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



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

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol: 01656 643148  
Ask for / Gofynnwch am: Mark Galvin

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

**Date / Dyddiad: 30 January 2015**

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 5 February 2015 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 4 March 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 5 - 8  
To receive and confirm the Minutes of a meeting of the Development Control Committee dated 8 January 2015
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 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 Officer's Report's below.

Cont . . . .

6. Amendment Sheet  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that require to be accommodated.
7. Development Control Committee guidance 9 - 12
8. Officer's Reports
- (a) P/14/840/OUT - Land rear 14 Manor Grove, Porthcawl - Detached Res. dwelling (outline application) 13 - 22
- (b) P/14/772/OUT - Land at Carreg Llwyd, Broadlands, Bridgend - Site access and two detached dwellings 23 - 30
- (c) P/14/700/FUL - Parc Stormy, Stormy Down Airfield, Stormy Down - Anaerobic Digestion Facility for 30 year old period with assoc. building and works 31 - 50
- (d) P/14/763/FUL - The Rest Convalescent Home, Rest Bay, Porthcawl - C/u The Rest to 34 Res. Units, demolish unsympathetic Ext, Car Park, Landscape and Assoc. works 51 - 64
- (e) P/14/714/FUL - Land adj. Carn Wen, Broadlands, Bridgend - Double garage with self-contained flat above 65 - 78
- (f) Appeals 79 - 94
- (g) Planning Officer's Society Wales Customer Satisfaction Survey 2014 95 - 102
- (h) Training Log 103 - 104
9. 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

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# Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 JANUARY 2015

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 8 JANUARY 2015 AT 2.00 PM

Present:  
Councillor HM Williams - Chairperson

Councillors  
G W Davies MBE  
P A Davies  
R M James  
R C Jones

Councillors  
H E Morgan  
C E Rees  
J C Spanswick  
M Thomas

Councillors  
H J Townsend  
C Westwood  
R Williams  
M Winter

Officers:

David Llewellyn	Group Manager – Development
Jonathan Parsons	Development and Building Control Manager
Nicola Gandy	Principal Planning Officer (Development Control)
Robert Morgan	Transportation Development Control Officer
Rod Jones	Senior Lawyer
Jayne Dessent	Lawyer
Craig Flower	Team Leader (Technical Support)
Jeannie Monks	Democratic Services Officer – Committees
Mark Galvin	Senior Democratic Services Officer – Committees (electronic back-up)

496. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor B Jones	-	Work Commitments
Councillor J H Tildesley MBE	-	Other Council Business
Councillor R E Young	-	Work Commitments

497. SITE VISITS

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, 4 February 2015 (am).

498. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of the 11th December 2014 were approved as a true and accurate record.

499. PUBLIC SPEAKERS

The Group Manager Development read out for the benefit of those present the names of the public speakers addressing the following application which was considered at the meeting:

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Councillor C A Green	P/14/714/FUL	Local Member
Ms J Smith	P/14/714/FUL	Objector
Mr J Griffiths	P/14/714/FUL	Applicant

500. DECLARATIONS OF INTEREST

The following declarations of interest were made:

- Councillor G W Davies - P/14/714/FUL - Councillor Davies declared a prejudicial interest as the objector is personally known to him, and he withdrew from the meeting during consideration of the application.
- Councillor P A Davies - P/14/714/FUL – Councillor Davies declared a personal interest as the objector is known to her as she is a former employee of the Authority.
- Margam Opencast Coal Site – Councillor Davies declared a personal interest as she was a Trade Union Representative at the site prior to its closure.
- Councillor C E Rees - P/14/714/FUL – Councillor Rees declared a personal interest as the objector is known to her as she is a former employee of the Authority.
- P/14/695/OUT – Councillor Rees declared a personal interest as a Member of Porthcawl Town Council but took no part in consideration of planning matters.
- Councillor J C Spanswick - P/14/714/FUL – Councillor Spanswick declared a personal interest as the objector is known to her as a former employee of the Authority.
- Councillor M Thomas - Councillor Thomas declared a personal interest as the objector is known to him as she is a former employee of the Authority.
- Councillor H M Williams - Councillor Williams declared a personal interest as the objector is known to him as she is a former employee of the Authority.
- Group Manager Development - The Group Manager Development declared a personal interest as the objector is known to him as she is a former employee of the Authority.

CHAIRPERSON'S ANNOUNCEMENT

The Chairperson confirmed 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.

502. PLANNING APPLICATIONS REPORT

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS DEFERRED

RESOLVED: That the following application was deferred as Members were minded to refuse the application. A further report would be presented to the next Committee meeting to allow the Committee to consider the reasons for such refusal.

Code No.                      Proposal

P/14/714/FUL Land adjacent to 11 Carn Wen, Broadlands, Bridgend – Double garage (to serve No.11) with self-contained flat above (existing single garage to support new flat).

503. TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS GRANTED CONDITIONALLY

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

Code No.            Proposal

P/14/695/OUT        Grounds of West Winds, 2 Locks Lane, Porthcawl – Building plots to accommodate 2 x 2.5 storey dwellings – re-submission of P/14/446/OUT.

Subject to condition 6 being amended as follows and a new condition (8) added:

6. No development shall commence until a scheme for the provision of replacement access and parking to 2 Locks Lane has been submitted and approved in writing by the Local Planning Authority. The access and parking area shall be implemented in permanent materials before the commencement of any construction unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8) The proposed means of access to the new plots shall be located as shown on the submitted plans and shall be completed in permanent materials via conditions attached to any subsequent application dealing with matters of detail.

Reason: In the interests of highway safety.

504. MARGAM OPENCAST COAL SITE

The Development and Building Control Manager presented a report to update the Committee on the issues surrounding the restoration of the Margam opencast coal site and associated planning enforcement action. The site is situated on land between Ffordd-yr-Gyfraith, Bedford Road and Crown Road, straddling the boundary between Neath Port Talbot (NPT) and Bridgend County Councils.

He reported that mining operations ceased in 2008 and the void had been filling with water since 2012. Planning conditions required the operators to backfill the void within two months of cessation of work. However, despite requests from both Local Planning Authorities to the operators (Celtic Energy Ltd) and the landowners (Oak Regeneration), schemes for the restoration and aftercare of the site were not submitted. Both local authorities are working together to ensure the restoration is carried out and were looking at possible alternatives for the site, which involved redevelopment to include resettlement and recreation uses. Additional coaling operations had also been proposed, but the application was refused by both local authorities, as it was contrary to national planning guidelines. Discussions had been ongoing for several years and in subsequent meetings Celtic Energy Ltd and Oak Regeneration had confirmed that for financial reasons restoration of the site could only be delivered if further coaling operations and regeneration of the site were permitted.

He informed the Committee that in 2006, the planning consent which was issued had been flawed in that planning conditions attached to the original consent were not reproduced on the latter planning notice.

He advised that there was very little other agencies could do to assist, either from a statutory or financial point and it was a matter for both local authorities to achieve some workable solution to the site. Whilst concerns of local residents were understood, he advised that it had to be accepted that full restoration of the site would not be achieved through the planning enforcement system alone.

Discussion took place and Members asked what action the NPT Council was now taking, given the threat of flooding to the area.

The Development and Building Control Manager advised that NPT worked closely with the Authority to try and restore the site which had not unfortunately proved successful and at a planning meeting in November 2014, NPT had resolved to look at options which did not involve additional coaling operations. He explained that the water quality was an issue and National Resources Wales was monitoring the discharge of water from the void.

The Group Manager Development explained to Members that the void would need to be drained before it could be backfilled. Celtic Energy Ltd still had a valid discharge licence and could, if required, pump the void dry commensurate with the licence. However the continual rise in the water level was reaching the point where Celtic Energy Ltd had indicated it was prepared to carry out some pumping.

A Member stated that the companies involved should be encouraged to empty the void and suggested that the long term solution would be to dig channels to the river. She further suggested holding a public meeting jointly with NPT, inviting all interested parties, in order to provide an opportunity to address questions.

Another Member referred to the fact that NPT had stated that as a last resort they would take enforcement action and suggested this move as a recommendation for this Authority to put forward.

RESOLVED: That the Committee:

1. Agreed that Bridgend County Borough Council should pursue the action outlined under options 4 and 5 of the report, to consider alternative restoration schemes that do not involve further coaling operations, and to investigate potential solutions utilising the existing restoration fund.
2. Agreed that a joint public meeting with NPT Council be held.

505. TRAINING LOG

RESOLVED: That the following date for a training session of the Development Control Committee to take place as outlined in the report of the Corporate Director – Communities was noted:

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Planning Inspectorate Wales	“The Planning Inspectorate”	5 February 2015	12.45pm

The meeting closed at 3.35pm.



## Development Control Committee Guidance

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.

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.

### STANDARD NOTES

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

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

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:-
  - 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

### **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		

## RECOMMENDATION : PLENARY GRANT WITH CONDITIONS

**REFERENCE:** P/14/840/OUT  
**APPLICANT:** MS CHRISTINA REES  
14 MANOR GROVE PORTHCAWL  
**LOCATION:** LAND REAR 14 MANOR GROVE PORTHCAWL  
**PROPOSAL:** DETACHED RESIDENTIAL DWELLING (OUTLINE APPLICATION)  
**RECEIVED:** 22nd December 2014  
**SITE INSPECTED:** 6th January 2015

### APPLICATION/SITE DESCRIPTION

The application seeks outline consent to erect a dwelling to the side of 14 Manor Grove, Porthcawl. The property currently benefits from a generous sized garden, following its expansion in 2003 when a planning application was granted for a change of use of highway grass verge to garden (P/03/548/FUL refers). The garden is relatively level, rising slightly at the north-eastern end.

The applicant has reserved all matters for subsequent approval, however, the applicant has submitted an indicative plan illustrating the potential layout and siting of the dwelling (6.5m x 10m with a maximum ridge height of 7.5m).

### RELEVANT HISTORY

**P/03/548/FUL** APPROVED 05-08-2003  
+conditions  
CHANGE OF USE FOR LAND FROM HIGHWAY VERGE TO GARDEN

### PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 21 January 2015.

### NEGOTIATIONS

The applicant was requested to confirm the extent of the land that is under her ownership.

### CONSULTATION RESPONSES

#### Town/Community Council Observations

Notified on 24th December 2014

No objections to the proposal.

#### Head Of Street Scene (Drainage)

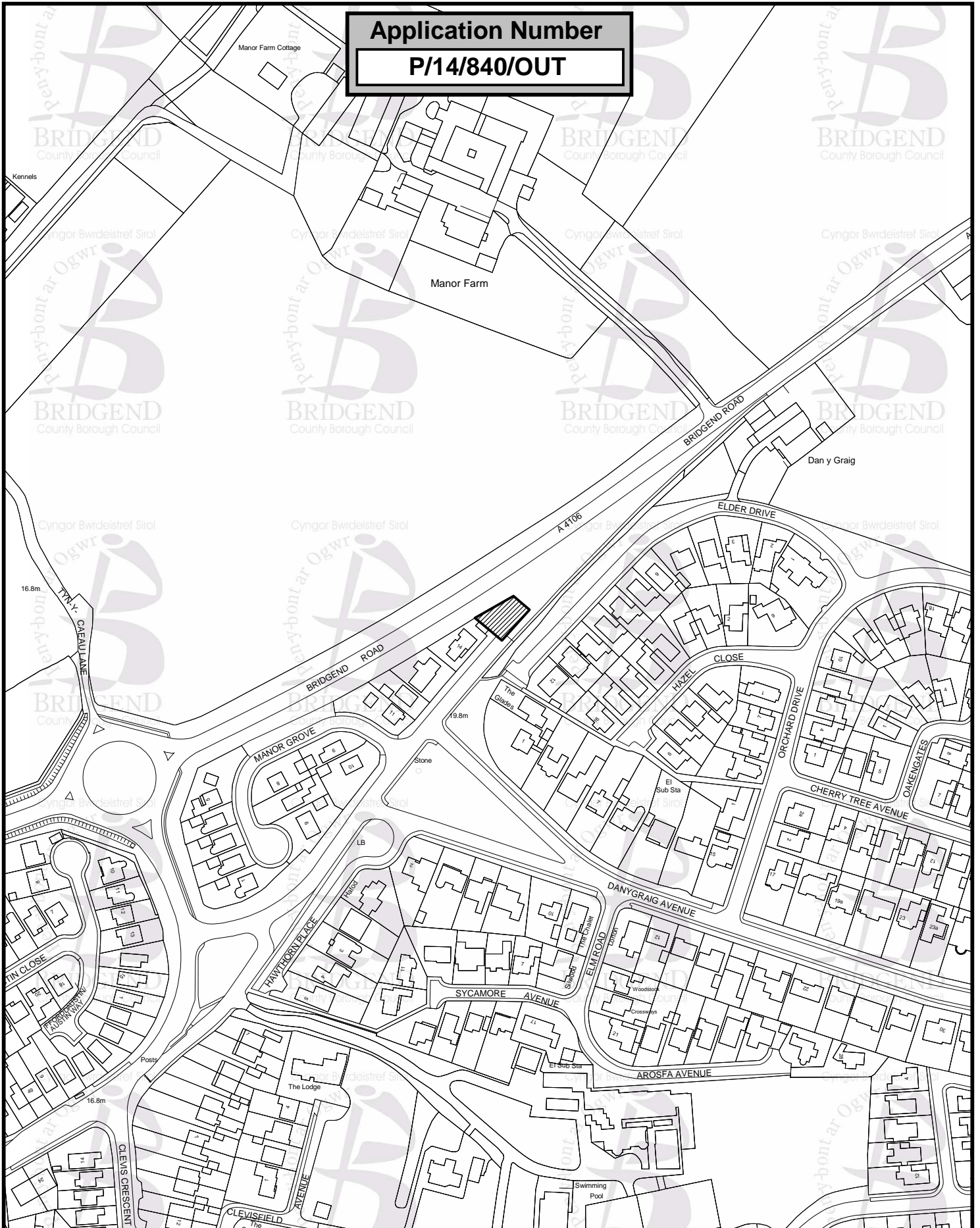
No objections to the proposal subject to a condition and advisory notes.

#### Group Manager Public Protection

No objections to the proposal subject to an advisory note.

Application Number

P/14/840/OUT



Scale 1:2500

Date Issued:  
29/01/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



## REPRESENTATIONS RECEIVED

### **J D Dolling, 11 Elder Drive**

Objects to the proposal but does not wish to speak at Committee:

1. Covenant on the land stating that the land could only be used for garden spaces and that no trees could be felled or buildings erected.

### **Richard & Sophia Smithen, 12 Elder Drive**

Objects to the proposal and requests to speak at Committee:

1. When permission was granted to change the use of the land from highway verge to garden, conditions were imposed restricting the use of the land as a garden only and that the trees were to be retained.

2. The proposed height and footprint of the dwelling appears to over develop the plot and will also adversely change the landscape of the area. It will also be situated extremely close to the main road entering Porthcawl.

3. Devaluation of property.

4. Loss of view.

5. Loss of privacy.

### **G I Sheppard, 9 Elder Drive**

Objects to the proposal:

1. When permission was granted to change the use of the land from highway verge to garden, it is believed that the land must be retained as a garden only and that the trees were to be retained.

### **Michael Aldridge, 10 Elder Drive**

Concern that the proposal will result in a loss of view.

### **Mr K Haley, 8 Elder Drive**

Provided the following observations:

1. The proposed dwelling would be located to the side of the dwelling and not to the rear. The description is, therefore, incorrect.

2. Requests confirmation of the ownership of the land.

## COMMENTS ON REPRESENTATIONS RECEIVED

1. Loss of view, outlook and privacy to 10, 11 and 12 Elder Drive.

The application is in outline form with all matters reserved for subsequent approval, The positions of windows and the orientation/layout of the property within the plot are specific matters which are dealt with under a further application should outline consent be forthcoming.

Notwithstanding the above, it is noted that the boundary of the application site is located approximately 21m north-west of the curtilages of 10, 11 and 12 Elder Drive and approximately 28m to the actual properties.

Having regard to these distances, it is not considered that the development of a plot for a single dwelling to the scale and dimensions as that shown on the submitted indicative plan, would result in unreasonable loss of outlook or privacy. Loss of view, such as distant countryside views, is not considered to be a material consideration in the determination of this application.

## 2. Overdevelopment of the plot.

The size and shape of the plot would be comparable to other properties in the immediate area, thereby respecting the general character and density of the locality. The submitted indicative plan suggests a two-storey dwelling of a rectangular shape and its footprint and scale would also be comparable to other neighbouring properties. Having regard to the above and consideration to the provision of amenity space and parking to the new dwelling and the spaces left to serve 14 Manor Grove, it is considered that the proposed development would not result in overdevelopment.

## 3. Loss of trees and restrictions on use of the land.

The permission granted in 2003 (P/03/548/FUL refers, to change the use of highway grass verge to become part of the garden of 14 Manor Grove, included a condition for the agreement of boundary treatments to enclose the extended garden. There were no planning restrictions concerning the removal of any trees. However, it is recommended that a condition be imposed on any outline consent given, requiring the submission of tree and root protection measures to safeguard any trees located outside the site from adverse impacts during the development of the site.

There were no conditions imposed limiting the use of the land to garden only, since any other use, such as residential would automatically require separate planning consent which would be considered on its own merits. Covenants are legal matters which cannot be considered during the determination of planning applications.

## 4. Devaluation of property.

This matter is not considered to be a material consideration in the determination of this application.

## 5. Inaccurate description

The description of the application states "Land rear of 14 Manor Grove". Based on the characteristics of the site, it is acknowledged that this could also be interpreted as land to the "side" of No.14 and is largely subjective. However, for the purposes of assessing this outline application, the submitted plan adequately identifies the location of the plot and its relationship with neighbouring properties and other key features in the immediate vicinity.

## 6. Ownership of the land

The applicant has completed Certificate A within the application forms, thereby declaring that all the land identified in red and blue is within her ownership. Whilst no evidence has been submitted by the local resident to support the claim made, the matter was raised with the applicant and additional written confirmation has been received to confirm the ownership of the land.

## **APPRAISAL**

The application is referred to Committee since the applicant is a Member of the Development Control Committee and objections have been received from local residents.



The application seeks outline consent to erect a dwelling to the side of 14 Manor Grove, Porthcawl. Policy COM3 of the Bridgend Local Development Plan (BLDP) permits small-scale housing development within the designated settlement boundary of Porthcawl. The proposal may therefore be considered to represent an opportunity to develop under-utilised land within the urban area for residential development.

Policy SP2 of the BLDP 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 by:

- 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 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 applicant has reserved all matters for subsequent approval, therefore, much of the criteria under Policy SP2 cannot be fully assessed and will be the subject of a future application if planning permission is forthcoming. Notwithstanding the above, the applicant has submitted an

indicative plan illustrating the potential layout and siting of the dwelling (6.5m x 10m with a maximum ridge height of 7.5m).

The extended section of the garden, as approved under application P/03/548/FUL, was originally a section of the main road north out of Porthcawl prior to the construction of the by-pass. The highway was stopped up and the surface cleared and then soiled and seeded. The original highway footpath remains, allowing continued pedestrian access. The approval of application P/03/548/FUL resulted in a section of this grassed area becoming part of the residential curtilage of No.14.

The visual appearance of the site is heavily influenced by the historical background of the site. In this respect, it is considered that this section of Manor Grove, especially when viewed from the junction with Danygraig Avenue, comes to an abrupt end and has very little sense of purpose within the street-scene, other than serving a continued pedestrian link.

Whilst it is possible to see from the site a number of dormer bungalows from neighbouring streets, such as Elder Drive, Manor Grove is characterised by two-storey dwellings. Furthermore, the site would be mainly approached off Bridgend Road, passing Hawthorn Place and Danygraig Avenue which predominantly contain two-storey dwellings.

The size and shape of the plot would be comparable to other properties in the immediate area, thereby respecting the general character and density of the locality. The submitted indicative plan suggests a two-storey dwelling of a rectangular shape and its footprint and scale would also be comparable to other neighbouring properties. It is, however, considered necessary to impose a condition for the finished floor levels of the new dwelling to be submitted as part of any subsequent reserved matters application.

The site is located at the end of the cul-de-sac and due to the position of the site and its relationship with the street, a dwelling could form a logical ending to the street.

At the time of the site visit by the Case Officer, it was noted that the application site itself has been subject to recent tree felling. These trees, however, were not protected and their felling, or other tree works, did not require permission.

