Order.

Whilst the removal of trees will allow for views between Carn Wen and Clos Castell Newydd, the distance between gardens and dwelling houses will be in excess of the distances suggested in Supplementary Planning Guidance 02: Householder Development, i.e. 10.5m from dwellings to garden boundaries and 21m between facing habitable room windows.

The concern expressed regarding disruption and restricted access to parking during the construction phase is not a reason to refuse planning permission as this is for a short time only and any potential restricted access is a private matter.

The case officer is aware of the conservatories at the properties to the rear from carrying out a desk based survey of the site and they were evident during the site visits.

Loss of view is not a material planning consideration.

The impact of the development on residential and visual amenities is addressed in the 'Appraisal' section of this report.

### **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objections received from local residents.

The application seeks planning permission to erect a double garage with a self-contained flat above.

The application site is currently an area of trees and plants located to the north of a shared access drive serving the garages of 10 & 11 Carn Wen. The area was originally a planting and tree band between Carn Wen and the residential development to the north, Clos Castell Newydd. A condition was attached to the consent which restricted the removal of trees along the application site boundary without the prior written consent of the Local Planning Authority. The application includes the removal of several trees and planting within the site but the retention of trees along the north eastern boundary of the site.

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



Policy COM3 states:-

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

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

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

The formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008), sets out objectives that define what is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application and in particular Notes 1,2 6 & 8.

Note 1 of SPG02 states 'No extension should dominate the outlook of an adjoining property.' In this instance there is a dwelling house located to the rear and a dwelling house located to the front of the proposed development, which could potentially be affected by the proposed development. With regard to the dwelling house to the front, 10 Carn Wen, this is located some 20.5m to the south of the proposed development, which is well in excess of the 10.5m distance between habitable room windows and neighbouring boundaries which is recommended by Note 1. As such the proposed development is not considered to dominate the outlook of 10 Carn Wen to such an extent as to warrant refusal. With regard to the property to the rear of the proposed development, 19 Clos Castell Newydd, the proposed development will be located some 9m from the dwelling house and will be set at a right angle to No.19. As such the proposed development is not considered to dominate the outlook from No. 19 to such an extent as to warrant refusal of the scheme. Furthermore, 19 Clos Castell Newydd is on a higher level than the application site, which will further minimise any dominating impact.

Note 2 of SPG02 states 'No extension should unreasonably overshadow adjoining property.' The proposed development will be some 20.5m to the north of 10 Carn Wen and, as such, will not cause any overshadowing to No. 10. With regard to the impact on the properties to the rear, the proposed building will be located due south of 19 Clos Castell Newydd and south west of 20 Clos Castell Newydd. The development will cast a shadow over small elements of the garden areas serving these properties, however, these areas are already overshadowed by the existing boundary trees which will be removed to accommodate the proposed development. As such, the proposed development is not considered to exacerbate the existing overshadowing situation to an unacceptable degree.

The proposed development will be located to the north east of the rear elevation and garden area of the applicant's property, 11 Carn Wen, however, as the development will be located to the north east and there are no habitable room windows on the rear elevation, shown on the original plans for 11 Carn Wen, the proposed development is not considered to cause any overshadowing to 11 Carn Wen. Note 6 of SPG02 states 'An extension should respect the privacy of neighbouring houses.' The proposed development does not propose any habitable room windows directly facing habitable room windows in neighbouring properties at a distance less than 21m.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

The proposed development includes habitable room windows on the front elevation which are in excess of 10.5m from the boundary of 10 Carn Wen and, consequently, the proposed development is not considered to infringe the privacy standards of No. 10.

The development proposes a first floor window on the side elevation facing the north eastern boundary of the site. The distance between the first floor window and the boundary is 7.9m, which is less than the 10.5m suggested by Note 6 of SPG02. The window will overlook an area which appears to be owned by 9 Carn Wen. This area, although owned by No. 9, does not appear to be used as recreational amenity space and forms part of the planting/tree band between Carn Wen and Clos Castell Newydd. Whilst the distance between the boundary and the window does not strictly meet the guideline in SPG02 of 10.5m, as the window is overlooking an area which is not being used as a recreational garden, it is not considered that the application can be refused for this reason as it will not infringe privacy standards.

The proposed first floor window on the side elevation may also have angled views over 20 Clos Castell Newydd, however, as the views will be at an angle and will only overlook a small side element of the side garden serving No. 20, it is not considered that privacy standards are being infringed to such an extent as to warrant refusal of the scheme. Furthermore, trees are to be retained at this location which will act as a screen between the two properties.

With regard to the impact of the development on the visual amenities of the area, a condition shall be attached to any consent granted requiring details of the materials to be submitted to and agreed in writing by the Local Planning Authority. Additionally, it was noted, during the site visit, that there is a similar development on the shared driveway to the rear of 12 Carn Wen and, as such, this style of development is not uncommon in the immediate street scene and is considered acceptable.

The proposed residential unit will be served by an adequate level of amenity space and off-street parking facilities.

In order to ensure that residential amenities of the both the neighbouring properties and the future occupiers of the development are protected a condition shall be attached to any consent granted restricting permitted development rights.

Whilst determining this application Policies PLA1, COM3 & SP2 of the Bridgend Local Development Plan and Notes 1, 2, 6,8,9,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

### **CONCLUSION**

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

### **RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

and documents: plan numbers 1439-P01 Rev A, 1439-P02 Rev A, 1439-P03 Rev A & 1439-P04 Rev B .

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

- 2** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B , C , D , E & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

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

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

- 4** No development shall take place 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 and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason : To ensure that the general amenities of the area are protected.

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

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

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

Reason: In the interests of visual and residential amenities

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) This application is recommended for approval because the development complies with

**DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) In order to satisfy condition 5 the following supplementary information is required:-

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

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

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

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

f) 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>

---

<b>ITEM:</b>	<b>3</b>	<b>RECOMMENDATION : SECTION</b>
<b>REFERENCE:</b>	<b>P/14/618/FUL</b>	<b>106</b>
<b>APPLICANT:</b>	LINC CYMRU HOUSING ASSOCIATION LTD 387 NEWPORT ROAD CARDIFF	
<b>LOCATION:</b>	<b>LAND AT MADOC CLOSE BRACKLA</b>	
<b>PROPOSAL:</b>	CONSTRUCT EIGHT SINGLE BEDROOM APARTMENTS	
<b>RECEIVED:</b>	12th September 2014	
<b>SITE INSPECTED:</b>	22nd October 2014	

**APPLICATION/SITE DESCRIPTION**


Members will recall that the application was originally referred to Committee on 13th November, 2014. Following a Full Committee Site Inspection, which took place on 12th November, 2014, Committee resolved to defer consideration to enable further investigation of the use of the application site and the availability of alternative facilities in the area.

Attached for information is an aerial photograph (Appendix A) identifying the application site and

**Application Number**

**P/14/618/FUL**



W  E  
S

**Page 29**

**Scale 1:2500**

---

**Date Issued:**  
**04/12/2014**

---

**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  
(2014) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2014) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol  
Teyrn-bont ar Ogwr



**BRIDGEND**  
County Borough Council

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

showing the relationship with the areas of open space previously identified in the Appraisal Section of the earlier Committee Report and labelled B, C and D. The woodland area, labelled E, also provides opportunities for informal play together with an equipped area further east and to the north of Brackla Primary School.

The application proposes the construction of eight one bedroom flats on land, currently open space laid to grass, on the southern side of the road and adjacent to the turning head for the cul-de-sac, known as Madoc Close, Brackla, Bridgend.

The development has been designed as four two storey buildings, each of which will accommodate two flats, one on the ground floor and one at first floor level. The buildings are arranged in pairs which are linked by the entrances to the upper flats. One pair of buildings will be located just under 3m from the western site boundary and 1.75m behind the back edge of the footway at Madoc Close. This building will have an overall length of 19m by 7.75m wide with a hipped roof reaching 7.9m in height. The two flats (Flat 1 & 2) in the northernmost section of the building have been orientated to face eastwards onto the parking court although there will be a bedroom window at both ground and first floor levels in the northern elevation facing Madoc Close and the main entrance and bathroom window to the ground floor flat in its southern elevation. The southern two units (Flats 3 & 4) have a north-south orientation with the entrance to the ground floor flat in the northern elevation of this section of the building. Each flat will comprise an entrance hallway, kitchen, living/dining room, bedroom and bathroom.

The second building will be set at approximately right angles to the first building and approximately 14m back from the footway. The building will measure 18.5m by 9m at its widest reducing to 8m with the main roof designed with a hip reaching 7.9m in height. The accommodation provided in each of these flats will be similar to that of Units 1-4 but with a slightly larger living/dining area.

A parking court is to be provided containing 8 parking spaces and accessed from the southern side of the turning head of Madoc Close. On the eastern side of the parking area, a building measuring 6.8m by 3.5m widening at its southern end to 3.75m with a gable roof reaching 3.6m in height will provide a bin store to serve the proposed development. Timber entrance gates are to be located in the northern and southern elevations of this structure. The submitted drawings include a bicycle storage area for 8 bikes located between Units 7 & 8 and the eastern site boundary. The allocated private amenity space to serve the development is located to the south of the proposed buildings and includes a paved area and a rotary washing line for each unit.

The buildings are to have interlocking concrete roof tiles and red clay rustic multi facing brickwork for the main walls with smooth red detail bricks at lintels and cills.

### **RELEVANT HISTORY**

None

### **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 14th October, 2014.

**NEGOTIATIONS**

On a point of detail, it was highlighted that there was a concern regarding the layout not complying with the Authority's privacy standard of 21 metres. The applicant's agent questioned whether a kitchen constituted a habitable room window in terms of the standard. It was suggested that the concern in respect of Units 1-4 could be relatively simply addressed by repositioning the building. In respect of Units 5-8 further consideration of a potential solution would be required and amended plans prepared in order to reposition windows. Amended plans were received on 31st October, 2014.

The amended proposals show the relocation of the block containing Units 1-4 1.3m to the north towards Madoc Close thereby ensuring the 21m distance between habitable rooms in the properties to the south in Glendower Close. The kitchen windows to Units 5 & 6 have been repositioned to the side elevation so that there are no habitable room windows facing south in this block. With regard to Units 7 & 8, an oriel window to the kitchen have been designed to prevent any views directly across to the east.

**CONSULTATION RESPONSES**

**Town/Community Council Observations**

Notified on 16th September 2014

**Councillor J C Spanswick**

This application needs to be reported to committee as I have some concerns with an application to build on an area of open space which once contained a play area.

**Head Of Street Scene (Highways)**

It is noted from the submitted drawings that the proposed bicycle storage accommodates sufficient bicycle parking to serve the development but its location in the garden area of one of the blocks does not make it convenient or accessible to the residents of the other blocks. It is therefore suggested that a condition be included to require a revised scheme of cycle parking to enable a more appropriately located suitable arrangement of cycle parking facilities. It is considered that subject to conditions there are no Highway objections.

**Head Of Parks & Playing Fields**

As the development is small and does not affect the provision of open space and children's play facilities there are no objections to the proposed development.

**Natural Resources Wales**

No observations although copies of standard advice are provided for the developer's information

**Welsh Water Developer Services**

In the event that the Authority is minded to grant planning permission for the development, it is requested that advisory notes are included within any decision notices issued in order to ensure no detriment to existing residents or the environment or to Dwr Cymru/Welsh Water.

**Head Of Street Scene (Drainage)**

The application includes a proposal to discharge foul drainage to the main sewer and dispose of surface water by means of a sustainable drainage system and/or soakaway drains. Records confirm that there are both foul and surface water public sewers adjacent to the site and therefore it is recommended that the developer contact Dwr Cymru/Welsh Water Network

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

Development Services to discuss connections. It is anticipated that any surface water discharge will require attenuation to greenfield run off. It is likely that the applicant will be required to enter into agreements with Dwr Cymru/Welsh Water prior to being permitted to connect to the public sewer network.

Any proposal to utilise infiltration drainage will require a specialist geotechnical report in support of the proposal due to the potential for the formation of solution cavities. Subject to an appropriate supporting report, there may be options to utilise permeable paving to surrounding paths and car parking areas to limit discharge to the public sewer network.

In view of the uncertainty in respect of drainage issues, it is recommended that a condition requiring the submission of a comprehensive and integrated scheme of drainage be included within any decision granting consent for the development. A guidance note clarifying the supplementary information required to satisfy the suggested condition is also recommended.

### **REPRESENTATIONS RECEIVED**

#### **Mrs Ward, 21 Glendower Close**

We object but do not register a request to speak at Committee. The reasons are outlined below:

We object due to privacy, it is proposed for outside our back fence. It will have an effect on the tenants of Arosfa (Home for the Elderly & Disabled) and it's not very accessible as its one way in and out for all residents. It is going to take away a playing area for the young children of the immediate area. Up to now, parents know they are safe to play. It will become a danger due to the level of traffic with lorries and all other machinery needed for building.

With privacy in mind, I don't think it fair to open my bedroom curtains to find someone staring back at us and also not knowing what kind of people will be housed there.

#### **Claire Stephens, 22 Glendower Close**

Objects to the proposal for the reasons outlined below and registers a request to speak at Committee:-

My garden gate leads out onto the playing fields. It's the only green in our area for children to play on. The height of the flats will give me no privacy in my garden as they will be built behind me. They will block my garden from the sun as a middle property I don't get much sun as it is, when they are built I'll have no sun at all. Madoc Close is a dead end street so I don't agree with all the lorries and extra traffic and noise which we'll receive from the build. I use my back entrance to go in and out of my property and I think the flats would put a stop to this.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents:-

Loss of Playing Fields - This issue will be considered fully in the following Appraisal section of the report.

Infringement of Privacy - Whilst the originally submitted proposals did not fully comply with the



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

Authority's privacy standard of 21m between directly facing habitable room windows, the scheme has been amended in the manner described in the Negotiations Section of the report. It is considered that the layout now does not infringe the above mentioned privacy standard.

Overshadowing - One resident in the properties to the south in Glendower Close considers that the proposed development will dominate and overshadow their property and garden. Given that the proposed flats are located to the north of the objector's home and set 21m distant, it is considered that the development will not result in domination or overshadowing of the objector's property. It is noted that due to the staggered building line in Glendower Close, Nos 24 & 25 will be just over 16m from Units 5-8 but again due to the orientation and the distance between the properties the impact will not be so significant as to warrant refusal of the scheme. For clarification, this assessment has been based on the guidance contained in the Authority's SPG 2 Householder Development, which explains that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed development. In addition, for unreasonable domination to be demonstrable, the extension must be either:-

- (a) Higher than a line, perpendicular to the window wall rising at 25 degrees to the horizontal from the mid point of the affected windows, or
- (b) closer than 10.5 metres to the window.

Access - Objectors consider that Madoc Close is unsuitable to serve the proposed development and will cause problems for existing properties, in particular to Arosfa, a home for the elderly and disabled. Access is shown from the turning head of the cul-de-sac and parking facilities are provided within the site to serve the development. The Highways Department considers these provisions to be acceptable.

Disruption due to noise and lorries during the construction phase - Whilst it is acknowledged that there may be some disruption when building works are being undertaken, these will be for a temporary period only. Contractors can also be requested to adopt considerate working practice to minimise any impact on neighbouring residents.

Blocking of gateway - One resident in Glendower Close has a gateway from their rear garden into the application site. This is an informal arrangement that the occupier has created to facilitate access to the former play area. Whilst it is acknowledged that the development will result in the closure of this access, this is a matter to be resolved between the respective parties and is not considered to be material to the consideration of the planning merits of the scheme. It is also noted that there is already provision for pedestrian access to the rear of Glendower Close via an existing footway. This arrangement will not be affected by the development.

### **APPRAISAL**

The application is referred to Committee at the request of the Ward Member and to enable consideration of objections received from local residents.

The application seeks consent for the construction of eight one bedroom flats on land which is currently informal open space laid to grass on the southern side of the road and adjacent to the turning head for the cul-de-sac, known as Madoc Close, Brackla, Bridgend. The land slopes gently from north to south and is surrounded on three sides by existing residential properties with Madoc Close forming the northern site boundary. The surrounding area is characterised by two storey properties externally finished with facing brick and concrete roof tiles.

The site is located within the urban area of Bridgend as defined by Policy PLA1 of the Bridgend

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

Local Development Plan. In general terms it could be considered that the proposal represents an opportunity to develop under-utilised land within the urban area for residential development, which would be compatible with Policy COM3 of the Local Development Plan which states:-

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

In this case, the proposed development will result in the loss of an open area currently identified in the Children's Play Space Audit as a children's play space and, as such, Policy COM7 of the Local Development Plan should be considered. Policy COM7 states:-

"Proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area."

The application does not include plans to provide a facility of equivalent community benefit in accordance with criterion 1 and it is noted that the Children's Play Audit 2010 identifies Bridgend as having a deficit of children's play space. It is noted, however, that there is an area of open space in the nearby cul-de-sac of Heol Brynglas and other larger areas reasonably close at the junction of Clos y Wern and Teilos Drive and also at the head of Clos y Wern and Clos y Waun. It is therefore considered that, in this area of Brackla, there are alternative provisions in reasonable proximity to the application site. It is also noted that the development itself is aimed to accommodate tenants aged 55 and over therefore not generating additional need for children's play facilities. In addition the Parks and Playing Field Manager has raised no objection to the proposed development.

Research into the planning history of the site reveals that planning permission was granted for a residential development comprising 135 dwellings, which includes the application site, in 1992 (92/0641 refers). Condition 7 attached to the consent required that a play area, that corresponds to the application site, be seeded and planted prior to any of the dwellings being occupied. The applicant has confirmed that, subsequently in 1993, items of play equipment were installed on the land but these were removed in 1994 due to vandalism. Since that time, the area has been periodically maintained as an area of open space rather than constituting a formal play facility. With regard to the areas B,C and D, the applicant has advised that these areas are used in a similar manner to the application site but are owned and maintained by Wales and the West Housing Association.

In light of this additional information, it is considered that the site represents an area of open space albeit that due to its size and shape, it may have been used informally for play. Given that there is no longer any obligation on the landowners to make the land available to the public as a play area, as a result of the opportunity to pursue enforcement action in respect of the above mentioned condition having long since expired, it is open to the applicants to enclose the area and prevent any public access to the land without reference to the Local Planning Authority, provided any means of enclosure complies with provisions of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). In this regard, it is stressed that

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

the applicant has not expressed any intention to enclose the land but this advice is provided purely to clarify the current status of the land.

In these circumstances, it is considered that the proposed development is compatible with Policy COM7 in that suitable alternatives exist in reasonably close proximity and in view of the benefit of the site to the community being questionable particularly in terms of children's play. With regard to any potential to require a financial contribution for play facilities to compensate the community as part of the suggested Section 106 Agreement, there is no, Authority owned, children's play area in the close proximity to the site where the contribution can be used and, therefore, the proposal would fail to meet the tests for planning obligations as set out in Circular 37/97 as being either related to the development site or reasonable. There would also be the potential for the applicant to refuse enter into such a proposed agreement.

As such it is concluded that the development is compatible with Criterion 2 of the above Policy and there is no conflict with the adopted Local Development Plan.

In terms of design, Strategic Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by meeting the following criteria:-

1. Complying with all relevant national policy and guidance where appropriate;
2. Having a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and landscape character;
3. Being of an appropriate scale, size and prominence;
4. Using land efficiently by:
  - (i) Being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
  - (ii) Having a preference for development on previously developed land over greenfield land;
5. Providing for an appropriate mix of land uses;
6. Having a good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
7. Minimising opportunities for crime to be generated or increased;
8. Avoiding or minimising noise, air, soil and water pollution;
9. Incorporating methods to ensure the site is free from contamination (including invasive species);
10. Safeguarding and enhancing biodiversity and green infrastructure;
11. Ensuring equality of access by all;
12. Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
13. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
14. Make a positive contribution towards tackling the causes of, and adapting to the impacts of climate change; and
15. Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

The proposed development has been designed to resemble the surrounding residential development in terms of scale, appearance, layout and external finishes and incorporates adequate access and parking facilities. In this regard, the scheme is considered to be compatible with criteria attached to the Policy although conditions to ensure appropriate arrangements for foul sewage, waste and water, together with confirmation of the means of enclosure to minimise opportunities for crime and relocation of cycle storage facilities with other access and parking issues will be recommended.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

The application relates to the construction of eight single bedroom apartments and Policy COM5 of the LDP states that, where a local need is demonstrated, the Council will expect an appropriate element of affordable housing to be provided on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. Within the Bridgend, Pencoed and Hinterland area of the County Borough, the Authority will seek a market target of 20% affordable housing. Such affordable housing will be implemented through the use of appropriate planning conditions and/or obligations/agreements and/or through contractual agreements between the Council, developers and Registered Social Landlords. In this case, it is noted that the application has been submitted by a Registered Social Landlord. However, in the event that the applicant, Linc Cymru Housing Association Ltd, is unable to implement any consent for the development of eight apartments that the Council may be minded to grant and the dwellings become available on the open market then it would be appropriate for a 20% contribution to be sought. In this regard it is recommended that the applicant enter a legal agreement requiring that a minimum of 20% affordable housing be provided.

In view of the nature of the proposal it is not considered that it will generate any need for additional educational facilities.

In view of the above and notwithstanding the loss of the open space, it is considered that, on balance, the opportunity to develop an area of land for housing for which there is an established need is acceptable in terms of adopted development plan policy.

Whilst determining this application Policies PLA1, COM3, COM5, COM7, PLA4 & PLA11 of the Bridgend Local Development Plan and of Supplementary Planning Guidance 17 Parking Guidelines were considered.

### **CONCLUSION**

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

### **RECOMMENDATION**

(A) The applicant enter into a Section 106 Agreement to provide a minimum of 20% of the apartments on the site as affordable housing in accordance with the definitions contained in the Council's Supplementary Planning Guidance (SPG) 13 Affordable Housing

(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, as follows:-

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1869(04)100, 1869(04)101, 102, 103, 104, 105 & 106 .

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

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

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

- 3** 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 as such thereafter.

Reason : In the interests of highway safety.

- 4** No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as footway has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason : In the interests of highway safety.

- 5** The proposed means of access shall be laid out with vision splays of 2.4m by 25m to the west and a pedestrian vision splay of 1m by 1m in both directions before the development is brought into beneficial use and retained as such thereafter.

Reason : In the interests of highway safety.

- 6** No structure or erection exceeding 0.6 metres in height shall be placed within required vision splay areas at any time.

Reason : In the interests of highway safety.

- 7** No development shall commence until a scheme for the provision of 4 cycle parking stands has been submitted to and agreed in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter.

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

- 8** No development shall take place 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 and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason : To ensure that the general amenities of the area are protected.

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

Reason : To ensure the provision of effective drainage facilities to reduce the risk of flooding and/or pollution.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

(b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The developer is advised to contact the highway maintenance inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. (Telephone : 01656 642541).

(c) In order to satisfy Condition 9 in respect of drainage, the following supplementary information will be required:-

- \* Provide details of surface water disposal route, including confirmation of any third party agreements required, or
- \* Provide infiltration tests to confirm acceptability of any proposed soak-away and
- \* Provide a specialist geotechnical report to support any proposed infiltration system,
- \* Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system,
- \* Provide a timetable for its implementation, and
- \* Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

(d) The standard advice of the Natural Resources Wales is attached for the developer's information and consideration.

(e) The observations of Dwr Cymru/Welsh Water Developer Services are attached for the developer's information in respect of drainage, connection to the public sewerage system and provision of water supply.

