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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

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Ask for / Gofynnwch am: Andrew Rees

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

Date / Dyddiad: 26 August 2015

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 3 September 2015 at 2.00 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members / Officers for the reasons so stated.
2. 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.
3. Site Visits
To confirm a date of Wednesday 14 October 2015 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 5 - 14
To receive for approval the minutes of the Development Control Committee of 23 July 2015.
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
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.

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13.	<u>Urgent Items</u> 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:

N Clarke
GW Davies MBE
PA Davies
CA Green
RC Jones
DRW Lewis

Councillors

JE Lewis
HE Morgan
LC Morgan
DG Owen
D Sage
JC Spanswick

Councillors

G Thomas
M Thomas
JH Tildesley MBE
C Westwood
R Williams
M Winter

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MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 23 JULY 2015 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

N Clarke	GW Davies MBE	CA Green	RC Jones
DRW Lewis	JE Lewis	LC Morgan	JC Spanswick
G Thomas	JH Tildesley MBE	C Westwood	R Williams

Officers:

Jonathan Parsons	Group Manager Development
Julie Jenkins	Development Control Team Leader
Nicola Gandy	Principal Planning Officer
Philip Thomas	Principal Planning Officer
Craig Flower	Team Leader Technical Support
Tony Godsall	Traffic and Transportation Manager
Robert Morgan	Transportation Development Control Officer
Stephen Edwards	Team Leader Coastal and Flood Management
Rod Jones	Senior Lawyer
Jane Dessent	Lawyer
Helen Williams	Senior EHO Pollution
Andrew Rees	Senior Democratic Services Officer - Committees
Sarah Daniel	Democratic Services Officer - Committees

587. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor P A Davies – Unwell
Councillor D G Owen – Work Commitment
Councillor D Sage – Hospital Appointment
Councillor M Winter - Holiday

588. 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 2 September 2015 (am).

589. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of 11 June 2015 were approved as a true and accurate record subject to the following amendments:

The declaration of interest made by Councillor R C Jones in minute number 567 amended to 'Coity Higher' instead of 'St Brides Minor'.

The name of Councillor Westwood being inserted in her declaration of interest instead of Councillor Green.

590. PUBLIC SPEAKERS

The Chairperson 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 G Thomas	P/14/711/FUL	Objector
Councillor A D Owen	P/14/711/FUL	Objector
Mr G R Gore	P/14/711/FUL	Objector
Mr G Harvey	P/14/711/FUL	Objector
Dr S Jones	P/15/48/FUL	Objector
Mr D Newton-Williams	P/15/48/FUL	Applicant's Agent
Mr R F Hyde	P/15/196/OUT	Objector

591. DECLARATIONS OF INTEREST

The following Declarations of Interest were made:

Councillor G Thomas	P/14/711/FUL – Councillor Thomas declared a prejudicial interest as he had objected to the application and withdrew from the meeting when the application was considered. Councillor Thomas declared that he is a member of St Brides Minor Community Council but took no part in the consideration of planning matters.
Councillor N Clarke	P/15/48/FUL & P/15/364/FUL – Councillor Clarke declared a personal interest as a member of Porthcawl Town Council but took no part in the consideration of planning matters.
Councillor C Westwood	P/15/185/FUL – Councillor Westwood declared a prejudicial interest as a close relative had objected to the application and withdrew from the meeting during consideration of the application.
Councillor D R W Lewis	P/14/711/FUL - Councillor Lewis declared that he is a member of St Brides Minor Community Council but took no part in the consideration of planning matters.
Councillor J E Lewis	P/14/711/FUL - Councillor Lewis declared that she is a member of St Brides Minor Community Council but took no part in the consideration of planning matters.

592. AMENDMENT SHEET

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.

593. P/15/60/FUL - LAND AT THE RHIW MULTI STOREY CAR PARK WALKWAY BRIDGE & ENTRANCE, BRIDGEND - DEMOLISH & REBUILD CAR PARK: ERECT 5 STOREYS RESIDENTIAL / COMMERCIAL BLOCK (CLASS A1/A2/A3 & 28 DWELLINGS WITH PARKING)

The Group Manager Development reported that this application was considered by the Committee at its meeting on 30 April 2015 and Natural Resources Wales (NRW) had submitted a late objection to the development, which indicated that the Flood Consequence Assessment (FCA) submitted which accompanied the planning application, had failed to demonstrate that the consequences of flooding could be acceptably managed in accordance with national guidance over the lifetime of the development. He stated that NRW's principle concern was how the proposed development would change the movement of flood waters in a major flood event and the resulting impact of flood waters on third parties. NRW had also suggested that a larger area of the commercial and residential centre of Bridgend will experience an increase in flood risk depths by up to 100mm.

The Group Manager Development informed the Committee that Mr John Young of Edenvale Young Associates on behalf of the applicant's consulting engineers had been invited to make a presentation to address the concerns of NRW.

Mr Young provided the Committee with information on the nature of flooding in Bridgend in order to allow it to make an informed decision about the risks and change in risks associated with flooding. He informed the Committee how Bridgend currently floods, its frequency, the flood depths and their danger, how the existing risk of flooding is managed and the change in depth of flooding and hazard as a result of the development and how this could be managed.

Mr Young informed the Committee that Bridgend is protected from flooding by flood defences which run through the Town Centre, hydraulic modelling had been undertaken for the Flood Consequence Assessment indicated the consequences of flood water overtopping the walls upstream of the site flooding over land towards the Rhiw Car Park flooding the triangular area including Market Place, Dunraven Place and Adare Street. Flooding would continue over property adjacent to Dunraven Place with the entire area including the Rhiw inundated eventually. He informed the Committee that Edenvale Young had undertaken a hydrological analysis which had been reviewed and approved by NRW. The hydrological analysis in conjunction with the hydraulic modelling indicate that the flood defences do not overtop in the 1 in 100 year return period event and in the 1 in 1000 return with peak flows in the river increased by 20% to allow for climate change but with no blockage to bridges. He stated that flood defences are normally constructed to give a standard protection of 1 in 100 years with a 20% allowance for climate change. The hydraulic modelling has been used to predict the depth of flooding for a 1 in 1000 year event before the construction of the development. He stated that the existing Rhiw Car Park and the area to the north are located on an area where the danger is classified as dangerous to all (extreme hazard) and "dangerous to Most" (significant hazard).

Mr Young informed the Committee that the NRW provides a flood warning service to Bridgend, with automated warnings provided to all residents registered for the service with floodgates closed in advance of a serious flooding event. He stated that the development occupies approximately the same footprint as the existing building, but the structure would be slightly less porous than the existing car park. Water flowing towards the development from the north would be held up in front of the building resulting in a slight increase in water levels to the north of the building. He highlighted the difference

in water levels pre and post construction of the development. Water levels upstream of the car park and to the south at the A4061 will rise by 0.040m to 0.060m. He highlighted the change in flood depth at each of the 38 representative properties with very small changes in the classification of hazard throughout the area to the north of the development. He stated that the changes to flooding as a result of the development can be classified as being minor adverse. If there were to be a major flood event the risk to the general public and to the emergency services entering this area are so high in both the pre and post development conditions that they would be classified as unacceptable.

Mr Young informed the Committee the most important consideration is the residents of the development; however, all residential development will be above the 1 in 1000 year water level, with safe access and egress for residents to areas of high ground. He stated that flood risk to residents can be adequately managed in accordance with Technical Advice Note 15. The development will cause a slight rise in water levels upstream of the site estimated to be between 0.04m and 0.06m. However the depth of flooding to the triangular area to the north would be very deep in both the pre and post development situations. He concluded that the risks to residents can be adequately managed and the minor adverse changes to flood risk to the north of the site are acceptable.

The Team Leader Coastal and Flood Management informed the Committee that he had considered the hydraulic modelling and hydrological analysis and advised that there would be no more residents put at risk as a result of the development. He stated that there are sufficient warnings in place with sensors at the flood defences He advised that the development would not present a significant risk and that he considered the risk to be acceptable. He stated that NRW had accepted the model produced by the consultants and that the development would cause a slight increase in depth due to flooding.

RESOLVED: That planning permission be granted subject to the conditions set out in the report to the Development Control Committee of 30 April 2015 with the addition of the following condition:-

22. No development shall take place until the applicant has submitted to and had agreed in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address the matters required pursuant to Appendix 5 of Technical Advice Note 15 Development and Flood Risk and include the following information:

During Demolition/Construction Process:

- command & control (decision making process and communications to ensure activation of FEP);
- training and exercising of personnel on site (H& S records as to whom and when);
- flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes and provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development:

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Natural Resources Wales flood warning system,

The FEP shall be reviewed at intervals not exceeding 3 years and will form part of the Health & Safety at Work Register maintained by the applicant.

Reason: To limit the effect of flooding by ensuring the provision of a satisfactory means of flood management on the site.

594. P/14/711/FUL - FORMER BRYNCETHIN NURSERIES & S WALES WOOD RECYCLING PANT HIRWAUN HEOL Y CYW - C/U FORMER NURSERY & DWELLING TO VEHICLE STORAGE NEW BUILDINGS ACCESS WOOD FUELLED BOILERS & WOOD DRYING FACILITY

RESOLVED: That the application be deferred as the Committee is minded to refuse the application on the grounds of amenity due to noise, dust, air quality and water pollution and that the detailed reasons for refusal be reported to the next meeting of the Committee.

595. P/15/110/OUT - BAYSWATER TUBES SITE HEOL-Y-GEIFR PENCOED - CONSTRUCT 47 DWELLINGS & ASSOCIATED WORKS (OUTLINE)

RESOLVED: That the application be DEFERRED to enable further clarification in respect of the former use rights and the implications for the proposed development in the context of Policy PLA6 and to enable more detailed consideration of the observations received from the Group Manager Highways.

596. P/15/185/FUL - LAND OFF CHURCH STREET, PONTYCYMMER - DEVELOPMENT OF 5 DETACHED HOUSES WITH ASSOCIATED GARAGES

RESOLVED: That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities.

597. P/15/196/OUT - REAR GARDEN OF THE COTTAGE, COYCHURCH - 2 NO. DORMER BUNGALOWS (OUTLINE APPLICATION)

RESOLVED: That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities.

598. P/15/213/FUL - LAND REAR OF DALE VIEW, CEFN CRIBWR - PROPOSED DETACHED 1 1/2 STOREY DWELLING WITH INTEGRAL GARAGE

RESOLVED: That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities.

599. P/15/342/FUL - SOUTH WEST FIELD AT ISLAND FARM, BRIDGEND - USE OF EXISTING AGRICULTURAL ACCESS ON A TEMPORARY BASIS TO FACILITATE P/14/823/RES

RESOLVED: That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities and subject to the re-wording of Conditions 1 and 2 in light of the amendments to the scheme and the observations from the Group Manager – Highways as follows:

1. The use of the existing agricultural access on New Inn Road as identified in the Construction Plan - Revision (16 July 2015) shall only be for the purposes of implementing the ecological mitigation works as approved under P/14/823/RES and its use for such purposes shall be discontinued on or before 23 July 2016.

Reason: To enable the Local Planning Authority to retain effective control over the use of the existing agricultural access in the interests of highway safety and the general amenities of the area.

2. No development shall commence, including any works of site clearance and construction, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the clearance and construction period. The Statement shall provide for:

- I. The routing of HGV construction traffic to/from the site in order to avoid Merthyr Mawr Road and New Inn Road to the west of the site. Such routing shall utilise New Inn Road and Ewenny Road to the south east of the site
- II. The parking of vehicles of site operatives and visitors
- III. Loading and unloading of plant and materials.
- IV. Storage of plant and materials used in constructing the development
- V. Wheel washing facilities and associated hardening of the site access.
- VI. The provision of temporary traffic management, in the form of traffic signing advising site traffic of the approved route and general motorists of the presence of construction traffic
- VII. The provision of a Banksman, at the site entrance, to assist slow moving traffic emerging onto New Inn Road
- VIII. Clearance of vegetation within the existing vision splays along New Inn Road

Reason: In the interests of highway safety.

600. P/15/48/FUL - SANDFORD, BRYNEGLWYS AVENUE, PORTHCAWL - DEMOLISH EXISTING DWELLING & REPLACE WITH NEW 3 BED DWELLING

RESOLVED:

That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities subject to the amendment of Condition 1 due to an amended proposed side elevation plan (facing New Lynn) received to correct an error to the height of the rear wing of the new dwelling and the amendment of Condition 7 in the interests of privacy and residential amenity of New Lynn as follows:

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

Site Location Plan (received 27 January 2015)
Ground Floor Plan as Proposed (received 27 January 2015)
First Floor Plan as Proposed (received 13 July 2015)
Roof Level Plan as Proposed (received 27 January 2015)
Section through Property showing Access to Roof Space (received 27 January 2015)
Front Elevation as Proposed (received 27 January 2015)
Rear Elevation to Garden (received 5 May 2015)
Side Elevation as Proposed (received 21 July 2015)
Side Elevation as Proposed [Side Elevation of Garage & Main House] (received 13 July 2015)

Section 6 [Conclusions and Recommendations] and Section 7 [Mitigation & Compensation] of Bat Activity Surveys conducted by Merlin Bio-Surveys (received 3 June 2015).

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

7. The following windows serving the dwelling hereby approved shall be fitted with fixed pane obscure glazing to a minimum of level 3 on the Pilkington index of obscurity:

Ground Floor windows facing north (towards New Lynn): Kitchen, Utility and W.C.

First Floor Windows facing north (towards New Lynn): Bedroom 2 (En-Suite), Bedroom 3 (En-suite)

Velux-type roof light facing north (towards New Lynn)

The windows shall be fitted prior to the beneficial occupation of the dwelling hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.
1.

601. P/15/25/FUL - PLAYING FIELD AT YSGOL BRYN CASTELL, LLANGEWYDD ROAD, BRYNTIRION - ERECTION OF 67 DWELLINGS, NEW ACCESS, CAR PARKING, OPEN SPACE, LANDSCAPING & ASSOCIATED WORKS

RESOLVED:

1. That the applicant enters into a Section 106 Agreement to secure the following obligations:

(i) Provide 14 x flats as affordable units which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

(ii) Provide a financial contribution for the sum of £31,490.00 (index linked) towards the provision of public open space in the area of Cefn Glas.

(iii) Provide a financial contribution of £7,000.00 for a 20mph Traffic Order for the site prior to the granting of planning permission.

2. That 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 conditions contained in the report of the Corporate Director – Communities.

602. P/15/194/FUL - AEL Y DON, TY FRY ROAD, CEFN CRIBWR - SINGLE STOREY REAR EXTENSION & DOUBLE TWO STOREY DOMESTIC GARAGE, STORE, STUDY & GYM IN REAR GARDEN (AMENDED DESC)

RESOLVED: That the planning application be granted subject to the conditions contained in the report of the Corporate Director – Communities.

That the applicant be reminded that use of the garage as separate living accommodation will require planning permission.

603. P/15/364/FUL - 9 CALDY CLOSE, PORTHCAWL - AMENDMENTS TO PLANNING CONSENT P/14/74/FUL TO INCLUDE GROUND FLOOR EXTENSION

RESOLVED: That the application be granted subject to the conditions contained in the report of the Corporate Director – Communities and subject also to the following additional condition:

3. Within three months of the date of this permission a scheme for the provision of 1 replacement off street parking space shall be submitted to and agreed writing by the Local Planning Authority. The parking area shall be implemented in permanent materials before the development is brought into beneficial use and retained as such thereafter for parking purposes in perpetuity.

Reason: In the interest of highway safety

604. P/15/179/RLX - LAND ADJ 13 HEOL TRE DWR, WATERTON - EXTEND CONSENT P/10/836/FUL (4 BED DETACHED PROPERTY & CHILDRENS PLAY AREA) FOR A FURTHER FIVE YEARS

RESOLVED: That the application be granted subject to the conditions contained in the report of the Corporate Director – Communities and the following be added to Condition 7:

7. The driveway shall thereafter be retained in permanent materials.

605. APPEALS

RESOLVED: (1) That the Appeals received as outlined in the report of the Corporate Director Communities be noted;

(2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeals has directed that they be Dismissed.

Code No.

Subject of Appeal

A/15/3009476 (1753) Proposed Roof Extension to provide 3rd Storey: 48 Beach Road, Porthcawl.

A/15/3007596 (1751) Erection of 2 Storey Dwelling with Access driveway and Garage: Former Playground, Fountain Road, Aberkenfig

606. TRAINING LOG

The Group Manager Development reported on an updated and amended training log. He provided the Committee with feedback on Improvement Plan Workshop held for the Committee which took place on 16 July 2015. The issues raised at the Workshop ranged from constructive criticism of the Committee to the relationship between Members and professional officers. The Workshop also looked at the setting up of Supplementary Planning Guidance Groups and the size of Committee agendas, for which it was considered that future agendas may be despatched earlier to enable Members to have more time to consider reports. He stated that he would look at the potential for public speakers to be questioned by the Committee for clarification purposes only.

The Group Manager Development informed the Committee over the last year the Planning Department had reduced to 26 officers which had seen performance dropping in the processing of planning applications and that further cuts would affect the ability of the service to take enforcement action.

He stated that a detailed report on the outcome of the Workshop would be submitted to the next meeting of the Committee.

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

607. URGENT ITEMS

There were no urgent items.

The meeting closed at 4.50 pm

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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		

APPLICATION REFERENCE : P/14/711/FUL

CHANGE OF USE OF FORMER NURSERY & DWELLING TO VEHICLE STORAGE, NEW BUILDINGS, ACCESS, WOOD FUELLED BOILERS & WOOD DRYING FACILITY

FORMER BRYNCETHIN NURSERIES & SOUTH WALES WOOD RECYCLING PLANT, PANT HIRWAUN, HEOL Y CYW

This application was reported to the Development Control Committee on 23 July 2015. The officer's recommendation was for approval subject to conditions.

Members were minded to refuse planning permission contrary to the officer's recommendation. The main areas of concern raised were impact on amenity by virtue of noise, dust, air quality and water pollution.

In accordance with paragraph 11.1 of the Planning Code of Practice, the application was deferred until the following Committee in order for officers to advise members further.

The following reason for refusal is considered to reflect the issues of concern identified by Members at the previous meeting:

The proposal would constitute an undesirable intensification of commercial use in a predominantly rural area that would unacceptably impact on the environment and amenities of residents living in the area surrounding the site through noise, dust, air quality and water pollution contrary to Policy ENV16 of the Bridgend Local Development Plan.

Members are reminded that in accordance with paragraph 12.3 of the Planning Code of Practice, it is usual for the mover or seconder of the motion at Committee to represent the Council in any subsequent appeal. Members are also reminded that any reason for refusal must be based on sound planning grounds and firm evidence.

Members also requested further information on the enforcement position regarding alleged breaches of existing consents. As this is an ongoing situation a verbal update will be provided at Committee.

A copy of the Officer's report and recommendation presented to the previous Committee with amendments is attached as Appendix A.

Recommendation:

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

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

APPENDIX A

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/14/711/FUL
APPLICANT: SOUTH WALES WOOD RECYCLING LTD
C/O TECHNIA ENV. & PLANNING SUITE 4 ST MARGARETS PARK
PENGAM ROAD ABERBARGOED

LOCATION: FORMER BRYNCETHIN NURSERIES & S WALES WOOD
RECYCLING PANT HIRWAUN HEOL Y CYW

PROPOSAL: C/U FORMER NURSERY & DWELLING TO VEHICLE STORAGE NEW
BUILDINGS ACCESS WOOD FUELLED BOILERS & WOOD DRYING
FACILITY

RECEIVED: 24th October 2014

SITE INSPECTED: 10th December 2014

APPLICATION/SITE DESCRIPTION

The application was originally referred to Committee on 11th June, 2015 but the matter was deferred to enable to applicant to resolve an issue in respect of the land ownership certification. Reproduced below is the original report, which includes the updated observations received from Natural Resources Wales reported on the Amendment Sheet together with further clarification of application's compatibility with Government advice contained in TAN21. In addition, the application site was inspected by the Development Control Committee on 10th June 2015.

The application proposes the change of use of the former Bryncethin Nursery (including the residential bungalow) to a vehicle storage and welfare facility. In addition, existing glasshouses and polytunnels are to be removed on the nursery site and a workshop building within the existing Locks Yard site. This will facilitate the reconfiguration and amalgamation of the two sites into one unit. The existing Locks Yard will accommodate a retained offices/stores building in the north eastern corner of the site, a product hall within the existing building with a new extension attached to the western elevation to be used for drying of the woodchips with a link to the product hall and an extension to the northern elevation of the product hall to be used for storage. The outside storage area will now be subdivided into the respective grades of processing with vehicles able to access each of these areas. An office and weighbridge facility is to be located to the south west of the existing site entrance. A new workshop building will be constructed on an area previously occupied by glasshouses within the Nursery site. A HGV parking area together with container storage will be created immediately to the west of Locks Yard on an area previously occupied by polytunnels within the Nursery. Staff and visitor parking will be provided on the area to the south of the existing bungalow, previously occupied by the shop. A new building, the use of which is not specified on plan, is to be constructed to the east of the existing bungalow again on an area previously occupied by glasshouses/polytunnels.

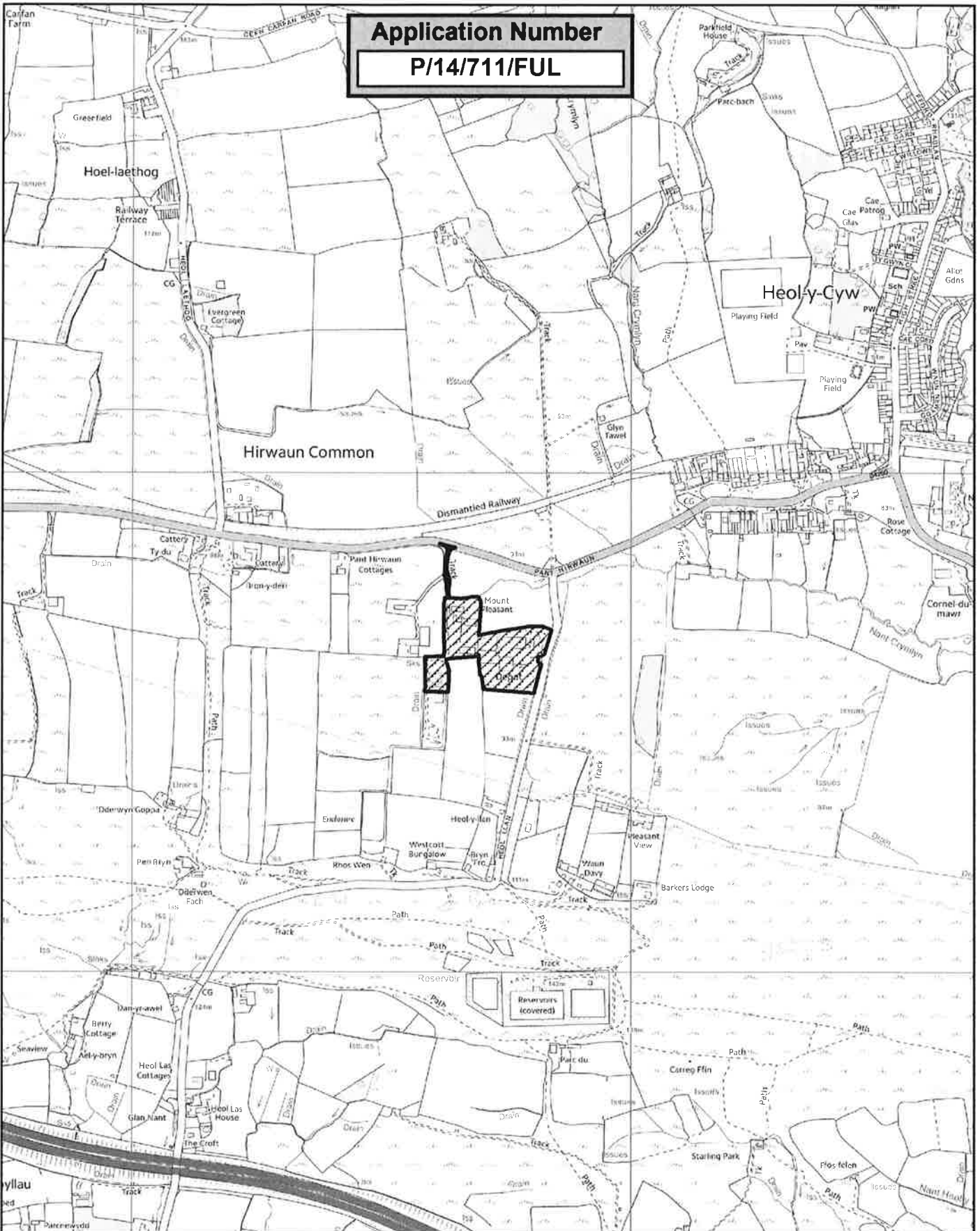
The dimensions of the built elements are as follows:-

Existing Wood Storage Shed - 57.5m by 21.4m with a pitched roof reaching 13.35m
Proposed Drying Area - 30m by 21.4m with a pitched roof reach 13.35m
Proposed Storage Extension to wood storage shed - 57.5m by 4.55m by 10.66m
Proposed storage - 25m by 6.2m by 9.5m
Proposed workshop - 30m by 25m by 7.07m
Proposed Weighbridge Office - 6.4m by 2.6m by 2.7m

The Design and Access Statement clarifies that the extension to the wood storage shed and

Application Number

P/14/711/FUL



Scale 1:10,000

**Date Issued:
15/07/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

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

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workshop will be steel portal frame buildings with both the sides and roof clad in profiled sheeting or fibre cement profiled sheeting in light grey. The proposed weighbridge building will also be of profiled steel wall with a flat roof containerised office type construction in dark green. CCTV will be used for monitoring and security purposes with camera locations yet to be determined.

RELEVANT HISTORY

89/0460 DOMESTIC EXTENSION	CC	01-JUN-89
P/03/902/FUL WOOD STORAGE AND RECYCLING PLANT	APPROVED +conditions	30-09-2003
P/13/230/RLX VARY RESTRICTIONS ON HEIGHT OF WOOD STOCKPILES - COND 4 OF P/03/902/FUL	Retro App + Conds	11-08-2014
P/13/472/FUL RETENTION OF WOOD STORAGE AND RECYCLING PLANT/FACILITY	APPROVED +conditions	27-08-2014

PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25th November, 2014.

NEGOTIATIONS

The applicant's agent was advised of the concerns expressed by the Public Protection Department and required to provide the following additional information:-

1. Details of the wood burners, net rated thermal input of each boiler and an assessment of the emissions from the boilers and air quality impact, including a chimney height calculation to demonstrate that the emissions from the wood burner would be effectively dispersed.
2. A complete description of the wood pelleting process including how the shredded wood will be introduced into the process to begin with and how it will be transferred to this process from the recycling operation.
3. Full explanation of what is meant by consolidation of the existing recycling operation including a description of the whole process and height of stock piles.
4. Details of how dust from all operations concerned with the receipt, processing, storage, movement, loading and unloading of wood and processed material, including dust emissions from the wood drying and pelleting manufacture and points of transfer between each process will be controlled and clarification of how these measures will be effective.
5. A full noise assessment of the whole process including an assessment of the noise from the proposed pellet manufacturing and wood drying/burning operation, to be carried out by a qualified noise consultant and undertaken in accordance with BS 4142:2014. The report to include details of any necessary specific mitigation measures to be provided to reduce noise to an acceptable level.

In addition, the agent's attention was drawn to comments from the Authority's Ecologist which

expressed concern that the application did not provide any details of the potential zone of influence for the development and whether the development would impact on ecologically sensitive designated sites or protected habitats or species. It was highlighted that the Blackmill Woodland Special Area of Conservation and Site of Special Scientific Interest is located within 2km of the site and also that the development is immediately surrounded by the Cefn Hirgoed Site of Importance for Nature Conservation as well as a number of other ecologically sensitive sites. In the circumstances, it was considered that it would be necessary for an assessment of the potential impact of the future operation of the development on ecologically sensitive sites. A copy of the Ecologist's observations was provided for guidance on the type of assessments that are being sought.

The agent was also advised that significant numbers of local residents had objected to the application in individual letters.

Eventually the applicant's agent submitted the following additional information:

- * A flow chart clarifying the processes undertaken at the site;
- * Noise Appraisal;
- * Dust Management and Monitoring Methodology;
- * Septic Tank Details;
- * Detailed Air Quality Assessment

The agent also confirmed that, since submitting the original application, the applicants have decided not to pursue the development of wood pelleting at the site. The consolidation of the existing recycling operation refers to the desire of the applicant to enhance the existing operation by delivering improvements in the operational layout, improve health and safety and environmental controls and to improve on site facilities for staff and visitors. As originally indicated, all wood processing activities will continue to be undertaken within the existing recycling facility boundary and no increase in capacity or additional traffic movements are proposed above those already consented. The applicants collect and receive waste wood from a variety of commercial and industrial and municipal customers. All incoming wood is inspected and separated and processed into woodchips of various size fractions and grades, which are then dispatched to various end-user customers. A major proportion of woodchip outputs are currently supplied as raw material for manufacturing panel board products but other products include mulches, animal bedding and biofuels.

Moisture content of woodchip is critical to meeting the specifications of some markets and woodchip drying facilities proposed in this application would enable the company to increase the quality of its woodchip and expand the available market for its product. In this regard small scale wood fuelled boilers to generate heat to dry woodchip are to be installed - details of these installations and their fuel consumption are provided for assessment.

With regard to the Ecologist's comments, the air quality report submitted in connection with the boilers considers the potential impacts on ecologically sensitive sites. Similarly the dust management and monitoring methodology will also reduce impacts. The applicants have also commissioned consulting engineers to investigate and map on site drainage infrastructure and prepare a drainage plan. A lighting design strategy for biodiversity is also to be prepared and could be included by condition in the event that the Authority is minded to grant consent.