Notwithstanding the above, there are a number of trees located outside the site. It was concluded that these trees would screen a large proportion of any dwelling constructed on the site to the specified dimensions, especially when travelling on the A4106 (north to south). The trees offer a reasonable degree of public amenity value, acting as both screening and as a visual quality to users of the adjacent footway. Whilst the trees are not covered by a Tree Preservation Order, they are considered to be under good arboricultural management due to being owned by the Council. It is, therefore, not considered expedient to warrant further protection. However, it is considered necessary to impose a condition requiring details of tree and root protection measures to be submitted as part of any approval of reserved matters submission. An advisory note would also be attached recommending that any dwelling constructed on the plot is sited and designed so as to avoid any conflict with trees located adjacent to the site.

There is limited vegetation located along the north-western boundary of the site, however, there are no footways present along this particular section of the A4106 and cars travel at speeds of up to 50mph. The site is also approximately 1m lower than this road. As such, it is considered that a new dwelling on the application site would only generate passing or glancing views. The new dwelling would also be seen in context to a number of other properties in the immediate vicinity.

Notwithstanding the submitted indicative plan, the siting and shape of the dwelling could be altered to improve its visual contribution within the street-scene and to maximise the amenity of its future occupiers. The design and appearance of the dwelling will also be critical factors in

ensuring that public visibility of the new dwelling is not adversely affected. However, for the purposes of this outline application with all matters, including design reserved for subsequent approval, the submission has demonstrated that the site could, in principle, reasonably accommodate a single dwelling without having a significant adverse effect on the visual amenities of the area.

Having regard to the indicative plan, it is possible to determine that an adequate amount of usable and private amenity space and approximately 2 off-street car parking spaces could be accommodated within the plot. However, since all matters have been reserved for subsequent approval, an advisory note would be attached to any outline consent issued, advising that adequate off-street parking and a turning facility could be required.

Whilst the proposed scheme would reduce the number of off-street parking spaces for No.14 to two spaces (one garage space and one drive space), the road immediately fronting the property is unrestricted for on-street parking. The road appears to be underutilised, possibly since it terminates at this section and only serves a small number of properties. It is, therefore, considered, that the scheme, in principle, would not have any significant adverse effect on highway/pedestrian safety.

The plot would only have one immediate neighbouring property, namely 14 Manor Grove. Whilst the development of the plot would result in some loss of garden/parking to No.14, it is considered that sufficient space would be retained to ensure that there would be no unreasonable loss of residential amenity or detriment to highway safety.

It is also noted that the side elevation of No.14, which would face the new plot, contains several windows. Whilst these windows are approximately 8m from the boundary of the new plot, they are screened by the property's detached double garage. There is a realistic prospect of the garage being retained since it would be subdivided so that one parking space would be kept for No.14 and the other parking space allocated for the new plot.

Whilst this application does not consider the positioning of windows, the indicative plan suggests that the proposed dwelling could position habitable room windows on at least three elevations. It is, therefore, considered that the proposed dwelling would benefit from a reasonable degree of amenity, especially with regards to light, outlook and privacy, without unreasonably affecting the amenities of neighbouring properties. Whilst it is acknowledged that the future occupiers of the dwelling would be adjacent to a busy road, the amenities of the new dwelling would be comparable to a number of other properties in this particular vicinity. Furthermore, the Group Manager Public Protection has no objections to the proposal subject to an advisory note. A further advisory note would also be attached recommending that any new dwelling on the site with windows facing the A4106 should be installed with triple-glazing.

The Land Drainage Section of the Council has no objections to the proposal subject to the submission of a comprehensive drainage scheme. The site is within a residential area with other utilities in reasonable proximity.

The proposal satisfies the criteria of Policy SP2 of the BLDP and generally follows the advice and principles contained within Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

## **CONCLUSION**

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

## RECOMMENDATION

That permission be GRANTED and plenary power be given to the Corporate Director Communities to issue a decision notice after 11 February 2015 if no new adverse representations are received, subject to the following conditions, in addition to the standard conditions:-

- 1 This consent shall be limited to a single dwelling generally in conformity with the submitted plan and with a maximum height of 7.5m.

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

- 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 dwelling 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 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.

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

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

- 5 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 and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety and visual and residential amenities.

- 6 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the dwelling hereby approved.

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

- 7 No development shall commence on site until a scheme has been submitted to and agreed in writing provided the specification and position of fencing and of any other measures to be taken for the protection of the trees (and their roots) that are adjacent to the site from damage during the construction of the dwelling hereby approved. The agreed scheme shall be implemented and retained in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to promote nature conservation.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b) Foul water and surface water discharges shall be drained separately from the site.
- c) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- d) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.
- f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.
- g) In respect of Condition 6 (Drainage), the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:
- (1) A ground investigation report sufficient to support the design parameters and suitability of the proposed system.
  - (2) 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 to prevent the pollution of the receiving groundwater and/or surface water.
  - (3) A timetable for its implementation; and
  - (4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.
- h) The applicant/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 proposed parking areas, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the proposed parking areas should not be considered as a first option.
- i) The applicant/developer is 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.

j) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

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

l) The applicant/developer is advised that 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 Department of the Council.

m) The applicant/developer is advised that, if the dwelling has habitable room windows fronting Bridgend Road (A4106) they should be fitted with triple glazing.

n) The applicant/developer is advised that adequate off-street parking serving the new dwelling and 14 Manor Grove, including a turning facility, may be required for any subsequent reserved matters scheme that is submitted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/14/772/OUT  
**APPLICANT:** MR PAUL TROAKES  
FFERM Y PARC OAKLANDS AVENUE BRIDGEND  
**LOCATION:** LAND AT CARREG LLWYD BROADLANDS BRIDGEND  
**PROPOSAL:** SITE ACCESS AND TWO DETACHED DWELLINGS  
**RECEIVED:** 25th November 2014

## APPLICATION/SITE DESCRIPTION

The application seeks outline planning consent for the construction of 2 detached dwellings on land adjacent to Carreg Llwyd, Broadlands, Bridgend. All matters, other than access and site layout, are reserved for future consideration.

The indicative plans show the 2 dwellings positioned on land to the west of Fferm y Parc and east of Carreg Llwyd having dimensions of 10.0m x 7.0m and 9.0m x 5.0m while the Design and Access statement advises that the estimated height of the dwellings would be 9.0m.

Although access to Fferm y Parc is off Oaklands Avenue, the proposed dwellings would be accessed off Carreg Llwyd, which is one of the main distributor roads for the Broadlands Estate. The layout plan shows a 4m wide access into the site with a turning head, parking spaces for each dwelling and a parking space for any delivery vehicles. Footpath 2 Laleston runs to the north of the application site.

The site was originally landscaped as part of the strategic landscaping scheme for the estate but the majority of this was removed when the applicant purchased the land. A 2m wide strip of vegetation remains on the western edge of the site but the site layout plan indicates that this would be removed and replaced by new landscaping. There is an existing break in the hedgerow adjacent to the footpath which measures approximately 6m, the application proposes to reduce the break to 2m.

## RELEVANT HISTORY

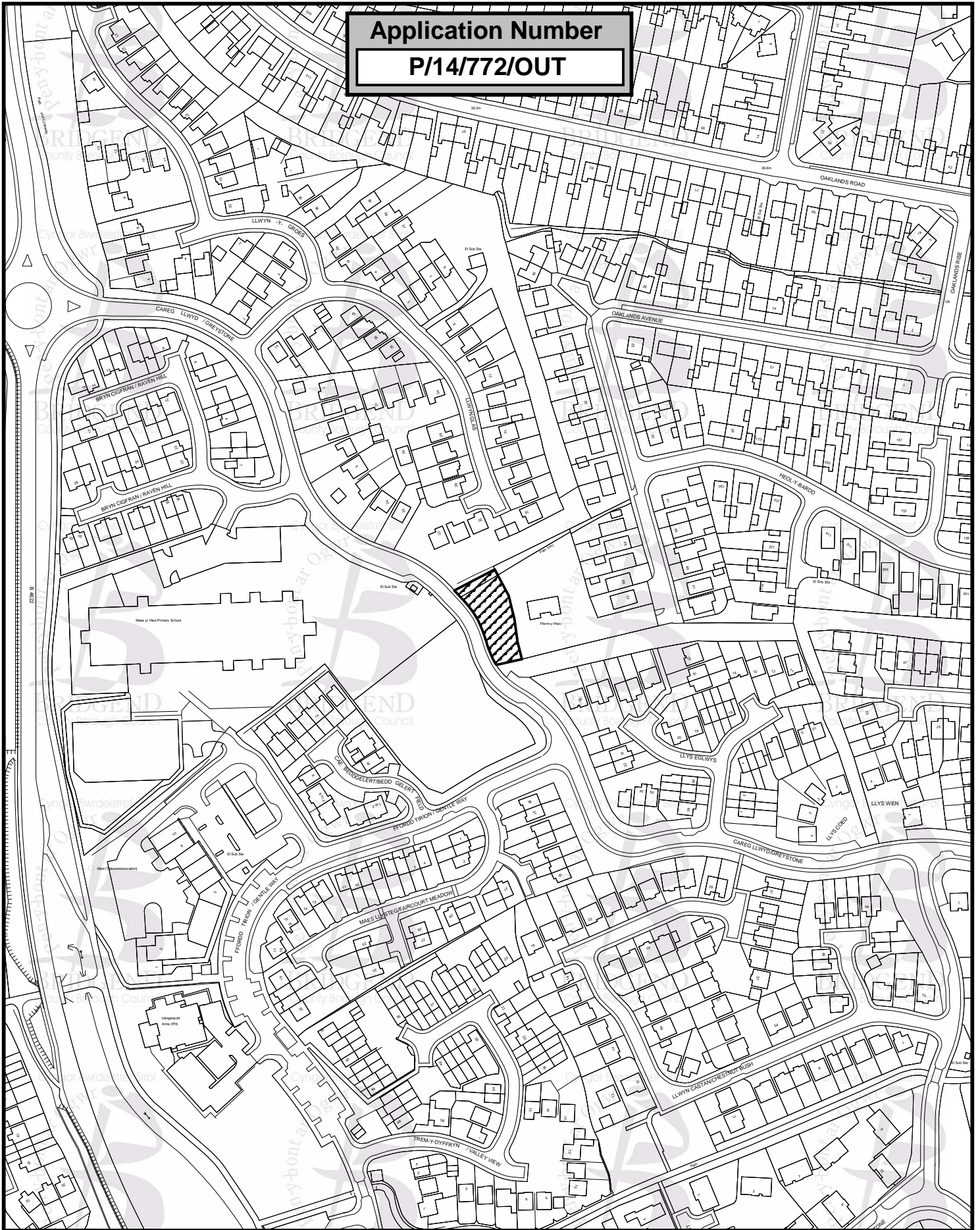
**P/06/629/OUT** APPROVED 15-08-2006  
+conditions  
ONE RESIDENTIAL DWELLING (APPLICATION IN OUTLINE)

**P/07/1198/RLX** REFUSED 30-11-2007  
RELAX COND 1 & 2 OF CONSENT 06/629/OUT - TO ALLOW ACCESS ON CARREG  
LLWYD

**P/09/353/RLX** APPROVED 19-06-2009  
+conditions  
VARY STANDARD TIME LIMIT COND TO SUBMIT RES MATTERS FOR 1 DWELLING  
(06/629)

Application Number

P/14/772/OUT



Scale 1:2500

Date Issued:  
29/01/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro





**PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 31 December 2014.

**NEGOTIATIONS**

None

**CONSULTATION RESPONSES**

**Town/Community Council Observations**

Notified on 3rd December 2014

Raised the following concerns to the application:-

'Laleston Community Council considered the application and expressed concerns about potential safety issues in relation to access to the highway, particularly in view of the existing traffic calming measures along this stretch of highway and the proximity to one of the entrances and parking layby of Maes yr Haul primary school.

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

**Councillor C A Green**

Raised a concern in regard to the application and provided the following comment:-

'I would like a site meeting to be held as this particular part of the highway has long been a concern.'

**Head Of Street Scene (Highways)**

Has no objection to the proposal.

**Rights Of Way Team**

Advised that the Right of Way is located outside of the application site and the applicant be advised that the Right of Way should be kept clear during construction.

**Destination & Countryside Management**

Advised that it was not reasonable to request a reptile survey.

**Welsh Water Developer Services**

Advised on sewerage

**REPRESENTATIONS RECEIVED**

## **Addell Whiteley, 20 Llwyn Glas**

Objects to the proposal and provides the following comments;-

'The access point for both these houses enters and exits onto Carreg Llwyd on a bend in the road with high hedges and a bank obstructing the view.

There is also a chicane just prior to the entry/exit point where traffic enters the area on the wrong side of the road in an extreme blind spot.

I have personally witnessed three accidents on this spot where traffic can not see around the bend and approaching cars do not see the cars coming around the chicane on the wrong side of the road.

A lot of children also cross the road here as it is almost directly opposite the school side gate and cars park everywhere along the pavement and double park causing chaos, an entry on to this part of the road is asking for a serious accident. I have advised this before but my comments were ignored. Will it take a child to be seriously injured or killed on this blind corner before you take notice of the problem.

Lorries frequently travel through the chicane after delivering to the shops and I have witnessed a Tesco lorry block the whole road at school finish time when cars are parked everywhere, which resulted in two cars being hit and a child almost being hit as they attempted to cross the road.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety and parking provision, further assessment of the development in terms of highway safety can be found at the 'Appraisal' section of this report.

### **APPRAISAL**

The application is reported to the Development Control Committee for determination in view of the concerns raised by the local Member and Laleston Community Council.

The site is located within the designated settlement boundary of Bridgend and, as such, the development of this site for residential purposes could be regarded as 'windfall and small scale housing' in main settlements under Policy COM3 of the Bridgend Local Development Plan(LDP).

The majority of the land on which the Broadlands Estate was constructed was originally owned by Merthyr Mawr Estates and the land farmed from Fferm y Parc. The 'farm house' was subject to an agricultural occupation condition when originally approved, although this was subsequently removed in 1998. Merthyr Mawr Estates subsequently sold off the majority of their holdings to enable the Broadlands Estate to be developed.

The Broadlands Development Brief identified areas which were to be retained and planted up to form landscape buffer zones and this included the current application site. However, the area of the application site was retained by Merthyr Mawr Estates and was not adopted by the Council's Parks Section. As such there was no requirement for the landscaping to be retained or any planning control over the removal of trees. The site was subsequently sold to the current applicant. The majority of the landscaping on the application site has been legitimately removed although a 2m wide strip has been retained along the boundary of the site with Carreg Llwyd.

The application is in outline but with approval being sought for the access and site layout.

Outline planning consent was granted in August 2006 to construct 1 dwelling on the site. This consent was subject to a condition preventing an individual vehicular access directly onto Carreg Llwyd as such an arrangement would have been at variance with the principle set out in the

Broadlands Development Brief and would set a precedent for further individual accesses via the distributor and loop roads within this residential estate to the detriment of highway safety and the free flow of traffic. A further condition limited access onto Oaklands Avenue only via the existing access to Fferm y Parc. A subsequent planning application, submitted in October 2007 (P/07/1198/RLX refers) seeking consent to relax these conditions, was refused and subsequently dismissed on appeal. The Inspector was of the opinion that an individual access would generate on-street parking by visitors and calling delivery/service vehicles to the detriment of highway safety and the free flow of traffic. The 3 year period in which to submit for the approval of Reserved Matters was extended in June 2009 (P/09/353/RLX refers).

However, a further outline application, with all matters reserved apart from layout and access, for two dwellings on the site with a single shared access off Carreg Llwyd (P/11/129/OUT refers) was approved by the Development Control Committee on 12 May 2011. The proposal was considered acceptable as it created a shared access rather than an individual means of access off the loop road and, as such, was not at variance with the Broadlands Development Brief. It was also noted that a precedent for shared drives off Carreg Llwyd had already been set in close proximity to the site, at Llys Coed and Llys Wen. The 2011 application expired in May 2014. The principle for the proposed development has, therefore, previously been agreed. The 2011 scheme was identical to that of the one currently proposed.

The current application shows the development of 2 detached dwellings with an access off Carreg Llwyd. A 4m wide access driveway with a large turning head is shown between the 2 dwellings proposed. As well as showing parking spaces for each of the proposed dwellings, the layout also shows space for delivery vehicles to park within the site. The layout plan also indicates that the remaining landscaping on site would be removed and replaced with evergreen hedging, which would extend the hedgerow to the rear of the site abutting the footpath and would reduce the width of the existing gap from approximately 6m to 2m. In order to ensure that the landscaping proposed enhances the existing landscaping and ensures that a hedgerow is maintained along the site frontage, a condition shall be attached to any permission granted requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

Furthermore, it was noted that the break in the landscape for access is a common feature found along Carreg Llwyd.

The dwelling on Plot 1 is shown positioned between 3m and 6m away from the northern boundary of the application site. There is a further gap of 2m between the northern boundary of the site and the boundary of adjacent property at Llwyn Glas. This boundary is defined by a high hedge.

Note 6 of the Council's Supplementary Planning Guidance SPG 02 - Householder Development suggests that to prevent overlooking into neighbours gardens from first floor habitable room windows a separation distance of 10.5m is required. Depending on the internal layout of the proposed dwelling the separation distance could vary between 6m and 8m. However, there is scope to provide side facing windows and rear facing non habitable room windows at first floor level. In addition, there is a high hedge on the boundary with 21 and 22 Llwyn Glas which screens views of their rear gardens from the application site.

With regards the proposed dwelling on Plot 2 it would not overlook any adjacent dwellings.

There are 2 side facing windows on Fferm y Parc which appear to be secondary bedroom windows. However, these windows would overlook the access and turning areas within the site and, as such, would not significantly affect the privacy of the future occupiers of the proposed dwellings.

The proposed site layout illustrates a site access that will be located a suitable distance away

from nearby traffic calming features and which will be provided with adequate vision splays (commensurate with a 20mph speed limit area) to observe approaching vehicles and pedestrians in either direction. The internal layout provides adequate parking facilities for occupiers, visitors and delivery/service vehicles and turning facilities that can accommodate the movement of such vehicles. The Highway Section has no evidence that visitors and delivery vehicles, visiting neighbouring properties that are accessed via the shared private drive off Carreg Llwyd, currently park on-street and, as such, they consider this proposal is also unlikely to generate short term on-street parking along this section of Carreg Llwyd in light of the parking and turning facilities available within the site.

The Highway Section also considers that adequate forward visibility along the highway is provided for drivers to observe a stationary vehicle waiting to turn right into the site, and therefore, raises no objection to the proposed development subject to conditions.

The definitive footpaths map shows Footpath 2 Laleston crossing the northern part of the application site. However, on the ground the footpath runs parallel but outside the northern boundary of the application site and leads via a 'kissing gate' to Oaklands Avenue.

Whilst determining this application Policies PLA1, COM3 and SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8 and 9 of Supplementary Planning Guidance 02 were considered.

## **CONCLUSION**

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**

(R05) That permission be GRANTED subject to the following condition(s) in addition to the standard conditions:-

- 1 The consent hereby granted shall be limited to the construction of 2 detached dwellings not exceeding 2 storeys in height.

Reason:- In the interests of highway safety and residential amenity.

- 2 There shall be no means of vehicular access into the site from Oaklands Avenue.

Reason: In the interests of highway safety.

- 3 The proposed access, common turning facility, occupier parking spaces and delivery/visitor parking space as shown on the approved site layout plan shall be completed in permanent materials in accordance with the details prior to the approved development being brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

- 4 The site boundary shall be set back behind the 2.4m x 25m vehicle vision splays and 1m x 1m pedestrian splays as shown on the approved site layout plan. The resulting areas of land within the vision splays shall be surfaced in permanent materials before the development is brought into beneficial use and shall be retained as such in perpetuity.

Reason: In the interests of highway safety.

- 5** No development shall commence until a scheme showing the demarcation of the existing back edge of footway along the site frontage has been submitted to and agreed in writing by the Local Planning Authority. The demarcation line shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such in perpetuity.

Reason: In the interests of highway safety.

- 6** The proposed vehicular access shall be at a gradient not steeper than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

- 7** Notwithstanding the submitted plans, the proposed means of access shall be laid out to a width of 4.0 metres with 3 metre radius kerbing on either side of the entrance and constructed and retained in permanent materials.

Reason: In the interests of highway safety.

- 8** There shall be no entrance gates erected across the vehicular access.

Reason: In the interests of highway safety.

- 9** No development shall commence until a scheme for the provision of an H-bar marking across the access along Carreg Llwyd has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be designed in accordance with the Traffic Signs Regulations and General Directions (2002), shall be implemented in permanent materials before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

- 10** Notwithstanding the approved plan 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. All hard and soft landscape works shall be carried out in accordance with the agreed details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

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

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

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

b) Off street parking must be provided to the satisfaction of the Local Planning Authority and the developer's attention is drawn to the 2008 County Surveyor Society Wales Parking Standards. The applicant is advised that, as part of any future approval of reserved matters (which will define the scale of the dwellings), each dwelling must be provided with adequate parking facilities consisting of 1 space per bedroom up to a maximum of 3 spaces. Depending on the size/scale of the southern dwelling (Plot 2), a third off street parking space may be required.

c) The landscaping scheme required by Condition 10 shall contain native species instead of evergreen hedgerow species.

d) The applicant is advised to consult with the Highway Authority regarding the Public Right of Way, known as Footpath 2 Laleston before details are submitted to the Local Planning Authority for approval.