**ITEM:**

4

**RECOMMENDATION : SECTION  
106**

**REFERENCE:**

**P/14/518/FUL**

**APPLICANT:**

SANDROCK DEVELOPMENT LTD  
C/O ASBRI PLANNING LTD. UNIT 9 OAK TREE COURT CARDIFF GATE  
BUSINESS PARK CARDIFF

**LOCATION:**

**LAND OFF TYTHEGSTON CLOSE PORTHCAWL**

**PROPOSAL:**

DEVELOPMENT OF 4NO. DWELLINGS, PROVISION OF OPEN SPACE  
AND ASSOCIATED WORKS

**RECEIVED:**

30th July 2014

**SITE INSPECTED:**

27th August 2014

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

The application seeks planning permission to erect 4 detached dwellings on this parcel of open space at the head of Tythegston Close, in the Nottage Mead housing estate, Porthcawl.

The application site was originally part of a development for 25 dwellings, granted planning permission in 1989 (89/1695 refers). The approved plans for this development area identified the application site as an area reserved for public open space. The site is open, unmaintained land in private ownership.

The application proposes 1 two bedroom dwelling, 2 three bedroom dwellings and 1 four bedroom dwelling, with associated amenity space, garages and off street parking. The application also includes an area measuring approximately 250sq m of public open space.

The proposed two bedroom dwelling will measure 5.78m x 4.05m and will be finished with a pitched roof reaching a maximum height of 7.4m.

The proposed 3 bedroom dwellings will each measure 6.35m x 4.85m and will be finished with a pitched roof reaching a maximum height of 6.65m.

The proposed 4 bedroom dwelling will measure 5.78m x 9.4m and will be finished with a pitched roof reaching a maximum height of 6.5m.

The dwellings will be accessed via a private drive off Tythegston Close.

#### **RELEVANT HISTORY**

**P/10/180/FUL**

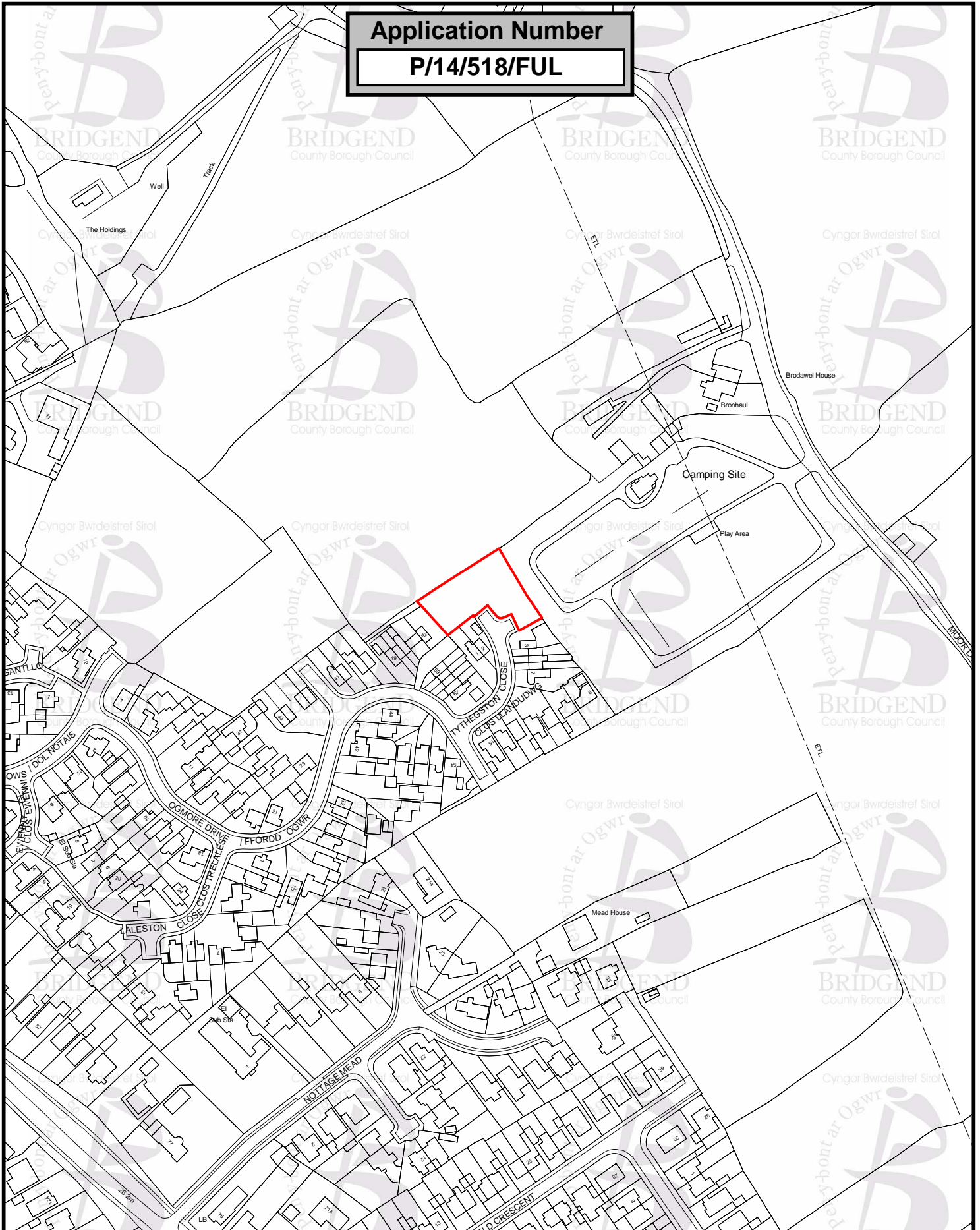
REFUSED

29-04-2010

CONSTRUCTION OF 8NO. DWELLINGS (SEMI-DETACHED AND LINK) & ASSOCIATED  
DRAINAGE

**Application Number**

**P/14/518/FUL**



**Scale 1:2500**

**Date Issued:  
04/12/2014**

**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  
(2014) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2014) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Siro





**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 and publicity expired on 28 October 2014.

**NEGOTIATIONS**

The agent was advised of a series of concerns in relation to the proposed layout. Amended plans were received on 7 November 2014.

**CONSULTATION RESPONSES**

**Town/Community Council Observations**

Notified on 5th August 2014

Has no objection to the proposal.

**Head Of Street Scene (Highways)**

Has no objection to the proposal subject to a condition.

**Head Of Street Scene (Drainage)**

Requested that a condition be attached to any permission granted.

**Head Of Parks & Playing Fields**

Has no objections to the proposal

**Welsh Water Developer Services**

Advised on sewerage.

**Group Manager Public Protection**

Requested that a site investigation condition be attached to any permission granted.

**Natural Resources Wales**

Has no objection to the proposal.

**REPRESENTATIONS RECEIVED**

**Mr Steele, 6 Tythegston Close**

Has no objection to the proposal and raised the following comments:-

'In principle I have no objection to the proposed build.

My concerns relate to the highway to the development. Link houses such as mine have single driveways, visitors parking on the road to the front of the property. The current turning arrangement should either be improved or designate as 'no parking' the latter option will narrow

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

the road access significantly in my opinion. '

### **Neil & Alison Jordan, 10 Tythegston Close**

Object to the proposal and have requested to speak at the Development Control Committee meeting.

The objection is as follows:-

'We are objecting to the planning application for the following reasons:-

- 1 Our current drainage system is inadequate and any further strain would cause further more frequent blockages
- 2 The overgrown area should be adopted as a play area for the children on the estate.
- 3 The road which ends at Tythegston Close is a turning area and the additional parking would cause congestion as there is only one way in and out of this estate.
- 4 The last planning application was rejected a few years ago after a lot of hard work put in by the local residents together with a petition signed overwhelmingly rejecting the building of any more developments in this area'

### **Chris Jenkins, 9 Tythegston Close**

Objects to the proposal for the following reasons:-

'Site has planning for Children's play are. Approximately 300 children live on the one road in, one road out estate with NO Play area (children now play in the road).Nearest park is across a very West Road to Anglesey Way. Drainage, parking and access are already a problem on the estate-blocking with lorries throughout the busiest times of day (work and school run) will be horrendous. The area Cannot cope .A children's park is needed-it is the safest place on the estate for one, as planning have already agreed...'

## **COMMENTS ON REPRESENTATIONS RECEIVED**

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

The Land Drainage Officer and Welsh Water have assessed the scheme and consider it acceptable in terms of drainage subject to a condition.

The loss of an area of public open space is addressed in the 'Appraisal' section of this report.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objections received from local residents.

The application seeks planning permission for the erection of 4 detached dwellings on this parcel of open space at the head of Tythegston Close, Porthcawl. The development also includes the provision of 250 sq m of public open space.

Planning permission was refused in 2010 for a residential development of 8 dwellings on the site (P/10/180/FUL refers) for the following reasons:-

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014**

1. The proposed layout is poor as it fails to maintain a reasonable standard of privacy between dwellings contrary to Policies EV45 and H5 of the Bridgend Unitary Development Plan.
2. The proposed development would result in the loss of a recreation facility which would be detrimental to visual and residential amenity contrary to Policies EV45, RC3 and RC5 of the Bridgend Unitary Development Plan.

The current application differs from the 2010 application, in that 4 dwellings are proposed and the application also includes the provision of an area of public open space.

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

Policy COM3 states:-

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

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

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

The formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008), sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application and in particular Notes 1,2, 6 & 8.

Open countryside is located adjacent to the northern and western boundaries of the site and, as such, the dwellings on plots 1 & 2 of the proposed development are not considered to raise any overriding concerns in regard to residential amenities.

Plots 3 & 4 share the southern (rear) boundary with 57 Ogmores Drive. Whilst the rear elevations of plots 3 & 4 will overlook the side elevation and rear garden of 57 Ogmores Drive, this will be at a distance of 10.5m, which is in compliance with Note 6 of (SPG02). 57 Ogmores Drive has a first floor dormer window which will face the proposed plot 4, however as there are no first floor habitable room windows proposed on the rear elevation of plot 4, this element of the proposed development is considered to be acceptable.

Plot 4 will also share a boundary with 1 & 2 Tythegson Close, however the proposed dwelling will be located some 14m from the dwelling at 2 Tythegson Close and does not propose any habitable room windows on the side elevation facing nos 1 & 2. It is, therefore, considered that the proposed development will not adversely affect the residential amenities of the neighbouring properties.

In terms of the impact of the proposed development on the future occupiers of the proposed dwellings, the dwellings will be served by an adequate level of amenity space and off street parking. However, the windows on the front elevation of plots 2 & 3 will directly overlook each

other at a distance of 13.5m, which is lower than the 21m distance recommended by Note 6 of SPG02. The windows which will directly over look each other serve a lounge and bedroom at plot 3 and a kitchen and bedroom at Plot 2. Paragraph 4.6.2 of SPG02 states that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres, but reductions may be acceptable where the overlooking is over a highway or the overlooking is between windows fronting a public space where buildings are used to define spatial enclosures.

The overlooking will be across a private driveway and, as such, the distance is considered to be acceptable in this instance. It is noted that the development proposes a number of trees positioned to the front of plots 2 & 3, which will provide an element of screening between the front elevations.

Furthermore, many modern residential developments within the county borough have reduced distances between facing habitable room windows on front elevations where they overlook a highway or public space.

In terms of the visual impact of the proposed dwelling, the dwellings are not of any high architectural quality, however they do, in part, reflect the design of other properties in this area of Porthcawl. Additionally, the proposed dwellings will be located at the head of the cul de sac and will not be prominent in the street scene and, as such, the visual impact of the development is not considered to be so harmful to the street scene as to warrant refusal of the scheme.

In order to ensure that the materials to be used in the external surfaces of the development are acceptable a condition will be attached to any permission granted requiring the materials to be agreed by the Local Planning Authority.

In terms of the boundary treatment proposed, the application indicates that the boundary treatment will include 1.8m high close boarded fencing, 1.8m high brick walls and 1.1m high ball top railings. Whilst, plans have been submitted it is not clear in regard to the type of materials to be used in the proposed boundary treatments. Consequently, a condition will be attached to any permission granted requiring the materials to be agreed in writing.

The proposed development is considered to be acceptable in terms of highway safety and parking provision.

The application proposes a shared private driveway and, as such, Policy ENV15 of the LDP is relevant. Policy ENV15 relates to waste management in new development and states that all proposals for new built development should include provision for the proper design, location, storage and management of waste generated by the development. The proposed application does not include a bin store at the entrance of the site and, as such, a condition will be attached to any permission granted requiring details of a bin store to be agreed with the Local Planning Authority.

With regard to the loss of public open space, Policy COM11 of the LDP relates to the provision of outdoor recreation facilities and states that provision of a satisfactory standard of outdoor recreation space will be required for all new housing development. The proposed development includes a sufficient area of public open space, for which the future use and maintenance can be controlled via a S106 Agreement and, as such, the proposed development is considered to comply with Policy COM11.

In addition to Policy COM11, Policy COM7 of the LDP states that proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified

on one of the following grounds:

- 1.A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off site: or
- 2.In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.

The application site was designated for public open space in the 1989 planning permission and appears to have been used as such by local residents. However, the open space was not secured by a S106 Agreement or by a condition at the time of granting planning permission. Additionally, the original permission did not have any conditions requiring the future maintenance of the site.

With regard to criterion 1 of Policy COM7, the proposed development also includes a 250 sq m area of open space. At the time of the site visit the application site was considerably overgrown and it was clear that it would not be possible to use the area for recreational purposes, however an inspection of aerial images dating back to 2001 shows that the site has historically been maintained and could have been used for recreational purposes. The provision of the 250 sq m of public open space, to be maintained by the land owner, provides an alternative facility of sufficient size which will benefit the surrounding community and, as such, the development is considered to comply with Policy COM7.

Furthermore, the site is not in public ownership and the owner could erect a 1m boundary fence surrounding the site under permitted development rights at any time, which would prevent the public from entering onto the site and using the site as open space.

The 2010 application was refused as the Planning Authority sought to retain the area as public open space, however the current application differs from the 2010 application in that it does not propose to develop the entire site for residential development and proposes to provide an area of formal open space which can be safeguarded, via a S106 Agreement, for the future.

Giving the fact that the land is in private ownership, the Local Authority has no control over the use of the land as open space and the application is proposing to provide an element of formal open space and undertake the future maintenance of that space, it is considered, in this instance, that the proposed development is acceptable and will provide existing and future residents with an improved public open space facility.

Having regard to the above, the proposed development is considered to be acceptable at this location subject to a S106 Agreement for the provision and future maintenance of the public open space and relevant conditions.

Whilst determining this application Policies COM3, COM7, COM11, ENV15, PLA1 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

## **CONCLUSION**

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

**RECOMMENDATION**

(A) The applicant enters into a Section 106 Agreement to dedicate the area known as 'P.O.S', as shown on the submitted location plan named 'TP-01' (received 7 November 2014) as public open space, in conjunction with a schedule for landscaping and maintenance, in perpetuity, of that open space.

(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, as follows:-

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2B-B-01 Rev B, EA-B-01 Rev B, MON-B-01 Rev B, 3B-B-01, 1415 GAR/P02, 1415 18CBF/P02, 1415 18BW-P01, 1415 11BTR-P01 & 1415- TP01-B.

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

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

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

- 3 Notwithstanding the approved plans, no development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the provision of a household refuse and recycled materials collection area at the entrance of the private drive. The scheme shall be implemented as agreed prior to the beneficial occupation of any of the dwellings and shall be retained as such in perpetuity.

Reason: To ensure that adequate provision is made for the collection of household refuse and recycled materials.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes B of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

- 5 Prior to the development being brought into beneficial use the private driveway as show

## DEVELOPMENT CONTROL COMMITTEE MEETING - 11TH DECEMBER 2014

on plan 'TP-01 REV B' (received 7 November 2014) shall be implemented in permanent materials.

Reason: In the interests of highway safety

- 6 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

- 7 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how roof/yard and highway water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use of the dwellings.

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

- 8 No development shall commence on site until a site investigation has been carried out to determine the nature and extent of contamination within the area forming part of this development. Any remedial measures required as a result of these investigations shall be agreed in writing by the Local Planning Authority. The agreed remedial measures shall be implemented in full prior to the development being brought into beneficial use.

Reason: To prevent pollution of the environment.

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

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

b) In order to satisfy condition 7 the following supplementary information is required:-

- Provide infiltration tests to confirm acceptability of any proposed soak-away
- Provide information about the design calculations, storm period and intensity, the method employed to pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

c) No surface water shall be allowed to discharge to the public highway.

d) No surface water shall be allowed to connect, either directly or indirectly, to the public

sewerage system.

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

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

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

h) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via:-

<http://www.bridgend.gov.uk/planningapplications/search.php>

i) The developer is advised that the Local Authority will not adopt the shared driveway.



## DEVELOPMENT CONTROL COMMITTEE MEETING - 11 DECEMBER 2014

**ITEM NO:** 5  
**REF:** P/14/337/FUL  
**APPLICANT:** SUNCREDIT UK  
**LOCATION:** LAND NEAR COURT COLMAN  
**PROPOSAL:** SOLAR PARK INCLUDING SWITCHROOM, FENCING,  
LANDSCAPING & ASSOCIATED WORKS

The application was considered by the Development Control Committee on 13 November 2014 and Members were minded to refuse planning permission, contrary to the Officer's recommendation. The application was deferred for reasons of refusal to be formulated and presented to Committee on 11 December 2014 for consideration. The reasons for refusal reflect concerns raised by Members and are reproduced below. A copy of the original report with amendments is reproduced at **Appendix B**.

The draft reasons for refusal are set out below:-

- 1) The proposed development by virtue of its insensitive siting, scale, prominence and unsightly and unneighbourly urbanising form would cause substantial harm to the natural scenic qualities of the area in which it is to be located and will impact negatively on the sense of place to which the land contributes, contrary to Policies ENV1, ENV18 and SP2 of the Bridgend Local Development Plan.
- 2) The highways approaching the site from all directions are narrow and tortuous and their limited capability to accommodate additional traffic will result in considerable construction accessibility risk, contrary to Policy SP2(6) of the Bridgend Development Plan.
- 3) The proposed development will exacerbate existing surface water run-off problems of flooding on an adjoining public road to the detriment of highway safety, contrary to Policy SP2 of the Bridgend Local Development Plan.

Notwithstanding the above Members are advised that further details have been received from the applicant in an attempt to address the comments made by members during the meeting on 13 November 2014. These are outlined below.

In respect to the suggested reason for refusal 1) the applicant has submitted a report on 3<sup>rd</sup> December 2014 titled 'Clarification of the assessed effects on visual amenity'. The report concludes that the proposed solar farm would occupy land outside of the Laleston Special Landscape Area and outside of the Essential Setting for the Listed Building and Registered Park at Court Colman and , whilst it is accepted that there would be effects on certain visual receptors in the local area, including the SLA and a very limited number of residential properties, none of these effects are considered to be materially significant in the determination of the planning application.

Having regard to the report from Simon White Consultants, the report presented to Committee on 13 November 2014 and the report received from the applicant on 3 December 2014, the Local Planning Authority consider that the development complies with the requirements of TAN 8 and the LDP policies ENV1 & ENV18, furthermore, utility and infrastructure proposals are considered acceptable in principle in the countryside and are generally compatible in the context of ENV1. The impact on the visual amenities is not so significant as to warrant refusal of the scheme, and it is not considered the application

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11 DECEMBER 2014**

should be refused for reason 1) in view of the evidence submitted. The Local Planning Authority additionally consider that the reason for refusal would not be upheld in an appeal situation.

In respect of suggested reason for refusal 2), the applicant has submitted information and plans of the Network Rail Bridge and a Traffic Management Plan, which can be viewed at **Appendix C & D**.

With regard to the railway bridge the applicant has advised that the maximum gross vehicle weight for the bridge is 44 tonnes and, as such, the bridge can therefore accommodate the vehicle loads associated with the construction of the solar park. The weight limit was obtained from Network Rail Abnormal Load Bridge Data available at <http://www.networkrail.co.uk/asp/3536.aspx>. Additionally, the Abnormal Loads Manager, Francis Hennigan, at Network Rail has confirmed that they are satisfied that the development will not involve any abnormal loads crossing the bridge. The applicant advised that the limited number of movements will not affect the structural integrity of the bridge.

The bridge is currently used by farm traffic generated by the existing use of the site. The site typically generates 2 loads per acre (10 to 14 tonnes per load), equating to 66 movements with a load and 66 return movements, totalling 132 movements in one day. The transportation of silage generates 120 movements with a load (8 to 10 tonnes per load) and 120 return movements over 5 days. This existing farm traffic will be removed from the local highway network should the proposed development be constructed.

The applicant has also provided plans showing a section of the bridge with a HGV and low loader crossing the bridge, which show that the HGV's and low loaders will be able to clear the bridge and slope, see **Appendix C**.

In addition two Highway Officers and the Case Officer have visited the site but were unable to locate a sign showing a weight restriction for the bridge,

The Traffic Management Plan submitted by the applicant states that HGV vehicles will be met by a representative of the site at Cardiff West Motorway Services where they will be told to stop at the layby on A4229,A48 roundabout to meet another representative from the site. The HGVs will then be escorted to the site and will be met by a banksman. Communication between the banksman and the site representatives and escorts will ensure that the route will be clear for HGVs to pass and no HGV's will meet along the section of High Street/Rogers Lane roundabout and the site. The full details of the delivery and decommissioning arrangements can be viewed at **Appendix D**.

The applicant also advises in the Traffic Management Plan that all HGV movements will be undertaken outside of the weekday peak period and school opening and closing hours. Additionally, the applicant will liaise with Bereavement Services to ensure that there are no HGV movements during scheduled funerals at Laleston cemetery.

A letter has also been received from Mr H Thomas who farms the land where the development is proposed. Mr Thomas has advised that:-

- a. he has farmed the land for 18 years and has extensively used the highway network with tractors and trailers;

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11 DECEMBER 2014**

- b. in the last year he has carried out 60 two way trailer trips, which weigh 11-16 tonnes, over a period of 6 hours and has not compromised highway safety;
- c. during the harvesting of grass silage the same movements took place over a period of 2-3 days;
- d. railway companies often drive large articulated lorries over the bridge to transport large tracked diggers for work on the railway line.

Having regard to the above and the report presented to Committee on 13 November 2014, the Local Planning Authority do not consider that the draft reason for refusal 2) is justified as there are no overriding highway safety concerns and do not consider that the reason could be sustained at an appeal situation

In respect of suggested reason for refusal 3), the applicant has provided the following comments:-

'In its existing agricultural use, the site is considered to be 100% permeable, with no adverse offsite impacts. As a result of the development of the solar park, the extent of the impermeable area will be 0.16% of the total site area. Calculations using the ICP SUDS Method contained in Micro Drainage's WinDes software system demonstrate that the effect of the solar park on the mean annual peak rate of runoff is minimal and equates to only a 0.49% increase compared with the runoff rate associated with the existing agricultural use. The additional runoff in the extreme 1 in 100 year storm event, including a 10% allowance for climate change, amounts to approximately 52m<sup>3</sup>.

Existing drainage features will be retained and the site will remain vegetated through construction and operation to prevent soil erosion.'

'The gaps between the solar panels and the separation of the rows of panels will allow rainwater falling onto the panels to drain freely to the ground beneath and between the panels, where it will soak into the ground at the same rate that it presently does in its existing agricultural use. Runoff from small ancillary buildings onto the adjacent ground, and onto the permeable access tracks will also soak into the ground at the same rate that it presently does. The existing hydrological regime will therefore be maintained without resulting in any increased volume or rate of run-off.