The applicant's agent has highlighted that the applicant held a public exhibition to provide an opportunity for the local community to understand more about the development proposed by the application. The event was publicised in the local newspaper and invitations circulated to around 380 postal addresses surrounding the site. The event was attended by approximately 35 residents (30 of whom signed the visitors book) and also by the local MP and Cllr Alex Owen. A summary of the feedback received from the event has been submitted.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 28th October 2014

Councillor G Thomas

There are concerns in respect of increased levels of noise and dust and this operator's non compliance with regulations in the past. A site inspection is requested to enable the Committee to better appreciate the nature of the development and the constraints of the site.

Head Of Street Scene (Highways)

It is noted that the applicant intends to cut back a highway hedge to improve visibility at the road bend adjacent to the Pant Hirwaun access. This has not been conditioned as it lies outside the application site. This is acceptable in principle but the applicant will need to contact the highway maintenance inspector prior to undertaking these works. In addition, before surfacing the access drive onto Pant Hirwaun, the highway maintenance inspector for the area should be contacted so that he is aware of works immediately adjacent to the highway.

It is also noted that the proposal is likely to result in a small reduction of HGV movements to and from the Heol Llan entrance and that the use of the former Nursery, accessed off Pant Hirwaun for staff and visitors will not result in any additional increase over and above that of the former nursery use. It is also considered that the relatively low level of construction traffic required to implement the works will have minimal impact on the highway network. Subject to conditions, therefore, there are no objections to the submitted proposals.

Destination & Countryside Management

No objection subject to conditions.

Head Of Street Scene (Drainage)

No objection subject to conditions

Natural Resources Wales

No objections

Welsh Water Developer Services

In the event that the Authority is minded to grant consent for the development, it is requested that advisory notes are included within the decision in order to ensure no detriment to existing residents or the environment or to Dwr Cymru/Welsh Water's assets.

The Coal Authority

No objection subject to condition

Economic Development

Support the proposal

Group Manager Public Protection

No objection subject to conditions

REPRESENTATIONS RECEIVED

Coychurch Higher Community Council, Strawberry Fields

Historically the Community Council has had many complaints relating to South Wales Wood Recycling and since the submission has received many telephone calls. For this reason, a public meeting was held on 17th November, 2014 which was attended by more than 70 local

residents from both this Community Council area and St Brides Minor Community Council area. The concerns relate to:-

Noise - Residents are already bothered by noise from the existing site. The application states that boilers and driers will be used on site and it queried what these will be used for and the operating hours proposed for their use.

Vehicular increase - The transport statement says there will be no increase in vehicles at the site. However, since the last planning application, there has been an increase in the number of lorries at the site together with an increase in staff of nearly 50% (note the proposed number of increased parking spaces) and the operating hours have increased. Confirmation is requested as to how the number of lorries using the site is currently measured/monitored and what measures will be put in place to ensure there is no increase from the current number accessing the site.

Highway - On 17th November, six lorries were stacked up outside the present site, waiting to access the site to offload. The access road to the site is narrow and comprises of a T junction which is not designed to accommodate the size of lorries being used. The road in the vicinity is now damaged and in need of repair. The application states the site entrance is to remain as it is. Confirmation is requested as to whether the access road has been visited by Highways. Additionally, there has been a serious accident along the B4280 involving one of the site lorries but there is nothing pertaining to this in the application. Confirmation is therefore requested as to whether Highways are aware of the accident. Additionally, despite the current working hours being 8am-6pm, lorries from South Wales Wood Recycling have been sighted on the B4280 at 3am.

Pollution - Whilst most lorries leave the site with a cover over the wood chip, the covers are not tied down around the whole of the vehicle. The mess on the roads and in the gutters is appalling and photographic evidence of this has been supplied. Woodchip, which has fallen from the lorries can be found in the verges and even in the fields and many residents at the public meeting complained of the need to replace car tyres. Also along the river alongside Brynteg, has had to be unblocked due to being blocked by woodchip, which has fallen off the lorries. The biggest concern, however, is that there is already a problem with dust from the site. If, in the future, the wood chip is to be dried on site, the dust problem is going to be much worse. In the last two years, adders have been found nesting on the common near the site, as well as birds of prey. The impact of the dust on the wildlife and local livestock as well as local residents is a cause of grave concern. Confirmation is therefore requested as to whether an Environmental Impact Survey has been carried out in the area. Confirmation is also requested as to whether the DMP report, requested by the Council within 3 months of the approval of planning application P/13/230/RLX was received.

* Stack - South Wales Wood Recycling originally had a licence of stacks not exceeding 3m. This was increased to 5m with conditions. Residents reported stacks being way above 5m so confirmation is requested as to how the conditions are being monitored, how often and by whom

* Trees - In the previous planning application for this site, one of the conditions was that no trees could be cut down without a formal report being produced, to protect the impact this could have on visual amenity. In this current application, it is stated that trees will be cut down. Confirmation is requested as to whether a formal report on the nature and size of the trees proposed to be removed has been produced.

* Working hours - In the last planning application, one of the conditions stated that the use permitted shall not operate between the hours of 1800hour and 0800 hours on any day and the reason for the condition was that it was in the interests of the amenity of the surrounding area. This new application wants to extend the working hours by proposing to operate 7 days a week. This will affect the amenity of the local area.

* Drainage - The previous application stated no land drainage run off will be permitted to discharge to the public sewerage system in order to prevent hydraulic overload of the public sewerage system and pollution of the environment. There is a stream that runs behind the shed

on the land of Mr Hedley Lane at Heol Llan and the stream travels right through the current site and continues through Mr Yeoman's land and the garden centre (the proposed new extension site) right down to the cattle grid. Confirmation is requested as to how the wildlife in the stream will be protected and the stream kept free from pollution from the site.

Whilst no-one at the public meeting wished anyone to lose their jobs at the site, there is serious concern as to the monitoring of licences and the management of the site. There is no doubt conditions imposed on planning application P/13/230/RLX are not being met. For this reason, the Community Council on behalf of those present at the public meeting strongly object to this application as it stands and will welcome a response to the questions contained in this letter.

49 Individual Letters Or Emails Objecting To The Application, Have Been Received From Local Residents.

The grounds of objection can be summarised as follows:-

- Dust - This is already apparent in surrounding areas and photographs have been provided.
- Contamination - Concern that dust already contaminates the area and it is questioned whether the proposed drying of the wood will exacerbate this.
- Adverse impact on livestock and ponies grazing in adjacent fields.
- Drainage - Potential pollution/blockage of existing ditches which run through the site.
- Increased risk of flooding if existing ditches/watercourses become blocked.
- Noise levels - the current operators do not conform to conditions.
- Access - existing access is not considered wide enough for size of vehicles using the site - photographs have been attached.
- Gas main under the B4280 at risk of damage from heavy vehicles.
- No confidence that applicant will adhere to any conditions attached to planning permissions.
- Poor condition of fencing and lack of maintenance allows wind blown rubbish outside the site.
- Lorries leaving the site are not properly sheeted and frequently leave trail of wood chips which cause accidents and damage to car tyres.
- Existing highway network incapable of coping with size of vehicles currently visiting the premises - particular problems at junctions.
- Inappropriate countryside location for heavy industry.
- Hours of operation proposed are considered too long and will result in adverse impact on amenities of neighbours.
- Large scale of buildings proposed and buildings which will replace existing polytunnels will have an adverse visual impact.
- Current plant and traffic levels are disputed and therefore consider that proposals will significantly increase traffic.
- How is the site monitored to ensure compliance.
- Removal of conifer trees which screen the existing yard will result in adverse visual and general amenity impacts.
- Impact on Wildlife
- Light Pollution
- Lack of consultation
- Environmental Impact Assessment not provided.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections raised by local residents will be addressed within the following Appraisal Section of this report.

APPRAISAL

The application is referred to Committee to consider the objections received from local residents

and at the request of the Ward Member and Community Council.

The application seeks consent for the amalgamation of the Bryncethin Nurseries into the existing Lock's Yard Recycling Depot to consolidate the existing recycling operation and to enhance the existing operation by delivering improvements to the site layout, health, safety and environmental controls and staff facilities. Revisions to the site layout are proposed including an extension to the main product building to install boilers for drying the woodchip, installation of a weighbridge close to the existing entrance, resiting of a workshop building onto the southern section of the former nursery and reconfiguration of HGV parking, container storage and staff car parking with improved internal vehicular flows around the site as enlarged.

The site forms part of 'Lock's Yard' which has a long planning history dating back to the 1970s when the site was used as a depot for the parking, repair and maintenance of civil engineering contractors plant, in connection with open cast coal mining in the wider area. The site owners gained consent in 1987 to change the use of the site to general industry in addition to its existing use in order to diversify the firms activities because of the decline in its traditional markets. The permission was however subject to two conditions, one restricting the consent to Lock's (Contractors Equipment) Ltd and the other restricting the use of the site to general industry. In a subsequent permission (Code No. 89/1674 refers) the use of the yard for general industrial purposes was approved subject to conditions requiring the implementation and maintenance of a scheme of screen planting which is still retained on the site's boundaries. No other conditions were imposed controlling the scale and type of operations. Planning records suggest that a number of subsequent uses have operated from the site under the aforementioned consents since.

In 2003, R J C Chumley sought permission to develop a wood storage and recycling facility on the south western corner of 'Lock's Yard'. The Committee report on the application described the process as the storage of locally collected waste and timber products which would be turned into bark-like mulch which would be distributed around the local area for use in horticultural and domestic gardening purposes. Details of the machinery to be used, including noise levels were submitted with the application. It was considered that, given the noise levels and the distances involved, the development would not be prejudicial to residential amenity. In view of the foregoing and the historical use of the site, the proposal was considered acceptable and permission was granted. Conditions were imposed controlling the products that could be processed, the protection and retention of existing trees and hedges, site drainage, hours of operation and the height of the stored materials.

With reference to planning policy, the application site is located in the countryside where development is strictly controlled by Policy ENV1 of the adopted Bridgend Local Development Plan(LDP). It also lies within mineral safeguarding areas which are defined and protected by Policy ENV9. As referred to above the yard has a long established industrial use. Similarly, the Nurseries has cultivated and sold shrubs and plants to the public with substantial glasshouses and polytunnels covering large areas to the south of the existing bungalow with a shop building for sales located to the rear of the property.

As the wood storage and recycling facility processes industrial and commercial waste it must be considered against Policy ENV16 of the LDP which states:

Proposals for the treatment, processing and distribution of commercial and industrial waste such as: (i) Materials Recycling Facilities (MRF); (ii) Mechanical Biological Treatment facilities (MBT); (iii) In-vessel/anaerobic digestion composting facilities, will be directed to sites outlined in Policy SP7. Other waste management facilities will be permitted at appropriate locations primarily within allocated employment sites with specified B2 employment use class allocations provided they meet all of the following criteria:

1) There is no unacceptable impact on the amenity of local residents or adjoining industrial users

through noise, dust, vibration, smells or vermin;

- 2) Arrangements can be made to prevent the pollution of surface or underground water and air;
- 3) The traffic generated can be accommodated safely on the existing highway network; and
- 4) A programme of site management is agreed for the duration of the development.

Policy ENV7 reinforces the aforementioned criteria and states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to: 1) Air pollution; 2) Noise pollution; 3) Light pollution; 4) Contamination (including invasive species); 5) Land instability; 6) Water (including groundwater) pollution and 7) Any other identified risk to public health or safety.

Furthermore, the Policy confirms that in development areas that are currently subject to the above, any development will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

With reference to Policy ENV16 it is recommended that the operation subject of this application would be most appropriately located on employment sites with specified B2 (General Industrial) employment uses. Whilst the application site is not formally designated as such in the LDP, the planning history suggests that B2 uses are long established at this location. It is therefore reasonable to determine that recycling wood at this location is, in land use policy terms, broadly acceptable.

Policy ENV16 is, however, a criteria based policy and there has been a significant level of representation received from the local residents in respect of all of the criteria. Negotiations with the applicant's agents resulted in the submission of additional information to address these matters, which include a series of measures and controls to minimise the impacts of the operation on the surroundings and, in particular, the impacts on the occupiers of the nearest residential properties and the environment. The Public Protection Department considers that, subject to conditions requiring the installation of the measures to mitigate impacts, the development is acceptable and to some degree will improve operations, which have been allowed over the long period of time over which the site has operated. The conditions will require implementation of a dust management plan, will limit the height of stockpiles and will specify the approved use of the site as enlarged. In respect of air quality a flue or stack projecting from the drying unit will adequately control emissions from the boiler and a condition specifying the optimum height has been recommended. Whilst the 22m recommended may appear excessive, it is considered that the additional 5.65m above the ridge of the building will not be so significantly detrimental to the visual amenities of the area as to warrant refusal. With regard to noise, conditions controlling opening hours, times for shredding operations and processing of waste together with a noise management plan (containing a scheme of works to minimise the noise being experienced at existing residential receptors) will adequately address this concern. It is also considered that a condition requiring a comprehensive and integrated drainage scheme for the site will overcome concerns in respect of pollution of the ditches and watercourses in and around the application site. Similarly a condition requiring a lighting design strategy can be imposed to mitigate light pollution.

TAN21 provides guidance on how the planning system should contribute toward sustainable waste management and resource efficiency. Paragraph 4.2 of the TAN states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. In respect of this application, whilst there has not been the submission of a single document entitled Waste Planning Assessments to accompany the application, sufficient information in respect of the operation, days and hours of operation, the design, layout, building

and plant included within the development, amenity and nuisance prevention measures including light, noise and dust together with emissions from the treatment process has been submitted for assessment. On the basis that the current application is a rationalisation of the existing operations at the site, it is considered that the application is compatible with the requirements of the TAN.

With regard to local residents' fears that the applicants will not adhere to conditions imposed by the Local Planning Authority based on past experience, it is noted that breaches of planning control in respect of the existing operations at Locks Yard are being separately investigated and pursued with the applicant. Much of the information submitted to address concerns in respect of this application also addresses conditions attached to earlier consents and will be assessed prior to determination of whether discharge of these matters can be granted. It is emphasised that each application must be assessed on its individual merits and it would not be possible for a Local Planning Authority to withhold a planning permission in respect of an acceptable development on the basis of previous breaches of control nor is it considered grounds for not using further planning conditions to control the operation. The circular on planning conditions advocates the use of conditions to enhance the quality of development and to enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

A number of the objectors raised concerns in respect of traffic movements to and from the site. Conditions requiring the sheeting of lorries will again be imposed, compliance with the submitted Transport Statement and the incorporation of a separation system of HGV and other vehicular traffic by the erection of a barrier at the entrance to the former nursery which will, it is considered, address many of the issues raised. The Highway Authority is unable, however, to control the right of vehicles to utilise the public highway so that issues of road safety outside the application site, damage to verges are not material to the assessment of the planning merits of this application.

A number of respondents have been critical of the publicity arrangements undertaken in respect of the application on the basis that they have not been individually notified of the submission. It should be appreciated that, given the countryside location, there are a limited number of properties in close proximity to the application site and none that share a common boundary. Nevertheless, the Authority has individually notified the closest five residences and, in addition, has placed site notices and advertised the application in the local press. One objector has questioned the absence of an Environmental Impact Assessment (EIA) to accompany the application. The submission has been assessed as a non EIA development and, therefore, there is no requirement to provide such information.

The proposed development does create 3 jobs in addition to the 25 already existing at the site. Planning Policy Wales (PPW) in Chapter 7 on Economic Development requires Local Planning Authorities to ensure that the economic benefits associated with a proposed development are understood and these are given equal consideration with social and environmental issues in the decision making process. This Welsh Government Policy is supplemented by Technical Advice Note 23, which also states that it is essential that the planning system recognises and gives due weight to, the economic benefits associated with new development. "Proposals on land not identified in the plan will often come from established businesses wishing to expand or modernise. Such individual businesses are unlikely to submit candidate sites when development plans are being prepared because few can foresee their land needs years in advance and few are familiar with the planning system. If the planning system prevents such firms from expanding or modernising in situ, significant economic benefits may be foregone."

Whilst the application site is located in the countryside where development is strictly controlled by Policy ENV1 of the adopted Bridgend Local Development Plan and the application site is not formally designated in the LDP, the planning history suggests that B2 uses are long established at this location and, similarly, the Nurseries has cultivated and sold shrubs and plants to the

public with substantial glasshouses and polytunnels covering large areas to the south of the existing bungalow with a shop building for sales located to the rear of the property.

On this basis it is considered reasonable to determine that recycling wood on the main site with a workshop building, reconfigured HGV parking, container storage and staff car parking on the former nursery site is acceptable. It is considered that the imposition and subsequent compliance with the suggested conditions will ensure that the development will accord with the Local Development Plan policy and, importantly, the impacts on the local amenities will be minimised.

Whilst determining this application Policies ENV1, ENV7, ENV16 & SP7 of the Bridgend Local Development Plan, Planning Policy Wales, TAN22 and TAN23 were considered.

CONCLUSION

The objections raised to this development are largely material planning considerations and as such highly relevant to the determination of the application. However, national guidance also indicates that matters of economic benefit be afforded equal weight to other material considerations in the determination of planning applications. In this case it is considered the proposal will safeguard and create a number of jobs and the issues of amenity and highway safety can be mitigated by conditions and/or may be controlled under separate consenting regimes. As such the proposal is considered to comply with national and local policy and, on balance, the likely impacts of development do not outweigh the potential economic benefits of the development.

RECOMMENDATION

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

- 1 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 extensions and 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.

- 2 All vehicles, including trailers, which are carrying any woodchip or wood dust, processed on the site, away from the site shall be securely sheeted prior to leaving the premises.

Reason : In the interests of safeguarding the environment, preventing pollution and highway safety.

- 3 The recommendations contained in Sections 4.3 and 4.3.1 of the Dust Management Plan (dated 18 March 2015) shall be implemented within three months of this consent being granted. All works, which form part of the Dust Management Plan (dated 18 March 2015) shall thereafter be maintained in accordance with the approved details.

Reason : In the interests of safeguarding the environment and preventing pollution.

- 4 Apart from the measures identified in Condition 3 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015), including the complaints procedures (Section 4.1.4), which are in place to control and monitor dust shall be maintained in accordance with that plan throughout the duration of the operation of the site as a Wood

Recycling Facility.

Reason : In the interests of safeguarding the environment and the prevention of pollution.

- 5** The height of all external stock piles shall not exceed 5m at any time.

Reason : In the interests of visual amenity and the prevention of pollution.

- 6** The development shall be carried out in accordance with the following approved plans and documents: plan numbers 10914-000-B, 10914-00-C, 10914-00-D, 10914-000-E, 10914-001-A and 10914-001-B .

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

- 7** The premises shall be used for storage and processing of wood, drying the wood within the drying shed with associated boiler, staff, visitor and HGV parking, workshops and container storage associated with South Wales Wood Recycling and for no other purpose including any wood pelleting processing or any other purpose in Class B2 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 : To ensure that the Local Planning Authority retains effective control over the use of the site in the interests of general amenity.

- 8** No development shall take place until a detailed specification for the stack on the drying unit has been submitted to and agreed in writing by the Local Planning Authority. The specification as agreed shall be implemented prior to the drying unit being brought into beneficial use.

Reason : In the interests of preventing pollution and safeguarding the environment.

- 9** No more than two external shredders shall be operated at any one time.

Reason : In the interests of preventing noise nuisance and safeguarding the amenities of neighbouring occupiers.

- 10** Opening hours for the receipt of waste wood shall only occur between:-

08.00 hours and 18.00 hours Mondays to Saturdays

And not at all on Sundays, Bank and Public Holidays.

Reason : To ensure that the Local Planning Authority retains effective control over operation of the premises.

- 11** Shredding operations and processing of waste shall only be carried out between the following times:-

08.00 hours - 18.00 hours Mondays to Fridays;

08.00 hours - 13.00 hours Saturdays;

And not at all on Sundays, Bank and Public Holidays.

Reason : To ensure that the Local Planning Authority retains effective control over the operation of the shredders in the interests of safeguarding the amenity of neighbouring occupiers.

- 12** Within 3 months of the date of this consent, a noise management plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations, including use of the shredders and investigation of complaints shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include the following:

* A scheme of work to reduce the noise from the chipping/shredding and screening operations and all plant associated with the movement, loading and stockpiling of materials;

* If barriers are to be used as a form of noise mitigation, the design/height and construction of the barriers, together with the noise reduction it is intended to achieve. Stockpiles shall not be used as suitable mitigations measures as the height and location of these will vary depending on the inputs and outputs of the site;

* For permanent bunds that are being used as a barrier, the location, height and materials used for the bund. It is understood from the last Noise Management Plan that the height of the bund has been increased, but it is not stated to what height or what noise reduction this has achieved.

* A complaints investigation procedure and the action that will be taken if complaints are found to be justified e.g. details of the current noise being emitted from this plant when it is operating inside the building and outside in the yard, the predicted or measured noise levels at the nearest residential receptor and the expected noise reduction that is expected from any mitigations measures.

Reason : In the interests of safeguarding the amenities of neighbouring occupiers.

- 13** The Noise Management Plan referred to in Condition 12 above shall include a time scale for the implementation of mitigation works, which shall be agreed in writing with the Local Planning Authority. All mitigation works, which form part of the agreed Noise Management Plan, shall be completed in accordance with the agreed time scales and thereafter maintained in accordance with the agreed details.

Reason : To ensure the timely provision of the noise management plan mitigation measures in the interests of safeguarding the amenities of neighbouring occupiers.

- 14** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road, roof/yard water 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 prior to the development being brought into beneficial use.

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

- 15** Prior to installation, a lighting design strategy for biodiversity for the site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-

* Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and

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

All external lighting shall be installed in accordance with the agreed specification and locations set out in the agreed strategy and thereafter maintained in accordance with the strategy. No other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason : In the interests of safeguarding a European Protected Species, the environment and the amenities of neighbouring occupiers.

- 16** No construction works shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the development, these remedial works shall be undertaken prior to the development being brought into beneficial use.

Reason : In the interests of safety and to mitigate potential adverse impacts from any coal mining legacy present on the site.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The objections raised to this development are largely material planning considerations and as such highly relevant to the determination of the application. However, national guidance also indicates that matters of economic benefit be afforded equal weight to other material considerations in the determination of planning applications. In this case it is considered the proposal will safeguard and create a number of jobs and the issues of amenity and highway safety can be mitigated by conditions and/or may be controlled under separate consenting regimes. As such, the proposal is considered to comply with national and local policy and on balance the likely impacts of development do not outweigh the potential economic benefits of the development.

(b) The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981

(c) To satisfy the drainage condition, the following supplementary information is required:-

* Full details of any existing arrangements and/or

* Infiltration tests to confirm acceptability of any proposed soakaway

* Design calculations, storm period and intensity, method employed to delay and control the surface water discharged from the site and measures taken to prevent the pollution of receiving groundwater and/or surface water

* A timetable for implementation

* A management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

(g) The developer is reminded that the site is permitted under the Environmental Permitted (England and Wales) Regulations (As Amended) 2014. Any extension or change in operation may require a change to the permit and therefore Natural Resources Wales recommend the enquiries line is contacted on 0300 065 3000 or enquiries@naturalresourceswales.gov.uk.

(h) With respect to Condition 8 the details shall reflect a stack with a minimum height of 22m.

(i) The observations of Natural Resources Wales are attached for the developer's consideration and information in respect of emission into surface waters or groundwaters and pollution prevention.

(j) The developer is advised that the implementation of any part of this consent will result in the creation of a new planning unit whereby all previous planning permissions are superseded and are no longer relevant.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

RECOMMENDATION : SECTION 106

REFERENCE: P/14/185/FUL

APPLICANT: MESSRS R DAVID, J DAVID & P POOK
C/O C2J ARCHITECTS & TOWN PLANNERS UNIT 1A COMPASS
BUSINESS PARK PACIFIC ROAD OCEAN PARK, CARDIFF

LOCATION: LAND AT WATERTON LANE WATERTON BRIDGEND

PROPOSAL: RES DEV OF 39 DWELLINGS, NEW ACCESS ROAD & ASSOC
PARKING & DEMOLISH EXISTING BUILDING

RECEIVED: 20th March 2014

SITE INSPECTED: 1st April 2014

APPLICATION/SITE DESCRIPTION

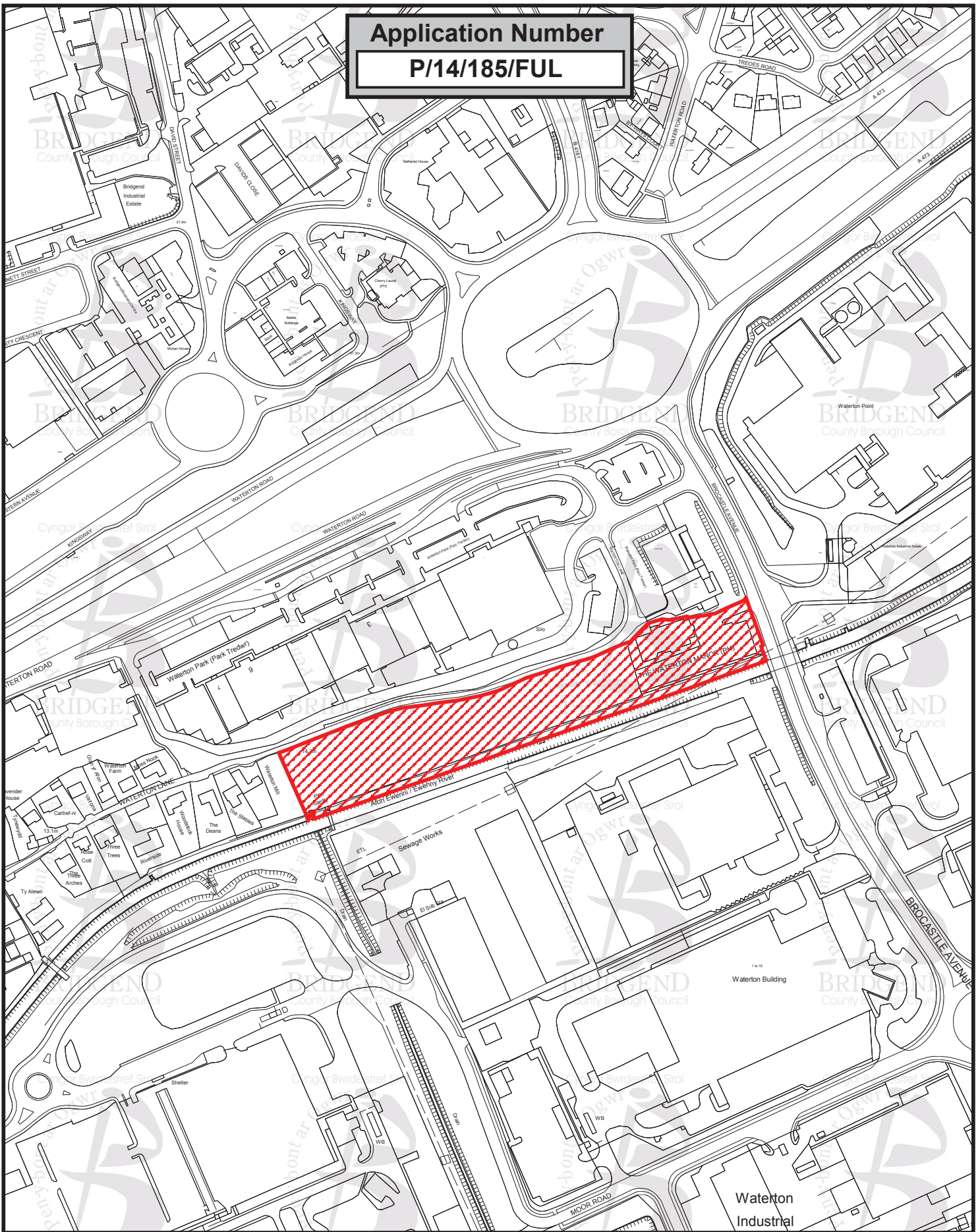
The application originally proposed the construction of 40 dwellings, new access road and associated parking. In order to facilitate the development, the existing former public house premises known as Waterton Manor will be demolished. The development comprised 6 two bed apartments in a three storey block, 12 x three bed semi-detached two storey houses and 22 two storey 4 bed detached and semi-detached properties of varying design.

The submitted layout shows that the apartment building will be sited on the northern side of a new access road where it joins Brocastle Avenue and immediately to the west of the building will be a parking area serving these dwellings and further west will be 12 semi-detached three bed houses. Continuing westwards along the new access road will be 6 semi-detached four bed dwellings and then 4 detached four bed properties before the access road turns virtually 90 degrees northwards then, in a further approximately 90 degree bend, the road turns westward again to link/join with the existing line of Waterton Lane. This arrangement creates an eastern section of the existing Waterton Lane that will run to the north of the above dwellings but be blocked with bollards to prevent vehicular access. On the western side of the bends in the road, 10 further detached and 2 semi-detached properties are proposed to be constructed on the southern side of the highway.

Following negotiation a revised layout has been submitted, which has reduced the scheme to 39 dwellings but retains the above described highway layout. On the western side of the bends in the road, it is now proposed to construct 11 four bedroom dwellings, with eight being of Design F, which is 2.5 storey comprising integral garage, hall/cloaks, kitchen and lounge/dining on the ground floor with three bedrooms (1 en suite) and a bathroom at first floor level and a study and bedroom with en suite in the roof space above. The remaining three on this western side of the development will be of Design A which is a 2 storey four bedroom dwelling comprising lounge, hall/cloaks, kitchen/dining and utility on the ground floor with four bedrooms (1 en suite) and a bathroom at first floor level. These dwellings will be located on the southern side of Waterton Lane and face northwards.