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

f) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

i) The developer is advised that birds (as well as their nests and eggs) are protected under the Wildlife and Countryside Act 1981 (WCA) (as amended). This makes it an offence to intentionally or recklessly damage or destroy any active birds nest or any part thereof. Schedule 1 birds under the WCA receive additional protection.

e) 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>

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

## RECOMMENDATION : SECTION 106

**REFERENCE:** P/14/700/FUL

**APPLICANT:** AGRIVERT LTD  
THE STABLES RADFORD CHIPPING NORTON OXFORDSHIRE

**LOCATION:** PARC STORMY STORMY DOWN AIRFIELD STORMY DOWN

**PROPOSAL:** ANAEROBIC DIGESTION FACILITY FOR 30 YEAR PERIOD WITH ASSOCIATED BUILDINGS & WORKS

**RECEIVED:** 21st October 2014

**SITE INSPECTED:** 10th November 2014

### APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the construction and operation of an Anaerobic Digestion (AD) facility at Parc Stormy, Stormy Down, Bridgend for a period of 30 years.

AD is the process where organic material is biologically treated in the absence of oxygen using naturally occurring micro-organisms to produce biogas, which can be used to generate a renewable green energy and is fed into the National Grid. The AD process also produces a nutrient rich bio-fertilizer that can be used as both a fertiliser and a soil improver.

The proposed AD facility would process approximately 48,500 tonnes of biodegradable organic waste (the majority of which would be comprised of food waste) per annum and would generate 2.4MW of renewable energy per annum.

The proposed facility is comprised of the following:-

- Reception building measuring 40m x 50m and reaching a maximum height of 14m.
- 7 circular digestion and storage tanks, each measuring 28m in diameter, finished with a domed roof reaching a maximum height of 16.5m, sunk into the ground by 1m. (15.5m above ground level)
- 2 combined heat and power (CHP) gas engines and associated equipment
- Biofilter
- Silage storage area
- Weighbridge area
- Site Office/welfare facility
- 1.25m high containment bund and security fence
- Low level lighting

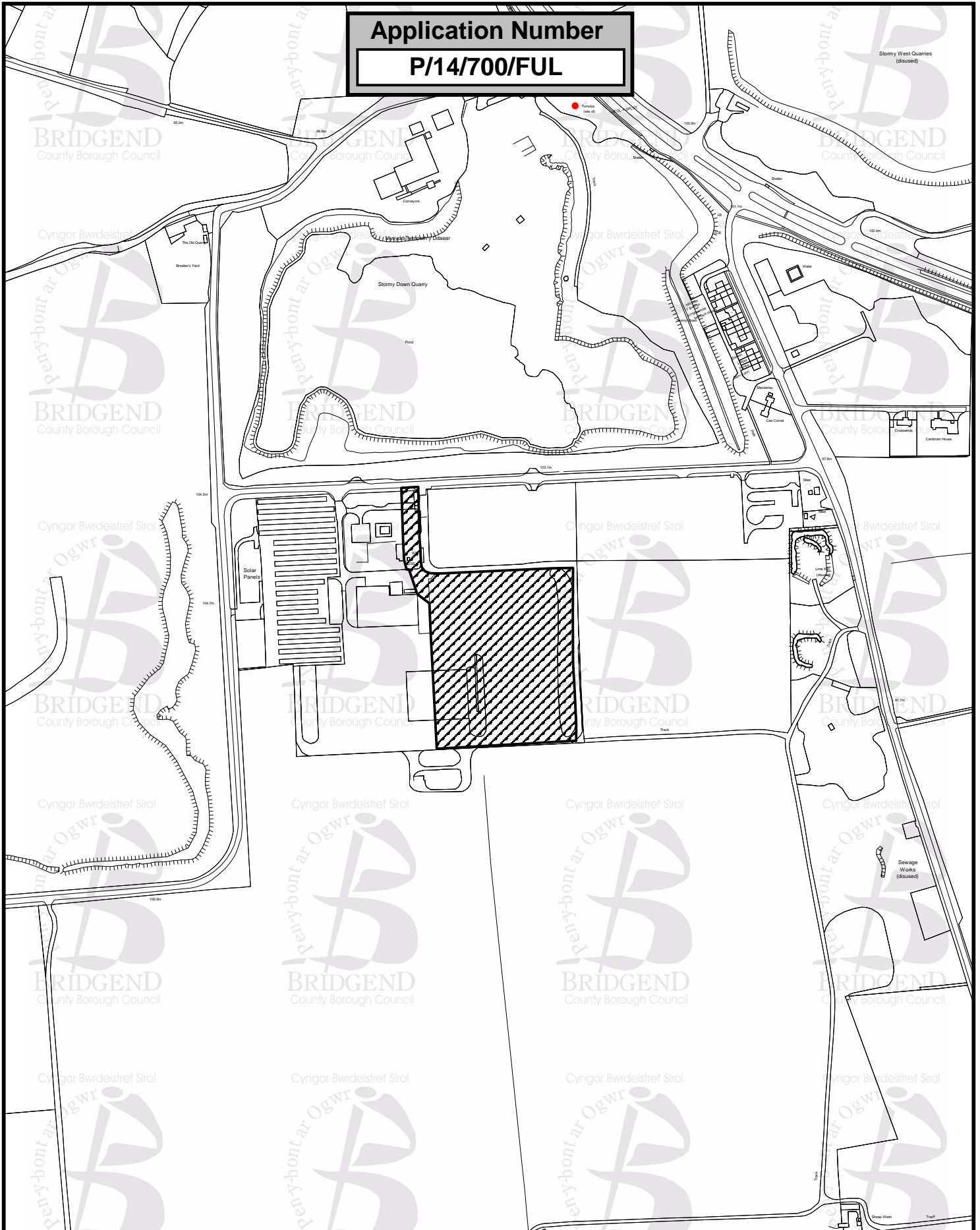
The application site is located within Parc Stormy, Stormy Down, part of the former RAF Stormy Down air base. Current operations on the wider Parc Stormy site include cement production and the production of renewable energy generation through solar photo-voltaic panels and an application was recently approved for a 105m high wind turbine at the site.

Access to the site will be via the existing access to the northern boundary of the site. To reach the A48 vehicles will head west on the unclassified to the north of the site before turning right onto Mount Pleasant Road for 280m. Vehicles will then turn right on to Heol y Splott and head north east for 370m before reaching the A48. It is predicted that the transport movements during operation will be an average of 60 two-way heavy goods vehicles (HGVs) per day.

The digestate will produce energy 24 hours a day and the site will be manned and take deliveries

Application Number

P/14/700/FUL



Scale 1:5000

Date Issued:  
29/01/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol





of waste between the following hours:-

Monday - Friday 0700-1800

Saturday and Bank Holiday 0700 - 1600

Sunday 0800-1400

The construction of the proposed AD plant would take 47 weeks and will take place during the hours of 0730 - 1800 Monday to Friday and 0730-1300 on Saturdays. It is not proposed that any abnormal loads will be used in the construction phase, the peak of traffic movement associated with the construction would peak at 380 two way movements per day

Planning permission for an Anaerobic Digester facility was previously approved, by the Development Committee, on part of the application site in 2010 (P/09/917/FUL refers). The permission has not been implemented and expires in September 2015. The previously approved development was for a smaller operation dealing with 19,000 tonnes per year and was subject to a S106 Agreement which limited the vehicle movements associated with the AD facility to 102 per day.

The following is a breakdown of the AD process for Members information, this information was provided with the application. The AD process can be split into six distinct activities:-

1. Reception- Waste enters the site within a refuse collection vehicle (RCV) and is weighed over the weighbridge. The vehicle then proceeds to the enclosed reception building where access is gained through speed doors. Once inside the doors are closed to retain negative air pressure to ensure odour is controlled. Waste is tipped into reception bunkers with a moving floor. Once the loads have been deposited, the rear of the vehicle is washed down. The vehicle then exits through another speed door. Odours from the delivering tankers are extracted from the building and treated through the biofilter.

Stabilising energy crop silage is stored on site in a silage clamp and is delivered regularly to the energy crop feed bunker by loading shovel, the silage is needed to help balance the biology of the digesters.

2. Pre-treatment - All material from the soil feed bunker is fed into the macerator. This machine processes the waste in line with Animal By-Product Regulations. The resultant thick, organic mixture drops, by gravity, into a settling and mixing tank, where the small pieces of heavy contaminations (glass, grit and metal) settle out by gravity. Liquid wastes are added directly to the macerator.

3. Digestion - The first phase of digestion is completed in the digester tanks. Each tank is heated to 39 degrees Celsius and biogas is released and stored in the void above the digestion mass, sealed in by a twin membrane roof. The gas is kept at a low pressure by moving roof membrane that fills and empties as the biogas levels rise and fall.

The substrate is displaced from the digester tank and fed into a second digester where more biogas is extracted. On leaving the first digester tank it passes through a macerator.

4. Pasteurisation - Pasteurisation of the digestate is carried out in order to kill bacteria. The material from the digester tank is introduced into a pasteurisation tank in batches, which is then heated using hot water from the gas engines exhaust gas heat exchanger system. Once temperature has been achieved the batch passes onto storage.

5. Energy production - The methane produced by the digesters is naturally high in sulphides. Sulphides are a problem for gas engines and must be reduced. The first stage of reduction is carried out within the digestors until ready for use in the gas engine.

The biogas is dehumidified and compressed prior to introduction into the carbon filter. The gas engines are carefully sized to operate at maximum efficiency and to create the necessary power. The gas engine receives the biogas and uses it as fuel in powering a conventional generator unit to produce electricity at 415 volts. The hot water from the gas engine cooling system and exhaust gas heat exchanger is used to heat pasteurisation tanks, to keep the digesters at the required temperatures for mesophilic digestion and to dry the biogas. The noise of the gas engine is suppressed within a sound insulated engine container. The power generated by the engine is transmitted directly into the National Grid via transformers and high voltage connection.

6. Digestate Storage and Recycling - The storage tanks have sufficient capacity to keep 16 weeks storage within the process. The first three storage tanks are fitted with gas roofs to provide gas storage. Sealed tanks are used to transport the digestate end product from the site local to farms.

## RELEVANT HISTORY

**P/08/804/FUL** APPROVED 12-12-2008  
+conditions

BIO GAS PLANT WITH ASSOCIATED BUILDINGS & GAS PIPELINE TO CHP UNIT AT TES FACILITY AT UNIT 1 STORMY DOWN

**P/09/27/FUL** REFUSED 22-05-2009

PROPOSED OPEN STORAGE AREAS TO BE ASSOC. WITH SUBDIVISION OF FORMER MOD BUILDING INTO 2 UNITS & EXTRA OPEN STORAGE

**P/09/450/FUL** WITHDRAWN 23-09-2009

CHANGE OF USE OF OPEN AREA TO PERMIT OPEN STORAGE OF PORTAKABINS & STEEL STORAGE CONTAINERS

**P/09/451/RLX** Conditional relax 28-08-2009

VARY COND 1 OF 03/939 TO PERMIT CONTINUED OPERATION OF SUNDAY MARKET

**P/09/530/ESO** EIA not required 20-08-2009

SCREENING OPINION FOR NEW BUILDING FOR FEEDSTOCK RECEPTION HALL & USE OF HANGAR FOR IN VESSEL COMPOSTING

**P/09/698/FUL** APPROVED 29-09-2010  
+conditions

PROVISION OF MODULAR BUILDING (SUITABLE FOR RELOCATION) TO BE USED FOR STORAGE AND DRYING OF MATERIALS

**P/09/699/RLX** Conditional relax 23-10-2009

VARY COND. 1 OF P/07/631/FUL TO PERMIT RETENTION OF LOW CARBON SUBSTITUTE TEST PLANT UNTIL 2034

**P/09/917/FUL** APPROVED 29-09-2010  
+conditions

C/U TO PROVIDE IN-VESSEL COMPOST FACILITY, AIR MANAGEMENT UNIT

<b>P/11/138/FUL</b>	APPROVED +conditions	09-05-2011
GROUND BASED SOLAR PHOTOVOLTAIC PANELS FOR ENERGY GENERATION		
<b>P/11/140/FUL</b>	APPROVED temporarily	18-05-2011
ERECT DE-MOUNTABLE RESEARCH LABORATORY		
<b>P/11/225/FUL</b>	APPROVED temporarily	03-06-2011
C/U FOR TEMP STORAGE OF SOIL & AGGREGATES GENERATED WITHIN SITE (PENDING RE-USE IN BUILDING) & IMPROVEMENT WORKS		
<b>P/11/529/FUL</b>	REFUSED	07-09-2011
TEMPORARY STORAGE OF TIMBER IN ADVANCE OF THE ERECTION OF THE APPROVED DRYING SHED		
<b>P/11/531/FUL</b>	Non-determ. (Appeal)	18-10-2012
PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER		
<b>P/11/627/FUL</b>	APPROVED temporarily	21-10-2011
ERECT 6 NO. 50KW SOLAR PHOTO-VOLTAIC TRACKING ARRAY		
<b>P/11/643/RLX</b>	Conditional relax	19-12-2011
RELAX COND 1 OF 06/44/FUL TO EXTEND TIME FOR SOILS & GREEN WASTE RECYCLING WITH ASSOC. BUILDINGS,PARKING, LANDSCAPING		
<b>P/12/534/FUL</b>	REFUSED	19-11-2012
PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER		
<b>P/13/904/FUL</b>	APPROVED temporarily	18-12-2014
PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER		
<b>P/14/350/FUL</b>	APPROVED temporarily	26-06-2014
CONSTRUCT A LOW CARBON SYSTEMS DEMONSTRATION CENTRE		

#### **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 20 November 2014.

#### **NEGOTIATIONS**

The applicant entered into pre-application discussions with the Local Planning Authority.

## **CONSULTATION RESPONSES**

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

Notified on 27th October 2014

Merthyr Mawr Community Council provided the following comments:-

- '1. My Council is concerned that the current site occupiers do not comply with existing planning conditions. They request regular inspections by planning enforcement officers as a condition of any new consents.
2. My Council consider the working hours are excessive given the close proximity of residential properties. They request the hours be restricted to 0700 to 1400 on Saturdays and Nil on Sundays.
3. Councillors suggest that crossing of the A48 carriageway should be prohibited and the central reservations closed due to the increasing risks of collision caused by large and slow-moving vehicles crossing the path of oncoming traffic on the carriageway.
4. Councillors strongly recommend closure of the access road to the application site at its junction with the unclassified road from the A48 to the Amenity Site. This low cost measure would guarantee the road would not be used for unauthorised access by commercial site traffic but would cause minimum disruption to legitimate road users.
5. Given the visibility of the site from a considerable distance - for example from Margam Park - Councillors suggest the proposed landscaping bund is insufficient and should be increased.
6. There appears to be an inconsistency in the applicant's vehicle movement figures which state 13 vehicle moves in to the site and 16 vehicle moves out of the site - this would require an additional three vehicles to leave the site every day? If the applicants mean 13 deliveries and 16 collections then the total vehicle moves is actually  $2(13 + 16) = 58$ . To this can be added the four employees' vehicles, bringing the total to 66 vehicle movements per day.'

### **Destination & Countryside Management**

Requested that a number of conditions be attached to any permission granted.

### **Economic Development**

Advised that the proposed business is within one of the priority business sectors as set out by Welsh Government.

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

Has no objection to the proposal.

### **Group Manager Public Protection**

Provided the following comments on the application:-

'The odour report demonstrates that, with adequate management control relating to the operation of the plant, the handling, quantity and nature of the feedstock and type of abatement to be used (ie fast acting doors, building being kept under negative pressure, biofilters and a secondary water scrubber), the odour should not give rise to annoyance or be detrimental to the local amenities. However, correct management of the site and maintenance of critical abatement plant and systems will be crucial to controlling the odour emissions which will be regulated by

the Environment Agency via an Environmental Permit.

Dispersion modelling of NOx emissions from the proposed facility was undertaken using appropriate modelling software. Predicted changes to pollutant concentrations and changes to nitrogen and acid deposition as a result of the proposed facility were not determined to be significant based on the criteria specified in the Environment Agency's Horizontal H1 guidance for assessing air emissions. In addition, no exceedences of air quality limit values are predicted as a result of the proposed facility.

The noise report also shows that with appropriate mitigation, the noise should not be detrimental to the local amenities.'

Although it is acknowledged that the majority of controls would be enforced via an Environmental Permit conditions have been suggested to attach to any permission granted.

#### **Natural Resources Wales**

Has no objections to the proposal subject to conditions and advised that an Environmental Permit from Natural Resources Wales will be required which will cover all the protected measures expected for the proposed development.

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

Advised on sewerage.

#### **Glamorgan Gwent Archaeological Trust**

Requested that a condition be attached to any permission granted.

#### **Head Of Street Scene (Waste & Recycling)**

Provided the following comments on the application:-

'The proposal to construct an AD plant at Stormy Down, may present the Authority with a future disposal point for its food waste. While the outcome of any long term commitment for the treatment of the Council's food waste will be depend on a future procurement exercise, the presence of a facility within the boundaries of the County Borough Council can only benefit the Authority's position and ability to secure a good market rate for the treatment of this waste. This plant will help to regulate the market place and ensure that BCBC costs are kept to a minimum.

In the event that the Council's food waste is delivered to this facility, alongside any direct financial savings in treatment and transport costs there would also be a measurable reduction in the Council's carbon footprint.'

### **REPRESENTATIONS RECEIVED**

#### **Joan & Duncan Blight, The Hollies, Stormy Lane**

Objects to the proposal for the following reasons:-

- Odours
- Traffic
- Noise

#### **David Francis, Pentre**

Objects to the proposal for the following reasons:-

- Human toxicity
- Smell
- Lack of infrastructure

**Sandra Grindley, Lilliput**

Objects to the proposal and requests to speak at the committee meeting.

The objections are as follows:-

'I strongly object to the proposal. I am concerned about the odours which may be a health hazard and also the extra volume of traffic passing our homes.'

**Colin Ball, 1 Stormy Lane**

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

'This application is for a 30 year period which will exceed any approved planning on site and make the quarrying of limestone unavailable for this period of time.

The road system in the area cannot support the extra volume of traffic that this application would create. This application will increase the amount of traffic that passes our homes to a dangerous level and create extra noise disturbance for the residents. BCBC cannot or will not police the businesses that have signed S106 agreements for this site regarding traffic routing and there is no evidence that this will change.

This application will be higher than the existing buildings on site and will have a detrimental visual impact on the residents and the surrounding communities.

This application will create a terrible odour problem for the residents of Stormy Down, especially when the waste digestate is "maturing".

This will then create a health hazard with the amount of flies it will attract. Not for just a few months of the year as with farm waste but for the WHOLE YEAR.

If the applicants say it will not, why don't they apply for planning on an industrial estate away from residential properties with better road access?'

**Lloyd Rowe, Swyn Y Don**

Objects to the proposed development and has registered to speak at the Development Control Committee. The objections are summarised as follows:-

- Noise pollution
- Highway safety
- Odour pollution
- Air Quality

**COMMENTS ON REPRESENTATIONS RECEIVED**

The site will be periodically monitored, however, if any suspected breaches of conditions occur, this should be brought to the attention of the Local Planning Authority in order for the suspected breach to be investigated.

With respect to traffic routing, all complaints of non-compliance have been investigated and no evidence was found of breaches. No evidence has been provided by the complainant, despite being requested of for details witnessed breaches.

The Transport Assessment submitted with the application states that an average of 66 movements will occur per day.

With regard to the other objections received these are 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 and Merthyr Mawr Community Council.

The application seeks planning permission for an Anaerobic Digestion (AD) facility at Parc Stormy, Stormy Down for a period of 30 years. The proposed development will generate 2.5MW of renewable energy.

The report will assess the relative planning merits of the AD facility and its impact within the County Borough of Bridgend.

The Appraisal will cover the following topics:-

1. National and Local Policy context
2. Landscape and visual amenity
3. Odours
4. Ecology
5. Transportation
6. Conservation and Archaeology
7. Drainage

### 1. National and Local Policy

National Policy in relation to renewable energy development 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 that, 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.'

In relation to Anaerobic Digestion TAN 8 states at para 3.3 that the siting of biogas plant and the associated energy generation equipment is dependant upon the source of the digestate and advises that the kitchen and catering waste may come from further afield.

