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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: 27 February 2015

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 5 March 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 1 April 2015 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson
3. Approval of Minutes 5 - 12
To receive and confirm the Minutes of a meeting of the Development Control Committee dated 5 February 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 Reports below.

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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 13 - 16
8. Officer's Reports
- (a) P/14/166/FUL - Lllys Gwyn Res. Home, Heol Broom, Maudlam, Bridgend - Alterations and extension to existing home 17 - 30
- (b) P/14/194/FUL - Former Bryncethin claypits, Blackmill Road, Bryncethin, Bridgend - 3 No. Rugby fields 31 - 38
- (c) P/14/645/OUT - Land adj. Rockwood, Pyle Road, Pyle - Five dwellings, access and car parking at land adj. Rockwood (Outline Application) 39 - 50
- (d) P/14/834/RLX - 11 Penybont Road, Pencoed - Relax Condition 1 of P/09/396/FUL to permit use as MicroPub - Opening hours 07:30 - 23:00 Monday - Sunday 51 - 56
- (e) P/14/390/FUL - Land at Nantyffyllon RFC, Blossie Street, Maesteg - Residential development for 36 houses and retain existing house at 62A Picton Street 57 - 68
- (f) Appeals 69 - 72
- (g) Training Log 73 - 74
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

DEVELOPMENT CONTROL COMMITTEE – 5 FEBRUARY 2015

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 5 FEBRUARY 2015 AT 2.00PM

Present:

Councillor H M Williams - Chairperson

Councillors

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

Councillors

D R W Lewis
H E Morgan
C E Rees
J C Spanswick
M Thomas

Councillors

H J Townsend
C Westwood
R Williams
M Winter
R E Young

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
Helen Williams	Senior Environmental Health Officer - Pollution
Roderic Jones	Senior Lawyer
Jayne Dessent	Lawyer
Craig Flower	Team Leader (Technical Support)
Mark Galvin	Senior Democratic Services Officer – Committees
Andrew Rees	Senior Democratic Services Officer – Committees (electronic back-up)

506 APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor D Owen	-	Work Commitments
Councillor J H Tildesley MBE	-	Other Council Business

507 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 March 2015 (am).

508 APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of the 8th January 2015 were approved as a true and accurate record.

509 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/14/772/OUT	Local Member
Mr D Dolling	P/14/840/OUT	Objector

510. 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 and P/772/OUT – Councillor Davies declared a personal interest as a Member of Laleston Community Council but took no part in planning matters
- Councillor C E Rees - P/14/840/OUT – Councillor Rees declared a prejudicial interest in that she was the applicant. She left the meeting whilst this application was being discussed.
- 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/14/763/FUL – 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 him as a former employee of the Authority.
- Councillor M Thomas - P/14/840/OUT - Councillor Thomas declared a personal interest as the objector is known to her as she is a former employee of the Authority.
- Councillor H M Williams - P/14/772/OUT – Councillor Williams declared a personal interest in that the objector was known to him.
- Councillor D R W Lewis - P/14/772/OUT – Councillor Lewis declared a personal interest in that the public speaker was known to him
- Councillor B Jones - P/14/763/FUL and P/14/840/OUT – Councillor Jones declared a personal interest as a Member of Porthcawl Town Council but took no part in the consideration of planning matters
- Group Manager Development P/14/714/FUL The Group Manager declared a personal interest as the objector is known to him as she is a former employee of the Authority

All Members present declared a personal interest in Planning Application P/14/840/OUT in that they knew the applicant.

511. 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.

512 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION GRANTED CONDITIONALLY (PLENARY POWERS)

RESOLVED: That the following application 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 Conditions contained in the report, in addition to the standard Conditions:-

<u>Code No.</u>	<u>Proposal</u>
P/14/840/OUT	Land rear 14 Manor Grove, Porthcawl – Detached residential dwelling (Outline Application)

Subject to the following Conditions 8, 9 and 10 and Note o) :-

8. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary with Manor Grove being set back and a 1.2m wide segregated footway which shall appropriately link into the existing footway on the South Eastern side of Manor Grove. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site

9. The development hereby approved shall be served by a single means of access from Manor Grove

Reason: In the interests of highway safety

10. There shall be no means of pedestrian or vehicular access created at any time on the northern, eastern or south eastern site boundaries of the dwelling

Reason: In the interests of highway safety

Note:

o) The applicant/developer is advised that the south-eastern corner of the application site boundary appears to include part of the highway. Final plot layout and detailed designs of the development shall not include this land within the scheme.

513. TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION SUBJECT TO A DEPARTURE APPLICATION

RESOLVED: (1) That the following 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 reason outlined in (A) (i) of the report of the Corporate Director - Communities:-

<u>Code No.</u>	<u>Proposal</u>
P/14/763/FUL	The Rest Convalescent Home, Rest Bay, Porthcawl – C/u The Rest to 34 Res. Units, build 34 Res. Units, demolish unsympathetic Ext., car park, landscape and assoc. works.

- (2) That if the Council were 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, subject to the provisions outlined in Paragraph (B) (i) and (ii) and the Conditions contained in the report.

514. TOWN AND COUNTRY PLANNING ACT 1990
SECTION 106 AGREEMENT PLANNING APPLICATION

RESOLVED: (1) That having regard to the following application the applicant be required to enter into a Section 106 Agreement to 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:

<u>Code No.</u>	<u>Proposal</u>
P/14/700/FUL	Parc Stormy, Stormy Down Airfield, Stormy Down – Anaerobic digestion facility for 30 year period with associated buildings and works

- (2) That the Corporate Director – Communities be given plenary powers to issue a decision notice granting respect of this proposal once the applicant has entered into the afore mentioned Section 106 Agreement, subject to the Conditions contained in the report.

Subject to the following further Conditions being included in the consent:

24. No development shall commence until such time as a scheme to dispose of foul drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

25. No development shall commence until a scheme for the provision of a widened access/egress (supported by vehicle swept path diagrams) has been submitted to and agreed in writing by the Local Planning Authority. The improved access shall be implemented in permanent materials for a distance of no less than 15M before the development is brought into beneficial use and retained as such thereafter.

515 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATIONS GRANTED CONDITIONALLY

RESOLVED: That the following application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities in addition to the standard Conditions:-

<u>Code No</u>	<u>Proposal</u>
P/14/772/OUT	Land at Carreg Llwyd, Broadlands, Bridgend – Site access and two detached dwellings

516 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 Corporate Director – Communities submitted a report, advising that Members at the last scheduled meeting of Committee on 8 January 2015 had been minded to refuse planning permission for the above planning application, contrary to the Officer's recommendation contained within that report, and that a further report be presented to Members today, including draft reasons for refusal. These reasons were shown reference numbered 1. and 2. on page 65 of the report. However, the Amendment Sheet to the Committee report outlined two alternative draft reasons that Officers felt should be considered as alternatives to those contained in the report, together with certain other further information deemed relevant to the application. During the course of debate upon the report, a motion was made, duly seconded and carried, to add to the amended draft reason 2. for refusal, the words "and in addition, the proposal was not in accord with ENV 6 of the Local Development Plan"

The Group Manager Development advised Members that following the last Committee meeting, a Member made a request for further information on the level of amenity space proposed for the development. The response to this was outlined in the report, and the Officer gave a resume of this for the benefit of Committee Members.

Members then debated the report and Officers responded to the points they made in respect of the application. The Group Manager Development advised Members that the reasons put forward for refusal of the application, were unlikely to be defended upon Appeal by the applicant.

Following this, a vote was taken individually, as to whether or not to agree to each of the two reasons for refusal of the application, as outlined in the report.

Members subsequently voted not to accept the draft reasons for refusal put forward (as amended), with the second such reason being voted against by the Chairperson by way of a second casting vote.

As a result of the above, Committee

RESOLVED: That the above application be granted subject to the Conditions (and Notes) received in the report of the Corporate Director – Communities to the Development Control Committee dated 8 January 2015, and subject to the following:-

That Condition of the above report 2 be replaced as follows:-

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

Reason: In the interests of visual and residential amenities.

The addition of the following Note l)

l) The developer is reminded:-

- i. To ensure that he/she has full control of the land to which this consent (the red line boundary) relates, and;
- ii. Failure to comply with Condition 1 above will result in enforcement action being pursued.

517 APPEALS DECISIONS

RESOLVED: (1) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that it be ALLOWED, and the disputed Condition removed.

Code No. Subject of Appeal

A/14/2225002(1743) 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.

(2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that it be DISMISSED:

Code No. Subject of Appeal

A/14/2226395(1744) Change of use of ground floor to tea rooms (A3) and retain residential use to 1st floor: The Breakers, 17 West Drive, Porthcawl

(3) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeal has directed that it be Allowed subject to Conditions:

Code No. Subject of Appeal

A/142225624(1745) Change of use from A1 to A3 (Take away), 31 Commercial Street, Kenfig Hill

(4) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeal has directed that it be ALLOWED subject to a new Condition:-

Code No Subject of Appeal

A/14/2226490(1746) 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

518. PLANNING OFFICER'S SOCIETY WALES CUSTOMER SATISFACTION SURVEY 2014

The Group Manager Development submitted a report attaching data regarding a customer satisfaction survey undertaken by Data Unit Wales on behalf of the Planning Officer's Society Wales (POSW).

He then gave a resume of the data included in Appendix A to the report, confirming overall that the Planning Department of Bridgend County Borough Council performed above the all Wales average in respect of the time taken to process planning applications and other elements that comprised positive characteristics of a good and effective planning service.

RESOLVED: That the report be noted with pleasure.

519. 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, with it further noted that a request was made for training sessions on car parking and calculations regarding the allocation of school places for schools at new developments:

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Planning Officers	Planning Enforcement	5 April 2015	12.45pm

The meeting closed at 3.35pm.

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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
- 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 : GRANT WITH CONDITIONS

REFERENCE: P/14/166/FUL

APPLICANT: GRAYSON ENTERPRISES LTD
LLYS GWYN RESIDENTIAL HOME HEOL BROOM MAUDLAM
BRIDGEND

LOCATION: LLYS GWYN RESIDENTIAL HOME HEOL BROOM MAUDLAM
BRIDGEND

PROPOSAL: ALTERATIONS & EXTENSION TO EXISTING RESIDENTIAL HOME

RECEIVED: 11th March 2014

SITE INSPECTED: 17th March 2014
SITE INSPECTED: 2nd April 2014

APPLICATION/SITE DESCRIPTION

The existing care home originated from a large dwellinghouse approved in 1979. The dwelling did originally express a rather ad-hoc layout, design and appearance. Permission was granted for its change of use to a care home in 1984. A small extension was granted in 1985 (85/0032) and a larger extension was refused but allowed on appeal in 1988 (88/1004). It would appear that the care home has since remained largely unaltered.

The site is currently occupied by a 27 bed home (consisting of 23 single bedrooms and 4 double bedrooms). The maximum number of residents that could be accommodated within the existing home is 31.

The proposed development would provide an additional 21 (single) nursing bedrooms. The 4 existing double rooms would be converted to single rooms. The home, as extended, would contain 48 single rooms, and subsequently, a maximum of 48 residents. Overall, the development would facilitate an increase of 17 residents.

The proposal would primarily involve four types of extensions:

Item 1: Construct a two-storey extension to the southern wing of the home. This element would have a footprint of 8.4m x 16m and would be finished with a hipped roof, reaching maximum heights of 5.2m (eaves) and 7.4m (ridge).

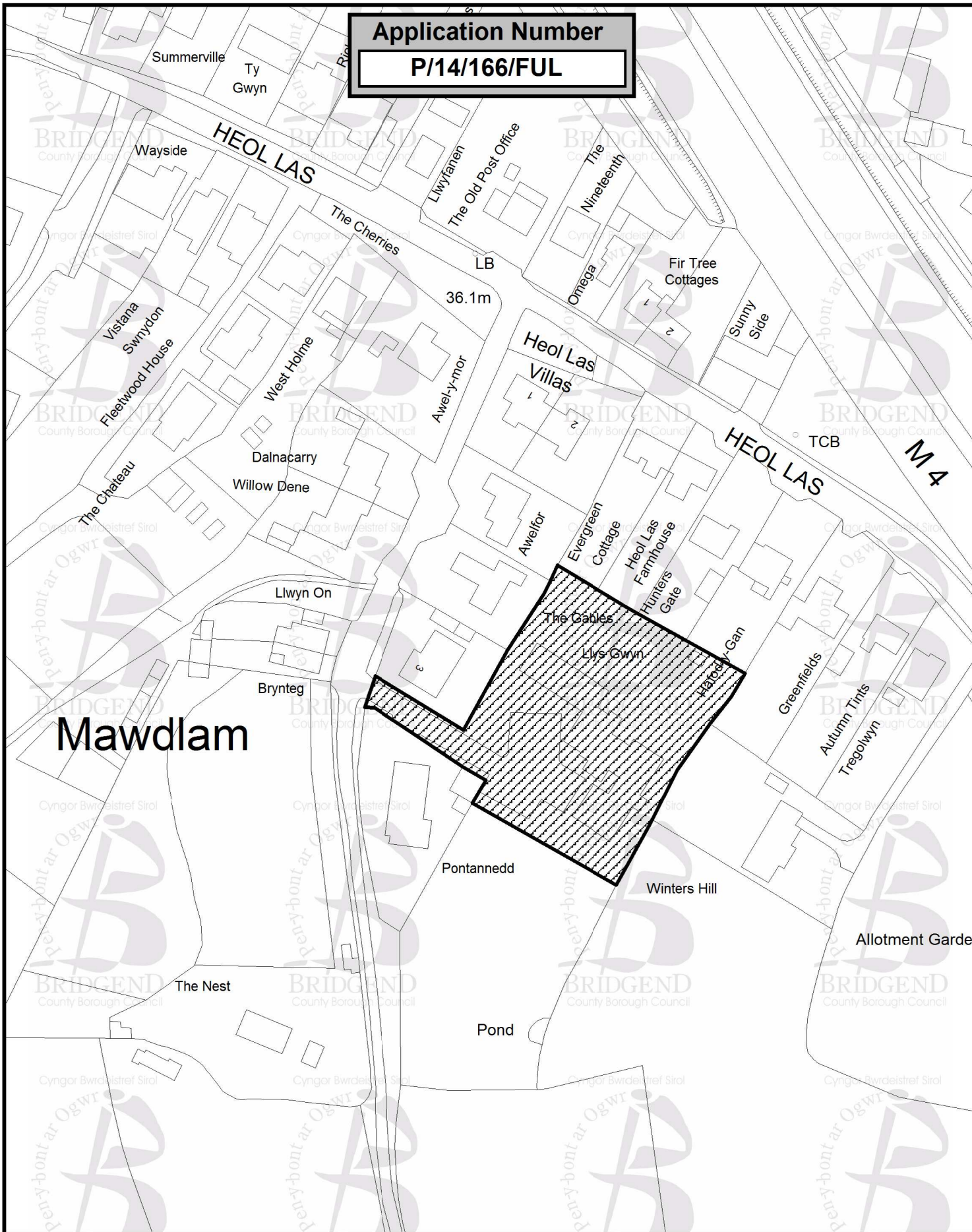
Item 2: Construct a second-storey above the north-western wing of the home. The existing wing has a general footprint of 7.3m x 21.3m and finished with a pitched roof, reaching maximum heights of 2.5m (eaves) and 5m (ridge). The footprint of the wing would be extended to 10.2m x 21.3m, however, only the new first floor element would expand to these dimensions. The ground floor would retain its original footprint but a stilted configuration to support the second storey element would enable a covered walkway to be formed. The new wing would be finished with a hipped roof, reaching maximum heights of 5.2m (eaves) and 7.6m (ridge). A smaller two-storey extension would connect to this wing, accommodating a staircase to allow secondary access to/from the new first floor element.