On the eastern side of the development, the dwellings on Plots 25-28, adjacent to the bends, will also be of Design A. Adjacent to these on Plots 15 - 24inc, the house designs will change to semi-detached 2.5 storey properties of Design G which comprises a kitchen, hall/cloaks, lounge dining area on the ground floor with three bedrooms and a bathroom at first floor level with and a fourth bedroom with en suite in the roof space. The dwellings on Plots 7-14 will also be semi-detached but of Design D which is two storey comprising lounge, hall/cloaks, kitchen and dining room on the ground floor with three bedrooms (1 en suite) and a bathroom at first floor level. The

Application Number
P/14/185/FUL



Scale 1:3,500

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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apartment building will occupy plots 1 - 6 and be three storey in scale comprising 2 two bedroom apartments on each floor with a entrance/central staircase access. All of these units are sited on the northern side of the new section of access road and will face southwards.

Elevational drawings of all the house types indicate that the external finishes will be a mix of render with stone facing or render and brick with slate roofs. Hardstandings/driveways are provided to the frontages of the majority of the dwellings although communal parking areas are shown for the semi-detached properties on Plots 9-12 and similarly between the apartment building and Plot 7 to serve the flats. The new section of access road and the existing section of Waterton Lane are to have a uniform width of 5.5m with turning heads provided at each of the ninety degree bends and visitor parking will be catered for in laybys on the southern side of the new section of access road and traffic calming measures have also been incorporated into the highway design.

RELEVANT HISTORY

P/08/1132/OUT

PROPOSED REDEVELOPMENT OF SITE TO PROVIDE 36 FLATS

P/08/776/OUT

APPROVED 18-09-2009
+conditions

RESIDENTIAL DEVELOPMENT 8 DETACHED HOUSES

P/10/296/OUT

APPROVED 20-07-2011
+conditions

OUTLINE APPLICATION FOR 3 DWELLINGS (1 DETACHED AND A PAIR OF SEMI-DETACHED)

P/14/56/FUL

APPROVED 11-04-2014
+conditions

PROPOSED CONSTRUCTION OF DETACHED RESIDENTIAL DWELLING

PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 21st April, 2014. Following re-consultation on the amended plans, the period allowed for response expired 23rd April, 2015.

NEGOTIATIONS

Whilst no negotiation was initiated, the applicant's agent became aware of concerns in respect of noise, highway issues including shortfall in parking and the objection of Dwr Cymru/Welsh Water in respect of the easement for the sewer which crosses the site. Meetings have been held with officers from the Highways Department and Public Protection which has resulted in the submission of amended plans and noise assessments. The revised plans indicate a 14m easement for the trunk sewer.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 21st March 2014

The Community Council wishes to register concerns regarding the road access to the new development which seems to be very narrow and could be problematic to emergency vehicles if the passing bays were misused. Moreover, given that the majority of the dwellings are four bedroomed then the number of vehicles per household could increase the possibility of road side parking and further restrict access. This is the observation the Community Council wishes to bring to your attention not a material planning objection.

Councillor E Venables

I would like to object to this application and make the following comments:-

1. The scheme is not in keeping with the rest of Waterton Lane. Waterton Lane consists of detached houses some of which are hundreds of years old. In the new development less than half the properties are detached.
2. The development changes the exit for current residents of Waterton Lane to drive through this new development out onto Brocastle Avenue. Perhaps it would be better if this development was self contained, exiting onto Brocastle Avenue whereas the rest of Waterton Lane was redirected towards Clos Waterton. Waterton Lane could then join up with Clos Waterton and exit onto the A473. Part of this new development could then accommodate a turning point for Waterton Lane. The closure of Waterton Lane could be between the old part of the Lane and this new development.
3. The new road is very narrow and although there are passing places these may well be parked in which in turn would cause problems.
4. The report refers to schools in Brackla being near, however the catchment schools for this area would be Coychurch Primary and Pencoed Comprehensive. Prediction of the number of children from this development according to SPG16 would be 2 nursery children, 8 primary children and 6 comprehensive children. Eight primary children would be half of the PAN for Coychurch Primary. Any children living at this development would have to be transported via the school transport system as it is not deemed a safe route from Waterton to Coychurch.
5. Twenty percent of the development needs to be affordable housing. I would query whether there were 8 properties that were affordable at this development - presumably the 6 flats will be.
6. The parking provision discussed talks about each property having between 2 and 3 parking spaces. However, according to SPG17 each house needs 1 space per bedroom (maximum of 3). That would mean that each house needs 3 parking spaces. The plan does not show 3 spaces for each house. It says that house types A & B will have 3 spaces and then C & D will have 2 spaces. However, on the final plan there is no type C house and there is no mention of the new type E & F houses. It also discusses having 1 visit space per 5 units which is difficult to determine on the plan.
7. The flood consequence assessment has been conducted on a different site plan to the one that has been submitted for planning permission.

Head Of Street Scene (Highways)

No objection subject to conditions.

Destination & Countryside Management

No objections subject to conditions.

Head Of Street Scene (Waste & Recycling)

No objection subject to condition.

Head Of Street Scene (Drainage)

No objection subject to a condition.

Group Manager Public Protection

Following submission of an appropriate Noise Survey Report and consideration of amended plans, which incorporate design features to address some of the concerns, there is no objection subject to conditions.

Head Of Parks & Playing Fields

No objection subject to the payment of an 'an lieu' of on-site provision to allow for the enhancement of nearby facilities.

Natural Resources Wales

No objection subject to condition.

Welsh Water Developer Services

No objection to the proposed development but it is requested that advisory notes are included within any decision notice.

Crime Prevention Design S.Wales Police

Advice on specific design issues is provided which can be attached to any decision notice granting consent for the development that the Authority may be minded to grant.

Glamorgan Gwent Archaeological Trust

No objection subject to a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource.

REPRESENTATIONS RECEIVED

Objections From The Occupiers Of 10 Dwellings At Waterton, And The Agents For The Operators Of The Retail Park.

The grounds of objection are summarised as follows:-

1. The proposal to locate a road through the field adjacent to the river ultimately joining the existing Waterton Lane, will create a large cul-de-sac for there is no provision on the development plans for a turning area for large service, or delivery, vehicles.
2. The delivery, service and construction vehicles servicing the proposed 40 dwellings will have to travel through the new development into the existing hamlet in order to turn around at the hammer head at the western extremity of Waterton Lane.
3. The lane through our hamlet is single track with no pavements and so this is clearly a serious health and safety risk to both residents and walkers passing through our hamlet.
4. There are 16 separate dwellings in Waterton Hamlet at present. This proposal will see construction of 40 additional dwellings This must be added to that of another site in the lane for an additional 9 dwellings, previously granted planning approval by the WAG Planning Inspector.
5. The effect of both planning consents will result in an increase of 300% in the number of dwellings in the hamlet in effect creating a new village and with an increase of over 300% in vehicular traffic.

6. Waterton Lane is currently in a poor state and in serious need of upgrade and has been so for a number of years. It is totally unable to take the associated loading for the construction of a further 48 dwellings and represents a serious HSE risk for all parties using the lane. Thus, we ask that all construction traffic for the development be confined to the field due to the HSE risks previously identified.

7. There is an operating farming business at Waterton Farm. The additional heavy traffic will clash with the movement of the farm vehicles. - not to mention the risks associated with the two 90 degree bends where the proposed access road crosses the development, to link up with the existing section of Waterton Lane.

8. Currently, residents have to queue, at peak times, to, leave their homes and return home again via Brocastle Avenue. This situation will be significantly exacerbated by a 300% increase in the volume of traffic.

9. There is no provision for a recreation area for the new resident's children. It is likely that, children will use the lane as their only means of recreation, with all associated risk and consequence.

10. The increased HSE risks to all persons using the lane as a result of this development and the other development in the lane could be addressed by placing conditions to address all of the above and on the following propositions.

11. The plans should be amended to include a hammer head to the east of the village and the western pedestrianised portion of Waterton Lane should be re-opened to vehicular traffic, reversing the direction of the flow of traffic through our hamlet. This would provide a safe route for construction traffic to the other development. This could be further enhanced by closing off the eastern portion Waterton Lane back to the mini roundabout adjacent to B&Q, from where the new road through the field enters Waterton Lane.

12. The provision of the hammerhead would ensure that traffic from the new development could be minimised by the restriction of only those properties opening onto Waterton Lane using the lane. All other development traffic would enter and return using the new road in the field and the new hammerhead to depart the development through the Waterton Manor access point to Brocastle Avenue.

13. Consider communication from developer and Council to be inconsistent

14. Section of Waterton Lane which would become disused by current proposals and could give rise to crime and security fears.

15. Development which includes semi-detached properties will be out of character with existing properties at Waterton which are generally substantial detached.

16. The operator of the Retail Park has expressed concern that the developer has not adequately considered noise impacts from night time deliveries and this may lead to complaints from future occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Highway issues - the concerns in respect of road width, passing places, access for large service/delivery vehicles, additional traffic, parking facilities have been addressed in the

amended plans and the Highways Department considers the arrangements acceptable subject to conditions and phasing of the development.

Scale of development - residents have highlighted that proposals would result in a significant increase in the numbers of dwellings in this area from the existing 16 with 48 additional houses now proposed - 39 now in this development and 9 approved at the western end of the settlement. The area lies within the settlement boundary and the application site is allocated for residential development by Policy COM1 of the Bridgend Local Development Plan. The density is compatible with Policy COM5 of the Local Development Plan.

Insufficient Recreation Space - Residents have highlighted that the development makes no provision of children's play space and considers that the public open space area between the new section of access road and the Afon Ewenni to be a safety hazard being between a road and a river. It is acknowledged that there would be an under-provision but the Parks & Playing Fields Manager considers that this can be addressed by requiring a financial contribution to off site provisions with two options being either the upgrade of facilities in Coychurch or using the monies towards a future provision as part of the nearby Parc Afon Ewenni Regeneration Area.

Out of Character - Whilst objectors have highlighted that existing properties at Waterton Lane are characterised by detached dwellings, it is noted during the site inspection that these are of varying size, design and external finishes. The proposed development includes properties of varying size and design and it is not considered that the introduction of semi-detached properties would be so alien as to warrant refusal for this reason particularly as these house types are located in the eastern section of the proposed development.

Sewers - Objectors initially advised that residents currently experience problems and considered that more critical to the layout of the development was the location of a combined sewer which runs through the site given that Dwr Cymru/Welsh Water will require a significant easement. Similarly it was considered that the layout does not make provision for a culverted outfall in the south western corner of the site and the potential need for an easement. The revised plans show a 14m easement provided for the combined sewer and a standard 6m easement for the culvert.

Alternative Access Arrangements - A number of local residents have suggested that access and traffic movements for existing properties would be assisted by the re-opening of the section of Waterton Lane to the north of the Waterton Close development to allow vehicles to exit onto the A473 at the existing junction to the west of Waterton Close. Whilst this suggestion is noted, it does not form part of the development proposals comprised in this application and is therefore not relevant to this assessment.

Parc Afon Ewenni Regeneration - Some respondents consider that the application is premature and should form part of the wider regeneration proposals of land to the west known as Parc Afon Ewenni Regeneration. Again these comments are noted but the Local Planning Authority has a duty to determine valid applications and therefore the submitted proposals must be assessed on their planning merits. As described above most of the site is already allocated for residential development in the LDP and it is not considered that the approval of this application will prejudice the future regeneration of the wider area.

Environmental Impacts - Some residents have highlighted that some site clearance works have already been undertaken together with some tree planting and earthworks albeit that some of these works relate to the development of a single dwelling on an adjoining plot. Whilst such works do not require planning permission, concerns appear to relate to primarily to the method of dealing with Japanese Knotweed at the site. The Regulations relating to invasive species are not enforced by the Local Planning Authority and would be a matter for Natural Resources Wales however an appropriately worded condition requiring submission of a control protocol can be imposed. Similarly earthworks which allegedly prevent the dispersal of surface water run-off from Waterton Lane and thereby result in flooding would be likely to be an issue for Natural

Resources Wales. Some objectors consider that the construction of the new section of access road and the dwellings will adversely impact on trees and hedgerows and therefore the biodiversity of the area. Some protection to these natural features may be possible by the imposition of appropriately worded conditions in the event that the Authority were minded to approve the development.

Disruption - The construction phase of the development may temporarily disturb nearby residents but regulations governing construction hours should prevent unreasonable disruption. An element of the disruption referred to by local residents, however, relates to additional traffic using the turning facility at the western end of Waterton Lane. This issue has been partially addressed by the inclusion of turning heads at either side of the bends. It is suggested that inclusion of phasing plan for the development can also be included as part of a Section 106 Agreement to assist in this regard.

Lack of consistent communication - A resident has highlighted that some months prior to this submission, the applicant's agent explained proposals to residents but this is not consistent with the application scheme. This issue is not relevant to the Local Planning Authority's assessment of the planning merits of the submission.

Noise - The agents acting for the operator of the nearby Retail Park have expressed concern that future occupiers of the proposed dwellings may raise objections on noise grounds to any night time deliveries to the retail units. It has been explained that currently the majority of deliveries take place between 8am and 8pm but the operator consider it important that retailers who require night time deliveries for operational reasons are not prevented from operating their servicing efficiently. Clarification of the operational need for night time deliveries has been sought as it does not appear reasonable to prevent the proposed development on this basis.

Similarly an agent acting on behalf of the Haulage Company located on the southern side of the river has lodged a holding objection on the basis of noise. Following discussion between the applicant's acoustic consultant and the Public Protection Department it is considered that an acoustic fence 4m in height and required by an appropriately worded condition will adequately mitigate this noise source of future occupiers of the properties in the western section of the proposed development.

APPRAISAL

The application is referred to Committee to consider the objections submitted by the Ward Member, local residents and adjoining business users.

The application now seeks consent for the construction of 39 new dwellings, a new access road and associated parking facilities on land south of Waterton, Waterton, Bridgend. The application site extends to approximately 1.6 acres located to the east of existing dwellings on Waterton Lane. The application site lies to the south of the existing highway but north of the Afon Ewenni. It is roughly rectangular in shape and includes the currently vacant former public house premises known as Waterton Manor. The demolition of the existing vacant building forms part of the current development proposals. The remainder of the site is undeveloped land laid to grass, which appears to have been used for the grazing of horses with a stable type structure towards the north western corner of the site. It was noted during the site inspection that the land within the application site is generally flat lying approximately 1m above the River. There is, however, a significant difference in land level between the application site and Brocastle Avenue of approximately 3m. The submission has been accompanied by a Design and Access Statement, Flood Consequences Assessment, Ecology Survey and Report and a Code for Sustainable Homes Pre-assessment.

In terms of principle, in accordance with the Bridgend Local Development Plan, the entire site is located within the settlement boundary of Bridgend as defined by Policy PLA1. The majority of

the site is also allocated for residential development under Policy COM1(11) and COM1(14). The remainder of the site can be considered to accord with Policy COM3 of the Local Development Plan which allows for windfall residential development within settlement boundaries through the re-use of vacant or under-utilised land where no other LDP Policy protects land for an existing or alternative use. Given that the proposals are also of an acceptable density in the context of Policy COM4, the principle of the proposed residential use of the site is considered to be in accordance with the Local Development Plan.

Turning to consider the planning obligation requirements of the proposals, SPG 16 Educational Facilities and Residential Development identifies that a contribution to educational facilities will be sought from all proposals of 5 or more residential units where development is likely to increase demand on local schools beyond their existing or planned capacity. The site is in the catchment of Coychurch Primary and Pencoed Comprehensive Schools and currently sufficient capacity exists in both schools to accommodate the likely number of school age children generated by the proposals. A contribution is therefore not required.

Policy COM5 states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15ha in size. The target for the Bridgend Housing Market Area is 20% and, as such, 8 of the proposed units should be secured as affordable housing. The applicant's agent has confirmed that the apartments and semi-detached properties on Plots 7 and 8 are to be offered as the affordable housing contribution with tenure and appropriate management arrangements for transfer to a registered social landlord to be included within a Section 106 Agreement.

Policy COM11 of the Local Development Plan requires residential development to provide outdoor recreation space at a minimum standard of 2.4ha/1000 population. This requirement is in addition to the basic amenity space requirements necessary to meet the immediate needs of occupiers. The provision of public open space along the River Ewenny, as indicated on the proposed site plan, is welcomed and will provide occupiers with amenity space beyond the boundary of their dwelling. However, given the size of the site and the fact that Council data indicates a lack of both outdoor sports and children's play facilities in the immediately vicinity, the provision of outdoor recreation facilities on site or a financial contribution towards the improvement of an existing or new facility off site is considered to be required. Given the geographical constraints of the site, an off site contribution is likely to be more appropriate. The most up to date cost guidance held by the Council indicates a sum of £470 per dwelling to provide or improve a children's play facility. It is noted that the Parks & Playing Field Manager has suggested a contribution be spent at the nearest facility off Glenwood Close, Coychurch. However, its location in relation to the application site is quite remote given the difficulty of gaining pedestrian access across the A473. An alternative solution may be considered to use the contribution towards the future provision of outdoor recreation space provided as part of the adjacent Parc Afon Ewenni Regeneration Area Policy COM1(3).

The significant concerns in respect of the original design and layout of the access road and parking arrangements, which were expressed by Highways, appear to have been largely addressed in the revised plans such that there is no objection subject to conditions. Similarly, the presence of the 1275mm combined public sewer that runs through the site now also appears to accommodate the required easement together with an adequate easement for the existing culvert. The site lies, it has been acknowledged, within a C2 Flood Zone and Natural Resources Wales has confirmed that, on the evidence of the submitted Flood Consequences Assessment, flood risk can be satisfactorily managed.

The site lies to the south of an existing retail park and the north of part of Waterton Industrial Estate. Public Protection has highlighted that Technical Advice Note 11 recommends that developers establish which noise exposure category the proposed dwellings will fall within in order that an assessment of the impact on the development can be made and whether mitigation measures would need to be incorporated into the dwellings. The Public Protection

Department has provided advice on potential noise sources to the applicant's acoustic consultants, which has resulted in the submission of Noise Report which suggests that a range of mitigation measures to moderate sound reduction performance can be incorporated into the development. Appropriately worded conditions will ensure the provision of the necessary mitigation.

With regard to the submitted layout drawings, notwithstanding the above, the dwellings on Plots 14-28 inclusive, which lie in the eastern section of the site, are set back from the proposed new access road with much of their frontages used to provide off street parking facilities. This results in the rear private amenity space being constrained with an average of 6m being provided. In addition these gardens will abut the section of Waterton Lane that is now proposed to be closed off with bollards. A path shown as running to the rear of Plots 9/10 & 11, linking with the proposed new access road via a link between Plots 8 & 9 has now been omitted on the advice of the Police Architectural Liaison Officer to overcome concerns in respect of security and fear of crime.

Initially there were a number of issues raised in respect of the apartment block at the eastern end of the site with regard to parking and turning facilities and the ability of Council refuse vehicles to access this part of the development. Also as previously described, there is a significant difference in land level between the application site and Brocastle Avenue. Whilst no details of levels or the gradient of the new access road in this location have been submitted it is considered that there is a reasonable likelihood that a retaining wall will be required to support this section of the highway up to the junction with Brocastle Avenue. In view of the proximity of the access road to habitable room windows in the ground floor apartments, there was concern that these windows would be dominated and overshadowed thereby providing a poor level of amenity for future occupiers. The revised layout plan shows the area to the south of the apartment building landscaped although the retaining wall enclosing the southern and eastern sides of the building has been retained. The applicant's agent has indicated that the wall will reach a maximum of 2m but is likely to reduce in height as it approaches the car parking area on the western side of the building. In order to ensure a reasonable level of amenity is retained for future occupiers of the ground floor apartment, it is considered that an appropriately worded condition to require that the retaining wall is engineered to reach a maximum height of 1m outside the ground floor living room and kitchen in apartment block 4,5,6 should be included on any consent.

The submission has been accompanied by an Ecology survey and report, which identifies that there is Himalayan Balsam and Japanese Knotweed present on the site. In the event that the Council were minded to approve the development conditions requiring a management plan to adequately control the spread of these species during the construction phase would be required. Similarly in view of the aesthetic and biodiversity value of the hedgerow and trees along the northern site boundary, conditions requiring protection measures and retention of this tree line would also be necessary.

A pre-assessment report on the code for sustainable homes has been submitted, which demonstrates the manner in which the proposed new dwellings will attain Code Level 3 and 1 additional credit under ENE1. In this way, the developers have shown the scheme's compliance with Policy PLA4 of the Bridgend Local Development Plan and thereby make a positive contribution towards tackling the causes of and adapting to the impacts of Climate Change and Peak Oil issues.

Whilst determining this application Policies PLA1, COM1, SP1, SP2, PLA4, COM4, COM5, SP3 & PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 8, 13 & 17 were considered.

CONCLUSION

This application is recommended for approval because the development is compatible with Government and Council policies and guidelines and does not adversely impact on highway safety, privacy or visual amenity nor significantly harms neighbours' amenities. The proposed development contributes 39 dwellings to the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, including an affordable housing contribution on an allocated regeneration site. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is not considered that there are any material reasons why planning permission should be refused.

RECOMMENDATION

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

(i) Contribute the dwellings on Plots 1-8 inclusive as affordable housing with the tenure and appropriate management arrangements for transfer to a nominated registered social landlord.

(ii) Pay the sum of £18,330 in lieu of the provision of Public Open Space on Site.

(iii) Pay a contribution of £7,000 to cover the cost of a Road Traffic Order for a 20mph zone.

(iv) Develop the site in accordance with a Phasing Plan to be attached to the Agreement with the access road up to and including the turning heads and Plots 1-28 developed prior to the dwellings on Plots 29 -39. Thereafter the improvements to the existing section of Waterton Lane shall be completed to at least base course level prior to any construction commencing on Plots 29-39 .

(v) The payment of the contributions in respect public open space provision to be in a phased manner as the development progresses in conjunction with the Phasing Plan and sale of the plots or as otherwise agreed with the Local Planning Authority during the drafting of the legal agreement.

(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 AL(90)01 Rev R, AL(00)01, AL(00)02, AL(00)10, AL(00)11, AL(00)13 Rev A, AL(00)14, AL(00)15 Rev A, AL(00)16 Rev A, AL(00)21 Rev B, AL(00)17 Rev A, AL(00)18 Rev A, AL(00)19 Rev A and HCD Engineering Ltd.'s drawing C100 labelled Layout Plan Existing Conditions.

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

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

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

3 No individual plot shall create or benefit from any pedestrian or vehicular access to or from

that length of Waterton Lane abutting the northern boundary of Plots 12 - 28 at any time.

Reason : In the interests of highway safety.

- 4 No development shall commence until a scheme for restricting motorised vehicular traffic traversing along that length of Waterton Lane abutting the northern boundary of Plots 12 28 and a programme for its implementation has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full in accordance with an agreed programme.

Reason : In the interests of highway safety.

- 5 The rear boundaries of Plots 12-28 shall be set back 450mm from the edge of the carriageway of Waterton Lane.

Reason: In the interests of highway safety.

- 6 Notwithstanding the submitted details, the means of access to the site onto Brocastle Avenue shall be laid out and constructed with minimum 6m radius kerbing and minimum vision splays of 2.4m by 45m to the south in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any construction on any of the plots commencing.

Reason : In the interests of highway safety.

- 7 No structure, erection or planting exceeding 0.9m above carriageway levels shall be placed within the required vision splay areas at any time.

Reason : In the interests of highway safety.

- 8 No development of any of the building plots shall commence on site until a scheme has been submitted to and agreed in writing showing the access road and being subjected to a 20mph speed restriction. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.

Reason : In the interests of highway safety.

- 9 No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

- * Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during the demolition and construction of the development; and
- * Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highways; and
- * A scheme of temporary traffic management to facilitate the construction of the proposed junction onto Brocastle Avenue and any other element of the road construction where such traffic management is necessary; and
- * The phasing of the demolition and construction; and
- * Measures to control the emission of dust and dirt during demolition and construction; and
- * Storage facilities for all fuels, oils and chemicals; and
- * Details of the nature, type and quantity of any materials to be imported onto the site; and
- * Measures for dealing with any contaminated material (demolition waste); and
- * Identification of any buried services such as foul sewers to ensure their protection during the course of the development
- * Details of emergency contacts

Any construction or demolition works undertaken at the site shall thereafter be in accordance with the Construction Management Plan.

Reason : In the interests of highway safety and to ensure that the Local Planning Authority retains effective control over the development in the interests of general amenity.

- 10** Notwithstanding the submitted drawings, no works shall commence on the construction of the roads until such time as a comprehensive traffic calming scheme, including full engineering details, has been submitted to and approved in writing by the Local Planning Authority for traffic calming restricting 85% tile traffic speeds to 15-20 m.p.h. The traffic calming facilities shall be implemented in accordance with the approved engineering details and completed within the same programme identified for the associated streets.

Reason: In the interests of highway safety.

- 11** No dwelling shall be occupied until the individual drive and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) at a minimum length of 6m, if fronting a garage, and 4.8m otherwise, with a minimum width between boundary walls of 3.3m for a single drive/parking bay and 5.7m for a double drive/parking bay arrangement or otherwise in accordance with the approved layout and shall be retained thereafter for parking purposes.

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

- 12** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason : To ensure safe drainage of the site.

- 13** No development shall commence until the intrusive site investigation works have been undertaken and a report submitted to and agreed in writing with the Local Planning Authority. The report shall include details of any remedial works discovered by the intrusive investigations and establish what precautions are necessary in relation to the structural design of the dwellings and the design, construction and maintenance of the proposed highways and associated retaining walls, sewers and attenuation structures. The remedial works, precautions and designs identified in the report shall thereafter be undertaken in accordance with requirements of the report as appropriate to the structure or road to be constructed.

Reason : To ensure the safety and stability of the development.

- 14** The first floor bedroom windows in the southern (front) elevations of the dwellings on Plots 7-25 inclusive shall be fixed pane non openable but these bedrooms shall instead by fitted with openable oriel windows in the side elevations. All of these windows shall be retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 15** No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details of the glazing and mechanical ventilation to be installed to the first floor bedroom windows in the southern (front) elevations of the dwellings on Plots 7-28 inclusive and to the habitable room windows in the eastern elevation of the apartment building facing Brocastle Avenue to ensure that with windows close, internal noise levels shall not exceed 30dB(LAeq15mins) for bedrooms and 35dB(LAeq1hour) in living/dining rooms. The scheme shall include the specifications and acoustic performance of the glazing and mechanical ventilation to be installed, together with the ventilation rates needed to achieve these internal noise levels. The agreed glazing and ventilations shall thereafter be installed in these dwellings prior to them being brought into beneficial use and so retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 16** There shall be a 2m close boarded fence at the rear of Plots 1-28.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 17** No development shall commence on site until there has been submitted to and agreed in writing with the Local Planning Authority a scheme for mitigating noise from the Industrial Estate to the south of the site either by the provision of a contiguous acoustic barrier along the southern boundary of the development adjacent to Waterton Industrial Estate or alternative mitigation scheme. The barrier or alternative means of mitigation shall thereafter be provided in accordance with the agreed details and so retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 18** 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.

- 19** No development shall take place within the area indicated 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 secure the provision of archaeological excavation and the subsequent recording of non replaceable archaeological assets.

- 20** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority an invasive non-native species protocol, which shall detail the method of containment, control and removal of invasive non-native Himalayan Balsam, Giant Knotweed and Japanese Knotweed. The measures identified in the scheme shall thereafter be undertaken strictly in accordance with the agreed protocol prior to development commencing.

Reason : In the interests of prevention of pollution.

- 21** 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,F & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of any dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

- 22** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto the road.

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

- 23** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of refuse and recycling storage facility/area serving the apartments on Plots 1-6.
The refuse and recycling storage facility/area shall be provided in accordance with the agreed details prior to the apartment building being brought into beneficial use and retained thereafter for that purpose in perpetuity.

Reason : In the interests of residential amenity.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development is compatible with Government and Council policies and guidelines and does not adversely impact on highway safety, privacy or visual amenity nor significantly harms neighbours' amenities. The proposed development contributes 39 dwellings to the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, including an affordable housing contribution on an allocated regeneration site. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is not considered that there are any material reasons why planning permission should be refused.

(b) Foul and surface water shall be drained separately.

(c) No surface water will be allowed to discharge to the public sewer.

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

(e) Rainwater run-off from driveways 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.

(f) The Highway Authority will require the developer to enter into legal Agreements (Section 111 Licence Agreement, Section 38 Road Agreement and Section 104 Sewer Agreement), including appropriate bonds to secure the implementation of the proposed highway and sewer works.

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

(h) 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.

(i) 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 shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

(j) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system.

Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas, although compacted chippings would not be acceptable as they may 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 access and parking areas should not be considered as a first option.

(k) In the event that any part of the development is to be developed on a self build basis, each plot developer is advised to liaise with the estate developer to confirm the line and level of boundaries before driveways and boundary walls are constructed.

(l) Details of any retaining walls within the site to be submitted to the Authority shall include 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 BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

(m) 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 public expense.

(n) The junction arrangement onto Brocastle Avenue will have to include for an appropriate 'Keep Left' sign to direct traffic to turn left only to travel north along the dual carriageway that is Brocastle Avenue.

(o) 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.

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

(q) All lorries should be suitably sheeted before leaving the site.

(r) The development site is crossed by a 1275mm public sewer and no part of any building will be permitted within 7.2m either side of the centre line of the public sewer.

(s) 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.