Swales and granular soakaways will be provided at the low points of the site to intercept extreme flows which may already run towards these areas. The swales will provide a total storage volume of approximately 230m<sup>3</sup> and the granular soakaways will provide a total storage volume of approximately 70m<sup>3</sup>. The total cumulative storage volume available is therefore approximately 300m<sup>3</sup>. This is greater than the volume of additional runoff generated as a result of the 1440 minute, 100 year plus climate change rainfall event of 52m<sup>3</sup>. The swales and soakaways will therefore lead to an overall reduction in the rate of runoff from the site and mitigate any increase in runoff due to the minor reduction in the overall permeable area of the site. The rate of runoff is therefore likely to reduce overall, thus improving the existing situation.'

The applicant also provided diagrams showing the dimensions between the rows solar panels, how a maintenance way and transformer / inverter station will be accommodated between rows, and typical cross sections of solar panels with drainage arrangements at

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 11 DECEMBER 2014**

the southern part of the site. A plan was also submitted showing positions of the swales and soakaways, **See Appendix E.**

In addition, the Council's Land Drainage officer has provided the following comments:-

*'We have reviewed the Flood Consequence Assessment (FCA) undertaken by PFA Consulting and the guidance document 'Planning Guidance for the development of large scale ground mounted solar PV systems' published by the BRE and would like to offer the following:*

*The developer appears to have taken into consideration our main drainage concerns, which include: increase of runoff from the finished proposal and during the construction phase. From the FCA the calculated additional runoff volume is 115 m<sup>3</sup> and it is proposed to provide a total of 390 m<sup>3</sup> of storage using swales and soakaways near the boundary of the site, providing a betterment to the existing situation. It is also proposed to use lightweight vehicles only during construction to reduce the impacts of soil compaction with the ground being harrowed upon the final phase of construction.*

*Upon further research it is apparent that the main issue that arises from such developments is runoff due to poor construction management, allowing the ground to be churned up during wet weather resulting in soil erosion on site and slurry flows running off site. We would recommend that this be monitored during construction to ensure that the developer causes minimal impact to the soil during construction. '*

Having regard to the above, details submitted with the original planning application, the comments from the Land Drainage section and the report presented to Committee on 13 November 2014, the Local Planning Authority do not consider that the application can be refused for reason 3) as there is no evidence that will exacerbate the existing situation and consider that the reason is unlikely to be upheld in an appeal situation.

The applicant also submitted a letter which outlines the policy context of the development, the letter can be viewed in full at the Civic Offices.

Two letters of objection, which do not raise any new issues, have been received from the following:-

K Jenkins - 58 Westward Place, Bridgend  
A Jenkins - Ballarat House, Court Colman

A letter signed by 'Court Colman Residents' was sent to the Chief Executive and included photographs and plans. The letter raised issues that have previously been addressed but also referred to a solar farm proposal refused in Newport and commented on the community benefit proposed. These issues are not considered material to this application.

### **RECOMMENDATION**

That Members consider the draft reasons for refusal set out above in conjunction with the additional information provided.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014

### ITEM: 6

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

<b>CODE NO.</b>	A/14/2222838
<b>APP. NO.</b>	P/14/135/FUL
<b>APPELLANT</b>	MR PHILIP HEARNE
<b>SUBJECT OF APPEAL</b>	ERECTION OF 3 BEDROOM DWELLING: 9 ADAMS AVENUE BRYNCETHIN
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE NATIONAL ASSEMBLY FOR WALES TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS DISMISSED.

---

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

---

<b>CODE NO.</b>	C/14/2221455 (1741)
<b>APP. NO.</b>	ENF/306/13/C
<b>APPELLANT</b>	MR PAUL KINSELLA
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED USE FOR SKIP BUSINESS: FORMER DEVON VIEW GARAGE SOUTH CORNELLY
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE NATIONAL ASSEMBLY FOR WALES TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE BE UPHELD.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014**

Copies of these appeal decisions will follow this report.

---

The appeal at Former Stormy Down Aerodrome at the request of the appellants agents is to be held in abeyance from 27<sup>th</sup> November 2014 for a further 3 months.

---

### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/10/14

gan **Janine Townsley LLB (Hons)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21 Tachwedd 2014

## Appeal Decision

Site visit made on 13/10/14

by **Janine Townsley LLB (Hons)**

an Inspector appointed by the Welsh Ministers

Date: 21 November 2014

---

**Appeal Ref: APP/F6915/A/14/2222838**

**Site address: 9 Adams Avenue, Bryncethin, Bridgend, CF32 9RX**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Philip Hearne against the decision of Bridgend County Borough Council.
  - The application Ref P/14/135/FUL, dated 24 February 2014, was refused by notice dated 6 May 2014.
  - The development proposed is the erection of a 3 bed detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are the effect of the proposal on the character and appearance of the area, and residents' living conditions with particular reference to outlook.

### Reasons

#### *Character and Appearance*

3. Adams Avenue forms part of a residential estate of semi-detached and terraced dwellings. Aside from a number of small extensions and garden structures there has been very little additional development and the original character of the estate remains largely intact.
4. The appeal site forms part of the existing side garden of No 9 Adams Avenue, a corner plot shared with No 44 Eustace Drive. The site is bounded on two sides by existing walls, part of which has a fence along the top section of the wall. These walls are to the side and rear of the site and therefore the fairly open aspect fronting Adams Avenue is retained in a similar manner to other corner properties in the area. Adams Avenue is a relatively narrow road and therefore the open aspect of the site is of particular benefit to the area.
5. Due to the size of the plot the proposed dwelling would be sited forward of No 9. The siting of the dwelling would close the visual gap at this corner site. The proposed development would appear cramped between the host dwelling and the garage/

workshop which has been constructed at No 44 Eustace Drive. This would have a significant adverse effect on the character and appearance of the area. Due to site constraints the proposed private amenity space would be situated to the side of the property thereby necessitating the construction of a boundary fence fronting Adams Avenue. I acknowledge this would be set back from the highway to provide space for a shrubbery bund, however, I find that the height of the boundary required to provide privacy in the amenity space would exacerbate the loss of openness. This contributes to the harm which would be caused by this development. Consequently the development would be contrary to policy SP2 of the Bridgend Local Development Plan, adopted September 2013, which amongst other things requires all development to have a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character.

### *Living Conditions*

6. The proposed kitchen window would be on the side elevation of the dwelling and would overlook the private amenity space. Due to the size of the site and the existing boundary feature provided by the garage/workshop at No 44 Eustace Drive the outlook from this window would be limited. Any sense of dominance of the boundary wall would, however, be ameliorated by the oblique angle of the wall. The presence of the garage/workshop at No 44 Eustace Drive might mean the kitchen window enjoys direct sunlight only during the morning, however, I consider adequate natural light would still be available during daylight hours. Whilst the amenity space is limited in size the outlook from the proposed kitchen window would not be unacceptable for future occupants. The proposed dwelling would offer adequate living conditions in terms of outlook and as such does not conflict with policy SP2 of the LDP.
7. The Council has referred to their Supplementary Planning Guidance 02 *Householder Development* which was adopted on 12 December 2008, however, this document relates to householder extensions as opposed to new dwellings. Furthermore, Note 1 of the SPG recommends that new extensions should not unreasonably dominate main windows in habitable rooms in adjacent dwellings. The guidance does not relate to the outlook from proposed windows. Note 2 relates to unreasonable overshadowing of adjoining property. Likewise the Council has included SPG 08 *Residential Development* adopted 10 January 2008 with its evidence, however, this guidance relates only to new housing developments in excess of one dwelling. For these reasons I do not consider either SPG to be of particular relevance to this appeal.

### **Other Matters**

8. The Council's reasons for refusal state insufficient information has been submitted by the appellant in relation to surface and foul water disposal proposals. Dwr Cymru has not objected to the proposed scheme but requested the imposition of conditions on any planning permission granted. I consider that this matter would not have justified withholding permission as these matters could have been resolved by the use of an appropriate condition had I found the scheme acceptable.
9. I have taken into account all other matters raised by the appellant including the Council's commitment to incorporating a large range of housing opportunities within communities and the promotion of higher density development in certain circumstances within Planning Policy Wales (Edition 7), however, these considerations are not outweighed by the harm which would be caused by this development in relation to the effect on the character and appearance of the area.



**Conclusion**

10. For the reasons given above I conclude that the appeal should be dismissed.

*Janine Townsley*

INSPECTOR



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

Adeilad y Goron      Crown Buildings      Ffon/tel:      029 2082 3892  
Parc Cathays      Cathays Park      Ffacs/fax:      029 2082 5150  
Caerdydd      Cardiff      e-bost/e-mail:      [helen.jones@pins.gsi.gov.uk](mailto:helen.jones@pins.gsi.gov.uk)  
CF10 3NQ      CF10 3NQ

---

Mrs Amanda Borge      Eich Cyf / Your Ref      P/14/223/LAP  
Bridgend County Borough Council      Ein Cyf / Our Ref      APP/F6915/X/14/2222050  
P O Box 4      Dyddiad / Date      3 December 2014  
Angel Street  
Bridgend  
CF31 1LX

---

Dear Mrs Borge

**Town and Country Planning Act 1990**  
**Appeal by Mr Marc Weinzwieg**  
**Site at Home Farm, Coytrahen, Bridgend, CF32 8YS**

The appellant withdrew his appeal at the site visit to the Inspector appointed to determine the appeal.

We will take no further action on the appeal.

Yours sincerely

*M Crahart*

pp Helen Jones

208B

*Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg*

*We Welcome Communications in Welsh and English*



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/11/14

gan **Tim Belcher FCII, LLB (Hons),  
Cyfreithiwr (Nad yw'n Ymarfer)**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 03/12/14**

## Appeal Decision

Site visit made on 17/11/14

by **Tim Belcher FCII, LLB (Hons),  
Solicitor (Non Practising)**

**an Inspector appointed by the Welsh Ministers**

**Date: 03/12/14**

**Appeal Ref: APP/F6915/C/14/2221455**

**Site address: Devon View, Gaens Quarry, South Cornelly, Bridgend, CF33 4RN**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
- The appeal is made by Paul Kinsella against an Enforcement Notice issued by Bridgend County Borough Council (the Council) on 21 May 2014.
- The Council's reference is ENF/306/13/C/(1741).
- The breach of planning control as alleged in the Enforcement Notice is without planning permission, change of use of the said land from garage and vehicle repair uses with external storage and car parking areas to the use: (i) for the importation and exportation of waste materials including but not limited to builders' rubble, green waste, metal, wood, household waste, soil etc. (ii) as a skip hire business.
- The requirements of the Enforcement Notice are: (i) Cease the use of the land for the importation and exportation of waste materials including but not limited to builders' rubble, green waste, metal, wood, household waste, soil etc. (ii) Remove and keep removed the waste materials, skips, vehicles and equipment in association with the use in (i) above. (iii) Cease the use of the land as a skip hire business. (iv) Remove and keep removed the skips, vehicles and equipment in association with the use in (iii) above.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in Section 174(2)(c) of the 1990 Act.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the 1990 Act does not fall to be considered.

## Decision

1. I dismiss the appeal and uphold the Enforcement Notice.

## Procedural and Relevant Background Matters

2. In an appeal such as this the onus of proving that there has not been a breach of planning control rests with the appellant. He has to show this on the balance of probabilities.
3. As at the date of my site visit the Enforcement Notice had been complied with.
4. I will refer to the land to which the:
  - a) Enforcement Notice relates as the Enforcement Notice Land.

- b) Certificate of Lawful Use or Development dated 27 January 2011 (the CLUorD) relates as the CLUorD Land.

The Enforcement Notice Land includes all of the CLUorD Land.

5. The CLUorD confirmed that the then existing use of the CLUorD Land was lawful. The lawful use was described as a garage and vehicle repair use with external storage and car parking areas. I will refer to this use as the "Lawful Use".
6. In 2013 the Council investigated a suspected use of planning control at the Enforcement Notice Land involving the sorting of waste materials and the storage of skips. The Council confirmed to the appellant's agent in December 2013 that the reference to "external storage" within the CLUorD was as part of a mixed use of the CLUorD Land.
7. The Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) explains that a B1 use is one of a number of specified uses. To be a B1 use it must be possible for the specified use to be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The reference to "any residential area" is not specific to the area surrounding the site where the specified use is carried on – it is purely notional.
8. The Use Classes Order explains that a B2 use is a use for the carrying on of any industrial process other than one falling within Use Class B1.

## **Reasons**

### *Ground (c) that there has not been a breach of planning control*

9. When the Council issued the CLUorD they did not specify what Use Class (if any) the Lawful Use fell within. From my experience the Lawful Use could fall within Use Class B1 or Use Class B2. What Use Class a use falls within (if any) is a matter of fact and degree and the application of planning judgement. If the applicant for the CLUorD had claimed that the use fell within a specified Use Class and the CLUorD was issued without reference to that Use Class then it would have been possible to challenge the terms of the CLUorD. I have not been provided with any evidence about this matter.
10. The appellant wants to establish through this appeal whether an external storage use can be carried on lawfully on the Enforcement Notice Land. He believes that the external storage use could be independent of any other use carried on at the Enforcement Notice Land because the words "external storage" were specified as one of the uses within the Lawful Use. However, the words "external storage" are prefixed by the word "with" which links the external storage to the "garage and vehicle repair use". I have not been provided with any evidence that when the application for the CLUorD was made to the Council that the storage use was anything other than an ancillary use associated with the garage and vehicle repair use. As explained above the onus of proving this Ground (c) appeal rests with the appellant.
11. The appellant explains that he has been storing builder's materials on the land since he acquired the site in 2007. At the site visit I was shown a large moveable container and I was advised that there were building materials within that container. This is the extent of the builder's materials storage use carried on by the appellant on the Enforcement Notice Land. To my mind the appellant's storage use does not fall within the scope of the Lawful Use – his storage use is a separate use of the Enforcement

Notice Land. As far as I am aware there is no planning permission for the builder's materials storage use and the fact that Council Officers have tolerated that use is not relevant to the determination of this appeal. It remains open to the appellant to seek a separate Certificate or Lawful Use or Development if he considers that his builder's materials storage use on part of the Enforcement Notice Land is lawful.

12. The appellant explained that his tenant, who went into occupation of the Enforcement Notice Land in 2013, used the Enforcement Notice Land as a waste transfer station. The appellant understands that his tenant ceased that use but continued to use the Enforcement Notice Land for the storage of skips (some of which contained waste materials). When the skips were full they were removed from the Enforcement Notice Land.
13. I do not agree that the use of part of the Enforcement Notice Land for the storage of skips falls within the scope of the Lawful Use. As explained above, the storage use permitted as part of the Lawful Use is a storage use ancillary to the garage and vehicle repair use. Clearly, the skip storage use is not.
14. Also, as explained above a garage and vehicle repair use with external storage and car parking could fall within Use Class B1 (depending on how the uses were carried on). The use carried on by the appellant's tenant (which led to the issue of the Enforcement Notice) indicates to me a use which clearly falls outside the definition of a B1 use.
15. In my experience it would not be possible to carry out the use specified in the Enforcement Notice in a way that complied with the definition of a B1 use. On the limited amount of information I have I would consider that the use specified in the Enforcement Notice was a B2 use. Accordingly, the change of use of the Enforcement Notice Land from the Lawful Use to the use specified in the Enforcement Notice is not a change of use within the same Use Class.
16. I consider any external storage uses on the Enforcement Notice Land must be ancillary to either:
  - a) a garage and vehicle repair use, or
  - b) another use which is not materially different from a garage and vehicle repair use.
17. If the appellant wishes to ascertain from the Council whether a proposed use of the Enforcement Notice Land would be materially different from the Lawful Use there is a procedure within Section 192 of the 1990 Act for doing this. This would ensure that no disputes arose if a Certificate of Proposed Use was obtained from the Council and the proposed use was then carried on in the way specified in the Certificate.

### Conclusion

18. For the reasons given above I consider that the use specified in the Enforcement Notice is materially different from the Lawful Use. Accordingly, a material change of use of the Enforcement Notice Land has been carried out which requires planning permission. Therefore, the appeal on Ground (c) should not succeed.

*Tim Belcher*

**Inspector**

**DEVELOPMENT CONTROL COMMITTEE MEETING – 11 DECEMBER 2014**

**ITEM: 7**

**TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
David Llewellyn - <i>Group Manager Development, BCBC</i> <b>(To be held in Civic Offices Level 3 Conference Room)</b>	Wales Planning Bill	11 Dec 2014	12.45pm

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

**Subject**

- Planning enforcement
- The Planning Inspectorate

**Recommendation:**

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

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
5 DECEMBER 2014**

**BRIDGEND COUNTY BOROUGH COUNCIL**

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

**MEETING: Development Control Committee**

---

**DATE OF MEETING: 11 DECEMBER 2014**

---

**REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES**

---

<b><u>ITEM</u></b>	<b><u>FILE NO.</u></b>	<b><u>LOCATION</u></b>
Where the application / appeal / enforcement number is quoted, please refer to the file of that number		Corporate Director - Communities - (Planning Dept)
Training Log		Corporate Director - Communities - (Planning Dept)

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

**DEVELOPMENT CONTROL COMMITTEE : 11-DEC-14**

**P/14/168/FUL/NG**

Town/Community Council : **PORTHCAWL**

BLUE SEAS GUEST HOUSE 72 BEACH ROAD  
PORTHCAWL

---

**P/14/518/FUL/NG**

Town/Community Council : **PORTHCAWL**

LAND OFF TYTHEGSTON CLOSE PORTHCAWL

---

**P/14/618/FUL/EW**

Town/Community Council : **BRACKLA**

LAND AT MADOC CLOSE BRACKLA

---

**P/14/714/FUL/NG**

Town/Community Council : **LALESTON**

LAND ADJACENT 11 CARN WEN BROADLANDS  
BRIDGEND

---



**APPENDIX A**  
**TO BE READ IN CONJUNCTION WITH ITEM 3**  
**P/14/618/FUL**  
**OF THE REPORT OF THE**  
**CORPORATE DIRECTOR - COMMUNITIES**



APPLICATION SITE

WOODLAND AREA

© Crown Copyright and database rights (2014) Ordnance Survey (100023405)  
 © Hawlfraint a hawliau cronfa ddata'r Goron (2014) Rhif Trwydded yr Arolwg Ordnans (100023405)  
 © Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)

**Mark Shephard**  
 Corporate Director - Communities  
 Communities Directorate,  
 Bridgend County Borough  
 Council, Civic Offices,  
 Angel Street,  
 Bridgend CF31 4WB.

Scale:  
 1:2,500  
 @ A4 Portrait  
 Date Issued:  
 26/11/2014



**Brackla, Bridgend**



**APPENDIX B**  
**TO BE READ IN CONJUNCTION WITH ITEM 5**  
**P/14/337/FUL**  
**OF THE REPORT OF THE**  
**CORPORATE DIRECTOR - COMMUNITIES**

**RECOMMENDATION : SECTION 106**

**REFERENCE:** P/14/337/FUL

**APPLICANT:** SUNCREDIT UK LTD  
25 WATLING STREET LONDON

**LOCATION:** LAND NEAR COURT COLMAN PENYFAI

**PROPOSAL:** SOLAR PARK INC. SWITCHROOM, FENCING & CAMERAS,  
LANDSCAPING & ASSOC. WORKS

**RECEIVED:** 13th May 2014

**SITE INSPECTED:** 21st May 2014

**APPLICATION/SITE DESCRIPTION**

The application seeks planning permission for a Solar Park at Court Coleman, Pen y Fai.

The application proposes the construction of a photovoltaic (pv) Solar Park covering an area of 28.2 hectares and includes 70,000 solar panels mounted on a steel frame work to a maximum height of 1.92m, a substation, 11 inverter cabinets at various locations throughout the site, a substation and a 2m high deer fence and dog walking path surrounding the site.

The solar panels will collectively have a capacity of 15 MW and it is proposed that the panels are in place for 30 years. The panels will be laid out in rows from east to west across the site, orientated due south, each panel will be mounted on a metal framework, which will be driven into the soil. The height of the panels will be 0.72m above ground level, angled at 25 degrees and reaching a maximum height of 1.92 m.

Underground cabling will link the solar panels to the onsite substation to the north eastern edge of the site, which then connects underground to the electricity grid off site, at Wild Mill. A planning application has been received by the Local Planning Authority for the connection to the grid (P/14/641/FUL refers)

The maintenance access to the site will be via the lane to the west of the site, a secondary access point for Western Power Distribution to access the proposed substation will be located along the eastern boundary. The access point for construction vehicles will be to the south of the site, via an existing field access gate.

The application proposes to retain existing landscaping enhancements and to introduce further landscaping. The application also proposes a dog walking path around the perimeter of the site for use by the Dogs Trust.

The construction phase will take place over a period of 3 months, it is anticipated that this would generate approximately 310 deliveries to the site and at the most intense period of construction this would generate 10 HGV movements per day (or two deliveries per hour). Construction traffic will enter the site from the proposed southern access point. Following the construction of the solar park, vehicle movements to the site will be limited and access will be gained via the access point to the western boundary. The route proposed for HGV movements through the site is from the A48, via Rogers Lane, Laleston.

The proposed solar park covers an area of 28.2 hectares of open farm land, made up of individual fields demarcated by hedgerows. The topography of the site slopes from approximately 85 Above Ordnance Datum (AOD) at the north to 53 AOD to the south.

The application site is approximately 1km west of the village of Pen y Fai, the London to Swansea railway line runs to the south of the site and the site is bound by highways to the south and western boundaries. The nearest residential properties are Pantrosia Fach to the north, Court Coleman Farm to the west and Llangewydd Cottage to the east of the site.

The Grade II listed Court Colman Manor and park are located to the east of the application site.

## **RELEVANT HISTORY**

The site has been the subject of detailed pre-application discussions.

## **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 10 October 2014.

## **NEGOTIATIONS**

The applicant and agent were supplied with a copy of the Landscape and Visual Impact Assessment Report from White Consultants, which the Local Planning Authority commissioned in order to fully assess the proposal.

The applicant was advised of the original comments received from White Consultants and CADW, which stated that the original scheme has an adverse impact upon the listed building and historic park at Court Colman. In view of the statement in Technical Advice Note 8 at paragraph 3.15 'Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported', the Local Planning Authority advised that the original scheme was likely to be recommended for refusal. The applicant advised that they would submit amended plans in an attempt to overcome the concerns and submitted an amended scheme on 12 September 2014, which reduced the overall size of the solar park from 32.5 hectares to 28.2 hectares, reduced the height of the solar panels from 2.46m to 1.92m, reduced the amount of inverter cabinets to 11 but increased their height from 2.27m to 2.8m, removal of all the security cameras and included additional landscaping.

The agent provided a plan showing an increased planting scheme along the northern boundary of the site and details of the Construction Method Statement, temporary traffic management scheme, protection measures for 'The Pound' and temporary direction signage scheme on 4 November 2014.

## **CONSULTATION RESPONSES**

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

Notified on 15th May 2014

Newcastle Higher Community Council provided the following comments:-

'The Community Council is very concerned about access to the land, and about the detrimental effect on Footpath No. 1, which is much used and enjoyed and is the subject of an agency maintenance agreement between the Community Council and the County Borough Council.

