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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**

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Ask for / Gofynnwch am: Mr Mark Anthony Galvin

Our ref / Ein cyf:

Your ref / Eich cyf:

**Date / Dyddiad:** 24 December 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 on **Thursday, 7 January 2016 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 17 February 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 10  
To receive and confirm the Minutes of a meeting of the Development Control Committee dated 26 November 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,

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so as to take account of late representations and revisions that require to be accommodated.

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10.	<u>Appeals</u>	79 - 96
11.	<u>Cosy Corner, Porthcawl Harbour Planning Development Brief</u>	97 - 146
12.	<u>Training Log</u>	147 - 148
13.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency	

Yours faithfully

**P A Jolley**

Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Councillors:

N Clarke  
GW Davies MBE  
PA Davies  
L Ellis  
CA Green  
RC Jones

Councillors

DRW Lewis  
JE Lewis  
HE Morgan  
LC Morgan  
D Patel  
JC Spanswick

Councillors

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

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 26 NOVEMBER 2015

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 26 NOVEMBER 2015 AT 2.00 PM

Present

Councillor M Thomas (Chairperson)

Councillors

N Clarke  
GW Davies  
PA Davies  
CA Green  
RC Jones

Councillors

DRW Lewis  
HE Morgan  
LC Morgan  
JC Spanswick  
JE Lewis

Councillors

G Thomas  
C Westwood  
JH Tildesley  
R Williams  
M Winter

Officers:

Sarah Daniel	Democratic Services Officer - Committees
Rhodri Davies	Development & Building Control Manager
Jane Dessent	Lawyer
Craig Flower	Team Leader Technical Support
Mark Galvin	Senior Democratic Services Officer - Committees
Tony Godsall	Traffic and Transportation Manager
Rod Jones	Senior Lawyer
Susan Jones	Development Planning Manager
Robert Morgan	Transportation Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Senior Democratic Services Officer - Committees

650. APOLOGIES FOR ABSENCE

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

Councillor D Sage – Hospital appointment

651. DECLARATIONS OF INTEREST

Declarations of interest were received from the following Members:-

Councillor N Clarke – P/15/429/FUL – Personal interest as a member of Porthcawl Town Council who takes no part in planning matters.

Councillor J C Spanswick – P/15/429/FUL – Prejudicial interest as he was a board member on V2 Coast who owned the land in question. Councillor Spanswick left the meeting whilst this item was discussed.

Councillor R C Jones – P/15/429/FUL – Prejudicial interest as she owned property in the vicinity of the application site. Councillor Jones left the meeting whilst the item was discussed.

Councillor G W Davies – P/15/214/FUL – Prejudicial interest as Interim Clerk of Garw Valley Community Council who had previously discussed the application. He also personally knew 3 or 4 persons who had objected to the application.

652. 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 6 January 2016

653. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 15 October 2015, be approved as a true and accurate record.

654. PUBLIC SPEAKERS

The Chairperson read out for the benefit of those present, the names of the public speakers addressing the following application which was considered at the meeting:-

<u>Name</u>	<u>Planning Application No:</u>	<u>Reason for Speaking</u>
J Robertson	P/15/429/FUL	Objector
C Johnson	P/15/429/FUL	Applicant

655. AMENDMENT SHEET

The Group Manager Development advised that in accordance with new procedures, and following the Chairperson's consent, Members had received the Amendment Sheet following the Site Visit 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

656. P/15/368/OUT - LAND AT PARC EWENNI, EWENNY INDUSTRIAL ESTATE, BRIDGEND

RESOLVED: That the following Planning Application be deferred to the next scheduled meeting at the request of the applicant's Agent, in order that all outstanding issues are reviewed and addressed, including outcomes relating to the undertaking of a Noise Survey:-

<u>Code No.</u>	<u>Proposal</u>
P/15/368/OUT	Land at Parc Ewenni, Ewenny Industrial Estate, Bridgend – Construction of up to 240 Res. Units, 1123M.SQ of A1/A2/A3/D1/D2 Development, Public Open Space & Highway works

657. P/15/429/FUL - COMMUNAL AREA ADJACENT TO 35, PWLL-Y-WAUN, PORTHCAWL

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

<u>Code No.</u>	<u>Proposal</u>
-----------------	-----------------



P/15/429/FUL                      Communal area adjacent to 35, Pwll-Y-Waun, Porthcawl –  
Remove existing grass communal area provide 4 No. visitors  
Off Street Parking & associated works.