(t) The observations of South Wales Police Crime Prevention Design Advisor are attached for the developer's information and consideration in respect of security issues.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : SECTION 106

REFERENCE: P/15/110/OUT
APPLICANT: WATERSTONE HOMES & HAFOD HOUSING ASSOC.
C/O ASBRI PLANNING LTD. UNIT 9 OAK TREE COURT CARDIFF GATE
BUSINESS PARK CARDIFF

LOCATION: BAYSWATER TUBES SITE HEOL-Y-GEIFR PENCOED

PROPOSAL: CONSTRUCT 47 DWELLINGS & ASSOCIATED WORKS (OUTLINE APPLICATION)

RECEIVED: 23rd February 2015

SITE INSPECTED: 23rd March 2015

APPLICATION/SITE DESCRIPTION

A report on this application was presented to the Development Control Committee on 23rd July 2015 but was deferred to enable further clarification in respect of the former use rights and the implications for the proposed development in the context of Policy PLA6. It has also enabled more detailed consideration of the observations received from the Group Manager Highways.

The site was inspected by the Development Control Committee on 22nd July 2015. The Ward Members, a representative of Pencoed Town Council, one of the residents registered to speak and the applicant's agent were in attendance.

Waterstone Homes and Hafod Housing Association are seeking outline planning consent for the construction of 47 dwellings and associated works on the site of the former Bayswater Tubes factory on Heol y Geifr, Pencoed. In seeking to agree the principle of development, the application also proposes the approval of all reserved matters, including access, siting, layout and appearance of the development. Landscaping is reserved for future consideration.

The site is located to the west of Pencoed town centre and adjacent to the railway line that bisects the town. The immediate site surroundings are characterised largely by residential uses, with Heol-y-Geifr consisting mainly of terraced properties, whilst slightly further afield but still in proximity of the site, there are a greater number of semi-detached and detached homes.

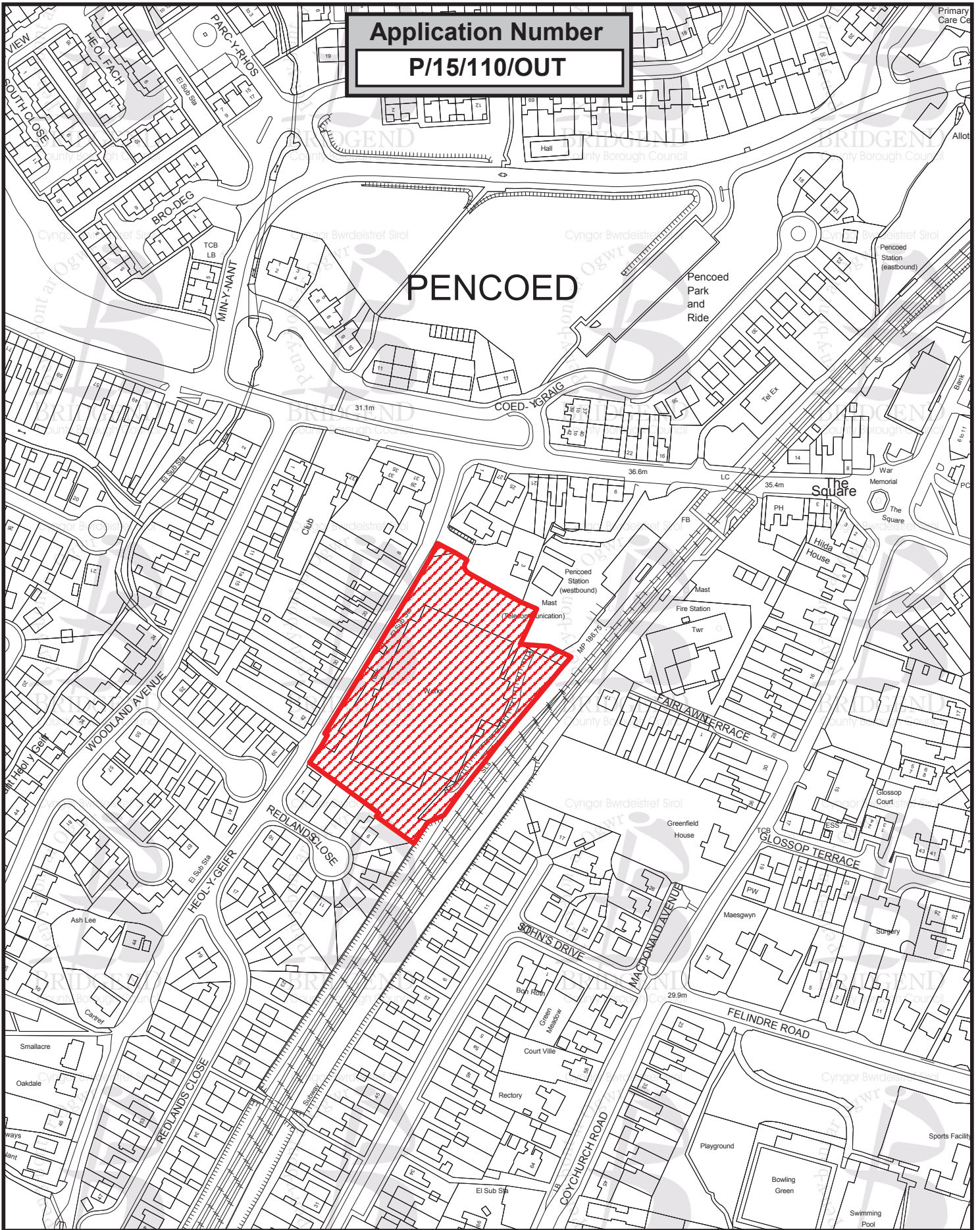
The site measures approximately 0.96 hectares and is largely flat, comprising almost entirely of the hardstanding of the former factory. The site boundary along Heol-y-Geifr consists of a palisade fence measuring approximately 2m high, which includes the existing access gate to the northwest corner of the site. The staggered north-eastern boundary meets the retaining walls of adjacent properties. The south-eastern boundary, where it meets the railway line, consists of various walls and an extensive bank, partially covered with vegetation. The rear garden boundaries of numbers 1-7 Redlands Close form the south-western boundary and consist of a mix of timber fencing and brick walls.

The 47 dwellings are divided into five house types ranging from 1 bedroom apartments to 4 bedroom semi-detached dwellings. The apartment blocks will be three storeys in height whilst all other dwellings will be two storeys. The Planning Statement confirms that a palette of materials is proposed that is 'considered to complement and enhance the existing vernacular'. Main facing materials comprise of an Ashlar finished render at ground floor with facing brick above. Concrete interlocking roof tiles and precast concrete banding and cills are also proposed.

Access to the site is proposed to be obtained from a newly created T-junction arrangement onto

Application Number

P/15/110/OUT



PENCOED

Pencoed Park and Ride

Square

PAIRLAW TERRACE

GLOSSOP TERRACE

FELINDRE ROAD

SOHN'S DRIVE

COYCHURCH ROAD

MACDONALD AVENUE

WOODLAND AVENUE

REDLAND CLOSE

HOLYWELL

REDLANDS CLOSE

Mark Shephard
Corporate Director-Communities

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

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Scale 1:2,500

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176



Heol-y Geifr. This intersects the site roughly into two equal portions, each accessed via a separate branch of the internal access road. The site entrance measures 5.5m in width, narrowing slightly to 4.8m further into the site with 1.8m footpaths either side. The route divides at the eastern side of the site adjacent to Block 2, where it takes the form of adopted shared surface routes with main carriageway widths of 4.8m.

The road fronting the site on Heol-y-Geifr is approximately 4.89m wide, although is narrowed to around 2.8m when vehicles are parked. The submitted layout proposes an increase in the total road width to 6.8m to provide formal parking bay controls on both sides of the carriageway, and include a 1.8m wide footway across the site frontage.

A total of 81 off-street car parking spaces are provided. This includes 47 allocated spaces for the 47 individual properties on site, with the remaining 34 unallocated spaces marked with the letter 'V' to accommodate additional resident parking and visitor parking. Cycle storage is accommodated in the sheds and stores on site.

The following documents have been submitted in support of the application:

Planning Statement - Asbri Planning
Design and Access Statement - Asbri Planning
Transport Assessment & Figures - Asbri Transport
Transport Assessment Appendices Pack - Asbri Transport
Preliminary Ecological Appraisal and Code for Sustainable Homes Report - Wildwood Ecology
Flood Consequences Assessment - JBA Consulting
Environmental Noise Survey - Hunter Acoustics
Pre-Development Tree Survey & Assessment - Tirlun Design Associates
Tree Constraints Plan - Tirlun Design Associates
Geoenvironmental Assessment - Earth Science Partnership

RELEVANT HISTORY

P/05/1460/FUL REFUSED 05-11-2007
DEMOLISH IND. BUILDING & CONST 58 DWELLINGS, Apts, 2 & 3 Bed Houses inc.10 Aff.
Units, Roads & Pking ~ AMENDED LAYOUT

P/05/380/FUL REFUSED 05-09-2005
PROPOSED 58 DWELLINGS ON EXISTING FACTORY SITE

P/08/51/FUL REFUSED 16-01-2009
DEMOLISH EXISTING BUILDINGS AND ERECT A1 RETAIL FOODSTORE WITH ASSOC
CAR PARKING,ACCESS, SERVICING & LANDSCAPING

P/08/904/FUL REFUSED 05-06-2009
DEMOLISH EXISTING BUILDINGS & ERECT CLASS A1 RETAIL FOOD STORE WITH
ASSOC. CAR PARKING, ACCESS,SERVICING & LANDSCAPING

P/98/770/FUL APPROVED 05-10-1998
RECLADDING OF EXISTING BUILDING

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 25th March 2015.

NEGOTIATIONS

Negotiations commenced on 2nd April 2015 in respect of S106 Planning Obligations and the observations received from Network Rail and the Group Manager Public Protection.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 25th February 2015

Concerns have been expressed by the Town Council in relation to the following:

How can this application be considered in light of moratorium in place?

Can this application even be considered until such time as the electrification of the railway is finalised, in order to allow access?

Access issues from Hendre Road would be a matter that needs further consideration in relation to traffic flow.

Councillor R Williams

The residents of Heol Y Geifr have to park outside their homes. They have nowhere else. This makes the road only wide enough for one car, and I fear serious congestion will result at certain times of the day.

Head Of Street Scene (Highways)

No objection subject to conditions.

Head Of Street Scene (Waste & Recycling)

Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclables for collection beside the nearest adopted footpath. The Developer should consider provision of a suitable collection point to avoid inconveniencing other residents.

Head Of Street Scene (Drainage)

No objection subject to conditions.

Natural Resources Wales

No objection subject to conditions.

Welsh Water Developer Services

We would request that if you are minded to grant planning consent for the development that the recommended conditions and advisory notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Crime Prevention Design S.Wales Police

The Crime Prevention Design Officer has provided observations on the submitted layout, street

lighting, boundary identification, landscaping and planting, side and rear boundaries, vehicle parking, garden sheds, bin stores, security lighting, door and window security. Generally the design officer is pleased with the layout as most of the parking is within curtilage and overlooked. Some concern has been expressed with the parking at the rear of plots 15-20 - this parking area is not overlooked and is vulnerable. It has been recommended that the rear parking areas be designed out.

Network Rail (Western Region)

Network Rail have provided revised observations on the proposal offering no objection to the development subject to conditions.

Glamorgan Gwent Archaeological Trust

No objection subject to conditions.

Group Manager Public Protection

No objection subject to conditions.

REPRESENTATIONS RECEIVED

Letters Of Objection Have Been Received From The Following, :

S Harrison - 15 Deri Avenue;
K Nicolls - 1 Redlands Close;
D Williams - 2 Redlands Close;
K Evans - 4 Redlands Close;
F Hughes - 15 Redlands Close;
D Hughes - 16 Redlands Close;
S Morgan - 1 Heol Y Geifr;
Mr and Mrs Trigg - 10 Heol Y Geifr;
G Matthews - 12 Heol Y Geifr;
Mrs R Jones - 20 Heol Y Geifr (Speaker);
The owner/occupier - 22 Heol Y Geifr;
G Lindell - 26 Heol Y Geifr;
L Williams - 34 Heol Y Geifr;
R Turner - 40 Heol Y Geifr;
P Mangan - 42 Heol Y Geifr;
R Evans - 6 Brook Vale;

The following is a summary of the material planning objections received from local residents:

1. Development is contrary to the moratorium which prevents additional housing development on land west of the level crossing; a second crossing should be provided before any further development; too many dwellings are proposed on the site;

2. Road network cannot accommodate the development - which will generate additional traffic and exacerbate problems near the junction with Hendre Road, the level crossing and Penprysg Road Bridge; entrance to the development is in the wrong place; the width of the road of 6.8m is inadequate and will need to be widened so two cars can pass down the road at the same time; car parking behind 1 Redlands close is unacceptable; emergency and refuse collection vehicles will not be able to enter Heol Y Geifr; on-street parking will be restricted by the raised plateau; traffic associated with the former use followed a different pattern - housing will allow up to 80 cars to travel freely from morning to night; development will generate on-street car parking that

will exacerbate existing problems; traffic impact assessment is not a true reflection of the amount of traffic on the highway network serving the site;

3. New housing will affect the current levels of light and privacy enjoyed by existing residents on Heol Y Geifr;

4. No play provision for children in the area - children will play on street;

5. A community use would be preferable;

6. Disruption may be caused to electricity and telephone lines as they are supported by apparatus on the development site;

7. Historically, the land has been identified for industrial use - when did that change; planning permission on previous schemes have been refused;

8. Lack of consultation with community - previous housing scheme resisted. Previous scheme by Tesco was more widely publicised with the developer's engaging directly with the community.

9. Construction will generate unacceptable levels of noise, vibration, dust etc.

10. Can this application be considered prior to the electrification of the mainline?

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the representations received:

1, 3 & 4. The Bridgend Local Development Plan recognises that the existing highway network in Pencoed is severely constrained by the mainline railway and there is no prospect of mitigation in the short term. In recognition of this constraint Policy PLA6 introduces a moratorium on further development which generates a net increase in vehicular movements to the west of the railway line. Although the application sites lies within the settlement of Pencoed it is subject to the moratorium.

If this were a 'greenfield site', any development would conflict with Policy PLA6. It is however a brownfield site and is considered to benefit from a lawful/extant use for general industry with the last use ceasing in 2007 and the site being cleared in 2010. The Council must therefore consider the level of traffic generation associated with the former use in the assessment of this application. The Transport Statement demonstrates that the potential trips generated from the proposed development in comparison to the previous industrial use are far lower. To illustrate this, the comparison figures from the morning and evening peaks are as follows: the extant (former) use would generate 80 two-way vehicle movements during the morning peak and 57 two-way movements in the evening peak. Residential development at the proposed density would result in far less movements comprising 20 morning and 23 evening vehicle movements.

The findings of the Transport Assessment have been examined by the Council's external consultant and accepted to be accurate. Therefore, on the basis that the proposed development will not generate a net increase in vehicular traffic movements in Pencoed, the development does not conflict with Policy PLA6.

Related concerns have been expressed by residents as to the number of dwellings proposed as part of the application. Policy COM4 of the LDP establishes a density requirement of at least 35 dwellings per hectare. The supporting planning statement acknowledges that delivering 47 dwellings on 0.96 ha equate to a density of 49 per hectare, well in excess of the minimum level

as set out in policy. The developer seeks to justify this level based on Planning Policy Wales which advocates higher density development in sustainable locations. Whilst undoubtedly the site is closely linked to the town and all public transport connections, increased densities should not be accepted if the living environments created are poorly designed. For many of the properties, the level of private amenity space is extremely modest with garden lengths not achieving the 10m that would be the preferable distance. In some of the more recent higher density schemes approved by this Council, such compromises in garden sizes have been made. As the development is for affordable housing it is understood that the layout would have to achieve the Welsh Government Design Quality Requirements and that would include a minimum standard for private amenity space.

The layout provides no public amenity space/play areas to serve the future occupiers nor has the Council's Parks and Playing Fields Section requested such an on-site provision. In this case, a financial contribution (£22,090) will be secured through a planning obligation and used to improve a nearby facility.

Indications of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties in Heol y Geifr and Redlands Close. In terms of the development, privacy standards between the new dwellings will be achieved although the layout does allow for overlooking between windows fronting onto a highway at a distance of less than 21m. The poor relationship of the three storey flats at Block 1 with the rear facing habitable room windows in plots 29-31 has been addressed by the developer in the submission of revised plan which reduces the slab level of the unit block combined with a change in the roof design. The original layout compromised the 25 degree daylight protection zone and although this has not been fully addressed, the change married with northerly position of Block 1 and the distance of 10.5m being achieved, results in a relationship that is on balance acceptable. The internal relationship of the proposed dwellings in all other respect addresses the Council's standards in terms of privacy, daylighting and domination of outlook.

The large unit on Block 1 does however lie close to a retaining wall and the elevated garden of the property known as Ashfield House. No windows from this flatted complex will overlook the said property. The first floor windows in Plot 1 will however overlook the extremity of the elevated open garden of Ashfield House. Whilst the privacy of the garden will be reduced by Plot 1, an area of private space is retained about the dwelling house. Again, the relationship of the existing and proposed dwelling does not conflict with the Council's standards to such an extent to warrant a further change in the submitted layout. The southern boundary of the development site is shared with properties on Redlands Close and in general terms the layout addresses the Council's standards. The unit on Plot 14 does however include a small side facing window, serving a lounge. To ensure that the privacy standard is achieved this window will have to be obscurely glazed.

In order to maximise the developable area and to reflect the character of the existing street scene, the proposed layout incorporates a mix of terrace and semi-detached properties that front Heol Y Geifr. A distance of some 13m separates the existing from the proposed properties, the elevations of which include habitable room windows. Whilst the Council believes that the minimum distance between directly facing habitable room windows should normally be 21m, reductions are acceptable where the overlooking is between windows fronting onto a highway where established building lines are less than 21m apart. Inevitably, introducing new housing so close to the existing properties in Heol Y Geifr will reduce the level of privacy that the residents enjoy but it is not to such a degree to warrant a refusal of planning permission. Furthermore the relative levels of the site and the separating distances recorded on the submitted plans will ensure that the new development does not overshadow or dominate outlook to an unacceptable level, when assessed against the Council's guidelines for new development.

Whilst the density of development is unquestionably high, the resulting layout does not conflict

with the policies and guidelines of the Council in a manner that would warrant a refusal of planning permission for this reason alone.

The transportation and highway safety implications of the proposal have been fully considered by the Transportation Development Control Officer who has not objected to the development subject to conditions.

The application has been accompanied by a Transport Assessment (TA) which the Council has referred to external consultants for verification. The TA is considered to demonstrate that the trips generation of the proposed development in comparison to the previous industrial use is far lower both in normal vehicle and HGV movements. Furthermore, the TA has examined the highway network serving the site and concluded that it is adequate to serve the proposed development.

The Transportation Development Control Officer has also examined the existing and proposed road junctions the pedestrian links, the existing on-street parking patterns and the number of new spaces proposed and concluded that the development is acceptable.

In order to ensure highway safety standards are maintained during the construction phase a condition shall be attached to any permission granted requiring a Construction Method Statement to be submitted to and agreed in writing by the Local Planning Authority.

5. The site is not specifically allocated for any development and whilst a community facility on site would not necessarily be resisted it is not part of the current application and is not before the authority to determine.

6. Any possible disruption to services is outside the control of the Local Planning Authority.

7. Historically the site has been used for general industrial purposes with Bayswater Tubes being established in the 1960s and operating up until 2007. As stated above, the site is not allocated for any specific use and has been the subject of a number of planning applications including proposals for housing and a foodstore. Whilst every form of development must be carefully assessed in terms of its impact on the amenities of residents and an area generally, it can be reasonably argued that residential development is a more conforming use.

8. Currently pre-application consultation by the developer with the community is not a requirement under the planning legislation and whilst the Council would generally support such approaches it is not grounds for resisting the development. The planning application has been the subject of the normal publicity requirements with notices being posted on site and in the press. Individual letters of notification have also been sent to local residents and their responses are listed and summarised in the previous section of this report.

9. Inevitably a development so close to existing properties is going to result in some inconvenience for highway users and noise and general disturbance during the construction period. Whilst this is not grounds for refusing planning permission, given the scale of the development it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction.

10. The electrification of the mainline is proposed and there may be consequential changes to the level crossing. This does not prevent the determination of this application.

APPRAISAL

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

This application seeks outline planning consent (only landscaping reserved for future consideration) for the construction of 47 dwellings and associated works on the site of the former Bayswater Tubes factory on Heol y Geifr, Pencoed.

The main issues relevant to the determination of this application are: (i) whether the development complies with the policies of the Bridgend Local Development Plan and will deliver the necessary infrastructural improvements, (ii) the effect of the development on the highway network and highway safety generally and (iii) the effect of the proposal on the character and amenities of the area and specifically those enjoyed by local residents.

Pencoed is a main settlement where development is permitted at a scale commensurate with its role and function (PLA1 of the Bridgend LDP refers). As such and as a proposal to re-use vacant land, the development represents a windfall site in accordance with Policy COM3. The LDP recognises that the Pencoed-Pyle Transport Corridor is severely constrained by the mainline railway line and level crossing in Pencoed town centre and currently there is no prospect of this being mitigated within the Plan period. Accordingly, Policy PLA6 introduces a moratorium on development which generates a net increase in vehicular movement to the west of the railway line, as this will exacerbate congestion either side of the level-crossing and at the complex over-bridge junction between the eastern end of the relief road and Penybont Road.

The moratorium was, however, in place in 2005 when the Council considered an application by Bovis Homes to develop the site for housing. The Traffic Impact Assessment (TIA) that accompanied that application sought to demonstrate that new development would not have a greater impact on the highway network than the former industrial use and this was accepted by the Council. A similar assessment accompanies this application, and reaches a similar conclusion that the number of vehicular trips generated by 47 dwellings is of a lesser quantum when compared to the person and freight trips generated by the site's former use. On the basis that the findings of the Traffic Impact Assessment have been accepted by the Transportation Section and the development will not generate a net increase in vehicular traffic on the Pencoed-Pyle transport corridor, the 'principle' of developing this site for residential purposes is found to be acceptable.

In accordance with Policy SP14, new development often creates a need for additional or improved community services and facilities, without which the development could adversely affect amenity, safety, or the environment. Such infrastructural requirements are secured by means of planning obligations and are considered below:

As a proposal of over 5 units, the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that all 47 units will be provided as social rented accommodation. In order to safeguard compliance with the LDP, the affordable housing target of 20% for the Pencoed housing market area will be secured through a Section 106 Agreement.

With regards to education, the scheme meets the threshold of 5 or more residential units identified in SPG16 as being large enough to place increased pressure on local educational facilities. The Children's Directorate have confirmed that there is sufficient capacity in local secondary schools but there are no surplus places in local primary schools. Given the lack of capacity, a contribution will be required and calculated and this has been calculated as £114, 191. This again will be secured through a S106 Planning Obligation.

As indicated in the previous section of the report the impact of the development on the highway network has been thoroughly examined by the Transportation and Engineering Section as has the submitted layout, to establish whether it accords with both national and local guidance. The impact of the development on the immediate and surrounding road network, the adequacies of

the proposed off and on street parking arrangements have been the focus of the objections received from local residents. In applying the aforementioned guidance (Manual for Streets and the Car Parking Guidelines refers) the layout and associated highway works are considered to be generally in compliance. Accordingly no objections to the development have been received from the Group Manager Transportation and Engineering.

The character of the area from the perspective of the residents of Heol y Geifr and Redlands Close has changed. For many years the Bayswater Tubes operation dominated the area in terms of the scale of the buildings and the general movement of vehicles to and from the site. The closure of the business created a quieter environment but has left a large, unsightly vacant site which has been the subject of previous applications for housing which the Council was minded to approve. The proposed development would represent a further change to the character of the area and undoubtedly during the construction phases it will result in noise and disturbance but these are short term problems. The residential use of the land will, in a general sense, be a more compatible use than the former, albeit it will generate the movement of vehicles and pedestrians but on a network that can accommodate the scale of development proposed. Furthermore, it is a brownfield site that both national and local policies promote for such a use.

In visual terms, it is considered that the appearance of the area will improve with the architectural design of the dwellings, enhancing and complementing the existing housing. The scale of development, particularly where it adjoins the existing properties are appropriate being two storeys. The proposed three storey units are sited so as to have no significant impact on the existing adjoining neighbours. The scale and density of the scheme is compatible with its surroundings.

The designer has also sought to safeguard the amenities of existing residents with reference to the siting of the dwellings to ensure that privacy will be protected, outlook not dominated or overshadowed. Admittedly, the front to front relationship of units 1-14 to Heol y Geifr has drawn some criticism but generally across a highway the normal privacy standard can be reduced. It is considered that the layout addresses the safeguarding of the amenities of neighbours appropriately. In general, the proposal accords with Council policies and guidance with regard to the effects of the development on the character and the amenities of the neighbours and the area.

No adverse representations have been received from consultees in terms of site drainage, flood risk and site ecology. The noise assessment has been examined by the Public Protection Section and subject to the implementation of planning conditions to safeguard the amenities of the future occupiers the proposal is considered acceptable.

Whilst determining this application Policies PLA1, COM2(7), COM4, COM5, COM11 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,10,11 & 12 of Supplementary Planning Guidance 02 were considered.

CONCLUSION

The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing (including affordable housing). The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

RECOMMENDATION

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

(i) Provide for a minimum 10 units of affordable housing, with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution of £114,191 on the commencement of development towards the provision of additional primary school places in the schools serving the development;

(iii) Provide a financial contribution of £22,090 on the commencement of development towards the upgrading of an existing play area in the Pencoed West Area;

(iv) Provide a financial contribution of £10,850 on the commencement of the development towards the provision of a Westbound and an Eastbound Bus stop on Hendre Road in the vicinity of the junction of Heol y Geifr / Hendre Road.

(v) Provide a financial contribution of £7,000 on the commencement of development for the preparation of Legal Traffic Orders for a 20mph zone within the development site.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of this proposal, reserving landscaping for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions in addition to the standard outline conditions:-

1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers 2085-100, 101 (Revision A), 200, 201, 202, 203, 204 and 205 and the following documents: Transport Assessment & Figures - Asbri Transport; Transport Assessment Appendices Pack - Asbri Transport; Preliminary Ecological Appraisal and Code for Sustainable Homes Report - Wildwood Ecology; Flood Consequences Assessment - JBA Consulting; Environmental Noise Survey - Hunter Acoustics; Pre-Development Tree Survey & Assessment - Tirlun Design Associates
Tree Constraints Plan - Tirlun Design Associates; Geoenvironmental Assessment - Earth Science Partnership

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

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

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

3 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

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

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

- 5 No development shall take place within the area indicated 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 secure the provision of archaeological excavation and the subsequent recording of non replaceable archaeological assets.

- 6 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any dwelling being occupied.

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

- 7 No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of noise mitigation and ventilation works to ensure that the habitable rooms in the properties achieve internal noise level of 35 dBA Leq 16 hour during the day (07.00 to 23.00 hours) and 30 dBA Leq 8 hour at night (23.00 to 07.00 hours). The scheme shall be able to achieve the standard of mitigation measures recommended in the Environmental Noise Survey 3612/ENS1_revision 1. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to a lower rate between 10 and 17 litres per second against zero pressure. The scheme shall also ensure that the following requirements are met as specified in section 6.3 Environmental Noise Survey 3612/ENS1_revision 1:

* All habitable rooms on facades highlighted in red require mechanical ventilation at ground, first and second floor levels or a whole house ventilation system.

* All habitable rooms on facades highlighted in orange require mechanical ventilation at first floor levels or a whole house ventilation system.

* Do not include trickle ventilation within window frames on critical facades.

* Bedrooms on facades highlighted in green require acoustic trickle ventilators in order to control regular L_{Amax} events from rail movements during the night. Acoustic trickle ventilators should achieve the specification detailed in table

The dwellings shall be constructed in accordance with the agreed noise mitigation and ventilation works prior to occupation.

Reason: In the interests of the amenities of the future occupiers of the approved development.

- 8 No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and agreed, in writing, by the Local Planning Authority. The remediation strategy shall include all of the following:

- a. A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

- 9** No dwelling shall be occupied until a verification report demonstrating completion of works set out in the agreed remediation strategy and the effectiveness of the remediation has been submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

- 10** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written agreement from the Local Planning Authority. The remediation strategy shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

- 11** No piling or any other foundation designs using penetrative methods shall be permitted on site unless otherwise agreed in writing by the Local Planning Authority and where it has been demonstrated that there will be no risk to protected groundwaters.

Reason: To prevent pollution of controlled waters.

- 12** Notwithstanding the approved plans the ground floor side facing lounge window on the side elevation of Plot 14 facing 1 and 2 Redlands Close shall be fitted with obscure glazing to level 3 of the Pilkington scale of obscurity prior to the beneficial use of the dwelling commencing and shall be retained as such in perpetuity.

Reason: In the interests of residential amenity.

- 13** No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning

Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. haulage routes

Reason: In the interests of highway safety.

- 14** Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities

- 15** 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 Western site frontage boundary being set back and a widening of Heol y Geifr to 6.8m with a 1.8m wide segregated footway, which shall appropriately link into the existing footways abutting 1 Heol y Geifr and 1 Redlands Close. Such a scheme shall be fully implemented in accordance with the agreed details before the first dwelling is brought into beneficial use.

Reason: In the interests of highway safety.

- 16** 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 extents of on-street parking bays along the Western side of Heol y Geifr. Such a scheme shall be fully completed in permanent materials with the bays clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

- 17** Notwithstanding the submitted plans, no development shall commence until details of a junction awareness scheme at the site access has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include for surface treatment/plateaux and traffic signing including 20 mph traffic signing for the new development and 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.

- 18** The proposed means of access shall be laid out with 5 metre radius kerbing on either side of the entrance, constructed and retained in permanent materials as agreed in writing by the Local Planning Authority with vision splays of 2.4m x 43m frontage before any of the development is brought into beneficial use. All plot boundaries should be set back so as not to impinge upon the splay and the area between plot boundary and back of splay shall be completed in permanent materials as approved by the Local Planning Authority.