Item 3: Construct a two-storey extension to the north-eastern wing of the home. This element would have a general footprint of 22.5m x 10.2m and would be finished with a hipped roof, reaching maximum heights of 5.2m (eaves) and 7.6m (ridge).

Item 4: Construct a single-storey extension to the north-eastern wing of the home. This

Application Number

P/14/166/FUL



Mawdlam



Scale 1:1,250

**Date Issued:
26/02/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



extension would connect to the proposed two-storey extension also on this elevation (item 3) and would have a general footprint of 9.4m x 12m and would be finished with a hip-to-flat roof, reaching maximum heights of 2.5m (eaves) and 3.6m (ridge).

RELEVANT HISTORY

- 79/0652 - Outline Application for 1 Dwelling Granted 24/05/1979
- 79/0906 - Full Application for 1 Dwelling Granted 13/09/1979
- 84/1058 - Change of Use to Residential Home Granted 08/11/1984
- 85/0032 - Extensions and Fire Escapes Granted 07/02/1985
- 86/0439 - New Care Home alongside Llys Gwyn Refused 17/07/1986
- 88/0021 - Two Storey Extension Refused 02/06/1988
- 88/1004 - Two Storey Extension Allowed (on appeal) 12/09/1989

PUBLICITY

The application has been advertised on site.
Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 9 April 2014.

NEGOTIATIONS

The following information and amendments were requested:

1. Bat survey
2. Traffic/highway surveys
3. Omission of a single-storey element attached the north-eastern end of the proposed two-storey extension
4. Alterations to the positions of windows
5. Submission of a plan showing the courtyard elevation
6. Submission of a plan showing the bin stores

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 13th March 2014

Raised the following concerns:

1. The second proposal would seem to be the most appropriate as it is less obtrusive to the surrounding countryside.
2. It must be ensured that full consideration is given to access and egress to the site as suitable provision must be made.

Councillor M W Butcher

Requests that the application be referred to Committee due to concerns from residents regarding highway safety, drainage, flooding and loss of trees.

Head Of Street Scene (Highways)

No objections to the proposal subject to conditions and advisory notes. Provided the following explanatory comments:

"I refer to the above planning application and have considered the latest revised transportation statement. This reveals that the level of traffic attracted to the site over and above the existing situation is low in numbers and the peak increase is likely to occur on a Sunday between midday and 4pm where 3 additional visitor vehicles will result in 6 movements. This equates to an average of 1 additional vehicle on the access road every 40 minutes. Whilst this may equate to a material increase in actual terms of vehicle numbers given the short, straight length of Heol Broom likely to be utilised by visitors is negligible. On this basis it is considered that a highway objection on the grounds of the substandard nature of Heol Broom being unable to accommodate the increased level of vehicle movements or that there would be a materially significant increase in potential vehicular/pedestrian conflict would be inappropriate."

Destination & Countryside Management

No objections to the proposal subject to a condition, advisory notes and the developer obtaining a derogation (development licence) from Natural Resources Wales.

Head Of Street Scene (Drainage)

No development to the proposal subject to a drainage condition and advisory notes.

Group Manager Public Protection

No objections to the proposal subject to advisory notes.

Welsh Water Developer Services

No objections to the proposal subject to advisory notes.

Glamorgan Gwent Archaeological Trust

No objections to the proposal subject to an advisory note.

Natural Resources Wales

No objections to the proposal subject to advisory notes. A copy of their observations was forwarded to the agent on 18 February 2015.

REPRESENTATIONS RECEIVED

Alison Lloyd, Llwyn On

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

1. Highway safety
2. Over-intensification/Out of character with the village
3. Flooding

Anthony & Carol Odell, Willowdene

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

1. Out of character/scale with the village
2. Highway safety
3. Loss of privacy
4. Noise/Disturbance

Mrs Jane Hampton, Hunters Gate

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

1. Out of scale/character with the village
2. Loss of light/overshadowing
3. Dominating the garden
4. Noise/Disturbance
5. Loss of trees
6. Flooding and drainage
7. Current problems with vermin
8. Loss of privacy

D E Stephens, Mari Dadi

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

1. Highway safety
2. Loss of privacy
3. Loss of light
4. Noise/Disturbance
5. Bin stores would attract flies and generate adverse smells
6. Loss of trees
7. Flooding and drainage

Mandy Lewis, Heol Las Farmhouse

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

1. Highway safety
2. Loss of privacy
3. Noise/Disturbance
4. Loss of trees

Mr & Mrs Rees, The Gables

Object to the proposal and requests to speak at Committee:

1. Out of scale/character with the village
2. Highway safety
3. Loss of privacy
4. Loss of light
5. Drainage

Mrs J Humphreys, Dalnacarry

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

1. Highway safety
2. Out of scale/character with the village
3. Drainage

Mr & Mrs Protheroe, Awel-Mor

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

1. Highway safety
2. Noise/Disturbance
3. Drainage and sewerage smells

COMMENTS ON REPRESENTATIONS RECEIVED

1. Out of scale/character with the village and over-intensification

The development would facilitate an increase of 17 residents. Whilst the proposed development would increase the scale and massing of certain sections of Llys Gwyn, it would not significantly increase the public visibility or prominence of the care home within its surroundings to such an extent as to be unreasonably detrimental to the scale and character of the village.

The main thrust of this scheme is to meet the requirements of a Non Compliance Notice served by the Care and Social Service Inspectorate Wales (CSSIW). In doing so, the proposed development would ensure that there would be appropriate balance between the number and type of bedrooms and the amount of communal and recreational spaces available for each resident.

Significant evidence has been submitted with regards to transportation and it is concluded that any additional traffic movements to and from the site are anticipated to be low. As such, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal and it is not considered to be an over-intensification of the site.

2. Highway/Pedestrian safety

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. Refer to the 'Consultation Responses' section of the report for further assessment.

3. Loss of residential amenity

As part of the site visit, the Case Officer visited two neighbouring properties, namely "The Gables" (off Heol Broom) and "Hunters Gate" (off Heol Las). Both properties back onto the site and it was regarded that they could potentially experience the greatest impact of the development. Since the two properties back onto different boundaries of the development site, they provided a reasonable understanding of the potential impact of the development on the amenities of neighbouring properties in the immediate vicinity.

Refer to the 'Appraisal' section of the report for the assessment concerning the impact of the proposed development on the residential amenities of neighbouring properties, with particular regards to loss of light/overshadowing, loss of privacy, loss of outlook and domination.

4. Loss of trees

Several trees would be felled as part of this development, however, these are located within the private grounds of the home and not along the outer boundaries of the site. As such, they are not significantly visible from public positions and do not have such public amenity value as to warrant protection. A landscaping condition and restrictions on the removal of trees along the boundaries will ensure that the most publicly visible trees and hedgerows, and those which safeguard the amenities of neighbouring properties, would be retained. The Council's Ecologist and Natural Resources Wales have no objections to the proposal.

5. Flooding and drainage

Whilst this is an existing facility and already benefits from utility connections, the scheme would result in substantial extensions to the home. It is also noted that a number of local residents have expressed concerns regarding this matter. The Land Drainage Section, Welsh Water and Natural Resources Wales have no objections to the proposal, however, it is considered necessary to impose a condition for a comprehensive drainage scheme to be agreed. This will ensure that any new development does not have any unreasonable effect on the existing drainage infrastructure. The site is not within a flood risk area, therefore, subject to a condition to

control drainage matters, it is not considered that this scheme would unreasonably increase the risk of flooding.

6. Current problems with vermin, attraction of flies, adverse odours and noise/disturbance.

Given the nature of the proposal, namely the construction of bedrooms and communal areas to an existing home, it is not considered that this development would exacerbate any existing issues with vermin at the site.

The proposed bin stores are considered to be permitted development and any issues associated with vermin or the attraction of flies from adverse odours from any aspect of the development would be a management issue.

Whilst it is acknowledged that there would be a degree of noise and disturbance generated during the construction of the development, this is likely to be short-term only and is not considered sufficient to warrant refusal of the scheme.

In any case, vermin, flies, odours and noise/disturbance are matters which could be considered as statutory nuisances. These are governed by separate legislation and investigated by the Public Protection Department of the Council.

APPRAISAL

This application is referred to Committee at the request of Cllr. Butcher and due to a number of objections being received from local residents.

The application site lies within the settlement boundary of Mawdlam, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (BLDP). This is an existing care home and the proposal seeks to extend the building in order to improve the facilities for existing residents and to enable additional residents to be accommodated.

Having regard to the above, the scheme is primarily assessed against Policy SP2 of the BLDP which concerns with design and sustainable place making:

"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 BLDP does not have a specific Policy attributed to care, however, there is a broad similarity to strategic Policy SP13 of the BLDP:

"In order to maintain and improve the quality of life of residents the following social and community uses and/ or facilities will be retained or enhanced:

- Educational and training facilities;
- Health and well-being facilities;
- Libraries;
- Outdoor recreation;
- Indoor leisure facilities;
- Community buildings;
- Allotments; and
- Cemeteries.

In the interest of improved service provision, all proposals for new or replacement social and community facilities should demonstrate that every reasonable attempt has been made to consider the co-location with another social and community facility before a stand-alone facility is

considered."

In this particular case, it is reasonable to assume 'care' uses to fall within the wider category of health and well-being, as specified by Policy SP13. Furthermore, this scheme seeks to enhance an existing facility rather than to construct a new or replacement facility.

The applicant has submitted a supporting statement explaining that the quality of life for residents in Llys Gwyn is very good and is scoring higher than the average care sector score. However, the care home has been served with a Non Compliance Notice by the Care and Social Service Inspectorate Wales (CSSIW) since they are running at over capacity. In order to keep in-line with the National Minimum Standards for older people, the Non Compliance Notice requires the care home to ensure that single bedrooms make up at least 85% of places and that there is at least 4.1 sq m of sitting, recreational and dining space available for each resident.

Whilst the care home could reduce the number of beds currently available from 31 to 24 in order to comply with the Non Compliance Notice, the supporting statement explains that this Council has recently faced huge pressure on the shortage of beds due to the closure of two homes in the Borough. Furthermore, reducing the number of beds within Llys Gwyn would have an adverse effect on adult placement and the home could become a financially unviable business with subsequent loss of jobs. Such a situation could place even greater pressure on other existing care facilities within the County Borough. A letter from the Group Manager - Commissioning and Transformation has reiterated that the failure to comply with the Non Compliance Notice would have an adverse impact on the provision of social care within Bridgend.

The scheme presented in this planning application seeks to offer an alternative method of complying with the Notice served by CISSW by investing in the existing care home through expansion. The proposed development, in principle, would improve the quality of life offered to its residents by increasing the number and size of single bedrooms and the communal spaces of the home. For example, the ground floor of extension 1 and almost the entire floorspace of extension 4 (as itemised in the 'Application/Site Description' section of the report), would be dedicated to communal spaces, whilst the floorspace of the other extensions would facilitate bedrooms and ancillary spaces.

The scheme is primarily assessed against Policy SP2 of the BLDP which establishes the criteria for acceptable design and place making of new development. Consideration is also given to the principles of Supplementary Planning Guidance 2. Whilst this document has been primarily written for householder extensions, its principles remain relevant to this scheme since it also involves a type of residential use and is adjacent to a number of neighbouring properties.

The site was visited by the Case Officer on two separate occasions. The site is largely concealed from prominent and short-distance public views. This is mainly due to the site being surrounded by a number of properties on spacious plots and that three out of the four boundaries of the site contain tall and mature hedgerows, two of which are coniferous and between 4-5m high in places. The boundary which does not have any significant boundary treatments (south-west) faces open countryside, in which the adjacent fields are also surrounded by trees, thereby protecting any significant long-distance views of the application site.

