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



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

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol: 01656 643 148  
Ask for / Gofynnwch am: Mark Galvin  
**Date / Dyddiad:** Wednesday, 7 October 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, 15 October 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 25 November 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 - 12  
To receive and confirm the Minutes of a meeting of the Development Control Committee of 3 September 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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7.	<u>Development Control Committee Guidance</u>	13 - 16
8.	<u>Officer's Reports</u>	
(a)	P/15/304/FUL - Land at Bryn Mynach Farm, Llan Road, Maesteg	17 - 30
(b)	P/15/322/FUL - Land South West of Maesteg Road, Tondu	31 - 42
(c)	P/15/444/FUL - Land at Bedw Street/Humphries Terrace, Caerau, Maesteg	43 - 50
(d)	P/15/361/FUL - Rear of 79 Merthyr Mawr Road, Bridgend	51 - 58
(e)	P/15/543 FUL - 133 Cowbridge Road, Bridgend	59 - 64
(f)	P/15/214 FUL - Harden House, 115 Oxford Street, Pontycymmer	65 - 72
(g)	P/15/526/FUL - Land Rear 26-27 Clos Pen Llwyn, Broadlands, Bridgend	73 - 80
(h)	P/15/172/FUL - 52 John Street, Porthcawl	81 - 88
9.	<u>Appeals</u>	89 - 90
10.	<u>Margam Mine</u>	91 - 94
11.	<u>Fee Increase</u>	95 - 98
12.	<u>Annual Performance Report</u>	99 - 100
13.	<u>Public Open Space SPG</u>	101 - 102
14.	<u>Training Log</u>	103 - 104
15.	<u>Porthcawl Conservation Area</u>	105 - 108
16.	<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, 3 SEPTEMBER 2015 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

GW Davies MBE  
JE Lewis

PA Davies  
C Westwood

RC Jones  
R Williams

DRW Lewis  
M Winter

Officers:

Nicola Gandy	Principal Planning Officer
Julie Jenkins	Development Control Team Leader
Rod Jones	Senior Lawyer
Susan Jones	Development Planning Manager
Robert Morgan	Transportation Development Control Officer
Jonathan Parsons	Group Manager Development
Philip Thomas	Principal Planning Officer
Rhodri Davies	Development and Building Control Manager
Philip Stanton	Service Manager Environmental Health
Emma Aston	Environmental Health Officer
Tony Godsall	Traffic and Transportation Manager
Craig Flower	Team Leader Technical Support
Mark Galvin	Senior Democratic Services Officer – Committees (Minutes)
Andrew Rees	Senior Democratic Services Officer – Committees (electronic back-up)

608. APOLOGIES FOR ABSENCE

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

Councillor L C Morgan – Family commitments  
Councillor D Sage – Hospital appointment  
Councillor N Clarke - Holiday

609. DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

Councillor J E Lewis – P/14/711/FUL – Personal interest as a member of St. Brides Minor Community Council who takes no part in the consideration of planning matters.

Councillor D Lewis - P/14/711/FUL - Personal interest as a member of St. Brides Minor Community Council who takes no part in the consideration of planning matters.

Councillor R Williams – P/15/110/OUT – Personal interest as a member of Pencoed Town Council who takes no part in the consideration of planning matters.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 3 SEPTEMBER 2015**

Councillor G W Davies – P/15/130/FUL – Personal interest as a member of Maesteg Town Council who takes no part in the consideration of planning matters.

Councillor G Thomas – P/14/711/FUL – Prejudicial interest as he objected to the application and a personal interest as a Member of St Brides Community Council who takes no part in the consideration of planning matters. Councillor Thomas left the meeting whilst the application was being considered.

610. 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 14 October 2015 (am).

611. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of 23 July 2015 were approved as a true and accurate record.

612. PUBLIC SPEAKERS

The Chairperson read out for the benefit of those present the names of the public speakers addressing the following applications which were considered at the meeting:

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
N Williams	P/14/185/FUL	Objector
R Chichester	P/14/185/FUL	Applicants agent
Councillor J McCarthy	P/15/110/OUT	Local Member
R Jones	P/15/110/OUT	Objector
S Harris	P/15/110/OUT	Applicant

613. AMENDMENT SHEET

The Group Manager Development advised that in accordance with a new protocol, and following the Chairperson's consent, Members had received the Amendment Sheet at yesterday's Site Visits 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.

The Chairperson also confirmed that she had accepted a second Development Control Committee amendment sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council's Procedure Rules for the same purpose as above.

614. PLANNING APPLICATIONS GRANTED WITH CONDITIONS

RESOLVED: (1) That the following applications be granted subject to the Conditions contained in the report of the Corporate Director Communities:-

<u>Code No.</u>	<u>Proposal</u>
P/15/130/FUL	Beethoven House, 81 Castle Street, Maesteg – Change of use to 4 flats and retain existing flat
P/15/140/OUT	Terfyn, 2 Heol Eglwys, Pen-y-Fai – Outline planning for the demolition of Terfyn and build 2. No. houses on the land  Subject to the inclusion of the following Condition 9:-  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
P/15/416/FUL	59 Newton Nottage Road, Porthcawl – Raise roof of bungalow to provide 1 <sup>st</sup> floor: Single & two storey rear extensions; new Porch/Study and garage
P/15/431/FUL	48 Park Street, Bridgend – Demolish existing boundary wall, construct new vehicle access and reconfigure existing car parking spaces

- (2) That the following application be granted, subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 23 July 2015.

<u>Code. No</u>	<u>Proposal</u>
P/14/711/FUL	Change of use of Former Nursery & dwelling to Vehicle storage, New buildings, access, Wood fuelled boilers and Wood drying Facility – Former Bryncethin Nurseries and South Wales Wood Recycling Plant, Pant Hirwaun, Heol-y-Cyw

615 **SECTION 106 AGREEMENT PLANNING APPLICATIONS**

- RESOLVED:
- (1) That having regard to the following application, 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.

Code. No

Proposal

P/14/185/FUL

Land at Waterton Lane, Waterton, Bridgend – Residential development of 39 dwellings, new Access Road and associated Parking and demolish Existing building

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

Subject to Conditions 15 and 16 of the report being amended as follows:-

6<sup>th</sup> line of Condition 15 - 'close' should read 'closed'

16. A 2m close boarded fence shall be erected at the rear of Plots 1 - 28 prior to any of those plots being brought into beneficial use and thereafter retained in perpetuity.
- (3) That having regard to the following application, the applicant enters into a Section 106 Agreement to:
1. 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.
  2. 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.
  3. 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.
  4. 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.

5. 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.

Code. No

Proposal

P/15/110/OUT

Bayswater Tubes Site, Heol-Y-Geifr, Pencoed – Construct 47 dwellings and associated works (Outline application)

- (4) 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 Conditions contained in his report.

616

P/14/464/OUT

LAND EAST OF A4061 (BNDR) COITY  
OUTLINE APPLICATION FOR 220 DWELLINGS

That having regard to the report of the Corporate Director Communities in respect of the above planning application, Members

RESOLVED:

That Committee agreed to reject the recommendation to remove the requirement for an off-site contribution to public open space and to re-affirm its previous decision made at the meeting on 11 June 2015 (Minute Number 576 refers), namely, to approve the application subject to the terms of a S106 Agreement and Conditions, as outlined in the report of the Corporate Director Communities to that meeting.

617

P/14/742/OUT

PROVISION OF 26. NO. BUILDING PLOTS AND ACCESS ROAD AND REMOVAL –  
LAND NORTH OF ABERGARW FARM, BRYNMENYN

The Corporate Director Communities submitted a report, that advised Committee that the above application was considered by Committee on 11 June 2015, and was granted conditionally subject to the provisions of a S106 Agreement.

The Group Manager Development advised however, that there was now a need to make certain changes to the terms of this Agreement, for the reasons outlined in the report.

RESOLVED:

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.

All other heads of terms as previously indicated to remain

618 APPEALS RECEIVED

RESOLVED: That the Appeal received as outlined in the report of the Corporate Director Communities be noted.

619 APPEAL DECISIONS

That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeals has directed that they be Dismissed, and in the second such Appeal, subject to Correction (Notice A) and the Enforcement Notices Upheld:-

<u>Code No.</u>	<u>Subject of Appeal</u>
A/15/3012436 (1754)	Build detached family house of similar size to existing "Windrush" Ton Kenfig
C/15/3018516 (1755)	Unauthorised building of dwelling and unauthorised use for the siting of a Caravan for residential purposes: Land off the Croft, Barn Hill, Laleston.

670 DEVELOPMENT CONTROL COMMITTEE IMPROVEMENT PLAN WORKSHOP

The Group Manager Development submitted a report, reminding Members of the Training Event held on 16 July 2015, a verbal update upon which was provided for Members at the last Committee meeting.

He submitted a further report on this topic giving a resume of what the sessions covered at the Training Event, and the following actions that came out of this:-

- Development Control Committee (DCC) Members to be involved in new SPG preparation. This will be subject further agreement by Committee
- Sending out earlier than usual, the agenda/reports for the DCC.
- Prepare the Amendment Sheet the day before Committee with a further update presented at the Committee itself if deemed necessary

- Members to raise any questions on agenda items with Officers in advance of the meeting, where possible
- DCC 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, including possibly posing questions to public speakers. A training session would be arranged for this, following which the public speaking protocol would be amended accordingly.
- The possibility of exploring a different cycle to that which is in existence, for the holding of Committee meetings to meet Performance Indicators imposed by Welsh Government

RESOLVED: That the report be noted.

671 TRAINING LOG

RESOLVED: That the report of the Corporate Director Communities outlining forthcoming training activities for Members be noted.

672 AFFORDABLE HOUSING – SUPPLEMENTARY PLANNING GUIDANCE

The Corporate Director Communities submitted a report to inform Committee of the outcomes of the consultation exercise on the draft Affordable Housing Supplementary Planning Guidance (SPG) document, as well as to seek Committee agreement of the proposed amendments to the draft document, and to adopt the amended version as SPG to the Bridgend Local Development Plan.

The Development Planning Manager advised that the draft Supplementary Guidance gives further guidance on how the Council will implement the affordable housing policy contained within the Local Development Plan and will replace the previous guidance which related to the Unitary Development Plan.

She added that Members were being asked to consider amendments to the draft Affordable Housing SPG, which was previously presented to them before the LDP Examination on 15th November 2012, for approval for consultation purposes.

She confirmed that a 6 week period of consultation took place between December 2013 and February 2014. Three organisations had responded making 9 representations.

A 'Consultation Report' was attached at Appendix E to the report, which provided the Council's responses and recommended changes to the representations received.

The main changes as a result of consultation related to providing greater clarity to applicants seeking outline planning consent, where the final number of housing units was unknown, by requiring the provision of a percentage of affordable housing rather than a specific number of units. This allowed for flexibility if the reserved matters identify higher or lower numbers.

Members were also asked to note a number of factual changes to the document, that were also included in Appendix E to the report. These included adjustment to the background housing figures as a result of the adoption of the LDP and updates to reflect the latest Welsh Government guidance.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 3 SEPTEMBER 2015**

Additional clarification was also provided to developers by the inclusion of a Viability Checklist at Appendix D, and a worked example for the formula used in calculating commuted sums at Appendix C to the report.

The Development Planning Manager concluded her submission, by stating that Committee was requested to endorse the document, as amended by the proposed changes and the factual amendments and recommend that it is referred to Council for adoption.

**RESOLVED:**                      That the Committee:

- (1) Following consideration of the representations received, endorsed the suggested reasoned responses, decisions and changes to the draft Affordable Housing Supplementary Planning Guidance contained in Appendix 1 to the report
- (2) Recommended that Council adopts SPG13 – Affordable Housing (as amended) as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan

673    **URGENT ITEMS**

None

The meeting closed at 4.30 pm



## Development Control Committee Guidance

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

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

### STANDARD CONDITIONS

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### STANDARD NOTES

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

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

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

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

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

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

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.

- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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





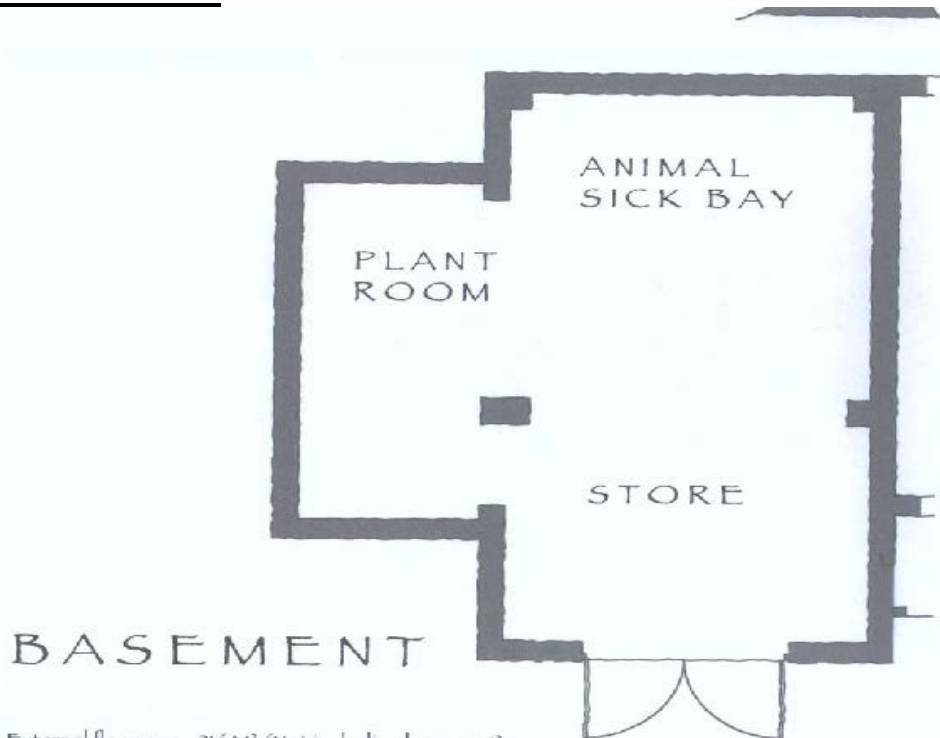


The plan below shows the proposed **front elevation**.

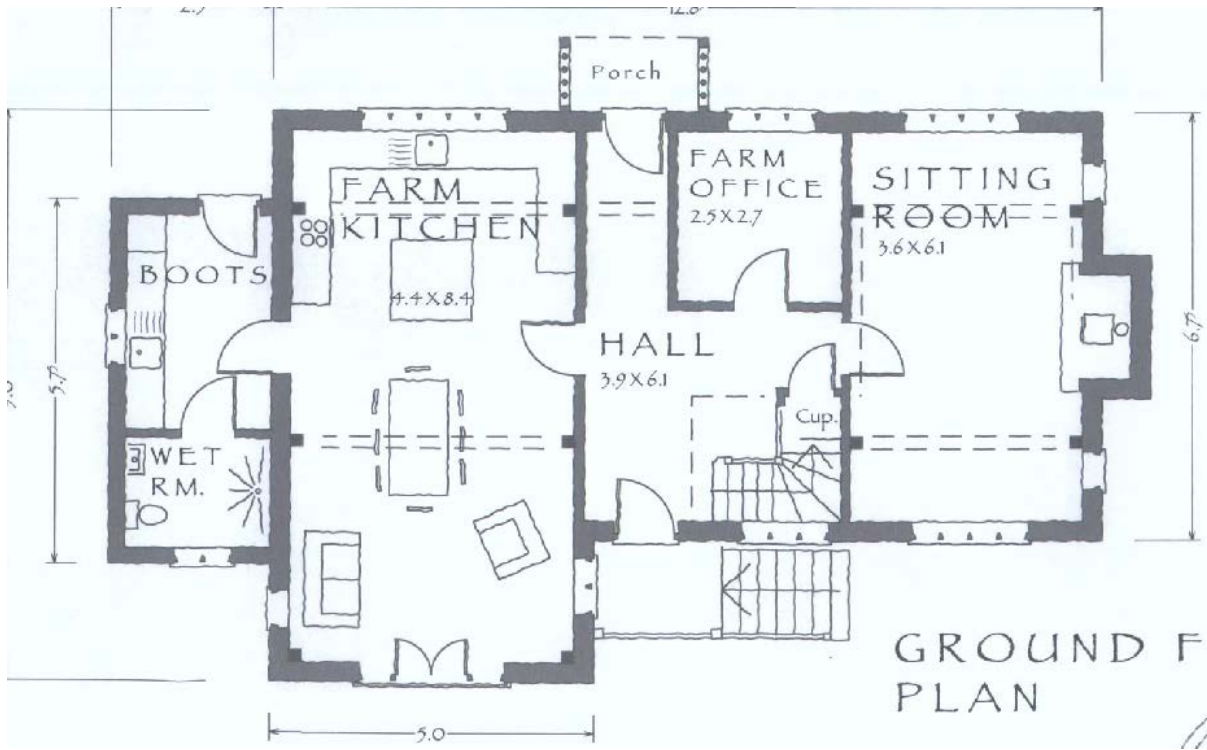


The proposed floor plans are as follows:-

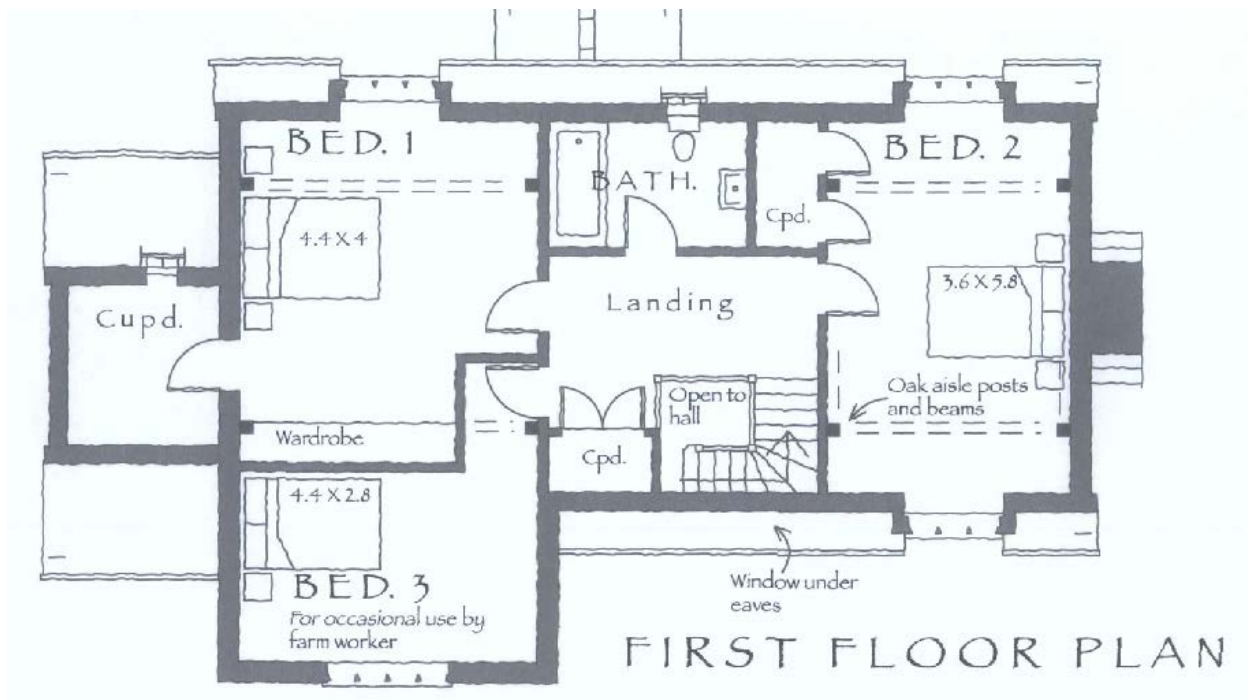
**Basement Plan**



## Ground Floor



## First Floor Plan



Access to the site will be gained via the existing access to the established Boar farm off Llan Road. There is an existing barn on site.