Technical Advice Note 21: Waste in relation to AD plants considers that AD plants has greater potential to reduce greenhouses gas emissions than other food composting treatment infrastructure.

Welsh Governments Towards Zero Waste - Waste Strategy for Wales (June 2010) advises that by 2050, as a minimum, the Welsh Government will have reduced the impact of waste by producing approximately 65% less waste (than in 2010). A key objective to reduce Wales' greenhouse gas emissions, is that waste needs to be diverted from landfill. The Strategy notes that the best way to treat most wastes away from landfill is for them to be recycled and, specifically in the case of food waste, to be anaerobically digested. The strategy states 'anaerobic digestion has significant potential to reduce greenhouse gas emissions' and 'the use of AD is strongly recommended for source segregated food waste.'

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 would generate energy and, as such, the proposal should be considered in association with Policy SP8 of the LDP - Renewable Energy which states:-

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

Policy 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.'

The site is allocated for temporary development under REG4 of the LDP which states:

'Temporary development of the former Stormy Down Airfield will be permitted where it relates to/facilitates the creation of a cluster of innovative green industries'.

The reference to temporary development is due to the site being located within a Limestone Resource Safeguarding Area designated under Policy ENV9.

The more recent planning consents on this site have been temporary consents expiring in 2035 to ensure that the limestone resource can be extracted if required. However, it has been established that there is enough limestone available to exceed this date and any permission can be granted temporary consent for a 30 year period.

The site is also located within the Mineral Buffer Zone for the Cornelly Group of Quarries and as such Policy SP6 of the LDP is relevant. However, given that the application seeks temporary permission and there is adequate provision of limestone, it is not considered that the proposed development would adversely affect the mineral reserves.

In view of the existing development on the site and the future plans of the site owner to develop the site for 'green developments, a Design Brief (see attached) was approved by the Council in June 2010. The main aim of the Brief is:

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

The Brief also provides a practical tool for use by a variety of key stakeholders to inform future development proposals. It forms a material part of the decision making process by officers of the County Borough when considering future planning applications by providing additional site specific detail to the policies that apply to the site as contained in the LDP. It will provide developers with a guide to the form, amount and location of development that may be considered to be acceptable within the context of the local Development Planning framework.

One of the aims of the Brief is:

To promote sustainable forms of development that helps Bridgend CBC to meet various policy targets set at a local and national level. The Brief also advises that encouragement will be given to proposals that have identifiable links with existing uses on the site. This would assist in achieving synergy on site between different uses, achieving economies of scale in traffic movements, use of energy and boundary treatments. In this way, a cluster of 'Innovative Green Industries' could be created to assist the County Borough in meeting the ambitious carbon reduction policies of the Welsh Assembly Government.

Having regard to the above national and local policies and the Development Brief, the facility is considered to comply with policies and is considered to be acceptable in principle.

## 2. LANDSCAPE AND VISUAL IMPACT

A Landscape and Visual Impact Assessment accompanied the planning application which assess the impact of the visual changes arising from the proposed development together with changes to the character and quality of the landscape. Photomontages were also provided.

The Landscape and Visual Impact Assessment concluded that the proposed development would have an impact of slight significance in the short term but reducing to neutral as mitigation planting improves the quality and condition of the landscape and reduces visibility of the development.

The application site is not located within a Special Landscape Area (SLA) or a Conservation Area, however there is a SLA, as defined by Policy ENV3 of the LDP, located approximately 1Km to the north and west of the site. A photomontage has been provided showing the proposed facility from this location. The AD facility is not a prominent feature and will appear on the horizon along with the existing buildings at Parc Stormy. Given, the limited height of the facility, it is not considered to have an adverse impact on the SLA.

The application site is on a predominantly flat area as part of a disused airfield.

The application site is a brownfield site, which is of relatively low visual value. The introduction of the proposed AD facility will reinforce the industrial nature of the site when viewed from the north. However, it is noted that the proposed digester tanks resemble agricultural structures and buildings, such as, silos used for grain or manure storage, which are also often grouped together on farms and can be of a similar height to that of the proposed digester tanks. The application also proposes a shallow pitched reception building, which will reach a maximum height of 14m. This is considered to have a similar scale and appearance to an agricultural barn and is also in keeping with the existing buildings on site. It is therefore considered acceptable at this location. Furthermore, part of an existing large storage building will be removed to accommodate the proposed development.

Views of the proposed AD facility will be possible at close proximity from the highways surrounding the application site. These views will be intermittent and areas of woodlands, hedgerows and scattered trees will screen views onto site. Whilst the AD facility will be visible at parts along the highways surrounding the site, the majority of receptors at these locations will be motorists and motorists are generally attributed a lower sensitivity to the visual impacts of a development. In order to reduce the immediate visual impact a condition should be attached to any permission granted requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

The residential dwelling in closest proximity to the application site is approximately 220m to the north east of the site and, as such, the proposed AD facility is not considered to dominate the outlook from the nearest residential property.

There are a number of footpaths near the application sites. From the footpath crossing Heol y Sheet to the east of the application site, only views of the tops of the digester tanks and reception

building would be possible at a distance of approximately 215m from Heol y Sheet. Other public rights of way are a considerable distance from the site and only long distance views would be possible. Given the agricultural appearance of the development, on a site which is allocated for Green Energy, the visual impact of the proposed development on views from these public right of ways is not considered to be so adverse as to warrant refusal of the scheme.

There are a number of other existing structures on and adjacent to the application site which have a greater visual prominence than the proposed AD facility. The telecommunications mast and the water tower, which is to be replaced with a 105m high wind turbine, are far more prominent in the landscape than the proposed AD facility, which will be 15.5m above ground level at the highest point.

Having regard to the LVIA submitted it is considered that the proposed development will have an agricultural appearance, will not be a visually prominent development and will be located on a brown field site which has been allocated for such development. As such, the proposed development is considered to be acceptable in terms of visual amenity and will not adversely affect the countryside character to the south of the site.

In order to ensure that the proposed development will be sympathetic to the industrial and rural surroundings of the site a condition should be attached to any permission granted requiring the colours of the tanks and materials of the reception building and other associated buildings to be submitted to and agreed in writing by the Local Planning Authority. The light green colour shown on the photomontages would not be acceptable.

### 3. ODOUR AND NOISE

With regard to odour, the application is accompanied by a comprehensive Air Quality and Odour Assessment report and the applicant has been in discussions with the Public Protection department regarding this matter during the processing of the application.

The report concluded that the impact of odour is likely to be negligible off site and, as such, changes in odour are not considered to be significant as a result of the proposed facility.

The qualitative method of assessment applied found that the potential of the proposed AD facility to cause nuisance to the surrounding area and residential receptors is negligible, due to the nature of odours being released, the control of these processes and the distance of the few receptors to the proposed facility. In the quantitative method of assessment it was found that predicted changes to pollutant concentrates and changes to nitrogen and acid deposition, as a result of the proposed facility, were insignificant based on EZ significance criteria. In addition, no exceedances of air quality limit values or critical loads are predicted as a result of the proposed facility.

The Public Protection Officer has assessed the information submitted, including the impact of the digester tanks, chimney and flare, and has no objection to the development subject to conditions.

With regard to noise, a noise report was submitted with the application. The report states that the reception building is provided with noise attenuation to control activities that occur within it. The noise report also took into account the recently approved wind turbine at the Cenin site (P/13/904/FUL refers).

All of the proposed digestate pumps are located underground to minimise noise emissions, the pumping and heading containers located between the tanks are acoustically treated and the gas engine is suppressed within a sound insulated engine container. The noise attenuation and minimisation treatments proposed are considered to be acceptable and the Public Protection department have assessed the scheme in relation to impacts on noise levels and consider it

acceptable subject to conditions.

#### 4. ECOLOGY

The application was accompanied by an ecological report which concluded that bats do not appear to be using the hanger as a roosting place and it was likely that bats do not use the building as a roost site.

The report also identified the site as being used by nesting birds and found that Himalyan Balsam was present on site. The report recommended mitigation and those mitigation suggestions will be attached to any permission granted as planning conditions.

The application site is located within the countryside and within 750m of a Site of Importance for Nature Conservation (SINC). Consequently the impact of lighting need to be considered. Artificial lighting can impact on a number of species and all development should consider and minimise the impact of lighting schemes. The application is proposed to be a 24hour operation, 7 days a week, therefore it is likely that there will be some lighting on site at all times. Therefore, in order to ensure that the lighting scheme does not adversely impact on habitats a condition should be attached to any permission granted requiring a lighting scheme to be submitted to and agreed in writing by the Local Planning Authority.

#### 5. TRANSPORTATION

The application has been submitted with a comprehensive Transport Assessment (TA). The TA states that the majority of vehicles entering the site will range from small dust carts (up to 2 tonnes) to articulated vehicles (up to 27 tonnes). The TA has been based on the expected busiest time of year September - December, when the digestate is taken to local farms for spreading. Movements during this period could peak at 102 two-way movements per day, however, the TA has provided a breakdown of expected average movements during this period which amounts to 3 staff two way movements, 14 HGV imports of waste and silage, two way movements and 16 HGV export of digestate two way movements, which equate to an average of 33 two way movements per day.

The construction period will involve a large amount of vehicle movements, including HGVs, LGVs and staff vehicles, which will peak at 380 two way vehicle movements, when the cement pour is taking place. There are no abnormal loads proposed with the construction of the facility. In order to ensure that the construction traffic is controlled and will not pose a risk to highway safety a condition should be attached to any consent requiring a construction management plan and routeing will be controlled via a Section 106 Agreement.

The principal concern in regard to highway safety relates to the potential hazards caused by HGVs undertaking right turn manoeuvres across the A48 from Stormy Lane or Heol y Splott junctions with A48, as the central holding areas are not of sufficient size to accommodate long vehicles. Long vehicles turning right will overhang the outside lane of the north-westbound carriageway of the A48.

In order to overcome this potential highway safety hazard it will be necessary to ensure that all HGVs departing the AD facility turn left on to the A48 and all HGVs visiting the AD facility will traverse along Heol y Splott. A S106 Agreement for a routeing agreement would be required to ensure that this HGV traffic routing would occur and could be properly controlled. The applicant has advised that the routeing would also be part of the contractual agreements with the suppliers.

This routeing arrangement will also ensure that the HGV movements are not passing the majority of residential dwellings in Stormy Down and will ensure that these properties are not disturbed by the traffic movements associated with the proposed AD facility.

The proposed routing agreement was applied to the previous consent for an AD facility (P/09/917/FUL refers) and the proposed maximum daily movements of 102 was agreed during the determination of that application. During the processing of the previous application these levels of movements were accepted as, in July 1985, the former Ogwr Borough Council stated that, if the hanger buildings and their immediate curtilages were to be used for either storage and/or light industrial purposes, no enforcement action would be taken. As such the northern and southern hangers at the Parc Stormy site could be used for these purposes without the requirement for planning consent. Highways have assessed the likely traffic movements that could be generated by such development within the southern hanger and concluded that it would be higher than that of the expected daily averages proposed for the AD facility.

## 6. CONSERVATION AND ARCHITECTURE

The application site is on the former Stormy Down Airfield, established during the 1930s as a training airfield, the airfield was built on an area where pre-historic and Roman remains are noted. However, the proposed development is not considered to impact on the archaeological features as any features that may exist are likely to have been damaged by the previous development of the site and are unlikely to be of major significance, but mitigation will be required. Consequently, a condition should be attached to any permission granted requiring an archaeological watching brief during any ground disturbance.

## 7. DRAINAGE

The application site will be bound by a 1.25m high containment bund and all of the rain falling within the bunded area would be contained and collected for various uses in the treatment process. The water will be collected by a series of underground sumps and pipes taking the water into a storage tank within the reception building to be reused in the AD process. The collection of the rainwater will result in an overall reduction of water runoff from the site of 87%.

The application is accompanied with a comprehensive Water Management Plan, which details how water would be managed within the bunded area of the site, and the Land Drainage Officer has no objection to the plan. In order to ensure that the Water Management Plan is employed a condition should be attached to any permission granted requiring the developer to implement the submitted Water Management Plan.

Having regard to the above planning considerations, the proposed development is considered acceptable, subject to conditions and S106 requirements for a routing agreement. In addition to the planning permission the proposed development would also have to adhere to the Council Directive 96-61-EC on Integrated Pollution Prevention and Control, Environment Act 1995, amongst other European and National legislations, which the development will have to operate within and are enforced by other authorities such as Natural Resources Wales.

## CONCLUSION

Notwithstanding the objections received, this application is recommended for approval because the development complies with national and local policy, Council policy and Council's guidelines and does not adversely affect visual amenities nor so significantly harms residential amenities, air quality or highway safety as to warrant refusal. The proposal would also assist in the Welsh Government and the Authority reaching targets for recycling and would generate 2.4MW of renewable energy.

## RECOMMENDATION

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

i. Agree a route for heavy goods vehicles which only permits them to travel to and from the site and the A48 via Mount Pleasant Road and Heol y Splott and that such vehicles only turn left from Heol y Splott onto the A48.

(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, subject to the following conditions:-

**1** The development shall be carried out in accordance with the following approved plans and documents: plan numbers A312.1000 P001C, A312.1000 P003B, A312.1000 P004B and A312.1000 P005A received on 21 October 2014.

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

**2** Notwithstanding the submitted details, 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 and tanks 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** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. All hard and soft landscaping shall be carried out in accordance with the agreed details. The works shall be carried out prior to beneficial use of any part of the approved development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

**4** The Anaerobic Digester plus any associated works hereby permitted shall be removed from the site on or before 31 March 2045.

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

**5** The 'Water Management Plan' received on 21 October 2014 shall be implemented prior to the beneficial use of the Anaerobic Digester facility hereby approved commencing and shall be applied for the duration of the approved operation.

Reason: To ensure effective drainage of the site.

**6** Prior to the beneficial use of the facility commencing a 'lighting design strategy for biodiversity' for the development shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-

a) Identify those areas/features, on and surrounding the site, that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for

example, for foraging; and

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interest of biodiversity.

- 7 The mitigation recommendations as detailed on page 8 of the Ecological Report received by the Local Planning Authority on 21 October 2014 shall be applied to the construction phase of the Anaerobic Digester facility hereby approved.

Reason: In the interests of biodiversity.

- 8 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development, of the nature of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any feature or archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 9 No more than 48,500 tonnes of waste annually shall be imported into the site for processing in the Anaerobic Digester operation hereby approved. Written records of tonnages imported into the site shall be available for inspection by Planning and Public Protection Officers on request at all reasonable times.

Reason: In the interests of highway safety.

- 10 No development shall commence on site until a scheme for highway widening works has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed prior to any works commencing on site in respect of the Anaerobic Digestion Facility

Reason: In the interests of highway safety.

- 11 A direction signage scheme for the proposed control of vehicle movements at the site access onto/from Mount Pleasant Road shall be submitted to and agreed in writing by the Local Planning Authority. The direction signage scheme shall be implemented in accordance with the details prior to the approved development being brought into beneficial use and then retained in perpetuity.

Reason:- In the interests of highway safety.

- 12 No vehicle movements associated with the site operations, including any operations involving the importation of waste, removal of waste and finished products and

transportation of waste outside the reception building, shall take place outside the following times:-

Monday - Friday 0700-1800  
Saturdays and Bank Holidays 0700-1600  
Sundays -0800-1400

Reason: In the interests of residential amenity.

- 13** 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.

- 14** No development shall take place until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason: In the interests of highway safety.

- 15** Not later than 12 months before the cessation of the Anaerobic Digester Facility, a site restoration scheme including a timetable, shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period. Full site restoration shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of highway safety.

- 16** Odour shall be controlled in accordance with the scheme of control measures specified in the Air Quality and Odour Assessment Rev A report submitted to the Local Planning Authority on 21 October 2014.

Reason: In the interests of residential amenity.

- 17** The biological filtration system hereby approved shall consist of both a biofilter and water scrubber.

Reason: In the interests of residential amenity.

- 18** All operational vehicles arriving at and leaving the site shall be appropriately sealed or covered so as to prevent material spillage and odour nuisance.

Reason: In the interests of residential amenity.

- 19** Noise generated from all operations on the site expressed as an A-weighted equivalent continuous sound pressure level (LAeqT) shall not exceed the following as measured (or where this is not possible, calculated) at the boundary of the noise sensitive premises specified below:

- (i) the noise rating level in any one hour period between 0700-2300 shall not exceed an LAeq (1hour) of 36dB at Cae Cornell and Mywydd Farm and 30dB at Mount Pleasant Farm.
- (ii) The noise rating level in any 15 minute period between 2300-0700 shall not exceed an LAeq(5mins) of 28dB at Cae Cornell and 28dB at Mount Pleasant Farm.

Reason: In the interests of residential amenity.



- 20** Construction noise shall be controlled in accordance with the scheme of mitigation measures identified in Section 9 of the Noise and Vibration report submitted to the Local Planning Authority on 21 October 2014.

Reason: In the interests of residential amenity.

- 21** The loading and unloading of vehicles and pre-treatment of waste shall be carried out inside the reception building hereby approved which shall be fitted with fast acting doors.

Reason: In the interest of residential amenity.

- 22** No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority.

i. A preliminary risk assessment which has identified:-

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potential unacceptable risks arising from contamination at the site.

ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

iii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are due to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identify and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as agreed.

Reason: Prevention of pollution and to protect the water environment.

- 23** The development hereby approved shall not 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:-

- Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances
- Construction compounds, car parks, offices etc.
- Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
- Details of maintenance of site access/coal haulage to ensure no polluting discharge
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- Details of emergency contacts, for example the Natural Resources Wales Pollution hotline 0800 807 060

The Method Statement should then be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: Prevention of pollution and to protect the water environment.

\* 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 Local policy, Council policy and Council's guidelines and does not adversely affect visual amenities nor so significantly harms residential amenities, air quality or highway safety as to warrant refusal. The proposal would also assist in the Welsh Government and the Authority reaching targets for recycling and would generate 2.4MW of renewable energy.

b) The developer is advised to consider the provision of nest boxes within the development for bird species and the incorporation of bat boxes, bat tiles and bat bricks.

c) 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.

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

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

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

g) The developer is advised that an Environmental Permit will be required and are advised to contact Natural Resources Wales regarding this matter.

g) 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>

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

## RECOMMENDATION : REFER TO COUNCIL

**REFERENCE:** P/14/763/FUL

**APPLICANT:** MAYO PROPERTY DEVELOPMENTS  
C/O MANGO PLANNING & DEV. LTD NUMBER ONE WATERTON PARK  
BRIDGEND

**LOCATION:** THE REST CONVALESCENT HOME REST BAY PORTHCAWL

**PROPOSAL:** C/U THE REST TO 34 RES. UNITS, BUILD 34 RES.UNITS, DEMOLISH  
UNSYMPATHETIC EXT., CAR PARK, LANDSCAPE & ASSOC. WORKS

**RECEIVED:** 20th November 2014

**SITE INSPECTED:** 30th December 2014

### APPLICATION/SITE DESCRIPTION

The proposal is to amend a previously approved full application for the construction of a new 38 bed convalescent home with associated parking, the conversion and refurbishment of the existing Grade II listed Rest convalescent home, the demolition of modern extensions to the listed building and a number of single storey outbuildings, the development of new residential accommodation to the rear of the listed building and strategic landscaping. (P/11/781/FUL & P/11/782/LIS refer). This current proposal does not include the construction of a new convalescent home, however, the remainder of the scheme remains unchanged.

The site comprises The Rest convalescent home and associated grounds and covers an area of approximately 4.84 hectares. The existing Rest Convalescent Home lies on the north western edge of Porthcawl in the Rest Bay area, approximately 1.3 miles from the town centre. The Rest is situated close to the Royal Porthcawl Golf Club and is a prominent local building within the Porthcawl coastal area. The site is entirely located within the open countryside and within the defined coastal zone. The nearest residential dwelling is The Lodge, which is approximately 140 metres from the existing convalescent home. The main settlement of Nottage is located some 330 metres to the east.

The Rest Convalescent Home, which is a Grade II listed building is surrounded by a series of adjoining Victorian and modern extensions. The main building is orientated to face the sea and Rest Bay.

To the east of the main convalescent home lies a cluttered group of 20th century single storey buildings and associated hardstandings which are used for a variety of functions including a day nursery. Surrounding these are a series of lawn and rough paddock areas marked out with post and rail fencing. The eastern paddock is used on occasions for caravans and camping.