The entrance to Llys Gwyn, which is off Heol Broom, is the only area which allows direct public views of the home, however, this would be at a distance of approximately 55m. Limited views of the home would be possible between the voids of properties that back onto the site which would generally be above the height of the tall hedgerows, for example, between "The Gables" and "Mari Dadi" (Nos.2 and 3 Heol Broom).

The proposed extensions would range from single-storey to two-storey scale. Given the ad-hoc nature of the existing buildings forming Llys Gwyn, the proposed extensions would represent a compatible scale, form, design and appearance to the host. The main combination of render and

tile would be appropriate finishes for the development, however, in the absence of specific details, it is considered necessary to impose a condition for such details to be agreed.

Whilst the proposed development would increase the scale and massing of certain sections of Llys Gwyn, it would not significantly increase the public visibility or prominence of the care home within its surroundings to such an extent as to be unreasonably detrimental to the visual amenities of the area.

As part of the site visit, the Case Officer visited two neighbouring properties, namely "The Gables" (off Heol Broom) and "Hunters Gate" (off Heol Las). Both properties back onto the site and it was regarded that they could potentially experience the greatest impact of the development. Since the two properties back onto different boundaries of the development site, they provided a reasonable understanding of the potential impact of the development on the amenities of other neighbouring properties in the immediate vicinity.

The proposed site layout indicates that the depth of the existing mature hedgerows on the site would be cut-back, however, no detailed landscaping scheme has been submitted. The existing trees and hedgerows, in particular those which back onto neighbouring properties (eastern, northern and western boundaries), provide effective screening of large parts of Llys Gwyn from public views. Furthermore, the hedgerows assist in reducing the impact, scale and massing of the building on those immediate neighbouring properties.

Having regard to the above, it is considered necessary to impose a condition requiring the submission of a detailed landscaping scheme (including tree and root protection measures) which would ensure that the specific details concerning the height and depth of all hedgerows on the site to be agreed. A further condition restricting the felling of any tree within the hedgerow and along the three boundaries without the prior permission of the Council would ensure that the visual amenities of the area would be safeguarded. These conditions would ensure that any neighbouring property backing onto the site would retain a 'soft' boundary as per the existing arrangements, which would subsequently limit the impact of the proposed 'physical' development on their residential amenity. Albeit including a number of coniferous species, these conditions would also be in the interests of ecology and biodiversity, especially since bats have been identified on the site.

The proposed second-storey extension above the existing north-western wing of the home (referenced as item 2 in the 'Application/Site Description' section of the report), would not extend the building closer to the properties off Heol Broom but would increase its height. The proposed site layout plan indicates that the distance between this element and the boundary would be approximately 6m. The plan also shows that the alignment of the extended wing would be largely off-centre from the rear elevation of both 'The Gables' and 'Mari Dadi' (Nos.2 and 3 Heol Broom). It was noted that the living room window of 'The Gables' would be directly in-line with the corner of this extended wing, at a distance of approximately 14m. However, the living room is regarded as a 'through-room' and benefits from a large window positioned on the front elevation (facing west) and smaller windows on the side elevation (facing south). No windows are proposed to be inserted on the side elevation of the extended wing at either ground or first floor which would face any properties off Heol Broom. It is, therefore considered that there would be no unreasonable detriment to the amenities of this room, with particular regards to light, outlook, dominance and privacy. Other habitable room windows are located on the rear of 'The Gables', namely a kitchen and dining room, however, they would not be directly in-line with the nearest parts of the extended wing and it is not considered that the amenities of these rooms would be so adversely affected by the proposed development.

The rear amenity space of 'The Gables' is significantly enclosed, mainly by the tall hedgerows along the boundary with the application site. Both 'The Gables' and 'Mari Dadi' benefit from generous amounts of amenity space. The nearest part of 'Mari Dadi' to the extended wing would be a garage. This neighbouring property would predominantly back onto the car park of the home

and a new bin store. These are separated by tall hedgerows. Having regard to the above, it is not considered that the proposed development would result in any unreasonable detriment to the overall amenity and enjoyment of the outdoor spaces serving these neighbouring properties.

The proposed two-storey extension to the north-eastern wing of the home (referenced as item 3 in the 'Application/Site Description' section of the report), would bring this element to approximately 4.5m from the boundary with the property known as 'Hunters Gate'. Despite the proximity to the boundary, this neighbouring property would be approximately 22m from the proposed two-storey extension of the care home (inclusive of later rear extensions constructed to 'Hunters Gate'). It is, therefore, considered that there would be no significant adverse effect on the internal spaces within with neighbouring property, with particular regards to light, outlook, dominance and privacy.

Hunters Gate benefits from a long rear garden and includes a long single-storey detached outbuilding and a greenhouse. A single-storey element attached the north-eastern end of the proposed two-storey extension at the application site was omitted since it would have brought the development to within 1m of the boundary with the neighbouring property and it would not be possible to adequately retain the existing mature hedgerow along the boundary which provides effective screening of the application site from the rear amenity space of 'Hunters Gate'.

The amended proposal would allow a gap of 4.5m from the boundary. This enables the retention of the mature hedgerow and consequently, reducing the impact of the development on the residential amenities of the occupiers of 'Hunters Gate'. Subject to landscaping and tree retention conditions, it is not considered that the proposed development would have any unreasonable detriment to the overall amenity and enjoyment of the outdoor spaces serving this neighbouring property.

The north-eastern end of the two-storey extension would contain two ground floor windows and two first floor windows. These windows would directly face the rear garden of 'Hunters Gate'. The elevations indicate that the ground floor windows would be positioned 1.65m above finished floor level. Additionally, the ground floor window serving bedroom 13 on the ground floor would be sited approximately 8m from the boundary. Having regard to the above, it is considered that these windows would be adequately screened by the retained hedgerow and trees.

With regards to the two first floor windows, these windows would be positioned 1.7m above finished floor level and would not permit any unreasonable overlooking into neighbouring properties. As such, it is not considered that the proposed development would have such an adverse effect on the amenities of the occupiers of 'Hunters Gate' as to warrant refusal.

The first floor window serving 'Bedroom 45' within the home has been repositioned to face east so that it is directed away from any neighbouring property on Heol Las. This window would be at an approximate distance of 16m from the boundary of the bottom garden of 'Greenfields' and at an indirect angle to Winters Hill which is approximately 40m away. A mature hedgerow is positioned along the boundary with these properties, thereby ensuring that privacy standards are retained.

Items 2-4 (as referenced in the 'Application/Site Description' section of the report), would be either sited further away or smaller in scale from all other neighbouring properties off Heol Las and Heol Broom. For example, item 4 would be a single-storey element and screened by the retained trees and hedgerows, whilst item 2 would not be in close proximity to any neighbouring property. It is, therefore, considered that the scheme would not have such an adverse effect on the amenities of neighbouring properties as to warrant refusal of the scheme.

Whilst item 1 (as referenced in the 'Application/Site Description' section of the report) would be two-storeys in scale, it would be positioned away from any immediate neighbouring property. The nearest property to this element would be 'Pontannedd' (off Heol Broom), however, the

approximate distance from the proposed extension to this property would be 27m (18m to boundary) and largely screened by a large outbuilding in its curtilage. Whilst 'Pontannedd' has a low boundary wall fronting the private road leading to Llys Gwyn and consists of several habitable room windows on its side elevation, this is an existing situation and, therefore, would not be unreasonably worsened by the proposed development.

Several trees would be felled as part of this development, however, these are located within the private grounds of the home and not along the outer boundaries of the site. As such, they are not significantly visible from public positions and do not have such public amenity value as to warrant protection. A landscaping condition and restrictions on the removal of trees along the boundaries will ensure that the most publicly visible trees and hedgerows, and those which safeguard the amenities of neighbouring properties, would be retained.

The proposed scheme would involve the creation of a bin store which would primarily involve the erection of timber fencing to enclose an area measuring 4.4m x 3.5m. The fencing would reach a height of 1.8m and it is considered that this storage area would be an ancillary function to the use of the care home. As such, this aspect of the scheme is considered to be permitted development. The Group Manager Public Protection has no objections to the proposal subject to advisory notes.

The existing car park would be reconfigured and the submitted plans indicate that 25 parking spaces would be provided. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes (see 'Consultation Responses' section of the report for full observations). It is therefore considered that the proposed development would not have such an adverse effect on highway/pedestrian safety as to warrant refusal of the scheme.

The Council's Ecologist had recommended that a full bat survey be undertaken of the entire building and its grounds. This survey was submitted and bats have been detected. The Council's Ecologist has no objections to the proposal subject to a condition and advisory notes which primarily concerns with mitigation measures and development methodology. A separate derogation license will also be required. Natural Resources Wales has also no objections to the proposal subject to advisory notes. It is, therefore, considered that the proposal would not have any significant adverse effect on ecology/biodiversity.

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, ecology/biodiversity, drainage, flooding or visual amenities nor so significantly harms neighbours' amenities 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:

01 A: Location Plan (received 15 April 2015)

05 A: Proposed Ground Floor Plan (received 15 April 2014)

06 B: Proposed First Floor Plan (received 17 February 2015)

07 C: Proposed Elevations (received 17 February 2015)

08 B: Proposed Site Layout (received 12 November 2014)

09: Soffit Detail - Bat Access (received 26 September 2014)

10: Existing & Proposed Courtyard Elevations (received 17 February 2015)

11: Bin Store Details (received 17 February 2015)

Chapter 6 (Recommendations) of Bat Survey - September 2014, Conducted by Acer Ecology (received 25 September 2014)

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

- 2** Notwithstanding the requirements of condition 1, 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.

- 3** Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The scheme shall include:

- i) Proposals for all hard and soft surface treatment;
- ii) Details of all existing trees and hedgerows on land;
- iii) Details of any trees and hedgerows to be retained and any works to be undertaken;
- iv) Measures for all retained trees and hedgerows to be protected during the course of the development.

The agreed landscaping works shall be carried out prior to the occupation of any part of the development hereby approved or in accordance with a programme to be agreed with the Local Planning Authority prior to any development commencing on site.

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

- 4** Notwithstanding the requirements of condition 1, no tree shall be felled, and no hedgerow shall be removed, along the north-western, north-eastern and south eastern boundaries of the site unless the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

- 5** No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage and 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 beneficial use of the development hereby approved.

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

- 6** The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout

(drawing 780/PA/08 Rev B) prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 7 The proposed vision splays of 2.5m x 25m, as shown on drawing 780/PA/08 Rev.B, shall be provided before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

* 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, ecology/biodiversity, drainage, flooding 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) Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

g) In respect of Condition Number 5, the applicant/developer is required to submit the following:

(1) A suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents;

(2) A ground investigation report and infiltration test, sufficient to support the design parameters and suitability of the proposed system.

(3) 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;

(4) A timetable for its implementation; and

(5) 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) If any archaeological features are encountered during the development of the site, the applicant/developer is advised to contact Glamorgan Gwent Archaeological Trust on (01792) 655

208.

i) The applicant/developer is advised to contact the Public Protection Department of the Council to ensure that any kitchens comply with EC Regulation 852/2004 for Food Safety requirements.

j) Adequate provision should be made to store all waste material produced and any receptacles to hold it e.g. wheelie bins, fully within the curtilage of the property and outside of the designated parking areas. The applicant/developer is advised that it is an offence under the Highways Act 1980 to obstruct the highway with such objects and that action may be considered to prevent any obstruction.

k) 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 parking area, 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 parking area should not be considered as a first option.

l) The applicant/developer is advised that the geology in the vicinity of the development is at higher risk of limestone cavity/swallow-hole formation. Although the proposal will reduce the likelihood of a limestone cavity/swallow-hole forming, the applicant/developer should obtain a specialist geotechnical survey and report.

m) The applicant/developer is advised that derogation/development license will be required from Natural Resources Wales prior to the commencement of any works.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/14/194/FUL

APPLICANT: BRYNCETHIN RUGBY CLUB LTD
C/O 7 BLACKMILL ROAD BRYNCETHIN BRIDGEND

LOCATION: FORMER BRYNCETHIN CLAYPITS BLACKMILL ROAD
BRYNCETHIN BRIDGEND

PROPOSAL: 3NO. RUGBY FIELDS

RECEIVED: 20th March 2014

SITE INSPECTED: 26th January 2015

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the change of use of a parcel of land formerly known as the Claypits to 3 recreational rugby pitches, with associated access, carpark and floodlights at the Former Bryncethin Claypits, land off Blackmill Road, Bryncethin.

RELEVANT HISTORY

None.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 30/01/14.

NEGOTIATIONS

The applicant served Notice on the owners of Rose Cottage on the 29th January 2015 following the inclusion of part of land which is an agricultural holding.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 14th April 2014

Head Of Street Scene (Highways)

No objection subject to conditions and advisory notes.

Destination & Countryside Management

No objection subject to advisory notes.