## **RELEVANT HISTORY**

P/13/25/FUL - ALTERATIONS TO EXISTING & INDOOR HANDLING UNIT FOR LIVESTOCK - APPROVED 03-04-2013

P/10/907/APN - ERECTION OF STORAGE FACILITY - NO OBJECTION 24-01-2011

P/08/1061/FUL - CONSTRUCTION OF NEW ACCESS - APPROVED 05-03-2009

## **SITE INSPECTED**

The site was inspected on the 27<sup>th</sup> July 2015.

## **NEGOTIATIONS**

The applicant was requested to reduce the size of the proposed dwelling and to provide additional information in relation to the justification for the rural enterprise dwelling.

## **PUBLICITY**

The period allowed for a response to consultations expired on the 24 August 2015.

## **CONSULTATION RESPONSES**

The Transportation Development Control Officer has no objection to the proposal subject to a condition.

The Coal Authority has no objection to the development subject to a condition.

The Public Protection department has no objection to the proposal and requested that a note be attached to any permission granted.

The Drainage Officer has assessed the scheme and has no objection to the proposal subject to a condition.

Natural Resources Wales have no objection to the application.

The Council's Ecologist has assessed the scheme and requested that a condition be attached to any permission granted.

Welsh Water Dwr Cymru has raised no objections.

South Wales Police have raised no objection to the proposal and commented on the existing operation.

## **REPRESENTATIONS RECEIVED**

Cllr James has requested to speak at the Development Control Committee meeting and requested that a site visit be undertaken. The objection is as follows:-

- Intrusion into the countryside
- A precedent will be set for further dwellings
- Concern in regard to current water supply to the village

Llangynwyd Middle Community Council object to the proposal for the following reason:-

The area is a conservation landscape area and it would not be appropriate.

Objections were received from the following local residents:-

- D Allan - Sunnybank, Llangynwyd
- Richard Hart Jones - Llys Hen Lanciau, Llangynwyd
- Arthur Thomas - Y Babell, Llangynwyd
- D Thorne - Pen y Bryn, Llangynwyd
- K Norton - The Croft, Llangynwyd
- L Evans - Ty Newydd, Llangynwyd
- C Williams - Tyllwyd, Llangynwyd

The objections are summarised as follows:-

- Visual impact on surrounding countryside, the Special Landscape area and conservation area
- Scale of property
- Out of keeping
- Increase in traffic
- Does the development meet the functional and financial tests?
- There are enough houses in Llangynwyd already and a precedent will be set for other dwellings
- The Boar Farm is already causes problems - diversion of right of way and noise from seagulls
- The dwelling should be limited to an agricultural worker
- How will drainage waste to be disposed of?
- Will the utility supplies adversely affect the landscape of the area?
- Concerns in regard to damage to surrounding area
- Owners of the Boar farm live close to the site
- The development will extend the village
- The site description is misleading

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The objections received relating to the visual impact, scale, highway safety, functional and financial tests are addressed in the Appraisal section of this report.

The proposed dwelling is considered not to set a precedent for new dwellings in the area as each case is assessed on its own merits and the development would have to meet the functional and financial tests for the principle of the development to be considered acceptable.

In regard to the diversion of a right of way, this is dealt with by a separate consenting regime. However, the development does not entail the diversion of a right of way. If there is a pre-existing noise issue as a result of the farm business, the Public Protection department of the Council should be contacted.

A condition is attached to the recommendation limiting the occupation of the dwelling to an agricultural worker.

The drainage officer has assessed the scheme and considers it acceptable subject to a condition.

Utilities required to serve one dwelling are considered not to adversely affect the visual amenities of the area to such an extent as to warrant refusal of the scheme.

In respect to the concern regarding damage to the surrounding area, the land is utilised for agricultural purposes which are considered suitable at this rural location.

The proximity of the applicant to the farm is considered under the functional appraisal and in this instance the applicant contents that they are required to be permanently based on-site to monitor the livestock.

The proposed dwelling is located approximately 200m outside of the settlement boundary of Llangynwyd, as such, will be assessed as a dwelling in the countryside. Consequently, the development is not considered to be an extension to the existing village.

A site description has been provided by the applicant, a location plan showing the site was also submitted with the development.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objections received from local resident and the community council and at the request of the Local Member.

The application seeks planning permission for the erection of an agricultural workers dwelling.

The application has been accompanied by the following documentation:

- Design and Access Statement
- Rural Enterprise Dwelling Appraisal (prepared by Watts and Morgan)
- Plans

The proposed dwelling is required to provide on-site accommodation for the owner of the existing Wild Boar farm to monitor the sounder of Boars and their off-spring at all times. It is proposed that the dwelling will overlook the barns and will be in close proximity to the grazing pastures and site entrance to allow the farmworker to have ready access to the animals as and when they require attention. The dwelling is also required to provide around the clock security on the site, both for the Wild Boars and for members of the public who may stray onto the site.

The existing agricultural holding known as Bryn Mynach Farm extends to approximately 9.11 acres which is owned by the applicant. A further 5 acres of land is occupied under a Farm Business Tenancy for a period of 5 years. Approximately 2.41 acres of the land is cut and conserved as round bale haylage which is used as bedding and food for the Wild Boar.

The holding operates as a Wild Boar unit comprising 101 pure bred European Wild Boar and 45 rare breed domestic pigs. The sounder of Wild Boars includes 45 females of birthing age and 2 male Boars for breeding. The remaining female Wild Boars are kept as replacements and the male Wild Boars are kept for meat production until they are approximately 18 months old.

The applicant currently lives approximately 1Km from the farm and makes several trips each day to the farm all year around. The proposed location for the dwelling is in close proximity to the Wild Boars and will allow for easy surveillance of the barns and the access to the site.

The Appraisal submitted in support of the application assesses the functional need, labour requirements, financial soundness and the suitability and availability of other accommodation in the immediate area.

[Planning Policy Wales](#) confirms that in line with the presumption in favour of sustainable development applications for planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. The [Bridgend Local Development Plan](#) (LDP) is the adopted plan.

The application site is located in the countryside and falls to be assessed against Policy ENV1 of the LDP. Appropriate rural enterprise dwellings are identified as an appropriate exception and therefore, provided it can be demonstrated that the proposed dwelling can be justified in connection with the established rural enterprise/Wild Boar farm, the principle of the development may be acceptable.

With regard to the assessment of need for Rural Enterprise Dwellings, paragraph 4.4 of [Technical Advice Note 6](#) (TAN6) : Planning for Sustainable Rural Communities sets out the following criteria:-

- (a) There is a clearly established existing functional need;
- (b) The need relates to a full time worker and does not relate to a part-time requirement;
- (c) The enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound and has a clear prospect of remaining so;
- (d) The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality, which is suitable and available for occupation by the worker concerned; and
- (e) Other normal planning requirements, for example siting and access are satisfied.

In respect of criteria (a) & (b), paragraph 4.8.1 of TAN6 clarifies that a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise to be readily available at most times.

The Agricultural Budgeting and Costing Book states that 40 Wild Boar sows require 1 full time worker. In this case the farm has 45 sows which equates to 1.12 workers. In addition to this the 45 pigs equate to 36 man hours, silage production equates to 20 man hours and grazing equate to 47.3 man hours, which together with the Wild Boars equates to 103.3 man hours. The Farm Management Pocketbook by John Nix also confirms that one full time worker is required to manage 30-40 Wild Boar sows. The operation is an intensive all year round farming operation and requires working outside of normal daytime working hours.

On the basis of the evidence presented it is considered that there is an established functional need for one full-time worker, with over-time, to live on site to provide for the welfare needs of the sounder.

In addition to the above, submitted with the initial enquiry were details of a break in at the farm in April 2014 which resulted in more than 40 dangerous animals being released. The applicant has also advised that there will likely be a future change in legislation which will require farmers of wild dangerous animals to reside within the same agricultural unit as those animals. The South Wales Police Wildlife and Environmental Crime Officer has advised that, following lessons learned from this incident, he will be recommending to Welsh Government in the Dangerous Wild Animals Licensing

Process Review that operations which work with dangerous animals will require 24 hour a day monitoring.

He continued to state that if the applicant had resided on site at the time of the break in the Police would have been alerted much sooner and the Police response to catch the offenders and round up the escaped Wild Boar would have been more effective.

Criterion c) requires that national advice confirms that the rural enterprise should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time. In this regard, the application has been accompanied by trading accounts for the last five years, which clearly indicate increased profits each year, with the exception of the year of the break in.

On the basis of the submitted information it would appear that the farm is profitable and is capable of being sustained for a prolonged period. Profits are likely to increase as the quality and number of the sounder increases.

With regard to criterion d) evidence has also been provided to demonstrate that there are no other dwelling(s) or buildings suitable for conversion to meet the applicant's need. Evidence was provided showing that the only property for sale within ½ mile of the site was for sale at £549,950, which is not commensurate with, and unaffordable to, a farm worker. Furthermore, a property located off-site would not allow close observation of livestock within the buildings and intervention if difficulties arise during birth or security.

For criterion e) the proposed development has been assessed against other normal planning requirements with the policy basis being the [LDP](#). Policies EV1, EV3(3), SP2 & SP5 (2) being the relevant policies in this case.

In respect of the proposed scale, the applicant has indicated that the dwelling will accommodate his family, the three bedrooms are required for family members and for a temporary/relief worker to cover when the owner is absent from the site (holidays etc.). The office is required for the management of the farm and marketing of the Wild Boars as they cannot be taken to market like other animals. The living room, kitchen, boot room are required as normal family accommodation. The basement proposes a plant room, which will be used to heat the dwelling, a sick bay for the Wild Boars which is required as boarlets have to be kept at an ambient temperature to thrive as they are unable to sweat and the store is required for residential use and for the safe keeping of firearms in association with the operation of the farming of Wild Boars.

On the basis of the evidence submitted, it is considered that the scale of the dwelling is justified. The building will appear one and a half storeys in height from the only position where public views are possible, highway to the east of the site, and, as such, the proposed dwelling will appear relatively modest in scale and will not detract from the quality of the surrounding environment. There are several other properties in the village of Llangynwyd of a similar scale to that of the dwelling being proposed.

In regard to the external appearance of the dwelling, it has been designed to reflect its rural location and is considered appropriate for the countryside setting. A condition is attached to the recommendation requiring details of the materials to be used for the external surfaces of the dwelling to be submitted to and agreed in writing by the Local Planning Authority, to ensure that the materials are sympathetic to the countryside location.

The application site also lies within a Special Landscape Area (SLA) as defined by Policy [ENV3 \(3\)](#) of the [LDP](#). The only public position where views of the dwelling will be visible from is the highway

directly to the east of the site (see image below). The site is at a considerably lower level than the position of the proposed dwelling and most of the receptors viewing the dwelling will be travelling at speed and, as such, are considered to be less sensitive receptors. The dwelling will not, therefore, be a prominent feature in the landscape and, consequently, is considered not to cause significant harm to the overall SLA or the wider countryside. Furthermore, the existing bund to the front of the proposed dwelling will, in part, screen the dwelling.

### View from Highway



In order to ensure that the design of the dwelling is not significantly altered in the future a condition shall be attached to any permission granted restricting the permitted development rights of the site.

The application site is located approximately 270m from the centre of the historic village of Llangynwyd and approximately 70m outside of the conservation area boundary. Views of the proposed dwelling will only be possible from the field on the western edge of the conservation area and not from any of the residential properties or any public vantage points within the village,. Consequently, the proposed dwelling is considered not to have an adverse impact on the conservation area of Llangynwyd village or any heritage assets.

[TAN6](#) at para 4.6.2 states that it may be appropriate for a local planning authority to grant permission for temporary accommodation at a rural enterprise site in order to test the evidence provided and to prove the financial viability of the enterprise. However, this provision relates to new rural enterprises only and not to established enterprises. The evidence submitted with the application clearly proves that the Wild Boar farming operation is an established rural enterprise with the clear prospect of remaining so for the foreseeable future, as such, it is not appropriate to recommend a temporary permission for the proposed development.

There are no residential dwellings within close proximity to the site and, as such, the development does not raise any concerns in regard to its impact on residential amenities.

The application site is located within a SINC, however, the Council's Ecologist has assessed the scheme and its impact on the SINC and raised no objections.

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety.

## **CONCLUSION**

Notwithstanding the objections received, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed, the agricultural activity is currently financially sound and with the certainty of the landholding being retained, a clear prospect of remaining so for the foreseeable future. The development would, therefore, comply with national and local planning policies.

## **RECOMMENDATION**

**R02:** That permission be GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans :-
  - D1462.1c (received 17 July 2015)
  - D1462.2c (received 17 July 2015)
  - D1462.3c (received 17 July 2015)

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

2. The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;

or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: The site is not one which would be approved for residential development except in connection with the rural enterprise use of the land.

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

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

4. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the existing vision splay areas.



Reason: In the interests of highway safety.

5. No development shall commence on site until an intrusive site investigation scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a report of the findings arising from the investigations and remedial works recommended. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of land stability.

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

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

7. No development shall commence until an invasive non-native species protocol has been submitted to and agreed in writing by the Local Planning Authority, detailing the containment, control and removal of Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the agreed scheme.

Reason: In the interests of biodiversity.

8. 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, E & F of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenities.

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

a) Notwithstanding the objections received, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed, the agricultural activity is currently financially sound and with the certainty of the landholding being retained, a clear prospect of remaining so. The development would, therefore, comply with national and local planning policies.

b) In respect of Condition 6 the applicant shall ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system, in accordance with principles set out in accordance with TAN15 and the results of the assessment provided to the Local Planning Authority. Where a sustainable scheme is to be provided, the submitted details shall:

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



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

c) The developer is advised that the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention to the Local Planning Authority.

d) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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

**Background Papers**

None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/322/FUL  
**APPLICANT:** TONDU IV LIMITED  
C/O STANSGATE PLANNING 9 THE COURTYARD TIMOTHYS BRIDGE  
ROAD STRATFORD UPON AVON

**LOCATION:** LAND SOUTH WEST OF MAESTEG ROAD TONDU

**PROPOSAL:** ERECT 2 X A1 UNITS & 2 X A3 UNITS WITH ACCESS, PARKING, ETC.

**RECEIVED:** 15th May 2015

**SITE INSPECTED:** 8th June 2015

## APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the erection of 2 x A1 units and 2 x A3 units on this parcel of land off Maesteg Road, Tondu.

The A1 and A3 units will be accommodated within one commercial building which will measure 85m x 24m and will be finished with a domed roof reaching a maximum height of 8.4m. The design of the commercial building includes a stepped down section which will measure 5.8m in height. A canopy will run along the front elevation of the commercial building.

The commercial buildings will comprise:-

Unit 1 - A1 Use at 1162 m2  
Unit 2 - A3 Use at 116m2  
Unit 3 - A3 Use at 116m2  
Unit 4 - A1 Use at 419.80m2

The application proposes retaining walls along the eastern and southern boundaries of the site. Access will be gained via Ffordd Antwen, the central estate road, from the traffic light controlled junction at the A4063. Pedestrian access will be gained via Ffordd Antwen and from the footpath which runs to the rear of the site and links with the subway under the railway line at Bridgend Road, Aberkenfig.

The application site is located on a parcel of land which was identified for commercial development and a health centre in the original outline consents on the land (P/04/818/OUT & P/08/156/OUT refer).

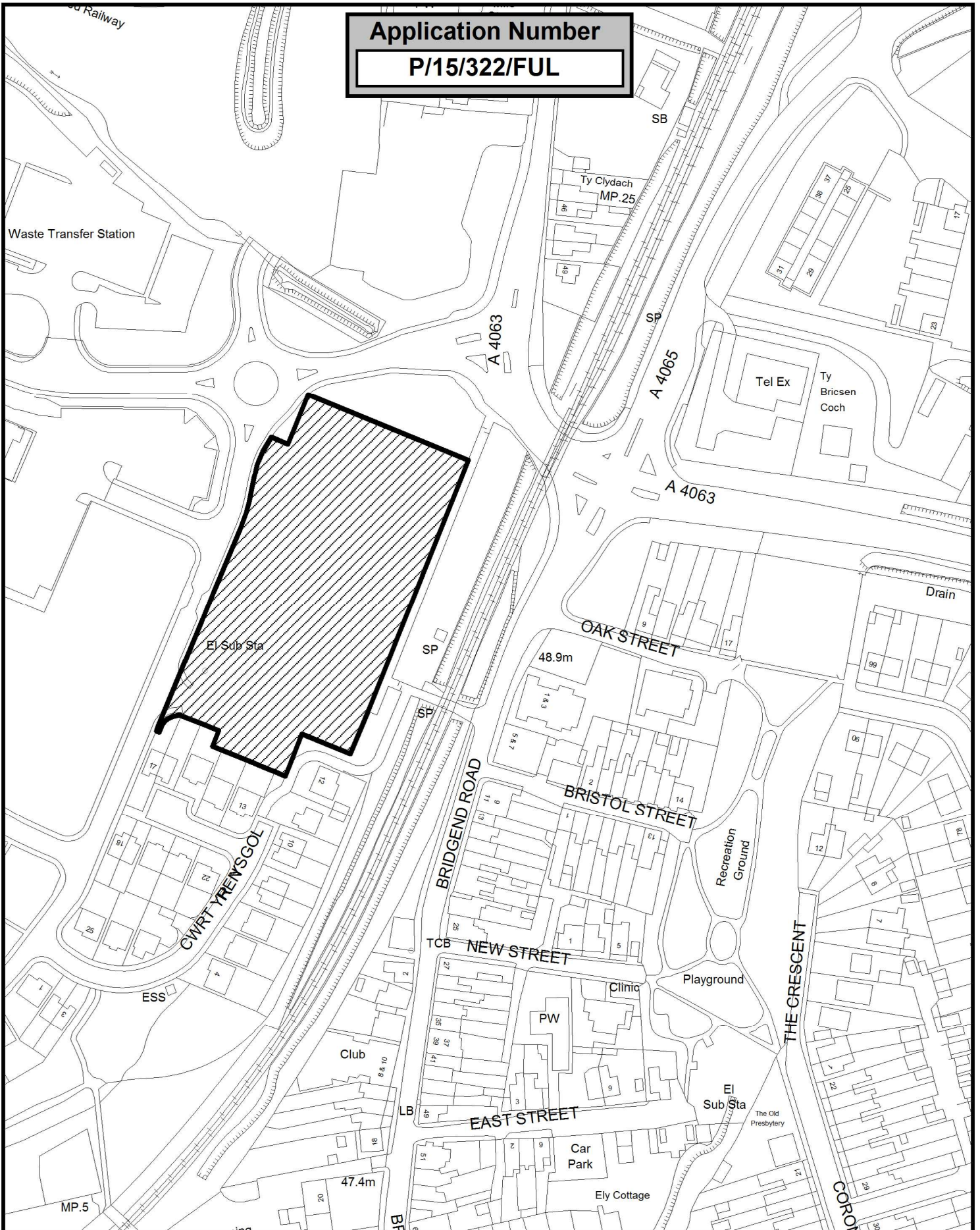
## RELEVANT HISTORY

**P/04/818/OUT** APPROVED 22-12-2005  
+conditions  
WASTE TRANSFER, HOUSES, ROAD, SHOPS, HOTEL, RESTAURANT LEISURE, MED  
CENTRE, CRECHE, ETC.

**P/08/156/OUT** APPROVED 23-05-2008  
+conditions  
ERECT SHOPS, RESTAURANT & MEDICAL CENTRE WITH PARKING ACCESS &  
SERVICING

Application Number

P/15/322/FUL



Scale 1:1,750

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



## **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 2 October 2015.

## **NEGOTIATIONS**

The agent was requested to amend the design of the proposed commercial buildings. Amended plans were received on 2 June 2015.

The agent entered into detailed discussions with the Highways Authority with regard to the access and parking layout. An amended plan was submitted on 15 September 2015, which is in accord with the advice provided by the Highways Officer.

## **CONSULTATION RESPONSES**

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

Notified on 27th May 2015

Objects to the proposal as it would reduce the amenity value of the site and another takeaway unit in the area would be inappropriate to the general street scene.