658. P/15/214/FUL - HARDEN HOUSE, 115 OXFORD STREET, PONTYCYMER

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

Code No.                              Proposal

P/15/214/FUL                      Harden House, 115 Oxford Street, Pontycymmer – Convert  
Offices to 6 No. 3 Storey Dwellings

Subject to the additional Condition 6:-

6. The two parking spaces to the south east of the building shall  
be retained for the parking of residents vehicles in perpetuity.

Reason: To ensure that the on-site parking spaces are available  
for use by the future occupiers of the dwellings

659. P/15/351/FUL - GREYFRIARS BARN, CLEVIS HILL, PORTHCRAWL

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

Code No.                              Proposal

P/15/351/FUL                      Greyfriars Barn, Clevis Hill, Porthcawl - Conversion and  
extension of existing Barn and Outbuildings to create a  
dwelling

660. APPEALS

RESOLVED:                      (1) That the following Appeal received as outlined in the  
report of the Corporate Director – Communities be noted:-

Code No.                              Subject of Appeal

A/15/3136250 (1762)                      A small scale standby electricity generation plant in  
individual sound proof containers: Land north west side of  
Coity Road, Bridgend.

- (2) That the Inspector appointed by Welsh Ministers to  
determine the following Appeal, has directed that the  
Appeal be DISMISSED (See Appendix A to the report)

Code No.                              Subject of Appeal

A/15/3128677 (1757)      Proposed construction of 2 No. bedroom dormer bungalow – Resub of P/14/687/FUL: Land adj. 16A Danycoed, Blackmill

- (3) That the Inspector appointed by Welsh Ministers to determine the following Appeal, has directed that the Appeal be ALLOWED, subject to Conditions (See Appendix B to the report)

<u>Code No.</u>	<u>Subject of Appeal</u>
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A/15/3121472 (1758)	Convert 6 No. Stables to 2 No. Self-Contained Holiday Units: Ar Graig, Laleston
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661. THE BUILDING REGULATIONS AND C. (AMENDMENT NO. 3) AND DOMESTIC FIRE SAFETY (WALES) REGULATIONS 2013 - RESIDENTIAL AUTOMATIC FIRE SUPPRESSION SYSTEMS

The Corporate Director – Communities submitted a report, which advised Members that from the 1 January 2016 all new homes, and homes created by a 'Material Change of Use' in Wales will be required by the Welsh Building Regulations to be fitted with an automatic fire suppression system.

The requirement is specific to new homes, although the requirement has been in place for Care Homes and other residences that are used for sleeping accommodation since April 2014.

The requirement also has created work opportunities, with Neath Port Talbot College are currently operating upgrading courses for plumbers as well as re-skilling courses for individuals in the installation of the systems.

The Minister for Housing and Regeneration, Carl Sargeant, announced a Welsh Government funded programme for the design and installation of fire sprinklers in social housing. The scheme has been operating for nearly a year looking at the;

- Design & installation
- Costs & cost savings
- Water supply issues
- Application of statutory guidance
- Experience of all key stakeholders

The Group Manager Development concluded the report by outlining certain background legislation in relation to the Regulations.

RESOLVED:                      That the report be noted.

662. 2015 ANNUAL MONITORING REPORT FOR BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) 2006-2021

The Development Planning Manager presented a report, and outlined that this was the first Annual Monitoring Report (AMR) of the Local Development Plan (LDP) to be submitted to Welsh Government since the Plan's adoption. It was a statutory requirement, for this to be submitted by 31<sup>st</sup> October each year.

Its function she explained, was to monitor whether the Council's land-use policies are being successfully implemented. Policies are considered against the monitoring framework set out in Chapter 7 of the LDP the Development Planning Manager added.

The AMR was required to identify policies that are not being properly implemented, and to outline the reasons why and what action is required to remediate this, and whether it is necessary to start on an early revision of the Plan, due to non-implementation.

Some reasons for non-implementation are out of the Council's control and these additional factors are also set out in the document to give some context she advised.

Specifically the AMR needs to set out housing land supply and the number of additional houses built in the preceding year.

Some of the key findings of the AMR, were:-

- From the Joint Housing Land Availability Study 582 new homes have been built – representing a land supply of 5.4 years.
- Since 2009, 880 affordable units have been built 588 of which are for general needs.
- Only 0.45 hectares of employment land has been taken up on allocated sites. Although this does not represent the underlying health of the local economy as the number of 'jobs' has risen.
- Vacancy rates for our town centres are below 15%. 7.7% for Porthcawl, 14.4% for Bridgend, and 10.8% for Maesteg (survey date was October 2014).
- Many LDP town centre schemes have been completed or are progressing e.g. Maesteg Outdoor Market and the Rhiw Development.
- A significant contribution is being made to national renewable energy targets, with wind generating capacity at almost 80mw, higher than estimated for the 'Strategic Search Area' near Evanstown.