Reason: In the interests of highway safety.

- 19** No structure, erection or planting exceeding 0.6 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.

- 20** 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: In the interests of highway safety.

- 21** 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 agreed by the Local Planning Authority before the associated dwelling is occupied

Reason: In the interests of highway safety.

- 22** 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.

- 23** A "Private Road" sign shall be erected at the entrance to the access road serving Plots 39 - 47 in accordance with details to be agreed with the Local Planning Authority before any dwelling served by the road concerned is brought into beneficial use. The sign shall then be retained as agreed in perpetuity.

Reason: In the interests of highway safety.

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

a. The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing (including affordable housing). The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

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) The development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3m either side of the

centreline of the public sewer.

f) The roof construction of the plots highlighted in red as identified in the Environmental Noise Survey 3612/ENSI revision 1 shall be upgraded to achieve the standards specified in section 6.2 of the report.

g) There shall be no rooms in the roof/mansard sections included on critical plots identified in the Environmental Noise Survey 3612/ENSI_revision 1.

h) A 1.8m closed boarded fence shall be erected around the site boundary and between gardens. The fence height shall be increased to 2.1m around and between Plots 19 & 20 in order to achieve the 55dB garden area criteria. These recommendations will need to be included in the scheme to be submitted to agree condition 3 of planning consent P/15/110/OUT.

i) Network Rail's advisory notes are attached to this planning permission for your consideration.

j) Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The Developer should consider provision of a suitable collection point to avoid inconveniencing other residents.

K) 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.

l) 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.

m) The Geoenvironmental Assessment report refers to the removal of floor slabs and foundations associated with the former factory, the potential for sinkholes to materialize, the possibility of the presence of expansive slag, the need for engineered fill and the likelihood of low CBR values. All of the above will influence the road design.

n) The shared surface access streets 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 and footway surfaces shall be finished in Street Print creating a pavements block effect or similar approved with a granite sell rumble strip at each entrance to the shared surface street for driver awareness of entering a different environment where pedestrians will be encountered in the carriageway.

o) 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. In addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway, the design details shall be duly certified by a professional structural engineer 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.

p) 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.

q) 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.

r) The scheme submitted to satisfy Condition 13 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.

s) The developer should consider the provision of cycle spaces to serve the flats.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/130/FUL
APPLICANT: PRITSIMM LIMITED
C/O MR K PATEL 20 TALBOT STREET MAESTEG

LOCATION: BEETHOVEN HOUSE 81 CASTLE STREET MAESTEG

PROPOSAL: CHANGE OF USE TO 4 FLATS AND RETAIN EXISTING FLAT

RECEIVED: 2nd March 2015

SITE INSPECTED: 30th March 2015

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to convert this public house into 4 flats whilst retaining the existing first floor 2 bedroom flat. The flat will comprise of a mix of two and three bedroom units. The public house is not currently in use.

The application also includes the removal of the existing flat roof two storey rear extension, the single storey rear extension and the existing first floor beer garden area. The development proposes to retain and utilise the existing openings, reinstate previously blocked up openings and create some additional openings and replace the beer garden with a balcony to the rear elevation.

The site is located close to Maesteg Town centre.

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 and publicity expired on 14 July 2015.

NEGOTIATIONS

The agent was advised of the requirements for a S106 contribution towards affordable housing and was requested to provide elevation plans. Amended plans were received on 25 June 2015, reducing the number of flats to 4.

Plans were requested showing the rear and eastern elevations, these were received on 14 August 2015.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 12th March 2015

Application Number

P/15/130/FUL



Scale 1:1,250

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Support the proposal.

Cllr Keith Edwards

Objects to the proposal and requests a site visit.

The objection is as follows:-

'Completely out of sync with residential street comprising of terraced houses, ongoing resident parking issues in and around this address.'

Head Of Street Scene (Highways)

Has no objection to the proposal.

Head Of Street Scene (Drainage)

Advised on drainage.

Welsh Water Developer Services

Advised on sewerage.

Group Manager Public Protection

Advised on the internal layout, these comments were passed onto the agent.

Head Of Parks & Playing Fields

Has no comments to make on the proposal and has not requested a contribution towards public open space.

REPRESENTATIONS RECEIVED

Zion Fellowship, Maesteg Christian Centre (Zion English Baptist Chapel)

Supports the proposal.

Objections Have Been Received From The Following:, -

- I J Lloyd - 2 Queen Street Maesteg
- S Morgan - 3 Queen Street, Maesteg
- S Joyce - 4 Queen Street, Maesteg (requests to speak at the Development Control Committee)
- H Taylor - 7 Queen Street, Maesteg
- J John - 8 Queen Street, Maesteg
- D Treasure - 10 Queen Street, Maesteg
- S Rees - 11 Queen Street, Maesteg
- D & M Thomas - 15 Queen Street, Maesteg
- H Davies - 16 Queen Street, Maesteg
- V Pearce - 17 Queen Street, Maesteg (requests to speak at the Development Control Committee)
- C Griffiths - 10B Castle Street, Maesteg
- G & J Playfair - 12 Castle Street, Maesteg
- P Whealan - 26 Alfred Street, Maesteg

The objections are summarised as follows:-

In adequate parking space for existing permit holders
Lack of parking provision

Development will lead to parking in neighbouring streets
Overlooking the rear gardens of the properties on Queen Street
Privacy
Flats would not be suitable in this residential area
Overdevelopment of site
Increase in refuse bags
Disruption during conversion works
Development will downgrade the area
Concern in regard to the future occupiers of the flats
Loss of facility

COMMENTS ON REPRESENTATIONS RECEIVED

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of parking provision and highway safety. The comments regarding the lack of parking permits has been forwarded to the relevant section.

In respect of the objections raised regarding overlooking and privacy, the existing public house has a large first floor beer garden which overlooks the rear of the properties on Queen Street and Alfred Street, it is proposed to remove a large proportion of this beer garden and to replace it with a balcony of a smaller scale serving the first floor rear flat. The overlooking caused by the proposed smaller scale balcony is considered to be far less intrusive than the current situation from the existing first floor beer garden, which is closer to the neighbouring property and of a larger scale. However, in order to ensure that privacy standards are maintained a condition shall be attached to any permission granted requiring a 1.7m high solid screen to be erected along the boundaries of the balcony.

The application site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the Local Development Plan and, as such, the proposal which is for residential use is considered acceptable in this residential area.

The proposed development is not considered to be overdevelopment of the site as the existing building is of a sufficient scale to accommodate the 4 flats and retain the existing flat without adversely affecting residential amenities.

There will be an increase in household waste, however, this will replace the existing commercial waste generated by the public house use, and it is not considered to be a material concern.

Any disruption caused during the conversion works will be short term only and is not considered to be a reason to refuse the development.

The future occupants of the proposed flats and perceived 'down grading' are not material planning considerations and the application must be assessed on its planning merits alone.

The loss of the public house facility is addressed in the 'Appraisal' section of this report.

APPRAISAL

The application is referred to the Development Control Committee for determination at the request of the local Member and due to the number of objections received from local residents.

The application seeks planning permission to convert the existing public house into 4 flats and to retain the existing living accommodation. There are limited external alterations proposed.

The application site is located within the settlement boundary of Maesteg, as defined by Policy PLA1 of the adopted Local Development Plan (LDP), and, as such, the development of this site for residential purposes could be regarded as a 'windfall and small-scale' site in a settlement boundary under Policy COM3 of the LDP.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP 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 proposal involves little in the way of alterations to the external appearance to the property, which is welcomed as the existing building adds to the character of the street scene and is of some architectural merit.

In terms of the impact on neighbouring properties, whilst the proposed balcony will have direct views over the rear gardens of the properties on Queen Street, nevertheless it is considered acceptable as the development will result in the removal of the existing first floor beer garden. The existing beer garden is closer to the properties on Queen Street than the proposed balcony and, as such, will significantly reduce the existing overlooking situation. The proposed development will, therefore, result in an improvement with regard to overlooking and privacy standards. However, in order to ensure that privacy standards are maintained a condition shall be attached to any permission granted requiring a 1.7m high solid screen to be erected along the boundaries of the balcony facing Queen Street and Alfred Street.

It is noted that the pub may not have been in full operation for the last few years, however the building could be brought back into operation at any time and the beer garden used regularly by patrons of the public house.

With regard to the residential amenities of the future occupants of the flats a modest communal outdoor area is proposed to the rear, at the location of the existing flat roof extension, which is to be demolished. In order to ensure that the boundary treatment being proposed is suitable a condition shall be attached to any permission granted requiring a boundary treatment scheme to be submitted to and agreed in writing by the Local Planning Authority.

Policy SP13 of the LDP states that 'community buildings will be retained or enhanced to maintain the quality of life for residents'. Paragraph 6.2.2 expands on this stating that 'a local pub could be regarded as a community building, especially where it is the only community building in a small settlement'. Given the location of the application site within the urban area of Maesteg, within close proximity to a range of community facilities, it is not considered that the proposed change of use would have a detrimental impact on the quality of life of local residents. Consequently, it is considered that the proposal represents an opportunity to re-use a currently vacant building within the urban area for residential development in accordance with Policy COM3 of the LDP.

In regard to Public Open Space (POS), there is a large area of POS at Maesteg Sports centre located approximately 140m to the north of the site and access can be gained via the existing footpath network. It is not considered reasonable to request a public open space contribution in this instance given the limited nature of the development and the close proximity of the site to a large area of POS.

The original proposal was for five new flats plus the existing flat. The amended scheme now reduces this to four additional units and, as such, there is no requirement for an affordable housing contribution.

The application site is at a sustainable location and is within close proximity to a variety of services and facilities.

In terms of highway safety and parking provision, the existing use of the building falls under Class A3 of the Town and Country Planning (Use Classes) Order 1987. An A3 use class is considered to require more off-street parking provision than the proposed use, however, as the existing property is not served by any off street parking provision, the proposed change of use is considered to be acceptable in terms of highway safety and parking provision as there is no change in the existing circumstances. Furthermore, the application property is located at a sustainable location, close to the town centre, railway station and bus station.

Whilst determining this application Policies COM3, SP2, SP13 of the Bridgend Local Development Plan and Notes 1,2,6 & 8 of Supplementary Planning Guidance 2 were considered

CONCLUSION

Notwithstanding the objections received, this application is recommended for approval because the proposal represents an opportunity to re-use a currently vacant building in compliance with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

RECOMMENDATION

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

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

568/1 (received 2 March 2015)
568/7A (received on 25 June 2015)
568/8A (received on 20 May 2015)
568/9 (received on 20 May 2015)
568/11 (received on 14 August 2015).

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

2 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.

3 Notwithstanding the approved plans and Condition 1 above 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, including the balcony, doors and windows, has 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 Prior to the beneficial use of the balcony serving the first floor rear flat commencing, a 1.7m

high solid screen shall be erected along the entire side of the balcony adjacent to Alfred Street and boundary facing Queen Street. The balcony shall thereafter be retained in perpetuity.

Reason: In the interests of residential amenities.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received, this application is recommended for approval because the proposal represents an opportunity to re-use a currently vacant building in compliance with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

b) Foul Water and surface water discharges shall be drained separately from the site and will not be allowed to discharge on the public highways.

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) The development is crossed by a 225mm public sewer with the approximate position being marked on the Statutory Public Sewer record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/416/FUL
APPLICANT: MR GWYN SINGLETON
8 BEECH ROAD NEWTON PORTHCAWL

LOCATION: 59 NEWTON NOTTAGE ROAD PORTHCAWL

PROPOSAL: RAISE ROOF OF BUNGALOW TO PROVIDE 1ST FLOOR: SINGLE & TWO STOREY REAR EXTENSIONS; NEW PORCH/STUDY & GARAGE

RECEIVED: 30th June 2015

SITE INSPECTED: 21st July 2015

APPLICATION/SITE DESCRIPTION

The application seeks consent to raise the roof of an existing bungalow to a height of 5.5 metres to provide a first floor and to erect a single storey and a two storey extension to the rear. An integral garage with attic space is also proposed.

The two storey extension will measure 6.5 metres x 3.8 metres with a height of 5.5 metres. The single storey measures 6.5 metres x 3.8 metres with a height of 3.8 metres. The new garage will have an internal layout measuring 3.1 metres x 8.1 metres.

The application also seeks consent to provide a small extension to the front which will measure 3.1 metres x 1.5 metres with a height of 4.5 metres.

RELEVANT HISTORY

None

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 2 August 2015

NEGOTIATIONS

Amended plans were requested showing the proposed Juliet balcony on the rear elevation of the second floor rear extension and a high level window on the side elevation. Both the balcony and window will serve a new bedroom.

Amended plans were received on 17 August 2015. However, instead of a high level window on the side elevation the plans show four rooflights.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 6th July 2015

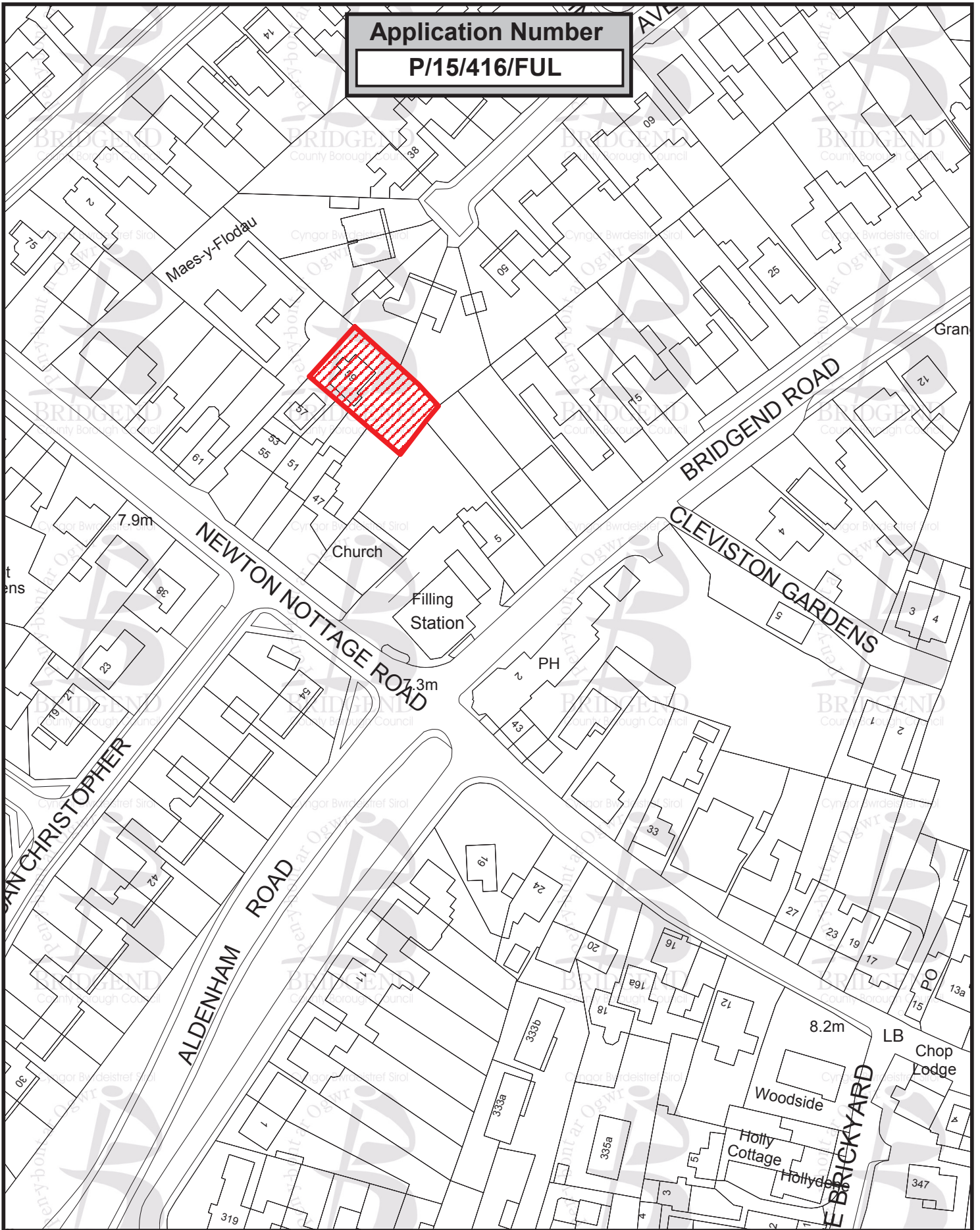
has no objection to the proposal

Cllr Ken Watts

considers the application can be determined under officer delegated power

Application Number

P/15/416/FUL



W
N
E
S

Page 78

Scale 1:1,250

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard
Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol
Bridgend
County Borough Council

REPRESENTATIONS RECEIVED

Objections Were Received From:, -

Jenny Townhill: 47 Newton Nottage Road;
Mrs B V Cubbin: 51 Newton Nottage Road;
Mr Ian Cubbin: 53 Newton Nottage Road;
Mr & Mrs D E V Smith: 46 Austin Avenue

The main issues raised are summarised as follows:

Loss of privacy
Possible loss of Leylandii trees
Loss of daylight
Out of scale with property opposite

G James: 57 Newton Nottage Road supports the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED

The original plans had a Juliet balcony on the side elevation of the second floor rear bedroom with a window to the rear elevation. To overcome any privacy issues the plans were amended to show the Juliet balcony on the rear elevation. There will be no window in the side elevation however, the amended plans propose four rooflights on the first floor bedroom extension.

The Leylandii trees between 47 and 59 Newton Nottage Road are not covered by a Tree Preservation Order and the property is not within a Conservation Area.

The demolition of the existing garage will remove the boundary wall between 59 Newton Nottage Road and 46 and 48 Austin Avenue. A condition will be imposed for the erection of a boundary treatment between the properties.

There are a number of properties within the vicinity which are two storey dwellings.

APPRAISAL

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

Whilst determining this application Policies SP2 of the Bridgend Local Development Plan and Notes 1, 2, 6, 8, 9, 11 and 18 of Supplementary Planning Guidance 02 (SPG02) are considered.

The application seeks consent to raise the roof of the bungalow to create a first floor and to erect a single and two storey extensions to the rear. The proposed first floor will provide a new bedroom and shower room and a store above the new integral garage. The two storey extension will provide a ground floor living room with a bedroom above and the single storey extension will provide a bedroom with an en-suite.

Note 6 of SPG02 states 'An extension should respect the privacy of neighbouring houses', and Note 1 of SPG02 states 'No extension should unreasonably dominate the outlook of adjoining property.' Originally the applicant proposed a window to the first floor of the rear elevation and a Juliet balcony to the side elevation of the two storey extension. There was a distance of 9 metres between the window in the side elevation and the boundary of the dwelling. However amended plans were received to move the Juliet balcony to the rear elevation and to remove the window in the side elevation. The plans now show four rooflights on the first floor bedroom extension. It is considered that this addresses any overlooking issues and also ensures privacy

standards were maintained.

Note 2 of SPG02 states 'No extension should unreasonably overshadow adjoining property.' Whilst the development will result in some overshadowing, it is considered that the impact will not be so significant as to warrant refusal. The height of the dwelling will be increased by 0.5metres and, therefore, increase in level to the roof of the property will not so significantly impact on the visual amenities of the area or the street scene as to warrant refusal.

Note 18 of SPG02 states 'Front extensions that come forward of a definable building line, including porches, should be designed to the highest standards in recognition of their prominence in the street scene.' The application also seeks consent to provide a small extension to the front. The proposed front extension will not come forward of the original building line as it will be constructed to be in line with the existing porch. The property is at the end of a private lane that serves three properties and 59 Newton Nottage Road cannot be seen from a public viewpoint. As such, the impact of the proposed porch on the street scene is not considered to be so significant as to warrant refusal of the scheme.

An existing garage is to be demolished and replaced with a slightly smaller garage. Note 9 of SPG02 states ' Off street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension'. Although the height of the dwelling is to be increased to provide an additional floor, the number of bedrooms is not to be increased. Therefore, the parking arrangements for the property will not significantly alter.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy 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 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan providing details of boundary treatment along the common boundary with 46 and 48 Austin Avenue indicating 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 safeguard the privacy of neighbouring occupiers and to ensure that the general amenities of the area are protected.

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Proposed development at 59 Newton Nottage Road - Sheet 3 of 4 - date stamped received 17 August 2015

Proposed development at 59 Newton Nottage Road - Sheet 4 of 4 - date stamped received 17 August 2015

Proposed development at 59 Newton Nottage Road - Sheet 2 of 2 - date stamped received 30 June 2015

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

- 3 The materials to be used in the construction of the external surfaces of the approved development shall match those used in the existing building.

Reason : To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/140/OUT

APPLICANT: MR WILLIAMS
C/O DAVIES EVANS PARTNERSHIP KINGSWAY HOUSE BANK
BUILDINGS BRIDGEND INDUSTRIAL ESTATE

LOCATION: TERFYN 2 HEOL EGLWYS PEN Y FAI

PROPOSAL: OUTLINE PLANNING FOR THE DEMOLITION OF TERFRYN AND BUILD
2NO. HOUSES ON THE LAND

RECEIVED: 3rd March 2015

SITE INSPECTED: 10th March 2015

APPLICATION/SITE DESCRIPTION

The application seeks outline consent with all matters reserved for subsequent approval, to demolish the existing vacant bungalow known as 'Terfyn' and to erect two dwellings. The site is located on Heol Eglwys, which is the main road through the settlement of Penyfai.

The applicant has submitted an indicative plan illustrating the potential layout, siting and height of the dwellings. In this respect, both dwellings would have identical dimensions with a maximum footprint of 10m x 12m and a maximum height of 7.5m. The indicative plan suggests a conventional layout, with the dwellings sited in a relatively central position within the plot and aligned on the same building-line. This enables spaces to be provided either side of the dwellings, catering for parking and outdoor amenity.

RELEVANT HISTORY

79/939 O/L RES DEV	REF	13-SEP-79
79/947 INC LAND INTO CURTILAGE	REF	13-SEP-79
80/536 INC OF LAND INTO CURTILAGE	CC	27-MAR-80
P/94/1132/FUL DEMOLISH EXISTING BUILDING AND CONSTRUCT FOUR NEW FLATS.	APPROVED +conditions	16-01-1995

PUBLICITY

The application has been advertised on site.
Neighbours have been notified of the receipt of the application.

Application Number

P/15/140/OUT



Pen-y-fai Church in Wales
Voluntary Controlled Primary School or
Ysgol Gynradd Wirfoddol A
Raeilr Yr Eglwys Yng Nghymru Pen-y-fai



Scale 1:2,500

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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The period allowed for response to consultations/publicity expired on 2 April 2015.

NEGOTIATIONS

The agent was requested to:

1. Reduce the maximum height of the proposed dwellings
2. Submit site levels
3. Sign Certificate B and serve Notice on the Highways Authority.
4. Submit a bat survey

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 5th March 2015

Head Of Street Scene (Highways)

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

Destination & Countryside Management

No objections to the proposal subject to advisory notes.

Head Of Street Scene (Drainage)

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

Natural Resources Wales

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.

REPRESENTATIONS RECEIVED

Objections Have Been Received From:, -

Mr & Mrs D Murray: Hazeldene

Alistair Wilson: 2 Mount Pleasant

Alun M Hughes: 5 Mount Pleasant

The objections are summarised as follows:-

Overdevelopment;

Out of character with surrounding area;

Loss of amenity - privacy, light, overbearing/dominance;

Inadequacy of content of Design & Access Statement;

Impact on bats;

Loss of trees;

Drainage issues;

Precedence;

Highway safety;

C Edwards: The Stables supports the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED

* Overdevelopment, Density and Out of Character with the surrounding area

Refer to the Appraisal section of the report.

* Impact on the residential amenity of Hazeldene

Hazeldene, is located south of the application site. The northern (side) elevation of this bungalow faces the application site. The Case Officer viewed the site from the grounds of this property and examined the plans of its redevelopment from a small bungalow to a tall dormer bungalow, granted consent in 2001 and 2002 (P/01/899/FUL and P/02/697/FUL refers).

The distance between the side elevation of Hazeldene and the boundary with the application site is approximately 4m.

According to the submitted plan, the floor level of the proposed dwellings would be 2m higher than Hazeldene. The boundary between the site and this neighbouring property consists of a substantial hedgerow which has become overgrown and due, to it being planted at a higher level, it currently extends beyond the eaves level of Hazeldene.

Between the side elevation of Hazeldene and the site boundary is a soft landscaped border and a narrow strip of hardstanding. It is considered to have limited recreational value and it was noted that it was used for the storage of bins and as a means of providing access to the primary amenity space which is to the rear and contains a large garden, a conservatory and typical garden features such as a shed and a glasshouse.

The side elevation of Hazeldene facing the application site contains three windows. One of the windows appears to serve a study, although the plan submitted in 2001/02 indicates a bedroom (P/01/899/FUL and P/02/697/FUL refers). Whilst this room is considered to be habitable in nature, it benefits from a substandard amount of amenity since it is a recessed window and hidden underneath a canopy-style feature of the dwelling. As such, it is not considered that the redevelopment of the site for two dwellings would have any unreasonable adverse effect on the amenities of this room or significantly harm the present situation.

The second window is fitted with obscure glazing and appears to serve a non-habitable room.

The third window serves an open-plan kitchen-diner. According to the indicative site layout, this window would not be positioned directly in-line with the proposed dwellings. Furthermore, this window faces north and has limited outlook and light. It is considered to be secondary to the window on the western (rear) elevation which enjoys a good standard of amenity, especially with regards to outlook and light. As such, the redevelopment of the site for two dwellings would not result in any unreasonable loss of amenity associated with the kitchen/dining room of Hazeldene

Although Hazeldene is a dormer bungalow, it has no dormers located on the roof slope facing the application site, however, it contains velux-type windows which serve non-habitable rooms.

Subject to boundary treatments and site/finished floor levels being agreed, it is considered that the site, in principle, is capable of accommodating two dwellings of the dimensions proposed without having such an adverse effect on the amenities of Hazeldene so as to warrant refusal of the application, with particular regards to light, dominance/overbearing, outlook and privacy. In this respect, the scheme generally follows the residential amenity principles outlined in SPG2.

* Loss of privacy

Whilst this application does not consider the positioning of windows, the proposed dwelling could position habitable room windows on the eastern and western elevations without resulting in any significant adverse effect on the amenities of neighbouring properties.

* Precedent

The application seeks outline consent with all matters reserved for subsequent approval, to demolish the existing vacant bungalow known as 'Terfyn' and to erect two dwellings. It is assessed on its own merits and in context to relevant current planning policies, guidelines and material considerations.

Any further development proposals at the site or on land adjacent to the site would require separate planning consent and, as such, cannot be considered in the determination of this application.

Notwithstanding the above, the land to the west of the site is located outside the settlement boundary of Penyfai, as defined by Policy PLA1 of the BLDP and is within a Special Landscape Area, as defined by Policy ENV3 of the BLDP.

* Highway safety

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 scheme would not have any significant adverse effect on highway safety.

* Impact on Bats

A bat survey has been submitted which has been considered by the Council's Ecologist and Natural Resources Wales. No objections have been raised subject to advisory notes.

* Inadequacy of the Design and Access Statement

The Design and Access Statement meets the minimum requirements of the regulations and whilst the occupier of Hazeldene disputes its content and reasoning, it is a supporting tool and does not override the requirements of the Authority to assess the application against relevant planning policies, guidelines and other material considerations.

* Trees

There are mature trees located to the west of the site. Most of the trees are located outside the red-line boundary of the site and are outside the settlement boundary and within the Special Landscape Area (Policy ENV3 of the BLDP refers). However, several of the trees are coniferous in nature and do not have any significant public amenity value. Furthermore, the indicative layout plan suggests that the shortest distance between the western boundary and the proposed dwellings would be 9m.

The mature hedgerow between the application site and Hazeldene is a largely ornamental species and does not offer benefit from any significant amenity value. The remaining outdoor space within the application site is predominantly unkempt grassland, reflecting the vacant characteristics of the site.

* Drainage

The Land Drainage Section of the Council has no objection to the proposal subject to a condition and advisory notes, whilst Welsh Water also has no objections to the proposal subject to advisory notes. The site is within an urban area and already contains an existing dwelling house. It is considered that the site is within reasonable proximity to other utilities.

APPRAISAL

The application is referred to Committee due to three objections being received from local residents.

The application seeks outline consent with all matters reserved for subsequent approval, to demolish the existing vacant bungalow known as 'Terfyn' and to erect two dwellings. The site is located on Heol Eglwys, which is the main road through the settlement of Penyfai.

Policy COM3 of the Bridgend Local Development Plan (BLDP) permits small-scale housing development within the designated settlement boundary of Penyfai. The proposal may, therefore, be considered to represent an opportunity to develop under-utilised land within the urban area for residential development.

Whilst the principle for residential development has been established, the acceptability of the proposal is dependent on satisfying other relevant policies, guidelines and material considerations. In particular, the scheme is primarily considered against Policies SP2, PLA11, SP4, ENV6, ENV7 of the BLDP and the general principles and guidelines within Design Guide 1 and Supplementary Planning Guidance 2.

Policy SP2 of the BLDP specifies the acceptable criteria for the design of new development and sustainable place making.

In this particular case, since the applicant has reserved all matters for subsequent approval, 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, siting and height of the dwellings. In this respect, both dwellings would have identical dimensions with a maximum footprint of 10m x 12m and a maximum height of 7.5m. The indicative plan suggests a conventional layout, with the dwellings sited in a relatively central position within the plot and aligned on the same building-line. This enables spaces to be provided either side of the dwellings, catering for parking and outdoor amenity.