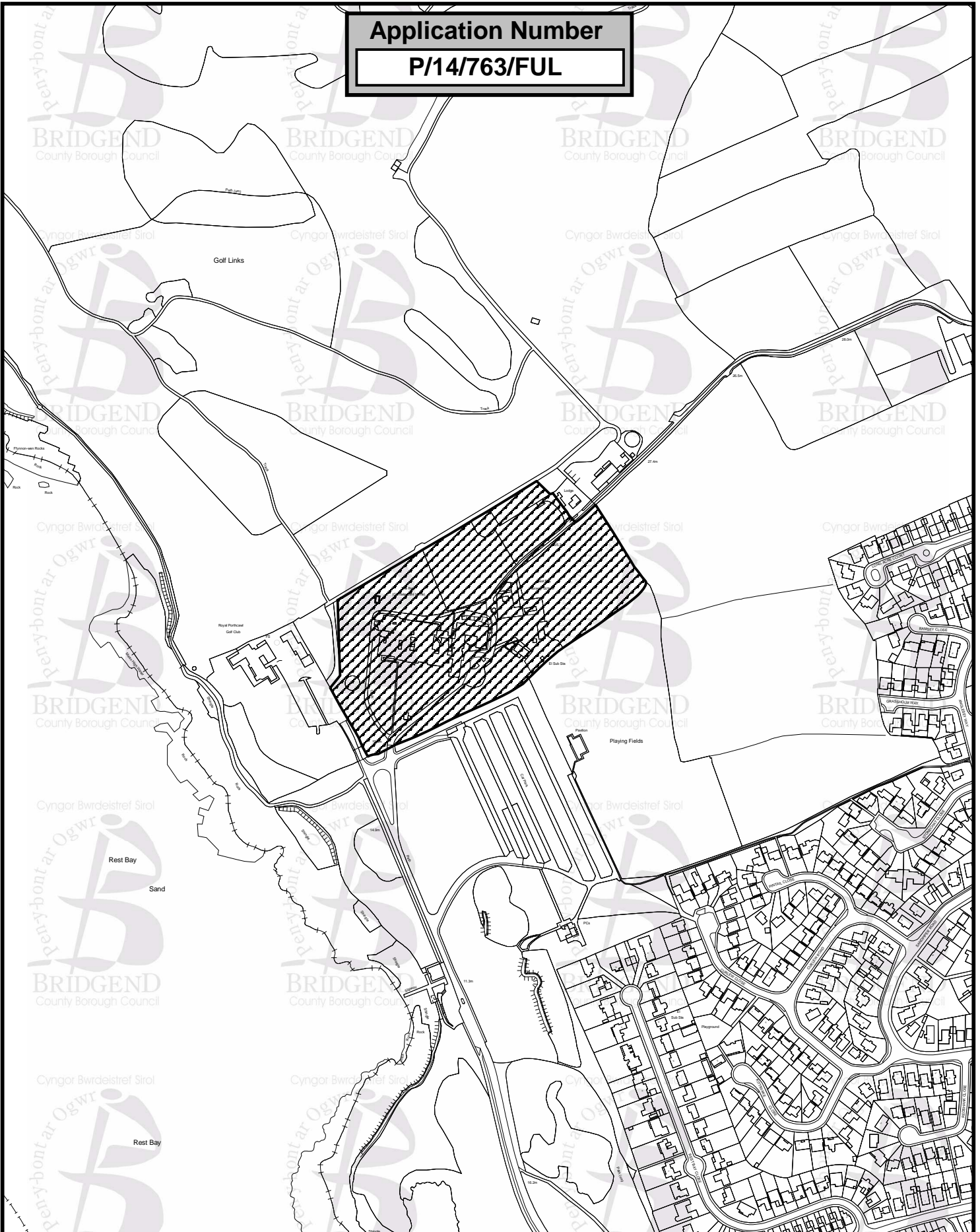
The proposed residential new build comprises two, three and four storey units in a mixture of local sandstone, render, timber and metal cladding with a metal roof to provide a complimentary contemporary character. Car parking spaces for 98 cars for the residential element of the scheme will be provided along with areas for cycle parking, refuse storage and servicing.

The landscape scheme will compliment the current vegetation and will consist of additional local wild planting and dry stone walling as well as more ornamental shrubs close to the new buildings.

The Rest was set up many years ago as a registered charity to provide care and assistance, predominantly to the people of South Wales. The Rest is currently closed. There are 56

**Application Number**

**P/14/763/FUL**



**Scale 1:5000**

**Date Issued:  
29/01/2015**

**Development-Mapping  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



bedrooms, a mix of single and twin bed rooms as well as numerous lounge and day rooms on the ground floor. The building was also used as a meeting venue for a number of local groups and societies. The developer has indicated that it was increasingly difficult to maintain the 150 year old building and provide a modern 21st century facility which has led to the closure of the facility.

The development is located within the open countryside and, as such, is considered to be a departure from the adopted Development Plan.

A detailed design and access statement, planning statement, traffic surveys and viability study have been submitted in support of the application.

## RELEVANT HISTORY

**P/11/781/FUL** APPROVED 22-07-2014  
+conditions

NEW CONVALESCENT HOME; C/U OF EXISTING HOME TO 34 RES UNITS; 34 NEW RES UNITS & DEMOLITION OF REAR WING

**P/11/782/LIS** APPROVED 17-01-2014  
cadw +conds

NEW CONVALESCENT HOME; CHANGE USE OF EXISTING HOME TO RESIDENTIAL; DEMOLISH REAR WING; 34 NEW RESIDENTIAL UNITS

## PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17 December 2014

## NEGOTIATIONS

None

## CONSULTATION RESPONSES

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

Notified on 20th November 2014

Has no objection to the scheme but has concerns in respect of the flat roof section of the building not in keeping with the listed building.

### **Destination & Countryside Management**

Further to observations in relation to P/11/781/FUL, Ecological Survey and Bat and Reptile report and their findings and recommendations are welcomed and noted. No objection subject to notes added to any decision.

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

Has no adverse comments to make on the application.

### **Group Manager Public Protection**

Has no objection to the scheme subject to a note in respect of contaminated land.

**Head Of Parks & Playing Fields**

Has no objection to the scheme.

**Natural Resources Wales**

Has no objection to the scheme subject to a condition.

**Welsh Water Developer Services**

Has no objection to the scheme.

**Glamorgan Gwent Archaeological Trust**

Requests photographic record of the building be undertaken

**REPRESENTATIONS RECEIVED**

**Kim Dare-Edwards, 14 Stonechat Close**

Has no objection to the scheme subject to a request for conditions in relation to the construction works to be carried out at the site. Each concern is highlighted below:

1. Asbestos in some of the buildings.
2. Nesting Birds.
3. Hours of work - suggested times are:

08:00 - 17:30 Mon - Fri

09:00 - 13:00 Saturday

No Work on Sunday and Bank Holidays

4. Noise
5. Dust Suppression and Material Stockpiles
6. Traffic Management
7. Ground Water
8. Light Pollution - During Construction
9. Light Pollution - During Long Term Building Use
10. Building Finishes

**COMMENTS ON REPRESENTATIONS RECEIVED**

It is unlikely, in view of the distance of the site from existing dwellings, that there will be any adverse impact in terms of loss of amenity. The property at 14 Stonechat Close is some 396m away from the development site.

Points 1,3,4,5,8,9 - Any asbestos, noise, dust , light pollution problems will be regulated by the Public Protection Section.

Point 2 - The developer has been made aware of works carried out which may affect protected species - bats/birds and the developer has provided the appropriate surveys.

Point 6 - The highways officer has not raised any issues of highway and pedestrian safety subject to conditions and a Section 106 agreement. This is also addressed in the appraisal

section of the report.

Point 7 - Drainage issues have been considered by Welsh Water/Dwr Cymru, NRW and the Authority's Drainage Section and they do not object to the proposal subject to conditions and notes which will be attached to any decision.

Point 10 - The building finishes have been conditioned/agreed under the previously approved Listed Building application by CADW Planning Application (P/11/782/LIS) refers.

A copy of the Crime Prevention design has been sent to the developer for their information.

## APPRAISAL

The application is reported to the Development Control Committee as it is a major development and out of accord with the Development Plan. There is one objection to the proposal. If Members are minded to approve the application it will need to be referred to Council for final determination.

The appraisal will assess the following issues in relation to the various aspects of the development;

- \* The refurbishment and extension of the existing building and its impact on the surrounding area.
- \* Highway safety and sustainability
- \* The policy implications of the proposal.

The existing convalescent home was designed as a hospital and, as such, is largely devoid of any striking architectural features or ornamentation particularly within its interior which has a strong institutional feel. The building has been altered, extended and enlarged over the years, which has also impacted on its character. Nevertheless it maintains a strong Victorian gothic appearance characterised by two main gable features on the south facing elevation together with a crenelated water tower. This elevation is the principal facade and is highly prominent when viewed from Rest Bay and the town of Porthcawl. The impact of the building in terms of its appearance adds significantly to character of the local area and, as a listed building, its preservation is considered a special material factor.

The refurbishment and extension of the building involves the removal of a number of the previously added extensions most of which may be considered as unsympathetic to the overall aesthetic of the listed building. The main facade will however, remain largely unchanged. The new build will involve a number of 2, 3 and 4 storey blocks arranged in a tight configuration around the rear and sides of the existing building, creating a central courtyard amenity feature. The design is mainly contemporary although it will borrow features from the main building including deep gables and use of traditional building materials. It is considered that the extension will compliment the existing listed building and provide a suitable change of traditional to contemporary style.

When viewed from the surrounding area the completed development will be seen in the context of the existing building and there will be no significant change to the silhouette.

The car parking will be arranged around the outside of the footprint of the building and will be screened by landscaping.

As such it is considered that the development is acceptable in design terms and will result in a

net improvement to the appearance of the building. The direct impact of the scheme in terms of the listed building was considered in the previously approved listed building application, which was approved with conditions by Cadw (P/11/782/LIS refers).

Turning to the highway and sustainability issues of the proposal, given the remote location of the site away from community facilities and the limited public transport services available in the area, there is concern that occupiers and visitors associated with this general purpose residential development will be discouraged from undertaking daily trips using a range of sustainable transport modes. Consequently, such daily trips are likely to rely on the use of private motor vehicles, thus placing the development at variance with the sustainability advice contained in Planning Policy Wales.

It is considered, therefore, that to address this fundamental policy issue, the developer should provide a financial contribution to enhance the sustainability credentials of the site. This can be achieved by improving active travel access between Rest Bay and Porthcawl town centre, or extending the limited transport service which serves the site. To secure such improvements, the developer will be required to provide the sum of £63,136.32. To enable the developer to accrue sufficient monies to fund the highways S106 funding, the Highway Authority is prepared to accept a staggered/phased payment plan which would see £30,000 being paid upon the occupation of the first unit of residential accommodation within the site, and the remaining £33,136.62 (or the remainder of the index linked sum) paid upon occupation of 50% of the apartments or exactly 3 years after receipt of the first instalment, unless otherwise agreed.

There is no formal bus stop provided along Rest Bay access road. To further enhance the sustainability credentials of the site, encourage additional use of any enhanced bus service and to ensure passengers are picked up/dropped off in a safe and convenient location, the applicant will be required to provide a formal bus stop adjacent to the highway in close proximity to the site access. It is envisaged that the scheme will consist of a bus stop shelter, pole and flag, secure service timetable and carriageway markings. It is anticipated that this facility can be accommodated between the accesses serving the site and the neighbouring Royal Porthcawl Golf Club. If it is evident that a shelter will be difficult to secure on the adjacent common land, a suitable waiting area with seating for occupiers and visitors to the site could be provided within the site boundary in close proximity to the highway.

The provision of an enhanced bus service and/or improvements to active travel in the area can be in the form of a financial contribution controlled by a Section 106 agreement.

In accordance with SPG 17, the proposed residential use requires a total of 142 off street parking spaces. However, in view of the site's location, well outside the settlement, occupiers and visitors to the site will need to be encouraged to use sustainable modes of transport to and from the site on a daily basis (through an enhanced bus service servicing the Rest Bay area, or improved active travel access in the area) so as not to solely rely on the private motor vehicle as suggested above. If this is achieved, the reduced parking provision of 97 communal spaces for the residential use, providing that all the spaces remain allocated, is considered acceptable. This equates to almost 1.5 spaces per apartment.

To ensure vehicular and pedestrian access to and from the site is only provided via the Rest Bay access road, via the southern site boundary and not via the substandard track linking onto West Road, a condition will be imposed on any consent.

In terms of the policy implications of the development, the application site is located outside the settlement boundary of Porthcawl, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP), and should therefore be considered under Policy ENV1 Development in the Countryside in the first instance. This policy strictly controls development in the countryside except for specific identified purposes i.e. those necessary in the interests of agriculture, forestry, the winning or working of minerals, rural enterprises/farm diversification,



land reclamation, transportation and outdoor recreation. Policy ENV1 expands on the above exceptions with the inclusion of suitable conversion and limited extension of existing structurally sound rural buildings.

In respect of the change of use and extension of the existing convalescent home to create 68 residential units, Policy ENV1 states that, where development in the countryside is considered acceptable, it should utilise existing buildings where possible and be of an appropriate scale, form and detail for its context. Given this and provided the scheme is acceptable in the context of Policy SP2 relating to Design and Sustainable Place Making there are no Development Planning objections in principle.

With regards to the planning obligation requirements of the proposal, Policy COM5 of the LDP states "...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 units or exceeding 0.15 hectares in size....." The site is located in the Porthcawl & Rural housing market area where the target is 30%. The supporting text to Policy COM5 states that, in exceptional circumstances, on-site provision of affordable housing may be considered unfeasible or unable to deliver the Council's strategic objectives. In such cases, off site provision or payment of a commuted sum may be considered as an acceptable alternative.

The previous consent P/11/781/FUL was supported by a financial appraisal that demonstrated that the scheme had a shortfall in development viability. This led to the negotiation of a commuted sum considered acceptable by the Council for a development of that size and comparable to amounts negotiated on schemes elsewhere in the locality. The developer has submitted updated information that demonstrates that the viability of the scheme has improved slightly, due largely to the removal from the proposals of the provision of a replacement Convalescent Home which has reduced the development costs. The level of profit now indicated by the revised appraisal is consistent with industry-wide guidance. This suggests that the scheme is now far more likely to proceed.

Given that the total number of residential dwellings is the same as previously proposed and the importance of facilitating the preservation and enhancement of a listed building, it is recommended that the level of Affordable Housing and Highways Contributions should remain as previously agreed.

As The Rest is a Grade 2 listed building, Policy SP5 of the LDP applies. The scheme previously had a Listed Building approval from CADW and, as the proposal has not changed since the previous approval, it is considered acceptable in respect of this policy.

The LDP accepts that changing circumstances, as in the case of this proposal, may necessitate alterations or extensions and, where such proposals have satisfied Policy SP5, this will be favoured where it can be demonstrated that they will assist in keeping the building in optimum use.

Policy EV15 refers to development in the coastal zone and Policy SP2 relates to the design of new development. Policy PLA5 relate to the promotion of sustainable modes of transport and improvements to existing highways.

As described above the works to the existing building are considered acceptable in design terms as well as their impact on the surrounding area. As such it can be considered that the terms of the above policies are met with regard to this aspect of the scheme.

National planning advice and legislation requires Local Planning Authorities to determine applications in line with the Development Plan unless material considerations indicate otherwise. In this case the proposal must be considered in its overall context. The development will safeguard the refurbishment of a prominent and important local listed building. The future of The

Rest is questionable if the development is not forthcoming. The refurbishment and associated residential development will guarantee the continued maintenance of the building, which may otherwise suffer further deterioration. As such this is considered to be a special material consideration in the determination of the application. Furthermore, the developer has provided information to ensure that all aspects of the proposal will be carried out to a high standard and that the new elements of the scheme will not adversely detract from the character of the listed building or the surrounding area. The detailed criteria of all other relevant policies are met.

In light of the above the development is considered to acceptable.

Whilst determining this application Policies PLA1, ENV1, SP2, SP5, PLA5, EV15 and COM5 of the Bridgend Local Development Plan were considered as well as SPGs 13 and 17.

## **CONCLUSION**

The conversion and extension of The Rest is considered to be acceptable in design and policy terms. Retention and enhancement of the listed building and its setting, justifies the new build to accommodate 34 new apartments. These reasons are considered to be a special material consideration in the determination of the application.

## **RECOMMENDATION**

A) That the application be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee is not disposed to refuse for the following reason:-

(i) The development will result in the refurbishment and maintenance of a significant listed building, which provides an important feature within the Rest Bay area of Porthcawl.

(B) That if Council are minded not to refuse the development then the Corporate Director Communities be given plenary powers to issue a decision notice in respect of this proposal once the applicant has entered into a Section 106 Agreement requiring the following: -

(i) the sum of £370,000 as an off-site contribution towards the provision of affordable housing.

(ii) the sum of £63,136.62 to improve active travel access between Rest Bay and Porthcawl town centre or extend the limited transport service which serves the site in a staggered/phased payment plan which would see £30,000 being paid upon the occupation of the first unit of residential accommodation within the site and the remaining £33,136.62 (or the remainder of the index linked sum) paid upon occupation of 50% of the apartments or exactly 3 years after receipt of the first instalment, unless otherwise agreed in writing.

and subject to the following conditions:

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

0197 AL D 00 Rev A; 0197 AL D 01 Rev A; 0197 AL D 02 Rev A;  
0197 AL D 03 Rev A; 0197 AS 23 Rev A; 0197 AE R 00 Rev B;  
0197 AE R 01 Rev B; 0197 AL R 00 Rev D; 0197 AL R 01 Rev D;  
0197 AL R 02 Rev D; 0197 AL R 03 Rev B; 0197 AL R 04 Rev A;  
0197 AX R 00 Rev B; 0197 AX R 01 Rev B; 0197 AE R 02 Rev B;  
0197 AE R 03 Rev B;

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

development.

- 2 The development shall be served by the existing single means of access from The Rest Bay access road on the southern site boundary. There shall be no means of vehicular or pedestrian access into the site via the track linking the site to West Road.

Reason: In the interests of highway safety.

- 3 No development shall commence on site until a scheme for the provision of a bus stop in close proximity to the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to 50% of the development being brought into beneficial use.

Reason: In the interests of highway safety and pedestrian safety.

- 4 No development shall commence on site until a scheme for the provision of a temporary compound for construction materials and plant and car park for contractors' vehicles has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to commencement of works on site and retained for the duration of the demolition and construction works.

Reason: In the interests of highway safety.

- 5 No development shall commence until a scheme for the provision of temporary traffic and pedestrian management along the Rest Bay access road between the site and Mallard Way during the demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the commencement of any work on site and retained throughout the demolition and construction works.

Reason: In the interests of highway safety.

- 6 No heavy goods vehicles associated with the demolition and construction works shall enter or leave the site during weekends, bank holidays and local school holiday periods.

Reason: In the interests of highway safety.

- 7 No development shall commence on site until details of mechanical, automatically operated, self-contained wheel washing facilities have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall be provided and retained as agreed for the duration of the demolition and construction works to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety by preventing mud and debris from being carried out onto the existing maintainable highway.

- 8** The proposed access road as shown on drawing number Rio 0197 AS\_23 shall be completed in permanent materials in accordance with the approved layout prior to the any part of the development being brought into beneficial use.

Reason: In the interests of highway safety.

- 9** Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of a segregated 2.0m wide footway between the site access and the entrance to the residential building has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before any part of the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 10** Notwithstanding the submitted plans, no development shall commence until a scheme showing improved signing and carriageway markings around the one-way traffic island adjacent to the site access has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be designed in accordance with the Traffic Signs Regulations and General Directions (2002) and shall be fully implemented in accordance with the agreed scheme before any part of the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 11** No development shall commence until a scheme showing the demarcation of the existing edge of adopted highway across the site access and signs to be erected at the site entrance advising that the access road within the site is private, has been submitted to and agreed in writing by the Local Planning Authority. The demarcation line and private road signs shall be implemented in full in accordance with the agreed scheme prior to any part of the development being brought into beneficial use and shall be retained as such thereafter.

Reason: In the interests of highway safety.

- 12** Notwithstanding the submitted plans, no development shall commence until a scheme showing the existing site access gates being set back a minimum of 10m from the nearside edge of the adopted highway has been submitted to and agreed in writing by the Local Planning Authority. The relocated gates shall only open inwards and shall be completed 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.

- 13** Development shall not begin until an appropriate photographic survey of the existing structure on the site has been carried out in accordance with details to be submitted to, and agreed by, the Local Planning Authority.

Reason: To record and safeguard the historic heritage of the site.

- 14** Notwithstanding the submitted plans, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, roof/yard (surface water) and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented, prior to beneficial occupation of any of the residential units.

Reason: To ensure that effective drainage facilities are provided for the proposed development.

- 15** No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution measures for the construction phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented for the duration of the construction phase.

Reason: To protect water quality.