Head Of Street Scene (Drainage)

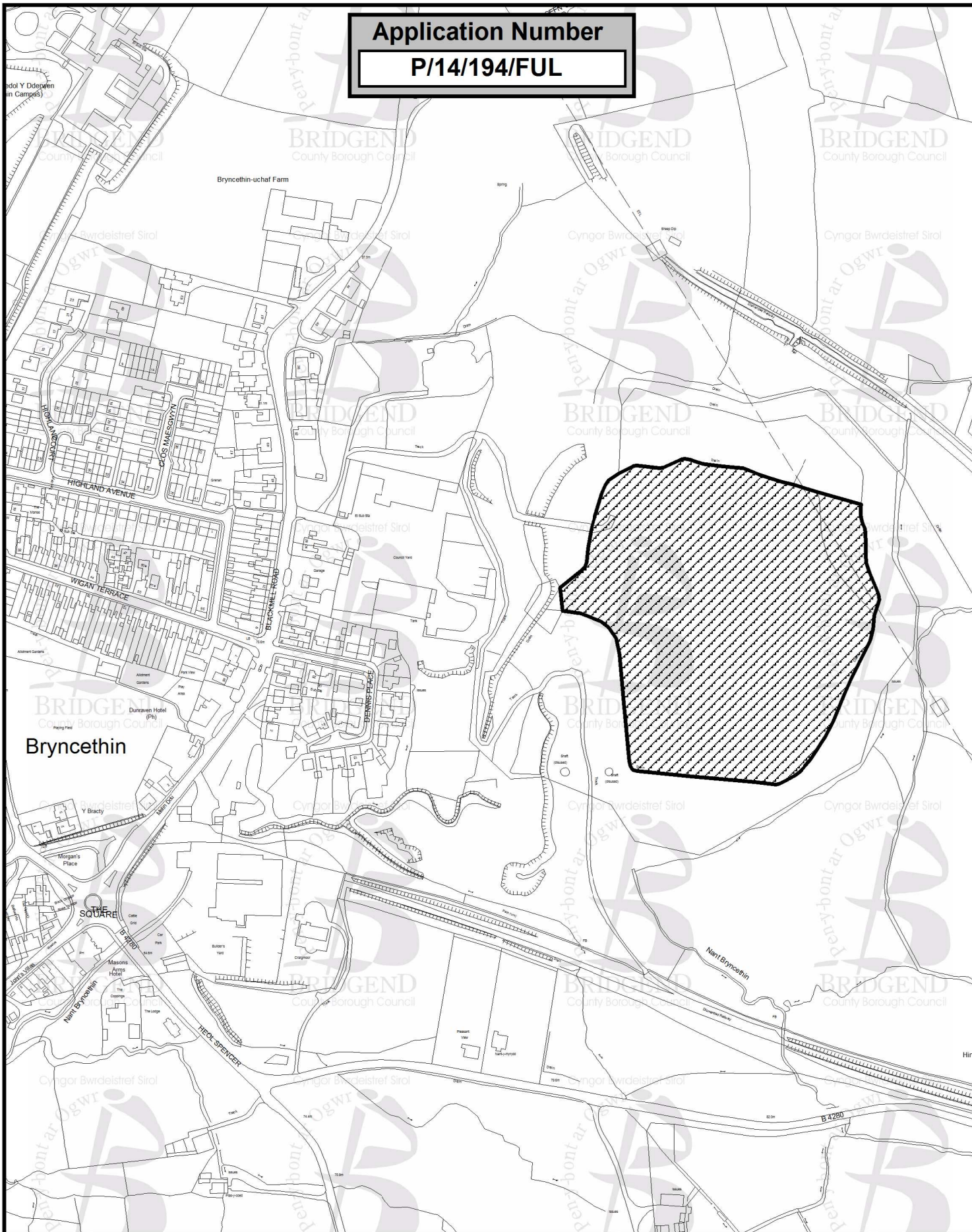
No objection subject to conditions and advisory notes.

Group Manager Public Protection

No objection subject to a condition.

Application Number

P/14/194/FUL



Bryncethin



Scale 1:4,000

**Date Issued:
26/02/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



Head Of Parks & Playing Fields

No objections to the proposal.

Head Of Property & Finance

No objection.

Glamorgan Gwent Archaeological Trust

No objection to the proposal.

REPRESENTATIONS RECEIVED**Maria & Anne Lalic, Rose Cottage**

Makes the following summarised observations:-

The proposed road traverses land which is currently rented for agricultural grazing;

The proposed road passes close to an apiary and road traffic would have a detrimental effect;

The proposed road is sited through an area of developing woodland that is species rich and ecologically biodiverse. Failure to protect this land would be contrary to the LDP. Grant funding could be obtained to afford measures of protection for the biodiversity in the area and to provide a community resource for all;

The proposed road would be adjunct to an existing drain. Placing a tarmac surface on the site would force the water into the stream bed with the inevitable consequences of flooding to all of the properties on the east side of Blackmill Road and considers an FCA should be required;

The proposed road would access through a gate surrounded by mature oak trees. There should be TPOs places in this area to protect them from damage caused by development.

The hard standing in this area is well known for the sightings of basking reptiles and amphibians, in particular snakes and lizards.

The proposed road and car park could affect badgers;

This area of land should be protected as a nature reserve as rugby fields already exist in other parts of Bryncethin.

Jackie Renn, Ty Du

The proposals take no consideration of existing usage or the wildlife and conservation aspects of developing this site. The proposed highways alterations would create hazardous road conditions in an area which currently sees frequent road traffic accidents.

John Barber, 49 Blackmill Road

Objects on the following summarised grounds:-

Flood Protection - the single water outlet on the site is in a flood risk zone. A Flood Consequence Assessment from NRW is required by TAN15. This has not been provided. There are no details of the drainage strategy or ground level changes;

Ecology - the area supports a wide range of flora and fauna and is close to the Blackmill Woodlands SAC;

None of the recommended surveys have been submitted with this application. Until such surveys have been undertaken and published there should be no development on the site;

The site is used for grazing and this is a very important aspect of current site maintenance;

Access - the plans for site access are unclear;

Any increase in traffic at the A4061 Council Yard junction would be undesirable due to its location and the already existing problems with air pollution from traffic;

There appears to have been no consultation with the Highways Department on access;

The basic conversion to playing fields would require 800 tonnes of sand and 11,500 tonnes of topsoil to be transported to site - no traffic management scheme has been presented;

3 new rugby pitches for the local community are completely useless without facilities such as toilets and changing rooms;

Floodlights and standing terraces are proposed - no details;

Loss/sterilisation of a valuable and diverse area;

Mrs Claire Callicott, 26 Blackmill Road

Objects to the proposal for the reasons outlined below:-

Increased volume of traffic onto an already busy road which has no quiet periods;

Proposal would contribute to making exiting of the drive more dangerous;

Health and wellbeing of children through road traffic accidents and increased traffic borne pollution;

Loss of personal/family security, behavioural and swearing issues at best and violence at worst;

Sterilisation of open spaces as it is richly bio-diverse.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections received from the neighbouring properties have been considered whilst determining this application. The individual objections are dealt within under following categories

- Highway Safety

The highways department have fully assessed the proposed development, including the proposed new access and carpark, and have offered no objection subject to conditions.

- Ecology

The Authority's Ecologist has fully assessed the proposed development, including the proposed new access and carpark, and has offered no objection subject to conditions.

- Flood Protection

The Authority's Land Drainage Engineer has undertaken a site visit and has fully assessed the proposed development, including the proposed new access and carpark, and has offered no objection subject to conditions.

The application site lies outside the Flood Zone 2 and 3 as illustrated on the Environment Agency's Flood Maps.

Additionally, Natural Resource Wales have not provided any observations following consultation.

APPRAISAL

The application is referred to Committee to allow Members to consider the objections received from local residents to the scheme.

The application seeks planning permission for the change of use of a parcel of land formerly known as the Claypits to 3 recreational rugby pitches, with associated access and carpark, at the Former Bryncethin Claypits, land off Blackmill Road, Bryncethin.

The submitted plans suggest that an indoor sports facility, fishing pond, camping area, pavilion and mud ramp cycle area are proposed. However, these are only indicative plans and this application relates solely to the rugby pitches and associated development.

The proposal is located outside of the Bryncethin settlement boundary as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). Therefore, this development will be considered as development in the countryside which is strictly controlled by Policy ENV1 which states those exceptions which may be considered acceptable in principle. Criterion 8 recognises outdoor recreational and sporting activities as an exception, subject to assessment against other relevant LDP policies.

In this respect, Policy COM12 of the LDP states that the Council will promote the provision of playing fields and ancillary facilities wherever suitable opportunities arise.

The 2014 review of the 2010 outdoor sports audit, identifies Bryncethin as an area with a deficit of 3.58 hectares of outdoor sports facilities when measured against the FIT advisory standards. The development of 3 rugby pitches on this site would therefore mitigate this identified shortfall.

Notwithstanding the above, the site is located within an area allocated for an 'events area' as defined by Policy REG12(5) of the LDP. However, given the low intensity of open playing fields with limited built development and the extent of the area concerned, it is considered that any future development of part of this site for playing field purposes would not prejudice the future development of the events venue provided appropriate agreements and management practices are in place. Indeed, given the requirement to adequately drain and service the site, the implementation of the scheme could facilitate the longer term aspirations for the use of the land as an events venue with a more sustainable dual function.

The Highways Officer has offered the following observations in regards to the proposed development;

'The submitted Management Method Statement has been assessed and it is considered that the use of the playing fields predominantly occurs outside both of the peak traffic flows on the highway network and the uses of adjacent depot. The exception to this would be the Training sessions starting at 5pm on a Thursday and whilst there is a likely to be a number of right turning vehicles during the run up to 5pm the opposing vehicle flows on the A4061 and the design of the access arrangements are such that there is unlikely to be a significant impact on the free flow of Northbound traffic such that the development would be detrimental to highway safety.'

With regards to ecology, the site lies adjacent (south) to the Pant Farm/Hirwaun Common Site of Importance for Nature Conservation (SINC). SINC's are afforded protection under Policy ENV4. Policy ENV4 states that: 'Developments which would have an adverse impact on these sites will not be permitted unless the benefits can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures.'

In respect of the Pant farm/Hirwaun Commons SINC, this SINC consists of a habitat mosaic of predominantly rush dominated pasture, with areas of dense gorse scrub and bracken. Wet ditches and small watercourses are also included in the SINC citation as features. Therefore, water within the SINC plays an important role in maintaining the habitat mosaic

As the rugby pitches are in a low point and have associated drainage, as such it is important that the pitch drainage doesn't affect this SINC or the general wet nature of the surrounding fields. In this respect, an appropriate condition is attached requiring details of proposed drainage will not compromise this SINC or the surrounding wet fields.

Himalayan Balsam has been noted just beyond the western boundary and a condition is recommended requiring the preparation of an invasive species management plan, identifying how Himalayan Balsam will be treated and/or disposed of and what measures will be put in place to stop the spread of these species during the construction phase of the development.

CONCLUSION

The application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect the highway safety or residential amenities of the area as to warrant refusal.

RECOMMENDATION

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

- 1 No development shall commence until a scheme for the provision of 100 off street car parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking area shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason : In the interests of highway safety.

- 2 The proposed access track and footway arrangements facility shall be completed in permanent materials for a distance of no less than 15m from the existing depot access in accordance with approved drawings prior to the development being brought into beneficial use.

Reason : In the interests of highway and pedestrian safety.

- 3 Use of the pitches shall be in accordance with submitted Method statement once the development is brought into beneficial use and retained thereafter.

Reason : In the interests of highway safety.

- 4 No development shall take place until a scheme for the provision of temporary traffic and pedestrian management along the A4061 Blackmill Road during the construction of the access track has been submitted to and agreed in writing by the Local Planning Authority and implemented before and during such works.

Reason : In the interests of highway safety.

- 5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the surface water, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and in order to protect the adjoining Site of Importance for Nature Conservation (SINC).

- 6 Prior to undertaking any earthworks, an invasive species management plan, identifying how Himalayan Balsam will be treated and/or disposed of and how what measures will be put in place to stop the spread of these species during the construction phase of the development, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed schedule.

Reason: To promote nature conservation.

- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, details of the proposed floodlights including a lighting plan. The development shall be completed in accordance with the approved details.

Reason : In the interests of residential amenity.

- 8 Notwithstanding the details indicated on the approved plan, this consent relates solely to the development of the rugby pitches, floodlights, access and car parking.

Reason : For the avoidance of doubt as to the scope of the consent.

- 9 The floodlights shall not be operated outside of the following times:-

0800 - 2100 on any day.

Reason : In the interests of residential amenity.

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

a. The application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect the highway safety or residential amenities of the area as to warrant refusal.

b. In order to satisfy the drainage conditions, the following supplementary information is required

- Details of the proposed surface water system, including location plan,
- Provide calculations for the proposed discharge rates, it is considered that attenuation would be required prior to discharge,
- Apply for a Flood Defence Consent application for any proposal to discharge the surface water to the watercourse (it should be noted that this has a 60day turn-around period).
- The developer is advised to contact the Countryside Section on 01656 643196 with regards to the potential impact on the adjacent Site of Importance for nature Conservation (SINC).

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

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RECOMMENDATION : SECTION 106

REFERENCE: P/14/645/OUT
APPLICANT: MR A DOBBIN
C/O PLAN R LTD 41 ST MARIE STREET BRIDGEND
LOCATION: LAND ADJ ROOKWOOD PYLE ROAD PYLE
PROPOSAL: FIVE DWELLINGS, ACCESS AND CAR PARKING AT LAND ADJ ROOKWOOD (OUTLINE APPLICATION)
RECEIVED: 24th September 2014
SITE INSPECTED: 16th October 2014

APPLICATION/SITE DESCRIPTION

The application seeks outline consent to erect five dwellings on a parcel of privately owned sloping land to the north of the property identified as Rookwood, Pyle Road (on mapping system).

The applicant has reserved all matters for subsequent approval apart from the access. Notwithstanding the above, the applicant has submitted an indicative plan illustrating the potential layout and siting of the dwellings (each measuring 4.5m-5m x 7m-8m with an eaves height of 6m-7m and a ridge height of 8m-9m). This has been accompanied with an indicative cross-section drawing and a site level survey, showing how the proposed dwellings could be accommodated within the site. The access off Pyle Road and the road of the new cul-de-sac has been demonstrated and dimensioned on the plans.

RELEVANT HISTORY

None.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 October 2014.