The application is felt to be potentially damaging to the rural community of Court Colman and Pen y Fai given that it is set in a Landscape Conservation Area designated under Policy EV10 of the Bridgend Unitary Development Plan.

Court Colman Hotel to the east of the land is a listed Building which is located within a Registered Park which extends 300 metres south of the intended site. Further to the south west of the hotel an area of land is designated as Essential Setting to the Registered Park.

The Community Council is seriously concerned at the potential for traffic chaos and danger with

the narrow roads, which are an essential feature of the rural part of the County Borough. Over recent years, there has been more rain than sun, so it is wondered how effectively the site will be, also what limited possibilities there are for sunlight may be better utilised in photosynthesis for production of agricultural crops to feed the country in a local sustainable manner.

The Council feels that this application has nothing to commend it, and it is contrary to the nature and amenity value of the environment of Court Colman. It is also noted that when the potential developer held consultative meetings, there was unanimous objection from all who attended.'

Notified on 20th May 2014

Laleston Community Council raised the following concerns:-

'Members of this Council have attended consultation meetings and have raised concerns with regard to the possible damage to 'The Pound' whilst transporting the solar panels to site.

The Pound is on BCBC's draft list of buildings of Local Significance for its contribution to the local scene and its historical significance.

If the development is approved, would BCBC please ensure that the developer agrees to protect the Pound from such damage.'

Further objection was received which stated:-

'Laleston Community Council wishes to object to the claim / decision that the preferred inward route is via Roger's Lane, Laleston. This is a dangerous situation at the best of times and local residents feel that the route is highly unsuitable for convoys of articulated lorries.'

#### **Councillor D Lewis**

Requested that the application be the subject of a Full Site Visit to consider infrastructure, access, drainage and privacy.

#### **Conservation & Design**

Has no objections to the development.

#### **Destination & Countryside Management**

Has no objection to the proposal and requests that conditions be attached to any consent granted.

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

Advised that the drainage arrangement is acceptable for the proposed development. However, advised that a condition should be attached to any permission granted requiring a scheme for a soil management plan during the construction phase to ensure that water runoff is not increased from the site during the construction phase.

#### **Group Manager Public Protection**

Has no observations to make on the proposal.

#### **Rights Of Way Team**

Requested that a condition be attached to any permission granted.

#### **Natural Resources Wales**

Requested a condition be attached to any permission granted.

**Glamorgan Gwent Archaeological Trust**

Advised that no further mitigation is required in regard to archaeology.

**Bridgend & District Ramblers**

Have no objections to the applications and provide the following comments:-

'Footpath 1 Newcastle Higher to remain open during building works. Fencing and tree planting to be a minimum of 3m from footpath 1 Newcastle Higher.'

**Councillor C A Green**

Objects to the proposal and provides the following comments:-

'If the proposal identifies Roger's Lane as the site access off the A48, I object on the grounds of pedestrian safety as there is no pavement along parts of this narrow road and HGV movements on the scale proposed would be unsafe.'

**Cllr C E Smith**

Considers that the application should be referred to the committee for the following material planning considerations:-

'Concerns about road access to the site; reported remarks from developer apparently threatening historic buildings on the route'

Has requested that a site visit been undertaken due to the serious local concerns about the appropriateness of this industrial development in a countryside setting.

**Network Rail (Western Region)**

Provided advice on drainage, ground disturbance, fencing and site layout. The comments were forwarded to the applicant.

Network Rail provided the following additional comments:-

"It is not clear if any abnormal loads will be using routes that include Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail requests that the applicant contact our Asset Protection Engineer e-mail [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) to confirm that any proposed route is viable and to agree a strategy to protect our assets from any potential damage caused by abnormal loads. I would also advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.'

**Cadw**

Advised that the proposed development is considered to have a low adverse impact on the ancient monument to the south of the site, Llangewydd Church and Churchyard remains, and advised that the impact of the development on the registered park and garden will now be negligible.

**Cardiff Airport**

Has no objection to the proposal.

**REPRESENTATIONS RECEIVED****Cllr Pete Foley, Ward Member For Morfa**

Supports the proposal.

## **Carwyn Jones Am, Am Support Staff**

Provided a letter which stated the following:-

'During the last year I've held a number of meetings with constituents since the initial proposal for the solar park was made known by Sun Credit. The most recent of which was earlier this week where a number of concerns were made known to me. This is what my constituents have said and which I would ask is made known to members of the Development Committee when it meets tomorrow:

1. The land which is subject to this application was not included in SLA7 and subsequent enquiries have not indicated the reasons for this;
2. The current application does not meet with the LDP and I refer to previous correspondence which I have received from the planning department of 10th October 2013;
3. My constituents fears of local flooding in the lanes near to the development have not been allayed should the application be granted;
4. Similar planning applications in the locality have not been granted because the lanes surrounding the area are not suitable for large lorries;
5. A consultant was engaged by the local authority to carry out a visual impact survey which made some critical remarks; yet the bulk of the report appears to be ignored;
6. Concerns have been raised regarding the numbers of objectors who have contacted the local authority. My constituents say the figure is in-correct and some names have been left off the objection list without explanation. In July there were 100 objections but now 82;
7. The local residents who live closest to the proposed development are adamantly against permission being granted and feel their views are being ignored.

I know that several members of the local community have already asked to speak at the committee when it meets tomorrow afternoon where they will be able to place their views on record'

## **Objections Were Received From The Following:-, -**

Objections were received from the following:-

M & R Stroud - Nest Bungalow, Pen y Fai  
D & R & J& R Thomas - Llest Fach, Court Colman ( requested to speak at Committee)  
J Pike - Swynyderyn, Court Coleman  
M & G & S Shahbazian - West Lodge, Court Colman  
A C Williams MBE & CD Thomas - The Cottage , Llest Fawr Farm, Court Colman  
A, E, M & N Gash - Pantrosia Fach (requested to speak at Committee)  
K & S Reffell - The Garden House, Court Colman  
A Chuter, P & A & L Young - Llangewydd Cottage, Court Colman  
G & M Pritchard - Caegarw, Court Colman  
S Lewis - Llest Fawr Fach, Court Colman  
Dr P D Purkayastha & L Das - Green Meadow, Court Colman  
C Bowen - Ballarat, Court Colman  
M Hancocks - Laundry Cottage, Court Colman  
M, ME & G Pask - The Croft, Pantrosia, Court Colman  
C Hunt - 1 Tyn Twyn, Court Colman  
R John - 2 Tyn Twyn, Court Colman  
H & O Griffiths - Pant Farm, Court Colman  
R & C Griffiths - Pantrosia House, Court Colman  
J Thomas - Stoney Walls, Court Colman  
K & J Brady & L Jarvis - South Lodge, Court Colman  
A Jenkins - Ballarat House, Court Colman  
Mr & Mrs I Jones & Mrs M Jones - Ty George , Court Colman  
Dr R Coles - Swinford House, Court Colman  
N & J Gambarini - Seven Oaks, Court Colman Road, Pen y Fai (requested to speak at



Committee)

M Harris - Westways, 2 Rogers Lane,  
C Morwood - 5 Rogers Lane, Laleston  
J Williams - The Coach House, Rogers Lane, Laleston  
S & R Prior - 8 Rogers Lane, Laleston  
A & E Deans - 11 Rogers Lane, Laleston  
AD Harris - 17 Rogers Lane, Laleston  
B Jones - 22 Rogers Lane, Laleston  
J Woods - 9 Wind Street, Laleston  
E Hughes - 30 Wind Street, Laleston (requested to speak at Committee)  
D Pritchard - 11 Church View, Laleston  
N & P Jarrett - 29 Church View, Laleston  
K Coaley - 35 Church View, Laleston  
D & A Crew - 19 Church View, Laleston  
G P & M A Bassett - 2 Tyddyn Gwaun, Laleston  
A Clough - 2 Riverside, Aberkenfig  
K Eagle - Flat 4 Dan y Coed, Aberkenfig  
J & L & M Bater - Whitehall Cottage, Pen y Fai  
M & C Bater - 2 Rhodfa Ceiros, Pen Y Fai  
M Wilkins - 1 Penyheol, Pen y Fai  
F Hof - 10 Treharne Drive, Pen y Fai  
R Pritchard - 61 Chantal Avenue , Pen y Fai  
J & G Thomas - 31 ysbryd y Coed, Pen y Fai  
G W Jenkins - 22 Angelton Green, Pen y Fai  
G E Crocombe - 7 Heol Trelales, Laleston  
B Berry - 1 Broadway Cottage, Wind Street, Laleston  
E & P Hughes - 30 Wind Street, Laleston  
A & N Ellis- 26 St Georges Avenue, Bridgend  
K & D Jones - 14 Glenview, Litchard  
P W & L Daniels - 15 Glenview, Litchard  
R Trotman- 3 Bracken Way, Litchard  
D Richards - 8 Chaucer Close, Cefn Glas  
K Jenkins - 58 Westward Place, Llangewydd Court  
H Stenner - Cefn Cribwr  
R Carvill - 19 Greenfields Way, Porthcawl  
ME Edmonds - 23a Danygraig Avenue, Porthcawl  
J Walters - 74 Danygraig Avenue, Porthcawl  
C Moon - 37 Brynteg Avenue, Bridgend  
J & R Daniels - 37 Parkfields, Pen y Fai  
G North - 18 Glenview, Litchar  
S Jarvis - South Wales University  
C Billett - Chapel Cotage, Colwinston  
M Morgan - 37 Harry Street, Swansea  
B Lewis - 27 Oakland Close, Swansea  
G Jones - 36 Church Road, Tonteg  
J Snook - 41 Jubilee Crescent, Sarn  
C Blackley, Glan Y Mor, Barbers Lane, Llantwit Major  
M & L Mazatelli - 2 Greys Drive, Llantwit Major  
M Eastbrook - 21 Greys Drive, Llantwit Major  
J Jones - 70 Pant Hirwaun, Heol y Cyw  
S Parfitt - 15 Ger y Sedd, Brackla  
G Wintle & C Harvey - Bradfield Road, Cefn Glas  
P Evans - Cefn Glas  
1 Ashwell Villas, Caerleon  
J Arquero - 145 Mauldeth Road, Manchester  
P Jarvis - 29 Kings Avenue, Rochester  
G Bonyadi - 12 Elmbridge Avenue, Surrey

S Young - 249 Droitwich Road, Worcester  
E Samson - 14 Carrsfield, Northumberland  
A Hussian, K Sultan - No addresses provided  
R & L Brown - no address provided  
One other with name and address not provided

A petition of 75 names and addresses was received on 13 & 14 October 2014, a copy of which can be viewed on the electronic file.

A further petition from the residents of Court Colman was also received.  
A further 7 letters of objection were received, however no addresses were supplied.

The objections are summarised as follows:-

- Highway safety concerns including pedestrian safety, adverse impact on access to area during construction phase, damage to roads, the proposed delivery route and railway bridge are not suitable for HGVs, lack of pavements on Rogers Lane, traffic surveys are required on Rogers Lane, up-to-date accident data should be obtained for Rogers Lane from South Wales Police
- The development will have an adverse impact on the visual appearance of the countryside by means of the scale of the development and height of the panels. Other objections included loss of countryside view, the development will transform this development into an industrial landscape, the Bridgend circular walk will be adversely affected,
- Several objections cited the English Policy on Solar development and stated that solar parks should be located on brownfield sites or roof spaces.
- Noise and air pollution and general disturbance during construction phase and while digging trenches for cables.
- Damage to hedges
- Increase risk of flooding to lane which is already susceptible to flooding
- Inadequate drainage
- Development would result in the loss of some of the highest quality farm land in the county borough
- Concern that the panels will deteriorate in 10 years
- Adverse impact on biodiversity and wildlife
- Land will not also be used for sheep grazing due to weed killer required for non native plants
- Impact on residential amenity of immediate neighbours
- Adverse impact on tourism in the area
- Cattle pound and medieval settlement would be adversely affected
- Risk of hazardous waste being released if a panel is damaged
- Planning Policy states that farm land should not be used for solar parks

- Reed bed sewerage system to the south of the site causes existing flooding issues, which the planning department have failed to act upon.
- Concerns that the community benefits will not be forthcoming
- Concern with maintenance of panels and what procedure is if they are damaged
- Concern in regard to waste from the site
- Planning department did not notify residents of the development
- Length of proposed development (30 years) is too long
- Potential devaluation of property
- Mr Gash advised that he objects to the solar panels directly to the front of his property. A further objection was received from Mr Gash in regard to the amended site and landscaping plan which queried the number of trees along the northern boundary, the maturity of the trees shown on the plan and the positions of the trees in regard to Condition 10. Mr Gash also queried why the instant hedging was not provided along the north eastern boundary as he considers that the panels will be more visible at this location.  
Mr Gash also sent a letter to the Transportation Development Control Officer in regard to the proposed development.
- The visual impact report provided by White Consultants is being ignored
- Concern in relation to the reasons for support of the proposal by residents of the county borough
- Concerns in relation to the leaflet sent by Suncredit UK to the members of the planning committee and the information within this leaflet being misleading.

**Letters Of Support Were Received From The Following:-, -**

Cllr P Foley - 5 Caeffatri Close  
 K Storer - 52 Chantel Avenue, Pen y Fai  
 R Gibbs - 44 Chantel Avenue, Pen y Fai  
 L Gardener - 6 Chantel Avenue, Pen y Fai  
 T Thomas - 2 Chantel Avenue, Pen y Fai  
 N Williams - 14 Chantel Avenue, Pen y Fai  
 P Harris - 4 Y Lluest, Pen y Fai  
 M Clemett - Awel Deg, Pen y Fai  
 D Gill - Highbury House, Pen y Fai  
 D & E Oatridge - 16 Hillcrest, Pen y Fai  
 A Burton - 15 Hillcrest, Pen y Fai  
 G & J Morse - 11 Hillcrest, Pen y Fai  
 N John - 10 Hillcrest, Pen y Fai  
 S Williams - 14 Pen yr Heol, Pen y Fai  
 G Hunt - 9 Glen View, Pen y Fai  
 B Powell - 31 Protheroe Avenue, Pen y Fai  
 P Rowe - 5 Glen View, Pen y Fai  
 A Cowell - Glenview House, Pen y Fai  
 C Lyons - 33 Hillcrest, Pen y Fai  
 A Morgan - 1 Ysbryd y Coed, Pen y Fai  
 J Davies - 4 Ysbryd y Coed, Pen y Fai  
 D Tiffin - 5 Ysbryd y Coed, Pen y Fai  
 C Lewis - 7 Ysbryd y Coed, Pen y Fai  
 M Fryer - 30 Ysbryd y Coed, Pen y Fai

J Thomas - 31 Ysbryd y Coed, Pen y Fai  
J Hall - 52 Ysbryd y Coed, Pen y Fai  
R West - 3 Plas Tymawr, Pen y Fai  
R Howells - 6 Plas Tymawr, Pen y Fai  
R Millar - 18 Plas Tymawr, Pen y Fai  
B Boobysr -19 Plas Tymawr, Pen y Fai  
C Smith - 6 Crud yr Awel, Pen y Fai  
R Stinchcombe - 6 Cwrt y Cadno, Pen y Fai  
E Morgan - 5 Rhoda Ceirios, Pen y Fai  
K Armstrong - 6 Rhoda Ceirios, Pen y Fai  
V Samuel - 9 Rhoda Ceirios, Pen y Fai  
T Davies - 2 Clos y Talcen, Pen y Fai  
B Green - 8 Clos y Talcen, Pen y Fai  
A Golebiowski - 10 Clos y Talcen, Pen y Fai  
M Chim - 13 Clos y Talcen, Pen y Fai  
Y Jones - 27A Austin Avenue, Laleston  
J Molones - 6 Austin Avenue, Laleston  
L Gregson -20 Mayfield Avenue, Laleston  
J Rowling - 34 Mayfield Avenue, Laleston  
P Ball - 35 Well Street, Laleston  
M Jones - 9 The Dell, Laleston  
P Trotterdale - 13 The Dell, Laleston  
J V Jones - Ty Hufen, Laleston  
J Bowdidge - 57 High Street, Laleston  
R Roberts - 89 High Street, Laleston  
A Thomas - 6 Rogers Lane, Laleston  
A Trelise - 9 Tair Felin, Wildmill  
N & SJ Myerscough & D Hayles- 71 Glanffornwg, Wildmill  
A Howells - 18 Tremgarth, Wildmill  
S & N Williams - 81 Llys Gwyn, Litchard  
D Chubb - 5 The Precinct, Wildmill  
N Morris - 258 Maes y Felin, Wildmill  
J Williams - 63 Glynffornwg, Wildmill  
C Stevens - 151 Tairfelin, Wildmill  
R Stevens - 159 Tairfelin, Wildmill  
E Faulkner - 40 Maes y Felin, Wildmill  
S Heath - 168 Maes y Felin, Wildmill  
R Marsh - 160 Maes y Felin, Wildmill  
I Pilliner - 169 Maes y Felin, Wildmill  
R Morse - 96 Maes y Felin, Wildmill  
W Lewis - 12 Tairfelin, Wildmill  
G Roberts - 30 Tairfelin, Wildmill  
S Lawrence - 49 Maes y Felin, Wildmill  
N Evans - 22 Tairfelin, Wildmill  
J Moses - 188 Maes y Felin, Wildmill  
A Stanley - 216 Maes y Felin, Wildmill  
T Bailey - 79 Maes y Felin, Wildmill  
C Bond - 47 Tairfelin, Wildmill  
C Shaw - 52 Glanffornwg, Wildmill  
J Davies - 17 Tairfelin, Wildmill  
J Davies - 54 Tairfelin, Wildmill  
D Davies - 190 Maes yr Felin, Wildmill  
E Hopkins - 21 Tremgarth, Wildmill  
R Watkins - 61 Tairfelin, Wildmill  
M Smith - Tairfelin, Wildmill  
S Jones - 89 Tairfelin, Wildmill  
N Smith - 20 Church View, Laleston

A Bruck - 6 Laleston Court, Laleston  
L Stoddart - 5 The Square, Laleston  
RF Jones - 78 Chantal Avenue  
J Osbourne, 9 Graham Avenue  
R Thomas - 91 Graham Avenue, Pen y Fai  
A David - 95 Graham Avenue, Pen y Fai  
J Davies - 113 Graham Avenue, Pen y Fai  
D Morgan - 115 Graham Avenue, Pen y Fai  
D Harry - 14 Woodland Rise, Pen y Fai  
S Averis - 40 Treharne Drive, Pen y Fai  
Rowe - 42 Treharne Drive  
T Willis - 46 Treharne Drive, Pen y Fai  
C Saunders - 72 Graham Avenue, Pen y Fai  
R Thomas - 1 Woodland Rise, Pen y Fai  
G McLachen - 3 Graham Avenue  
K & M Shell - 4 Graham Avenue, Pen y Fai  
J Rees & A Cross- 36 Arther Street, Ystrad, Pentre  
The letters of support were in favour of renewable energy.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

The impact of the development on highway safety, visual amenities, ecology, agriculture, the countryside landscape and the Bridgend circular walk are fully addressed in the appraisal section of this report.

English Policy in relation to solar pv development differs to Welsh Policy, as Wales has a devolved planning system and the application is assessed against Welsh National Policy and local Policy only.

The Public Protection department have assessed the scheme and have raised no concerns in regard to air or noise pollution.

Any distribution caused during the construction phase of the development is a short term disruption only and, as such, it is not considered that the short term disturbance would warrant refusal of the scheme.

The Land Drainage Officer has assessed the scheme and does not consider that it would raise any concerns in regard to drainage. A review of the Environmental Report Compendium notes that the proposed development will not increase surface water run-off flow rates, due to the ground underneath the solar panels remaining as permeable grassland. The Report notes that for the whole development, including ancillary structures the total impermeable area is 0.29% which is considered to be insignificant. The application proposes to install a series of soak-away trenches and swale systems along the curtilage of the development site, to assist in reducing overland flows during extreme rainfall events.

Many local residents have advised that the surrounding roads currently suffer from flooding, this is an existing situation and the Land Drainage Officer does not consider that the development would increase the risk of flooding.

The main reason given for support of the proposal, from local residents, was for renewable energy creation.

It is not considered that the proposed solar panels will adversely affect the residential amenities of the neighbouring properties. Whilst, it is noted that the proposed solar park will detract from the existing countryside view enjoyed by the residents of neighbouring properties, the loss of view is not a material consideration. The proposed panels will not dominate or overshadow any

neighbouring properties to an unacceptable extent.

The proposal is for a solar park for a period of 30 years; whilst this is a long period of time and it can be considered that there is a certain degree of permanency, it is not considered an unreasonable amount of time for a solar development. It is likely that a bond for the decommissioning of the development would form part of any S106 Agreement, which would ensure that the land is restored to its former condition after the operation period.

The applicant has advised in the environment statement that the operation of the site will include the maintenance, monitoring, upkeep and cleaning of the site, which infers that panels will be regularly maintained. The potential deterioration of the panels is not considered to be a reason to refuse the scheme.

The impact on Biodiversity is addressed in the Appraisal section of this report.

In regard to the protection of 'The Pound', whilst the building is not listed or an ancient monument, it is listed on the Council's local list of locally significant buildings. Policy SP5 of the LDP states that development will only be permitted where it can be demonstrated that it will not have a significant adverse impact upon a building on the local list of significant buildings. The applicant has provided details of protection measures to be implemented at 'The Pound' during construction and decommissioning stages, which includes the provision of Celf Chestnut pale fencing along the northern boundary of the site. A condition shall be attached to any permission granted requiring the fencing to be erected in accordance with the details provided during the construction and decommissioning phases.

The community benefit being proposed by the applicant is a voluntary arrangement and cannot be controlled via the planning system. Planning Policy Wales at para 12.10.5 states the Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements and that such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97.

18 trees are shown along the northern boundary directly in front of Pantrosia Fach. The original wording of Condition 10 advised that mature trees should be incorporated into any landscaping scheme, the amended plan that the trees now shows that the trees along the northern boundary will be planted at a height of 3m  $\pm$  3.5m in height rather than 1.75m  $\pm$  2m as originally proposed. The instant hedge has been proposed along the northern boundary directly in front of Pantrosia Fach, but is not proposed along the north eastern section of the northern boundary. However, 3-3.5m high trees and 0.6-0.8m high hedging is proposed to be planted along this boundary and is considered to be sufficient in terms of mitigation as this section of the boundary is some 110m from the rear boundary of Pantrosia Fach.

Network Rail's comments relate to the use of the bridge by abnormal loads (e.g mobile cranes and plant low loaders) and the application only proposes the use of standard HGV's during the construction and decommission phases and vans and light vehicles during the operational phase. There are no abnormal loads proposed and, as such, the comments received do not warrant the refusal of the application. A note shall however, be attached to any permission granted advising the developer of the advice from Network Rail's Asset Protection Engineer.

Furthermore, the bridge does not have a weight restriction and the highway network is open to the use of all vehicles. It should be acknowledged that there is no restriction of the movements of HGV's and large agricultural vehicles over the bridge.

The Special Landscape area was amended as part of the Local Development Plan process. The Local Development Plan was examined by an independent Inspector from the Planning Inspectorate who found the plan to be sound.

The application is assessed against current policy.

The planning authority notified properties which shared a boundary with the site of the application in writing and also posted two notices in the area. One notice was posted on the road to the west of the site and the other was posted in Pen y Fai village.

The solar panels absorb light in order to create energy and, consequently, the panels are non-reflective and do not create glare.

Potential devaluation of property and loss of view from a residential property is not a material planning consideration.