- 16** Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and deterioration in water quality.

- 17** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority samples or full details of the materials and finishes, including colour, to be used on the exterior of the buildings. The development shall be undertaken in accord with the agreed details.

Reason: To ensure that the materials and finishes are compatible with the character and appearance of the grade 2 listed building.

- 18** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme including a full specification for hard and soft landscaping, details of the means of enclosure and a schedule for implementation and maintenance, including details of a screening bund. The agreed landscaping scheme shall be undertaken in accord with the agreed schedule of implementation and shall be maintained in accord with the agreed schedule.

Reason: To ensure that the landscape setting is appropriate to the listed building.

- 19** No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The conversion and extension of The Rest is considered to be acceptable in design and policy terms. Retention and enhancement of the listed building and its setting, justifies the new build to accommodate 34 new apartments. These reasons are considered to be a special material consideration in the determination of the application.

b. It is my understood that the access road within the site will not be laid out to adopted standards or offered to the Authority for adoption. Consequently, the applicant should consider setting up a Management Company to deal with the maintenance requirements of this access road.

Sufficient public utility value exists in respect of this private access to warrant its make up under a Private Street Works scheme as per the provisions of the Highways Act 1980. Consequently, to prevent highway rights becoming established in respect of this access road concerned, it will be necessary for the applicant to erect 'Private Road' signs that would be retained in position in perpetuity at the entrance to the site to remove any doubt as regards the private status of the access roads concerned. The sign shall read 'PRIVATE ROAD' with no intention to dedicate under S37 of the Highways Act 1980.

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

d. 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.

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

f. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County Borough Council, Waterton Depot, Waterton Lane, Waterton Industrial Estate, Bridgend. Telephone No. (01656) 642541.

g. 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.

h. The developer is reminded that sections 6.2.6, 6.2.7 and 6.2.8 of the Bat and Reptile Report relating to adopting a precautionary approach and the need to brief contractors through a toolbox

talk in respect of what to do if a bat is encountered.

i. Although birds are referred to in the Ecological Survey the Ecology Section recommends that contractors are also briefed in respect of nesting birds. To assist, the developer is referred to Biodiversity Design Guidance Sheet B2 Birds & Development of Supplementary (SPG) Planning Guidance 19 Biodiversity and Development: A Green Infrastructure Approach: <http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>. This SPG Guidance Sheet gives detailed information and mitigation measures required to comply with legislation relating to birds and development.

j. The mitigation measures relating to reptiles and wildflower area creation in the Site Enhancement Section of the Report. Furthermore, the Ecology Section recommends that the proposed planting schemes mimic and compliments those native species found at the adjoining Lock's Common Local Nature Reserve. A number of these species have been included in the Landscape Report also accompanying this application. It is also recommended that seeds/plants used for the planting scheme are of local provenance where possible.

k. The applicant is advised that, in addition to planning permission and building regulations approval, a permit under the Environmental Permitting (England and Wales) Regulations 2010 will be required for any emergency overflow from the pumping station. Permits can take up to four months to determine and there is no guarantee that consent will be granted. You are advised to contact the Environment Agency's National Permitting Team on 08708506506 at the earliest opportunity to discuss the requirements and to avoid any unnecessary delays.

l. With regards to Condition Number 13, the applicant/developer is advised to ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system (SUDS), in accordance with the principles set out in accordance with Technical Advice Note 15 (or any subsequent version) and the results of the assessment submitted to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) 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.

ii) Provide a timetable for its implementation; and

iii) 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.

iv) Provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.

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

n. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

p. The developer is advised that the information required by condition 12 should deposit the photographs with the Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL. Tel: 01792 655208).

q. The Method Statement required by condition 14 shall identify as a minimum:

- \* Storage facilities for the fuels, oils and chemicals
- \* 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 haul roads/disturbed areas
- \* Details of the nature, type and quantity of materials to be imported on to the site
- \* Measures for dealing with any contaminated material (demolition waste or excavated waste)
- \* Identification of any buried services, such as foul sewers, so that they are protected
- \* Details of emergency contacts, for example the Environment Agency Pollution hotline 0800807060.

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

r. An information pack containing active travel routes and public transport information (including timetables) within the Porthcawl area should be provided by the developer to the occupiers of each residential unit.

s. The design of the bus shelter referred to in condition 2 above shall reflect the character of The Rest convalescent home, which is a Grade II listed building and must be appropriate for the area.

t. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be brought to the attention of the Public Protection Section.

u. This consent is subject to a Section 106 Agreement.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None



**PLANNING REFERENCE NUMBER: P/14/714/FUL**

**APPLICANT: MR J GRIFFITHS**

**LOCATION: LAND ADJ 11 CARN WEN, BROADLANDS**

**PROPOSAL: DOUBLE GARAGE WITH SELF CONTAINED FLAT ABOVE**

The application was considered by the Development Control Committee on 8 January 2015 and Members were minded to refuse planning permission, contrary to the Officer's recommendation. The application was deferred for draft reasons for refusal to be formulated and presented to Committee on 5 February 2015 for consideration. The draft reasons for refusal reflect concerns raised by Members and are reproduced below. A copy of the original report and amendment sheet is reproduced at Appendix A.

The draft reasons for refusal are set out below:-

- 1) The proposal constitutes an over development of the site as there would be insufficient amenity space available for future use of occupiers of this development contrary to criterion 3 of Policy SP2 of the Local Development Plan and Note 3 of Supplementary Planning Guidance 02: Householder Development.
- 2) The proposal would result in the removal of a section of a 'Green Corridor' within the Broadlands Estate to the detriment of biodiversity and visual amenities, which is contrary to criteria 2 and 10 and Note 8 of Policy SP2 of the Local Development Plan.

Following the Committee meeting, a Member made a request for further information on the level of amenity space proposed. The following response is made:-

The application proposes approximately 78.75 square metres of private amenity space to serve the proposed flat which measures approximately 71.70 square metres and, as such, the level of amenity space to be afforded to the proposed flat equates to 91%. The level of amenity space to serve the proposed modest residential unit is considered sufficiently large enough to enable residential activities to occur without prejudicing the residential amenities of any future occupiers of the site or neighbouring residents.

In addition, as a comparison it is noted that a neighbouring property in Carn Wen has an amenity space which equates to approximately 73% of the overall residential floor space.

In regard to draft reason 2, the Countryside Management Officer has visited the site and advised that the trees have limited potential to support bat roosts and there are no records of bats in the vicinity. The loss of this section of trees and planting would not dilute the overall strategic 'green corridors' of the Broadlands estate.

Furthermore, the trees are not of high quality and are located between two residential developments, as such, the trees are not considered to provide a high level of public amenity. The majority of the trees on site could be removed without any permission required from the Local Planning Authority, as none of the trees are protected by a Tree Preservation Order.

Additional information has been submitted by the applicant, which identifies a number of properties in the Broadlands Estate which have a lower level of amenity space than that of the proposed development and advises that the few trees to be removed will be replaced with additional trees as part of a landscaping scheme.

The full document is available to view on the electronic application file.

**REPRESENTATIONS RECEIVED**

J Smith of 10 Carn Wen

Advised that the public speaker at the Committee meeting on January 8 2015 was representing 3 objectors

**RECOMMENDATION:**

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

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

**DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015**

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**ITEM:** 1 **RECOMMENDATION : GRANT WITH CONDITIONS**

**REFERENCE:** P/14/714/FUL

**APPLICANT:** MR JUSTIN GRIFFITHS  
11 CARN WEN BROADLANDS BRIDGEND

**LOCATION:** LAND ADJACENT 11 CARN WEN BROADLANDS BRIDGEND

**PROPOSAL:** DOUBLE GARAGE (TO SERVE No.11) WITH SELF CONTAINED FLAT ABOVE (EXISTING SINGLE GARAGE TO SUPPORT NEW FLAT)

**RECEIVED:** 27th October 2014

**APPLICATION/SITE DESCRIPTION**

Members will recall that the application was originally referred to Committee on 11th December 2014. Following a Panel site visit, which took place on 10th December 2014, Committee resolved to defer consideration of the application to enable the Planning Officer to measure the site and confirm the dimensions of the development.

The Planning officer has measured the plot on site and confirms that the dimensions on site correspond with the dimensions on plan.

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**

None

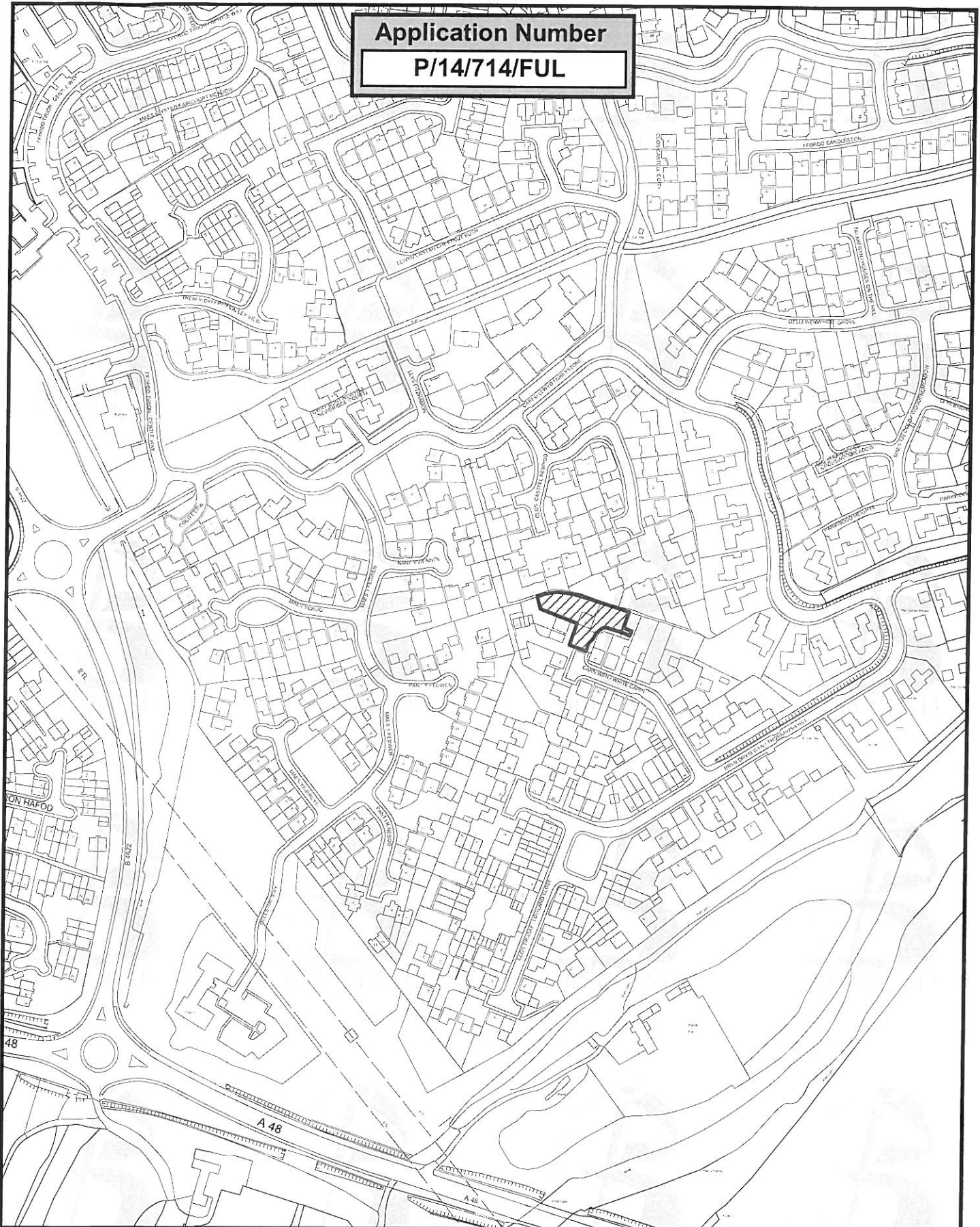
**PUBLICITY**

Neighbours have been notified of the receipt of the application.

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

**Application Number**

**P/14/714/FUL**



**Scale 1:3,000**

**Date Issued:  
29/12/2014**

**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

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Cyngor Bwrdeistref Sŵl



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015**

### **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.

The applicant provided additional information in relation to cars being damaged by cats, copies of letters from BCBC confirming that there are no TPOs on the site, a letter from Bovis Homes regarding the site, a letter from the building contractor advising that the building period will be approximately 3 months and advising that Western Power Distribution and Welsh Water are satisfied with the new connections.

### **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 a Planning Officer on site.'

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

Has no objection to the development.

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

The Council's Ecologist visited, assessed the trees against the Bat Conservation Trust (2012) Bat Surveys - Good Practice Guidelines and advised that the trees are considered to have limited potential to support bat roosts and there are no bat records in the vicinity of the application site.

The Ecologist requested that a Method Statement regarding the felling of the trees be submitted to and agreed in writing by the Local Planning Authority and also requested that, as the site is the remnant of a field boundary, a condition be attached to any consent granted requiring a replacement planting scheme to be submitted to and agreed in writing by the Local Planning Authority.

#### **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.



## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

### REPRESENTATIONS RECEIVED

**Alan Marsh, 14 Carn Wen**

Supports the proposal.

**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 & Janet Smith, 10 Carn Wen**

Object to the proposal and have 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 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 and requirement for a Bat Survey

A further letter was received which advised that 17 Carn Wen is directly opposite 10 Carn Wen and not 11 Carn Wen.

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 objections are as follows:-

## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

### - '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 is the infrastructure or drainage/sewerage. '

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

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

Additional comments were received which reiterated the original objections made.

### **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. '

### **Mark King, 23 Carn Wen**

Supports the proposal.

### **Chris Morgan, 16 Carn Wen**

Raised the following concern:-

## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

'I have been made aware that the owners of number 10 Carn Wen have used our address as registering a concern with the proposed application. They have never spoken to us regarding the proposed planning and I would like our number stricken from their statement.'

### **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.

With respect 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 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 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, the removal of this minimal section of trees located between residential dwellings will not dilute the overall strategic green corridors of the Broadlands housing estate.

Additionally, 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 directly 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.



## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

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.

It is noted that 17 Carn Wen is directly opposite 10 Carn Wen.

### **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 and 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 and 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

## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

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.

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

## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

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 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 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

## DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015

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

- 7 No development shall commence on site until a Method Statement, detailing how the tree felling will be undertaken and the processes to be followed in the event that bats are encountered has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be adhered to throughout the felling of the trees.

Reason: To ensure any bats encountered are protected

- 8 Prior to any works commencing on site a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

### \* 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 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.

**DEVELOPMENT CONTROL COMMITTEE MEETING - 8TH JANUARY 2015**

- 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 advised to that bat boxes should be installed on the building and is directed to Supplementary Planning Guidance (SPG) 19 Biodiversity and Development SPG: A Green Infrastructure Approach <http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>. At B1 Biodiversity Design Guidance Sheet Bats and Development is included information relating to bat boxes which may be of assistance.
- g) The developer is advised to adopt a sensitive lighting scheme that does not allow light to spill onto the boundary to maintain a dark corridor which bats can travel.
- h) The site may be used by nesting birds. It is recommended that the applicant be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Clearance works should be undertaken between (September and March) outside of the bird nesting season.
- i) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.
- j) In the event of a wildlife issue be encountered works to stop immediately and advice sought from in house ecologist resource ( if available), Bridgend County Borough Council's Countryside Team on 01656 643160/643196 or Natural Resources Wales' Species Team on 02920772400.
- k) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via:-

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

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<b>ITEM:</b>	<b>2</b>	<b>RECOMMENDATION : GRANT WITH CONDITIONS</b>
<b>REFERENCE:</b>	<b>P/14/695/OUT</b>	
<b>APPLICANT:</b>	<b>MS JANE TAYLOR WEST WINDS 2 LOCKS LANE PORTHCAWL</b>	
<b>LOCATION:</b>	<b>GROUNDS OF WEST WINDS 2 LOCKS LANE PORTHCAWL</b>	
<b>PROPOSAL:</b>	<b>BUILDING PLOTS TO ACCOMMODATE 2 x 2.5 STOREY DWELLINGS - RE-SUB OF P/14/446/OUT</b>	
<b>RECEIVED:</b>	<b>20th October 2014</b>	
<b>SITE INSPECTED:</b>	<b>22nd July 2014</b>	



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

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>1</b>	<b>13</b>	<b>P/14/714/FUL</b>

A full site visit took place on Wednesday 7 January 2015. The local Member, applicant and objector were present.

### **RECOMMENDATION**

Condition 2 be replaced with:-

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 dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

<b>2</b>	<b>23</b>	<b>P/14/695/OUT</b>
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### **CONSULTATION RESPONSES**

The Transportation Development Control Officer provided further comments on the amended scheme and requested that a note be attached to any permission granted.

### **REPRESENTATIONS RECEIVED**

A further objection was received from M Marsden of 22 Springfield Avenue, which reiterated the earlier objection regarding drainage.

An objection was received from Ms G Turner of 34 Sanderling Way. The objections are summarised below as follows:-

- Over development
- Out of keeping
- Highway safety

An amended plan was received on 6 January 2015, which included the area of land adjacent to the highway within the red line boundary.

## APPEALS

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

<b>CODE NO.</b>	A/14/2225002 (1743)
<b>APP. NO.</b>	P/13/452/RLX
<b>APPELLANT</b>	GREENHILL CONSTRUCTION LTD
<b>SUBJECT OF APPEAL</b>	RELAX CONDITION 13 OF P/11/798/FUL TO OMIT THE PROVISION OF A PEDESTRIAN CROSSING ON BLACKMILL ROAD: FORMER MAESGWYN HOSPITAL, HIGHLAND AVENUE, BRYNCETHIN
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	COMMITTEE
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED AND THE DISPUTED CONDITION REMOVED.</b>

A copy of this appeal decision is attached as APPENDIX A

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<b>CODE NO.</b>	A/14/2226395 (1744)
<b>APP. NO.</b>	P/14/222/FUL
<b>APPELLANT</b>	MS SUSAN JONES
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE OF GROUND FLOOR TO TEA ROOMS (A3) & RETAIN RESIDENTIAL USE TO FIRST FLOOR: THE BREAKERS, 17 WEST DRIVE, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.</b>

A copy of this appeal decision is attached as APPENDIX B

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<b>CODE NO.</b>	A/14/2225624 (1745)
<b>APP. NO.</b>	P/14/371/FUL
<b>APPELLANT</b>	MR KARL LEWIS
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE FROM A1 TO A3 (TAKE AWAY) 31 COMMERCIAL STREET, KENFIG HILL
<b>PROCEDURE</b>	WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS:**

A copy of this appeal decision is attached as APPENDIX C

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**CODE NO.** A/14/2226490 (1746)

**APP. NO.** P/14/419/RLX

**APPELLANT** WM MORRISON SUPERMARKETS PLC

**SUBJECT OF APPEAL** RELAXATION OF CONDITION 4 OF P/12/878/OUT TO ALLOW OPENING BETWEEN 0700-2300 EVERY DAY OF THE WEEK:  
270/270A NEW ROAD PORTHCAWL

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO A NEW CONDITION:**

A copy of this appeal decision is attached as APPENDIX D

**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

See relevant application reference number.



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/12/14

gan **Melissa Hall BA (Hons), BTP, Msc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15 Ionawr 2015

## Appeal Decision

Site visit made on 09/12/14

by **Melissa Hall BA (Hons), BTP, Msc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15 January 2015

**Appeal Ref: APP/F6915/A/14/2225002**

**Site address: Former Maesgwyn Hospital, Highland Avenue, Bryncethin, Bridgend.**

**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 under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Greenhill Construction Ltd against the decision of Bridgend County Borough Council.
- The application Ref P/13/452/RLX, dated 13 June 2013, was refused by notice dated 7 March 2014.
- The application sought planning permission for the residential development of 44no dwellings consisting of 2 & 3 bedroom houses without complying with a condition attached to planning permission Ref P/11/798/FUL, dated 18 December 2012.
- The condition in dispute is No 13 which states that:  
*'No development shall commence on site until a comprehensive scheme has been submitted to and agreed in writing by the Local Planning Authority for a traffic signal controlled pedestrian crossing on route A4061 (Blackmill Road) to aid pedestrian movements between the site and public transport facilities. The agreed scheme shall include full engineering details including longitudinal and cross sections, construction details, electrical connections, surface water drainage, carriageway markings, signing, and Stage 2 Safety Audit which shall be submitted to and approved in writing by the Local Planning Authority before any works commence. Such scheme shall be implemented as agreed by the Local Planning Authority prior to the development being brought into beneficial use'.*
- The reason given for the condition is:
- *'In the interest of highway safety and promoting sustainable travel'.*

## Decision

1. The appeal is allowed and planning permission is granted for the residential development of 44no dwellings consisting of 2 & 3 bedroom houses at the Former Maesgwyn Hospital, Highland Avenue, Bryncethin, Bridgend in accordance with the application Ref P/13/452/RLX, dated 13 June 2013, without compliance with condition number 13 previously imposed on planning permission Ref P/11/798/FUL, dated 18 December 2012 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

## Procedural Matters

2. Whilst the appellant's Transport Statement refers to an application to vary Condition 13 of Planning Permission Ref P/11/798/FUL 201 and the appeal form specifies the relaxation of this condition, the appellant has not suggested how the condition should be varied. Notwithstanding this, the application form, grounds of appeal and written statement of evidence seek the removal of the condition on the grounds that it is prohibitive and unnecessary. It is therefore on this basis that I have determined the appeal.
3. I understand discussions have taken place between the Council and developer with a view to providing a financial contribution in lieu of the provision of the upgraded crossing. However, this does not form part of the matters for consideration before me.