NEGOTIATIONS

The applicant was requested to:

- a) Reduce the number of units from six to five
- b) Submit a site level survey and indicative elevation drawings
- c) Amend the red-line boundary to include highway-related land and serve notice on the Highways Authority
- d) Submit information concerning the previous and current use of the land

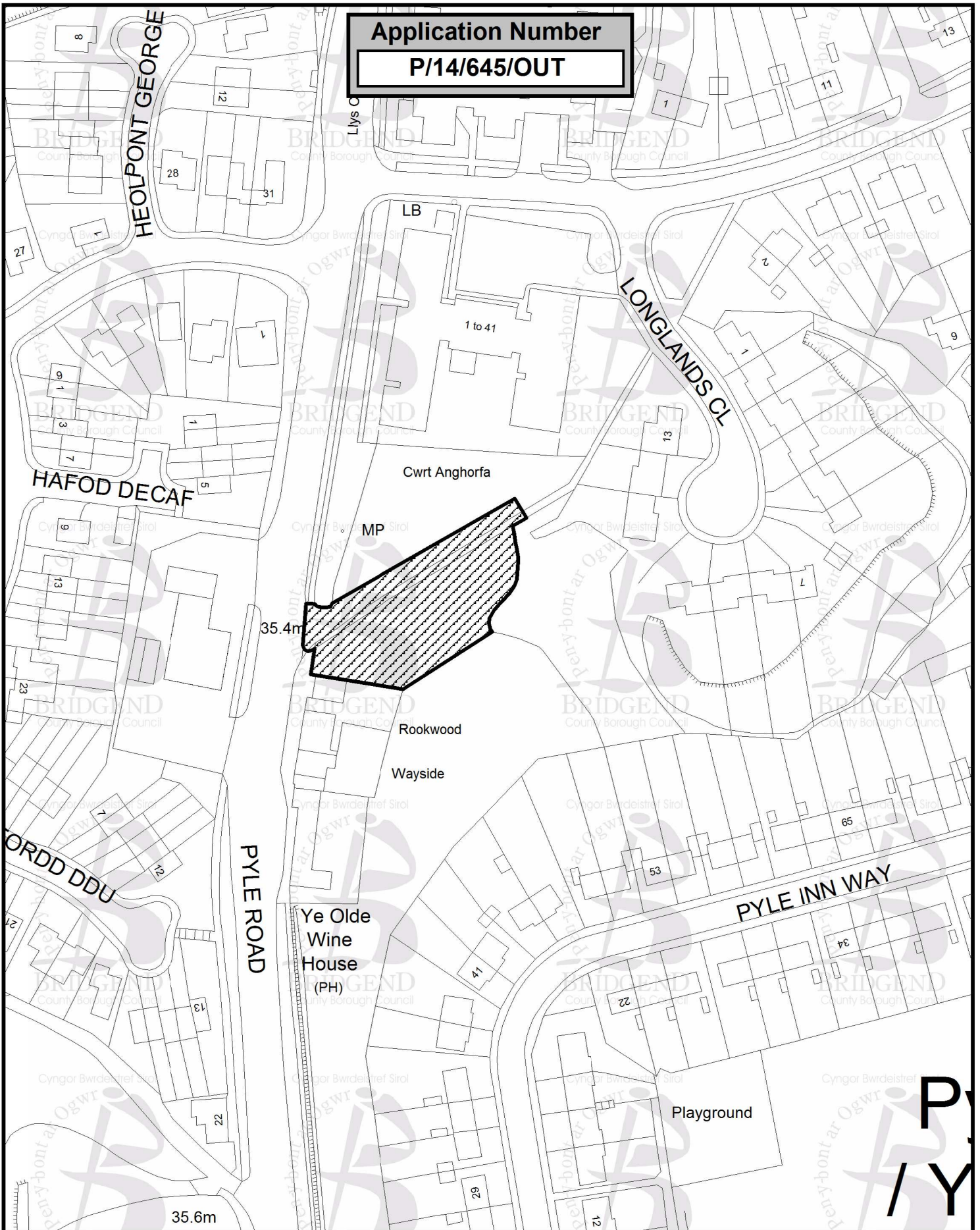
CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 26th September 2014

Application Number

P/14/645/OUT



Scale 1:1,250

Date Issued:
26/02/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Head Of Street Scene (Highways)

No objections to the proposal subject to conditions and advisory notes.

Destination & Countryside Management

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

Head Of Street Scene (Drainage)

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

Crime Prevention Design S.Wales Police

No objections to the proposal subject to advisory notes.

Conservation & Design

No objections to the proposal subject to an advisory note.

Rights Of Way Team

No objections to the proposal subject to advisory notes.

Glamorgan Gwent Archaeological Trust

Identifies the site as being close to known archaeological features.

REPRESENTATIONS RECEIVED**Maria Davis, 47 Pyle Inn Way**

Objects to the proposal:

Loss of common land

Sian Jones, Wine House Inn

Objects to the proposal:

1. The scheme will involve development onto the car park of the public house
2. The scheme will disrupt trade
3. The scheme will cause a Health and Safety hazard

Lynda Buffet, Rockwood Cottage

Raised the following concerns:

1. Land/property stability
2. Property damage
3. Maintenance
4. Parking and access

Mr & Mrs Dobson, 12 Heol Cambrensis

Objects to the proposal and requests to speak at Committee:

1. Adverse impact on the listed structure
2. Adverse impact on the residential amenity of the care home
3. Disruption to the community
4. Loss of open space
5. Adverse impact on trade at the public house
6. Parking and highway/pedestrian safety

Submitted additional comments on 7 October 2014 but did not raise any new material planning matters.

Gareth Jenkins, 51 Pyle Inn Way

Objects to the proposal and requests to speak at Committee:

1. Proposal will block the footpath leading to Longlands Close from Ye Olde Wine House car park.
2. The site should be left as a green area and protected.

COMMENTS ON REPRESENTATIONS RECEIVED

1. Loss of common land open space

The application is not registered as common land and the site is privately owned. The Parks and Playing Fields Department have confirmed that they do not own or maintain this parcel of land. Furthermore, the applicant's agent and Glamorgan Gwent Archaeological Trust have submitted information confirming that there were the remains of buildings on the land which has only recently been cleared. Having regard to the above, it is considered in this particular instance that Policy COM7 or the open space element of Policy SP14 of the BLDP does not apply.

2. Adverse impact on a public footpath

This site is adjacent to registered footpath PYL/14/4 and, as such, the development of the site for residential use would not directly affect this footpath. Notwithstanding the above, this is an outline application with all matters reserved apart from access. The submitted plans demonstrate that the existing path connecting to the registered footpath would be retained as part of the development. An advisory note would be added to any consent issued stating that the registered section of the footpath must not be obstructed at any time.

3. Highway safety and adverse impact on the adjacent car park of the public house and the subsequent loss of business

The scheme presented in this application will secure an improved access onto the A48 and ensure that the access to the car park of the public house would be retained and pedestrian paths provided. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. Blocking access is an enforcement matter dealt with by the Police and is not considered to be a significant material consideration in the determination of this application.

Having regard to the above, it is considered that the proposed development would not have any significant adverse effect on highway/pedestrian safety, on the ability to use the adjacent car park, or considered to be a direct loss of any business to the public house.

4. Impact on the garden of Rookwood Cottage and the ability to maintain boundary treatments

Based on the levels of the site, the proposed development is likely to result in excavation and ground works. In order to ensure stability of the land and to safeguard the occupiers of the new dwelling and any neighbouring property, a condition would be imposed requiring the submission of a certificate from a consulting engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Access for maintenance is primarily a private matter between the interested parties and, as such, it is not considered to be a significant material consideration in the determination of this application.

5. Adverse impact on protected trees and ecology/biodiversity

The application site largely consists of privately owned but maintained grass. The north-eastern

boundary of the site is adjacent to protected trees. Whilst the trees do not appear to have been regularly maintained, they collectively provide reasonable public amenity.

The indicative layout plan suggests that 5 dwellings could be accommodated on the site without being in the immediate proximity of the protected trees. However, this outline application only seeks to agree the means of access to serve the development. It remains a possibility, therefore, that any development of the site could affect the protected trees, in particular ground works. It is, therefore, considered prudent to impose a condition for a full tree survey and tree and root protection measures to be submitted as part of addressing the landscaping matters of any subsequent reserved matters application. The Council's Ecologist has no objections to the proposal subject to a condition and advisory notes. It is, therefore, considered that this scheme would not have any significant adverse effect on the protected tree or on ecology/biodiversity.

6. Adversely affecting the setting of the listed building.

There is a Grade II listed structure located approximately 12m from the site. It is a Mile Marker to denote the distance to Bridgend, Neath and London. In view of the proximity of this structure to the site, this application has been advertised accordingly.

This is an outline application with all matters reserved apart from access. The specific details concerning the design and appearance of any dwelling or boundary treatments are not considered under this application, however, based on the indicative plans, it is considered that the scheme would not adversely affect the setting of this listed structure. The Conservation and Design Team has no objections to the proposal subject to an advisory note.

APPRAISAL

The application is referred to Committee due to the number of objections received from local residents.

The application seeks outline consent to erect five dwellings on a parcel of privately owned sloping land to the north of the property identified as Rookwood, Pyle Road. 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.

Since the scheme proposes a development consisting of 5 dwellings, affordable housing and educational provision are 'triggered' by Policy SP14 of the BLDP.

Policy COM5 of the BLDP states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15ha in size. Pyle is located in the Western Settlements, Ogmore Vale, Garw & Upper Llynfi Valleys housing market area where the target is 15%.

Discussions have taken place between the applicant's agent and the Principal Section 106 Officer and it has been confirmed that a contribution of £53,360 in lieu of direct on-site provision of affordable housing will be secured via a legal agreement.

With regards to educational provision, the scheme is subject to the requirements of SPG 16: Educational Facilities & Residential Development. The Children's Directorate have indicated that the local Primary School is currently oversubscribed and has no capacity to accommodate additional pupils.

In such circumstances, the formula contained within Table 1 of SPG16 has been used to calculate the number of additional pupils expected to be generated by the proposed

development. In this case, 1 extra pupil is generated which requires a contribution of £16,313 to increase the available capacity at Pil Primary School. Discussions have taken place between the applicant's agent and the Principal Section 106 Officer and it has been confirmed that this contribution towards educational provision will be secured via a legal agreement.

The scheme is assessed against Policy SP2 of the BLDP which established the criteria for acceptable design and place making. The applicant has reserved all matters for subsequent approval apart from the access, 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 dwellings (each measuring 4.5m-5m x 7m-8m with an eaves height of 6m-7m and a ridge height of 8m-9m). This has been accompanied with an indicative cross-section drawing and a site level survey, showing how the proposed dwellings could be accommodated within the site. The access off Pyle Road and the road of the new cul-de-sac has been demonstrated and dimensioned on the plans.

The application proposes dwellings reaching two and a half storeys in scale. In this instance, the submitted layout and cross-sections suggest a development consisting of two semi-detached dwellings and a single detached dwelling, with a rectangular footprint, two floors and rooms in the loft space. Due to the topography of the site, in which there is an average difference of approximately 3m between the frontage of the site and the rear, the dwellings are likely to be split level.

Extensive views of the site are possible from Pyle Road, especially when travelling towards the centre of Pyle (north-south). This is mainly due to the openness of the general area, consisting of a large car park serving the public house, Ye Old Wine House, being immediately located to the application site. Furthermore, there is a path running through the site which connects to a registered footpath leading into Longlands Close (PYL/14/4).

The character of this particular area is not well-defined, thereby allowing a degree of flexibility in terms of any future development of the application site. For example, two-storey dwellings appear to be the most common house-type in the area, however, there is a large three-storey block of flats adjacent to the public house car park (Cwrt Anghorfa) and a petrol station located on the opposite side of the road. The palette of materials is also varied, consisting of brick and render elevation treatments with tile and slate roofs.

Since access is a matter that is to be considered as part of this application, the remaining area of the site for the dwellings would be well-defined. It is, therefore, possible to determine the appropriateness of this land for the construction of up to five dwellings that would be limited to the specified range of dimensions.

In this particular instance, the indicative plan shows five dwellings set in a linear configuration. The dwellings could be splayed to follow the site access road. The relationship of the access road with the plots could enable a well-defined frontage. The public visibility of this frontage could also provide the ideal configuration for the principal elevation of each of the new dwellings, thereby respecting the public views and vistas from Pyle Road and footways.

Sufficient space would be available to enable adequate off-street parking and amenity space. The density of the site would be comparable to other residential areas within this area of Pyle. Based on the indicative plan, the parking for all plots could be provided alongside the dwellings rather than to the front. This could subsequently enable amenity space to be provided at the front and rear of the new dwellings, thereby expressing a traditional layout for a small-scale residential development, based on good design principles. A bin store could also be located in a convenient position adjacent to the public road.

Since the topography of the land rises considerably when viewed from these public positions, the dwellings would be seen with a number of trees in the background. A possible split-level configuration for the dwellings, whereby the frontage would express a two and a half storey building and the rear a one and a half storey building, could ensure appropriate assimilation within the hillside.

Having regard to the indicative plan and the range of dimensions that is proposed for the dwellings, it is considered that, in principle, the development of the site for 5 dwellings (inclusive of adequate parking and amenity space), would be compatible with the immediate locality and would not have such an adverse effect on the visual amenities of the area or on the adjacent protected trees as to warrant refusal.

With specific regard to access, the plan demonstrates that it would serve the new residential development and the existing car park of the public house. The immediate access off Pyle Road would have a width of 4.8m and would cater for both the site entrance and the entry/exit point of the public house car park. The access would then reduce to 3.65m to serve the remaining residential plots. In addition to the above, the access would include a 1.5m wide footway for the entire length of the southern section of the road, linking to the registered footpath into Longlands Close. This configuration would be broadly similar to the existing circumstances of the site.