The leaflet provided by the applicant to the members of the planning committee is not a planning matter.

## APPRAISAL

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents, the Community Councils and at the request of local Members.

The application seeks planning permission to construct a photo voltaic solar park, which will generate 15 MW of electricity and consists of 70,000 solar panels over an area of 28.2 hectares in the Court Colman area of Bridgend.

A Full Committee Site visit took place on 15 October 2014, where the site was viewed from a series of vantage points. The local member, applicant and objector were in attendance at the site meeting.

The application was deferred at the committee meeting on 16 October 2014 to allow the applicant to provide further traffic management details and a plan showing increased landscaping along the northern boundary of the site. Details of which were submitted on 4 November 2014.

The Welsh Government advised the Local Planning Authority, in writing, that the application was not to be 'called-in' as the issues raised by the proposed development are not more than local importance.

The report will assess the relative merits of the proposed Solar Park and its impact within the County Borough of Bridgend.

The Appraisal will cover the following topics:-

1. The development in relation to National and Local Policy context
2. Landscape and visual amenity
3. Ecology
4. Transportation
5. Conservation & Archaeology
6. Agriculture

### 1. NATIONAL AND LOCAL POLICY

National Policy in relation to renewable energy developments is contained within Planning Policy Wales (7th edition 2014) (PPW) and Technical Advice Note 8: Renewable Energy (TAN8).

PPW identifies a UK target of 15% of energy from renewables by 2020 and states that the Welsh Government is committed to delivering an energy programme to reduce carbon emissions whilst enhancing the economic, social and environmental wellbeing of the people and communities of

Wales. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).

PPW advises that the Welsh Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding and minimising environmental, social and economic impacts.

PPW aims at para 12.1.4 to promote the generation of energy from renewable (and low carbon) sources at all scales and para 12.8.6 seeks to maximise its benefits to the economy and communities, whilst minimising potential environmental and social impacts.

Para 12.10.1 of PPW states in determining applications for renewable and low carbon energy development and associated infrastructure planning authorities should take the following into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gases;
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development;
- The impact on the national heritage, the coast and the historic environment;
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations;
- Ways to avoid, mitigate or compensate identified adverse impacts;
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal

Technical Advice Note 6 - Planning for Sustainable Rural Communities (TAN 6) at para 3.7.2 recognises that renewable energy is an appropriate use in rural locations and states ' Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.'

Technical Advice Note 8- Planning for Renewable Energy states at para 1.6 'As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.'

TAN8 at paragraph 3.15 indicates that, except where the visual impact would be critically damaging to a listed building, ancient monument or conservation area vista, proposals for appropriately designed solar pv systems should be supported.

In addition to PPW and the Technical Advice Notes, the Welsh Government 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. "Energy Wales: A Low Carbon Transition" (March 2012) was also issued by the Welsh Government 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 Policy and Technical Advice Notes are Climate Change Strategy for Wales 2010, Planning for Renewable and Low Carbon Energy - A Toolkit for Planners 2010, TAN5 - Nature Conservation and Planning and TAN 12 - Design.

National Policy is translated at a local level via the Local Development Plan (LDP), which was adopted by the County Borough in September 2013.

The proposal is located outside of any settlement boundaries as defined by Policy PLA1 of the LDP and, as such, is located in the countryside and should be assessed in the context of Policy ENV1 which strictly controls development in the countryside except for specific identified purposes. Criterion 6 of Policy ENV1 identifies utilities infrastructure as an appropriate exception

Paragraphs 4.1.11 and 4.1.12 of the LDP, expand on Policy ENV1 and make it clear that whilst certain development maybe appropriate in the countryside in respect of Policy ENV1, the Policy only forms the starting point for assessment of proposed development in countryside and proposals will need to satisfy other relevant policies in the LDP.

In this regard, strategic Policy SP8 of the LDP is relevant, which states that 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 adverse impacts on the environment and local communities.

Policy ENV18 of the LDP is especially relevant and provides a more robust assessment for renewable energy schemes. Policy ENV18 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.

Relevant criteria are commented upon in turn below:-

Criteria 3, 4, 5 & 6 - The impact of the development on ecology, archaeology, historic buildings, highways and visual amenities/landscape are fully considered in the relevant sections of this Appraisal.

Criterion 8 - The applicant has advised that they propose to provide a package of community benefit which includes £500,000 fund to include an outdoor education area, an environment management plan, a dog walking path, insect hotel & beehives, annual donations of £5,000 per community will be made to the Pen Y Fai, Laleston and Wildmill communities for 15 years to support local community projects, for immediate neighbours of the project £4,000 worth of Solar PV or energy saving measures and free Solar PV or other forms of micro-renewables and energy efficiency measures will be provided for local community buildings. The applicant has also verbally advised that there will be benefits to local unemployed people in terms of gaining employment. These issues however, are controlled outside of the planning process.

Paragraph 4.6.10 of the LDP seeks to expand on this policy criteria stating 'This policy, together with SP8 will ensure that consideration of proposals is balanced between the desire to generate increased levels of renewable energy and the need to protect sensitive areas. The local community should also benefit appropriately from any facility with examinations of the potential to connect existing/future developments to the facility or, where this is not possible, other forms of community benefits should be examined.'

Criterion 9 - Provision has been made for the removal of all infrastructure from, and reinstatement of, the site following termination of the use. The applicant has indicated that planning permission is sought for a period of 30 years. If the application were given planning permission conditions would be attached to any permission limiting the time period of the development to 30 years and requiring the submission of a decommissioning method statement prior to commencement of any works on site.

In light of the above, the applicant has satisfactorily demonstrated the acceptability of the proposal in the context of criteria 8 and 9 of Policy ENV18 of the LDP.

Policy ENV18 of the LDP together with strategic Policy SP8 ensures that consideration of proposal is balanced between the desire to generate increased levels of renewable energy with the need to protect the environment and local communities.

Strategic Policy SP4 of the LDP is also relevant to the proposed development. Policy SP4 states that development which will conserve and, wherever possible, enhance the natural environment of the County Borough will be favoured. Development proposals will not be permitted where they will have an adverse impact upon the integrity of the County Borough's countryside, the character of its landscape, its biodiversity and habitats and the quality of its natural resource including water, air and soil. The impact of the development on landscape is further discussed in the Landscape and Visual amenity section of this Appraisal.

To the south and east of the site is the Laleston Special Landscape Area (SLA) as defined by Policy ENV3(7) of the LDP.

The proposal is also considered in the context of Policy SP2 of the LDP which considers general issues associated with amenity and design. Many of the issues which are the subject of Policy SP2 are also considered in the context of Policy ENV18 and, of significant importance in respect of the proposed Solar Park, is criterion 2 of Policy SP2, which states that all development should have:

'A design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character'

To supplement the above the County Borough has been subject to a Landscape Character Assessment, the results of which have been used to inform a landscape sensitivity assessment which considers the impact of different scales of wind and solar developments in the landscape of the County Borough know as 'Renewables in the Landscape: DRAFT Supplementary Planning Guidance' (SPG). However, this document is still in draft form and has yet to be the

subject of any form of formal consultation and, as such, this document cannot be considered as a material consideration in the determination of this planning application. Consequently, the SPG cannot be given any weight by the Local Planning Authority in the determination of the application.

## 2. LANDSCAPE AND VISUAL AMENITY

A Landscape and Visual Impact Assessment (LVIA) accompanied the planning application which concluded that the location and enclosing vegetation of the proposed site and surrounding area can accommodate a solar development of the type proposed without any unacceptable landscape effects, and that the proposed mitigation planting would provide long term beneficial effects on the local landscape.

The submitted LVIA and amended LVIA includes photomontages on the proposed solar park from a series of different locations around the site.

The Local Authority has limited capacity to properly assess the submitted LVIA and, consequently, the Local Authority commissioned White Consultants to carry out an assessment of the submitted LVIA and to provide an expert conclusion as to whether the proposed solar park is likely to have a detrimental impact on visual amenities and the landscape. The Local Planning Authority has regard to the report supplied by White Consultants in the appraisal of the development in terms of visual amenity and the impact on the landscape and historic sites.

The proposed solar park covers an area of 28.2 hectares of agricultural land and consists of 70,000 solar panels and associated equipment, therefore, by its nature the proposed development will be a visible development. The proposed solar park is the largest that has been considered by Bridgend County Borough Council to date. The solar panel structures will reach 1.92m in height, the site will be surrounded by a deer fence reaching 2 metres high, there will be access tracks throughout the site, a dog walking path around the perimeter of the site and a number of inverter cabinets positioned at various locations within the site.

The key findings of the assessment by White Consultants on the amended scheme are outlined below and the full assessment can be viewed at Appendix A.

The LVIA states that the proposed development is considered to be of a medium scale and therefore appropriate, it is not considered that the proposed 28.2 hectare solar park is medium scale and it is a large scale development.

The applicant also states, in the LVIA that, the site is low lying and gently undulating and the hedgerows, trees and woodland contribute with the landform to create a moderate sense of enclosure, which is reasonable. The LVIA states that the existing hedgerows would break up the perceived massing of development and provide screening from outside the site. Whilst this is the case in some directions it is not true in from certain locations i.e. the side of the valley to the south.

The submitted LVIA also states that the landscape is of moderate complexity dominated by geometrically shaped fields with hedges, trees and woodland and that the proposed development is simple in nature and would respect the existing landscape pattern by being designed around the field pattern. The assessment by White Consultants found that the shape of the fields is not geometric (which are straight lined, usually rectangular fields, usually in late enclosed planned landscapes), rather the fields on the site are curved with irregular parts and of different sizes and shapes and could be defined as semi-regular. Whilst, the hedges will be left substantially intact, the proposed regular straight lines of arrays respond to the irregular boundary pattern.

The submitted LVIA acknowledges that the landscape remains rural but has strong urban and

human influences nearby including the M4 motorway and railway line. It further states that the proposed development is of the type and scale which would not materially change the extent and proportion of human influence on the surrounding landscape. It is considered that this is incorrect, as by its very nature, the proposed development would result in a step change in development in the area, particularly the environs of the site.

It is considered that the proposed solar park will not be prominently visible in the wider landscape, however, the development will have an impact from a number of locations within close proximity of the site, which have been identified by White Consultants and are expanded upon below.

- The public footpath to the north east of the site would have views of the backs and sides of the arrays and would be visible on the skyline to the right of the view. The rears of the arrays are less sightly than the front due to the steel frames. In order to mitigate against and reduce the impact of this direct viewpoint a condition shall be attached to any permission granted requiring additional landscaping along this boundary, including trees, to be planted in the first planting season. It is considered that, with the appropriate landscaping, the long term visual impact would not be so significant to the landscape as to warrant refusal.

- When the site is viewed from the public footpath directly to the north of the site and adjacent to Pantrosia Fach the backs and sides of arrays would again be visible covering a wide angle of view, however the proposed mitigation of hedges together with additional landscaping, including 'instant' hedges, would adequately screen views from the public footpath and from ground level at the residential property Pantrosia Fach. White Consultants have advised, in their assessment, that the level of effect of the development on the views from the first floor windows at Pantrosia Fach would be substantial in both the short and the long term and that the mitigation proposed is insufficient to reduce the impact on views from these first floor windows. Whilst, the development will dominate the views from the first floor windows of Pantrosia Fach, the impact of a development from bedroom windows is not given as much weight as on other, more intensively occupied, habitable rooms, such as living rooms. The additional landscaping submitted on the plan received on 4 November 2014 would not entirely screen the development from the Pantrosia Fach and the footpath to the north of the site, but would mitigate to a certain extent. Whilst, the development would result in a loss of countryside view from the residential property, there is no right to a view in planning and this is not a material consideration in this case.

- The view from the minor road at the bridge over the railway to the south west of the site from a public highway would overlook the fronts and sides of the arrays in two fields and would cover a wide section of the view running up and along the valley slopes. The mitigation shown in the Year 5 photomontage provided by the applicant shows the hedge allowed to grow 3-4 m high and includes the planting of hazel, which is considered to go some way to reducing the visual impact of the development from this viewpoint. However, the view of the site from the highway at this point is likely to remain significant in the short term and the development will remain noticeable in the long term, due to the size of the development. Whilst, the solar park will be visible from this location, the majority of receptors at this point will be motorist's, and motorist are generally attributed a lower sensitivity. Consequently, the impact is not considered to be so significant in the long term as to warrant refusal of the scheme. It is noted, however, in relation to pedestrians, that the proposed development will be highly visible and will have more of an impact on receptors using this route.

- When the site is viewed from the road that runs along the south of the site the arrays will be screened by the proposed raised hedges and glimpses will only be possible through the gateway breaks in the hedge. In terms of the view from the railway, to the south of the site, the effect will be significant in the long term, however, due to the speed that the train is likely to be travelling, the impact of the proposed solar park is considered to be limited at this point.

- The view of the site from the Bridgend Circular Walk, to the south of the application site, would

cover a wide sweep of the fields on the opposite valley side dominating the view. The development would leave a spatial gap between the solar arrays and the Grade II Listed Building and historic park at Court Colman Manor. The trees along the Valley floor would be unlikely to screen the development significantly in the long term and cannot be relied on to do so. Mitigating measures on the site would not have an effect due to the elevation of the view. White Consultants have advised that the visual effect of the development on users of the Bridgend Circular Walk within the Laleston Special Landscape Area (SLA) would be likely to be significantly adverse in the short to long term.

- With regard to views of the site, when viewed from the Grade II listed Court Colman Manor and the Court Colman Park, direct views of the solar park would not be possible from this location and, as such, there would be no detrimental effects from the development in this context of this historic environment.

- The amended scheme removes the arrays from the Dogs Trust location and, as such, the development is considered to have no effect on visual amenities at this location. However, as there is no mitigation proposed between the western boundary of the site and the accommodation at the Dogs Trust it is considered that the solar park would have a significant impact on the Dogs Trust. However, this is not a residential property, but a commercial property and, as such, it is not considered that the application can be refused based on the impact upon the view from the accommodation at the Dogs Trust.

The LVIA submitted by the applicant states that the proposed development would not become a key characteristic of the area in general. However, in light of its size and location on the slopes of the valley, it is considered that the proposed development would be a key characteristic in the area.

In terms of tranquillity, it is acknowledged that the landscape is predominantly rural but the tranquillity of the site is influenced by the M4 and the railway. Tranquillity also includes the presence of people and modern development in views. The individual and cumulative adverse effects on tranquillity to which the development would give rise, would therefore, remain.

The proposed solar farm will be a dominant feature when viewed from certain locations, such as the railway bridge to the south west of the site. However, it is considered that the additional landscaping will mitigate against the adverse impacts of the development to an extent. The proposed solar park will be located outside of the Laleston SLA, but will be visible from within the SLA and Bridgend Circular walk. The proposed solar park will also be visible from the residential property to the north and the footpath to the north, however the proposed instant hedging and landscaping measures along the northern boundary will reduce the visual dominance of the development on the residents of this property. Whilst, there will be an impact on the visual amenities of the landscape this impact has to be balanced against the strong national policy acceptance of renewable energy schemes.

### 3.ECOLOGY

The application was supported by an Ecology Appraisal (EA), which was updated as part of the amended scheme. The EA concluded that the overall impact on a range of protected species including birds, bats and badgers is considered to be negligible and the implementation of appropriate mitigation and sensitive design measures will ensure that any impacts are avoided and minor positive effects are anticipated for most species.

The proposed development is considered to promote some ecological gain and the EA makes several references to habitat creation and management, such as hedgerow management and creation of species-rich grassland. The works will be the responsibility of the solar park owner and the works will be undertaken by experienced contactors and/or under the watch of suitably qualified ecologist and future monitoring and reporting on the effectiveness of the proposed

measures will be undertaken by a suitably qualified ecological consultancy.

The EA identifies the presence of Himalayan Balsam/Japanese Knotweed in the vicinity of the application site. The applicant has advised that measures are proposed to remove all invasive species from within the site using non-invasive spraying methods over at least 3 years until the plants have become dormant.

The EA suggests that habitat protection and enhancement plan will be implemented as part of the development to improve biodiversity in the local area. A condition will be attached to any permission granted requiring details of the plan to be submitted to and agreed in writing by the Local Planning Authority.

#### 4. TRANSPORTATION

The traffic generation associated with the proposed development once operational is minimal in terms of maintenance visits. The construction phase of the proposed development, however, is may result in disruption to the highway network. Given the rural location of the site the developer entered in to pre-application discussions with the Highway Authority and the most appropriate route to use to service the site was agreed as being North along Rodger's Lane from Laleston, East, North and East along Waunbant Road to the site.

The Design and Access Statement submitted with the application, states the proposed three month construction phase will generate 310 Heavy Goods Vehicle trips in total.

The peak number of trips has been identified as being within the first three weeks of the programme with 126 vehicles (42 per week) and with the proposed construction hours (Mon - Fri 8am-6pm and Sat 8am-1pm) this would result in a frequency of no more than 3 vehicle movements per 2 hours.

The next 7 weeks (Weeks 4-10) of the programme have been identified as generating a much lesser quantity of 150 vehicle trips (21 per week) which would result in one vehicle movement every 78 minutes (approx. 3 movements per 4 hours).

The final two weeks of the programme have been identified as generating the least traffic - 30 vehicles (approx. 1 movement every 2 hours)

Whilst the Highway network serving the site is not to a generally high standard it must be appreciated that there are no current restrictions on the numbers or size of vehicles that can use the lanes. Whilst, the existing vehicle movements along the lanes are reasonably low, it is considered that there are limited passing opportunities and there is the potential for vehicles to meet oncoming large vehicles, a such, a condition will be attached to any permission granted requiring the developer to prepare a scheme of temporary traffic management. The scheme shall include for temporary signage together with a requirement for all large vehicles to be shepherded by an escort vehicle which will temporarily hold oncoming traffic at pre agreed locations such that vehicles can pass. A suitable site compound and contractor parking area will also need to be identified.

In order to ensure that highway safety is maintained it is considered necessary for the developer to enter into a S106 Agreement with the Local Authority for a routeing arrangement, to ensure that delivery vehicles do not utilise the surrounding lanes inappropriately.

#### 5. CONSERVATION & ARCHAEOLOGY

The application is supported by a Heritage Assessment which, in summary, has identified no development effects upon heritage assets that would preclude development within the site or influence development design.

The Grade II listed Court Colman Manor and the Grade II listed Registered Historic Park are located to the east of the application site and, within the wider locality, there is a Scheduled Ancient Monument at Llangewydd Church and a Churchyard, which are 230m south of the development boundary.

The Grade II listed building and its Grade II listed Historic Park and Garden are located approximately 180m to the east of the site, Policy SP5 of the LDP states:-

'Development should conserve preserve or enhance the built and historic environment and its setting and in particular development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon the heritage assets including:

SP5(1) Listed Buildings and their settings

SP5(5) Historic Landscapes and Parks and Gardens

The LDP states that the specific characteristics of the above designations and their settings must be preserved and/or enhanced by any proposed development. This is supported by National Guidance in para 11 of Welsh Office Circular 61/96 which states that, when considering applications for planning permission or listed building consent for works which affect a listed building, special regard should be had to certain matters, including the desirability of preserving the setting of the building.

The amended scheme removes the view of the proposed development from the listed building and historic park and, therefore, the impact of the proposed development on the setting of the registered park and garden will be negligible and less significant.

There is a scheduled ancient monument, the remains of Llangewydd Church and Churchyard, located some 400m to the south of the application site. The ancient monument is located on a slight elevation and the proposed development will be visible from it. However, the fields where the solar park will be developed are only slightly sloping towards the south and the existing hedgerows will provide some screening of the panels in views from the designated monument, it is therefore considered that the impact of the development on the monument is low adverse.

In terms of archaeology, it considered that due to the nature of the topography and the design implemented to protect the archaeology that the impact of the proposed development has been considerably reduced and no further mitigation is required.

## 6.AGRICULTURE

The application site is located on Grade 3 agricultural land as identified in the Agricultural Land Classification map for the area. 15 hectares of the site is on Grade 3a agricultural land and the remaining site is on Grade 3b land. There are several areas to the south of the site which are of a higher agricultural quality i.e. Grade 2 and to the north of the site poorer quality land is found, Grade 4 and Grade 5. The applicants contend that the loss of the land would not be on a permanent basis and that the land would not be irreversibly developed due to the temporary nature of the proposal and the unobtrusive construction methods, with only the frames of the panels being pile-driven into the ground. The applicant has also advised that the land beneath and around the solar panels will be capable of being grazed by sheep.

The applicant verbally advised that the reason for not using the lower grade land to the north was due to the increased visibility of the sites, grid connectivity and other restrictive issues.

Paragraph 6.2.3 of Technical Advice Note 6 states 'The best and most versatile land falls into grades 1,2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.' The Land Use Planning Unit of Welsh Government has assessed the scheme and has advised that Best and Most Versatile land is likely to be found in mosaic with dominant agricultural land classification Grade 3(b). As the development is unlikely to reach the threshold

of 20 hectares of Best and Most Versatile land the Welsh Government will not express a view on the proposal.

The quality of the land at the application site is not the highest in the County Borough, Grade 3 agricultural land is not being permanently lost as a result of any grant of planning permission and the intensity of the agricultural use of the land is likely to be reduced whilst the land is used as a solar park, however it is not considered to be diminished to such a degree as to warrant refusal of the scheme for this reason.

## **CONCLUSION**

There is strong national support for renewable energy in Planning Policy Wales and TAN8, the Local Development Plan also supports schemes for renewable energy in Policies SP8 & ENV18, which carry significant weight. The production of 15MW of electricity is a significant factor in favour of the proposed solar park. The development also proposes a number of ecological enhancements, which will also act in favour of the proposed solar park.

In terms of highways the proposed development is not considered to generate a high level of traffic movements, however it is considered that the construction and decommissioning phases will. Whilst, the roads, proposed by the developer to be used by construction and decommissioning traffic, are unrestricted, it is considered appropriate to attach conditions to the permission in the interests of highway and pedestrian safety and for the developer to enter into a S106 Agreement with the Local Planning Authority to agree a route to be used by HGV's.

There will be an impact on the Grade 3 (a) and (b) agricultural land and the intensity of the agricultural use will be reduced during the use of the land as a solar park. The agricultural impact is not considered to be a factor in favour of the proposal, nor is it considered to be so detrimental as to warrant refusal of the scheme for this reason.

In terms of the visual impact of the proposal, it is considered that there will be a step change in the landscape of Court Colman and the character and appearance of the rural surroundings. However, the use of the existing landscaping and the introduction of additional landscaping will mitigate the impact to an extent. The impact of the proposed solar park, as perceived from the south, the Bridgend Circular Walk, is considered to be moderately harmful. However, given the national and international desirability of the generation of electricity from a renewable resource, such as solar power, and the statement within TAN 8 at paragraph 3.15 - 'Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported', the planning balance weighs in favour of renewable energy creation.

In reaching the recommendation below, the Local Authority has had regard to national and local policy, the environmental statement, the comments of statutory consultees, comments from members of the public and the reports received from White Consultants. In addition, all relevant European Directives, legislation and regulations have been taken into consideration.

The Local Planning Authority has also had regard to the recent appeal in Pembrokeshire Council, where a solar park of 23 hectares was allowed as it was considered by the Inspector that, despite the development having a moderately harmful impact on the local landscape, the proposals would be acceptable bearing in mind the desirability of the generation of electricity from this renewable solar resource (APP/N6845/A/13/2204295 refers).

## **RECOMMENDATION**

(A) The applicant enter into a S106 Agreement to:-

(i) Provide Financial Security to ensure that decommissioning works are carried out following cessation of operation of the development.