### **Councillor M Winter**

Considers that the application should be referred to the Development Control Committee and a site panel visit be under taken for the following reason:-

Over intensification of fast food outlets in this area and made reference to a number of appeal decisions in Aberkenfig.

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

Has no objection to the development subject to conditions.

### **Economic Development**

Has no objection to the proposal.

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

Requested that a condition be attached to any permission granted.

### **Rights Of Way Team**

Has no objection to the proposal.

### **Welsh Water Developer Services**

Advised on sewerage

**The Coal Authority**

Has no objection to the proposal.

**Bridgend & District Ramblers**

Have no objections to the proposal.

**Group Manager Public Protection**

Requested that conditions be attached to any permission granted.

**Crime Prevention Design S.Wales Police**

Advised on design.

**Destination & Countryside Management**

Raised no objection to the proposal and requested that notes be attached to any permission granted.

**REPRESENTATIONS RECEIVED**

Objections to the proposal were received from:-

G Spanswick - 10 Cwrt Yr Hen Ysgol

D Morris - 12 Cwrt Yr Hen Ysgol

H Deeks - 13 Cwrt Yr Hen Ysgol (requested to speak at Committee)

D Sage - 14 Cwrt Yr Hen Ysgol (requested to speak at Committee)

Concerns were raised by:-

R Hailstone - 16 Cwrt Yr Hen Ysgol

The objections and concerns are summarised as follows:-

- Disturbance caused by the development in terms of noise, pollution and nuisance.
- Saturation of A3 uses in Aberkenfig
- Visual Impact
- Highway safety
- Adverse impact on residential amenities, including privacy, overshadowing and dominance
- Request for rear boundary fence to be replaced with brickwork wall
- Adverse impact on wildlife
- A query was raised in relation to the end users of the commercial units

**COMMENTS ON REPRESENTATIONS RECEIVED**

The Public Protection department has assessed the scheme and considers it to be acceptable in terms of the noise, pollution and nuisance subject to conditions.

Given the close proximity of the delivery yard to the residential properties to the south, a condition shall be attached to any permission granted limiting the delivery times to 07:30-19:00 Mondays to Fridays and 08:00-13:00hrs on Saturdays, Sundays and Bank Holidays.

Whilst it is noted that there are numerous existing A3 uses within the centre of Aberkenfig, the application site is located approximately 500m from the junction of Bridgend Road with Pandy Road, which acts as the central point for commercial activity in Aberkenfig village and the A3

uses will also serve the new residential development to the south and west of the site. Given the spatial distance and the fact that the site is accessed via a different highway network, distinct separation is provided between the site and the other A3 uses in Aberkenfig village. Consequently, the proposed A3 uses are not considered to result in a saturation of A3 uses to the detriment of the viability and vitality of Aberkenfig village. Additionally, the extant consent (P/08/156/OUT refers) granted outline permission for a considerably larger A3 space of 742 square metres on the site. In regard to the appeals referred to, these relate to premises within Aberkenfig Village, where there is a saturation of A3 uses, however, given that the application site is some distance from these premises and will serve the new residential development the appeals are not considered to affect the consideration of this development.

The application site is located within the Commercial area of Aberkenfig as defined by Policy SP10 of the Local Development Plan and, as such, an A3 use at this location is considered acceptable.

The design is considered to represent a modern commercial building and reflects the design of the existing Lidl store directly opposite the site.

The Transportation Development Control Officer has assessed the scheme and has verbally advised that the development is generally acceptable in terms of parking provision and highway safety.

The proposed building will be some 40m from the rear boundaries and 50m from the rear elevations of the properties of Cwrt yr Hen Ysgol and the car parking area will be some 21m from the rear elevations of the properties on Cwrt yr Hen Ysgol. A ramp is proposed along the rear boundary of 13 Cwrt yr Hen Ysgol providing pedestrian access to the site from the footpath to the east. The ramp will be 0.5m from the rear boundary fence, however, in order to ensure that the residential amenities of No. 13 are not adversely affected by the proposal, 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.

The application site is currently unused land and the occupiers of 13-17 Cwrt yr Hen Ysgol are likely to have become accustomed to the land being unoccupied. However, the outline consent for the entire site, including the properties at Cwrt yr Hen Ysgol, identified this area for commercial development and this has been the intention since the inception of the development of the site in 2003. Furthermore, the properties on Cwrt yr Hen Ysgol are a sufficient distance away from the site and have rear boundary treatments which will provide the properties with adequate privacy to ensure that residential amenities are not so adversely affected as to warrant refusal of the scheme.

The proposed commercial building will be some 40m directly north of the rear boundaries of the properties of Cwrt yr Hen Ysgol and, as such, will not cause any unacceptable levels of overshadowing or dominance.

With regard to the request that the developer replaces the timber fences at the rear of the properties on Cwrt yr Hen Ysgol with brickwork walls, there is no requirement for the developer to do this under the terms of the planning permission. However, a condition is attached to the recommendation requiring details of a boundary treatment scheme.

The Ecologist has assessed the proposed development and considers the scheme to be acceptable in terms of ecology and biodiversity.

The Local Planning Authority is not aware of who will occupy the units and the end users are not material to the consideration of the application.

## APPRAISAL

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

The application seeks planning permission for the erection of a commercial building comprised of 2 x A1 units (general retail) and 2 x A3 units (food and drink).

The application site forms part of a wider outline planning consent for residential development, waste transfer site, shops, restaurant, hotel and a medical centre (P/04/818/OUT refers).

The wider site is allocated under Policy PLA3(10) as a strategic regeneration mixed use development scheme. This area is part of the Valleys Gateway Strategic Regeneration Grants Area and offers opportunities for comprehensive development in order to meet the LDP vision and objectives.

A further outline planning permission, with design and landscaping reserved for future consideration, was granted at this site in 2008 for shops, restaurant and medical centre (P/08/156/OUT refers). A subsequent application was approved in 2013 to renew the 2008 outline planning permission (P/13/113/RLX refers).

The principle of the development has been established with the granting of the original and subsequent outline consents. The application proposes a layout which is very similar to that approved under P/08/156/OUT where layout was not reserved for future consideration. The differences now being proposed include the removal of the medical centre, the replacement of a larger A3 unit (742 square metres) with two smaller A3 units (232 square metres in total) and alterations to the car parking layout.

The site can be seen as both an extension to the existing retail and commercial area of Aberkenfig and as a commercial area to serve the new housing development. As the development is similar to an edge of centre retail development it is important that pedestrian and cycle links are available via the spine road and also from Aberkenfig via the sub way under the railway off Bridgend Road. It is considered that sufficient linkages have been provided on the submitted plan to protect the vitality and viability of the centre of Aberkenfig.

The application site is located within the district centre of Aberkenfig as defined by Policy SP10 of the Bridgend Local Development Plan (LDP). The development for A1 and A3 uses is, therefore, considered to be acceptable in terms of Policy SP10 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'

There is a large residential allocation as defined by Policy COM3(31) of the LDP to the south and west, north/west of the site. Residential dwellings have been erected to the south of the site and the majority of these residential dwellings are occupied.

The proposed development has the appearance of a modern commercial building, with a canopy feature to add some interest. The building reflects the design of the Lidl building directly opposite the site and, as such, is considered not to have an adverse impact on visual amenities. The front elevation of the building will only be visible from within the site, however, the northern side elevation will be visible from the A4063, Maesteg Road, when travelling in a southerly direction. The side elevation will be set in some 28m from the highway and will include an advertisement and a combination of materials and, as such, the proposed development is considered to be



acceptable in visual terms when viewed from the A4063.

A store and bin area are also proposed to the south of the site, however, a condition is attached to the recommendation requiring a scheme for boundary treatment which will effectively screen the store from public view and from residents to the south.

It is proposed to erect a boundary treatment above the retaining walls surrounding the site. However, limited details in terms of visual appearance of the boundary treatment has been submitted and, in order to ensure the boundary treatment is acceptable in terms of visual amenity, as above, a condition shall is attached to the recommendation requiring details of the boundary treatment to be submitted.

The development proposes 112 parking spaces with associated landscaping and trolley store to the front of the development.

The position of the access, pedestrian access/ramp and general position and layout of the car park remains the same as that previously approved, although the delivery yard and turning circle have been positioned approximately 5m further away from the properties to the south. The proposed development is considered to be acceptable in terms of highway safety and parking provision.

The development proposes a delivery area and turning area to the rear of the building and, whilst this is within relatively close proximity to the nearest residential dwelling, 12 Cwrt yr Hen Ysgol, it will be some 8m to the north and will be screened in part by the proposed store. Appropriate boundary treatment will also ensure that the delivery turning area is screened from No. 12 and will not adversely affect the residential amenities of No. 12 to an unacceptable degree.

A condition is attached to the recommendations restricting the deliveries to the site between the hours of 07:30-19:00 on Mondays to Fridays and 08:00-13:00 Saturdays, Sundays and Bank Holidays, in order to ensure that the residential amenities of the properties to the south of the site are not adversely affected.

The proposed development includes two A3 units and, as such, Supplementary Planning Guidance 14: Hot Food Takeaway Establishments (SPG14) is relevant. The application site is considered to fall within Location Category 2, a location in a small retail area in an otherwise residential area and in accordance with Note 2 of SPG14, a condition is recommended limiting the opening of the A3 units to no later than midnight.

A condition is recommended limiting the hours of operation of the units, again, to ensure that the residential amenities of the properties to the south are not adversely affected.

Whilst determining this application Policies PLA(10), SP2, SP3 & SP10 of the Bridgend Local Development Plan and Supplementary Planning Guidance 14: Hot Food Takeaway Establishments were considered.

## **CONCLUSION**

Notwithstanding the objections received this application is recommended for approval because the site forms part of a Strategic Regeneration Grant Area and is allocated for mixed use development in the Local Development Plan and the development accords with the previous Outline consent, 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:-

T2181-PA-02 H (received 15 September 2015)

T218-PA-03E (received 2 June 2015)

T2181 PA-04A (received 18 May 2015)

Materials Schedule (received 4 June 2015).

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

2 Delivery and waste vehicle movements associated with the development hereby approved shall be restricted to between the hours of 07:30 and 19:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays, Sundays and Public, Statutory and Bank Holidays.

Reason: In the interests of residential amenities.

3 The units hereby permitted shall not be open to customers outside the following times:-

Monday - Saturday 07:00-00:00(midnight)

Sundays and Bank Holidays 08:00 - 00:00(midnight)

Reason : In the interests of residential amenities.

4 No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as agreed. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc). The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

5 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.

6 No development shall commence on site until a surface water drainage system has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed building.

7 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.

- 8** The development shall not be brought into beneficial use until a scheme for the air conditioning units has been submitted to and agreed in writing by the Local Planning Authority, the scheme shall include noise levels and the performance of any acoustic enclosure. The scheme shall be implemented as agreed.

Reason: In the interests of residential amenities.

- 9** The development shall not be brought into operation until an odour mitigation scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed and maintained in perpetuity.

Reason: In the interest of residential amenities.

- 10** 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 agreed Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing and control of HGV construction traffic to/from the site (avoiding school opening and closing times)
- 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 (site compound)
- v. wheel washing facilities

Reason: In the interests of highway safety.

- 11** The proposed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 12** The proposed means of access shall be laid out as approved with vision splays of 2.4m x 43m in both directions / frontage before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 13** The proposed delivery vehicle yard / turning facility and rear access lane shown on drawing T2181-PA-02H shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use. The delivery yard / turning area shall be used solely for the benefit of turning of delivery vehicles and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of highway safety.

- 14** No development shall commence until a scheme for the provision of 6 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall implemented before the development is brought into beneficial use and retained as such thereafter.

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

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received this application is recommended for approval because the site forms part of a Strategic Regeneration Grant Area and is allocated for mixed use development in the Local Development Plan and the development accords with the previous Outline consent, 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) In respect of condition 6, the developer shall ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system, in accordance with the principles set out in accordance with TAN 15 (or any subsequent version) and results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water.

ii) Provide a timetable for its implementation; and

iii) Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

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

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

g) The development site is crossed by a 150mm public sewer with the approximate position shown on the Statutory Public Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to it apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

h) Where it can be reasonably predicted that reptiles could be killed or injured by activities such as site clearance, earthworks or construction operations etc., to carry out such activities in the absence appropriate mitigation could legally constitute intentional or 'reckless' killing and injury.

i) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

j) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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

**Background Papers**  
None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/444/FUL

**APPLICANT:** MR STEVE WILLIAMS  
MAES Y CAL ALFRED STREET MAESTEG

**LOCATION:** LAND AT BEDW STREET/HUMPHRIES TERRACE CAERAU  
MAESTEG

**PROPOSAL:** CHANGE USE OF LAND FOR STORAGE IN ASSOC. WITH CAERAU  
FOOTBALL CLUB

**RECEIVED:** 9th July 2015

**SITE INSPECTED:** 30th July 2015

## APPLICATION/SITE DESCRIPTION

The application seeks planning permission to change the use of this area of waste land to a storage facility to be used in association with Caerau football club, which is located directly to the north of the site.

The development proposes to erect 2.4m high palisade fencing around the site boundaries and provide 3 storage containers.

The site area measures 55m x 30m and access will be gained via the existing lane which serves the rear of Humphreys Terrace. The storage area will also be accessible via the existing gates in the boundary wall of the football club.

The applicant recently purchased the land from the Local Authority and the applicant has advised that the area has recently suffered from fly tipping.

## RELEVANT HISTORY

None

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 14 August 2015.

## NEGOTIATIONS

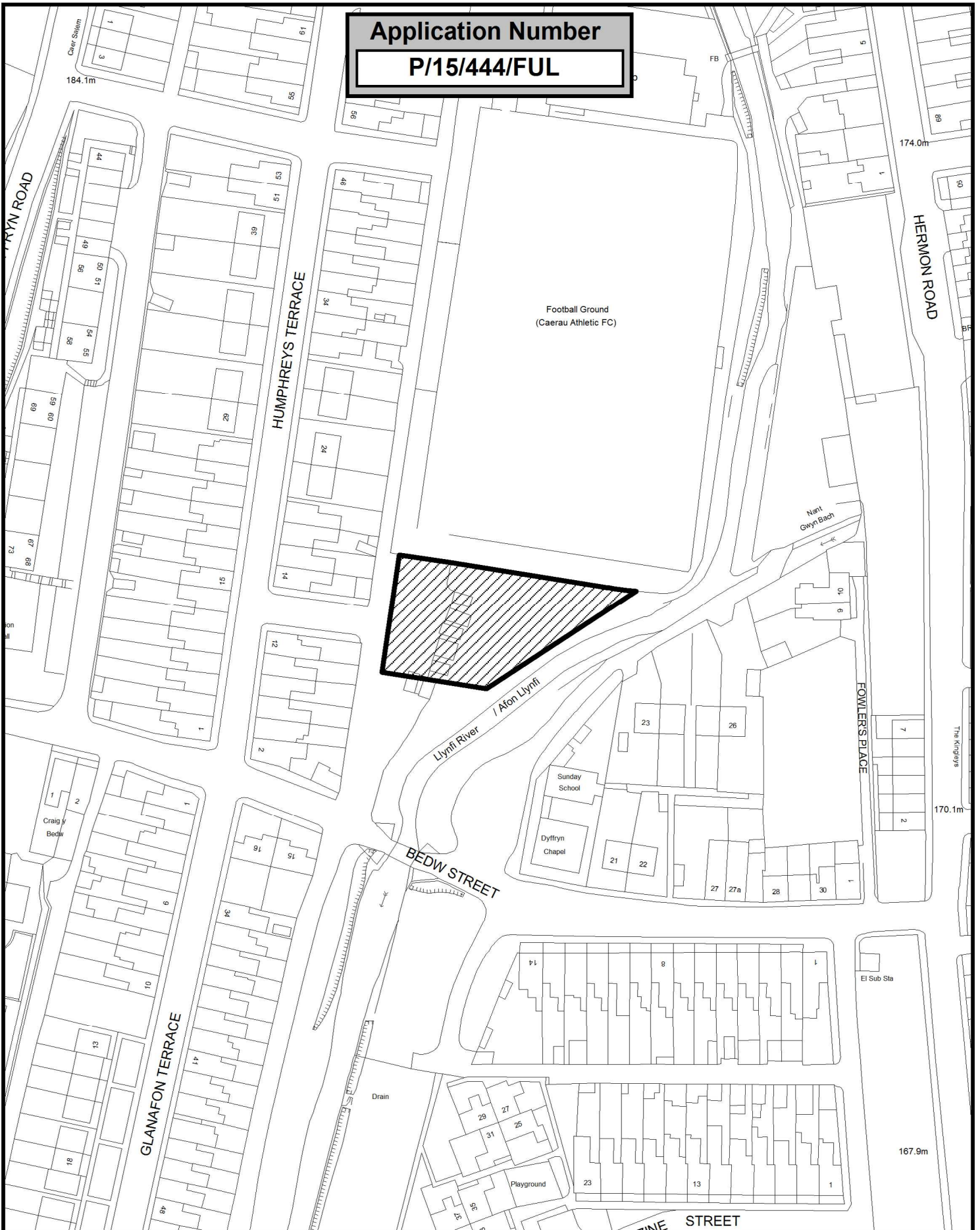
The developer was advised that the commercial storage element originally proposed was not considered suitable at this location and was advised to amend the scheme so that the storage was wholly in association with the football club. An amended description was received on 2 October 2015.

## CONSULTATION RESPONSES

**Town/Community Council Observations**

Application Number

P/15/444/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro





Notified on 17th July 2015  
Supports the proposal.

**Councillor W Davies**

Advised that any improvement to this land would be beneficial to the community.

**Cllr Phil White**

Considers that the application can be determined under officer delegated power.

**Head Of Street Scene (Highways)**

Has no objection to the proposal.

**Destination & Countryside Management**

Requested that conditions be attached to any permission granted.

**Head Of Street Scene (Drainage)**

Requested that a condition be attached to any permission granted.

**Natural Resources Wales**

Has no objection to the proposal.

**REPRESENTATIONS RECEIVED**

Objections were received from the following local residents:-

N Harris - 8 Humphreys Terrace, Caerau

Mr & Mrs Beckett - 12 Humphreys Terrace, Caerau (requested to speak at Committee)

C Treasure - 14 Humphreys Terrace

D Leonard - 18 Humphreys Terrace, Caerau

K Isherwood - 20 Humphreys Terrace, Caerau

Mr & Mrs D Morgan - 22 Humphreys Terrace, Caerau (requested to speak at Committee)

M Holdsworth - 23 Bedw Street, Caerau (requested to speak at Committee)

W Morgan - 24 Bedw Street, Caerau

B Jones - 25 Bedw Street, Caerau

A petition of 54 names was submitted.

No Name provided - 6 Humphreys Terrace, Caerau

Objections are summarised as follows:-

Noise (24 hour access to site)

Loss of privacy

Overshadowing

Out of Character in residential area

Impact on visual amenity

Impact on wildlife

Highway & pedestrian safety

Loss of view

Increase in crime and anti-social behaviour

Land Stability

Pollution of the river

Dust

Flood zone

Light Pollution

Devaluation of property

A sign has been erected at the football club which is having an adverse impact on visual amenities

Concern work has already commenced on site

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

The objections were received prior to the development being amended to be wholly in association with the football club.

The use of the site for storage in connection with the football club only is considered not to generate unacceptable levels of noise. The site will operate under the hours of 0700- 1900 and, as the site is for storage purposes only and no commercial operation is proposed at the site, the development is acceptable.

The proposed use of the site as storage is considered not to give rise to any loss of privacy. Furthermore, there is an existing lane separating the site from the rear of the properties on Humphreys Terrace.

The application site is some 15m to the east of the rear elevations of the properties of Humphreys Terrace and, as such, the proposed development is considered not to result in any unacceptable overshadowing.

The site is located to the rear of the residential properties and abuts a football ground. Consequently, as the site will be used wholly in connection with storage for the football club, the proposal is not considered to be so out of keeping with the area as to warrant refusal of the scheme.