## Background

4. Planning permission was granted under Ref P/11/798/FUL 2012 for the construction of 44 dwellings and associated highway works. I understand that details of a traffic signal controlled pedestrian crossing were submitted pursuant to Condition 13 of this permission in order to allow for commencement of development. The appellant claims that these details were approved by the Council. The Council states that the details were not formally agreed, albeit that the submissions represented a largely acceptable proposal requiring only minor amendments.
5. However, a S73 application was submitted in June 2013 seeking the removal of Condition 13 based on lack of justification for the provision of a traffic signal controlled pedestrian crossing. The application was supported by a Transport Statement (TS), which the appellant contends demonstrates that the existing crossing would adequately cater for the additional demand generated by the development.
6. At the time the S73 application was made, it was indicated on the application form that the development had not started. However, it has subsequently been completed and is now occupied. The appellant has confirmed that the additional pedestrian and vehicle flow surveys submitted with the appeal were carried out in July 2014 when the majority of the units in the development were occupied.

## Main Issue

7. Against this background, I consider the main issue to be whether the condition is reasonable and necessary having regard to matters of highway and pedestrian safety.

## Reasons

8. The appeal site, which was formerly occupied by Maesgwyn Hospital, lies in the settlement of Bryncethin. It is bounded by existing residential roads and access is derived from Highland Avenue and Wigan Terrace beyond.
9. The pedestrian crossing at issue is located on the A4061 Blackmill Road, south of the junction with Wigan Terrace. It currently consists of footway build-outs on both sides of the carriageway incorporating dropped kerbs and tactile paving together with a central refuge. I observed that it provides a crossing opportunity on the main road for *inter alia* a southbound bus stop, a shop and a hairdresser on Blackmill Road.
10. As part of a Transport Statement (TS), the appellant has used the TRICS 2012(b) trips generation database to determine the likely volumes of trips generated by the

proposed development. In terms of pedestrian movements, it states that the development could result in a peak of 28 pedestrian movements between 08:00 and 09:00 and 29 pedestrian movements between 15:00 and 16:00.

11. Although the Council has raised concern that the appellant's evidence has not identified what proportion of the pedestrian movements are likely to involve walking to or from Blackmill Road, the appellant has confirmed that the TS assumes all additional movements would be in this direction.
12. The Council's Highway Consultant advised that, of the additional pedestrian movements generated by the development, the maximum number of pedestrians likely to walk and possibly cross Blackmill Road equates to around 10 additional movements. He concluded that such an increase is unlikely to be sufficient to require a new crossing at the site to be fully funded by the developer.
13. In the light of the foregoing, I consider that the increase in pedestrian movements as a result of the development is moderate and the proportion of these additional movements that will utilise the crossing on Blackmill Road is likely to be small. Consequently, the requirement to provide a traffic controlled crossing would not be fairly and reasonably related to the development in either scale or nature.
14. It is clear from the representations made by the Council and interested parties that there is concern regarding the safety of the existing crossing. To this end, I note the Council's criticisms of the methodology in the TS in relation to *inter alia* pedestrian flows.
15. The appellant subsequently undertook a further pedestrian survey in July 2014 in relation to the use of the crossing. The pedestrian survey was carried out in school term time and identifies that during the 12 hour survey period there was a total of 149 pedestrians using the crossing; a total of 10 pedestrians during the AM peak period and 19 during the PM peak period, none of which were children or elderly people.
16. I accept that the TS may not have been undertaken strictly in accordance with the Local Transport Note 1/95 '*The Assessment of Pedestrian Crossings*' (LTN 1/95). However, when read in conjunction with the subsequent pedestrian survey of the crossing, I am satisfied that there is sufficient evidence as to the order of numbers concerned in terms of pedestrian movement.
17. I also note that the Council has not provided any compelling evidence to the contrary. Thus, I do not find that the TS and subsequent survey are inaccurate to the point that they disturb my overall conclusion that the number of pedestrians using the crossing is moderate.
18. I have also had regard to the effect of the development on vehicle flows and the resultant impact on the safety of pedestrians using the crossing. Although the volume of traffic was relatively low at the time of my site visit, I understand from the Council and representations of other parties that it can be much higher along the main highway network, particularly at peak times. Whilst the TS included a review of vehicle flow, the Council raised concern regarding the absence of speed survey data to evidence the general assumptions that have been made concerning the speed and volume of traffic travelling along the main highway network.
19. In response to requests from the Council, an automatic traffic count loop was installed on the approach to the existing crossing. A survey which recorded vehicle flows and speeds over a 24 hour period was also undertaken in July 2014. It concluded that

there is no evidence of excessive vehicle speeds beyond the 30mph limit in the vicinity of the crossing and that the peak hour flows are below the capacity of the road.

20. Furthermore, the submitted evidence indicates neither significant delay in terms of pedestrians waiting to cross or that the existing crossing arrangements cause delays to traffic flow during peak times.
21. In assessing the safety of the existing crossing, the Council also considered historical accident data, which shows two accidents over a five year period along this stretch of Blackmill Road. Over an extended ten year period this figure rose to eleven accidents. The Council contends that with the exception of three accidents, the others have occurred predominantly during the morning or afternoon peak hours and that the high volume of traffic is likely to be a contributory factor. Nevertheless, it is possible that the accidents occurred as a result of drivers undertaking manoeuvres without due care and attention rather than as a direct result of traffic volume. I also note that none of the accidents involved pedestrians. I am unconvinced therefore, that the limited number of reported accidents in the vicinity of the site can be attributed to the volume of traffic or should be linked to the existing crossing.
22. For these reasons, there is little evidence that the that the existing crossing represents a dangerous situation in highway safety terms or that the increase in vehicular movements associated with the development would contribute to making conditions worse such that the existing arrangement would be unsafe. Neither is there substantive or expert evidence before me that the additional volume of pedestrians arising from the development and using the crossing would be so significant as to place an unacceptable demand on the existing arrangement.
23. As a result, I do not find that additional measures would be necessary to mitigate the effect of the additional pedestrians using the crossing as a result of the development. Furthermore, the upgrading of the crossing would not be required to promote access to, and the use of, public transport facilities in the area.
24. Thus, the development would not conflict with Technical Advice Note 18 '*Transport*' and Policy SP2 of the Bridgend Local Development Plan in terms of the requirement to promote safe, sustainable and healthy forms of transport.
25. Conditions should satisfy the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions in Development Management*'. In this context, I find that control by condition requiring the provision of a crossing which is not reasonable related in scale and nature to the development to be unreasonable. The lack of substantive evidence demonstrating that the existing pedestrian crossing is unsafe and that the development would have an unacceptable effect on the existing arrangements also makes such a condition unnecessary. It would therefore fail the tests outlined in Circular 016/2014.

### **Conditions**

26. The Council has suggested five conditions which it considers are those outstanding on planning permission P/11/798/FUL. However, I also note that other conditions attached to planning permission P/11/798/FUL may have outstanding requirements or on-going provisions which need to be secured by this planning permission. Thus, whilst I have allowed the removal of Condition 13, the permission is subject to the other conditions imposed on P/11/798/FUL, so far as the same are still subsisting and capable of taking effect.

**Conclusion**

27. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be allowed and the disputed condition removed.

*Melissa Hall*

INSPECTOR

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/11/14

gan **Janine Townsley LLB (Hons)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22 Ionawr 2015

## Appeal Decision

Site visit made on 25/11/14

by **Janine Townsley LLB (Hons)**

an Inspector appointed by the Welsh Ministers

Date: 22 January 2015

**Appeal Ref: APP/F6915/A/14/2226395**

**Site address: The Breakers, 17 West Drive, Porthcawl, Bridgend, CF36 3LS**

**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 Ms Susan Jones against the decision of Bridgend County Borough Council.
- The application Ref P/14/222/FUL, dated 30 March 2014, was refused by notice dated 27 June 2014.
- The development proposed is the change of use to proposed tea rooms to the ground floor of the existing dwelling house – A3 and retention of first floor of premises as residential accommodation.

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are:
  - The effect of the development on the living conditions of occupants of neighbouring properties with particular reference to noise and disturbance.
  - The effect on the vitality and viability of Porthcawl town centre.

### Reasons

#### *Living Conditions*

3. The appeal property is a detached residential house situated on a road which fronts the foreshore and coastal path.
4. The existing main entrance to the appeal property is on the side elevation. This would be retained as the entrance to the proposed tea rooms. The properties either side of the proposal are residential. No. 16 West Drive has been demolished and is being rebuilt. The partially reconstructed dwelling has window openings to the side elevation of the property opposite the entrance to the appeal property and bay windows to the front. Visitors to the proposed tea rooms would pass in close proximity to the side of the bay window and the windows on the side elevation of No.

16 when entering the proposed tea rooms. The change to a commercial use would result in an increase in footfall to this area.

5. I accept that some noise disturbance to the neighbouring properties already exists due to the proximity of the road and the foreshore, however, the noise and disturbance which would be generated by the tea rooms would have a different character due to the number of expected patrons. The increased noise and disturbance would result in significant harm to the amenity of occupiers of neighbouring properties, in particular No. 16, contrary to policies SP2 and ENV7 of the Bridgend Local Development Plan 2006-2021 (LDP).
6. I have considered whether conditions limiting hours of operation and numbers of covers could be imposed which would mitigate the effect on the living conditions of neighbouring properties, however, I consider that the harm which would be caused by this development is not capable of being suitably controlled by conditions.

#### *The Vitality and Viability of the Town Centre*

7. The development proposed is situated outside of the retailing and commercial centres identified in policy SP10 of the LDP. The policy requirements are that new out-of-centre retail development should be developed as a result of an identified need and sequential test of sites. It is clear from the supporting text to policy SP10 that the strategy is to direct all new development of an appropriate scale and nature to town and district centres in order to protect their vitality and viability. Whilst the proposal is not for retail development it is clear from the policy wording that it is intended to cover all new commercial development.
8. The appellant has referred to a petition in support of the proposal as indicative of need, however, no evidence has been submitted to demonstrate that a sequential test of sites has been carried out. In the absence of this evidence I conclude that this development has the potential to harm the vitality and viability of the town centre and consequently it would conflict with policy SP10 of the LDP.
9. I have taken into account the economic benefits which may arise from the proposal and whilst Planning Policy Wales (Edition 7) requires that the planning system should support economic and employment growth this should be alongside social and environmental considerations within the context of sustainable development. In this case any economic benefits which might be generated by the change of use would not outweigh the harm the development would cause.

#### **Conclusion**

10. For the reasons outlined above, I consider the appeal should be dismissed.

*Janine Townsley*

INSPECTOR

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/1/2015

**gan Aidan McCooey BA MSc MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 26/01/2015

## Appeal Decision

Site visit made on 14/1/2015

**by Aidan McCooey BA MSc MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 26/01/2015

**Appeal Ref: APP/F6915/A/14/2225624**

**Site address: 31 Commercial Street, Kenfig Hill, Bridgend, CF33 6DH**

**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 outline planning permission.
- The appeal is made by Mr Karl Lewis against the decision of Bridgend County Borough Council.
- The application Ref P/14/371/FUL, dated 23 May 2014, was refused by notice dated 17 July 2014.
- The development is described as Change of use status from A1 usage (empty premises) to A5 usage as Thai take away including shop window replacement and external extract duct at rear of shop.

## Decision

1. The appeal is allowed and planning permission is granted for a change of use status from A1 usage (empty premises) to A3 usage as Thai take away including shop window replacement and external extract duct at rear of shop, at 31 Commercial Street, Kenfig Hill, Bridgend, CF33 6DH, in accordance with the terms of the application, Ref P/14/371/FUL, dated 23 May 2014, and the plans submitted with it, subject to the following conditions:
  1. The development shall begin not later than five years from the date of this decision.
  2. The development shall be carried out in accordance with the following approved plans: COU/CS/01 and COF/CS/02.
  3. The premises shall be used for a Hot Food Takeaway and for no other purpose, including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).
  4. Customers are not permitted on the premises outside the hours of 18:00 to 23:00 Mondays to Saturdays and 18:00 to 22:00 on Sundays.



5. No development shall take place until details of the extraction system to be installed including odour abatement and sound power/pressure levels generated by the external unit, a vertical section plan indicating the position and height of final openings of the exhaust ducts and details of any external condensers (including a plan of their location) have been submitted to and agreed in writing by the Local Planning Authority. The agreed equipment shall be installed prior to the use commencing and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

### **Procedural Matter**

2. The application form specifies a change of use to Class A5 of the Use Classes Order. There is no Class A5 in the Town and Country Planning (Use Classes) Order 1987 as it applies in Wales. There is such a Class in England, which relates to use as a hot food takeaway premises. I shall consider the appeal on the basis of a change of use to a takeaway within Class A3 as this is the appropriate Use Class in Wales.

### **Main Issues**

3. The main issue is the effect of the proposed development on highway safety.

### **Reasons**

4. The appeal site is a vacant retail unit on the main road through Kenfig Hill. There are several shops nearby as well as dwellings. The main concentrations of commercial uses in the vicinity are at the junctions to the east (at the War Memorial) and west (at the traffic lights), where the nearest takeaways are also located. The chip shop at the traffic lights has a car park to the rear for the use of customers. The site is on a straight relatively wide section of the road with double yellow lines along the opposite side. There are marked parking bays all along the road outside the appeal site, which are subject to a waiting restriction of 30 minutes from 08:00 to 18:00 Monday to Saturday. These parking bays were mostly free of vehicles at the time of my site visit at lunchtime on a weekday.
5. The suggested opening hours were in the evenings when traffic volumes would be lower and there would be no parking restrictions. The spaces outside the premises would be potentially available for customers. The appellant supplied photographs taken over several days showing available spaces. There was no convincing evidence of any problems with existing takeaways in similar locations on this road caused by lack of parking. The lawful use as a shop would also generate traffic. I noted that there are parking facilities to the rear of the dwellings in this area and at the entrance to the nearby school. There were no other takeaways in the immediate vicinity of the site that would add to the demand for on-street parking. The appellant stated that a large proportion of takeaways would be delivered, which would reduce traffic flow to the site. There are double yellow lines opposite and any illegal parking could be addressed by the Police.
6. The site is in a sustainable location within the District Centre of Kenfig Hill. There are dwellings in the area and some patrons could walk to the proposal. The particular circumstances of the site and proposal lead me to conclude that it would not lead to highway safety problems to such an extent as to justify the refusal of planning permission. The proposal would therefore comply with the Council's Supplementary Planning Guidance 14 – Hot Food Takeaway Establishments.

7. I have carefully considered the objections made to the Council. The Council raised no concerns on design grounds and was satisfied that there would not be an over-concentration of takeaways in the area. Any concerns regarding odour could be addressed by the imposition of an appropriate condition. The opening hours could also be limited by condition. The evidence was that the shop had been empty for 6 years and the proposal would bring it back into use. The appellant stated that 3 jobs would be created, which is also a benefit of the proposal. The other issues raised in the objections before the Council were addressed in the Officer's report and I am satisfied that they do not constitute a reason to refuse planning permission.
8. The Council suggested opening hours be limited to 23:00 Monday – Saturday rather than midnight as suggested by the appellant. This is in line with the opening hours of other takeaways in the area and would safeguard the amenities of residents. The restriction of opening hours to 18:00 was so that the premises would not be open when traffic volumes were higher as discussed in paragraph 5. The slightly shorter opening hours on a Sunday evening were agreed and are considered necessary on a Sunday. A condition limiting the use of the premises to a takeaway is appropriate to control the type of development in this location. It is also the specific use for which the appellant applied. I have considered the suggested conditions in the light of the advice in Welsh Government Circular 016/2014 - The Use of Planning Conditions in Development Management and amended the suggested wordings as appropriate.

### **Conclusion**

9. Having considered all relevant matters raised, I conclude that the reason for refusal and objections to the proposal have not been sustained and that the appeal should succeed.

*Aidan McCooey*

Inspector



## Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 06/01/15

**gan Emyr Jones BSc(Hons) CEng  
MICE MCI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 13 Ionawr 2015**

## Appeal Decision

Site visit made on 06/01/15

**by Emyr Jones BSc(Hons) CEng MICE  
MCI**

**an Inspector appointed by the Welsh Ministers**

**Date: 13 January 2015**

**Appeal Ref: APP/F6915/A/14/2226490**

**Site address: 270/270A New Road, Porthcawl**

**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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Wm Morrison Supermarkets plc against the decision of Bridgend County Borough Council.
- The application Ref P/14/419/RLX, dated 19 June 2014, was refused by notice dated 14 August 2014.
- The application sought planning permission for residential development, two Class A1 retail units, car parking and access and demolish existing dwelling without complying with a condition attached to planning permission Ref P/12/878/OUT, dated 28 October 2013.
- The condition in dispute is No 4 which states that: "The use of the retail units hereby permitted shall not be open to customers outside the following times:-  
07.00 hours to 22.00 hours – Monday to Saturday; and  
07.00 hours to 21.00 hours – Sundays and Bank Holidays."
- The reason given for the condition is: "In the interests of residential amenities."

## Decision

1. The appeal is allowed and planning permission is granted for residential development, two Class A1 retail units, car parking and access and demolish existing dwelling at 270/270A New Road, Porthcawl in accordance with the application Ref P/14/419/RLX dated 19 June 2014, without compliance with condition number 4 previously imposed on planning permission Ref P/12/878/OUT dated 28 October 2013 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
  - 4) The retail units hereby permitted shall not be open to customers outside the times of 0700 – 2300 on any day.

## Main Issue

2. I consider the main issue in this case to be the effect of varying condition 4 on the living conditions of existing and proposed neighbouring residential occupiers.

## Reasons

3. The development is currently under construction with opening anticipated in the coming spring. The appellant seeks to vary condition 4 to allow trading until 2300 on every day of the week. The Council accepts that the noise from car parking and fixed plant has been addressed for both existing and proposed residential properties. Its concerns relate specifically to the impact of noise from within the curtilage of the premises due to people visiting the store between 2200 and 2300.
4. Although the appeal site is located in a predominantly residential area, it is adjacent to a roundabout which forms the junction of New Road and Aldenham Road and is on one of the routes into Porthcawl. The June 2014 Noise Impact Assessment notes that the existing ambient noise climate is controlled by traffic noise on the above roads. Previous noise monitoring showed that maximum noise levels generated between 2100 and 2300 on Saturday 20 July 2013 were from HGVs/cars accelerating from the roundabout.
5. The appeal site is also close to the entrance to a very large caravan site which has approximately 1900 caravans. Whilst that site has its own shop, in peak season it closes at 2000 such that those staying at the caravan site could well use the appellant's 'M Local' convenience store after that time, including for the purchase of alcoholic drinks.
6. For all of the appellant's 'M Local' stores which are open until 2300, on average only 3.35% of sales take place in the last hour. The appellant operates an 'M Local' store in Rhyl which is open from 0700 to 2300 and is located in close proximity to a popular caravan park. In that case the average number of transactions during the last hour is 28.59 (approximately 1 customer every 2 minutes) which is 3.41% of the total daily trade. Although I have no information on the scale of the caravan park near the Rhyl store, it is likely that the 'M Local' store at the appeal site would also experience a reduced trading pattern between 2200 and 2300. Furthermore, in my experience, convenience stores, including those that sell alcohol, do not have the same propensity as hot-food takeaways for people to congregate outside late at night.
7. The appellant's commissioned a noise survey close to the nearby 'Bargain Booze' on the evening of Saturday 6 September 2014. This was on the basis that it is a similar local amenity, within closer proximity to the caravan park than the appeal site, and is likely to experience similar trading patterns during the late evening period as the appellant's store. However, due to different traffic conditions, background noise levels are quieter than at the appeal site. Although 'Bargain Booze' closes at 2200, 2100 to 2200 and 2200 to 2300 can both reasonably be considered as being late evening. No anti-social behaviour associated with the store was identified, people talking was generally not a significant source of noise, with only occasional short conversations from people using the shop being just audible. The level of activity appeared to reflect that at the appellant's Rhyl 'M Local' store.
8. *Technical Advice Note (Wales) 11 Noise* distinguishes between two different time periods, 0700 – 2300 and 2300 – 0700. It is important to note that the proposal would not extend trading into the more sensitive 2300 – 0700 period.
9. The appellant draws attention to appeal decision APP/L6940/A/12/2169571 where a proposal to extend trading hours at a 'Tesco Express' store to 2300 was allowed. Whilst the character of the two areas could well be different, that site also has dwellings in close proximity and the decision confirms that the trading pattern at such stores between 2200 and 2300 is limited and does not create unacceptable disturbance.