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. It is, therefore, considered that the access is acceptable and would not have any adverse effect on highway/pedestrian safety or on the ability to develop the remaining areas of the site to accommodate five dwellings.

Whilst specific details such as the position of windows and the precise siting of the dwellings are not considered under this outline application, the indicative layout plan enables consideration to be given to the possible impact of the development on neighbouring properties and the future occupiers of the new dwellings.

The layout plan suggests that four of the proposed new dwellings would not be in the immediate vicinity of any neighbouring property since they would be surrounded by open space, trees, footway, access road and the car park of the public house. The topography of the site would also limit the impact of the proposal on existing properties at the top of the hill. Having regard to the above, it is not considered that the proposed development of the site would have any unreasonable effect on the amenities of the flats at Cwrt Anghorfa and the dwellings on Longlands Close and Pyle Inn Way.

The application site is adjacent to one immediate neighbouring property, namely Rockwood Cottage, (identified as 'Rookwood' on mapping system). This property has constructed a large single-storey garage along its side elevation (P/10/618/FUL refers). This garage has been built immediately adjacent to the boundary with the application site and would limit the impact of any immediate development in the vicinity of this property.

Whilst it would appear that there is a ground floor kitchen window and a first floor bedroom window on the side elevation of 'Rockwood Cottage', the indicative plan suggests that the proposed dwellings, in particular the dwelling nearest to 'Rockwood Cottage', would have an indirect relationship with this neighbouring property. This would ensure that the development is kept generally away from the side-facing windows of 'Rockwood Cottage' and it would not directly face the amenity space or other habitable room windows of this neighbouring property.

Additionally, the application site is to the north of 'Rockwood Cottage' and its private amenity space. A condition requiring the agreement of boundary treatments would ensure that the privacy and amenity of all properties would be protected. It is, therefore, considered that the development of the site could be designed so that it would not unreasonably effect on the amenities of 'Rockwood Cottage', with particular regards to light, outlook, dominance and privacy. The

property known as 'Wayside' is further away to the application site and, as such, would not be unreasonably affected by residential development at the application site.

Notwithstanding the above, the development of the site for 5 dwellings is likely to involve extensive ground works. As such, to safeguard the amenities of the future occupiers of the site and the neighbouring property it is considered necessary to impose a condition for the submission of a certificate from a consulting engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement.

Whilst this application has been accompanied with a site level survey and possible floor levels of 5 dwellings and their amenity spaces, as a means of demonstrating the capabilities of the site, these are matters which would be considered via any subsequent reserved matters application. In addition to a condition relating to retaining walls, it is considered necessary to impose a condition for the agreement of the finished floor levels of the dwellings and their amenity spaces

The indicative layout plan successfully demonstrates that each plot would benefit from a reasonable degree of amenity. For example, habitable room windows could be positioned on at least two elevations and sufficient space would be made available for off-street parking and outdoor amenity.

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.

Glamorgan Gwent Archaeological Trust has identified the site to be within close proximity to known archaeological features. They have, therefore, recommended a condition for a qualified archaeological contractor to provide a written scheme of investigation and a programme of work during the development of the site. This would ensure that the impact of the development on the archaeological resources is minimised.

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, ecology/biodiversity, drainage, archaeology or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

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

(i) Provide a financial contribution for the sum of £53,360 towards the provision of affordable housing;

(ii) Provide a financial contribution for the sum of £16,313 towards educational provision

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

- 1** This consent shall be limited to five dwellings generally in conformity with the details shown on the Site Layout Plan (received 24 December 2014) and Cross-Section Plan (received 24 December 2014).

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 dwellings and bin store 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 and the bin store provided prior to any of the dwellings being brought into beneficial use.

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 treatments 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 commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 5** No development shall take place until details of the proposed floor levels of the dwellings and their amenity spaces 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.

- 6** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees on and adjacent to the site, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall also include an invasive non-native species protocol, detailing the containment and removal of Japanese Knotweed and Himalayan Balsam on site. The agreed landscaping scheme and protocol shall be carried 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, biodiversity/ecology and to protect existing trees from any adverse impacts from the approved development.

- 7** 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 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.

- 8** No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

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

- 9** The proposed junction onto Pyle Road (route A48) shall be laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4 metres x 70 metres in both directions before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 10** The development shall be served by a 4.8m wide access, reducing to 3.65m, complete with turning facilities to cater for calling delivery and service vehicles, an abutting 1.5 metre footway on the southern side of the new road, and a 1.5 metre footway on the northern side extending from the junction of the A48 to a new 4.8 metre wide car park access which shall be located not less than 15 metres from the A48 junction and laid out with 6 metre junction radii. The scheme (broadly in accordance with revised Site Layout Plan - received 24 December 2014) shall be agreed in writing prior to any works commencing on site and implemented before any dwelling is brought into beneficial use.

Reason: In the interests of highway safety.

- 11** Notwithstanding the submitted drawings, no works shall commence on site until a scheme showing 'slow/ara' carriageway markings on the A48 at suitable locations either side of the site access has been submitted to, and agreed in writing by the Local Planning Authority. The scheme shall be implemented in permanent materials before any of the dwellings are brought into beneficial use.

Reason: In the interests of highway safety.

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

- a) This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity, drainage, archaeology 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.
- 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 7 (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.
- i) 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.
- j) 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.
- k) The applicant/developer is advised that adequate off-street parking serving each dwelling will be required with details submitted with any subsequent reserved matters application.
- l) If at any time nesting birds are observed, any works which may disturb them must cease immediately and advice sought from the Council's Ecologist. 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.
- m) The applicant/developer is encouraged to incorporate biodiversity and ecological features as part of any future development of the site.
- n) The applicant/developer is advised to contact Glamorgan Gwent Archaeological Trust (GGAT) for details of suitable archaeological contractors and registered archaeological organisations.
- o) The applicant/developer is advised to have regard to the comments of the Crime Prevention Design Advisor (Police) prior to submitting any reserved matters applications.

p) The applicant/developer is advised to contact the Rights of Way Section of the Council to enter into an agreement under Section 25 of the Highways Act 1980 to formalise a section of the footpath so that it may become registered on the Definitive Map.

q) The applicant/developer is advised not to obstruct Footpath PYL/14/4 at any time during the development of the site.

r) The applicant/developer is advised that the Mile Marker located on the grass verge to the north of the site is a Grade II Listed structure and must not be harmed during the development of the site.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : RELAX CONDITION GRANT WITH CONDITIONS

REFERENCE: P/14/834/RLX
APPLICANT: GARETH ROBERTS
52 TREM Y DYFFRYN BROADLANDS BRIDGEND
LOCATION: 11 PENYBONT ROAD PENCOED
PROPOSAL: RELAX CONDITION 1 OF P/09/396/FUL TO PERMIT USE AS MICROPUB
-OPENING HOURS 7.30-23.00 MONDAY-SUNDAY
RECEIVED: 17th December 2014
SITE INSPECTED: 9th February 2015

APPLICATION/SITE DESCRIPTION

The application proposes to relax Condition 1 attached to consent P/09/396/FUL to allow the use of the premises as a Micropub at 11 Penybont Road, Pencoed.

The condition attached to the earlier consent stated:-

"The premises shall be used for coffee shop/cafe only and for no other purpose whatsoever 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 or re-enacting that Order.

Reason : To ensure effective control over the use of the premises, in the interest of highway safety and residential amenities."

The statement, which accompanies the submission clarifies that a Micropub is an historic concept being brought back to life. A micropub whilst falling within the same A3 Use Class is not a standard pub, which aims at mass market vertical drinking offered by many of the national pub chains and clubs and which are commonly associated with many of the current issues highlighted with evening economy uses.

A micropub is, however, more reminiscent of a traditional public ale house providing a warm and friendly atmosphere for people to meet and chat over a drink. Micropubs are often small scale and aimed at a limited number of customers. They serve real ale by means of a tap from microbreweries with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts. Micropubs serve no tap lager, alco-pops, spirits or cocktails; there is no jukebox, music, television, radio, fruit machine or organised entertainment.

RELEVANT HISTORY

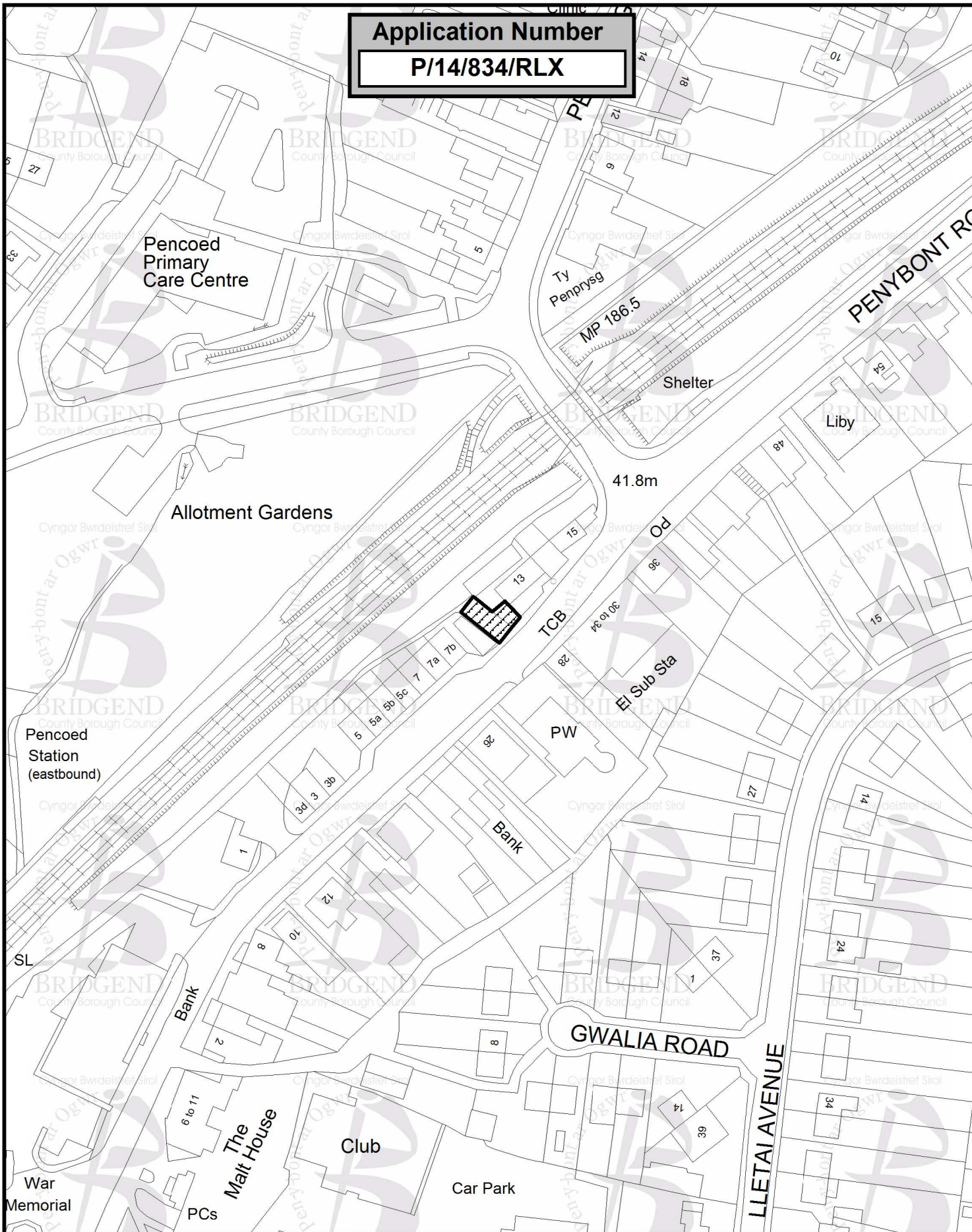
P/09/396/FUL APPROVED 08-07-2009
+conditions
CHANGE OF USE FROM A1 TO A3 (COFFEE SHOP AND CAFE)

PUBLICITY

The application has been advertised on site.

Application Number

P/14/834/RLX



Scale 1:1,250

Date Issued:
26/02/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 5th February, 2015.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

Seriously considered to an unsuitable application
Strenuously request the application is refused

In a telephone conversation with the case officer, it has been clarified that the issues of concern relate to the lack of parking facilities to serve the development given its close proximity to the traffic light controlled junction with Penprysg Road, Pencoed. The Town Council also consider that there are sufficient public houses in the vicinity to serve the public. Whilst it is appreciated that the proposed use is not aimed at the mass market, there is a concern that the premises are small and there is the potential for customer congestion.

Head Of Street Scene (Highways)

No objection subject to condition.

Head Of Street Scene (Drainage)

No comments

REPRESENTATIONS RECEIVED

Richard S Hughes, 11a Penybont Road

Objects to the application for the following reasons:-

1. I live above the property so noise would be a nuisance;
2. There are no facilities at the property for the storage or disposal of waste. The adjacent garage is my rental and not for the use of the proposed development;
3. The property has only one toilet.

In a subsequent letter the following additional comments have been made:-

"I have objected to the above planning application on the basis that it will result in the demolition and redevelopment of the property, of course, this would have grave implications to myself as first floor resident.

I now understand that the development a change of use and internal work only, therefore I have no objection and indeed welcome the development as it would make my flat warmer than sitting above an empty property."

COMMENTS ON REPRESENTATIONS RECEIVED

The issues raised by the Town Council and in the original objection submitted by the occupier for the first floor flat above the application site will be addressed in the following Appraisal Section of this report.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Pencoed Town Council and the local resident.