The proposed site is located on an area of waste land, which the applicant states has been subject to fly tipping in recent years. The existing site does not offer a high level of public amenity and, consequently, the proposed development is not considered to adversely affect the visual amenities of the site to an unacceptable degree. Historically, the site has accommodated garages and stores of differing sizes and styles in differing states of repair.

The application has been assessed by the Council's Ecologist who considers that the

development is acceptable in terms of ecology and biodiversity subject to conditions.

The scheme has been assessed by the Transportation Development Control Officer who has no objection to the scheme.

There is no evidence to suggest that the proposed development will increase the crime rate in the area

The application is for a change of use and no ground works are proposed and, as such, land stability is not a reason to warrant refusal of the application.

In respect of potential pollution and the site being in the flood zone the scheme has been assessed by Natural Resources Wales who have no objection to the proposal and, as the use is low vulnerability under TAN 15, it is considered that a Flood Risk Assessment is not required for the scheme.

The use of the site for storage in association with the football club, which adjoins the site, is not considered to generate unacceptable levels of dust.

In respect of light pollution the development does not propose any lighting.

The sign referred to will be investigated under a separate enforcement investigation.

Any works commenced on site in advance of planning permission are at the developer's risk.

Loss of view and potential devaluation of property are not material planning considerations.

## **APPRAISAL**

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

The application seeks planning permission to change the use of this parcel of land to storage. The storage will be in association with Caerau Football Club only.

The scheme originally submitted has been amended to omit the commercial storage element.

The application site is located within the settlement boundary of Maesteg and Caerau as defined by Policy PLA1 of the Local Development Plan (LDP).

The land may have some previous use as a garage compound although the structures that remain would appear to be abandoned.

The site doesn't currently appear to have any discernible use and, as such, would be considered to have a nil use in planning terms.

Whilst, the site is not designated for any commercial use it is considered that small scale ancillary storage is acceptable at this location, particularly as it is associated with the football club.

In terms of the storage use, it falls within class B8 of the Town and Country Planning (Use Classes) Order 1987. Whilst, an unrestricted storage facility would not be acceptable at this location, a sustainable and complementary storage facility in connection with the adjacent football club is considered acceptable. A condition is recommended to restrict the operation of the storage facility to that being proposed.

The development includes the provision of a palisade boundary fence and 3 storage containers. The area is not of high public amenity value in terms of its appearance and, as such, the fencing and containers will not adversely affect the visual amenities of the area to such an extent as to warrant refusal of the scheme. Furthermore, the landowner could erect a 2m palisade fence at any time under permitted development rights as stipulated in the Town and County Planning (General Permitted Development) Order 1995.

The proposed development is considered to be acceptable in terms of highway safety as the storage is in association with the football club only and, therefore, will not generate any unacceptable traffic movements in the area.

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

## **CONCLUSION**

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

## **RECOMMENDATION**

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

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

CAFC/1/15b (received 5 October 2015)  
Location Plan (received on 9 July 2015)

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

2 The premises shall be used for storage in association with Caerau Football Club and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interests of amenities and in order for the Local Planning Authority to retain effective control of the site.

3 No development shall commence on site until an invasive non-native species protocol has been submitted to and agreed in writing by the Local Planning Authority. The protocol shall detail the containment, control and removal of Japanese knotweed and Himalayan balsam on site. The measures shall be carried out strictly in accordance with the agreed scheme.

Reason: In the interests of biodiversity.

4 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how roof/yard water will be dealt with, including discharge points and a Flood Defence Consent agreement from Natural Resources Wales has been submitted to and agreed in writing by the Local Planning Authority. The agreed

scheme shall be implemented prior to beneficial use.

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

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

b) The developer is advised to sign up to the Floodline Warnings Direct Service. The developer can register by calling Floodline on 0345 988 1188; typetalk on 0345 602 6340 or by following the link on Natural Resources Wales website.

c) The developer is advised that any proposal to utilise a discharge point to the watercourse will require a Flood Defence Consent from National Resources Wales.

d) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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

**Background Papers**

None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/361/FUL  
**APPLICANT:** MR GRAHAM GRIFFITHS  
GOLDEN BEECHES TWYNCYN DINAS POWYS CARDIFF

**LOCATION:** REAR OF 79 MERTHYR MAWR ROAD BRIDGEND

**PROPOSAL:** 2NO. FLATS WITHIN NEW 2 STOREY BUILDING FACING ON TO HEOL GAM

**RECEIVED:** 29th May 2015

**SITE INSPECTED:** 10th July 2015  
**SITE INSPECTED:** 12th August 2015

## APPLICATION/SITE DESCRIPTION

The application proposes the construction of a detached two storey building, which will accommodate two self contained apartments, on land currently forming the rear garden of 79 Merthymawr Road, Bridgend. The building will measure 11.65m at its longest by 7.25m wide with the complex roof, with a split ridge which runs at approximately ninety degrees to the highway and reaching a maximum height of 7m. The external finishes of the proposed building will be render painted white with fibre cement slates for the roof. The building will be set back 6.8m from the back edge of the footway adjacent to the south western boundary and 1.532m behind the front wall of the adjoining dwelling, Lavender Cottage.

On the ground floor of the building, there is to be a one bedroom apartment, which will comprise kitchen/lounge, bathroom and bedroom together with a single garage that is allocated to serve the first floor two bedroom flat. The first floor will accommodate lounge/kitchen/two bedrooms and a bathroom. Two parking spaces are to be provided on the Heol Gam frontage of the building, one in front of the garage serving the first floor flat and one serving the ground floor apartment in front of its bedroom window. To the rear of the building, a garden area will be provided to serve the 2 flats.

A Design and Access Statement has been submitted in support of the application.

## RELEVANT HISTORY

**P/11/281/FUL** APPROVED 01-07-2011  
+conditions  
CHANGE OF USE OF NO.79 MERTHYRMAWR ROAD FROM SINGLE DWELLING TO TWO SELF CONTAINED APARTMENTS WITH CAR PARKING FOR 4 CARS

**P/11/688/FUL** REFUSED 09-11-2011  
CONSTRUCTION OF TWO STOREY DETACHED PROPERTY COMPRISING OF TWO SELF CONTAINED APARTMENTS

**P/12/497/FUL** REFUSED 23-08-2012  
CONSTRUCT 2 STOREY DETACHED PROPERTY COMPRISING 2 X SELF CONTAINED APARTMENTS - RE-SUB OF P/11/688/FUL

Application Number

P/15/361/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

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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CONSTRUCT TWO STOREY DETACHED PROPERTY COMPRISING OF TWO SELF  
CONTAINED APARTMENTS

#### **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 17th July, 2015.

#### **NEGOTIATIONS**

Following consideration of the objections received from local residents in respect of the accuracy of the submitted plans, the application site was revisited and measured. It was found that the originally submitted drawings were incorrect and the applicant's agent was notified accordingly.

In an initial response, the applicant's agent claimed that the plans were accurate and expressed dissatisfaction that the Authority had taken a significant period of time before notifying him of the concerns and also that no reference had been made to him to approve the revisiting of the site.

Accurate amended plans were received 3rd September, 2015.

#### **CONSULTATION RESPONSES**

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

Notified on 19th June 2015

Objects to the application and adheres to the objections submitted in respect of the earlier applications. The amendments do not satisfy previous objections.

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

No objection subject to condition.

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

No objections.

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

No objection subject to condition.

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

No objection.

#### **REPRESENTATIONS RECEIVED**

##### **R Burns & Petition Signed By 10 Other Local Residents, 3 Heol Gam**

Mr Burns as spokesperson for the local residents has registered a request to speak at Committee. The reasons for objecting to the application have been outlined in a four page letter

together with a two page appendix. The grounds of objection are summarised as follows:-

1. Inaccurate plans.
2. Previous Appeal Decision.
3. Out of character with the area.
4. Over development of the site.
5. Flat 1 will provide substandard accommodation.
6. Highway safety with vehicles entering and leaving the site.

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

The following observations are provided in respect of the objections raised by local residents:-

1. Inaccuracy - Following negotiation with the applicant's agent and further revisions to the submitted plans, as indicated in the preceding section of the report, accurate drawings have now been received.
2. Appeal precedent - The Authority determines each application on its individual merits and in this instance considers that the privacy and amenities of neighbouring occupiers together with the future occupants of the proposed development are adequately safeguarded in the design of the scheme.
3. Form and character of the area. The parking spaces shown on the submitted plan are dimensioned to meet the Authority's parking standards and therefore it is clearly possible for vehicles to be parked off street. In terms of built form although comprising two flats, the appearance of the building will be similar to other dwellings on this side of Heol Gam.
4. This is addressed in the appraisal section.
5. The proposed ground floor flat will provide approximately 45sq.m gross floor area and will comprise one bedroom, bathroom and open plan kitchen/lounge area. The property will have its own private amenity space and a parking space. It is considered that this standard of accommodation is compatible with development plan policy and guidance.
6. The Highways officer has not raised any issues in terms of highway or pedestrian safety.

#### **APPRAISAL**

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

The current application is the fourth submission for a detached two storey building accommodating two self contained apartments on the site. The first application P/11/688/FUL related to a structure set 4m behind the front building line of Lavender Cottage comprising 2 two bedroom flats and was refused for three reasons, namely the impact of the siting of such a

structure on the privacy and amenities of occupiers of the flats at 79 Merthyrmaur Road; domination and overshadowing between the proposed development and Lavender Cottage and the internal layout of the flats which included a window serving a habitable room within 1m of the flank wall of Lavender Cottage. In the course of the subsequent appeal, it was established that the submitted plans had been inaccurate and the distance between the rear elevations of the proposed building and the existing flats at 79 Merthyrmaur Road, would comply with the 21m privacy standard adopted by the Authority. However, the remaining reasons for refusal were upheld and the appeal was dismissed.

A second application P/12/497/FUL also relating to the construction of a two storey building accommodating 2 two bedroom flats was also refused for three reasons. That scheme proposed to site the building only 1m behind the building line of Lavender Cottage and only 0.5m from the boundary between the application site and this dwelling. The reasons for refusal in respect of this application related to the absence of adequate off street parking facilities; notwithstanding the inadequacy of the parking space dimensions, the position of the spaces immediately in front of the habitable room windows of the ground floor flat would infringe the privacy of future occupiers and provide a poor level of amenity and finally due to the proximity of windows serving the proposed kitchen areas within the flats would be dominated and overshadowed because of their proximity to the flank wall of Lavender Cottage thereby providing a dismal outlook and a poor level of amenity for future occupiers. At Appeal, the Inspector concurred with the Authority's assessment of the parking arrangements referred to in the first two reasons for refusal but considered that as the kitchen windows were secondary, the outlook for future occupants would not be materially compromised to the extent that there would be harm to residential amenity.

The subsequent application (P/13/123/FUL) overcame both previous refusals by repositioning the building such that it would not infringe the daylight protection zone of the ground floor rear habitable room window in Lavender Cottage or in turn be infringed by that dwelling, whilst providing adequate parking facilities to meet the Authority's parking standards and amending the proposed internal layout. As a consequence of this revised positioning the internal layout of the building was changed so that the ground floor accommodated a one bedroom flat with a two bedroom unit above. It was considered that the scheme met the criteria attached to Policy H5 of the Bridgend Unitary Development Plan, which was the adopted development plan at the time of that submission.

The current submission has been necessitated due to problems with the original survey, which has resulted in the new building being reduced in size to that previously approved. The submitted plans confirm the proposed flats together with parking facilities may be adequately accommodated. Policy COM3 of the Bridgend Local Development Plan mirrors the aims of the housing policies of the earlier Unitary Development Plan permitting the re-use of vacant or under-utilised land within settlement boundaries for residential developments. Policy SP2 of the LDP requires that developments contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located and establishes fifteen criteria against which development proposals should be assessed. It is considered that the proposed development is compatible to all the relevant criteria. Furthermore there have been no material changes at the site that would materially impact on the development since the earlier submission. As such it is not considered that the proposal will be an over development of the site.

During the processing of the application Policies PLA1, COM3 and SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

The application is recommended for approval as the development complies with national and

council policies and guidelines and will not adversely affect highway safety or privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

## **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 AD-LA-(002)C, AD-(102)-C and AD-(112)C.

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

- 2 The parking areas shall be completed in permanent materials and the garage also completed before the development is brought into beneficial use and thereafter retained for parking purposes in perpetuity.

Reason : To ensure the provision and retention of adequate off street parking facilities in the interests of highway safety.

- 3 The garage shall be fitted with inward opening or roller shutter doors and be so maintained in perpetuity.

Reason : In the interests of highway safety.

- 4 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme before the development is brought into beneficial use.

Reason : To ensure that effective drainage facilities are provided and to ensure that flood risk is not increased.

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

(a) The application is recommended for approval because the development complies with national and council policies and guidelines and will not adversely affect highway safety or privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal of the scheme.

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

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

(d) No surface water is allowed to discharge to the public highway.

(e) No land drainage run off will be permitted to discharge (either directly or indirectly) into the

public sewerage system.

(f) The application states that surface water will be disposed of via a SUDS system. The geology within the vicinity of the development is at higher risk of limestone cavity/swallow hole formation; therefore it is recommended that the developer obtains a specialist geotechnical survey and report in support of any proposal to utilise an infiltration scheme prior to any development. In the event that an infiltration system not be viable, an alternative method of surface water disposal will be required.

(g) 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. New Legislation makes it mandatory for developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru/Welsh Water. The Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industrial Act, 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system.

(h) Some public sewers and lateral drains may not be recorded on the public sewer maps because they were originally privately owned and were transferred into public ownership under the provisions of the Water Industry (Schemes for Adoption of Private Sewers) Regulations, 2011. The presence of such assets may affect the proposal and the developer is therefore advised to contact Dwr Cymru/Welsh Water's Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act, 1991, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

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

**Background Papers**

None

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## RECOMMENDATION : RETROSPECTIVE GRANT WITH CONDITIONS

**REFERENCE:** P/15/543/FUL  
**APPLICANT:** MR BEN BOARD  
133 COWBRIDGE ROAD BRIDGEND  
**LOCATION:** 133 COWBRIDGE ROAD BRIDGEND  
**PROPOSAL:** RETENTION OF BUILDING AS BUILT (AMENDMENT TO P/13/147/FUL)  
FOR USE AS STUDIO DWELLING BY FAMILY MEMBER  
**RECEIVED:** 18th August 2015  
**SITE INSPECTED:** 11th September 2015

### APPLICATION/SITE DESCRIPTION

The application seeks to retain a workshop building erected in the rear garden of the property as built and its conversion into a studio type dwelling for use by a family member.

The structure is an 'L' shaped building sited in the north eastern corner of the residential curtilage of the property. The structure as built measures 10.95m at its longest by 4m wide with a gable roof reaching 4.7m in height. The external finishes of the walls are roughcast render with a slate roof. The submitted floorplans show that the building will accommodate a lounge with wood burning stove, kitchen, bathroom and bedroom and a storage area is to be created in the roof space over. A velux rooflight has been installed in the eastern facing roof plane of the structure to be used as a fire escape from this storage area.

A block plan shows three car parking spaces provided in the rear garden of the property. These spaces will be accessed directly from the turning head of the highway which runs along the rear boundaries of the properties on this side of Cowbridge Road and also provides access to a new property known as Ty Newydd, which has been constructed in the rear garden of 1 Uxilla Terrace, Bridgend.

### RELEVANT HISTORY

**75/1269** CC 05-FEB-76  
INCL LAND INTO GARDEN

**P/12/905/FUL** REFUSED 28-01-2013  
TWO STOREY SIDE EXTENSION, EXTEND SINGLE STOREY EXT TO DOUBLE STOREY,  
ALTER EXISTING OUTBUILDING TO CREATE PARKING

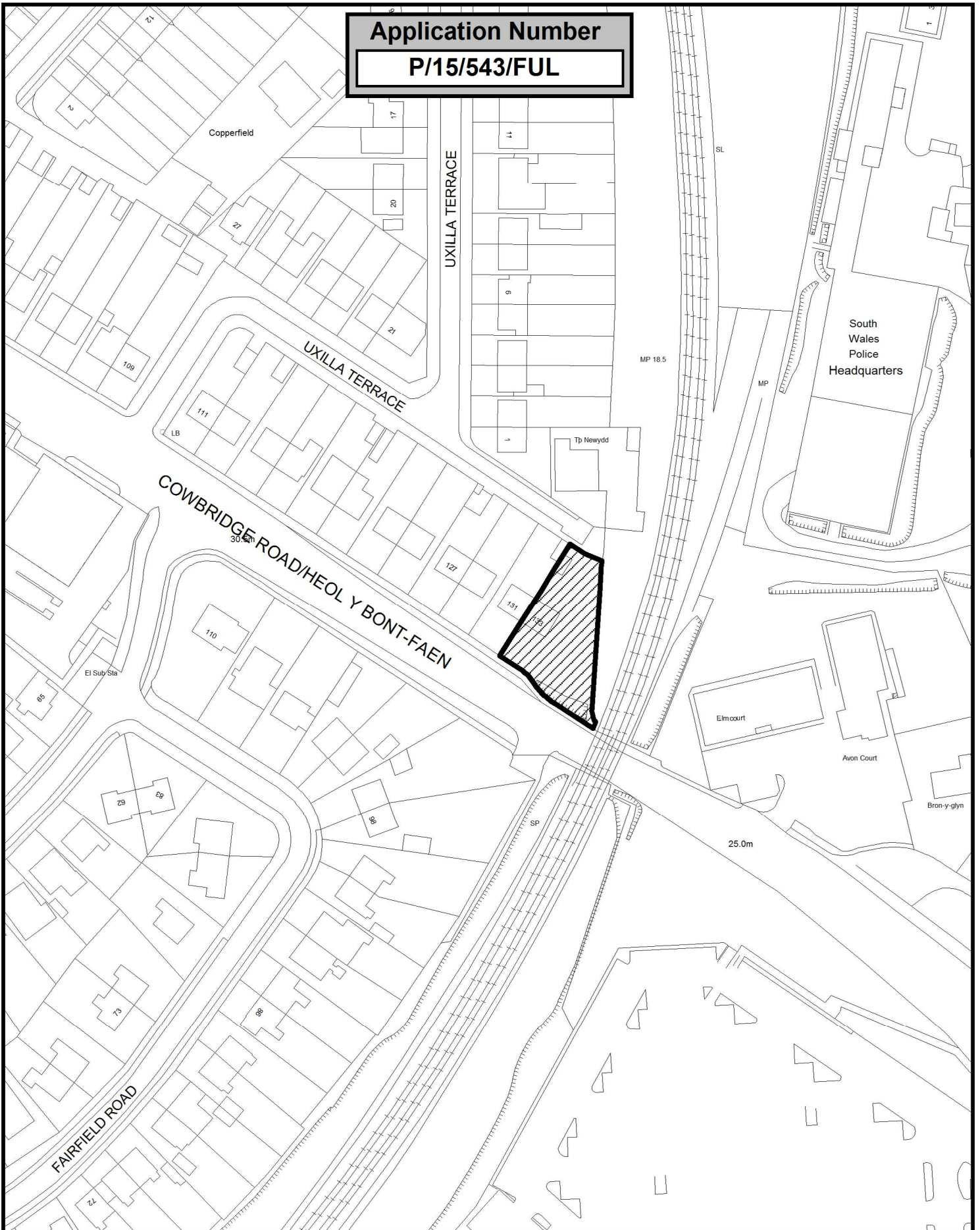
**P/13/147/FUL** APPROVED 12-04-2013  
+conditions  
2 STOREY SIDE EXT, EXTEND SINGLE STOREY EXT TO 2 STOREY , CREATE ADD  
PARKING & NEW WORKSHOP

### PUBLICITY

Neighbours have been notified of the receipt of the application.

Application Number

P/15/543/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro





The period allowed for response to consultations/publicity expired on 24th September, 2015.