Heol Eglwys consists of a variety of property styles ranging from bungalows, dormer bungalows, traditional terraced cottages and large detached dwellings. These properties have been built into the hillside and, as such, the property sited further up the hill (north) is generally higher than the one below it (south). Due to the diversity of property styles and changes in topography, there is no clearly defined character within the street-scene. This is supplemented by a mixture of external finishes, variation in building-lines and orientation of properties along the street.

It is noted that the four properties to the south of the application site are bungalows or dormer bungalows. Hazeldene, which is the property to the immediate south of the application site, is a tall dormer bungalow, reaching 6.9m in height. Notwithstanding the above, the application site is considered to denote the beginning or end of this section of Penyfai. The traditional side-on terraced cottages at Mount Pleasant to the north of the site are positioned on the plateau of the hill, with their long gardens backing onto the application site. These properties are considered to relate to that section of the street rather than those sited on the incline, including the application site. This allows a degree of flexibility in the proposed house type and design at the application site.

It is acknowledged that the density of the western side of Heol yr Eglwys is lower than the eastern side. Notwithstanding the above, given that there is such variation in property styles along this street and there is no clearly defined character or architectural rhythm to the street-scene, the inclusion of two dwellings on the site, in principle, would not appear out-of-character with the overall street-scene appearance.

Whilst these issues would be predominantly considered in the determination of a future

'reserved matters' application, this application is required to determine the suitability of the site to accommodate two dwellings of the dimensions proposed.

In spatial terms, the indicative plan successfully demonstrates that the site could accommodate two dwellings of the dimensions proposed with adequate space for off-street parking and provision of outdoor amenity space. This amenity space would be reasonably private and sufficient in size and shape, as expected for family-sized dwellings such as those proposed in this application.

A site level survey has been submitted which indicates that the floor level of the proposed dwellings would be sited 2m higher than Hazeldene. Furthermore, the proposed dwellings would be sited 2m below the garden level of the cottages of Mount Pleasant. This relationship reasonably respects the topography of the land, however, to avoid the proposed two-storey dwellings appearing excessively tall and visually prominent, the agent has lowered the maximum height of the dwelling from 9m to 7.5m.

Having regard to the above, it is considered that this outline application, with all matters reserved for subsequent approval, would not have such an adverse effect on the visual amenities of the area as to warrant refusal and satisfies the design criteria of SP2 and the general guidance given under Design Guide 1.

Whilst this application does not consider the positioning of windows, it is worth noting that the proposed dwelling could position habitable room windows on the eastern and western elevations without resulting in any significant adverse effect on the amenities of neighbouring properties. This is also likely to allow all habitable rooms to be capable of benefitting from a reasonable degree of amenity for the future occupiers of the proposed dwelling. Furthermore, each plot would have sufficient space for off-street parking and outdoor amenity space.

The application site is approximately 21m from 1-5 Mount Pleasant. These properties are located at a higher level than the application site, with the difference between the floor levels of the new dwellings and the gardens being approximately 2m. Supplemented by a low-level wall and fencing/hedgerows on top, it is not considered that the proposed development of the site for two dwellings would result in any unreasonable loss of amenity to these neighbouring properties.

A bat survey has been submitted and concludes that there is no evidence of bats occupying the existing bungalow. The Council's Ecologist and Natural Resources Wales also have no objections to the proposal subject to an advisory note.

The Group Manager for Transportation and Engineering (Highways) has no objections to the scheme subject to conditions and advisory notes. The Land Drainage Team of the Council and Welsh Water has no objections to the proposal subject to a condition and advisory notes.

CONCLUSION

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

RECOMMENDATION

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

- 1 This consent shall be limited to two dwellings in conformity with the approved plan

'13:34:02 Proposed Site Layout' (received 19 May 2015) and with a maximum height of 7.5m.

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

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

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

- 3** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

- 4** Notwithstanding the requirements of condition 1, no development shall take place until details of the proposed floor levels of the buildings 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 and in the interests of residential amenities.

- 5** 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.

- 6** The vision splays of 2.4 metres x 33 metres to the north and 2.4 metres x 22 metres to the south shall be provided before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 7** 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 set back and the inclusion of a 1.8m wide footway from the Western side of Heol Eglwys. 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.

- 8 Prior to the approved development being brought into beneficial use, turning facilities so as to enable vehicles to enter and leave in a forward gear, shall be provided within the curtilage, in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The turning facilities, as agreed, shall be retained thereafter.

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

b. Based on the submitted indicative site layout plan, the applicant/developer is advised that such a layout, if submitted as part of a reserved matters application, may require the imposition of a condition removing certain permitted development rights, including boundaries/means of enclosure (highway safety) and extensions/outbuildings (residential amenity).

c. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

d. Off street parking, both operational and non-operational must be provided to the satisfaction of the Local Planning Authority and the applicant's attention is drawn to Supplementary Planning Guidance 17: Parking Standards 2010.

e. 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.

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

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

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

i. 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.

j. 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.

k. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

l. In respect of Condition Number 5 (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.

m. The applicant/developer is encouraged to raise the ecological/biodiversity values of the site by installing bat and bird boxes within the development site. Any external lighting must be low intensity and low-level to avoid undue light spillage.

n. All British bat species and their roost sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010. The applicant/developer is advised of the possibility of encountering bats unexpectedly during works. If bats are encountered during works, the development must stop immediately and Natural Resources Wales contacted for advice.

o. If any unknown archaeological features are discovered during the development of the site, the development must stop immediately and advice sought from Glamorgan Gwent Archaeological Trust.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/431/FUL
APPLICANT: LANCASHIRE MORTGAGE CORPORATION
LAKE VIEW LAKESIDE CHEADLE CHESHIRE
LOCATION: 48 PARK STREET BRIDGEND
PROPOSAL: DEMOLISH EXISTING BOUNDARY WALL, CONSTRUCT NEW VEHICLE
ACCESS & RECONFIGURE EXISTING CAR PARKING SPACES
RECEIVED: 6th July 2015
SITE INSPECTED: 30th July 2015

APPLICATION/SITE DESCRIPTION

The application seeks consent to demolish part of the front boundary wall and create an additional vehicular access and reconfigure the existing parking arrangements

RELEVANT HISTORY

P/04/1675/FUL APPROVED 15-04-2005
+conditions
Change of use of Semi-Detached Dwelling into 4 Apts. - 2 No. 2 Bed & 2 No. 1 Bed.
(AMENDED ACCESS ARRANGEMENTS)

P/05/890/FUL APPROVED 04-10-2005
+conditions
ALTERATION FROM BASEMENT TO SELF CONTAINED APARTMENT & TO INCLUDE
ROOF SPACE AS LIVING ACCOMMODATION

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 9 August 2015

NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 13th July 2015
has no objection to the proposal

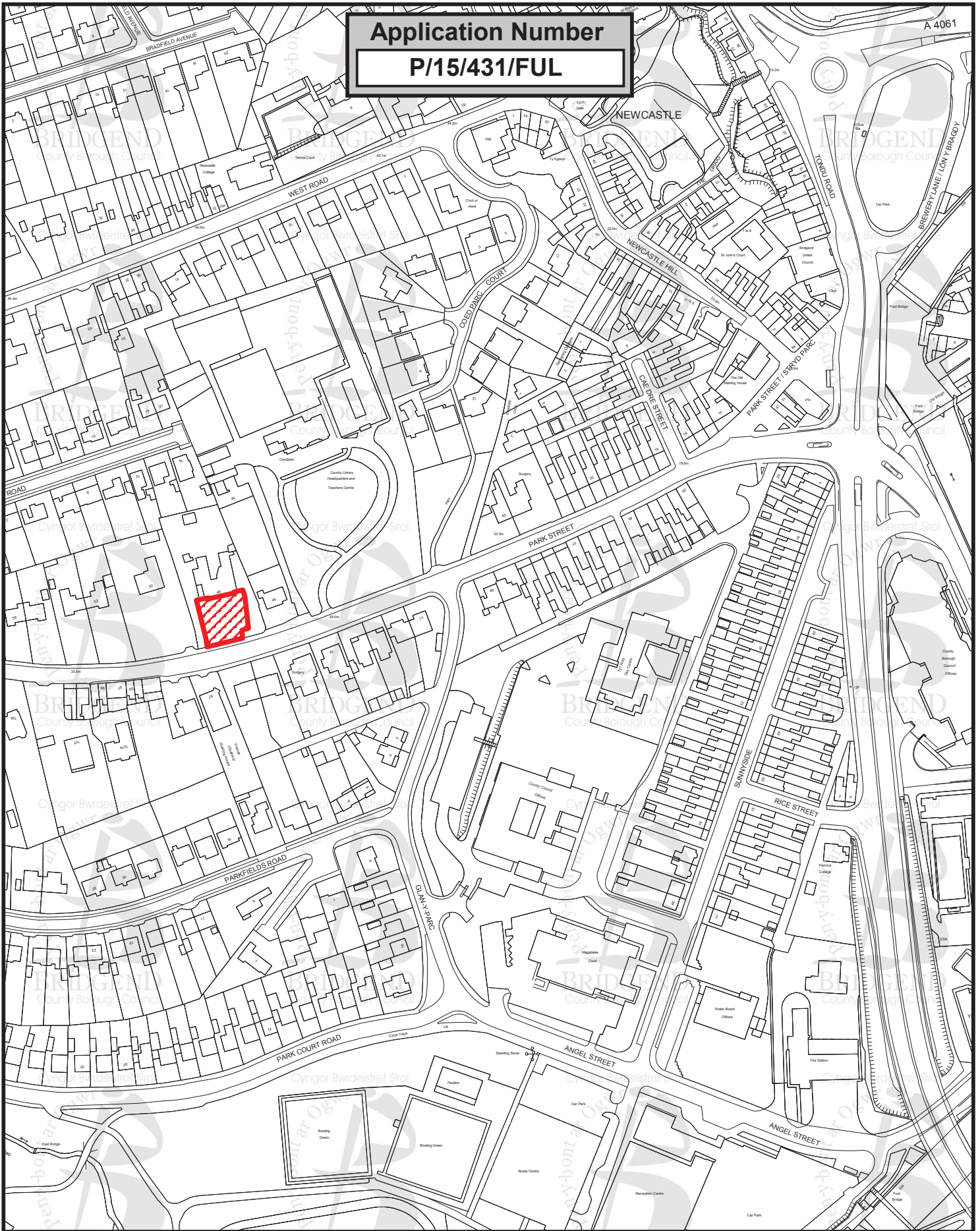
Head Of Street Scene (Engineers)

has no objection subject to an advisory note

Application Number

P/15/431/FUL

A 4061



Scale 1:2,500

Date Issued:
24/08/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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REPRESENTATIONS RECEIVED

Mrs J Davies, Westgate

supports the proposal

Letters Of Objection Have Been Received From The Following:, .

Stephen & Helen Dunlop - 50 ParkStreet

Dr Richard Logan - 79 Park Street

Craig Tarr - 81 ParkStreet

G D Copus - 85 Park Street

R C Tipping - 83 Park Street

J S & D A McIntosh - Eastgate, 48B Park Street

Lynne Rees - 2 Elmsfield Court

Mrs Carolyn Diana Jones - 46 Park Street

The following is a summary of the objections received from local residents:-

1. Loss of trees
2. Insufficient parking spaces provided
3. An additional vehicle access to dwelling will create safety issues
4. The removal of the front wall
5. Highway objections to previous application at 50 Park Street
6. Drainage

COMMENTS ON REPRESENTATIONS RECEIVED

1. The trees at the front of the property are not covered by Tree Preservation Orders and are not within a Conservation Area. Therefore, no consent is required for their removal.
- 2/3. These have been addressed in the main body of the report
4. The removal of the wall does not require planning permission.
5. The application referred to (P/12/859/FUL) relates to the provision of additional accommodation to the site and not to the creation of an additional vehicular access.
6. it is the responsibility of the developer to ascertain the position of the drain and other utilities.

APPRAISAL

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

The application seeks consent to remove part of the front boundary wall to create an additional vehicular access to the dwelling off a classified road and to reconfigure the existing parking area. Although the site currently benefits from two accesses the access serving 48A Park Street is restricted to the use of this property only.

48 Park Street has been converted into 6 apartments and does not benefit from exclusive access, No. 48 and currently shares the remaining access with 48B Park Street. However, due to ownership issues, 48 Park Street no longer benefits from the use of this access and therefore, in order to provide any form of off-street parking a new access is required. The current application relates to a parking scheme and access for 48 Park Street only to serve the 6 apartments within this building.

It is acknowledged that the proposal would have some affect on the access to 48B Park Street, however, there will still be sufficient space for 2 off street parking spaces to serve No. 48B. It should also be noted that a fence/wall could be erected under permitted development rights at anytime which could similarly restrict vehicular access to No.48 and it is considered that this is

not of fundamental concern in the determination of this application.

The original planning consent (P/04/1675/FUL refers) provided parking for 12 cars. It is considered that, due to the location of the site (close to the Town Centre) and the amendments to off-street parking requirements, a reduction in parking spaces will be acceptable. The scheme submitted with the application does not, however, show an adequate amount of spaces and a condition will be added to any consent to provide a parking scheme for 8 vehicles prior to commencement of the scheme.

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal and it is, therefore, considered that the scheme would not have any significant adverse effect on highway/pedestrian safety.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan was considered.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not raise any overriding issues in terms of amenity or design.

RECOMMENDATION

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

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

Project No. T452
Drawing Nos. P103, P104, P105, P106

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 commence until a scheme for the provision of 8 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 3 The access/drive/turning facility shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use and thereafter retained as access/drive/turning facility in perpetuity.

Reason: In the interests of highway safety.

- 4 The proposed vision splays shall be provided before the development is brought into beneficial use and retained as such thereafter in perpetuity

Reason: In the interests of highway safety.

- 5 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. All new retaining walls on the site should be designed by a suitable qualified engineer. Under the requirements of the Mid Glamorgan Act the calculations and drawings for any retaining walls with a retaining height of 1.5 metres or greater should be passed to the Local Authority for checking.

b. This application is recommended for approval because the development complies with Council policy and guidelines and does not raise any overriding issues in terms of amenity or design.

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

d. 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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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PLANNING APPLICATION: P/14/742/OUT

PROVISION OF 26 No. BUILDING PLOTS AND ACCESS ROAD AND REMOVAL OF MODERN TYPE BARN

LAND NORTH OF ABERGARW FARM BRYNMENYN

The above mentioned application was considered by Committee on 11 June 2015, when it was resolved that subject to the applicant entering into a Section 106 Agreement to:-

- i. Pay a contribution of £235,480.00 as an affordable housing contribution in lieu of the provision of 5 units of affordable housing;
- ii. Pay a contribution of £97,878.00 towards the provision of primary education in the vicinity of the site;
- iii. Pay a contribution of £12,200 in lieu of the provision of Public Open Space on the site;
- iv. Pay a contribution of £7,000 to cover the cost of publication of Road Traffic Orders to require the relocation of the existing 30mph extents on the un-named road serving the site and a 20mph zone on the internal estate road;
- v. To develop the site strictly in accordance with the Development Brief including the programming of works received on 28th May, 2015;
- vi. Develop the site in accordance with the Phasing Plan (attached to this Agreement) with the plots laid out in accordance with the approved layout and with access from the internal road and/or private driveways serving each plot provided to at least base course level prior to any construction on that plot commencing;
- vii. The payment of the contributions in respect of affordable housing, primary education and public open space provision also to be in a phased manner as the development progresses in conjunction with the Phasing Plan and sale of the plots or as otherwise agreed with the Local Planning Authority during the drafting of the legal agreement

the Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of the application once the applicant has entered into the aforementioned Section 106 Agreement, subject to the standard outline conditions and the 18 conditions detailed in the report.

The applicant's agent has advised that interests, expressed by prospective purchasers, have extended beyond identified phasing arrangements. Almost all such interested parties are reluctant to proceed any further as adherence to the presently suggested phasing would impact considerably on the ability to proceed with their individual projects. The developer has, therefore, requested that the proposed phasing arrangements are deleted in favour of allowing individual plots to be developed on demand with the following alternative terms:-

- (a) The entire estate road including kerb races being constructed up to and including base course level together with all associated drainage prior to development commencing in respect of the construction of any approved dwelling;
- (b) The cul-de-sacs/driveways being provided up to and including base course level prior to any development commencing in respect of the construction of any approved dwelling that gains access therefrom.
- (c) An agreed programme for final completion of all of the highways to adoptable standards.

On the basis that the above suggested amendments to the Section 106 Agreement would achieve the provision of estate road and cul-de-sacs/driveways serving the plots prior to any development commencing in respect of the construction of the dwellings, it is considered

that the proposed revised clauses would be acceptable. Members' agreement to the proposed revisions to the terms of the required Section 106 Agreement is now sought given the previous resolution of the Committee.

RECOMMENDATION:

That the terms of the required Section 106 Agreement are varied from that previously resolved by Committee by deleting Clause (vi) relating to the Phasing Plan and substituting the following Clause:-

(vi) Development of the site shall proceed in accordance with the following:-

(a) The entire estate road including kerb races shall be constructed up to and including base course level together with all associated drainage prior to development commencing in respect of the construction of any approved dwelling;

(b)The cul-de-sacs/driveways shall be provided up to and including base course level prior to any development commencing in respect of the construction of any approved dwelling that gains access therefrom.

(c) A programme to include timescales for the final completion of all of the highways to adoptable standards shall be agreed with the local planning.

(d) The completion of all highways to adoptable standards in accordance with the agreed scheme.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

REFERENCE: P/14/464/OUT

APPLICANT: SOUTH WALES LAND DEVELOPMENTS
C/O ARUP PARTNERSHIP 4 PIERHEAD STREET
CARDIFF

LOCATION: LAND EAST OF A4061 (BNDR) COITY

PROPOSAL: OUTLINE APPLICATION FOR 220 DWELLINGS

RECEIVED: 8th July 2014

SITE INSPECTED: 16th August 2014

It was the decision of the Development Control Committee at the meeting on 11 June 2015 that the above application be granted planning consent subject to the signing of a S106 Agreement. The Heads of Terms identified in the Officer's Report included...

“a financial contribution on the commencement of development towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area, the monetary contribution being based on the most up to date formula for the calculation for equipped areas, recreational facilities and open space, based on the number of dwellings.”

However, the Report also included the following condition:

“The plans and particulars submitted in accordance with the reserved matters for this development shall make provision for public open space in accordance with the North East Brackla Development Brief and in the general locations illustrated on drawing titled ‘Land at Brackla West, Bridgend – Master Plan – Revision A’ received on 10th October 2014. No development shall however commence until a detailed scheme including all items of natural play, associated ground works and landscaping has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the 50th dwelling being occupied on the site.”

The applicant considers the original Committee resolution to be onerous in that the development scheme is required to provide a financial contribution to the wider provision of open space and an equipped on-site scheme through the discharge of the planning condition. Accordingly, they have requested that the Local Authority reconsiders either the Heads of Terms of the S106 Agreement to exclude the Public Open Space contribution or the wording of the relevant planning condition.

The matter has been the subject of discussion with officers of the Parks Section and the Council's Section 106 Officer and, given the current policy framework, requiring a financial contribution and an on-site provision is unjustified and inappropriate. Members should be aware that related S106 agreements for other developments in the North East Brackla Development Brief area will secure up to £145,100 towards the provision of an equipped play area and open space. Seeking a further financial contribution is therefore not supported by policy or the development brief.

The provision of a satisfactory level of outdoor recreational/play space is addressed in the original committee report. The Parks and Playing Fields Section indicated that, due to the close proximity of a new children's play area at Clos Joslin which is connected to the site by a footpath, a formal play area will not be required. They also indicated that the area of Public Open Space illustrated on the masterplan should be equipped with natural play items to create a minimum of twenty opportunities for play for a full range of age groups up to 14 years of age. It is considered that the provision of the aforementioned play area can be secured through a planning condition and this is achieved by condition 4 as set out on the original report. Varying the heads of terms to exclude the requirement for a contribution is therefore considered acceptable.

RECOMMENDATION: That the Heads of Terms of the required Section 106 Agreement for application P/14/464/OUT be amended as follows:

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

(i) Provide for 11 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional nursery and primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide a financial contribution of £7,000 towards the processing of revised traffic orders on the A4061/Brackla Link Road.

(iv) That A1 Loo Hire enters into the S106 obligation to secure the following noise and odour mitigation works and restrictions on their existing site operation on the A1 Loo Hire premises:

* No pumping activity is undertaken at the A1 Loo Hire premises between the hours of 8pm and 7am on any day;

* That A1 Loo Hire put in place a new bio-filter system in accordance with the general design criteria proposed by the RPS report titled - 'Land at Brackla West - Odour Mitigation for A1 Loo Hire, Brackla Industrial Estate, dated 11th December 2014.

* That A1 Loo Hire submits and agrees a scheme of maintenance for the installed bio-filter system;

(v) The aforementioned mitigation shall be implemented on the A1 Loo Hire site prior to commencement of any phase of the residential development:

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of this proposal once the applicant and A1 Loo Hire has entered into the aforementioned Section 106 Agreement, subject to the

standard outline conditions and the additional conditions set out in the report to the Development Control Committee on 11 June 2015.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None.

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APPEALS

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

CODE NO.	A/15/3130150 (1760)
APP. NO.	P/15/102/OUT
APPELLANT	MR & MRS R HAYES
SUBJECT OF APPEAL	LAND AT WERN DEW FARM HEOL PERSONDY ABERKENFIG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The site lies in the countryside and the proposal would constitute an undesirable intensification of development, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area, contrary to Policy ENV1 of the Bridgend Local Development Plan.

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

CODE NO.	A/15/3012436 (1754)
APP. NO.	P/14/410/FUL
APPELLANT	MR J CROCKER
SUBJECT OF APPEAL	BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING 'WINDRUSH' TON KENFIG
PROCEDURE	HEARING
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.

An application for award of costs by the appellant was also refused. A copy of the decision is attached as APPENDIX B.

CODE NO.	C/15/3018516 (1755)
ENF. NO.	ENF/281/14/C
APPELLANT	MR A J WALL

SUBJECT OF APPEAL	UNAUTHORISED BUILDING OF DWELLING AND UNAUTHORISED USE FOR THE SITING OF A CARAVAN FOR RESIDENTIAL PURPOSES: LAND OFF THE CROFT BARN HILL LALESTON
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICES
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEALS BE DISMISSED, SUBJECT TO CORRECTION (NOTICE A) AND THE ENFORCEMENT NOTICES UPHELD.

A copy of this appeal decision is attached as APPENDIX C.

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

See relevant application reference number.

APPENDIX A



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 21/07/15
Ymweliad â safle a wnaed ar 21/07/15

gan Vicki Hirst BA(Hons) PG Dip TP
MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 29/07/15

Appeal Decision

Hearing held on 21/07/15
Site visit made on 21/07/15

by Vicki Hirst BA(Hons) PG Dip TP MA
MRTPI

an Inspector appointed by the Welsh Ministers
Date: 29/07/15

Appeal Ref: APP/F6915/A/15/3012436
Site address: Windrush, Bridgend, CF33 4PT

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 John Crocker against the decision of Bridgend County Borough Council.
- The application Ref P/14/410/FUL, dated 15 June 2014, was refused by notice dated 30 October 2014.
- The development proposed is described as "to build a detached family house of similar size to existing Windrush with possible change of use to B&B".

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr John Crocker against Bridgend County Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant confirmed at the hearing that although reference was made to a possible future Bed and Breakfast use in the application, this did not form part of the current proposals. The Council confirmed that it had determined the application as a proposal for a detached family house and I have determined the appeal on the same basis.

Main Issue

4. The main issue is the effect of the proposal on residents' living conditions with particular regard to outlook and outdoor amenity space provision.

Reasons

5. The appeal site is located on the eastern side of the public highway linking Porthcawl with Kenfig and is set back from the road by an area of grass that is understood to be common land. It lies opposite the Kenfig Nature Reserve and is bounded by

residential properties to the north, south and east. The site was formerly developed with buildings associated with the use of the adjacent property Windrush as a dwelling and restaurant. The site was vacant at the time of my site visit.

6. The proposed dwelling would be situated adjacent to and to the south of Windrush and would be of a similar size and appearance. Access would be obtained to the rear of the property via an existing cul de sac that serves several detached dwellings. An area for amenity and parking would be provided to the east of the new dwelling.
7. The site comprises an infill plot within the settlement boundary of Ton Kenfig and there is no dispute that the site would comprise a sustainable and acceptable location for a new dwelling in principle. I have no reason to disagree.

Outlook

8. The proposed dwelling would have windows to all four sides and an external balcony to the front. The Council confirmed at the hearing that it has no objection on overlooking grounds subject to conditions. Its concerns are in relation to the dominating impact of the proposed dwelling to the windows in the southern elevation of Windrush.
9. I concur with the Council's view in respect of possible overlooking. The windows on the southern elevation of the proposed dwelling would be provided above average head height and I do not consider that there would be any significant loss of privacy to the front garden of the adjoining property Westhaven arising from these windows. They would appear high up in the wall when viewed from the south and there would be little perception of overlooking as they would be clearly positioned above average eye level. Whilst I note the Council's request for two of the windows to be conditioned to be fitted with obscured glass, I do not find this to be necessary subject to a condition requiring them to be above 1.7m from finished floor level.
10. The proposed windows and balcony to the front elevation would have some views over the western extremity of Westhaven's front drive but in view of the public nature of this part of the driveway close to the highway I do not find this to be harmful.
11. I similarly do not find that there would be a loss of privacy arising from windows on the rear, eastern elevation. Whilst the property Ty Madoc has a side window facing the site, on the evidence before me this window serves a landing rather than a habitable room. The orientation of the proposed dwelling to Ty Madoc combined with the high boundary wall to the rear would restrict any overlooking to its private garden.
12. The four proposed windows on the northern elevation of the dwelling would serve a bathroom and utility room at ground floor and a bathroom and en suite at first floor. There are two existing first floor windows in the southern elevation of Windrush and it was evident on my site visit that a further window in the western end of the southern elevation had been removed and blocked up. The Council confirmed at the hearing that this had occurred since it made its decision. I am satisfied that a condition requiring the first floor windows in the northern elevation of the new dwelling to be fitted with obscured glazing and fixed to be non-opening would overcome any loss of privacy to the first floor of Windrush. A condition requiring the agreement of an appropriate boundary treatment would address any overlooking at ground floor level.
13. I note the suggestion that as Windrush is in the same ownership a Grampian style condition could be imposed to ensure that its first floor southern lounge window is removed and the windows in its southern elevation are permanently fitted with

obscured glass prior to the construction of the new dwelling. As the lounge window has already been removed and in light of my suggested condition above I do not find such a condition to be necessary.

14. Notwithstanding my findings on direct overlooking, Windrush has two existing windows on its southern elevation that would be within approximately 2 metres of the proposed dwelling. I noted on my site visit that one serves the staircase and one serves a bathroom.
15. The appellant contends that as these windows serve non-habitable rooms there would not be any impact from the new dwelling to the occupiers of Windrush. The Council has referred to Note 1 of its adopted Supplementary Planning Guidance "Householder Development" (SPG) and which requires extensions to not unreasonably dominate the outlook of an adjoining property. Whilst the SPG is primarily concerned with householder extensions in the absence of any guidance implicit to new dwellings it provides useful direction. The SPG specifies that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will overlook a proposed extension¹.
16. Given that the two southern windows in the adjacent dwelling serve non habitable rooms I do not consider that the proposal would result in a degree of dominance that would be harmful to the outlook from the adjacent property. Whilst I observed that the staircase window provides some indirect light into the main lounge of Windrush, this room has substantial glazing to its western and northern sides. Other habitable rooms are situated on the northern and eastern sides of the property and do not have an outlook towards the appeal site. I find the proposal would not result in any harm to the outlook from Windrush.

Amenity Space

17. The proposed amenity space would be situated to the rear of the new dwelling and would provide both a private area for the occupants' ancillary domestic activities as well as providing three parking spaces. An additional balcony area to the front would provide further general amenity space.
18. The Council has no prescriptive guidance on the space required to serve a new dwelling. The SPG provides guidance on the general principles in relation to the provision of amenity space in relation to householder development².
19. The appellant states that urban design principles consider it good practice for gardens to be the same size as the footprint of the house. The proposal would provide approximately 129 square metres to the rear of the house and a balcony of 16 square metres to the front which would be comparable with the proposed footprint of 146 square metres. It is also contended that the site is situated in close proximity to a large area of public open space within the Kenfig Nature Reserve that would provide ample outside space.
20. The proposal relates to a large, family home with four bedrooms and which would require sufficient space for ancillary activities such as play space, sitting out, and

¹ Paragraph 4.1.2, Supplementary Planning Guidance, Householder Development, Bridgend County Borough Council, December 2008

² Paragraphs 5.1.1 & 5.1.2, Supplementary Planning Guidance, Householder Development, Bridgend County Borough Council, December 2008

drying washing. Whilst the proposed amenity space would be of a comparable size to the footprint of the house it would be provided in two separate areas and the larger area would also be used for access and parking for three cars. I find the provision to be substandard to meet both the parking requirements and the ancillary needs of a large dwelling. The space that would be available would not be private due to the proximity of Windrush with windows on the eastern elevation that would directly overlook the proposed space. The balcony would be elevated on the front, public facing elevation of the dwelling and would lack privacy due to its position.

21. I acknowledge the proximity to the public nature reserve but do not find this to be a satisfactory alternative to the need for private, rear amenity space for day to day ancillary domestic activities and safe play space. I find the provision would be inadequate and would not be sufficient for any future occupants to meet their ancillary residential needs.