(ii) Control the route of all construction and decommissioning 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 S106 Agreement, as follows:-

**1** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers s.0384-07-H, 2xxx.AP.010.2.0, 2xxx.AP.007.4.0, 2xxx.AP.008.4.0 and 2XXX.AP.004.2.0.

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

**2** No generation of electricity hereby permitted shall take place after 30 years from the date on which electricity is first transmitted from the site. The photovoltaic arrays and their associated ancillary equipment and buildings shall be removed from the site within a period of 6 months from the end of that period and the site restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

**3** No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month. That record shall be made available for inspection by the Local Planning Authority at any time during normal working hours.

Reason: In order to ensure proper monitoring of the operation.

**4** All planting, seeding and turfing included in the approved details and plans shall be carried out in the next available season following the start of development. If within a period of 2 years of the date of planting, any tree or hedge dies, is removed, or becomes seriously damaged or diseased, it shall be replaced in the next available planting season with another of the same size and species.

Reason: In the interests of visual amenities

**5** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of all plant, machinery and buildings hereby permitted, including their external materials and finishes. The development shall be carried out in accordance with the agreed details and the agreed external materials and finishes shall be retained for the lifetime of the development, including for any repair or renewal works.

Reason: In the interest of safeguarding visual amenities.

**6** No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority, detailing how Himalayan Balsam and Japanese Knotweed will be treated and/or disposed of and measures to be put in place to stop the spread of these species during the construction phase of the development. The scheme shall be implemented as agreed.

Reason: In the interests of ecology.

- 7** No development shall commence on site until a habitat protection and enhancement plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be implemented as agreed.

Reason: In the interest of safeguarding biodiversity.

- 8** Prior to any works commencing on the re-routing of overhead cables the applicant shall obtain a temporary stopping up/diversion of the public footpath.

Reason: In the interest of pedestrian safety.

- 9** The landscaping scheme shall be implemented as detailed on the 'Site Layout & Planting Proposals' plan, (Plan No. S.0384\_07-H) received on 4 November 2014 and the landscaping directly to the south of Pantrosia Fach shall be planted prior to the solar panels being erected in the north eastern field. The landscaping shall be maintained for the duration of the operation of the solar installation.

Reason: In the interests of visual amenities

- 10** Prior to any the construction and decommissioning phases commencing the protection measures proposed for 'The Pound' at the junction of Waun Bant Road, as detailed in Appendix A of the PFA report named 'Discharge of (draft) conditions 11,13,14 & 15' received on 4 November 2014, shall be implemented. The protection measures shall be removed within 21 days of the completion of the construction and decommissioning phases.

Reason: In the interests of safeguarding a building of historic interest.

- 11** If any solar panel fails to produce electricity to the grid for a continuous period of 12 months and, if so instructed by the Local Planning Authority, the solar panel shall be removed from site or replaced within a period of 6 months from the end of that 12 month period.

Reason: In the interest of visual amenities and to ensure that the solar panels produce energy whilst in situ and that they are removed from the land if they cease to function.

- 12** No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The routeing and control of HGV construction traffic to/from the site
  - ii. the parking of vehicles of site operatives and visitors
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development
  - v. wheel washing facilities

Reason: In the interests of highway safety.

- 13** Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of temporary traffic management from Laleston along Rodgers Lane and Waunbant Road to the site from Laleston and on the approaches to the route during the construction period has been submitted to and agreed in writing by the Local Planning Authority and implemented as agreed before and during such works.

Reason: In the interests of highway safety.

- 14** A temporary direction signage scheme for the proposed control of vehicle movements to the site shall be submitted to and agreed in writing by the Local Planning Authority. The signage scheme shall be implemented prior to, and retained for the duration of, the construction phase.

Reason: In the interests of highway safety.

- 15** Not later than 12 months before the cessation of the proposed solar farm, a site restoration scheme shall be submitted to and approved 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.

Reason: In the interests of pedestrian and highway safety.

- 16** No development shall commence until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum;

- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Full details of how any watercourses will be crossed or confirmation that this is not applicable.
- Storage facilities for any oils if applicable.
- Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off.
- Details of measures to ensure no polluting discharge from disturbed areas.
- Measures for dealing with any contaminated material (excavated waste)
- Details of emergency contacts, for example Natural Resources Wales Pollution hotline 0800 807 060.

Reason: To prevent pollution.

- 17** Prior to any works commencing on site a soil management scheme for the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. The soil management scheme shall be implemented as agreed.

Reason: To ensure that water runoff from the site is not increased

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

a) Notwithstanding the objections received this application is recommended for approval because the development complies with National and Council policy and does not significantly harms highway safety, visual amenities, biodiversity or drainage as to warrant refusal.

b) The developer is advised that any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated.

c) All surface water drainage should be directed away from Network Rails land to the public mains system.

d) The works involve disturbing the ground on or adjacent to Network Rails land and it is possible

that the Network Rail and utility companies have buried services in the area in which there is need to excavate. The developer is advised that Network Rail's ground disturbance regulations apply.

e) No surface water is allowed to discharge to the public highway

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

g) The Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining certain lengths of the secondary highway network.

h) 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.

i) 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>

j) The developer is advised that the landscaping scheme required under condition 10 should include mature trees planted within close proximity to each other along the northern boundary.

k) The developer is advised that Network Rail employ an Asset Protection Engineer who can be contacted on [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)

**APPENDIX C**  
**TO BE READ IN CONJUNCTION WITH ITEM 5**  
**P/14/337/FUL**  
**OF THE REPORT OF THE**  
**CORPORATE DIRECTOR - COMMUNITIES**

## PROPOSED SOLAR PARK, COURT COLMAN, PEN-Y-FAI, BRIDGEND

### PLANNING APPLICATION NO. P/14/337/FUL

#### CLARIFICATION NOTE – RAILWAY BRIDGE

1. This clarification note has been prepared to address concerns regarding the railway bridge over the Bridgend to Pyle railway line (Network Rail Reference: SWM/B/193:21.5) in respect of the above application.
2. The route for HGV construction traffic crosses the railway bridge over the Bridgend to Pyle railway line.

#### Structural Capability

3. Concerns have been raised in respect of the capability of the bridge to withstand the loads of vehicles associated with the construction of the proposed development.
4. The maximum gross vehicle weight (the maximum weight a vehicle is designed to carry including the net weight of the vehicle with accessories, plus the weight of passengers, fuel, and cargo) of vehicles delivering panels will be 44 tonnes.
5. The ability of a bridge to carry a load is determined generally by maximum axle weight rather than maximum gross vehicle weight. The maximum axle weight will be on a self-propelled crane (STGO Cat 3), which has a maximum axle weight of up to 16.5 tonnes.
6. Network Rail has assessed that the bridge has a weight limit of 44 tonnes (for HGVs with 6 axles and maximum axle weight of 11.5 tonnes), and can accommodate STGO Cat 3 vehicles (maximum axle weight of 16.5 tonnes). The bridge can therefore accommodate the loads of vehicles associated with the proposed development.
7. Information on the weight limit of the bridge was obtained from Network Rail's Abnormal Loads Bridge Data, available from <http://www.networkrail.co.uk/asp/3536.aspx>. An extract showing the data for the bridge is reproduced at **Appendix A**.
8. Network Rail has confirmed in email correspondence that it is satisfied that its concerns stated in the Development Control Committee notes of 13 November 2014 have been addressed. The email correspondence is reproduced at **Appendix B**.

#### Damage to Bridge

9. Concerns have been raised that the frequency of deliveries to the proposed development will result in damage to the bridge.
10. 'Wear and tear' on any road structure is assessed in terms of 'millions of standard axles' (see HD 24/06 'Traffic Assessment' in Design Manual for Roads and Bridges, Volume 7, Section 2, Part 1). Only bridges subject to railway loading are required to be assessed for repetitive load cycles (see BD37/01 'Loads for Highway Bridges' in 'Design Manual for Roads and Bridges', Volume 1, Section 3, Part 14). The limited number of additional vehicles will not have an effect on the structural integrity of the bridge.
11. The bridge is currently used by farm traffic generated by the existing use of the site. An area of the site of approximately 33 acres is used to harvest maize. This typically generates 2 loads per acre (10 to 14 tonnes per load), equating to 66 movements with a load and 66 return movements, totalling 132

movements in one day. The transportation of silage generates 120 movements with a load (8 to 10 tonnes per load) and 120 return movements over 5 days. This existing farm traffic will be removed from the local highway network should the proposed development be constructed.

### **Bridge Profile**

12. Concerns have been raised that the profile of the bridge and the slope to the junction to the north of the bridge will not accommodate loaded vehicles associated with the construction of the proposed development.
13. Drawing Numbers S468/07 Rev B and S468/08 Rev A, contained in **Appendix C**, show an HGV and a low loader crossing the bridge from the slope. For the sake of robustness, an HGV of 15.4m length has been used. This has a lower minimum ground clearance than the HGVs that will be used for most deliveries. The vertical profile of the bridge and slope is based on a topographical survey undertaken in November 2014 by Brunel Surveys Ltd, an independent land surveying company. The topographical survey is reproduced at **Appendix D**.
14. The drawings show that HGVs and low loaders will be able to clear the bridge and slope. The bridge can therefore accommodate vehicles associated with the proposed development.

### **Conclusion**

15. The railway bridge can accommodate the loads and types of vehicles associated with the construction of the proposed development. The limited number of additional vehicles will not have an effect on the structural integrity of the bridge.
16. In line with the recommendations of the Case Planning Officer and the comments received by the Highway Officer and Network Rail, it is considered that there are no reasons relating to the railway bridge for refusal of planning permission for the proposed solar park.







Extract from Network Rail's Abnormal Loads Bridge Data (available from: <http://www.networkrail.co.uk/asp/3536.aspx>)

NR Ref	Easting	Northing	Longitude	Latitude	Address 1	Address 2	City	County	STGO 1	STGO 2	STGO 3	Crane Cat A	Crane Cat B	Crane Cat C	Notes
SWM/B/193-21.5	287359	181397	-3.624934912	51.52017593	Rogers Lane Llangewydd To Heol Eglwys Pen-Y-Fai Via Court Colman	Pen-Y-Fai	Bridgend	Bridgend	44	44	44	36	59	59	



## Matthew Davies

---

**From:** Network Rail Abnormal Loads <AbnormalLoadsContact@networkrail.co.uk>  
**Sent:** 20 November 2014 13:14  
**To:** Matthew Davies  
**Cc:** Asset Protection Wales  
**Subject:** RE: S468 - Proposed Solar Park, Court Colman, Pen-y-Fai, Bridgend (Planning Application Ref: P/14/337/FUL)

Hi Matthew;

Thank you for confirming that you do not intend to move any component on a vehicle that will be classed as an Abnormal Load. This satisfies the concerns stated.

Should there be a change in circumstance, please contact us as soon as possible to enable us to work with you to address any issues.

**Many thanks**

**Francis Hennigan**

Abnormal Loads Manager  
Abnormal Loads Team



**Abnormal Loads Help Desk: 01908 783 140**

The Quadrant: MK | Elder Gate | Milton Keynes | MK9 1EN  
Furzton Building | Mobile: 07720 957 672

---

**From:** Matthew Davies [<mailto:mdavies@pfaplc.com>]  
**Sent:** 18 November 2014 15:49  
**To:** Asset Protection Wales; Network Rail Abnormal Loads  
**Subject:** S468 - Proposed Solar Park, Court Colman, Pen-y-Fai, Bridgend (Planning Application Ref: P/14/337/FUL)

To whom it may concern

I am writing in respect to a planning application (see reference above) for a proposed solar park located on land at Court Colman, Pen-y-Fay, Bridgend. The location of the site is shown on the attached plan. Network Rail has provided the following comments, which were included in the Development Control Committee notes of 13 November 2014 (see attached):

***“It is not clear if any abnormal loads will be using routes that include Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail requests that the applicant contact our Asset Protection Engineer e-mail [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) to confirm that any proposed route is viable and to agree a strategy to protect our assets from any potential damage caused by abnormal loads. I would also advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.”***

The proposed route to the site is shown in attached plan. The proposed route crosses a railway bridge (Reference: SWM/B/193:21.5) to the west of the site. We liaised with Network Rail and Bridgend County Borough Council at the pre-application stage to discuss the viability of the route. We have been informed that the bridge has been assessed as capable of withstanding loads of 44 tonnes, and therefore there is no weight restriction on the bridge. Please can you confirm this?

The Transport Statement / Construction Traffic Management states that the largest HGVs making deliveries will be standard articulated vehicles 16.5m in length (up to 40 tonnes for HGVs with 5-axles, up to 44 tonnes for HGVs with 6-axles). There will be no abnormal loads.

Please could you confirm that there is no restriction on the bridge and that the above information satisfies Network Rail's comments?

Regards

Matthew

**Matthew Davies**  
Transport Planner

PFA Consulting Ltd  
Stratton Park House  
Wanborough Road  
Swindon  
SN3 4HG

T: 01793 828000 F: 01793 835500 E: [mdavies@pfapl.com](mailto:mdavies@pfapl.com) W: [www.pfapl.com](http://www.pfapl.com)

---

PFA Consulting Ltd – a subsidiary of PFA Ltd.  
Company Registered in England 03871018. Registered address as above.

\*\*\*\*\*  
\*\*\*\*\*

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Kings Place, 90 York Way London N1 9AG

\*\*\*\*\*  
\*\*\*\*\*





Stratton Park House, Wemborough Road  
Swindon, SN3 4HG

Telephone  
01793 828000

Facsimile  
01793 835500

Email  
admin@pfapl.com

Website  
www.pfapl.com

Rev	Date	Description	Initials
B	01/12/14	Amended in accordance with Client comments.	CGS
A	25/11/14	Amended in accordance with Client comments.	CGS

Client

**Suncredit**

Project

**Proposed Solar Farm  
Court Colman,  
Pen-y-Fai, Bridgend**

Drawing Title

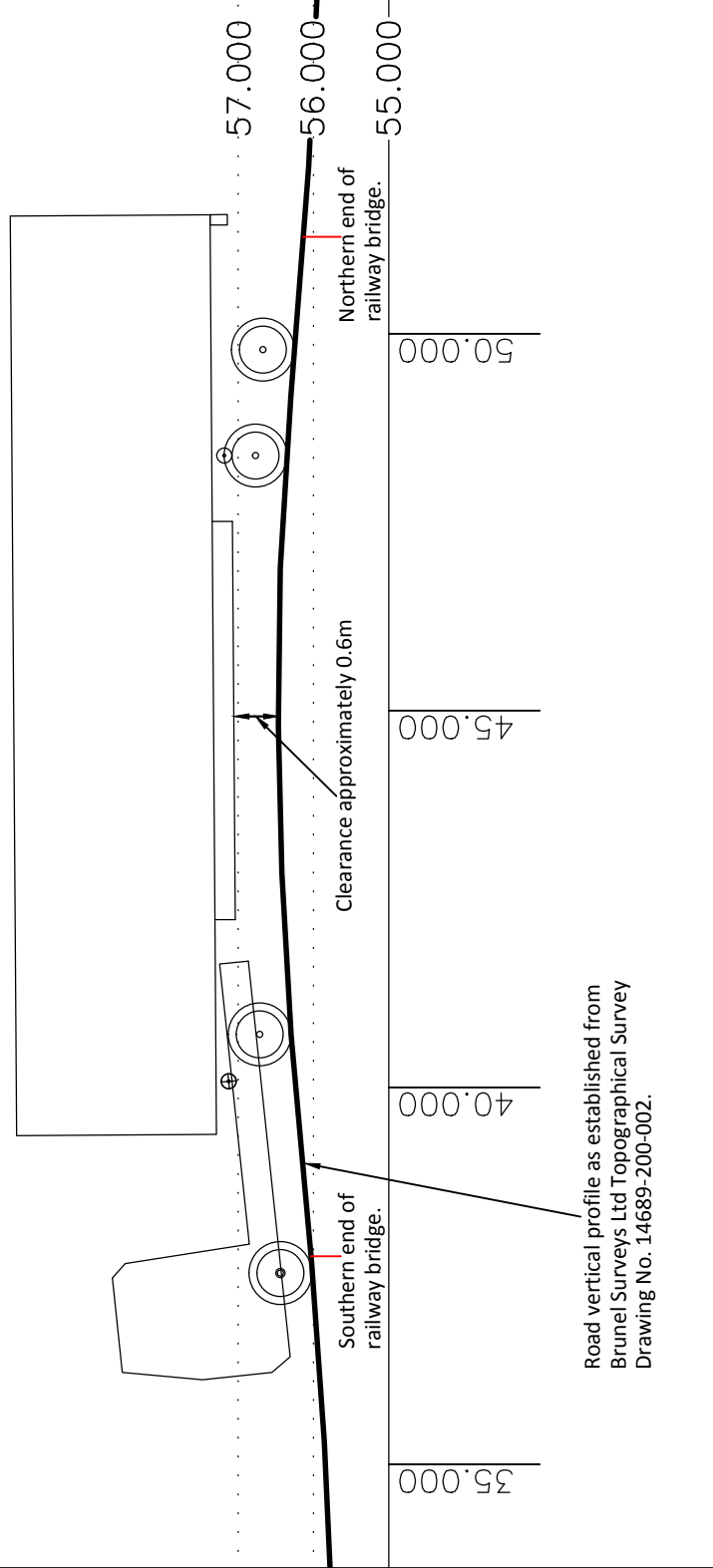
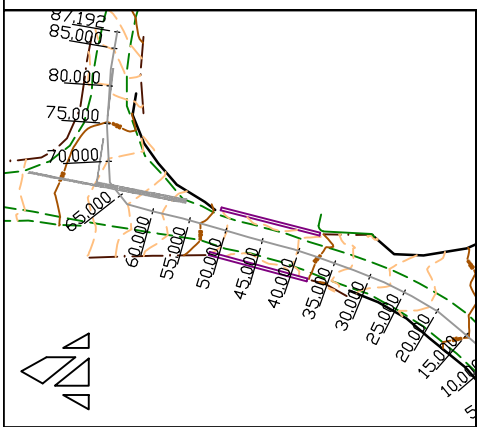
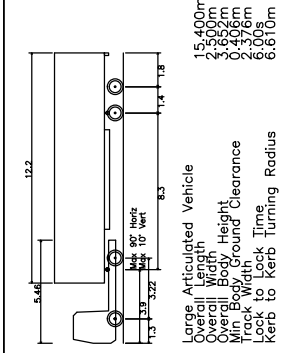
**Vertical Profile of HGV  
Crossing Railway Bridge**

Drawing No.

**S468/07**

Rev B

Date	November 2014
Scale	1:100 @ A4
Drawn By	CGS
Checked By	GE
E-Mail	geves@pfapl.com
File Ref.	\\Drawing\A\S468_07.dwg



Road vertical profile as established from  
Brunel Surveys Ltd Topographical Survey  
Drawing No. 14689-200-002.



Stratton Park House, Wemborough Road  
Swindon, SN3 4HG

Telephone  
01793 828000

Facsimile  
01793 835500

Email  
admin@pfapl.com

Website  
www.pfapl.com

Rev	Date	Description	Initials
A	01/12/14	Amended in accordance with Client comments.	CGS

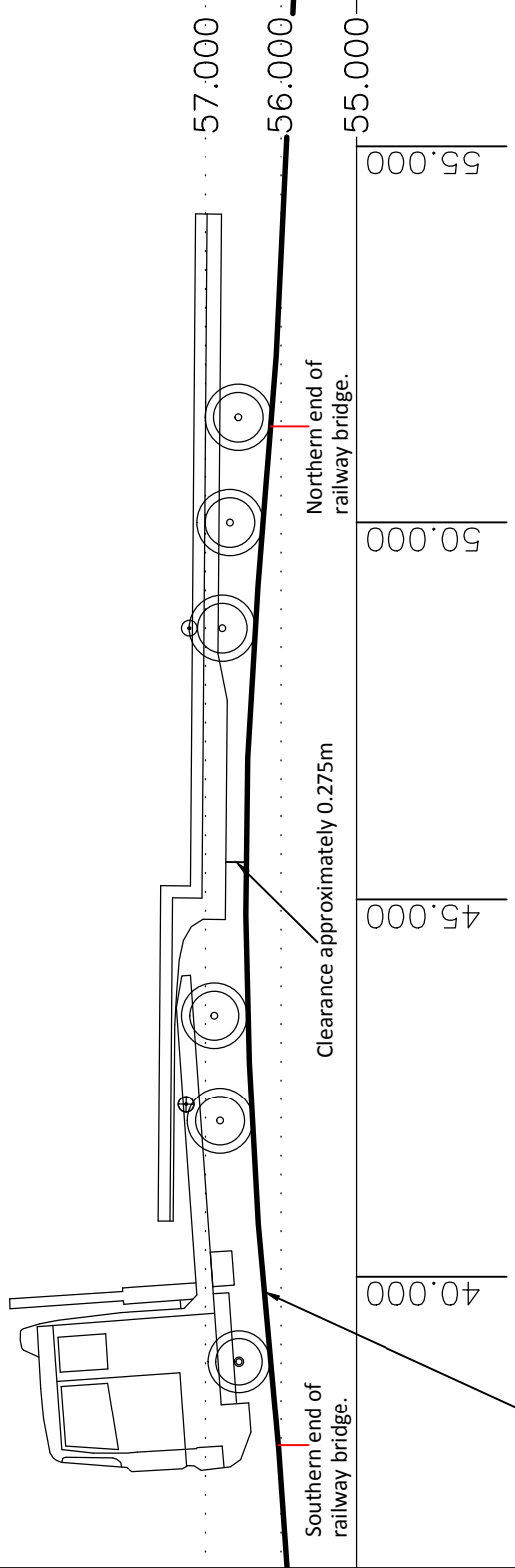
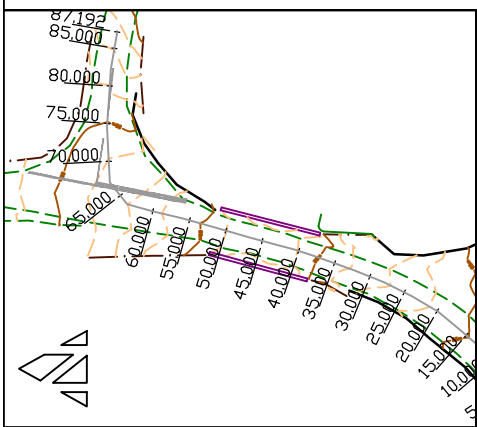
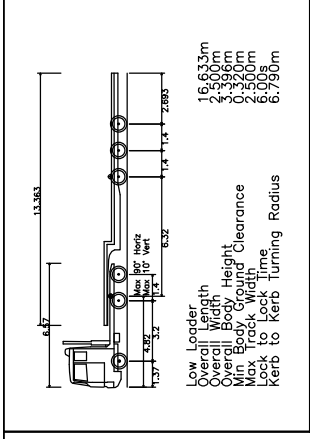
Client

**Suncredit**

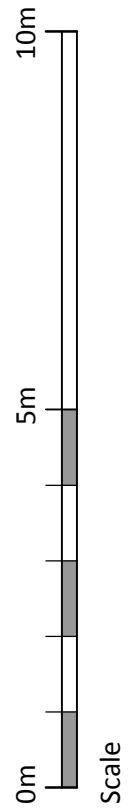
Project  
**Proposed Solar Farm  
Court Colman,  
Pen-y-Fai, Bridgend**

Drawing Title  
**Vertical Profile of Low  
Loader Crossing Railway  
Bridge**

Drawing No.	Rev A
Date	November 2014
Scale	1:100 @ A4
Drawn By	CGS
Checked By	GE
E-Mail	geves@pfapl.com
File Ref.	\\DrawingA\S468_08.dwg

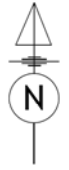


Road vertical profile as established from  
Brunel Surveys Ltd Topographical Survey  
Drawing No. 14689-200-002.