## **NEGOTIATIONS**

The application site was revisited by the case officer to verify the dimensions of the building in light of the objections received from local residents. It was subsequently noted that the drawings did not match the dimensions measured during the second site inspection. It would appear that in reproducing the original plans to form the template for the amended drawings, there has been a distortion which has resulted in the length and width of the building as shown on the floor plans not corresponding with the roof plan or elevational drawing. The applicant has been advised to submit fresh plans with the dimensions of the building, as built, annotated thereon so that there can be no confusion as to the size and scale of the structure.

## **CONSULTATION RESPONSES**

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

Notified on 27th August 2015

No objection

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

No objection subject to condition.

## **REPRESENTATIONS RECEIVED**

### **Three Letters Have Been Received From Local, Residents. A Summary Of Their Objections Is As Follows:-**

- \* The developer has always intended to use the workshop for residential purposes and will occupy the structure while undertaking the construction of the side two storey extension of the property with the building thereafter becoming a granny annex for a relative and the structure does not comply with the originally approved plans.
- \* Parking difficulties due to applicant inconsiderately parking so as to obstruct access to neighbouring properties.
- \* Plans are misleading in that parking spaces indicated on the drawings have not been provided.
- \* There is no need for the structure to be residential given that planning permission has already been granted for a substantial extension to the main dwelling.
- \* Building encroaches onto the highway.
- \* Do not understand how applicants are able to submit a retrospective application.
- \* Lack of consultation during processing of previous application and particularly in respect of the workshop element, which was added just before determination.
- \* Structure appears to include first floor accommodation and the necessity for the velux rooflight escape is questioned together with the installation of the flue to serve the proposed wood burning stove.
- \* The OS map extract is inaccurate in that it does not show the property to the north constructed in the rear garden of 1 Uxilla Terrace.

- \* Potential officer bias within Highways Department as applicant's wife is an employee.
- \* Height of building is restricted to 4m by Government guidelines.
- \* Double Yellow lines should be provided around the turning head adjacent to the northern boundary in order to prevent inconsiderate parking.

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

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

**Residential use** - It is evident that the intention in this case is to create ancillary studio type accommodation for use by a family member. The application has been submitted, in part, to regularise the fact that the structure was not built in accordance with the planning permission granted in 2013, P/13/147/FUL refers. With regard to its residential use, however, the use of a building within the curtilage of a property for purposes ancillary to the dwelling it serves would constitute permitted development for which planning permission would not be required. In order to reassure local residents, a condition restricting the residential use of the building to that ancillary to the main dwelling is attached to the recommendation.

**Parking difficulties** - A condition requiring the provision of three new parking spaces within the curtilage of the host property prior to the building being brought into beneficial residential use will be imposed to address this concern.

The Local Planning Authority must assess the planning merits of the proposed development and not appraise the personal requirements of developers.

**Encroachment onto highway** - The claim that the building encroaches onto the highway could not be substantiated from examination of OS Map extracts, aerial photographs, site photographs and site inspection.

Whilst the local planning authority does not condone the carrying out of unauthorised development, the planning system does allow for developers to seek to regularise such works by the submission of retrospective applications.

Whilst records appear to confirm that the workshop was not specifically referred to in the original description of development, the workshop building was clearly visible on the submitted plans and applications are considered on a case by case basis.

**Height restrictions** - Whilst storage space is now to be provided within the roof space, it was clear from an internal inspection of the building that there would be insufficient space between the ceiling and the roof to create habitable accommodation.

Although the submitted site location plans are based on an older OS Map base which does not include the relatively recently constructed dwelling, this does not impact on the assessment of the planning merits of the development.

**Potential officer bias within the Highways Department** - One officer, has declared an interest and has therefore taken no part in the assessment of the scheme or the provision of observations. It is considered that as the Highways Department is a consultee rather than the determining authority, together with the referral of the application to Planning Committee any potential scope for impropriety or bias in the assessment of the application has been removed.

This is an application for planning permission, which effectively acknowledges that the development has exceeded the permitted development height limits. This does not however, mean that the proposal is unacceptable, rather that it required planning permission.

Double Yellow Lines - Any request for parking restrictions is a matter for the Highway Authority.

## **APPRAISAL**

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

The application seeks retrospective consent to retain a detached building in the rear garden of the property as built and change the use of the structure from its previously approved workshop into a studio type dwelling for use by a family member.

Planning permission for a side two storey extension, extending an existing single storey extension to a two storey, new workshop building and the creation of additional parking was approved subject to condition in 2013 (P/13/147/FUL refers). Regrettably the detached workshop building has not been constructed in accordance with the approved plans and the current submission seeks to regularise the changes to the building. The most significant change is to the height of the roof, which has been increased from the originally approved 4m to 4.7m as built. Whilst the Local Planning Authority does not condone the carrying out of development that does not strictly accord with the approved plans, national planning guidance confirms that the correct approach is to suggest to the person responsible for the development that they should submit a retrospective application to regularise the matter. In this case, whilst local residents have objected to the scheme, none of the grounds for objection relate to any adverse impact on the privacy or visual or residential amenities of neighbouring properties. Given the siting of the building in relation to neighbouring dwellings, at the rear of the curtilage there is no significant impact on the amenities of these properties. It is therefore considered that the structure, as built, is acceptable in principle.

The application additionally proposes the ancillary use of this building as a studio type accommodation for use by a family member with storage in the roof space. Under the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order, 2013 under specified circumstances Class E permits the provision within the curtilage of a dwelling house of any building or enclosure, raised platform, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house. For the purposes of this Class, purposes incidental to the enjoyment of the dwelling house would include the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house. On the basis that the residential studio use of the building would be for family use and would always remain ancillary to the main dwelling, it would under other circumstances constitute permitted development. Whilst local residents have expressed concern that the structure will include first floor accommodation as indicated by the inclusion of a velux roof light as a means of escape, the submitted drawings shows that the area between the living accommodation and the roofspace is labelled as storage area. Also, there is insufficient space to create habitable space within the roof. A condition requiring adherence to the approved plans should overcome any ambiguity over the use of this roofspace area.

Local residents have highlighted significant parking issues in this area, which they believe are exacerbated by the lack of provision of the three parking spaces in the rear garden of the application site indicated on the submitted plans. A condition requiring the provision of these spaces prior to the building being brought into residential occupation whether by the family during construction of the extension to their property or by another family member should overcome these difficulties. As indicated in the preceding section of the report, consideration of the imposition of parking restrictions on the highway abutting the application site would be a matter for the Highway Authority.

In light of the foregoing, it is considered that the proposed development is compatible with Policy SP2 of the Bridgend Local Development Plan and Notes 6,8,11 & 23 of Supplementary Planning Guidance 02 Householder Development.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. Subject to the imposition of appropriately worded conditions to control the use of the building and provide off street parking facilities, the Highways Department is satisfied that there will be no adverse impact on highway safety.

## **RECOMMENDATION**

(R64) That approval be GRANTED subject to the following condition(s):-

- 1 The development shall be completed out in accordance with the amended plans received on the 29th September, 2015 which confirm that the ground floor of the building will accommodate a lounge, kitchen, bedroom and bathroom with the loft area above used for storage only.

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

- 2 The detached building within the curtilage of 133 Cowbridge Road, Bridgend hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property.

- 3 The building shall not be brought, whether wholly or partially, into residential occupation until three parking spaces have been provided in permanent materials within the site in accordance with the approved block plan. The car parking spaces shall thereafter be retained for parking purposes in perpetuity.

Reason : To ensure adequate off street parking is provided in the interests of highway safety.

\* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. Subject to the imposition of appropriately worded conditions to control the use of the building and provide off street parking facilities, the Highways Department is satisfied that there will be no adverse impact on highway safety.

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

### **Background Papers**

None

## RECOMMENDATION : SECTION 106

**REFERENCE:** P/15/214/FUL  
**APPLICANT:** RIGHT TO BUY HOMES LTD  
3RD FLOOR LAWFORD HOUSE ALBERT PLACE LONDON  
**LOCATION:** HARDEN HOUSE 115 OXFORD STREET PONTYCYMER  
**PROPOSAL:** CONVERT OFFICES TO 6NO. 3-STOREY DWELLINGS  
**RECEIVED:** 31st March 2015  
**SITE INSPECTED:** 15th April 2015

## APPLICATION/SITE DESCRIPTION

The application proposes the conversion of an existing vacant office building into six three bedroom dwellings. The most southerly of the units will comprise lower ground floor living room, utility and shower room, with hallway, kitchen and dining area at ground floor level and three bedrooms and a bathroom at first floor level. The remaining four units will have a bedroom, utility and shower room on the lower ground floor, hallway, dining room, sitting room and kitchen on the ground floor with two bedrooms and a bathroom provided on the first floor.

External changes involve the removal on the existing central entrance way and its replacement with two domestic doors and windows. An existing gable feature towards the northern end of the building is to be removed and replaced with domestic scale windows to match the existing. The windows and decorative balustrading on two other existing gables are also to be removed and replaced with domestic scale windows. New doors are proposed to replace existing entrances but the existing large display type windows along the frontage (east elevation) are to be retained. At the rear, the existing three gables along with their large windows are to be removed along with three entrance porches. New patio door type openings are to be installed in each of the lower ground floor levels of the proposed dwellings with new windows of a design to match the remainder of the building will replace the glazed areas in the former gables. Where gables are to be removed, the roof will be made good in materials to match the existing building. One window serving the ground floor dining area of the most southerly of the proposed dwellings is to be installed in the southern elevation of the building facing the adjoining open space and seating area.

A platform or decked area will be created projecting 7m from the rear wall of the properties to provide a rear private amenity area for each of the proposed new dwellings. A 1.1m boundary wall will enclose the western end of the patio/terraced areas with suspended fire escapes provided leading to the land at the rear.

A design and access statement has been submitted in support of the application.

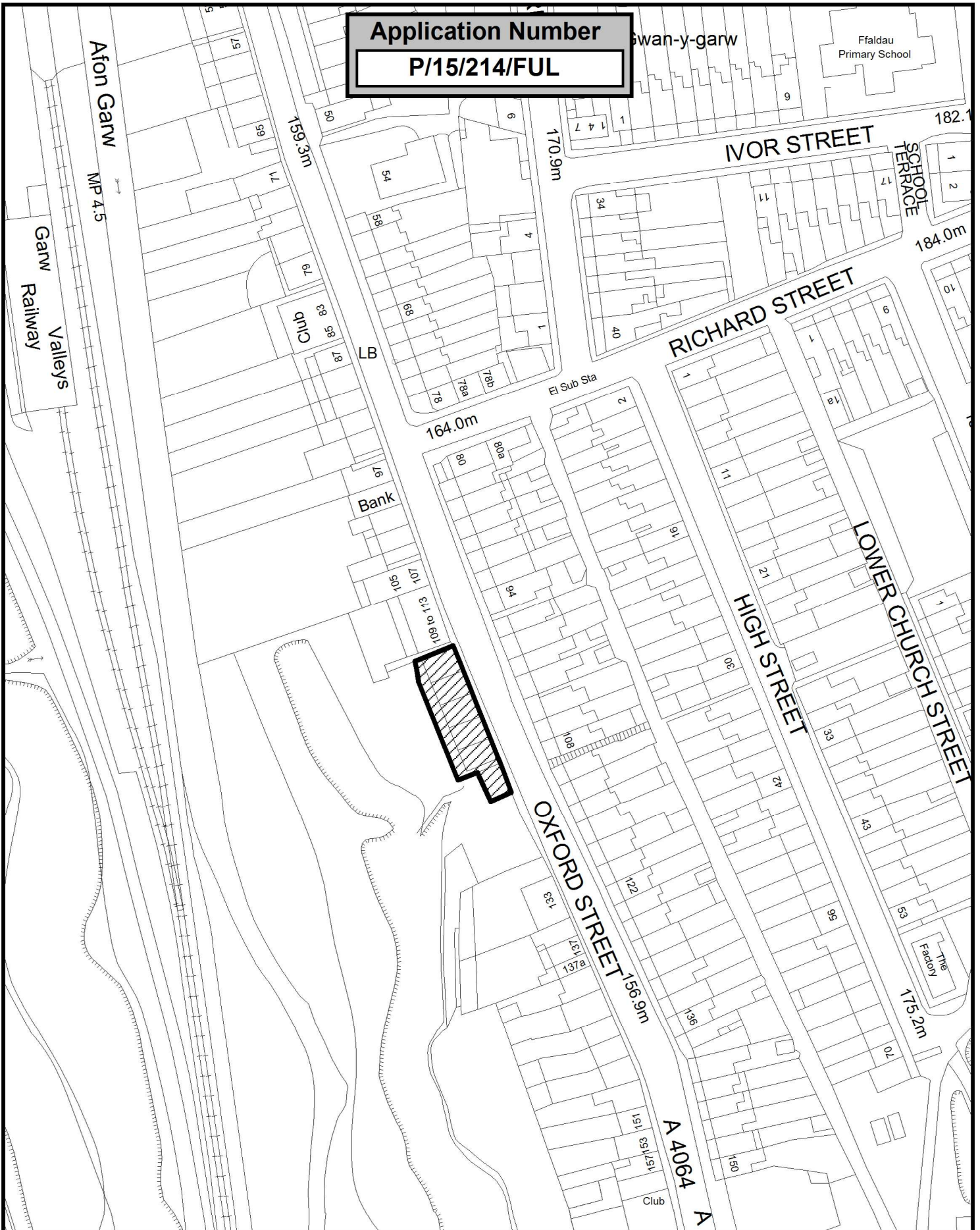
## RELEVANT HISTORY

P/14/458/FUL WITHDRAWN 06-08-2014  
CONVERSION OF OFFICES INTO RESIDENTIAL

## PUBLICITY

Application Number

P/15/214/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



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 6th May, 2015.

## **NEGOTIATIONS**

The applicant's agent was advised of the affordable housing obligation but also concerns were expressed regarding the level of private amenity space provision given the scale of the development. It was highlighted that the development proposes the provision of 6 three bedroom properties that would be provided with extremely limited private amenity space at the rear. Given that three bedroom properties are likely to be occupied by families with children, it was considered that the amenity space provision was inadequate, particularly given there are no public recreational facilities close to the application site.

It was suggested that consideration be given to reconfiguring the floor plans so that the basement area is used as a kitchen/utility area, the ground floor for living accommodation with two bedrooms and bathroom at first floor level above. Alternatively, the developer would need to investigate a means of providing additional private amenity space given that the land at the rear slopes steeply and is currently covered in trees.

Following discussion with the applicant's agent, revised plans were received on 18th September, 2015 which include the provision of a decked area/patio projecting 7m from the rear wall of the building to provide a flat, usable private amenity space for each of the proposed dwellings. At the time of report preparation, the applicant had indicated that the S106 financial obligation would make the proposed development unviable and it was suggested discussions would be conducted with the S106 Officer. Whilst an initial approach has been made to the S106 Officer, this was simply to clarify the level of information that would be required to demonstrate the viability of the proposed scheme. In the event that additional details are provided prior to Committee, these can be reported via the Amendment Sheet.

## **CONSULTATION RESPONSES**

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

The Community Council objects to this application on highway issues. There are only 2 car parking spaces available for six houses. It is highly likely that residents of six dwellings will have on average two cars per dwelling with no places to park. There is no on-street parking available at this site which is already a bottleneck for traffic.

The Members are concerned that there will be an increase in illegally/dangerously parked cars in the area which they are keen to avoid. This would have a knock-on effect for the highway safety of all vehicle users in the Garw Valley that pass through Oxford Street in Pontycymmer. The street is already congested, especially if lorries or buses are trying to pass.

In conclusion, unless a parking scheme can be provided for the conversion of these offices to dwellings, the Community Council is urging BCBC to turn down this application on highway safety issues.

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

No objection

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



No objection subject to condition.

### **Welsh Water Developer Services**

In the event that the Authority is minded to approved the proposed development, it is requested that advisory notes are included within any decision notice in order to ensure no detriment to existing residents, the environment nor Dwr Cymru/Welsh Water assets.

## **REPRESENTATIONS RECEIVED**

### **Seven Letters Of Objection Have Been Received From, Local Residents. The Reasons Are Summarised Below:-**

1. Car parking - all of the objectors highlight existing problems with residents living opposite the application site experiencing difficulties due to the highway partially fronting the application site but mainly in front of the adjoining supermarket being designated as a loading bay with no parking between 10am and 5pm.
2. Existing on street parking causes congestion with traffic flows frequently reduce to a single carriageway.
3. Whilst there is a car parking to the south of the application site, this is usually full and due to the distance not convenient for future occupiers.
4. Noise and disturbance - the area is already loud due to irresponsible landlords and their tenants are believed to contribute to rising crime rates in the area. More rental properties are not what the area needs.
5. Loss of privacy - residents of the properties on the opposite side of Oxford Street are concerned about overlooking between the proposed new dwellings and their homes.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections received from local residents:-

**Car Parking** - It is noted that the majority of the properties in the area do not benefit from in curtilage off street parking and consequently park on the street. In addition whilst the building is currently vacant, it could be returned to its former office use without the need for planning permission with office staff and calling customers visiting the site and parking on the street fronting the premises. The subdivision of this building into six individual units, each with a display window does not require planning permission and once divided, each unit could be converted to a shop with a flat above, resulting in 6 shops and 6 flats, without requiring formal consent by exercising permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) Order, 1995. In the circumstances, it is considered that the presently proposed scheme will not exacerbate existing parking problems to such a degree as to warrant refusal given the potential fall back uses and their associated parking generation. It is also highlighted that the site lies in a relatively sustainable location in close proximity to local shops and bus services pass the frontage of the building.

**Traffic Congestion** - As with the concerns expressed in relation to parking, it is considered that this is an existing problem which the proposed development will not so significantly exacerbate as to warrant refusal of the application.

**Noise and disturbance** - The proposed development relates to the conversion of the building into 6 three bedroom properties likely to be occupied by families. It is not considered that the level provided will exacerbate any pre-existing condition. Tenure in this case is not material to the



determination of this application.

Loss of Privacy - Whilst relating to domestic extensions, Supplementary Planning Guidance 2 Householder Development provides guidelines for the assessment of overlooking. It explains that the Council has adopted the standard of 21m between directly facing habitable room windows but clarifies that reductions may in certain circumstances be acceptable. One of the identified exceptions relates to where overlooking is between windows fronting onto a highway where the established building lines are less than 21m apart. In this case the objectors' properties are located on the opposite side of Oxford Street and are elevated above the street level. There is an approximate distance of 16m between the established building lines and the proposed development does not propose to alter this existing arrangement. It is therefore considered that there will not be a significant impact on the privacy of these neighbours created by the proposed development.

## **APPRAISAL**

The application is referred to Committee to consider the objection raised by the Community Council and also those expressed by local residents.

The application site lies on the western side of Oxford Street, Pontcymmer and abuts an open area on which two public bench seats are currently positioned. It was noted that the land in this area slopes steeply from east to west and this results in the properties on the opposite side of the street being significantly elevated above the highway. The properties on the western side of Oxford Street tend to be two storey at the front but three storey at the rear. A parking area capable of accommodating two spaces lies immediately to the south of the building and is included within the application site boundary. The land to the rear of the building drops away steeply from the building such that currently only a modest strip of land is available to provide pedestrian access to the rear of the premises.

The proposal is located within the settlement boundary of Pontcymmer as defined by Policy PLA1 of the Bridgend Local Development Plan. The building is also located within the established commercial centre of Pontcymmer but is outside of the primary shopping frontage. Policy REG7 of the LDP states that changes of use to non A1, A2 and A3 premises on the ground floor in a commercial centre will only be permitted for residential purposes if it has been vacant for at least two years and has been actively marketed over that time; and it does not form part of a purpose built retail environment or continuous frontage of three or more existing commercial units. It is acknowledged that the applicant has made a concerted effort to market the premises and that the site is located on the periphery of the commercial centre. Although the unit was purpose built and lies adjacent to an active retail unit, should the building remain vacant for a longer period, the potential for incidences of break ins and anti-social behaviour may increase to the detriment of the appearance of the building and the area generally. On the basis that the conversion of existing buildings to residential is permitted within settlement boundaries, there is no objection in principle to the proposed change of use and in conflict with Policy REG7.