Other Matters

22. I have had regard to the previous appeal decision relating to a similar proposal on the site. Whilst I have not been provided with the full details both main parties agreed at the hearing that it differed from the current proposal in respect of overlooking as it did not provide high level windows in the southern elevation. I have found that the high level windows address any privacy issues to Westhaven.
23. No reference is made to the provision of amenity space in that decision. The LDP has since been adopted and which represents a material change in circumstances. I have determined the proposal before me with regard to its particular circumstances and with regard to the current development plan. Whilst I note that the appellant considers the policy position to be similar to the previous plan, on the evidence before me I find this particular proposal would be unacceptable. The former appeal decision does not therefore alter the conclusions that I have reached.
24. I have taken account of all other matters raised. Issues relating to interference with views, rights of access, the appellant's personal circumstances and the Council's handling of the case are not pertinent to my consideration of the planning merits of the proposal. I am satisfied that matters in relation to drainage and possible contamination can be controlled through the imposition of conditions.
25. I acknowledge the appellant's view that the proposal would improve the appearance of the site and that the rejuvenation of the commercial use of Windrush would benefit the economy. Any benefits arising from the proposal need to be balanced against its effects. In this instance I find the harmful effects outweigh any benefits.

Conclusions

26. Whilst I find the proposal acceptable in terms of its effect on the outlook of residents, this is outweighed by the substandard provision of outside amenity space and which would result in future occupants being unable to meet their ancillary domestic needs. I conclude that the proposal would not be in accord with the relevant adopted development plan policy SP2 and Householder Development SPG.
27. For the reasons above I conclude that the appeal should be dismissed.

Vicki Hirst

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Crocker	Appellant
Mrs J Jones	Vale Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mrs N Gandy	Principal Planning Officer
Mrs A Borge	Appeals Officer

DOCUMENTS SUBMITTED AT THE HEARING:

Council's letter of notification and site notice of appeal arrangements, 23 June 2015

Written costs application submitted by the appellant

Written costs application response submitted by the Council



Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 21/07/15
Ymweliad â safle a wnaed ar 21/07/15

**gan Vicki Hirst BA(Hons) PG Dip TP
MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 29/07/15

Costs Decision

Hearing held on 21/07/15
Site visit made on 21/07/15

**by Vicki Hirst BA(Hons) PG Dip TP MA
MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 29/07/15

Costs application in relation to Appeal Ref: APP/F6915/A/15/3012436
Site address: Windrush, Bridgend, CF33 4PT

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Crocker for a full award of costs against Bridgend County Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the building of a detached family house of similar size to Windrush with possible change of use to B&B.
-

Decision

1. The application for an award of costs is refused.

The submissions for Mr John Crocker

2. The case was submitted in writing at the hearing.

The response by Bridgend County Borough Council

3. The response was submitted in writing at the hearing.

Reasons

4. I have considered the application in the light of advice in Circular 23/93: "Awards of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings". This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
 5. The applicant contends that the application was made following pre-application advice from the Council with the application addressing the issues raised. The Council has behaved unreasonably as it subsequently refused the application and included additional reasons for refusal to those on previous applications and which has resulted in the applicant incurring unnecessary and wasted expense in relation to the appeal process.
-

6. The Council's advice prior to the application being made does not appear to be based on a revised scheme but was rather to provide guidance on how the previous reasons for refusal could be overcome. The advice was evidently given on the basis that it was without prejudice to any future decision of the local planning authority and this was clearly specified in its response¹. I do not find that the advice given resulted in the Council behaving unreasonably in subsequently refusing the application.
7. Authorities are expected to produce evidence to substantiate each reason for refusal with reference to the development plan and all other material considerations, showing clearly why the development cannot be permitted. The Council's decision was based on two main reasons for refusal; one relating to the overdevelopment of the site resulting from the insufficient provision of amenity space and one relating to the development dominating adjoining property resulting in a loss of residential amenity.
8. The issues concerned are to a certain extent subjective and the Council's adopted Local Development Plan (LDP) policy SP2 requires a degree of judgement. The officer's report fully analysed the main issues and the reasons why the application was considered to be unacceptable and specified these in its decision notice.
9. In relation to the effects of the proposal on residential amenity, the Council specified that its concerns were in relation to the impact on adjacent property, identifying the close proximity to the windows on the southern elevation of Windrush. This was clearly acknowledged by the applicant as his statement of case is concerned only with the effects to this property and provided suggestions as to how a condition could overcome any impacts.
10. The adopted Supplementary Planning Guidance "Householder Development" is not prescriptive in respect of the amount of amenity space required and whilst provides useful direction on the issues concerned has been adopted to assess householder developments rather than new dwellings. The Council clearly identified why it considered that the proposed amenity space provision was insufficient based on its size and shared use for parking and access. It also referenced why this reason had not been included in previous decisions.
11. The applicant has referenced the previous appeal decision. Paragraph 16 of Annex 3 of Circular 23/93 states that in the event of a successful appeal against the local planning authority's refusal of planning permission the authority are likely to be regarded as acting unreasonably if it is clear from a relevant earlier appeal decision that the Inspector would have no objection to a revised application in the form which was ultimately allowed and circumstances have not changed materially in the meantime.
12. Whilst I have found in favour of the applicant in respect of the dominating effect of the proposal on adjoining property, I find the provision of amenity space to be insufficient and have dismissed the appeal. Since the former appeal decision the LDP has been adopted and represents a material change in circumstances. The applicant contends that the essence of the LDP policies remains the same as those in the earlier plan and against which the Inspector determined the appeal. Nonetheless the Council has assessed the current proposal with regard to the current development plan and found it to be unacceptable and clearly identified why the proposal fails to accord with the relevant plan policies.

¹ Letter from Bridgend County Borough Council to Mr Crocker, 21 February 2015

13. I have not been provided with the full details of the earlier appeal proposal and acknowledge that no reference was made to either amenity space or the impact on Windrush in the previous decision. Nonetheless, on the information before me I find little evidence to demonstrate that the Inspector gave any indication that the revised scheme, the subject of the current appeal, would be acceptable.
14. I am satisfied that the Council's reasons for refusal are clearly substantiated in the officer's report, its decision notice and within its evidence at appeal.

Conclusion

15. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 23/93 has not been demonstrated.

Vicki Hirst

INSPECTOR

APPENDIX C



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/07/15

gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12/08/15

Appeal Decision

Site visit made on 28/07/15

by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 12/08/15

Appeal Ref: APP/F6915/C/15/3018516

Site address: Land opposite The Croft, Barn Hill, Laleston, Bridgend, CF32 0LU

The Welsh Ministers have transferred the authority to decide these appeals to me as the appointed Inspector.

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Alan Wall against two enforcement notices issued by Bridgend County Borough Council.
- The Council's reference is ENF/281/14/C.
- The notices were issued on 9 April 2015.
- The appeals are proceeding on the grounds set out in sections 174(2)(a), (b) and (d) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

NOTICE A - MATERIAL CHANGE OF USE OF LAND

- The breach of planning control as alleged in the first notice is, without planning permission, change of use of the said land by the siting of a caravan.
- The requirements of the notice are to cease the use for residential and remove the caravan from the land edged red on the attached plan.
- The period for compliance with the requirements is 3 months.

NOTICE B - OPERATIONAL DEVELOPMENT

- The breach of planning control as alleged in the second notice is, without planning permission, the erection of a dwelling house.
- The requirements of the notice are to demolish the building shown outlined in blue on the attached plan and remove the resultant materials from the land outlined in red on the attached plan.
- The period for compliance with the requirements is 3 months.

Decisions

Notice A – Material Change in Use of the Land (caravan)

1. The enforcement notice is corrected by changing the alleged breach of planning control in paragraph 3 to read "Without planning permission, change of use of the said land by the siting of a caravan for residential purposes." Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is

refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Notice B – Operational Development (dwelling house)

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

3. The alleged breach of planning control in Notice A is deficient as it does not specify that the change of use of land concerned is the use of the caravan for residential purposes. However, the requirements of the notice include ceasing the use for residential purposes, and there has clearly been no misunderstanding of this by the Appellant. I do not consider he would be prejudiced if I were to correct the notice to clearly specify this, and I will use my powers accordingly.

Appeals under Ground (b)

4. An appeal under ground (b) is to the effect that the breach of control as alleged in the notice has not occurred as a matter of fact. There is no dispute that both the caravan and the building referred to as a dwelling house exist on the site as a simple matter of fact. Thus the appeals under ground (b) fail.

Notice A (caravan) – Ground (d) Appeal

5. This ground of appeal is that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. In this case, it would be too late to take enforcement action if a caravan had been stationed on the site and used for residential purposes for more than 10 years.
6. It is not disputed that the present caravan was brought on to the site in 2009 and has been used for residential purposes, though it is not clear for how long. Certainly it is no longer used for residential purposes, being currently in use to house a number of pet ferrets, and no evidence has been provided as to how long any residential use took place. Mr Wall himself claims to have lived in the "barn" for the last 7 years. It may be that the caravan has been used for occasional residential purposes over that period. However, even if residential use had persisted since 2009, it would still fall well short of the 10 years continuous use required for it to become lawful.
7. Mr Wall says that prior to 2009 he lived in another caravan on the site since 2005, and one of friends/acquaintances says he remembers there being a caravan on the site since that date. However, the Council asserts that a structure evident on aerial photographs at that time was an open shelter rather than a caravan (and was described as such on plans submitted by Mr Wall in his planning application for a small barn in January 2008) and that there was no caravan on the site when Council officers visited in January 2008 in connection with the planning application. This draws me towards the conclusion that, even if an earlier caravan was used for residential purposes, that use was intermittent at best.
8. In an appeal under ground (d) the burden of proof lies with the Appellant to prove his case on the balance of probabilities. Mr Wall has provided very little by way of evidence of any residential use of either caravan but certainly not of the first one. Thus I conclude on the balance of probabilities and as a matter of fact and degree that 10 years continuous use of a caravan for residential purposes on the appeal site has

not been demonstrated. The appeal under ground (d) for this enforcement notice is unsuccessful.

Notice B (dwelling house) – Ground (d) Appeal

9. Whilst 10 years residential use is required for the caravan above to become lawful, it would be too late to take enforcement action if the dwelling house had been substantially completed for more than 4 years. The building in question was granted planning permission as a barn in March 2008 (planning permission ref P/08/22/FUL for a "small barn for tractor and livestock, food storage for winter"). However, the Appellant is alleged to have said that the building was actually built as a dwelling house rather than as a barn, and there is no evidence it was ever used for its permitted purpose. Thus, it appears that the 2008 planning permission has lapsed and, in that respect, the building is unlawful.
10. Mr Wall claims to have lived in the building since 2008, though it is unclear how this is consistent with similar claims for use of the caravan. Notwithstanding that, Mr Wall maintains that the building was completed as a dwelling house in 2008 and that no other building work has been carried out since that time. That is clearly not correct as the Council's aerial photographic evidence shows that the lean-to extension currently used as a rudimentary kitchen has only been added within the past year or so. Mr Wall says that, before that was added, there was some kitchen facility within the main building. Nevertheless, if the building were regarded as amounting to a dwelling house, it was not completed in its present form until much less than 4 years ago.
11. However, reservations about completion of the building as a dwelling house go much deeper than that. The "dwelling house" comprises a single downstairs room and an attic room accessed by a small, steep, narrow staircase. It appears to have been built with a chimney but with little in the way of other facilities normally associated with a dwelling house. Until the lean-to extension was added, its kitchen facilities would have been severely limited, and even now they rely on collected rainwater for all water supply (to both the building and the caravan). There are no bathroom or toilet facilities within the "dwelling house", and Mr Wall has apparently used the caravan in the past for these purposes, though there is no longer any such facility in the caravan either.
12. The courts have held that an essential feature of a dwelling house is its ability to afford the basic day-to-day facilities needed for normal residential use. I conclude, as a matter of fact and degree, that the building does not provide these and so is not a substantially completed dwelling house. Whilst Mr Wall may have lived in the building for some years, that domestic use has been enabled by his use of basic facilities elsewhere, either in the caravan or in other residential properties. Thus the "dwelling house" is not substantially complete and does not benefit from the passage of time to become lawful. The appeal under ground (d) for this enforcement notice is unsuccessful.

Notices A and B – Ground (a) Appeals

13. Finally, I turn to consider the appeals under ground (a) (i.e. that planning permission should be granted for what is alleged in the notices) and the deemed planning application for retention of either the residential caravan or the building (the "dwelling house") or both. These raise the same issues and so are conveniently considered at the same time. In both cases the main issues are the effects on the character and appearance of the area and on highway safety.

14. The site lies in the open countryside well outside the nearest settlement boundary. Thus any residential development of the site conflicts with the aims of Local Development Plan Policy ENV1, which strictly controls development in the countryside in order to maintain its integrity and protect it for its own sake. The policy lists several exceptions that might be acceptable but none of these are argued by the Appellant or appear appropriate.
15. Both the stationing of a caravan on the site for residential purposes and the erection of the building for residential use are detrimental to the rural character and appearance of the area. Even though some tree planting has been carried out, the building and caravan are clearly seen from the surrounding area, and the domestic use of the site also introduces elements that are alien to its rural surroundings. Thus the developments also conflict with Local Development Plan Policy SP4, which does not permit development having an adverse impact on the character of the landscape or the integrity of the countryside.
16. On the issue of highway safety, Mr Wall has explained that he has improved the entrance to the site from the A48 main road and that he has never experienced any problems entering or leaving the site. Nevertheless, the entrance is off a busy major road, described by the Council as a County distributor road with a 60 mph speed limit. Traffic along it travels quite fast, and visibility is limited to some extent by the topography. In the ordinary course of events residential use of the site would be expected to generate considerably more traffic movements in and out of the site than agricultural use. Thus it increases risks to highway safety contrary to development plan and national policy.
17. My overall conclusion on planning merits is that the developments subject to the enforcement notices are unacceptably harmful to the rural character and appearance of the area and to highway safety, both individually and together. They conflict with development plan policy. For these reasons I conclude that the appeals under ground (a) should not succeed and that the deemed planning application should be refused.
18. In reaching these conclusions I have taken into account all other matters raised, including Mr Wall's personal circumstances. Although not raised by the parties, I have considered Mr Wall's rights under the Human Rights Act 1998 and the European Convention on Human Rights (ECHR). Article 8 (respect for his private and family life and his home) and Article 1 of the First Protocol (protection of property) of the ECHR are engaged, and I recognise that dismissal of the appeals would interfere with Mr Wall's rights. However, the harm caused to the character and appearance of the area and to highway safety is considerable, and I am satisfied that the legitimate aim of protection of the environment cannot be achieved by any means that would interfere less with Mr Wall's rights. The enforcement action is proportionate and necessary in the circumstances and would not result in violation of his rights under the Articles concerned.
19. I have also considered the possibility of using planning conditions to make the developments acceptable. However, the harm is one of policy principle as well as amenity, and I do not consider conditions would overcome the harm caused.

Overall Conclusion

20. Mr Wall comments on the practicalities of removing the caravan without damaging it. However, although it has been boxed-in with concrete blocks, nothing has caused me to doubt that it remains a caravan, is not fixed permanently to the ground and is

capable of being moved. The state of the caravan and the detailed practicalities of moving it have little relevance to its definition as a caravan.

21. I have concluded against the Appellant on all grounds on both appeals. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notices (as corrected) and refuse to grant planning permission on the deemed applications.

Clive Nield

Inspector

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DEVELOPMENT CONTROL COMMITTEE IMPROVEMENT PLAN WORKSHOP

This Member training event was held on the 16 July 2015 and comprised of a general discussion centred around some areas of concern followed by a presentation on the LDP and a workshop session on two specific topic areas. The Chair opened and closed the training event.

The Planning Officer provided a verbal summary of the main issues discussed at the last Committee. The following provides a more detailed account of the discussion and the actions proposed.

Session 1: What's going wrong?

The Planning Officer made a short presentation on the current performance and position of Bridgend as a local planning authority. Bridgend has a good record with regard to speed of determining planning applications, it has an up to date development plan, has a five year supply of housing land, has scored well on customer satisfaction surveys and costs less than neighbouring authorities. Further to this Bridgend was one of the first planning authorities to introduce a chargeable preliminary enquiry service, public speaking at planning committee, a comprehensive scheme of delegation and a smaller specialised planning committee (all of which have been identified by Welsh Government as signs of a good planning authority). This would suggest that the service provided is very good and well above average.

However, a number of key areas of concern raised from various sources were identified:

- For the committee to work effectively and provide certainty for both residents and the development industry, it needs to 'own' the LDP and SPGs that it has approved.
- Difficulty in separating role on DCC with Ward Member role
- Decisions are being deferred due to additional information being requested during Committee proceedings
- Ensure that all officers are sufficiently skilled and experienced in how to advise the Committee to ensure its decisions are sound, without appearing to 'force' decisions upon it.
- Impact of budget cuts, and the low cost of planning decisions compared to other authorities. Restructure and loss of capacity and experience in DC Team
- Lack of clear protocol on what is and is not published in the planning report
- Inconsistency in report writing
- Applicants unable to speak at Committee if there is no objector speaking

There was a general feeling amongst Members that the DC Committee was working well although it is accepted that there have been one or two issues that have caused concern. The system was not however, 'broken'.

There was agreement to a proposal for Members to be involved with shaping future SPGs and that different individuals should sit on each group thus allowing more involvement from Members. There was support for the suggestion for topic based SPG focus groups comprising specialist officers and two or three Members.

There were some identified issues with separating Ward and DCC Members' roles although Members were now aware of the Planning Code of Conduct and are sufficiently confident to manage these issues.

One comment suggested that officers should be more trusting of Members [in local matters] and that Members need to take responsibility for their actions. The Planning Officer suggested that the same could also apply to Members regarding officer advice but acknowledged that some controversial planning decisions may place pressure on Ward Members. Nevertheless any planning decision must be made on sound planning grounds.

A request for further information during the Committee is sometimes necessary although there is some logic in raising issues beforehand, where possible. There was the suggestion that officers need to be prepared for challenge and there was the inevitability that questions will be raised as a result of debate. If issues could be raised beforehand then it would be helpful.

This discussion led on to the length of agendas and the perception that meetings every 6 weeks are now resulting on longer agendas, longer meetings and longer Committee site visits. There was some preference to revert back to four weekly meetings or additional meetings specifically for SPGs etc. The Planning Officer indicated that the six weekly 'cycle' was relatively new and it may be worth persevering with the format for a few more meetings before any change is proposed.

Of more concern is that some Members indicated that they felt bullied by officers into making a decision although there was also acceptance that the same could be said of Members. The Planning Officer indicated that this was not an appropriate culture and that a degree of mutual understanding of each other's roles was essential for a good planning service. There is a fine line between being firm and being over forceful. It is the Officer's duty to advise Members as professionally as possible and occasionally the advice given may not be popular.

There was an overwhelming consensus that criticism of an officer's professional integrity during Committee is not acceptable. If a Member has an issue with an officer then it should be addressed via the Planning Officer or relevant Head of Service.

There was considerable concern about the level of cuts to the planning service as a result of budgetary pressures and the ability of the authority to enforce its conditions. There is an acceptance that performance is likely to drop in the coming months. The Planning Officer indicated that a further workshop session will be held on the future of the level of service provision later in the year.

There were no overriding issues with the officer reports or with inconsistency. There was agreement that reports should be balanced and be sufficiently detailed to allow Members to make an informed decision. The Planning Officer indicated that the report format is under review and that in future it may be possible to include photographs and plans embedded within the text.

There was support for allowing applicants to address Committee in the absence of any objectors wishing to speak. It was also suggested that members be allowed to ask questions of the speakers. This would however, require an amendment to the Public Speaking Protocol.

Other matters raised to improve efficiency included the need to provide post codes for site visit information and whether it was necessary to include full copies of appeal decisions in the DC Committee report if it was possible to simply provide a link to the relevant document online.

Session 2: Whose LDP is it Anyway?

The Planning Officer made a presentation outlining the steps necessary for adopting an LDP, which is a primary statutory requirement. This included data gathering, rigorous assessment, a sound evidence base, significant consultation and public examination. The importance of delivering the LDP and the consequences of failure were also discussed.

Session 3: Developing Solutions

This session comprised of two discussion topics:

- DC Committee Member 'v' Ward Member
- Advance notification of questions and additional information requested at DC Committee.

Members felt that ward matters were an issue as they have to manage constituent's expectations as well as representing the planning authority. Members were prepared to actively campaign for people in their wards but would not be able to promise anything and were aware of the 'legal' position and would declare if necessary. There was some discussion around the issue of keeping an 'open mind' and most Members felt they were able to reach the right balance

The Planning Officer pointed out that was a recent article in the press which quoted a DC Member who in committee indicated that Members were there to serve the people of their ward. There was concern that this was not the correct message as it may raise expectations from constituents and could put off potential developers. The matter is covered in the Planning Code of Conduct. If Members required any further advice or clarification on this matter then the Planning Officer or Legal Officer would be able to help.

There was considerable discussion on the subject of requesting additional information at Committee. Members considered it was important to read the DC report papers beforehand although the longer agendas was making this difficult. There was some recognition that deferring decisions to allow for the provision additional information led to delays in decision making and bringing development forward. The Planning Officer indicated that some changes to procedure may ease this pressure. Members could also email Officers for further clarification before the meeting. It may not be possible to make an officer available for questions before Committee to answer queries due to staffing resources issues however, officers will assist where possible.

Actions:

- DC Committee Members to be involved in SPG preparation,

- Send out DC Reports earlier.
- Prepare Amendment Sheet the day before Committee with a further update presented at Committee if necessary.
- Members to raise any issue in advance where possible
- DC report format to be reviewed in order to make sections clearer and investigate the potential to include plans and photographs and links within the text.
- Investigate the potential to amend the public speaking protocol to allow applicants to speak where there is no objector.

FOR INFORMATION

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None.

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>
Jonathan Parsons - Group Manager Development	"Planning enforcement"	15 October 2015	12.45pm

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

Subject

None at present

Recommendation:

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

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

3rd SEPTEMBER 2015

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE

1. Purpose of Report.

- 1.1 To report to committee the outcomes of the consultation exercise on the draft Affordable Housing Supplementary Planning Guidance (SPG) document.
- 1.2 To seek the committee's agreement of the proposed amendments to the draft document and to adopt the amended version as SPG to the Bridgend Local Development Plan.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The recommendation to adopt this Supplementary Planning Guidance will assist in the implementation of policies within the adopted Bridgend Local Development Plan; the Council's statutory land-use planning document.

3. Background

- 3.1 On the 15th November 2012 the Planning and Development Committee resolved to approve Draft SPG 13 – Affordable Housing as the basis for public consultation; authorised officers to make appropriate arrangements for public consultation; and to await a further report on the outcome of the consultation process.
- 3.2 A 6- week period of public consultation was held between 19th December 2013 and 6th February 2014. The consultation was advertised in the following ways:
 - Statutory notices placed in the *Glamorgan Gazette* on the 19th December 2013;
 - The consultation documents were available for inspection with representation forms at every library in the County Borough and at the Planning Department, Civic Offices, Angel Street.
 - A press release was issued at the start of the consultation;
 - Information on the consultation, including all the documentation, representation forms and the facility to make representations electronically was placed on the Councils website; and
 - A copy of the draft SPG was sent to approximately 550 targeted consultees including Community Councils, planning consultants, house builders, housing associations and other relevant external organisations with details on how to respond.

4. Current Situation

- 4.1 By the end of the consultation period three individuals and external organisations had submitted comments on the draft SPG. In response the Council has produced a consultation report which is included in Appendix E in the SPG. The consultation report provides the Council's response to the representations received and outlines any changes which have been made to the document as a result. Given the lapse in time since the draft document was published for consultation, the SPG also includes a small number of factual updates. The SPG (as amended) is included as **Appendix 1** to this report. Copies of the full representations can be viewed by Members at the Planning Department.
- 4.2 In summary, the main areas of change in the document arising from the public consultation responses and due to factual updates are as follows:
- Greater clarity provided regarding the provision of a percentage of affordable housing rather than a specific number of units on applications for outline consent.
 - Greater clarity provided regarding the process of negotiating commuted sums.
 - Updated information relating to the Welsh Government's Acceptable Cost Guidance Figures in Appendix 2.
- 4.3 Committee is requested to consider each of the representations received, approve the suggested reasoned response, decisions, and actions and proposed changes to the document, then recommend that Council adopts it for publication.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 The production of this Supplementary Planning Guidance is required in order to meet the Council's commitments in implementing the Local Development Plan as outlined in the Plan's Monitoring Framework, specifically Policy Target 29.
- 5.2 The SPG will represent a material consideration in the determination of future planning applications.

6. Equality Impact Assessment

- 6.1 An Equalities Impact Assessment Screening has been undertaken and the proposed recommendation is unlikely to have an impact on equality issues.

7. Financial Implications

- 7.1 None.

8. Recommendations

- 8.1 That the Development Control Committee:
- 8.2 Considers the representations received, endorses the suggested reasoned responses, decisions, and changes to the draft Affordable Housing Supplementary Planning Guidance contained in **Appendix 1**.
- 8.3 Recommends that Council adopts SPG13 – Affordable Housing (as amended) as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.

Mark Shephard
Corporate Director - Communities

3rd September 2015

Contact Officer: Susan Jones
Development Planning Manager

Telephone: (01656) 643169

E-mail: susan.jones@bridgend.gov.uk

Postal Address Development Planning
Communities Directorate
Civic Offices, Angel Street
BRIDGEND CF31 4WB

Background documents

Appendix 1 Supplementary Planning Guidance 13: Affordable Housing

SPG 13 Affordable Housing



Supplementary Planning Guidance (SPG) 13

Affordable Housing

**Development Planning
Regeneration and Development
Bridgend County Borough Council
Civic Offices, Angel Street
Bridgend, CF31 4WB**

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Appendices

- Appendix A Housing Sub Markets in Bridgend County Borough
- Appendix B Welsh Government Acceptable Cost Guidance Figures (2015)
- Appendix C Commuted Sum Worked Examples
- Appendix D Viability Checklist
- Appendix E Public Consultation Comments Received, Factual Updates Required and Council Response

1. INTRODUCTION

1.1. The vision of the Council's Local Housing Strategy (2009) is:

“...To best meet people’s housing needs by ensuring the provision of accommodation of their choice that is appropriate to the needs of each household and is safe, warm and affordable...”

1.2. To help achieve this, the Strategy identifies the Local Development Plan (LDP) as a key tool in the delivery of affordable housing through the planning system within the County Borough. Strategic Objective 4c of the LDP aims:

“To deliver the level and type of residential development to meet the identified needs of the County Borough ensuring that a significant proportion is affordable and accessible to all.”

1.3. Whilst the planning system is not the only method of meeting this need, it plays an important role in increasing the supply of good quality affordable homes.

1.4. The requirement to meet need for affordable housing is a material planning consideration and will be taken into account in the determination of planning applications.

2. POLICY CONTEXT

- 2.1. The purpose of this Supplementary Planning Guidance (SPG) is to give further guidance on how the Council will implement the affordable housing policies contained within the LDP. It will outline how the Council will seek to deliver affordable housing as part of new residential developments through the planning process, with the aim of meeting housing need as identified in the Local Housing Market Assessment (LHMA Update, 2012).
- 2.2. The delivery of affordable housing in the County Borough will be facilitated by **Policy COM5** Affordable Housing:

POLICY COM5 Affordable Housing

Where a local need is demonstrated, the Council will expect an appropriate element of 'affordable housing' to be provided on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size.

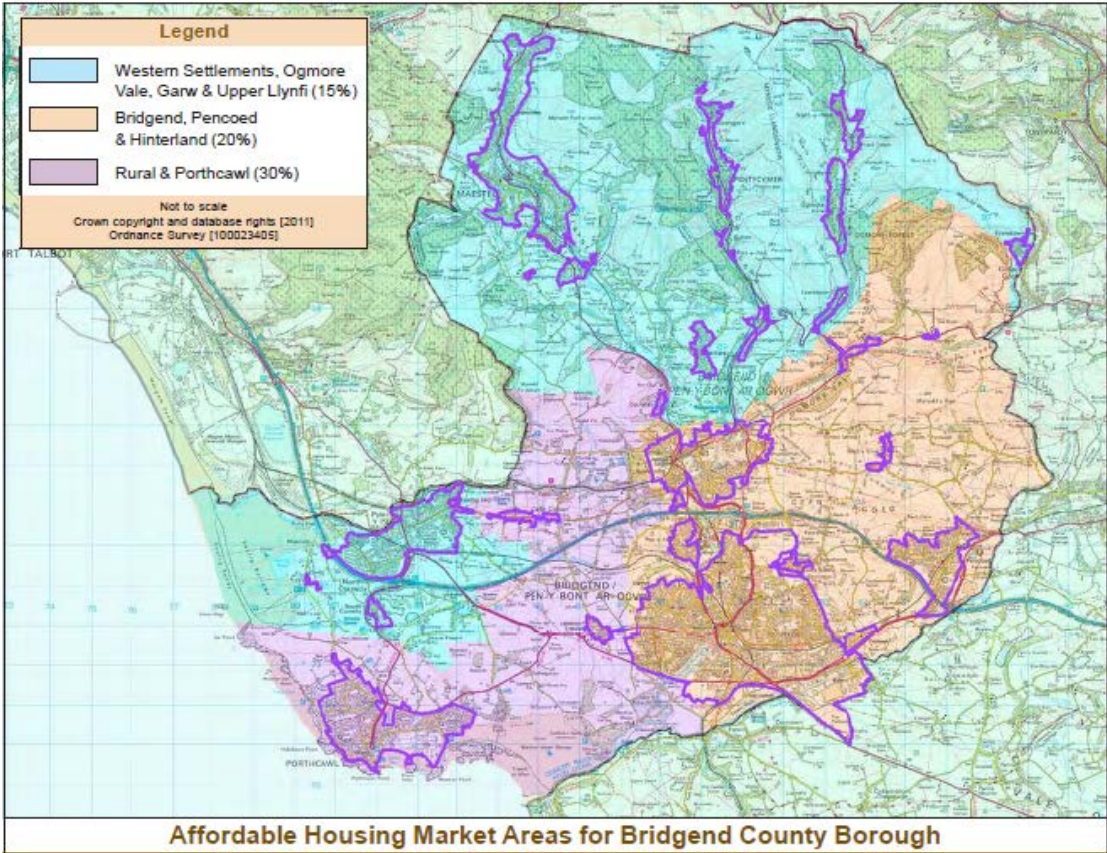
The Council will seek the following affordable housing Market Area targets:

- **30% affordable housing in Porthcawl and Rural;**
- **20% affordable housing in Bridgend, Pencoed and Hinterland;**
- **15% affordable housing in the Western Settlements, Ogmore, Garw and Upper Llynfi Valleys.**

Such affordable housing will be implemented through the use of appropriate planning conditions and/or obligations/agreements and/or through contractual agreements between the Council, developers and Registered Social Landlords.