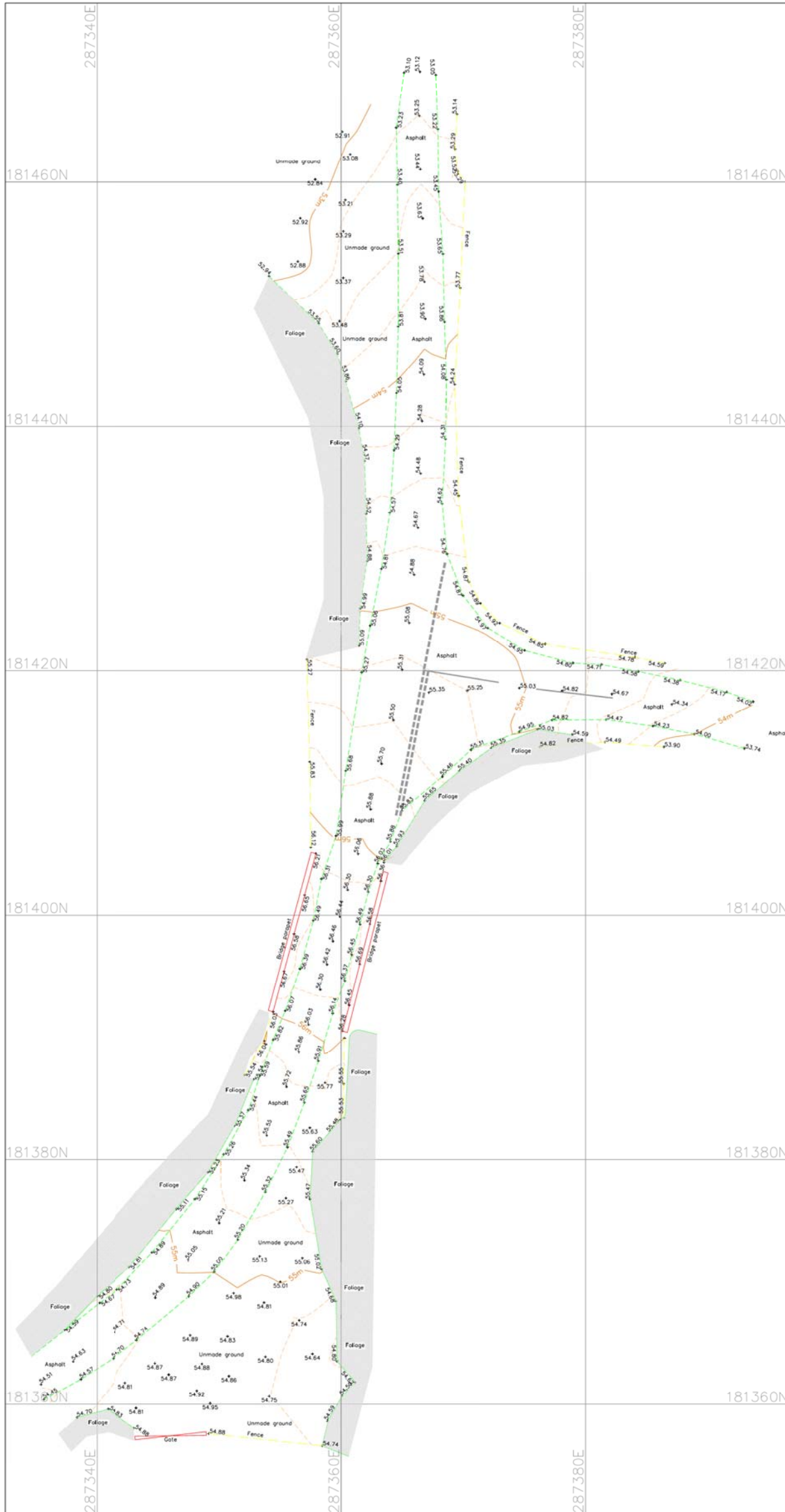








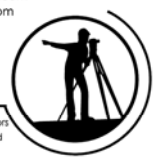
Grid and Levels to National Grid  
Projection OSTN02 and OSGM02



LEGEND		
AV Air Valve	BB Bells Beacon	MK-GV Marker Post (Gas Valve)
BH Bore Hole	BL Litter Bin	MK-SV Marker Post (Stop Valve)
BL Bollard	MS Mile Stone	MK-WM Marker Post (Water Meter)
BS Bus Stop	MK Marker Post	
BT Telecom Cover	MW Monitoring Well	
BT CAB Telecom Cabinet	MYC Mercury Telecom IC	
CATV Cable TV Cover	OMC Overhead Cable	
CL Cover Level	PB Post Box	
CP Catch Pit	PD Post	
CR Cable Riser	RE Rodding Eye	
D Depth in Meters	RNP Road Name Plate	
DP Down Pipe	RP Reflector Post	
EB Electricity Box	RS Road Sign	
ECAB Electrical Cabinet	SA Soak Away	
EIC Electrical Inspection Cover	SC Stop Cock (Water)	
EOT End of Trace	SD Sump Depth	
EP Electricity Pole	SIL Sign Level	
ER Earth Rod	SL Soffit Level	
EY Electricity Cover	SP Sign Post	
FFL Finished Floor Level	SV Stop Valve (Water)	
FH Fire Hydrant	THL Threshold Level	
FP Fence Post	TL Traffic Light	
GP Gate Post	TL CAB Traffic Light Cabinet	
GPR Ground Penetrating Radar	TP Telegraph Pole	
GV Gas Valve	TS Traffic Sign	
GY Gully	TVC Cable TV Inspection Cover	
HT Height	UTL Unable to Lift	
IL Invert Level	UTS Unable to Survey	
KI Kerb Inlet	UTT Unable to Trace	
LC Lamp Column	VP Vent Pipe	
MH Manhole	WL Water Level	
MK Marker Post	WM Water Meter	
MK-BT Marker Post (Telecoms)	WO Wash Out	
MK-FH Marker Post (Fire Hydrant)		

Major Contour  
Minor Contour (0.25m interval)

**Brunel Surveys Ltd**  
UNIT 59, SHRIVENHAM HUNDRED BUSINESS PARK  
WATCHFIELD, SWINDON, WILTSHIRE, SN6 8TZ  
TEL: (01793) 784700 FAX: (01793)784664  
WEB: www.brunelsurveys.com  
Email: admin@brunelsurveys.com



Land and Measured Building Surveys  
Photomontage, 3D Visualisations and  
Underground Utility Surveys

CLIENT  
**Sun Credit**

JOB TITLE  
**Topographical Survey**  
**Highway Survey**  
**Rail Overbridge**

REVISIONS  
SCALE **A1 Sheet @ 1 to 200**  
DATE **NOV 2014** SURVEYED BY **MT**  
DRAWN BY **MT** CHECKED BY **PAH**

DRAWING No.  
**14689-200-002**

**APPENDIX D**  
**TO BE READ IN CONJUNCTION WITH ITEM 5**  
**P/14/337/FUL**  
**OF THE REPORT OF THE**  
**CORPORATE DIRECTOR - COMMUNITIES**

## PROPOSED SOLAR PARK, COURT COLMAN, PEN-Y-FAI, BRIDGEND

### PLANNING APPLICATION NO. P/14/337/FUL

#### CLARIFICATION NOTE – TRAFFIC MANAGEMENT

1. This clarification note has been prepared to address concerns regarding traffic management in respect of the above application. Traffic management measures are set out below.
2. The route for HGV construction traffic is shown on **Figure 1**. No part of the route is subject to restrictions on use by HGVs or other vehicle types. All major components (panels, frames, and transfer and control units) are specialist components and will come via the M4. HGVs will exit the M4 at Junction 37, approaching Laleston from the A48, and will route north along Roger's Lane to the Roger's Lane/Llangewydd Road junction. This route will also be used during the decommissioning/removal period. The use of this route will be controlled by way of a Section 106 Agreement or a Unilateral Undertaking.
3. HGVs will be instructed to exit the M4 at Junction 33 and enter the lorry parking area at the 'Cardiff West' services, where they will be met by a representative of the site (referred to as 'Site Representative A' from herein).
4. Site Representative A will contact a representative of the site (referred to as 'Site Representative B' from herein) stationed at the layby located on the northbound carriageway of the A4229 between the M4 Junction 37 and the A4229 / A48 roundabout junction, as shown on **Figure 1**. Site Representative B will confirm the capacity of the layby to accommodate HGVs, and Site Representative A will instruct HGVs to proceed to the layby accordingly. HGVs will be met at the layby and held by Site Representative B.
5. HGVs movements between the layby and the site will be managed by Site Representative B, an escort team (two vehicles), and a 'banksman' stationed at the site access. A member of the escort team shall be present in HGVs for all movements between the layby and the site so as to communicate with the escort vehicle along the route.
6. Site Representative B will contact the banksman to confirm that it has capacity to accommodate arriving HGVs and whether any HGVs have exited the site. If HGVs have exited the site, Site Representative B will contact the escort team leading the HGVs that have exited the site to confirm that the section of the route between the A473 High Street / Rogers Lane roundabout junction has been cleared before instructing HGVs to proceed from the layby to the site. For HGVs exiting the site, the banksman will contact Site Representative B to confirm whether HGVs are en route from the layby to the site. If HGVs are en route from the layby to the site, the banksman will wait for their arrival before instructing HGVs to exit the site. The banksman will also control vehicles at the site access thus avoiding the need for extensive hedge removal which would otherwise be required to provide visibility. These control measures will ensure that HGVs do not meet along the section of the route between the A373 High Street / Roger's Lane roundabout junction and the site.
7. On confirmation of the above, an escort vehicle will lead HGVs (one-at-a-time) from the layby / from the site. Departures from the layby / from the site will be timed so that there is no more than one HGV along the section of the route between the A473 High Street / Rogers Lane roundabout junction and the site at any one time. HGVs will take a maximum of 2 to 3 minutes to pass through Laleston, i.e. from entering the village at the A48 to exiting the village on Roger's Lane (and vice versa).

8. The escort vehicle will hold oncoming traffic at a number of locations along the section of the route between the A473 High Street / Roger's Lane roundabout junction and the site, as shown on **Figure 2**. The escort vehicle will be in contact with the member of the escort team in the HGVs to confirm that oncoming traffic has been held and that HGVs can proceed along those sections where two-way movement is constrained. HGVs exiting the site will stop at the layby located on the southbound carriageway of the A4229 between the M4 Junction 37 and the A4229 / A48 roundabout junction to allow the member of the escort team in the HGV to return to the escort vehicle.
9. All HGV deliveries will be undertaken outside of the weekday peak periods and the school drop-off/pick-up periods. All suppliers undertaking HGV deliveries to the site will be informed of these arrangements and instructed to comply with the arrangements.
10. The route for HGV construction traffic passes the access to Laleston Cemetery, located off Roger's Lane. Concerns have been raised that deliveries to the site may occur whilst funerals are being undertaken. The Site Manager will liaise with 'Bereavement Services' (Email: [huw.john@bridgend.gov.uk](mailto:huw.john@bridgend.gov.uk), Tel: 01656 643422) at Bridgend County Borough Council to ensure that there are no HGV deliveries during scheduled funerals at Laleston Cemetery.
11. Temporary signage will be provided at the locations shown on **Figure 3**. This signage will remain in place for the duration of the construction period and will also be used during the decommissioning/removal period. The signage will ensure that no HGV construction traffic will use prohibited routes to/from the site.
12. Concerns have been raised that mud will be carried by vehicles from the site onto the highway at the site access and in the vicinity of the site. A jet washer will be used for wheel washing of all HGVs exiting the site (and any other vehicles exiting the site, where necessary). A hard surfaced area will be provided between the wheel washing area and the highway so as to prevent vehicles becoming muddy after wheel washing. Arrangements will also be made for sweeping public roads in the vicinity of the site using a standard road sweeper. This will be undertaken at a frequency of at least once a week at the end of every week or as necessary having regard to weather and road conditions. A record of road sweeping will be kept and made available to the public on request.

### **Conclusion**

13. No part of the HGV construction route is subject to restrictions on use by HGVs or other vehicle types. Measures for the management of HGV construction traffic have been set out which will ensure the protection of the environment, amenity and safety of local residents, businesses, the general public and the surroundings during the construction of the proposed development.
14. In line with the recommendations of the Case Planning Officer and the comments received by the Highway Officer, it is considered that there are no highway reasons for refusal of planning permission for the proposed solar park.



- HGV Construction Traffic Route
- Prohibited Route

Suncredit

Project  
**Proposed Solar Park,  
Court Colman,  
Pen-y-Fai,  
Bridgend**

Figure Title  
**HGV Construction  
Traffic Route**

Figure No  
**Figure 1**

Date  
October 2014

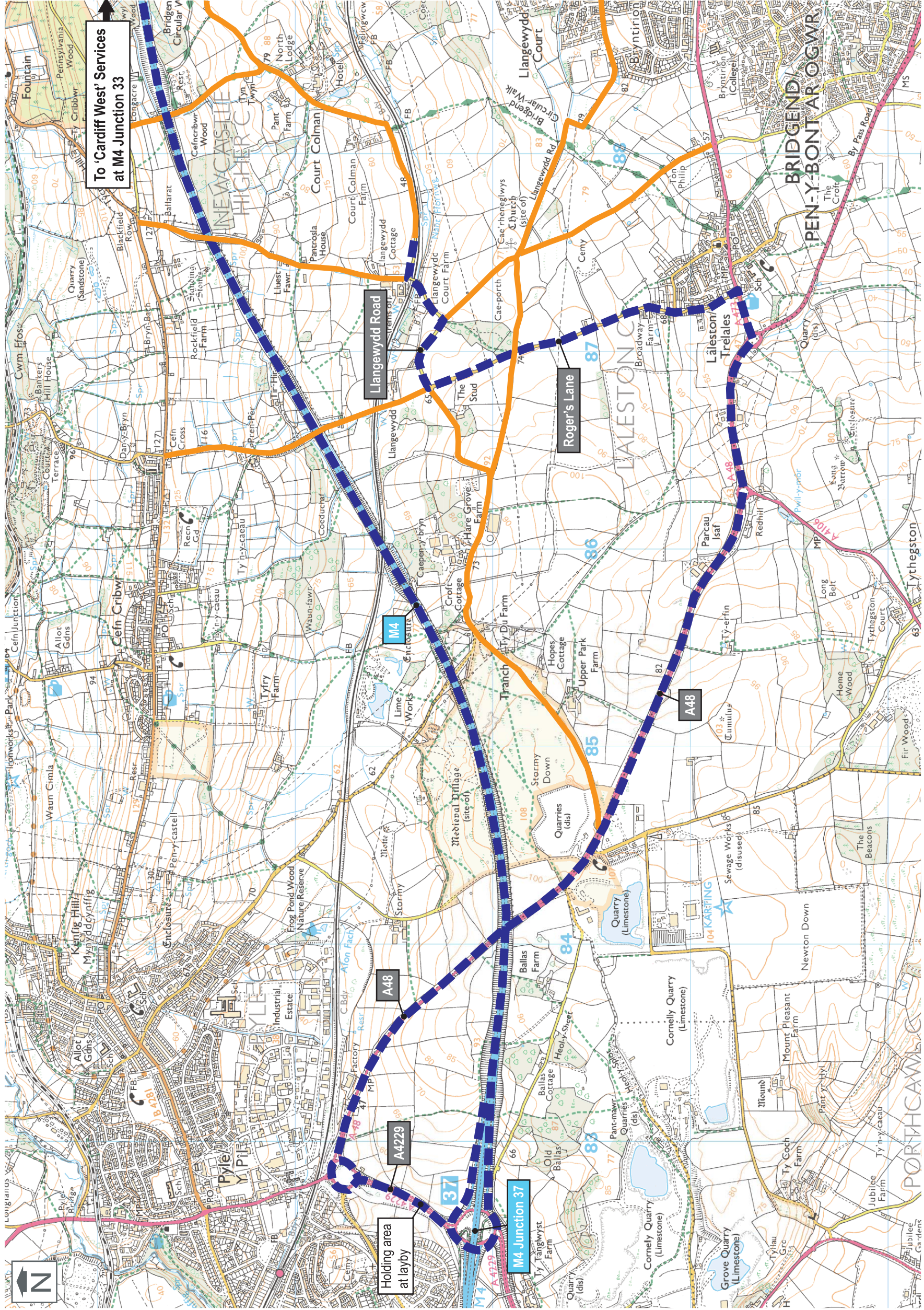
Drawn By  
EN

Checked By  
MJD

Scale  
See Scale Bar

File Ref  
S468\Figures\DOC\FN5\Fig1.ai

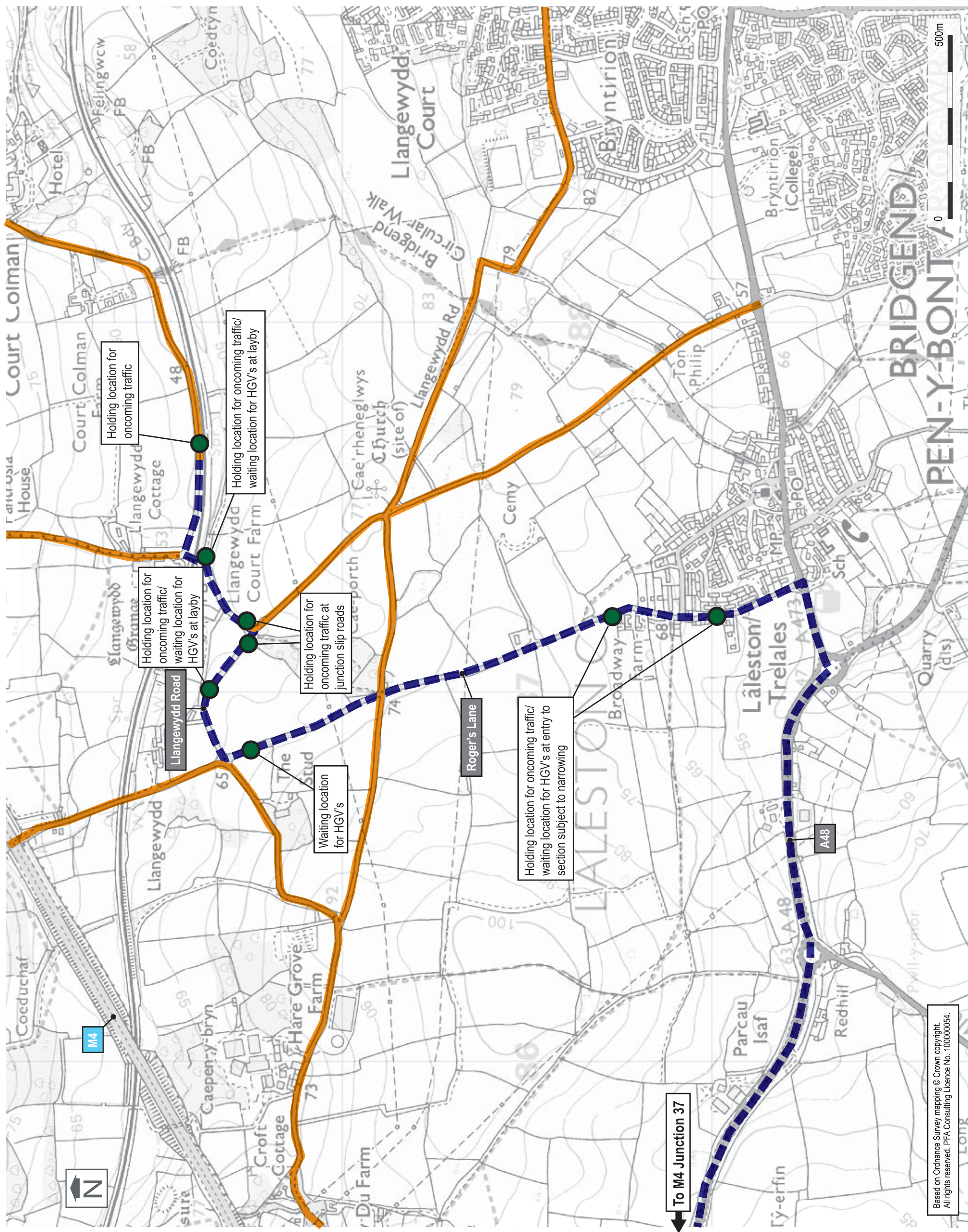
Doc Ref  
S468.DOC.FN5



Based on Ordnance Survey mapping © Crown copyright.  
All rights reserved. PFA Consulting Licence No. 1000000054.

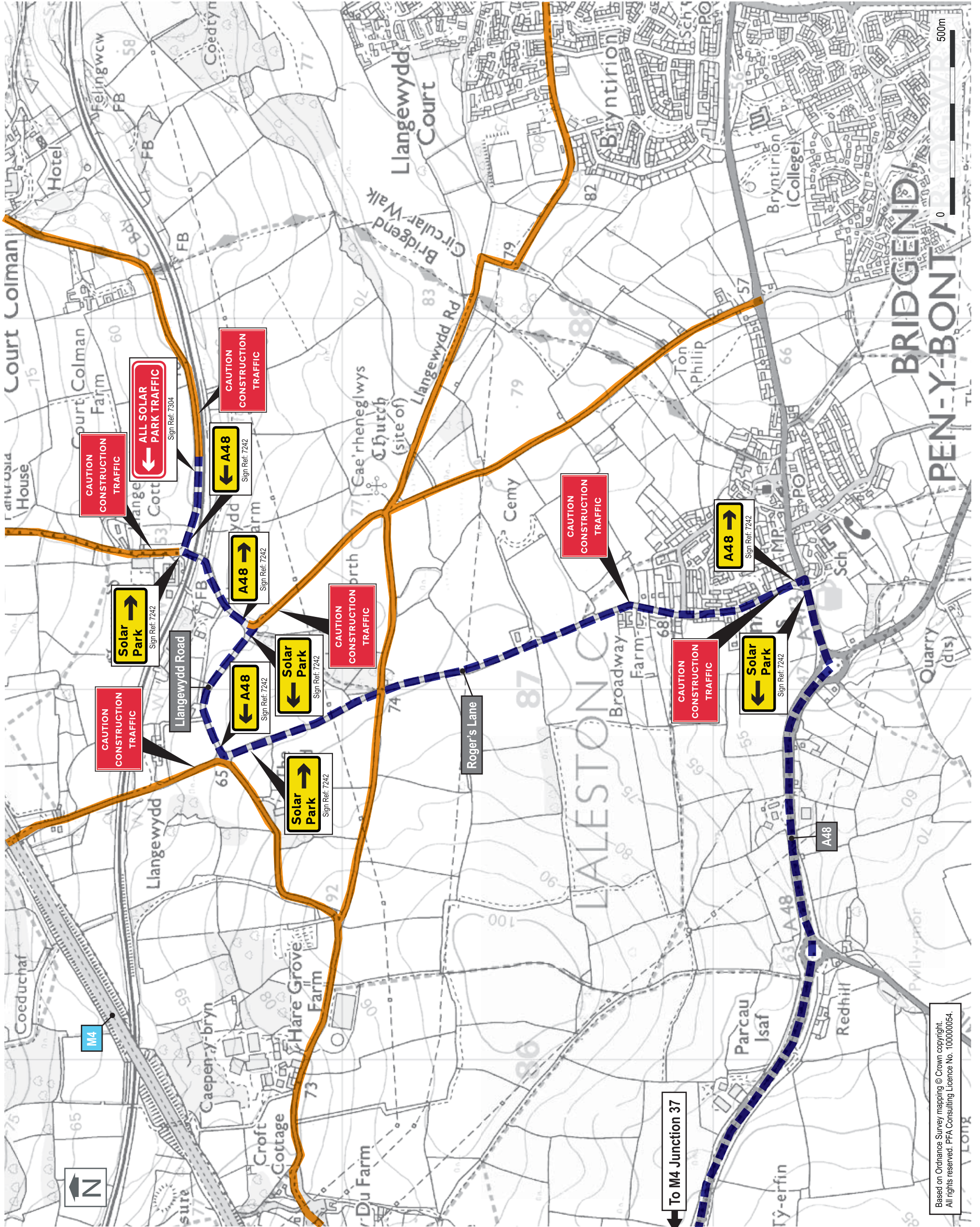
- HGV Construction Traffic Route
- Prohibited Route
- Temporary Holding/Waiting Locations

Client	Suncredit
Project	Proposed Solar Park, Court Colman, Pen-y-Fai, Bridgend
Figure Title	Temporary Holding/ Waiting Locations
Figure No	Figure 2
Date	November 2014
Drawn By	EN
Checked By	MJD
Scale	See Scale Bar
File Ref	S468\Figures\DOC\Fig2.ai
Doc Ref	S468.DOC.FN5



Based on Ordnance Survey mapping © Crown copyright.  
All rights reserved. PFA Consulting Licence No. 10000054.