As a proposal for 6 dwellings, the application triggers Policy COM5, which requires 15% affordable housing in the Ogmere, Garw and Upper Llynfi Valley Housing Market Area. As such 1 of the units should be provided as affordable housing with an appropriate tenure agreed between the applicant and the Housing Strategy Department. Alternatively, a contribution towards the provision of affordable housing in lieu of on-site provision may be acceptable. Policy COM5 acknowledges that the provision of affordable housing can affect the viability of residential development and therefore the aforementioned requirements may be subject to negotiation with the applicant.

The application also triggers the threshold of 5 dwellings as identified in the LDP and adopted SPG - Educational Facilities. However sufficient capacity exists within local schools to

accommodate the proposals and therefore no contribution is sought from the developer in this case. The site is located close to existing outdoor amenity areas and as the proposal relates to a conversion of an existing building, there is no requirement for any open space provision.

In terms of design and detail, the proposed development is assessed for compatibility with Policy SP2. This Policy requires all development to contribute to creating high quality, sustainable places which enhance the community in which they are located and establishes fifteen criteria, which development proposals should meet. In this case it is considered that criteria 1,2,3,4,6,7,12 & 13 are relevant to this application. Notwithstanding the objections raised by the Community Council and local residents, it is considered that the proposed conversion of the existing vacant building to residential purposes is compatible with these criteria or can be made compliant through the imposition of appropriately worded conditions.

During the processing of the submission, Policies REG7, COM3, COM5 and SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

Notwithstanding the objections received the application is recommended for approval because the proposed development complies with national and council policies and guidelines as it will not have a significant adverse impact on the visual amenities of the area or the residential amenities of neighbouring properties nor so significantly exacerbate existing highway conditions as to warrant refusal. It is also considered that the application will result in the re-use of a substantial vacant building to an acceptable use, which has the benefit of partially satisfying the demand for new homes within the Valley including a potential contribution towards affordable housing.

## **RECOMMENDATION**

(A) The applicant enter into a Section 106 Agreement to contribute the sum of £50,228.00 in lieu of on-site provision of an affordable housing unit.

(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 amended floor plans, elevational plans and sectional plans received on 18th September, 2015.

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

2 The materials to be used in the construction of the refurbishments and amendments to the building 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.

3 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme indicating the design, materials and type of boundary treatment to divide the rear platform/decked area between each of the six properties. The agreed means of boundary enclosure shall be erected prior to any part of

the development being brought into beneficial use and be retained thereafter in perpetuity.

Reason : To safeguard the residential amenities of future occupiers.

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

Reason : In the interests of visual and residential amenities.

- 5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how roof, surface water and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be provided in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason : To ensure that effective drainage scheme is provided to serve the development and that flood risk is not increased elsewhere.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) Notwithstanding the objections received the application is recommended for approval because the proposed development complies with national and council policies and guidelines as it will not adversely impact on the visual amenities of the area or the residential amenities of neighbouring properties nor so significantly exacerbate existing highway conditions as to warrant refusal. It is also considered that the application proposes the return of this substantial vacant building into an acceptable use, which has the benefit of providing needed new homes within the Valley including a potential contribution to affordable housing.

(b) Attached are the observations received from Dwr Cymru/Welsh Water for the developer's information and consideration.

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

**Background Papers**

None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/526/FUL  
**APPLICANT:** VIVARD LTD  
4 GREAT HOUSE MEADOWS LLANTWIT MAJOR

**LOCATION:** LAND REAR 26-27 CLOS PEN LLWYN BROADLANDS BRIDGEND

**PROPOSAL:** CONSTRUCTION OF NEW DETACHED DWELLING

**RECEIVED:** 11th August 2015

**SITE INSPECTED:** 24th August 2015

## APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of one dwelling at this plot of development land in the Broadlands Estate, Bridgend.

The proposal is for a split level three storey dwelling with the two storey element facing the south and forming the front elevation of the proposed dwelling and the three storey element facing the north and forming the rear elevation. The dwelling will comprise undercroft parking, a lounge, study, kitchen/dining room, utility room and w.c. at ground floor level and 4 bedrooms and a bathroom at first floor level.

The proposed dwelling will be 15m wide, 9m deep and will reach a maximum height of 10.1m.

The application site is a parcel of undeveloped land in the Broadlands Estate, which is accessed via a private drive which also serves 1 & 2 Clos Pen Llwyn.

## RELEVANT HISTORY

**P/05/1589/FUL** APPROVED 12-05-2006  
+conditions  
CONSTRUCT SINGLE DWELLING

**P/11/261/RLX** Conditional relax 09-06-2011  
RELAX TIME CONDITION TO EXTEND EXPIRY DATE OF P/05/1589/FUL FOR A FURTHER  
5 YEARS

**P/15/101/FUL** REFUSED 02-04-2015  
CONSTRUCTION OF NEW DETACHED DWELLING

## PUBLICITY

The application has been advertised on site.

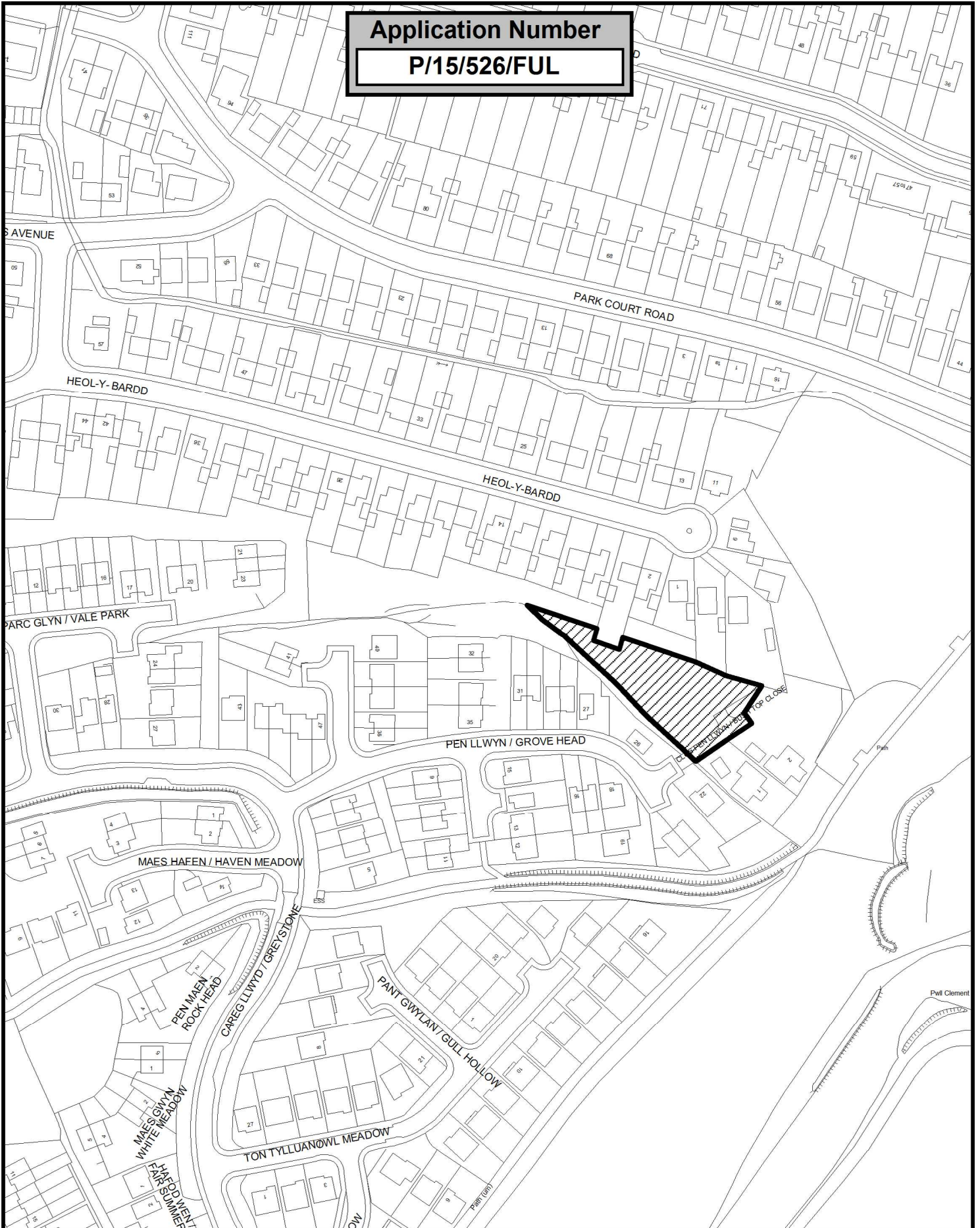
Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 11 September 2015.

## NEGOTIATIONS

Application Number

P/15/526/FUL



Scale 1:1,750

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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(100023405)

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Cyngor Bwrdeistref Siro



The applicant was advised that Question 16 was incorrect as there are several trees on site. A tree survey was requested and received on 25 September 2015.

## **CONSULTATION RESPONSES**

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

Notified on 14th August 2015

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

Has no objection to the proposal subject to a condition.

### **Destination & Countryside Management**

Requested that a condition be attached to any permission granted.

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

Advised on drainage.

### **Natural Resources Wales**

Has no objection to the proposal.

### **Welsh Water Developer Services**

Advised on sewerage.

## **REPRESENTATIONS RECEIVED**

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

A Garrett - 3 Heol y Bardd, Bridgend  
R Hodges - 18 Maes y Eirlys, Broadlands  
N Stocker - 29 Pen Llwyn, Broadlands

The objections are summarised as follows:-

1. Application form incorrectly states there are no hedges or trees to be removed
2. Broadlands Development Brief stated there would be a 10m tree band between new and existing development.
3. Loss of trees and wildlife corridor
4. Overshadowing and overlooking of properties to rear
5. The dwelling is out of keeping with the area
6. Loss of green area
7. Impact on drainage
8. Potential damage caused to neighbouring property
9. Loss of view

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1. A Tree report was submitted on 25 September 2015 to address the issue of tree removal on the site.

2. The original Broadlands Development Brief states that a 10m tree buffer should be retained between new development and existing development. The submitted Tree Report states that 10m tree buffer will be retained, in part. However, parts of the boundary will provide a buffer area reducing to 6.5m in depth due to encroachment of the buffer area by the properties to the rear and an easement running across the site. Some works will be carried out to the shrubs and undergrowth. The proposed development will retain a buffer area between the proposed dwelling and existing dwellings, albeit not 10m in parts, and, as such, is considered acceptable. Furthermore, the trees in the buffer zone are not protected by a Tree Preservation Order and could be removed at any time.
3. In regard to the impact on wildlife, the application has been assessed by Natural Resources Wales and the Council's Ecologist who have offered no objection to the proposal.
4. The proposed dwelling will be a minimum of 17m from the boundaries of the properties of Heol Y Bardd and, as such, the proposed development is considered not to overlook or overshadow the properties at Heol Y Bardd to an unacceptable degree.
5. The proposed dwelling is considered to be in keeping with the street scene. Whilst, a split level dwelling is proposed, with three storeys to the rear, the three storey element will not be visible from any public vantage points and, as such, is considered acceptable in visual amenity terms.
6. The area of land has always been in private ownership and has at no point been a public open space.
7. Welsh Water and the Land Drainage section have assessed the scheme and have no objections to the proposal subject to conditions.
8. If any damage is caused to private property during construction works or any other works this is a private matter between the parties involved.
9. Loss of view is not a material planning consideration in this case.

## **APPRAISAL**

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

The application seeks planning permission to erect a single split level dwelling on this plot of undeveloped land at Broadlands, Bridgend.

Planning permission was granted for a dwelling on the site in 2006 and a further application for an extension of time to the consent was granted in 2011. The planning permission expired on 9 June 2014.

An application for planning permission for a similar dwelling to that being proposed was refused on 2 April 2015, as it was considered that the design of the dwelling represented an incongruous element in the street scene. The current application proposes an amended dwelling which has improved the standard of design. The proposed dwelling now features fenestration to the front elevation, chimneys and a front gable feature to reflect the local vernacular.

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

Policy COM3 states:-

'Residential developments within settlements boundaries defined by Policy PLA1 on 'windfall'



and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.'

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

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

The application site is surrounded by detached dwellings to the south, north and east. There is a line of dense trees located to the west of the site, which defines the boundary between the Broadlands Estate and Heol y Bardd. Access to the site will be via Clos Pen Llywn and, as such, the proposed dwelling is considered to relate to the street scene of Clos Pen Llywn, Broadlands. The dwellings to the south of the site at Clos Pen Llwyn are of a traditional design and are finished with pitched roofs with front gable features. The materials are a mixture of render, red brick and slate and concrete roof tiles.

The proposed dwelling would be served via a private drive, which currently serves 1 & 2 Clos Pen Llwyn. These dwellings are of a more contemporary design and style than the other properties in Clos Pen Llwyn. It is considered that the proposed dwelling will respect the architectural form of these properties and have some design reference to the street scene to the south of the site. Consequently, the proposed dwelling is considered to be acceptable in the street scene and will not have a detrimental impact on the visual amenities of the area to warrant refusal of the scheme.

The proposed dwelling, whilst of a modern design, makes reference to the existing properties at Clos Pen Llwyn by means of the gable features and chimneys. A condition is recommended which requires details of the materials to be used in the external surfaces to be submitted to the Local Planning Authority for agreement, which will ensure that the materials are suitable in terms of visual amenity.

The proposed dwelling is located on a plot of land which is at a lower level than the highway and, as such, will not be a prominent feature in the street scene.

In terms of the impact on residential amenities, the proposed dwelling will be in excess of 21m from the properties to the rear at Heol Y Bardd and, as such, is considered not to adversely affect these properties. The application proposes habitable room windows on the south western elevation which will face 1 & 2 Clos Pen Llwyn at a distance less than 21m, however both these properties have garages forward of the principal elevation which will screen the development from the ground floor windows. The application also proposes a patio door serving a lounge on the north eastern elevation which will be approximately 5m from the boundary of 26 Clos Pen Llwyn. However, the proposed dwelling will be approximately 1.6m lower than the adjacent dwelling and garden area at No. 26 and, as such, the proposed dwelling is considered not to infringe the residential amenities of No. 26 to an unacceptable degree. Furthermore, any 2m high boundary treatment will screen the views between the proposed patio doors and the boundary of No. 26.

The submitted plans, show little detail of the proposed landscaping. In order to ensure the landscaping is acceptable and that the Green Corridor between the site and Heol y Bardd is maintained a condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works.

The proposed development is considered acceptable in terms of highway safety and parking

provision subject to conditions.

Having regard to the above, the proposed development has addressed the reason for refusal of P/15/101/FUL, in that the design has been improved. The proposed development complies with local policy and is considered not to give rise to any overriding concerns in respect of residential amenity, biodiversity or highway safety.

Whilst determining this application Policies SP2 of the Bridgend Local Development Plan and Notes 1,2,3,6,8,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

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

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

- L(00) 001 P3 (received on 11 August 2015)
- L(00) 002 P3 (received on 11 August 2015)
- L(00) 003 P3 (received on 11 August 2015)
- L(00) 004 P3 (received on 11 August 2015)
- L(00) 005 P3 (received on 11 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 a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

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

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

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

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

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

- 6 The driveway/forecourt hereby agreed shall be at a gradient not steeper than 9% (1 in 11), completed in permanent materials prior to the dwelling being brought into beneficial use and retained thereafter in perpetuity as a driveway/forecourt.

Reason: In the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

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

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

d) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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

**Background Papers**

None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/172/FUL  
**APPLICANT:** DEERE INVESTMENTS LTD  
44 JOHN STREET PORTHCAWL  
**LOCATION:** 52 JOHN STREET PORTHCAWL  
**PROPOSAL:** CONVERSION OF EXISTING COMMERCIAL PROPERTY TO 1NO. ONE  
BED RESIDENTIAL DWELLING  
**RECEIVED:** 16th March 2015  
**SITE INSPECTED:** 24th March 2015

## APPLICATION/SITE DESCRIPTION

The application site consists of a large outbuilding located to the rear of 52 John Street, Porthcawl. The outbuilding fronts John Street public car park.

The outbuilding is a standalone unit to 52 John Street and was last used as an antiques shop, primarily dealing with bulky items. 52 John Street is a shop on the ground floor with a residential flat above.

The application seeks consent to convert and extend the outbuilding to a one-bedroom residential unit. In this respect, the building would utilise its existing footprint but its height would be increased from 5m (at the highest point of the existing mono-pitched roof) to a flat roof reaching a height of 6m.

## RELEVANT HISTORY

None.

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 April 2015.

## NEGOTIATIONS

The applicant was requested to:

1. Alter and improve the design and appearance of the building
2. Provide details concerning the repositioning of the first floor window serving 52a John Street
3. Provide details concerning the extent of demolition that would occur as part of the redevelopment of the building

## CONSULTATION RESPONSES

### Town/Community Council Observations

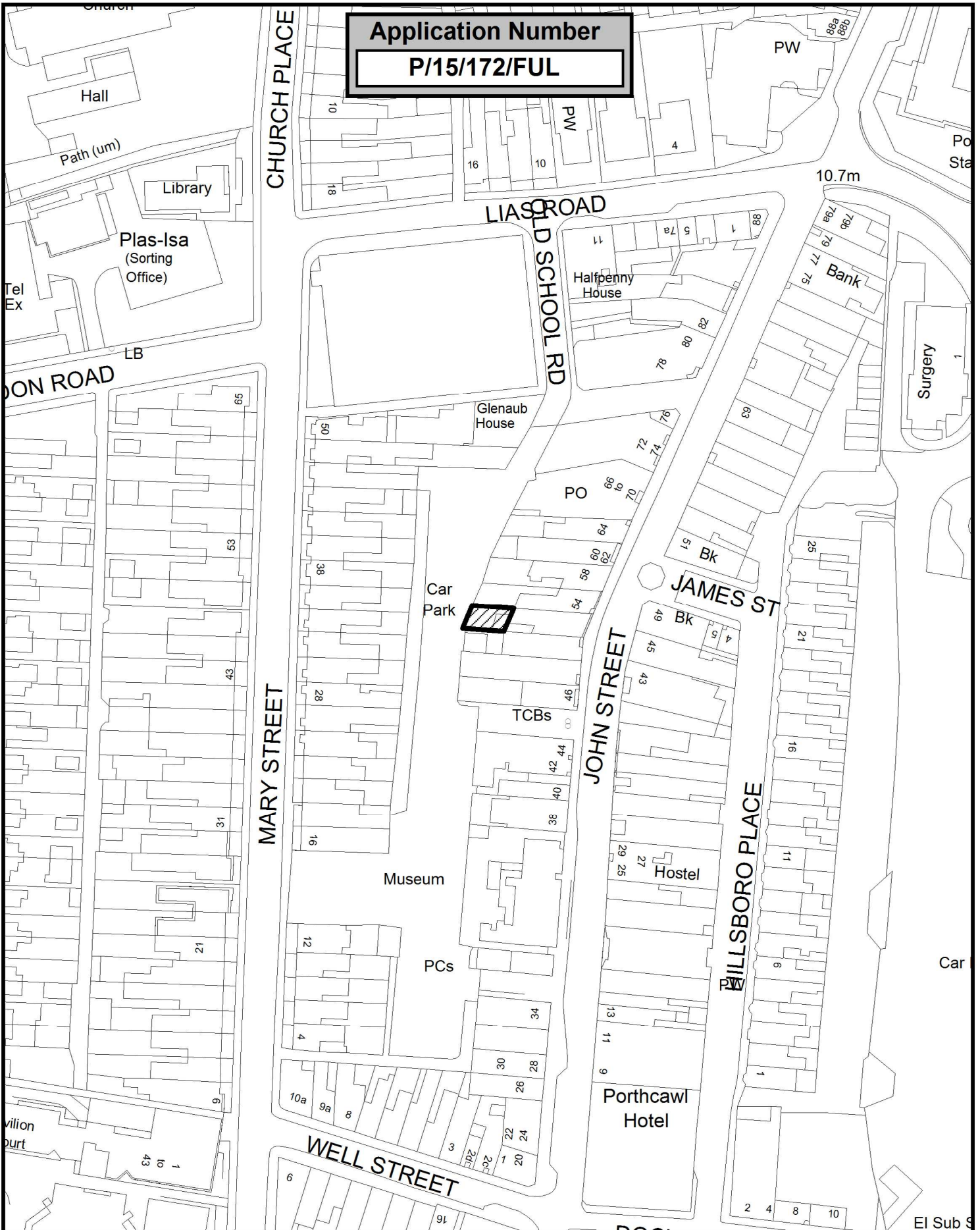
Notified on 26th March 2015

Objects to the proposal:

1. No outlook/visual amenity

Application Number

P/15/172/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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2. No amenity space.