The application seeks consent to relax Condition 1 attached to consent P/09/396/FUL, which granted planning permission subject to conditions for the change of use from a retail shop (A1) to a coffee shop and cafe (A3) at 11 Penybont Road, Pencoed. As indicated in the earlier section of this report providing a description of the development, the condition restricted the form of the Class A3 use to a coffee shop and cafe only.

The application site is located on the north western side of Penybont Road close to the traffic light controlled junction with Penprysg Road, Pencoed. It was noted during the site inspection that the premises is a detached building, which is currently vacant and situated between a retail shop building and a solicitor's office. The main building is two storey and set back from the highway but a single storey element projects to the back edge of the footway. The submitted plans indicate that this front section will be used as the main trading area of the licensed premises with a small kitchen, lock-up and store area created at the rear. No external alteration of the building is proposed at this time.

The application site is located within the district centre of Pencoed as designated by Policy SP10 of the Bridgend Local Development Plan. This Policy states that new retail, office, other commercial, leisure and appropriate employment developments will be focused according to a hierarchy of retailing and commercial centres within the County Borough. All new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor. In this case, although the premises are currently vacant, their last and authorised use relates to a coffee shop/cafe use and the proposal seeks to create an alternate form of A3 use as a micropub. Notwithstanding that the Town Council considers that there are sufficient licensed premises in the vicinity of the site, commercial competition between uses is not in itself a planning matter. In addition the proposed use will serve a niche market rather than the standard public house type use and is compatible with development planning policy.

As noted above, the site is located in close proximity to the signalised junction of Penybont Road/Penprysg Road and there are waiting restrictions in force in front of the premises. The Town Council has expressed concern about the lack of parking facilities available to serve the proposed development. It is considered, however, that patrons of the proposed use would be likely to walk to the site and/or park elsewhere and therefore the development would not generate short term on street parking or abuse of the waiting restrictions in the vicinity of the junction to the detriment of highway safety and free flow of traffic. The Highways Department has recommended that the existing condition is modified to include the micropub use only in order to prevent a general A3 use which could include hot food take-aways, which would be likely to generate short term on street parking.

The occupier of adjoining residential accommodation has withdrawn originally submitted objections in respect of noise, waste disposal and toilet facilities. In respect of noise, the applicant has indicated that micropubs do not install jukeboxes, music, televisions, radio, fruit machines or organised entertainment and therefore it is not anticipated that the proposal would generate nuisance to residential amenity to an unacceptable degree. In addition, a condition on the existing premises requires the premises to close to customers by 23:00 hours, which will also assist in the safeguarding of residential amenities. Waste disposal will continue to be dealt with in the existing manner with weekly commercial collections. The adequacy of the toilet facilities would be a matter for the Licensing and/or Public Protection Departments to assess in relation to other legislation.

During the processing of the application, Policy SP10 of the Bridgend Local Development Plan was considered.

CONCLUSION

The application is recommended for approval as the development is compatible with Council Policy and will not adversely impact on highway safety nor visual amenities nor so significantly impact on the amenities of neighbours as to warrant refusal of the scheme.

RECOMMENDATION

(R53) That approval be GRANTED subject to the following condition(s):-

- 1 The premises shall be used for a micropub, which is defined as the sale of cask conditioned ales and other beverages directly from a tap with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts, or coffee shop or café with no food being sold for consumption off the premises and for no 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.

Reason : In the interests of highway safety.

- 2 The use hereby permitted shall not be open to customers outside the following times:-

07:30 hours - 23.00 hours Monday to Sunday

Reason : To limit the hours of operation in the interests of amenity.

- 3 All fumes from the food preparation area shall be mechanically extracted to a point not less than one metre above the eaves of the main roof and the extraction system shall be provided with a deodorising filter. All fans and pumps shall be mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented prior to the beneficial use of the premises. Prior to the development being brought into beneficial use, a programme for the maintaining of the equipment shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall thereafter be maintained in accordance with the agreed programme.

Reason : To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval as the development is compatible with Council Policy and will not adversely impact on highway safety nor visual amenities nor so significantly impact on the amenities of neighbours as to warrant refusal of the scheme.

(b) For the developer's further clarification of the micropub use, as indicated in Paragraph 1 entitled What is a Micropub of the statement, which accompanied the application, the Local Planning Authority considers that the use would only extend to the serving of real ale by means of a tap from microbreweries with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts. There shall be no serving of tap lager, alco-pops, spirits or cocktails nor shall any jukebox, music, television, radio, fruit machine be installed or any organised entertainment.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

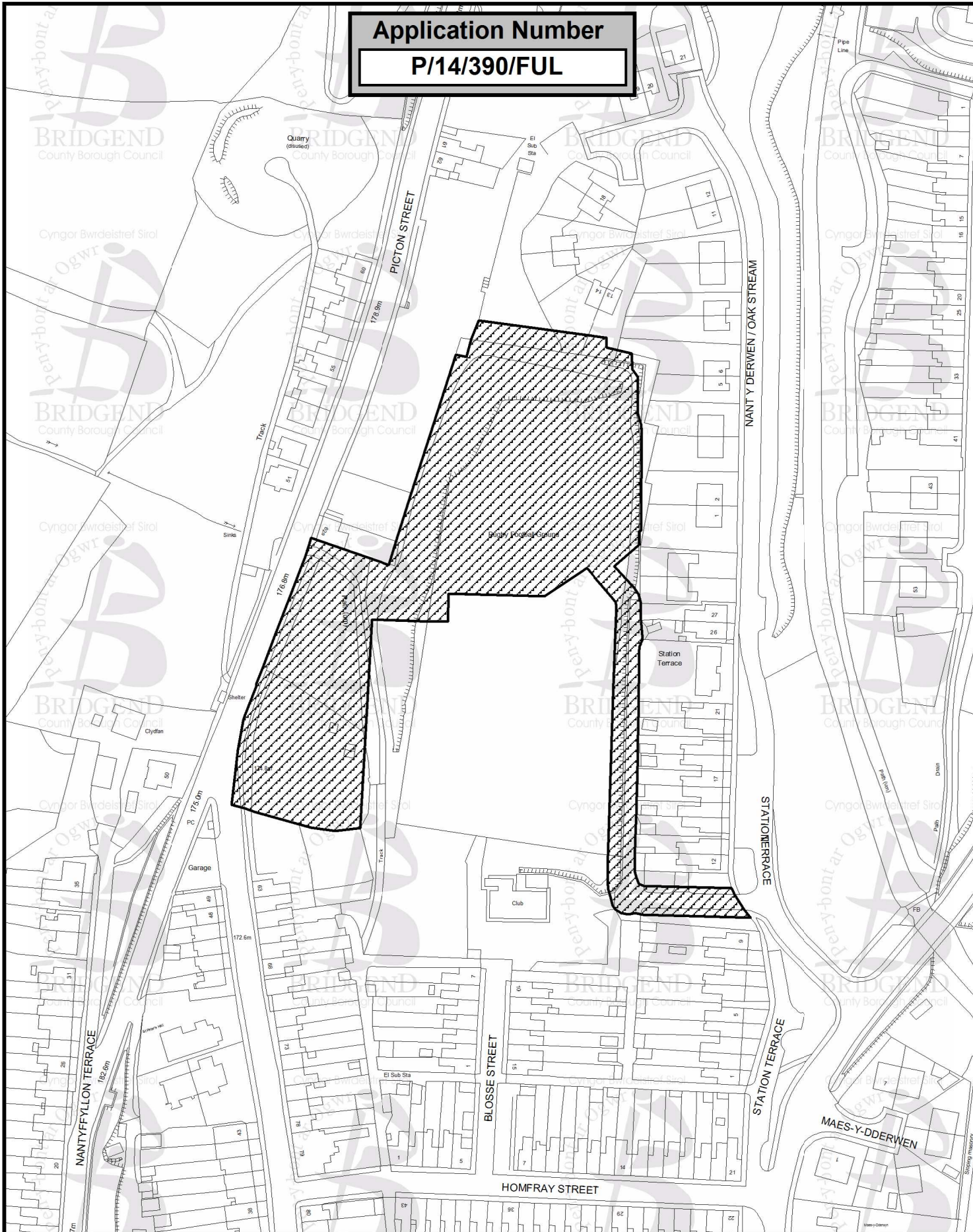
Background Papers

None

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Application Number

P/14/390/FUL



Scale 1:1,750

Date Issued:
26/02/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



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 3rd October 2104.

NEGOTIATIONS

The applicant was advised that part of the site amounted to overdevelopment and that the original scheme was unacceptable in terms of highway safety. Amended plans were received on 12 January 2014. The applicant was also requested to provide evidence of the viability of the site, a viability appraisal was submitted on 2 February 2015.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 8th September 2014

Supports the proposal.

Councillor W Davies

Has no objections to the proposal.

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Destination & Countryside Management

Requested that condition be attached to any permission granted.

Head Of Street Scene (Waste & Recycling)

Advised that bin stores should be adjacent to the back edge of the adopted footpath/road.

Head Of Street Scene (Drainage)

Requested that a condition be attached to any permission granted.

Head Of Street Scene (Engineers)

Provided comments on the application.

Rights Of Way Team

Advised that an application has been made to divert the footpath.

Natural Resources Wales

Has no objection to the proposal subject to a condition.

Welsh Water Developer Services

Advised on sewerage.

The Coal Authority

Has no objection to the proposal subject to the proposal.

REPRESENTATIONS RECEIVED

J B Davies, 58 Picton Street

Supports the proposal.

S J Parsons, 19 Station Terrace

Objects to the proposal for the following reason:-

'Privacy at back lane and traffic noise from cars and such to new house and music noise from new club. What about reducing our council tax for the loss of privacy and all the extra noise from transport up the back lane 36 houses and 36 cars. '

The situation regard the scaffolding was also queried.

Mrs J E Brewer, 6 Nant Y Derwen

Objects to the proposal for the following reason:-

'This development will have an adverse effect on our property. We will lose daylight and privacy. We will be overshadowed by the houses and lose sight of any views currently enjoyed.

We will also be affected by the noise of the traffic to and from the estate and the value of our property will be reduced.'

Windsor Finnemore, 3 Nant Y Derwen

Objects to the proposal for the reason of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED

The impact of the proposed development on neighbouring properties is addressed in the 'Appraisal' section of the report.

The proposed residential development is not considered to generate unacceptable levels of noise. However, if noise from residents proves to be a problem the matter should be directed to the Public Protection department.

The construction traffic and noise will be for a short term period only.

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 35 dwellings on this site.

Outline planning consent was previously approved for residential development at the same site (P/12/730/OUT refers). The 2012 application sought outline planning permission, with only appearance being reserved for future consideration, for 27 residential dwellings. The application was approved by the Development Control Committee meeting on 7 March 2013 subject to a S106 Agreement for a £10,800 contribution towards public open space, £12,000 for a traffic order and for the provision of 4 affordable dwellings. Following the committee meeting the

applicant found that the development, together with the S106 Agreement requirements, made the development unviable at this location.

The 2012 application was submitted concurrently with an application for a new Rugby Club, which was approved at the Development Control Committee on 7th February 2013. A substantial amount of work has commenced on the new rugby club.

The application site is located within the settlement boundary of Nantfyllon 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.'

Policy COM4 of the LDP relates to residential density and states:-

'On sites exceeding 0.15 hectares in size new residential developments will be built at a density of at least 35 dwellings per hectare. A lower density level may be acceptable as a requirement of design, physical or infrastructure constraints or where it can be demonstrated is a particular lack of choice of housing types within the local community.'

The application site covers an area of approximately 1 hectare and, consequently, the proposed development for 35 dwellings is considered to comply with Policy COM4 of the LDP.

The proposed development is in excess of 4 dwelling and, as such the requirements for a S106 contribution towards affordable housing is triggered. Policy COM5 of the LDP states that developments in this area should provide a 15% contribution towards affordable housing, however in this instance the applicant has provided evidence to show that the development would not be viable with such a requirement.

Policy SP14 of the adopted Bridgend Local Development Plan (LDP) refers to the appropriate provision of infrastructure which helps to mitigate any negative impacts that might arise as a consequence of development. Such provision can be secured through a legal agreement and the applicant has previously been advised of the need for potential contributions toward affordable housing, educational facilities and outdoor recreation in accordance with the detailed policies of the LDP and various Supplementary Planning Guidance.

The supporting text of Policy SP14 states the importance that development costs, including the costs of fulfilling planning agreements, should not prejudice development that supports the Council's aspiration to regenerate and improve the borough. Furthermore that if such costs would result in a proposal becoming unviable, the Council may conclude that the benefits of the development outweigh the benefits of securing the infrastructural requirements. In such cases, a developer is required to demonstrate this through an 'open book' viability appraisal. The applicant has submitted a detailed financial appraisal of the proposed development to demonstrate that a shortfall in the development viability exists as a result of the abnormal site development costs and low level local house prices. The appraisal has been scrutinised with justification sought from the applicant for the various costs provided.

The build costs included within the appraisal have been sourced from a combination of historical cost data and priced quantities of work. Similarly the sale values have been sourced from two locally based estate agencies and have used comparable sales of similar properties. These figures have been compared with those used in the Three Dragons Development Appraisal

Toolkit and, where appropriate, to other schemes within the Borough. As such, they are found to be typical of rates that can reasonably be expected to be accrued by a residential development such as this in this location. Thus the costs are considered to be an accurate representation.

Abnormal costs and additional development costs have been included within the appraisal relating to the remediation of Japanese knotweed, piling foundations, internal roads, retaining walls and attenuation tanks. Whilst the inclusion of such costs in an appraisal is subject to agreement, in the case of this development, even if they are excluded it is still difficult to demonstrate a sufficient level of revenue can be generated to ensure the completion of the rugby club re-development, let alone to provide the financial contributions requested.