Based on Ordnance Survey mapping © Crown copyright.  
All rights reserved. PFA Consulting Licence No. 100000054.

**APPENDIX E**  
**TO BE READ IN CONJUNCTION WITH ITEM 5**  
**P/14/337/FUL**  
**OF THE REPORT OF THE**  
**CORPORATE DIRECTOR - COMMUNITIES**

## PROPOSED SOLAR PARK, COURT COLMAN, PEN-Y-FAI, BRIDGEND

### PLANNING APPLICATION NO. P/14/337/FUL

#### CLARIFICATION NOTE - DRAINAGE

1. This clarification note has been prepared to address concerns regarding drainage in respect of the above application. Drainage arrangements are set out below.

##### Existing Flood Risk

2. The Welsh Assembly Government's Development Advice Map shows that the site lies wholly within TAN15 'Flood Zone A', which has little or no risk of fluvial or tidal/coastal flooding.
3. The Environment Agency's Flood Map shows that the site lies within 'Flood Zone 1', which has a low probability risk of flooding from river or sea.
4. The site is located in a 'Soil Index Class 2' area which has a high Winter Rainfall Acceptance Potential and a low standard percentage runoff. The underlying soil on site therefore has good permeability.
5. The most likely cause of potential flooding affecting the site would be extreme rainfall falling on the sub-catchment area exceeding the soil's natural infiltration rate or capacity, leading to an increase in the volume and rate of runoff and resulting in overland flood flows.

##### Drainage Arrangements

6. In its existing agricultural use, the site is considered to be 100% permeable, with no adverse offsite impacts. As a result of the development of the solar park, the extent of the impermeable area will be 0.16% of the total site area.<sup>1</sup>
7. Calculations using the ICP SUDS Method contained in Micro Drainage's WinDes software system demonstrate that the effect of the solar park on the mean annual peak rate of runoff is minimal and equates to only a 0.49% increase compared with the runoff rate associated with the existing agricultural use<sup>2</sup>. The additional runoff in the extreme 1 in 100 year storm event, including a 10% allowance for climate change, amounts to approximately 52m<sup>3</sup>.<sup>3</sup>
8. Existing drainage features will be retained and the site will remain vegetated through construction and operation to prevent soil erosion.
9. The diagrams contained in **Appendix A** show the dimensions between the rows solar panels, how a maintenance way and transformer / inverter station will be accommodated between rows, and typical cross sections of solar panels with drainage arrangements at the southern part of the site.
10. The gaps between the solar panels and the separation of the rows of panels will allow rainwater falling onto the panels to drain freely to the ground beneath and between the panels, where it will soak into the ground at the same rate that it presently does in its existing agricultural use. Runoff from small ancillary buildings onto the adjacent ground, and onto the permeable access tracks will also soak into the ground at the same rate that it presently does. The existing hydrological regime will therefore be maintained without resulting in any increased volume or rate of run-off.

11. Swales and granular soakaways will be provided at the low points of the site to intercept extreme flows which may already run towards these areas. The swales and soakaways are shown on Drawing S468/04 Rev H, contained in **Appendix B**.
12. The swales will provide a total storage volume of approximately 230m<sup>3</sup> and the granular soakaways will provide a total storage volume of approximately 70m<sup>3</sup>. The total cumulative storage volume available is therefore approximately 300m<sup>3</sup>.<sup>4</sup> This is greater than the volume of additional runoff generated as a result of the 1440 minute, 100 year plus climate change rainfall event of 52m<sup>3</sup>.
13. The swales and soakaways will therefore lead to an overall reduction in the rate of runoff from the site and mitigate any increase in runoff due to the minor reduction in the overall permeable area of the site. The rate of runoff is therefore likely to reduce overall, thus improving the existing situation.

### **Conclusion**

14. Rainfall falling onto the panels will infiltrate into the ground at the same rate as it does in the site's existing agricultural use.
15. Swales and granular soakaways at the low points of the site will intercept extreme flows which may already run towards these areas lead to an overall reduction in surface water flow rates. Based on ICP SUDS calculations, the total storage capacity of the swales and soakaways will more than compensate for the increase in the runoff rate resulting from the reduction in the overall permeable area.
16. Future users of the development will remain safe throughout the lifetime of the proposed development, and the development will not increase flood risk elsewhere and will reduce flood risk overall.
17. In line with the recommendations of the Case Planning Officer and the comments received by the Drainage Officer, it is considered that there are no drainage reasons for refusal of planning permission for the proposed solar park.

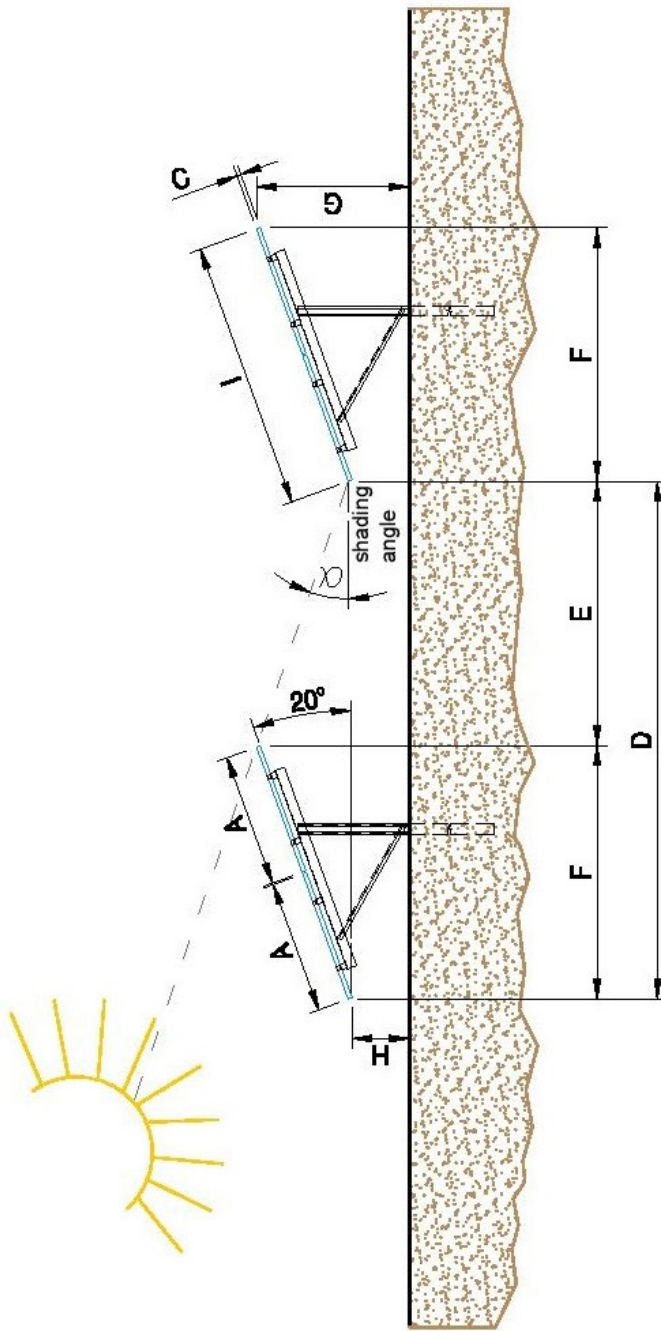
### **References**

- <sup>1</sup> Table 5.1, Section 5 - Flood Risk & Hydrology, Addendum to the Environmental Reports Compendium Court Colman Solar Park, PFA Consulting
- <sup>2</sup> Paragraph 3.43, Section 5 - Flood Risk & Hydrology, Environmental Reports Compendium, PFA Consulting
- <sup>3</sup> Paragraph 5.6, Section 5 – Flood Risk & Hydrology, Addendum to the Environmental Reports Compendium Court Colman Solar Park, PFA Consulting.
- <sup>4</sup> Paragraph 5.4, Section 5 – Flood Risk & Hydrology, Addendum to the Environmental Reports Compendium Court Colman Solar Park, PFA Consulting.





Diagram 1: Cross section showing dimensions between rows of solar panels<sup>1</sup>



module data	dimensions
module length A	1.670 mm
module width B	1.000 mm
module thickness C	50 mm
pitch D	5.700 mm
aisle width E	2.500 mm
projected length F	3.180 mm
max. height of panels G	appr. 1.920 mm
min. height of panels H	appr. 720 mm
length of installed panels I	3.360 mm

**Diagram 2: Cross section showing rows of solar panels, including maintenance row and transformer / inverter station<sup>2</sup>**

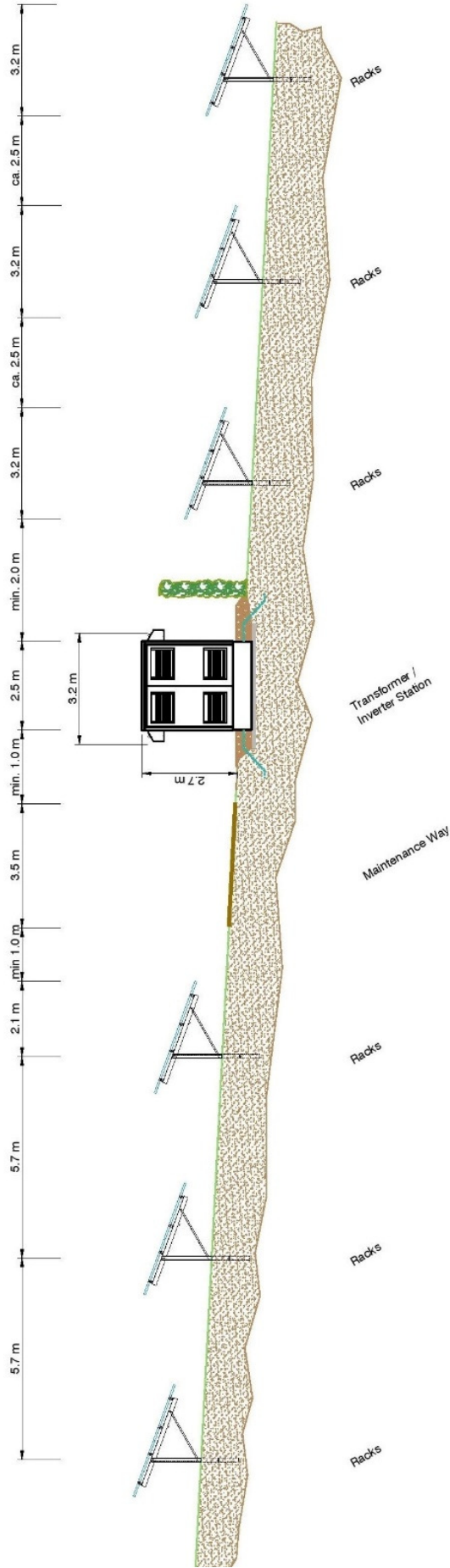




Diagram 3: Solar panel and swale cross section<sup>3</sup>

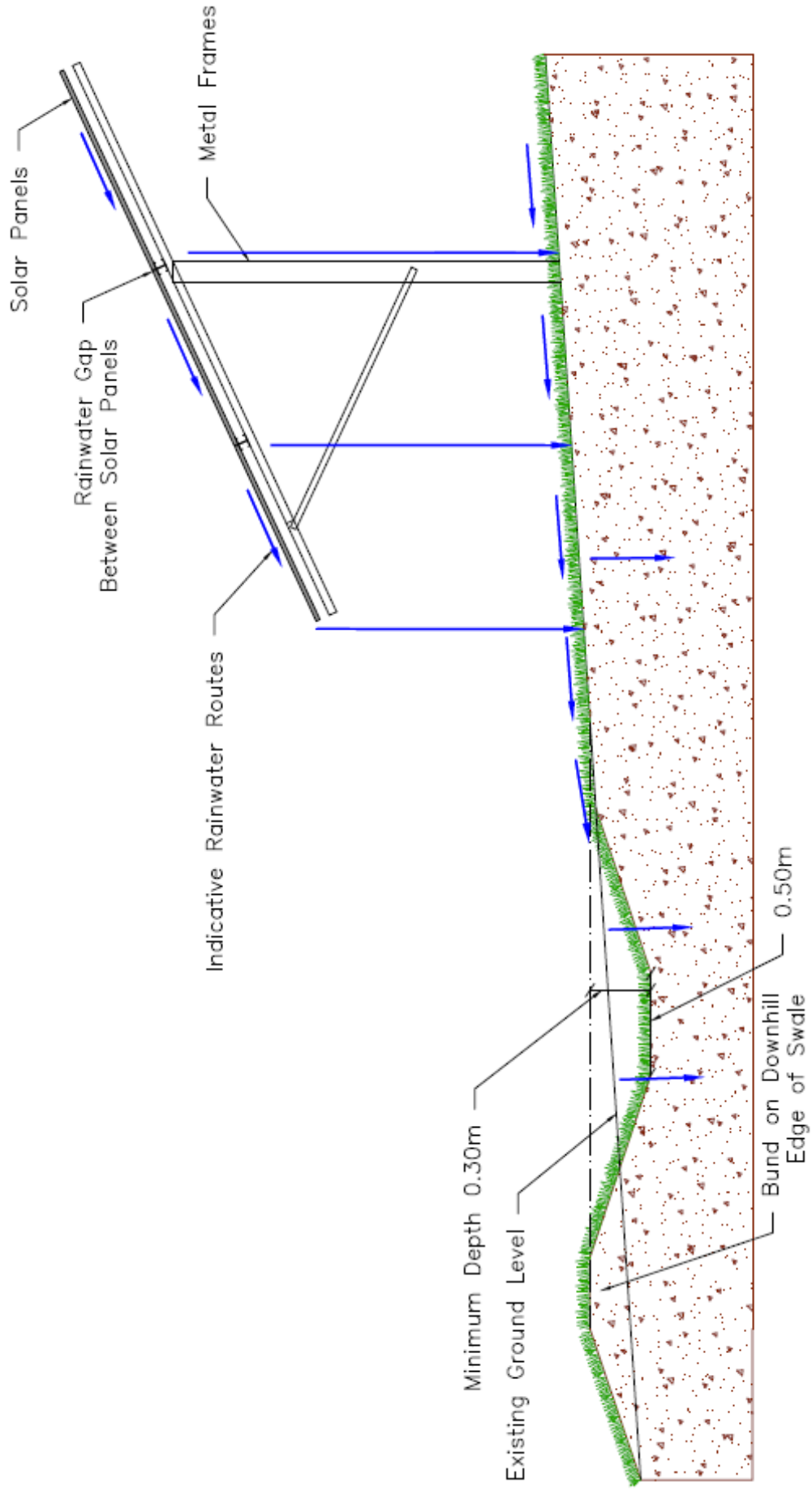


Diagram 4: Solar panel and soakaway cross section<sup>3</sup>



**References**

<sup>1</sup> Revised Figure 3 – Solar Panel Detail, Addendum to the Environmental Reports Compendium Court Colman Solar Park, ib vogt

<sup>2</sup> Court Colman Design Drawings, ib vogt

<sup>3</sup> Solar Panel Cross Section Diagrams, PFA Consulting





Stratton Park House, Wamborough Road  
Swindon, SN3 4HG  
Telephone 01793 828000  
Facsimile 01793 835500  
Email admin@pfapl.com  
Website www.pfapl.com

- Key**
- Proposed Soakaway location
  - Proposed Swale location
  - Site Boundary
  - Site Fencing
  - Dog Walking Path

- Notes**
- Granular soakways to be backfilled with clean single size aggregate, 30% void ratio.
  - Total length of granular soakways approximately 455m. Total available storage in granular soakways approximately 70m<sup>3</sup>.
  - Total length of swales approximately 545m. Total available storage in swales approximately 230m<sup>3</sup>.

Rev	Date	Description	Initials
H	05/09/14	Arrangement of swales amended. Notes removed.	GP
G	03/09/14	Arrangement of swales and soakways amended to new site layout. Pegasus Environmental drawing 5.0384.07.F.	GP
F	05/03/14	Arrangement of swales and soakways amended to new site layout.	GP

Suncredit

Project

Proposed Solar Park,  
Court Colman,  
Pen-y-Fai, Bridgend

Drawing Title

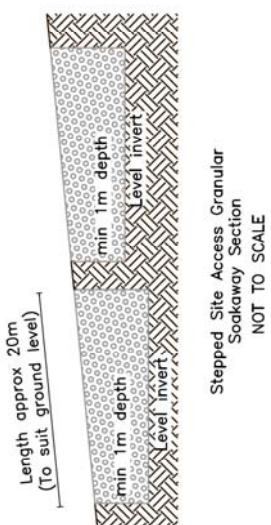
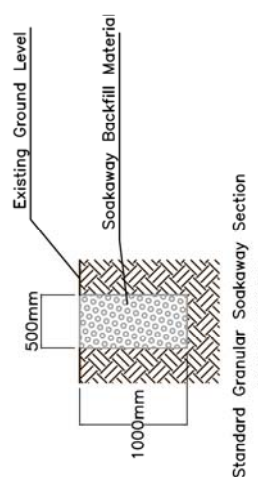
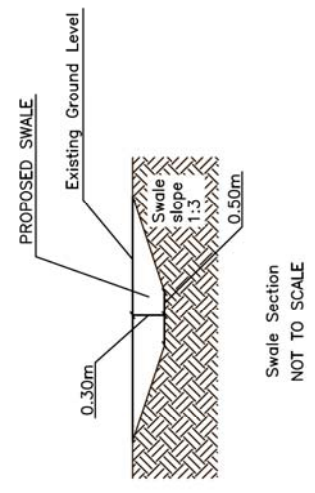
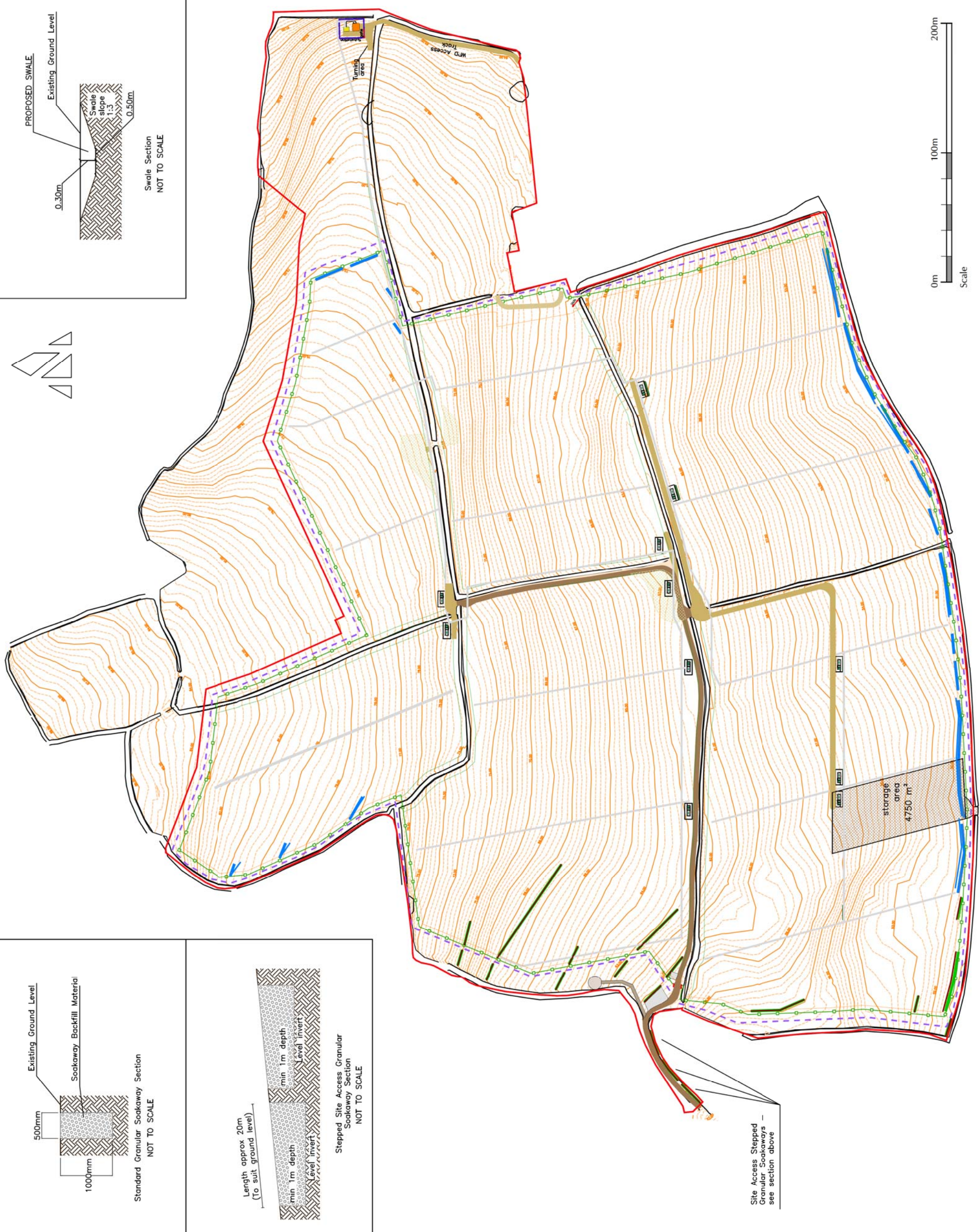
Proposed Drainage  
Arrangements

Drawing No.

S468/04

Rev H

Date	December 2013
Scale	1:2000 @ A2
Drawn By	GP
Checked By	GE
E-Mail	gpearson@pfapl.com
File Ref.	US468/Drawings/S468_04.dwg



storage area  
4750 m<sup>2</sup>

Site Access Stepped Granular Soakways - see section above

This page is intentionally left blank