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

No objections to the proposal subject to a condition.

### **Group Manager Public Protection**

No objections to the proposal subject to an advisory note.

## **REPRESENTATIONS RECEIVED**

None.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Refer to the 'Appraisal' section of the report on response to the objections made by Porthcawl Town Council.

## **APPRAISAL**

This scheme is referred to Committee due to an objection being received from Porthcawl Town Council.

Policy COM3 of the BLDP permits, in principle, residential development in settlement boundaries. Given the town-centre location of this site, the application could be considered as an opportunity to redevelop an existing building and under-utilised land for residential purposes.

It is accepted that a degree of demolition would be required as part of the development, especially since the height of the building is being raised to 6m and that modifications would occur to elevations with openings. However, the agent has clarified in a supporting letter that the existing structure would be used as far as possible. Policy COM3 of the BLDP does not impose such stringent criteria concerning conversions of buildings in urban areas compared to those buildings that are outside any designated settlement boundary. As such, a pragmatic and holistic approach is applied to this submission which enables a visually detrimental building to be transformed into a development which offers numerous benefits to the locality.

The application site is located within the commercial centre of Porthcawl, as defined by Policy SP10 of the adopted Bridgend Local Development Plan (BLDP). The site, however, is outside the primary shopping frontage. Policy REG7 of the BLDP establishes the criteria for allowing, in principle, non-A1, A2 and A3 uses outside of primary shopping frontages.

In respect of this policy, the building does not form part of a purpose-built retail environment or a continuous frontage of three or more existing commercial units.

The building was last used as an antiques shop, primarily dealing with bulky items and house clearances. The supporting statement that accompanied the application explains that the tenant has expressed an intention to retire. This is a matter which is outside of planning control. Whilst it is acknowledged that the premises has not been vacant for at least two years, nor has been actively marketed over that time, this is not a typical shop unit. It has evolved from an old coach house and, as such, it is an isolated unit which is divorced from the main shopping area of Porthcawl. It also has very little resemblance to a traditional retail unit since it has a frontage of a coach-house.

Paragraph 5.2.17 of the BLDP acknowledges that in certain circumstances, there is a need to adopt a more flexible and pragmatic approach to non-A1, A2 and A3 uses outside of primary shopping areas and that in some instances, it could be considered appropriate to permit the conversion of such buildings to more viable uses, such as residential.

Having regard to the above, it is considered that the loss of retailing floorspace attributed to this unit would not harm the overall vitality, viability or attractiveness of Porthcawl, of which Policy REG7 of the BLDP seeks to protect. As such, it is considered that this proposal satisfies the underlying requirements of Policy REG7.

With the principle of the development established, this scheme is primarily assessed against Policy SP2 of the BLDP which refers to design of new development and sustainable placemaking. This development offers significant benefits to the visual amenities of the area and, as such, is considered to be a significant material consideration in the determination of this application.

The building is surrounded by the rear-facing elevations of two to three-storey buildings. Given the commercial nature of the area, the design interest of these buildings are primarily on their front elevations and not at the rear. This has resulted in the rear elevations of nearby buildings being extended and modified, which is typical of a town-centre environment. An accumulation of historical ad-hoc forms of development has negatively affected the overall appearance of the area. This is unfortunate given that they are in full view of John Street public car park.

The building, which is the subject of this application, has a coach-house frontage but a large part of its character has been lost through extensions and modifications, with the resultant building being a two-storey box-type structure, finished with a felt mono-pitched roof. It has a dishevelled appearance, mainly due to unsympathetic materials being used to modify the openings of the building and that it is of red-brick which is not the pre-dominant external finish in this locality.

The design of the proposed development makes a references to 'Halfpenny House', which is located on Old School Road, approximately 75m from the application site. This nearby building, albeit taller, is a relatively modern town-house, granted consent in 2003 (P/03/436/FUL refers). Later modifications were undertaken in 2008 to convert the ground floor of the town house to an office with the retention of living accommodation above (P/08/236/FUL refers).

The building at the application site would be increased in height to 6m. Since it is surrounded by buildings which are much taller in height and there is no clear consistency in character or appearance in the design of buildings in the immediate locality, with particular reference to a large two-storey structure emanating from the rear of 48/50 John Street, it is considered that the increase in the scale and massing of the building would not be significantly detrimental to the visual amenities of the area.

The exterior of the building would be rendered, which is considered to be a much more sympathetic finish to its surroundings. The front elevation would have greater design interest, consisting of uniformity of openings, a Juliet-style balcony, raised panel rendering to add texture and colour and a parapet roof. Subject to conditions seeking the specific external finishes of the development to be agreed and for the submission of further details concerning the design and appearance of the glazing and balcony on the front elevation, it is considered that this development would enhance the visual amenities of the area.

The proposed development would provide one-bedroom accommodation. Between this building and 52 John Street, there is a small outdoor yard. This yard does not appear to be used by the ground floor shop of John Street, by the first floor flat or the building which is the subject of this application. Since all these buildings fall under the ownership of the applicant, it is intended to integrate the yard into the development site, thereby creating a small residential unit with access to outdoor amenity space.

The accommodation itself would consist of a kitchen/living room on the ground floor and a bedroom and a bathroom on the first floor. Windows would be inserted on the front and rear elevations of the building and it would include a large, dome-shaped roof light. This roof light would provide additional light and outlook throughout the entire building given the intention to



create an open-plan living arrangement with the central section of the first floor being left void.

All habitable rooms would achieve a standard level of amenity, such as light, outlook and privacy, which is comparable to town-centre living. It is acknowledged that this development does not strictly achieve the desired level of amenity that would normally be expected for residential accommodation, however, this is not a new-build situation which warrants the imposition of strict standards, but largely a conversion of an existing building which would bring numerous benefits to the locality. This includes the number of significant improvements to the visual amenities of the area and an opportunity to increase a smaller unit of accommodation, which subsequently encourages sustainable living in town-centre environments. These benefits are pertinent material considerations which must be given significant weight as part of a balanced decision. Furthermore, given the existing retailing use of the building, the first floor of this building could be converted into residential use by utilising permitted development rights.

In addition to the above, this accommodation would have access to outdoor amenity space, which is proportionate to the size of the unit and enables the occupier to undertake basic activities such as sitting out, drying clothes and storage of refuse. This outdoor space achieves better standard of amenity than other forms of accommodation in the town centre such as flats above shops, which have no access to outdoor space.

Regard is also given to an appeal decision for new-build residential development on previously developed land, off Poplar Mews, Porthcawl (P/06/1322/FUL refers). In allowing the development, the Inspector stated:

"On the first issue, the site is tightly confined and the area to the front of the proposed flats would be largely committed to car parking and bin storage. There would be only a small external amenity space remaining behind the building which would provide a garden and drying area. In addition, the flats would have kitchen and bathroom windows on each floor facing over this small area and I acknowledge that the outlook from the kitchens, in particular, would be restricted. However, these would be 1-bedroom units, in a relatively dense urban situation, close to the town centre and sea front. In my opinion, the living conditions they would provide would be satisfactory and, as the appellants point out, the flats would help satisfy an identified need for housing accommodation."

"Although the Council refers to 'generally accepted standards' not being met, they are not defined and in such situations I feel a reasonable a degree of mutual overlooking and restricted outlook is to be accepted if vacant or under-utilised land is to be efficiently utilised...Overall, I consider that the proposal would be an appropriate and acceptable use of a previously developed site in what appears to be a highly sustainable location."

Having regard to the above and to all relevant material considerations, it is considered that this development would not be so detrimental to the future occupiers of the unit so as to warrant refusal. It is, however, considered prudent to impose a condition for all boundary treatments to be agreed and to remove several permitted development rights from the new dwelling.

The application building is located at the rear of a row of commercial properties fronting John Street. All the ground floors of these neighbouring properties are in commercial use.

There are several residential flats above the shops, inclusive of 52 John Street which is within the red-line boundary of this application site and the two units immediately either side of the site (50 and 54 John Street).

The proposed development would result in the building increasing in height to 6m. Due to the commercial nature of the ground floor of neighbouring premises and that the first floor flats either side of the site have windows which would not directly face the development, it is considered that this scheme would not unreasonably affect their residential amenities.

It was noted during the site visit that the first floor flat above 52 John Street has one window on its rear elevation that directly faces the application building. This appears to serve a habitable room and it would face the rear-facing windows of the new dwelling and the proposed outdoor amenity space.

Whilst mutual overlooking between properties is common place in this locality, mainly due to higher density living attributed to a town-centre environment, this arrangement would unreasonably affect the privacy of both properties. However, since both properties are within the ownership of the applicant, it is possible to impose a condition for the existing window serving 52a John Street to be blocked up and a new window to be inserted on the side elevation. Whilst the repositioned window would face the first floor flat of 50 John Street, it would not directly face any habitable room window of that flat. In addition, it would appear that the outdoor space at the rear of this flat, is not used for domestic purposes. Subject to this condition, it is considered that this scheme would not detrimentally affect the amenities of any neighbouring property or the amenities of the future occupiers of the new dwelling.

This building has a retail use without any off-street parking. Furthermore, it has the ability to utilise its permitted development rights to accommodate a residential flat at first floor. This could also be achieved without any off-street parking.

Whilst this scheme would not have any off-street parking, it is located in a highly sustainable location, directly fronting a public car park. Regard is also given to an appeal decision for the change of use of an outbuilding at the rear of 12 Mary Street, Porthcawl to a dwelling. This outbuilding also backs onto John Street Car Park and was refused by this Authority on grounds that a satisfactory means of primary access cannot be provided to serve the pedestrian and vehicular traffic generated by this change of use proposal. In allowing the appeal, the Inspector stated:

"The development is a two bedroom dwelling and as such is likely to generate a significant number of vehicle movements. I consider that the private parking associated with the dwelling could be catered for by the adjacent public car park. Moreover, residents without cars may be attracted to the dwelling because of its town centre location. I consider that the incidence of delivery and service trucks visiting the site is likely to be low and intermittent."

Having regard to the above, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a condition excluding any doors or gates being fitted to the internal recessed porch on the front elevation of the dwelling.

The site is not located in a flood risk area and the proposal would primarily utilise an existing building. Subject to a condition for foul and surface drainage details being agreed, it is considered that this scheme would not have any significant adverse impact on drainage or increase the risk of flooding. The site is located within the town centre and is readily accessible to a range of other utilities.

## **CONCLUSION**

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

## **RECOMMENDATION**

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

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

Plans and Elevations as Proposed (received 5 October 2015)  
Cross-Section as Proposed (received 1 September 2015)  
Ground Floor Plan as Proposed (received 5 October 2015)  
First Floor Plan as Proposed (received 16 March 2015)  
Roof Floor Plan as Proposed (received 16 March 2015)

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 surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

- 3 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 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 approved in writing by the Local Planning Authority. The approved 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.

- 5 Notwithstanding the requirements of condition 1, no development shall commence until elevation drawings and details have been submitted to and agreed in writing by the Local Planning Authority, showing the existing rear-facing window serving the first floor flat, 52a John Street, being blocked-up and a new window being inserted on the side elevation, as shown on drawing 'Ground Floor Plan as Proposed' (received 5 October 2015). Development shall be carried out in accordance with the agreed details prior to the beneficial occupation of the new dwelling, hereby approved and retained in that format in perpetuity.

Reason: In the interests of privacy and residential amenity.

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

Reason: In the interests of visual and residential amenities.

- 7 Notwithstanding the requirements of condition 1, no door, gate or other means of enclosure shall be installed on the frontage of the recessed porch of the dwelling hereby approved.

Reason: To ensure a permanent pedestrian refuge from the adjacent highway, in the interests of pedestrian and highway safety.

- 8 Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority:

- a) Full details, design and means of opening of all glazing to be fitted on the front elevation of the development;
- b) Full details, design and colour of the Juliet-style balcony.

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 and in the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect the vitality, viability and attractiveness of Porthcawl Town Centre, privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

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

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

**Background Papers**

None

## **APPEALS**

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

<b>CODE NO.</b>	A/15/3133197 (1761)
<b>APP. NO.</b>	P/15/124/RLX
<b>APPELLANT</b>	MR M BUTLER
<b>SUBJECT OF APPEAL</b>	1 GREEN MEADOW CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The relaxation of condition 5 to permit the mast to be erected for a minimum of 5 hours in any 24 hour period would result in an unduly prominent and incongruous element in the street scene in full public view and, as such, would be detrimental to local visual amenities within this part of Cefn Cribbwr, contrary to Policy SP2 of the adopted Bridgend Local Development Plan.

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

<b>CODE NO.</b>	A/12/2179972 (1730)
<b>APP. NO.</b>	P/11/531/FUL
<b>APPELLANT</b>	CENIN LTD
<b>SUBJECT OF APPEAL</b>	PROVISION OF 1 WIND TURBINE ON SITE OF FORMER WATER TOWER: FORMER STORMY DOWN AERODROME
<b>PROCEDURE</b>	INQUIRY
<b>DECISION LEVEL</b>	NON-DETERMINATION
<b>DECISION</b>	WITHDRAWN

The appeal was withdrawn at the appellant's request.

---

### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

See relevant application reference number.

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## Margam Opencast Coal Site (OCCS) Update Report

### Background

Members will recall that the issues surrounding the above site were discussed at the January Development Control Committee. The reasons why full restoration of the site has not been undertaken and the position regarding the enforcement of conditions requiring the restoration of the site were explained in depth at that meeting. Members were advised that the cost of full restoration was somewhere in the region of £58 million whereas the current funds amount to only £5.6 million. In view of the likelihood of planning enforcement being unsuccessful and the serious amenity issues surrounding further coal operations, Committee resolved to pursue (in conjunction with Neath Port Talbot County Borough Council) methods of site restoration that did not involve additional coaling and secondly to investigate use of the existing restoration fund to explore methods of making the site safe. The Committee made it clear that there was no support for further coaling operations. The Committee also supported the proposal put forward by Neath Port Talbot Council to attend a joint public meeting. The meeting was held in March and an update report was presented to Committee on the 30<sup>th</sup> April 2015.

The previous reports may be accessed here:-

<https://democratic.bridgend.gov.uk/mgChooseDocPack.aspx?ID=2138>

<https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=164&MIId=2179&Ver=4>

The purpose of this report is to provide members with a further update on the current position regarding the site.

Since the last update report, meetings have been held with Celtic Energy and the land owner both in conjunction with NPT and individually with Bridgend officers. The main issues discussed relate to the safety, security and future restoration proposals for the Margam site.

Welsh Government arranged a Summit on open cast mining, which was held in July and attended by the Minister for Natural Resources, Carl Sargeant and representatives from planning authorities in the South Wales coalfield, Scottish Government, technical and legal experts, site operators and workers, and individuals from community groups that are active in the area. AMs and their representatives were also in attendance.

### Discussions with Land Owner and Celtic Energy.

Following the meetings with the land owner and Celtic Energy the following facts are established.

Margam opencast coal site is owned by 'Beech', which is a subsidiary of 'Oak Regeneration'. Celtic Energy's involvement on the site is limited to water monitoring and security. Celtic Energy confirmed that the liability for the site rests with the landowner i.e. Oak and whilst it continues maintaining water levels it cannot do so indefinitely. The pumping process is very expensive and a long term solution is needed to control water levels. This would need to be funded from the current restoration fund.

Currently, the pumping ensures that water levels are being maintained at or around 143m above ordnance datum (AOD) but this process will not significantly reduce the level in the void. Celtic has verbally indicated that it will carry out pumping until the middle of next year after which time there will be no further resources available continue. It is agreed by all parties that there is a need for a long term solution to control water levels. Celtic Energy has given an assurance that there will be a 3 month notice period of cessation of pumping operations. It has been suggested

that some form of channel from the void to existing water courses could be created to control the level in the void.

The price of coal has dropped considerably and both Oak and Celtic Energy agree that there is no future in coaling operations at Margam although they have previously put forward alternative after uses. Furthermore they have indicated that there is no opportunity to cross finance any scheme from other coal sites operated by Celtic Energy as these funds are individually ring fenced. Margam is the only site operated by Celtic Energy with insufficient restoration funds. Both local authorities have made it clear that there would be no support for any housing or commercial development on the site. However, recreation, leisure or alternative energy uses may be in principle acceptable subject to certain constraints. Any such proposals will require separate planning approval.

The landowner and Celtic have indicated that the complete restoration of the site is not financially achievable although a “light” restoration scheme has been discussed and which could be feasible. The scheme would seek to permanently control the void water, and include landscaping and re-profiling of the overburden mounds to provide a visual improvement. An engineered outlet to a water course would provide permanent control over the water levels. A future renewable energy scheme could also provide an income stream for ongoing maintenance.

The original restoration scheme involved the full reinstatement of Crown Road and Bedford Road, which were severed to accommodate the mine. This would clearly have a significant financial impact on the final restoration scheme and consideration should be given as to whether the reinstatement of rights of way may be achievable in the form of a bridleway or cycle path in any future proposal.

Celtic Energy has indicated that it would be prepared to submit a planning application for the scheme early next year. Whilst the void area is located within the NPT administrative district, a considerable part of the unrestored site is within Bridgend and this will necessitate the submission of applications to both authorities. A consensus between this Council and the neighbouring Neath Port Talbot will be critical to the success of any future restoration proposals.

#### Welsh Government Opencast Coal Summit – 9<sup>th</sup> July 2015

The focus of the summit was to discuss and consider with all stakeholders, actions to overcome the challenges of ensuring full and sustainable restoration of sites when opencast coal operations come to an end. It was clear from the summit that the situation is complex with a combination of strategic and locally driven issues. It is also clear that there is a shortage of staff with relevant skills within LPAs and fundamental resource issues and that the planning enforcement process as it stands is inadequate in practical terms for delivering timely full site restoration. In addition, Margam is considered to be a “legacy” site i.e. one that has been operated since privatisation of the Coal Industry but remains unrestored.

The situation is further compounded by the global market and other fiscal issues which present challenges for the industry. Consequently, particular communities are suffering both as a result of specific opencast sites but also due to the absence of restoration and remediation more generally.

The Minister has set out his intentions or moving forward by way of a written statement, which identified the following areas for further work:-

- Improving the resilience of the minerals planning service in Wales by pooling skills and expertise;



- Engaging local authorities, industry and communities in the joint Welsh Government/ Coal Authority work to prepare best practice guidance on the calculation, accumulation and management of bonds which would seek to establish a consistent basis for negotiations across Wales;
- a focused review of MTAN2, the scope of which would include consideration of the exceptions to the buffer zone policy;
- starting a dialogue with UK Government, particularly their stake on legacy sites (especially the portfolio sites on which there was immunity from bonding) and to feed back to a follow up event at a later date.

A representative from the Department of Environment and Climate Change is due to visit the site and speak to local representatives including the LPAs towards the end of October. Notwithstanding this the use of future central government funding to secure full restoration cannot be relied upon. Also, any subsequent changes to planning guidance or discussion on 'good practice' unfortunately will not help improve the legacy issues at Margam.

### Next Steps

As highlighted previously, the success of any further enforcement action on this site is extremely unlikely. Notwithstanding the issues with the validity of the Bridgend conditions, any enforcement notice is challengeable and even if it is ultimately upheld, this will not result in the full restoration of the site as originally envisaged as any enforcement action is to a certain extent dependent on the cooperation of the landowner. If the landowner company were to fold then it would be left to the local authorities to oversee the restoration with the limited funds available.