The Developer's appraisal demonstrates a profit of just 5.609%. A level of profit equal to 17-20% has been established as an industry wide acceptable standard in numerous planning appeal decisions. Even if allowance is made for an increase in the house sale prices and a decrease in the actual costs of development, it is impossible to generate a profit level that could be regarded as close to market expectations.

In light of the marginal viability, it is considered that the benefit the proposals will provide through the construction of 35 family sized dwellings in an area of minimal new house building, plus the community use that will be made possible through the completion of the new facilities at Nant yffyllon RFC, outweigh the benefits of securing the financial contributions towards affordable housing and education.

The application proposes an area of on site public open space measuring approximately 646 square metres. As public open space will be provided within the site there is no longer a requirement for a contribution towards public open space via a S106 Agreement. However, the applicant is still required to enter a S106 Agreement to ensure the future maintenance of the public open space area.

All new development in the County borough is also assessed against Policy SP2 of the LDP, which states:-

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

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

The proposal involves the development of a range of house types from bungalows to 4 bedroom detached dwellings. To the north of the site is a relatively new development, Nant y Derwen, and it is considered that the proposal would have a style consistent with these newer properties to the north. A condition shall be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority, to ensure that the materials are suitable in the site context.

The site is located on the valley bottom although it is on a plateau previously used for a rugby pitch with land at a higher level to the west. As such it is considered that the site would not be prominent in the area. The scale of the development is acceptable within this urban area having a density of 35 dwellings per hectare.

The proposed units to the north of the site, Plots 9, 10, 11 & 12, are located close to the boundaries with the existing properties on Nant y Derwen and in some instances 3.5m from the boundaries. However, these residential units will be bungalows and, as such, do not give rise to

any overriding domination or overshadowing concerns. In order to ensure that privacy standards are maintained a condition shall be attached to any permission granted requiring a 1.8m high boundary fence along the northern boundaries of these plots.

The remaining plots on site will not be directly adjacent to neighbouring properties and will not therefore raise any concerns in regard to overshadowing, privacy or dominance.

The site has no historic interest having previously been used as a rugby pitch. The northern part of the site has some rough vegetation and this would be lost. However, the scheme includes some new planting within the development and a condition shall be attached to any permission granted requiring a landscaping scheme.

The originally submitted layout has been amended to take into account concerns raised about the positioning of the individual units and the possible impact on the amenity of adjacent residents.

The majority of the internal access road would be constructed to adoptable standard and as such would provide a suitable means of access to the development. There is no objection to this arrangement from the Highways Section subject to conditions.

A number of the dwellings are shown being accessed off private drives. As refuse collection vehicles will not enter onto private drives to collect refuse and recycled materials a condition shall be attached to any permission granted requiring a scheme for bin stores at the heads of private drives.

On balance the benefits of 35 new family dwellings at this location and the community use of the clubhouse are considered sufficient to justify the development in absence of any S106 contributions. Furthermore the principal of residential development has already been established in this site.

Whilst determining this application Policies PLA1, COM3, COM4, COM5, SP2 & SP14 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02:Householder Development were considered.

CONCLUSION

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

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to dedicate the area known as 'Public Open Space', as shown on the submitted layout plan numbered 'PL 105 Rev B' (received 12 January 2015) as public open space, in conjunction with a schedule for landscaping and maintenance, in perpetuity, of that open space.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

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

documents: plan numbers:-

PL 104 Rev A, PL 105 Rev B, PL 106 Rev A, PL 108 Rev A, PL 109 Rev A , PL 110, PL 111, PL 130 Rev A, PL 131 Rev A, PL 132 Rev A, PL 140, PL 150, PL 151, PL 152, PL 153, PL 154, PL 155, PL 156, PL 157 Rev A, PL 158, G/13/2(A) & G/13/3

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

2 No development shall take place on the construction of any dwelling until the rugby pitch has been re-sited in accordance with the details approved under application P/12/728/FUL.

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

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

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

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

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens), shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The landscape management plan shall be carried out as agreed.

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

7 No development shall 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.

8 No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall

to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 9** Prior to any works commencing on site the mitigation strategy as set out in section 8.3 of the Geo-Technical and Geo-Environmental Report submitted on 30 September 2014 shall be implemented.

Reason: In the interests of ground stability.

- 10** Prior to any works commencing on site full details of a scheme for the eradication and/or control of Japanese Knotweed shall be submitted to any agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented as agreed prior to work commencing.

Reason: In the interests of biodiversity.

- 11** The engineering recommendations contained within the Geo-Technical and Geo-Environmental Report and the Remediation Strategy Report produced by Terra Firma (Wales) in June 2013 and March 2014 respectively including the 'picking up' and discharge of the spring/mine water to the nearby river and ground precautions shall be submitted to and approved in writing by the Local Planning Authority. The approved engineering works and ground precautions shall be implemented in full in the carrying out of the development for which planning permission is hereby granted.

Reason: To ensure a satisfactory development of the site in the interests of highway and public safety

- 12** No development shall commence on site until a scheme detailing the means of preventing mud and debris from construction traffic being carried out onto the existing highways has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented as agreed during the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 13** No dwelling shall be occupied until the individual or shared driveway and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials in accordance with details to be agreed with the Local Planning Authority at gradients that do not exceed 8.33% (1 in 12).

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

- 14** Details of surface water drainage to prevent surface water run-off from driveways, parking bays and private access roads discharging onto the highway shall be submitted to and agreed in writing by the Local Planning Authority before the works commence and shall be completed in materials as approved by the Local Planning Authority before the associated dwelling is occupied.

Reason: In the interests of highway safety

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

Reason : In the interests of highway safety

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

Reason: To ensure that effective drainage facilities are provided for the proposed development, and to make sure that no adverse impact occurs to the environment or the existing public sewerage system by preventing any increased risk of flooding

- 17** Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

Reason: In the interests of public safety.

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

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

b) The Highway Authority will require the Developer to enter into legally binding Agreements (Section 38 Road Agreement and Section 104 Sewer Agreement) including appropriate bonds to secure the proper implementation of the proposed highway and sewer works.

c) The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.

d) The shared surface access street (Mews Court) including the abutting pedestrian footways shall be laid out close to the same level to create a shared surface environment for safe use by pedestrians and vehicles and the carriageway shall be finished in StreetPrint and the footway surfaced with paviour blocks with a granite sett rumble strip at the entrance to the shared surface street for driver awareness of entering a different environment where pedestrians will be encountered in the carriageway.

e) Details of any retaining walls within the site to be submitted to the Authority shall comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment

supporting or having an influence on the abutting highway the design details, duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/05 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

f) Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at the public expense.

g) In accordance with the Bridgend County Borough Council Design Guide road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform (1:20 or 1:25 maximum) shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

h) The scheme submitted to satisfy Condition 4 should comprise details of a mechanically operated wheel wash including a temporary access road completed in permanent materials (concrete or tarmac) that shall be located at least 15 - 20 metres from the edge of carriageway to ensure that when mud is washed off the wheels it can also be washed off the wash station.

(i) 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.

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

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

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

(m) To fulfil the requirements of Section 8.5 of the Welsh Government Technical Advice Note 15 (TAN15), surface water run-off should be dealt with by way of Sustainable Drainage System(SUDS), to attenuate flows and prevent an increased risk of flooding in the catchment. If good reason can be given why SUDS cannot be implemented then any conventional drainage system installed should also provide attenuation to reduce peak rates of run-off. If a conventional system is installed then this should demonstrate an improvement on the status quo prior to discharge to a watercourse.

(n) Any surface water management system should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change.

(o) 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

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APPEALS

The following appeal has been decided since my last report to Committee:

CODE NO.	A/14/2224236 (1747)
APP. NO.	P/14/135/FUL
APPELLANT	MR P HEARNE
SUBJECT OF APPEAL	RETENTION OF JOINERY WORKSHOP, CAR PARKING IN CONJUNCTION WITH OLD POLICE STATION & BOUNDARY WALL LAND ADJACENT CORBETT STREET OGMORE VALE
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX A

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 14/1/2015

gan Aidan McCooey BA MSc MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 2 February 2014

Appeal Decision

Site visit made on 14/1/2015

by Aidan McCooey BA MSc MRTPI
an Inspector appointed by the Welsh Ministers
Date: 2 February 2014

Appeal Ref: APP/F6915/A/14/2224236

Site address: Old Station, Bethania Row, Ogmere Vale, Bridgend, CF32 7AB

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 Mr Anthony Smith against the decision of Bridgend County Borough Council.
- The application Ref P/14/114/FUL, dated 19 February 2014, was refused by notice dated 15 May 2014.
- The development is a Class B1 joinery workshop, car parking area to be used in conjunction with the Old Police Station residential property and a boundary wall.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form and decision notice refer to the site address as land adjacent to Corbett Street, Ogmere Vale. However, the above site address was that used on the planning application form. The description of the development from the application form has also been used. However, I have deleted "Retention of" because that is not development under the terms of the Town and Country Planning Act 1990.

Main Issues

3. The main issues are the effect of the development on highway safety and whether sufficient information has been provided to assess the effect of noise from the proposal on the living conditions of the occupants of nearby properties.

Reasons

4. The site is located adjacent to the main road through Ogmere Vale. There are three junctions close to the site, which was formerly used as a Council depot and Police Station. The Police Station has been converted to a dwelling occupied by the appellant. The former depot and yard are being used for storage associated with the appellant's construction business, with a flat above. The workshop has been constructed in the yard and is in use. The parking area has been created at a higher level immediately to the east, along the main road. A wall has been constructed along the site frontage at the edge of the highway.

5. Policy SP2 – Design and Sustainable Place Making of the Bridgend Local Development Plan lists 15 criteria by which all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located. The Policy promotes high quality design, sustainable development and efficient access arrangements in all development. Policy SP3 – Strategic Transport Planning Principles indicates that all development should deliver safe forms of transport and improved road safety.

Highway Safety

6. This application was a resubmission following the refusal of a similar “retrospective” application for the “retention” of the workshop and boundary wall in 2013. There are two accesses from the site onto the minor road, one serving the former depot and workshop and the other serving a parking area for the appellant’s dwelling. The Council required visibility splays of 2.4m by 11m in between the two accesses. They are so limited because of the low traffic speeds in the area. Safe access is required by the policies referred to above. The visibility splays are reasonable and important given the traffic flow and the position of the accesses close to a main road and near several other junctions. Visibility is currently severely restricted by the walls along the boundaries and the workshop building. This has created a danger for road users from vehicles exiting the site.
7. The appellant argued that the site was enclosed by a close-boarded fence at the time he purchased it in 2003 and that this fence restricted visibility. The Council supplied photographs taken in 2004 and 2009 showing open security fencing present, which allowed for visibility, despite its temporary appearance. If there was a close-boarded fence it seems that it has not been present for some time and cannot now be used to justify development that is detrimental to highway safety.
8. The appellant suggested that the provision of the required visibility splays could be ensured by a condition requiring alterations to the workshop building and the boundary walls. A suggestion to further improve visibility by altering the wall along the frontage of the parking area with the A4061 was also made. No details were supplied of how any of this could be achieved, despite the earlier refusal of planning permission for this development on these grounds. No plans of what the resulting building or walls would look like were submitted for consideration and I am therefore unable to conclude that the proposal would be acceptable and comply with the relevant planning policies. No details of the effect on the building and its use were supplied either. I consider that the suggested condition would not meet the tests and guidance set out in Welsh Government Circular 16/2014 – The Use of Planning Conditions for Development Management. The critical issue of the lack of visibility at the accesses remains and the appeal must therefore fail on this ground.
9. I conclude that the proposal would be harmful to highway safety interests contrary to LDP policies SP2 and SP3.

Noise

10. The workshop building has been constructed and is in use. The appellant has several woodworking machines in the workshop to prepare and assemble joinery items. There is an extraction system for sawdust in place. The Council had requested acoustic details of the machines and that an acoustic assessment be undertaken. The Council has not provided any evidence that the noise generated by the existing use is a problem. In fact the Council argued that a noise mitigation condition could not be

imposed because the use of machinery might not cause a nuisance and so would not require any mitigation. No evidence of any complaints to environmental health regarding noise has been submitted. The objections refer to noise from vehicles and the possibility of noise from machinery even though the use has been operating from the site. The Council has not raised any objection to traffic generation in the reasons for refusal, no doubt because the site was used as a Council Depot, which would have generated traffic to and from the site. The appellant suggested that conditions requiring sound attenuation measures and controlling hours of operation to normal business hours would address the concerns raised.

11. The application specified that the building is to be used as a Use Class B1 joinery workshop. Use Class B1 includes use for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise (amongst other things). The use of the building could be restricted to Use Class B1 by condition. The operating hours could also be restricted to normal working hours by condition as suggested. This would ensure that there were no significant issues in relation to noise disturbance, particularly at unsocial hours, which could not be addressed by enforcement action and/or environmental health legislation. On this issue therefore, the development would not give rise to any material harm to residents' living conditions or conflict with the relevant planning policies.

Other Matters

12. I have considered the economic benefits of the proposed development in terms of supporting the appellant's business and associated jobs. I have also considered the improvements to the appearance of the site and the social benefits that have been advanced by the appellant. These benefits do not outweigh the significant harm to highway safety as a result of the proposal. There were no concerns raised by the Local Planning Authority or statutory consultees regarding the culvert under the site or flooding. The appellant stated that it had not been disturbed and that maintenance was his responsibility.

Conclusion

13. Whilst I have found the development to be acceptable in terms of its effect on residents' living conditions, this would not outweigh the harm to highway safety which I find to be a compelling factor in this case. Having carefully considered all relevant matters raised, I conclude that the appeal should fail for the reasons given.

Aidan McCooey

Inspector

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>
Group Manager Development, BCBC	"The future of the planning service"	2 April 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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