10. For the above reasons, I am of the view that noise from within the curtilage of the premises due to people visiting the store between 2200 and 2300 would not be likely to materially harm the living conditions of existing and proposed neighbouring residential occupiers. As a result, the proposed increase in trading hours would not conflict with *Bridgend Local Development Plan* policy SP2.
11. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting another and retaining the relevant non-disputed conditions from the previous permission.

*E Jones*

Inspector

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## **Planning Officer's Society Wales customer satisfaction survey 2014**

The Data Unit Wales conducted a customer satisfaction survey on behalf of the Planning Officer's Society Wales (POSW). Each of the 25 local planning authorities in Wales emailed a link to the online customer satisfaction survey to the applicant/agent for all applications determined between 1 April 2014 and 30 September 2014. Bridgend sent the survey to 190 applicants/agents and had 46 responses, a response rate of 24%.

The Data Unit Wales collated the information and provided a report which shows how Bridgend compares to all other local planning authorities in Wales. I attach this report as **Appendix A**.

**Recommendation:** That the report be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

### **Background Papers**

None.

**POSW customer satisfaction survey 2014**

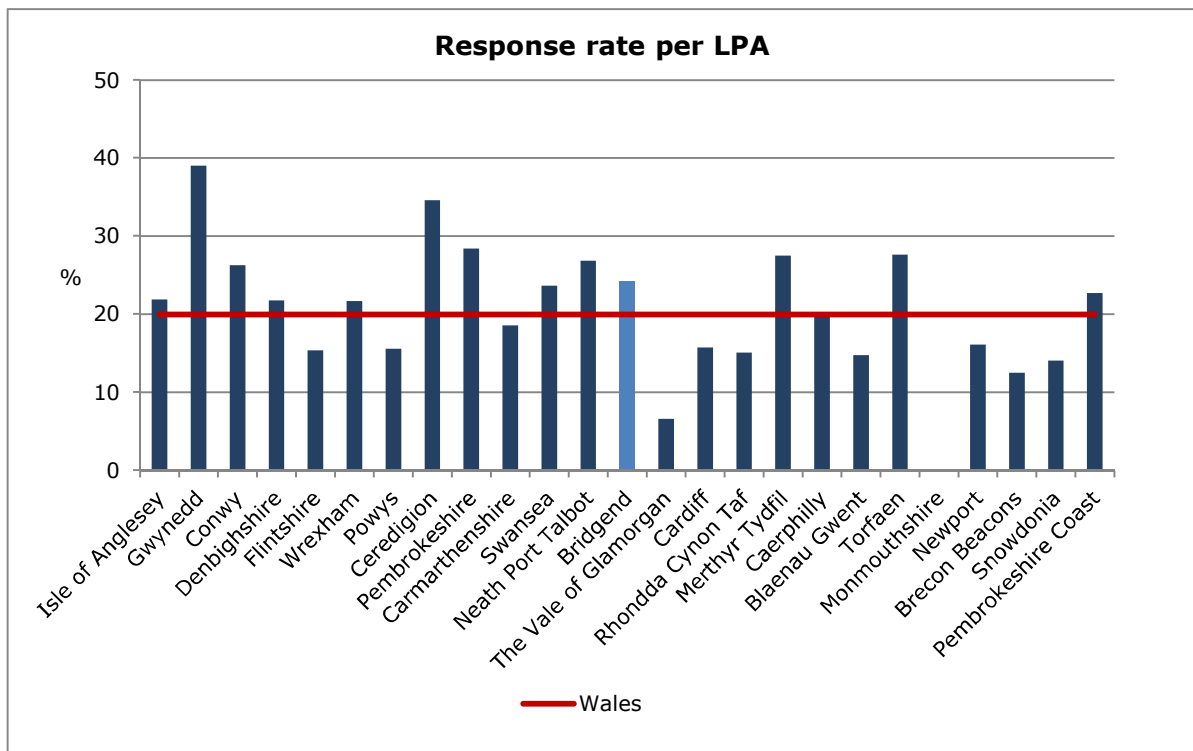
**Summary report - Bridgend**

*(Note that Monmouthshire did not take part in this pilot survey)*

**Response profile**

Across Wales there were 977 responses from 4,891 customers invited to take part, a 20% response rate.

In Bridgend, there were 46 responses from 190 customers invited to take part, a 24% response rate.

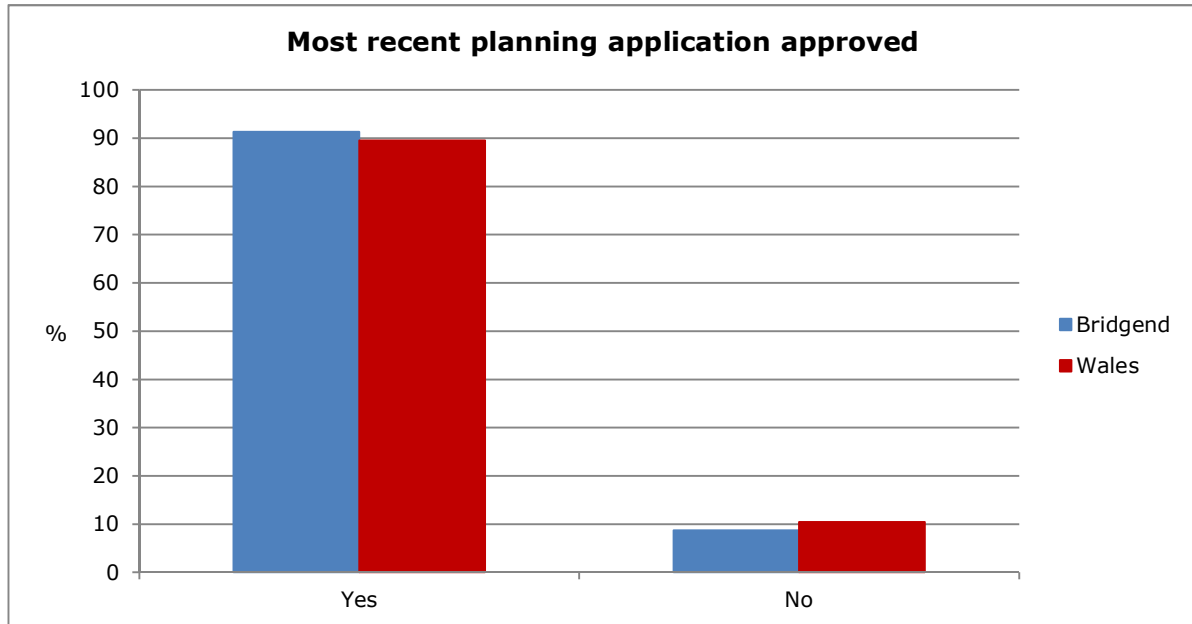




### Application success rate

Respondents were asked if their most recent planning application had been approved. Across Wales, 90% of respondents were successful with their most recent planning application.

In Bridgend, 91% of applications were successful with their most recent planning application.



### Customer satisfaction

Respondents were asked to state the extent to which they agreed or disagreed with a series of evaluation statements concerning their LPA.

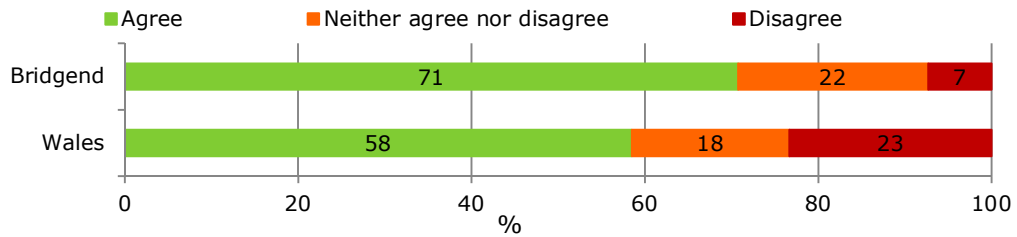
Respondents were given five options to respond to these questions:

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

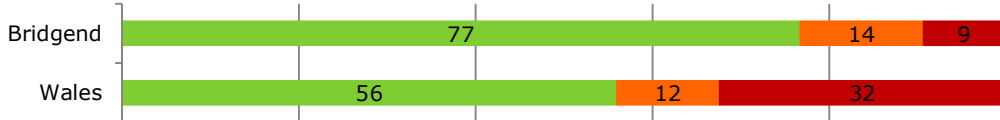
For this analysis, we have aggregated these answers into three categories:

- Agree
- Neither agree nor disagree
- Disagree

**The LPA gave good advice to help you make a successful application**



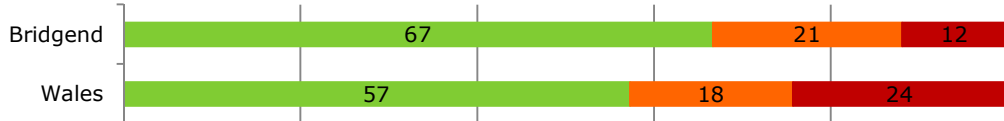
**The LPA responded promptly when you had questions**



**You were kept informed about your application**



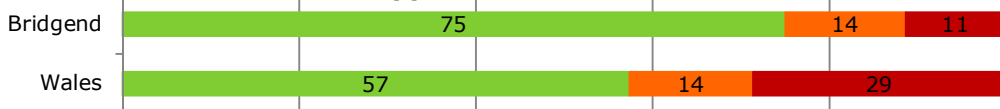
**You were listened to about your application**



**The LPA enforces its planning rules fairly and consistently**



**You are satisfied overall with how the LPA handled your application**

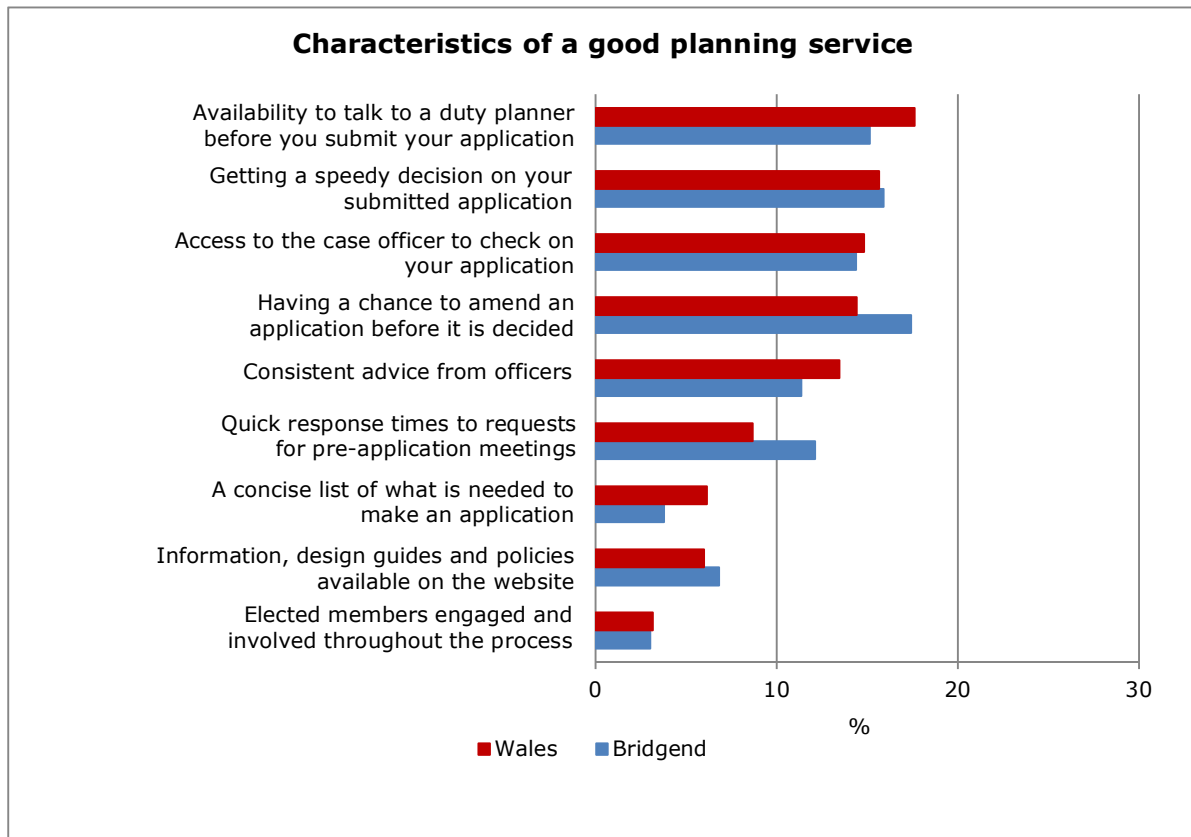


**The LPA gives help throughout, including with conditions**



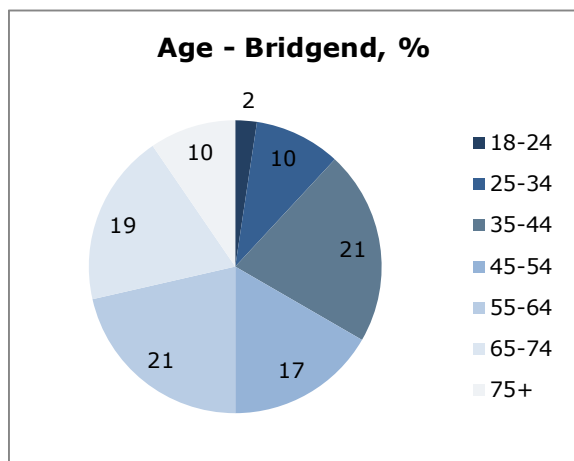
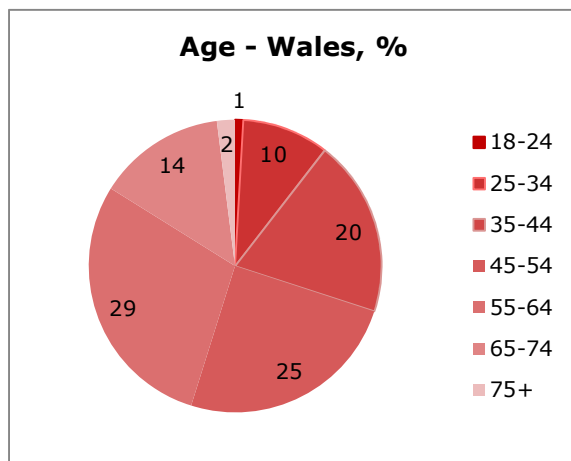
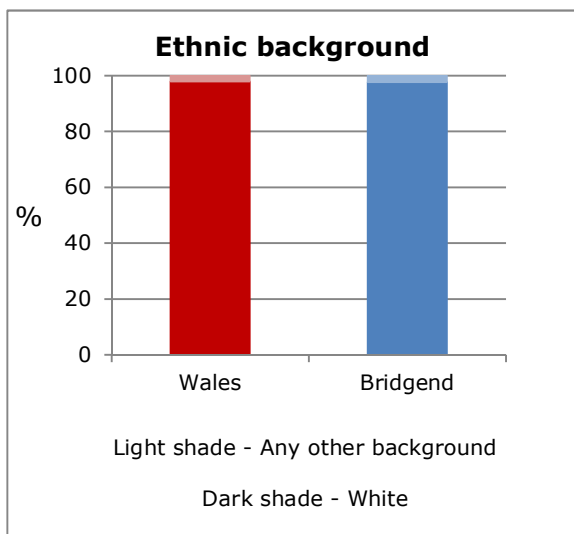
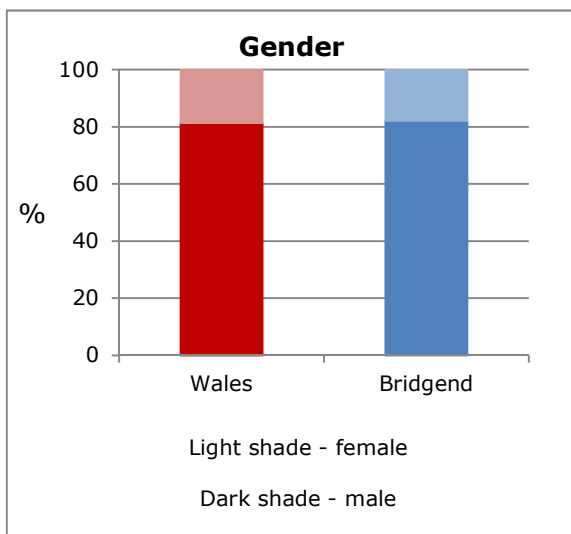
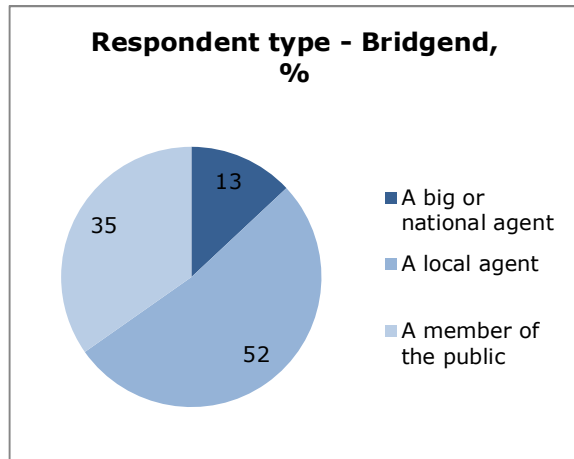
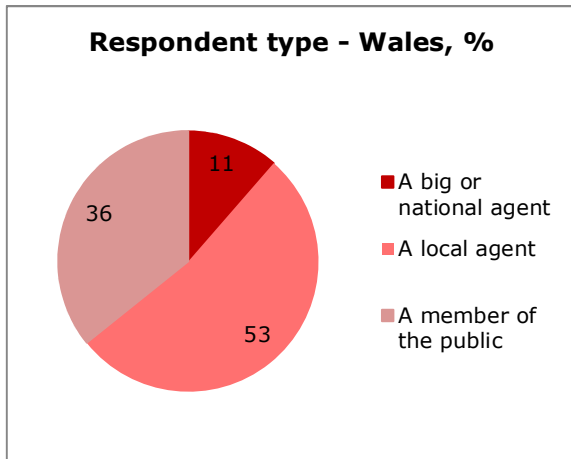
### Characteristics of a good service

Respondents were presented with a list of characteristics of a good planning service, and were asked to select three characteristics that they thought would most help them achieve successful developments. The chart below shows how often each characteristic was selected as a percentage of the total number of selections.



## Respondent characteristics

Respondents were asked to provide information about themselves



**Customer satisfaction responses, %**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
<b>The LPA gave good advice to help you make a successful application</b>					
Wales	25.8	32.7	18.2	9.2	14.1
Bridgend	39.0	31.7	22.0	2.4	4.9
<b>The LPA responded promptly when you had questions</b>					
Wales	23.6	32.4	11.6	15.9	16.5
Bridgend	39.5	37.2	14.0	7.0	2.3
<b>You were kept informed about your application</b>					
Wales	18.8	28.2	17.0	16.8	19.1
Bridgend	38.1	31.0	11.9	14.3	4.8
<b>You were listened to about your application</b>					
Wales	23.2	34.1	18.4	10.9	13.3
Bridgend	38.1	28.6	21.4	7.1	4.8
<b>The LPA enforces its planning rules fairly and consistently</b>					
Wales	17.4	28.0	25.4	13.0	16.1
Bridgend	27.9	30.2	32.6	4.7	4.7
<b>You are satisfied overall with how the LPA handled your application</b>					
Wales	24.7	32.6	14.0	12.3	16.4
Bridgend	36.4	38.6	13.6	4.5	6.8
<b>The LPA gives help throughout, including with conditions</b>					
Wales	21.6	26.4	20.5	16.0	15.5
Bridgend	34.1	34.1	15.9	13.6	2.3

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## TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Tony Thickett - Director for the Planning Inspectorate Wales	The Planning Inspectorate	5 Feb 2015	12.45pm

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

**Subject**

- Planning enforcement

**Recommendation:**

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

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

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