At present, the site operator Celtic Energy has indicated a willingness to engage with both LPAs in order to carry out the light restoration proposals described above and that it will continue with the pumping operations in order to maintain water levels in the void. However, the continued cooperation of this company will not be possible if in the future it ceases to operate. In any event Celtic Energy has made it clear that it will not continue pumping indefinitely. Once pumping stops, the water levels in the void will increase.

The Council as LPA has a duty to consider any planning application for an alternative restoration scheme which must be determined on its own merits in line with the LDP and national guidance taking into account any material considerations. In this case the long term safety of the site would be such a consideration and this will need to be balanced against the wider landscape, visual and social impacts. As the site is trans-boundary, applications will be submitted to both local planning authorities and consultation will be carried out within the communities affected.

If the light restoration scheme were to be submitted, agreed and approved, the water filled void will remain although the water levels will be controlled and there will be no reliance on mechanical pumping. The scheme must also be capable of securing the long term safety and security of the site as well as providing some tangible benefits in terms of visual and landscape amenity. This may be achieved by re-profiling works to the overburden mound and significant planting.

At a recent meeting, NPT Planning Committee resolved to pursue a light restoration scheme with the land owner and Celtic Energy utilising the current restoration fund. Negotiations are currently underway and a planning application is expected early next year. Under timescales discussed with Celtic Energy the restoration works may commence sometime during the middle of 2016 with an expectation that it is completed the following year. It may therefore be prudent to seriously consider any future proposal for the light restoration of the open cast site.

Members will be advised of any future developments.

**For Information**

**Recommendation:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

## Planning Application Fee Increase

The Town & Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 came into effect on the 1<sup>st</sup> October 2015.

Planning application fees are set nationally by Welsh Government and this increase which provides an average of 15% across the board is the first since 2009. Planning fees in England were similarly increased in 2012. Based on average fee income over the last 5 years, the increase is worth around £79,000 to Bridgend.

In a letter to all local planning authorities (copy attached) the Minister for Natural Resources outlined the importance of the planning service in delivering wider benefits to our communities and nationally. He also indicated an expectation that the uplift in income should be used by local planning authorities to improve services to its customers and be retained by the planning service, along with an appropriate amount of the Authority's budget, in order to provide and deliver the service customers expect.

Notwithstanding the Minister's expectations the planning fee increase will help to stem a further reduction in service levels as part of the medium term financial strategy but unfortunately will not be used to improve existing services. Whilst the importance placed on the planning function is encouraging, the new fees regulations also include a provision (Regulation 9) that requires local planning authorities to refund planning fees if applications are not determined within a certain timescale and agreement cannot be reached on extending this time period. This regulation will also apply to applications that are awaiting the completion of a legal agreement which, through no fault of the local planning authority, may be delayed. Planning fees for major schemes can run into many thousands of pounds.

There is concern that introducing this principle in the planning process will place increased emphasis on speed of determination rather than focussing on the quality of a decision and outcomes. This will result in greater pressures on the planning service in Bridgend in terms of performance particularly as the planning service has reduced by almost a half over the last 6 years due to budget cuts. Regulation 9 will create an incentive on a local authority to determine an application before important matters have been fully understood or alternatively to refuse consent. It should be noted that Bridgend, in common with many local planning authorities in Wales, opposed this proposal at the consultation stage.

Regulation 9 will apply to all planning applications submitted after the 1<sup>st</sup> October 2015. Whilst the vast majority of applications submitted to Bridgend are determined well within timescales, delays occur for a number of reasons. For example, the number of consultees to a major planning application can be quite extensive and local authorities have no control whatsoever on their response timescales, which will impact on the determination time particularly if it is critical to an informed decision. Similarly additional information is often required during consideration of an application as negotiations take place with developers, which may also extend the time taken to determine an application.

Officers will continue to monitor determination dates to ensure that where necessary an extension of time to determine is sought and agreed with the applicant. In the case that no agreement is reached then the risk of refunding application fees will inevitably increase. In the case of applications that are deferred at Committee it may be necessary to consider re-convening the

meeting or holding a separate special meeting out with the normal Committee cycle in order to ensure timescales are met.

The Leader has responded to the Minister's letter expressing concern over the introduction of Regulation 9 and requesting information or evidence as to why this approach has been adopted and how it will improve the planning process. The Committee will be advised if or when a response is received.

For information

**Recommendation:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None.

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyflwr ref  
Ein cyflwr ref

Mr Darren Meapham  
Chief Planning Officer  
Bridgend County Borough Council,  
Civic Offices, Angel Street  
Bridgend, CF31 4WB

MS  
→ 24/08/15 / 5:24 PM

19 August 2015

Dear Mr Meapham

**Resourcing the Planning Services of Local Planning Authorities.**

I am writing to you to ensure that adequate resources are made available to provide a positive, enabling planning system at the local level. An adequately resourced statutory planning service, both in terms of preparing and keeping up to date Local Development Plans (LDPs) and deciding planning applications is essential and brings many benefits to businesses and the community, providing local authorities with the essential tools to provide leadership when planning for places. Investing in planning is a sound investment for local authorities. It provides a mechanism to secure essential local infrastructure in a time of austerity, creates job opportunities and can increase the local revenue base.

The proposals I have taken forward in the Planning (Wales) Act 2015 will support the creation of a positive enabling planning service. I expect every local authority to play a full part in delivering resilient planning services locally. Through the actions that I have taken Wales will have an up to date plan led approach which we can all be proud of. In the development management system new measures will help applications to be dealt with promptly, in a consistent manner, providing certainty for developers and communities.

I have provided resources to support local delivery of positive and enabling planning services. I recently made new planning fees legislation<sup>1</sup> that will come into force on 1 October 2015. This legislation will bring forward an overall increase in planning fees by 15 percent, as well as other changes that will increase the revenue available to local planning authorities. Averaged across the 25 local planning authorities this amounts to an increase in annual fee income of around £90,000.

With this increase in fees I expect renewed focus by local planning authorities on improving their service to customers. I am all to aware of the austerity local authorities are facing across all service areas but I expect this money to be retained for use by the planning

<sup>1</sup> The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

service, as I see this increase as one of the measures that can help in delivering much needed resilience in our planning system. This means that local authorities need to commit an appropriate amount of the authority's budget to their planning service to provide the service customers expect and deliver the wider benefits planning can bring to our communities and nation.

From this November your authority will produce an annual performance report for the planning service which is a good opportunity to reflect on what has gone well during the year and identify those areas of the planning service where improvements could be made. In the meantime, indicators showing the performance of every local planning authority in Wales are published every quarter on the Welsh Government website. This is a further opportunity for your authority to reflect on its service to customers and the resources that support it.

Yours sincerely

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

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## **The Annual Performance Report**

The Annual Performance Report (APR) is a factual public document which outlines how a local planning authority has performed against set indicators identifying what it did well so that this can be shared with others, and what steps might be taken to address areas of performance in need of improvement.

The requirement for an APR was proposed as a result of the “Positive Planning” consultation in December 2013. Welsh Government (WG) consulted on a series of proposals for measuring the performance of key stakeholders in the planning service which includes local planning authorities. WG worked with the Welsh Local Government Association (WLGA) and the Planning Officer’s Society for Wales (POSW) to agree a report structure.

Following adoption of the performance framework indicators in November 2014, local planning authorities must submit an APR every November with the first reports due this year on November 20<sup>th</sup>.

A copy of the performance table is attached. This table reports on the performance of all Welsh local planning authorities against the agreed indicators, over the period July 2014 to June 2015. The performance framework is intended to identify examples of good performance by planning authorities in delivering a planning service for Wales, as well as opportunities for improvement. There are a number of anomalies on the statistical table, which are being addressed by Welsh Government, however Bridgend’s performance is indicated as being generally above average across the board for this period.

As well as the statistical information described above the APR contains sections describing the context of the local area, current issues, development plan status and links to other Council strategies, the planning service and its relationship to the Council’s structure, budgets and corporate issues as well as service constraints and user satisfaction.

A draft APR is currently being produced and Members will be updated once the document has been finalised.

The relevant pages on the Welsh Government Web site are available here:-

<http://gov.wales/topics/planning/planningstats/performance-framework/?lang=en>

For information

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

None.





## **Supplementary Planning Guidance – Open Space Provision**

In accordance with the revised procedures agreed following the training session in July, Members will be involved with the formulation, preparation and publication of future supplementary planning guidance (SPG). The first SPG under this procedure is Open Space Provision, which will apply to new residential developments.

Nominations are required for up to three DC Committee members to sit on the Open Spaces SPG group, which will comprise of planning officers together with colleagues from other Council sections.

The next stage will be to convene a scoping meeting, to establish the purpose extent and evidence base required for the document and to agree a timescale. A draft SPG will be produced and discussed at a future training or workshop session. The nominated members will assist in the facilitation of the session.

The final document will require DC Committee and Council approval.

### **Recommendation**

That committee agree up to three members be nominated to assist with the preparation of the Open Spaces SPG.

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

### **Background Papers**

None.

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## **TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Rhodri Davies - <i>Development &amp; Building Control Manager, Development Group, BCBC</i>	"Planning enforcement"	15 October 2015	12.45pm

Jonathan Parsons - <i>Group Manager Development, BCBC</i>	"Future of the Planning Service"	26 November 2015	12.45pm
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- This session will look at the current level of service provided by the Development Section, the performance standards set both locally and nationally, the future of the paid preliminary enquiry service and the potential for collaborative working.

- The Development Control Customer Charter was last approved by Committee in 2011 at a time when the staffing structure was larger. There are also similar documents on Enforcement, staff conduct and a plethora of general advice leaflets. The time has come to review these documents and the standards in light of the reduction to the Planning Service and changes introduced by Welsh Government. The aim is to produce a single coherent set of standards and advice notes together with a new Members' handbook to reflect the current climate.
- The paid PE service was introduced in April 2011 and has proven to be very successful. As part of the Wales Planning Act, it will be compulsory for developers to engage in pre-application discussions for major development. Welsh Government also intend to introduce a base line pre-application advice service for all Welsh planning authorities, which will include charging for householder preliminary enquiries. This provides an opportunity for Bridgend to review its service, build on its success and offer a more bespoke procedure that will offer the advice potential developers need as well as being good value.
- Financial constraints forced upon Councils in Wales have had an inevitable impact the services delivered including Planning. The message coming from Welsh Government is as Planning Service is critical for delivering wider benefits to our communities and nationally, that collaboration may provide an answer to dwindling resources and this may include service level agreements, joint procurement processes and even joint development plans. Bridgend may need to investigate the potential for joint working with its neighbours in order to be adequately prepared for the future.

Members may wish to look at the information currently provided to the public available on the planning pages on the Council's website and familiarise themselves with the contents before the next training session. The planning web pages are available at the following link:-

<http://www1.bridgend.gov.uk/services/planning.aspx>

There may be a need for further training sessions on these specific areas in due course.

### **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

15<sup>TH</sup> OCTOBER 2015

#### REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

#### PORTHCAWL CONSERVATION AREA APPRAISAL AND PROPOSED EXTENSION TO CONSERVATION AREA

#### 1. Purpose of Report

- 1.1 The purpose of this report is to advise Members that a conservation area appraisal and draft management plan for Porthcawl Conservation Area has been prepared as part of a programme of conservation area appraisals. Members' agreement is sought to consult on one of the recommendations, namely the proposed extension of the Porthcawl Conservation Area.

#### 2. Connections to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The conservation area appraisal and management plan and proposed extension of the Porthcawl Conservation Area will contribute towards Corporate Improvement Priority One "Working Together to Develop the Local Economy" and Communities Directorate Priority "Continue to implement key regeneration projects and programmes to enhance and develop our economy". The Regeneration Service Priorities include the action of a "Review of recommendations of Porthcawl Conservation Area appraisal and Management Plan"

#### 3. Background

- 3.1 Porthcawl Conservation Area was designated in August 1973 and currently consists of those parts of the town which were substantially complete during its period of industrial growth before 1885. It includes the original tidal basin, breakwater & harbour light, giving the town its maritime character and the historic square and surrounding area.
- 3.2 The conservation area appraisal and draft management plan for Porthcawl was prepared as part of a wider programme of conservation area appraisals for the County Borough's 15 existing Conservation Areas.
- 3.3 The completed draft appraisal and management plan for Porthcawl Conservation Area made a fundamental contribution to the successful Porthcawl Townscape Heritage Initiative application to the Heritage Lottery Fund, which has already enabled the sympathetic repair and restoration of the Lookout Tower (Grade II Listed) and the Customs House (Grade II Listed) and continues to contribute to wider regeneration programme for Porthcawl, including forming part of our successful marketing of the Jennings Building. Members will be aware from recent presentations / workshops of the benefits of the heritage led regeneration in a conservation area.

#### **4. Current Situation**

- 4.1 The Heritage Lottery Fund requires this Authority to demonstrate its commitment to conservation principles in order to sustain any investment by the Porthcawl Townscape Heritage Initiative in the longer term. To satisfy this requirement, a conservation area management plan was prepared for Porthcawl Conservation Area. Whilst resources are not available to undertake all of the proposed actions contained in the management plan, Members are advised that the management plan recommends an extension of the existing conservation area boundary.
- 4.2 The existing Conservation Area boundary is shown in Appendix A (in green), the proposed extension (in red) to the boundary incorporates the following additional areas (See Appendix A in red);
- John Street – the addition of a further length of John Street /Hillsboro Place northwards from Well Street to Lias Road, which includes two listed buildings, numerous fine examples of Victorian and Edwardian shopfronts individually and in terraces and much of the main commercial centre of Porthcawl.
  - Esplanade Avenue and part of Picton Avenue – residential properties represent some of the finest examples of the turn of the century terraced villa housing.
  - Seafront open space around Irongate Point – inclusion of the open space which forms part of the important setting and viewpoint for the Esplanade and longer distance views of Glamorgan and the North Devon coasts.
- 4.3 The proposal to extend the conservation area boundary will be the subject of consultation with affected property owners, stakeholders and the wider community of Porthcawl. It is proposed, subject to the agreement of Members, that the consultation will commence at the time of the Porthcawl THI scheme event planned for Friday 20<sup>th</sup> November 2015.
- 4.4 The extension of the conservation area is also a pre-requisite to enable the town centre properties to form part of a potential phase II application for Porthcawl Townscape Heritage scheme.

#### **5. Effect Upon Policy Framework & Procedure Rules**

- 5.1 Local Authorities have a statutory duty to consider whether areas merit the designation of a conservation area. If the extension is confirmed this Authority will control works that would otherwise may be classed as permitted development, including the demolition of buildings, removal of chimneys (dwellinghouses), external cladding (dwellinghouses) and removal of trees. Strategic Policy SP5 in the adopted LDP will also be relevant in the determination of planning applications.

#### **6. Equality Impact Assessment**

- 6.1 A screening exercise using this Authority's Equality Impact Assessment Toolkit has been undertaken. There is likely to be a low impact on some groups including disabled people and Welsh speaking individuals. Account will be taken of these requirements in the arrangement of any consultation events and

through the translation of relevant literature. Events planned will take account of equality of access for all specified groups.

## **7. Financial Implications**

7.1 There are no direct financial implications from this report.

## **8. Recommendations**

8.1 Members are requested to authorise officers to:

1. Consult the public on the proposed extension to the Porthcawl Conservation Area; and
2. Report back on the results of the consultation.

**MARK SHEPHARD**  
**Corporate Director – Communities**

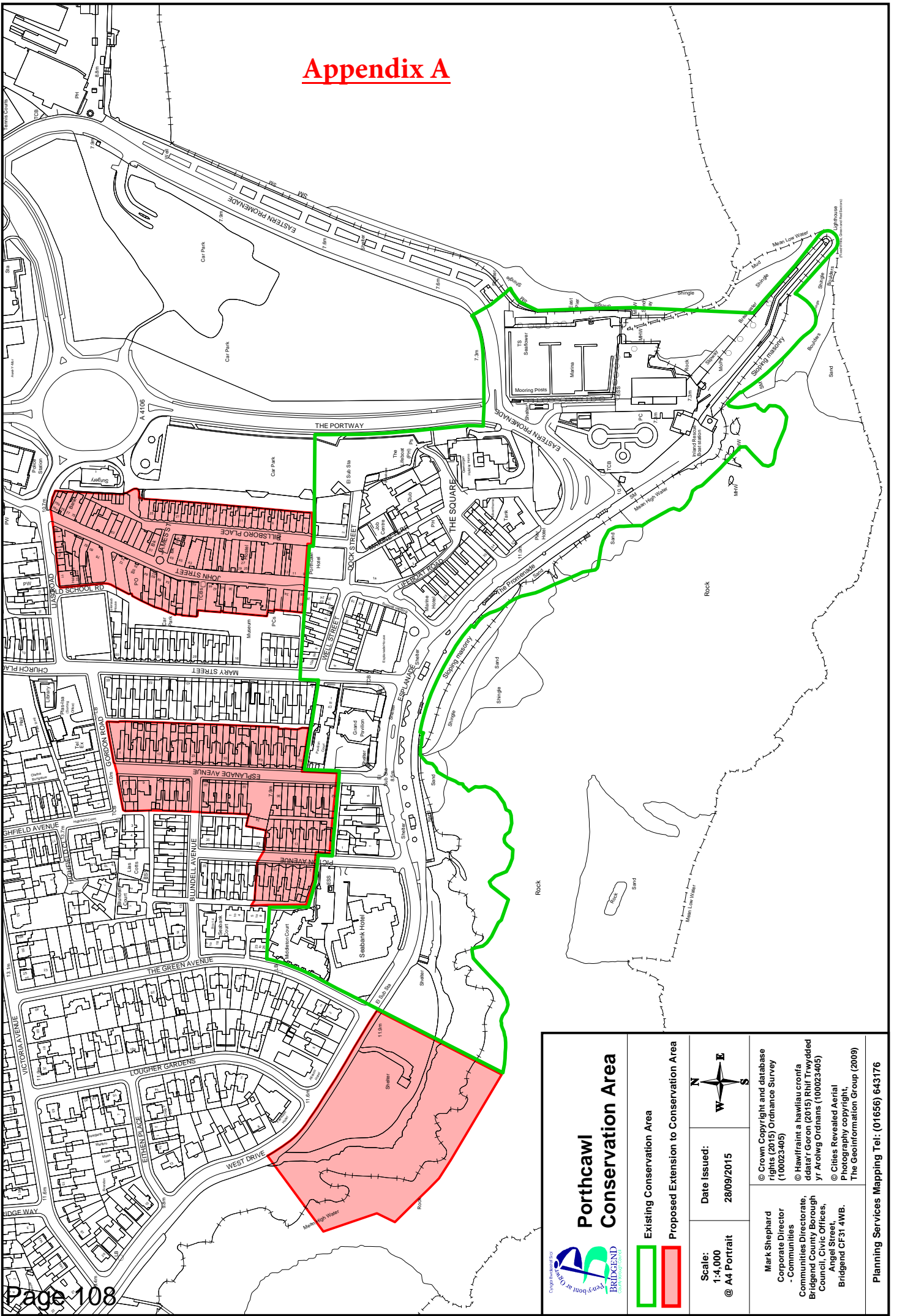
**15<sup>th</sup> October 2015**





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Civic Offices, Angel Street  
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### **Background documents**

Draft Conservation Area Appraisal and Management Plan 2014

# Appendix A



 <h2 style="margin: 0;">Porthcawl Conservation Area</h2>			© Crown Copyright and database rights (2015) Ordnance Survey (100023405) © Hawffraint a hawliau cronfa ddata'r Goron (2015) Rhif Trwydded yr Arrolwg Ordhans (100023405) © Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)
Scale: 1:4,000 @ A4 Portrait	Date Issued: 28/09/2015	Mark Shephard Corporate Director - Communities Communities Directorate, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB.	
Existing Conservation Area 	Proposed Extension to Conservation Area 	Planning Services Mapping Tel: (01656) 643176	