- 2.3. The area specific targets and thresholds contained in Policy COM5 have been derived from the Affordable Housing Viability Study (AHVS, 2010) that was prepared as part of the LDP evidence base. The AHVS was completed in line with an agreed methodology prepared by Three Dragons on behalf of the South East Wales Strategic Planning Group (SEWSPG). The Study demonstrated that the levels of affordable housing identified in Policy COM5 are challenging yet achievable. Diagram 1 below illustrates the location of the different Market Areas and these are broken down into settlements and post codes in Appendix A.

Diagram 1: BRIDGEND CBC Market Areas



3. DEFINITION OF AFFORDABLE HOUSING

3.1. Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006) and Planning Policy Wales Edition 7 (July 2014) defines affordable housing as:

“...Affordable housing for the purposes of the land use system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers...” (TAN 2, 2006)

3.2. TAN 2 defines the two main types of affordable housing as:

- Social rented housing – provided by local authorities and registered social landlords where rent levels have regard to the Assembly Government’s guideline rents and benchmark rents; and
- Intermediate housing - where prices or rents are above those of social rented housing but below market housing prices or rents. This can include low cost home ownership models including shared equity and assisted purchase schemes.

3.3. All other types of housing are referred to as ‘market housing’ which is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority or RSL. This includes low cost market housing, which the Assembly Government does not consider to be affordable housing for land use planning purposes.

3.4. Annex B of TAN 2 also indicates that affordable housing should include provision for the home to remain affordable for future eligible households, or if a home ceases to be affordable or staircasing to full ownership takes place, any subsidy should generally be recycled to provide replacement affordable housing.

4. AFFORDABLE HOUSING NEED

- 4.1. As part of the LDP process, a Local Housing Market Assessment (LHMA) was completed in 2009 and updated in 2012. The LHMA followed the steps of the needs assessment model specified by the Welsh Government's Local Housing Market Assessment Guide (2006) and the 2012 Update indicated **a yearly requirement of 1,762 affordable dwellings** throughout the County Borough.
- 4.2. Delivering 1,762 affordable dwellings on a yearly basis through the planning system is unlikely to be achieved given the planned total build rate of 646 dwellings per year for the LDP period. The 2012 update of the LHMA undertook sensitivity testing of the figure to take account of the prevailing market conditions in the County Borough. This factored in higher affordability thresholds that households in the private rented sector pay in current market conditions and the supply of private rented accommodation, supported by Local Housing Allowance, as a short term solution to house those requiring affordable housing. This reduced the **need for new affordable units to 292 per year**, which represents the affordable housing pressure experienced in current market conditions, and still represents some 45% of new housing planned for the County Borough as being affordable. It should be recognised however that this figure does not reflect limitations relating to development viability.
- 4.3. The LHMA only forms part of the evidence base for the LDP, which seeks to maximise affordable housing contributions whilst still ensuring that development is viable. The **LDP target of approximately 1,370 affordable dwellings** as defined in Policy SP12 of the LDP, to be delivered through the planning system is a more realistic assessment of what can be achieved through the Plan period.

5. PROCESS

- 5.1. The Council appreciates that the expected provision of affordable housing can affect land values for residential development at any given location. However, it will expect developers to have taken account of the LDP's affordable housing policy COM5 and this guidance (and its impact on land values) before entering into land and property negotiations. Pre-application discussions are advised and encouraged with Council Officers to determine the likely provision of affordable housing and other planning obligation requirements that will be expected for a proposal; however, it is acknowledged that in exceptional circumstances, such as where there are significant abnormal costs associated with developing a site, the levels of affordable housing sought in policy may result in a development becoming unviable.
- 5.2. **Where the viability of providing affordable housing is considered to be an issue, developers will be required to provide information to the Council to enable Officers to undertake an 'open book' financial assessment of the costs and anticipated profits of the scheme based on properly sourced evidence.**

The submitted information will need to include details of:

- **The acquisition price of the site**
- **Projected construction costs**
- **Any abnormal costs**
- **Proposed final sales values per unit**
- **Developers profit requirement**
- **Unit types**
- **Finance costs**
- **Any other relevant information**

A more detailed viability checklist for applicants and developers is included in Appendix D.

- 5.3. The Council will then use a Development Appraisal Toolkit to examine the economics of the development and determine the viability of affordable housing provision. Where a development appraisal indicates that the provision of affordable housing required would not be viable, a lower percentage may be negotiated.
- 5.4. In the event of a dispute over site viability or any of the information submitted, independent verification should take place by a third party commissioned by the local authority. The identity of the third party should be agreed upon by both the Council and the developer and the cost of this independent appraisal will be met by the developer.

- 5.5. The latest viability assessment was carried out in August 2010 and the assumptions used reflect current market conditions at that time. If it can be demonstrated that there have been significant changes in market conditions since the viability assessment was undertaken, it may be appropriate to reconsider the affordable housing requirements based on an assessment of viability on a site-specific basis.
- 5.6. The targets contained in Policy COM5 assume that no Social Housing Grant (SHG) will be made available by the Welsh Government to assist in funding affordable housing provided as part of market housing developments. If grant funding is available for a scheme then this will be taken into account when determining the appropriate level of affordable housing on the development. A higher level of affordable housing might be sought in such circumstances, though this will be based on an assessment of viability at the time.
- 5.7. Securing affordable housing through planning obligations is seen as a priority by the Council; however this will not negate the need to contribute towards other obligations/levies. Developers should refer to the LDP, other planning obligations SPG and/or other charging schedule information published by the Council for details of other requirements.
- 5.8. **Where the Council identifies that a site has been sub-divided resulting in the number of units on any part of the site falling below the affordable housing threshold, then the total number of residential units will be calculated and the affordable housing policy will be applied accordingly. Similarly, where there is phasing of development on larger sites, the affordable housing must be phased appropriately to ensure that it contributes to the delivery of mixed communities in a phased manner. In all cases, the timing of delivery of the affordable units in relation to the market units on a site will be clearly set out in the Section 106 Agreement.**
- 5.9. An element of affordable housing will be required on all outline, full or change of use planning applications for housing, or for a mix of uses incorporating housing, which either can accommodate 5 or more dwellings or exceed 0.15 hectares of gross site area. **Where affordable housing has been secured at outline stage, any change in numbers as a consequence of a subsequent application may result in an increase or decrease in affordable housing provision.** It is therefore required that any Section 106 Agreement relating to outline consent will specify the amount of affordable housing to be provided as a percentage. Further details will then be agreed in conjunction with any subsequent application for reserved matters. In the case of mixed use schemes, the affordable housing requirement will be calculated on the basis of the housing area(s) proposed, rather than on the total site area.

5.10 If the affordable housing requirement for a scheme, when calculated, produces a decimal number, the number of units will be rounded up or down to the nearest whole number.

6. DELIVERY

6.1. The delivery of affordable housing through the planning system is to be achieved through three policy mechanisms:

- **On-site Provision**
- **Off-site Provision**
- **Commuted Sums**

ON-SITE PROVISION

6.2. **It is the Council's preference for a Registered Social Landlord (RSL) to be involved in the development and management of affordable housing to ensure control over subsequent changes of ownership and occupation. The preferred method of delivery is for affordable housing units to be provided on-site by a developer and then transferred to an RSL approved by the Welsh Government to operate in BCBC (See Section 8 for RSL details).**

6.3. The type, size and mix of affordable housing on a particular site will be determined according to local needs, and will draw on the evidence base provided by the LHMA.

6.4. **Affordable housing units for social rent must comply with the Welsh Government's Development Quality Requirements (DQR). Intermediate affordable units should also aim to be DQR compliant, or as a minimum they should meet the Welsh Government's Welsh Housing Quality Standards.**

6.5. It is expected that for the foreseeable future social rented affordable housing may need to be delivered without the benefit of Social Housing Grant (SHG).

6.6. The developer's contribution to the provision of the required number of affordable dwellings should be equivalent to what would have been (if it was available) the SHG required to deliver a new build scheme on the site (currently at a rate of 58% of Acceptable Cost Guidance (ACG)). As such, the nominated RSL should pay the developer not more than 42% of the ACG per unit, less the RSL's on-costs (the Council will specify the unit transfer price). The Council will also not normally seek to supplement developer contributions with SHG, unless this delivers more than the target percentage of affordable housing for the site. Please find the latest ACG figures in Appendix 2.

6.7. If, after using all reasonable endeavours, the owner has been unable to dispose of the affordable housing to a nominated RSL, an alternative method for securing on site affordable housing benefits (to a value not

less than that which would have been achieved had the owner disposed of the affordable housing to the nominated RSL) will be delivered.

- 6.8. If the owner is unable to comply with the alternative scheme, the owner shall pay the Council a sum equal to the value which would have been achieved had the owner disposed of the units to a nominated RSL. This will be utilised by the Council to facilitate the provision of affordable housing within the Borough (See paragraphs 6.13 – 6.15 relating to commuted sums).

OFF-SITE PROVISION

- 6.11. In the interests of ensuring communities are balanced and mixed, it is the Council's preference for the need for affordable housing to be delivered on site. Off-site provision will only be considered in circumstances where it would be unfeasible for on-site provision to be made, or where the Council's strategic aims would not be achieved. This may include circumstances where:

- The on-site management of affordable units cannot be secured effectively.
- The provision of affordable housing in another location within the vicinity would better contribute to mixed communities by widening the choice of housing.
- The on-site provision of the affordable units could not physically be provided on site by virtue of their size, type and level of contribution.
- There are other exceptional circumstances as considered appropriate by the local authority.

- 6.12. In the exceptional cases where off-site provision is considered acceptable by the local authority, the units provided should be of an equivalent nature to the type of units that would be required on-site. A sequential approach to the location of off-site provision will be appropriate with the preference being for the provision of affordable housing within the same settlement. If this is not achievable then provision should be made within the same submarket and then, only if no other options are available, provision may be acceptable elsewhere in the County Borough where there is evidence of need.

COMMUTED SUMS

- 6.13. In cases where on-site provision is not considered appropriate and units cannot be delivered off-site, the Council will consider whether or not a commuted sum is appropriate. This will be guided in the first instance by consultation with the Council's Housing Strategy Team given their knowledge of suitable local projects and funding requirements.

6.14. The value of the commuted sum will need to be fairly and reasonably related in scale and kind to the development, whilst mindful of the requirements of other planning obligations. The following formula is a useful starting point, providing a guide to the equivalent value of delivering the affordable housing on-site:

For Social Rented properties,

Committed Sum = (ACG £ per unit) x (% ACG) x N

ACG: Acceptable Cost Guidance per dwelling, related to the current ACG figures published by the Welsh Government (See Appendix B)

% ACG: Rate of Social Housing Grant payable to RSLs. In the absence of SHG this amount is to be provided by the developer (currently 58%)

N: Number of units required, according to Affordable Housing Target

For Intermediate properties for Sale or for Rent,

Committed Sum = (OMV £ per unit) x (% OMV) x N

OMV: Open Market Value per dwelling relating to the dwelling type that would have otherwise been expected on-site

% OMV: Discounted Open Market Value rate for Low Cost Home Ownership or Intermediate Rented properties, set at a level considered affordable by the Council in the locality

N: Number of units required, according to Affordable Housing Target

A worked example of the commuted sum formula is provided in Appendix C.

6.15. Such contributions will be used to support overall affordable housing provision within the County Borough to be delivered in partnership with RSLs. Contributions will be used to provide either part or full funding for schemes, projects and initiatives which may include:

- The purchase and refurbishment of long term empty properties by an RSL for reuse as affordable housing
- Purchase of land for affordable housing

- Delivery of Mortgage Rescue
- Development of supported temporary and move-on accommodation
- Supplementing on site affordable housing provision on other developments in the local area
- Any other scheme identified by the Council that will increase the supply of affordable housing in the County Borough.

7. EXCEPTION SITES

- 7.1. The LDP does not provide for affordable housing 'exception' sites in the countryside, where development is usually strictly controlled. This is because there has been little expressed concern or identified shortfall of affordable rural housing in the County Borough. Any subsequent need that does arise can easily be accommodated within the main urban areas, which lie no more than 4 to 5 miles from any countryside location.
- 7.2. Neither does the Council propose affordable housing exception sites on the edge of the County Borough's towns and villages on the basis that the County Borough is highly urbanised and has ample opportunities within settlements to provide affordable housing opportunities. Even those small villages identified in the LDP's settlement hierarchy are in very close proximity to larger towns and villages which adequately service all of the County Borough's local community needs including for affordable housing.
- 7.3. Given the above LDP policy position, there is no requirement, and indeed, no basis for further commentary of exception sites in this SPG.

8. CONTACTS

8.1. Bridgend County Borough Council

For general affordable housing queries contact:

Housing Strategy, Civic Offices, Bridgend, CF31 4WB
Tel: 01656 643527
Email: housing@bridgend.gov.uk

For Section 106 queries contact:

Development Planning, Civic Offices, Bridgend, CF31 4WB
Tel: 01656 643193
Email: developmentplanning@bridgend.gov.uk

For pre-application enquiries please contact:

Development Control, Civic Offices, Bridgend, CF31 4WB
Tel: 01656 643166
Email: planning@bridgend.gov.uk

8.2. Registered Social Landlords

There are four Registered Social Landlords zoned to operate within BCBC under the Welsh Government's zoning arrangements. These are:

Wales & West Housing Association

3 Alexandra Gate, Ffordd Pengam, Tremorfa, Cardiff CF24 2UD
Tel: 0800 052 2526
www.wwha.co.uk

Valleys to Coast Housing

No.1 Court Road, Bridgend CF31 1BE
Tel: 0300 123 2100
www.v2c.org.uk

Linc Cymru Housing Association

387 Newport Road, Cardiff CF24 1GG
Tel: 029 2047 3767
www.linc-cymru.co.uk

Hafod Housing Association

First Floor, St Hilary Court, Copthorne Way, Cardiff CF5 6ES
Tel: 029 2067 5800
www.hafod.org.uk

Appendices

Appendix A

Housing Sub Markets in Bridgend County Borough

Sub Market & Targets	Primary Key & Main Settlements	Local Service Settlements	Small Settlements	Post Codes
Porthcawl & Rural (30%)	Porthcawl		Cefn Cribbwr Coytrahen Laleston	CF36 3, CF36 5, CF32 0
Bridgend, Pencoed & Hinterland (20%)	Bridgend Pencoed Valleys Gateway (Aberkenfig / Bryncethin / Brynmenyn / Sarn / Tondu / Ynysawdre)		Blackmill Coity Coychurch Glynogwr Heol y Cyw Pen y Fai	CF35 6, CF35 5, CF31 1, CF31 2, CF31 3, CF31 4, CF31 5, CF31 9, CF32 9
Western Settlements, Ogmore, Garw & Upper Llynfi Valley (15%)	Maesteg Pyle/ Kenfig Hill / North Cornelly	Bettws Blaengarw Caerau Nantyffyllon Nantymoel Ogmore Vale Pont Rhyd y Cyff Pontycymmer	Cwmfelin Evanstown Kenfig Llangeinor Llangynwyd Mawdlam Pantyrwel Pontyrhyl South Cornelly	CF33 4, CF33 6, CF34 9, CF32 7, CF32 8, CF39 8, CF34 0

Appendix B

Current Welsh Government Acceptable Cost Guidance Figures (2015)

Acceptable Cost Guidance (ACG) figures are provided as guidance on the likely acceptability of social rented schemes for grant purposes but can be used as a basis for determining the price an RSL pays for an affordable housing unit with or without grant. The figures reflect current standards set out in Development Quality Requirements (2005). To take account of cost variations throughout Wales, five cost bands have been determined. The specific localities falling within each band are shown in Table 1, which is based on Community Council areas within BCBC.

Table 1 ACG Bands

ACG Band	Community Council
1	Garw Valley, Ogmores Valley
2	Coychurch Higher, Llangynwyd Middle, Ynysawdre
3	Cefn Cribbwr, Llangynwyd Lower, Maesteg
4	Brackla, Bridgend, Coity Higher, Cornelly, Coychurch Lower, Laleston, Merthyr Mawr, Newcastle Higher, Pencoed, Porthcawl, Pyle, St Bride's Minor

The costs per dwelling related to occupancy, type of unit and property band are detailed in Table 2.

Table 2 Acceptable Cost Guidance

Unit Type	BAND 1	BAND 2	BAND 3	BAND 4
7P4B HOUSE	176300	191300	206400	226500
6P3B HOUSE	166500	179200	192000	209000
5P3B HOUSE	142600	153600	164700	179400
4P3B HOUSE	133500	143900	154200	168000
4P2B HOUSE	127100	137500	147800	161600
3P2B BUNGALOW	115200	128000	140700	157700
3P2B FLAT	109400	114500	119700	126600
2P1B FLAT	86600	91200	95800	101900
1P1B BEDSIT	64800	68500	72200	77100

Appendix C

Commuted Sum Example

1. Worked Example – Social Rent

	PROCESS	EXAMPLE (30 units in Bridgend)
1	Identify the appropriate target for affordable housing provision	Bridgend is within Bridgend Housing Market Area
2	Identify the number of units required if the provision were to be on site	30 units x 20% = 6 units
3	Identify the size and type of units required if the provision were to be on site	Size/Type required is 2 Person, 1 Bedroom flats (2P1B)
4	Identify the relevant band within the 'ACG for use with SHG funded Housing in Wales.'	Bridgend is Band 4
5	Select ACG in Annex A of ACG Doc for the size/type of units to be provided	ACG for 2P1B flat in Band 4 = £101,900
6	Calculate 58% of ACG which is current rate of SHG payable to Registered Social Landlord	£101,900 x 58% = £59,102
7	Multiply the number of units identified in [2] by the amount calculated in[6]	6 units x £59,102 = £354,612

2. Worked Example – Intermediate for Sale or Rent

	PROCESS	EXAMPLE (30 units in Bridgend)
1	Identify the appropriate target for affordable housing provision	Bridgend is within Bridgend Housing Market Area
2	Identify the number of units required if the provision were to be on site	30 units x 20% = 6 units
3	Identify the size and type of units required if the provision were to be on site	Size/Type required is 4 Person, 2 Bedroom House (4P2B)
4	Developer to indicate likely OMV if not already known; to be verified by BCBC	4P2B house is £140,000
5	BCBC to identify percentage of OMV considered affordable in the locality	Typically 70% of OMV
6	Identify % of OMV to be subsidised by developer (typically 30%)	£140,000 x 30% = £42,000
7	Multiply the number of units identified in [2] by the amount calculated in[6]	6 units x £42,000 = £252,000

Appendix D

Viability Checklist

<p>1. Overview</p> <ul style="list-style-type: none"> • Site Address • Current use • Current use value of site if known • Who owns the site? • Are there any ownership options on the site? • Ward • Site Size (Hectares) • Description of the proposed scheme • Application Number <u>or</u> Pre-Application Reference • State the case for lower levels of planning contributions
<p>2. Characteristics of Development</p> <ul style="list-style-type: none"> • Numbers & Types of dwelling, including both Private and Affordable Housing (i.e. house, flat, bungalow, bedsit etc.) • Size of dwellings by Type (sq. m) • Number of Bedrooms by Type • Parking by Type (none, surface, undercroft or underground) • Number of storeys of buildings
<p>3. Market Values</p> <ul style="list-style-type: none"> • Sale value of Private Dwellings (by Type) <p>NB. All sales values to be supported by evidence for independent verification on a unit by unit basis</p>

4. For Mixed Use Schemes Only - Sales Revenues & Costs
(categorise by: Industrial; Office; Retail; Hotel; Leisure; Community; Other)

Revenues:

- Size of scheme (gross sq. m)
- Rent (£ per sq. m)
- Yield (%)
- Capital Value

Costs:

- Build Costs (£ per GIA sq. m)
- Professional and Other Fees (% build costs)
- Return (% capital value)

5. Development Costs

- Build costs by Type (£ per sq. m)
 NB: Differentiate between sub and super structures and external infrastructure i.e. special landscaping, garages, drives etc.
- Eco-homes Standards (for Private and Affordable)
- Professional Fees (% of build costs)
- Internal Overheads (% of build costs)
- Finance Costs (% of market value)
- Marketing Fees (% of market value)
- Developers Return (% of market value)
- Abnormal/Exceptional Costs
- Actual or Anticipated land acquisition cost (please state if conditional, and the condition) and date of contracts where relevant.

NB. All information submitted must be supported by evidence. This should include detailed breakdown of costs provided by appropriate professionals and a method statement of how costs have been calculated.

6. S106 contributions (Please state amount of any agreed contributions)

- Education
- Affordable Housing
- Highway Works
- Public Open Space
- Community Facilities
- Sustainable Transport Improvements
- Public Realm
- Others (e.g. Environmental Improvements, Town Centre Improvements, Public Art, Employment-related training, Flood Defence Measures)

7. Affordable Housing Dwellings

- Percentage and/or number sought by the Council
- Percentage proposed (if different to above)
- Type of Tenure

8. Financial Contribution from any other sources

- Welsh Government
- European Union Funding
- Local Authority Capital Grant
- Other Regeneration Funding
- Commuted Sum
- CADW (Heritage Funding)
- Other

Appendix E

Public Consultation Comments Received, Factual Updates Required and Council Response

Comments Received

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Persimmon Homes			Overall, we are generally supportive of the provision of the proposed guidance, which sets out further guidance on the implementation of the established housing policies contained within the LDP. Importantly, the SPG continues to recognise that the delivery of the envisaged levels of affordable will be challenging. It is on this basis that our representations are submitted, in order to ensure that flexibility is in built in to the guidance to enable site specific issues to be considered when implementation and delivering affordable housing.	Support is welcome.	No action required
	5.2	8	Further clarification required. We welcome and support the proposed open book assessment methodology when considering scheme viability. However, it would be worth considering providing further clarification on the 'make up' and content of what would be considered as abnormal costs as part of this process. We would suggest that a comprehensive schedule be included in an Appendix to the SPG listing what is (and is not) considered to be an abnormal cost on a site, together with clarification that the submission of abnormal costs can be supported by a detailed breakdown of all such costs.	Support for 'open book' assessment approach is welcomed. However, it is not considered necessary to provide further clarification as to what may or may not constitute an abnormal cost. This duty is the responsibility of the Developer/Applicant in cases where they feel the burden of such costs has a negative impact on scheme viability. In such cases, the Council welcomes the submission of a detailed breakdown of all development costs together with a reasoned justification explaining which of these costs should be considered as 'abnormal'.	No action required

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Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
	5.3	8	Clarification required over ability to negotiate a lower percentage in appropriate circumstances. Change "... a lower percentage may be negotiated" to "...a lower percentage <u>will</u> be negotiated."	Disagree. The provision of Affordable Housing in accordance with the targets of Policy COM5 is a material consideration in the determination of a planning application. Failure to meet the target may be considered a non-conformity with the LDP and will need to be justified through the provision of the information described in Para 5.2 of this SPG. Any subsequent reduction on this basis is only likely to be agreed where there is significant planning merit and/or public interest in the site being developed.	No action required
	5.4	8	Further clarification required. The SPG should clarify that if the developer is expected to pay for an independent verification of scheme viability that these additional costs can also be included within the appraisal as a further abnormal or professional fee element when considering overall viability.	Disagree. The Developer/Applicant should meet any additional cost incurred if independent verification of any data is required, and this should not be seen as an abnormal cost of development. The use of an independent consultant to undertake a third party appraisal of the site at the developer's expense will only be used in exceptional circumstances if no agreement can be reached between the local authority and the developer, so is not expected to be utilised for every application. It is considered this approach is wholly appropriate as a way of progressing applications that would otherwise stagnate.	No action required
	5.9	9	Amendment required addressing outline applications where no information is available on the number of units to be developed. At present the wording of this is considered to be overly complicated and risks setting a	Agree. In cases where affordable housing is secured through a planning obligation relating to outline consent, a percentage of units will be sought. Generally, sites with outline consent will only specify in	Amend wording of Paragraph 5.9: "An element of affordable housing will be required on all outline, full or change of use planning applications for housing, or

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Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>level of affordable housing that may ultimately be subject to further change and not reflect the final built development.</p> <p>If the number of units is unknown, the Council should request that affordable units be set on a percentage basis, which would remove uncertainty. The reference to assumed densities should therefore be removed and replaced with reference to an agreed percentage value for affordable provision.</p>	<p>the S106 the amount of affordable housing to be provided in percentage terms rather than specifying the number of units. This allows for flexibility if the reserved matters identify a higher or lower number of units than originally envisaged at outline application stage. The actual number of units and type will normally be resolved as part of the application for reserved matters.</p>	<p>for a mix of uses incorporating housing, which either can accommodate 5 or more dwellings or exceed 0.15 hectares of gross site area. Where affordable housing has been secured at outline stage, any change in numbers as a consequence of a subsequent application may result in an increase or decrease in affordable housing provision. It is therefore felt appropriate that any Section 106 Agreement relating to outline consent will specify the amount of affordable housing to be provided as a percentage. Further details will then be agreed in conjunction with any subsequent application for reserved matters. In the case of mixed use schemes, the affordable housing requirement will be calculated on the basis of the housing area(s) proposed, rather than on the total site area."</p>
	5.10	10	<p>Further clarification required. The number of units should be rounded down to reflect the fact that a whole unit is not applicable.</p>	<p>Disagree. Rounding the number of units to the nearest whole number provides more accuracy. In this way, any number equal to or greater than .5 will get rounded up and any number below .5 will get rounded down.</p>	<p>No action required</p>
	6.4	11	<p>The reference to DQR is unnecessary, as these requirements will be determined by each RSL. Change</p>	<p>All affordable housing should be constructed to the requirements of the Welsh Government at the time the</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			the wording of the paragraph to read: "All affordable housing units should as a minimum, meet the Welsh Government's Welsh Housing Quality Standards and the required level of the Code for Sustainable Homes. The RSL involved in the development should then identify and negotiate with the site developers the delivery of dwellings to comply with the Welsh Government's Development Quality Requirements (DQR), as appropriate."	application is submitted. Details of current requirements can be obtained from either the Housing Section at Bridgend CBC, Registered Social Landlords (RSL's) or the Welsh Government. BCBC understands that the Welsh Government is currently undertaking a review of its Development Quality Requirements (DQR). Until the outcome of this review is known, the Welsh Government standard remains for affordable housing to meet the requirements of the DQR.	
South Wales Police, Crime Prevention Design Advisor			I have no observations to make.	Noted	No action required
Natural Resources Wales			Natural Resources Wales do not have any comments on this Draft SPG.	Noted	No action required

Late Representations Received

Organisation	Section No.	Page No.	Summary of Representations	Reasoned response	Decision and Action

Factual Updates Required

Organisation	Section No.	Page No.	Update Required	Decision and Action
BCBC	4.2	7	Build rate of dwellings per year for the LDP needs updating to reflect the adopted LDP housing provision	Amend wording of Paragraph 4.2: "Delivering 1,762 affordable dwellings on a yearly basis through the planning system is unlikely to be

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Organisation	Section No.	Page No.	Update Required	Decision and Action
BCBC	4.2	7	figure of 9,690. Update percentage of affordable housing needed as proportion of new homes planned for the County Borough for remainder of plan period.	achieved given the planned total build rate of 600-646 dwellings per year for the LDP period.” Amend wording of Paragraph 4.2: “This reduced the need for new affordable units to 292 per year , which represents the affordable housing pressure experienced in current market conditions, and still represents some 48.7- 45% of new housing planned for the County Borough as being affordable.”
BCBC	5.2	8	Include a Viability Checklist to provide further clarity to the information required when developers consider the provision of affordable housing to be an issue.	Viability Checklist included in Appendix D and referenced at Paragraph 5.2: “ A more detailed viability checklist for applicants and developers is included in Appendix D. ”
BCBC	6.4	11	Code for Sustainable Homes no longer applies in Wales.	Delete reference: “Affordable housing units for social rent must comply with the Welsh Government’s Development Quality Requirements (DQR). Intermediate affordable units should also aim to be DQR compliant, or as a minimum they should meet the Welsh Government’s Welsh Housing Quality Standards. In addition, the Welsh Government requires all new dwellings, including affordable housing, to meet the required level of the Code for Sustainable Homes.”
BCBC	6.7 & 6.8	11 & 12	Determining how SHG is spent is a function of the Housing Strategy.	Delete paragraphs 6.7 and 6.8.
BCBC	6.14	13	Provide greater clarity to formula used for calculating commuted sums, so that the sum provides equivalent value to delivering the affordable housing on site.	Amend Commuted Sum formula to relate to the Welsh Government’s Acceptable Cost Guidance. Worked example included in Appendix C.
BCBC	6.15	14	Update the supported accommodation requirement to meet new housing legislation requirements.	Amend wording of Paragraph 6.15 Development of supported temporary and move-on accommodation or adapted housing schemes;
BCBC	Appendix B	19	Update Acceptable Cost Guidance figures to relate to those published by Welsh Government in February 2015.	Update Appendix B Table 2.

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