The evidence suggests that a review of the LDP is not required at this time she stated, but was scheduled for 2017.

RESOLVED: That the report be noted.

663. RENEWABLES IN THE LANDSCAPE SUPPLEMENTARY PLANNING GUIDANCE (SPG)

The Development Planning Manager presented a report, confirming that this Supplementary Planning Guidance (SPG) was being brought back to Committee after consultation at the end of last year.

She confirmed that 6 organisations made representations to the consultation, and each comment has been considered and the comments were included at Appendix A in the document, with no changes being recommended as a result of the comments.

The document provided guidance on the relative sensitivities of BCBC's varied landscapes, the 15 character areas, to wind and solar renewable energy proposals, and acted as a first 'step' in helping to direct developments to least sensitive landscapes.

The SPG stated however, that it was strategic level guidance and each proposal would be assessed on its own merits.

The document will be useful evidence she explained, in the case of the appeal hearing for the Caerau proposal for a solar farm.

The Officer responded to certain questions from Members on the content of the report, following which, it was

**RESOLVED:**

That the Committee

- (1) Considered the representations, endorsed the suggested reasoned responses and approved the decisions and actions (not to amend the document as a result of consultation).
- (2) Recommended that Council adopts SPG20 – Renewables in the Landscape as Supplementary Planning Guidance to the adopted Bridgend Local Development Plan.

**664. FUTURE SUPPLEMENTARY PLANNING GUIDANCE (SPG)**

The Corporate Director – Communities submitted a report, that advised Members that in addition to the preparation of an SPG relating to Recreation and Residential Development in the new year, work was also progressing on 2 other SPG's, namely:-

- Safeguarding Retail Services
- Landscape and Local Character: A Green Infrastructure Approach

The report also advised that work would also progress on updating the Council's suite of design guidance documents, where SPG2 – Householder Development, and SPG 8 – Residential Development Design Guides, etc were to be combined to form one SPG.

Members were asked to nominate participants onto Working Groups to progress these SPG's, which would be brought forward in the new year.

**RESOLVED:**

That the following Members be nominated to sit on the under mentioned Working Groups to progress the stated SPG's:-

**Safeguarding Retail Services**

Councillor R C Jones  
Councillor N Clarke  
Councillor J H Tildesley

**Landscape and Local Character: A Green Infrastructure Approach**

Councillor J C Spanswick  
Councillor M Thomas

**Householder Development/Residential Development and Design Guidelines**

Councillor R C Jones  
Councillor G Thomas

665. TRAINING LOG

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

666. URGENT ITEMS

None

The meeting closed at 3.54pm

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## **Development Control Committee Guidance**

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

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

### **STANDARD CONDITIONS**

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### **STANDARD NOTES**

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

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

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

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

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

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

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



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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

## RECOMMENDATION : SECTION 106

**REFERENCE:** P/14/388/FUL

**APPLICANT:** MR M J MORDECAI  
C/O MR JOHN MATTHEWS ANGLESEY HOUSE 47 ANGLESEY WAY  
PORTHCAWL

**LOCATION:** LAND OFF ALL SAINTS WAY PENYFAI BRIDGEND

**PROPOSAL:** RESIDENTIAL DEVELOPMENT COMPRISING 4NO. DETACHED  
DWELLINGS AND ASSOCIATED SERVICES

**RECEIVED:** 5th June 2014

**SITE INSPECTED:** 18th June 2014  
**SITE INSPECTED:** 20th June 2014

### APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect 4 detached dwellings on this parcel of land located between All Saints Way and Clos Iechyd, Pen y Fai.

The application proposes 4 detached four bedroom houses measuring 11.7m x 8.32m finished with hipped roofs reaching a maximum height of 9.1m. The properties will be of identical design and include a balcony on the rear elevation. Each property will be served by a detached garage, 2 off street parking spaces and amenity space.

Access to the site will be via All Saints Way and a driveway with a turning head is proposed within the site.

The site is located to the north of Clos Iechyd (Cavendish Parc), BCBC playing fields are located directly to the east of the site, a parcel of land owned by BCBC is located to the west and All Saints Way is located to the north. A footpath linking All Saints Way to the Cavendish Parc estate lies directly to the west boundary, between the application site and the parcel of land owned by BCBC.

### RELEVANT HISTORY

None

### PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 15 September 2014.

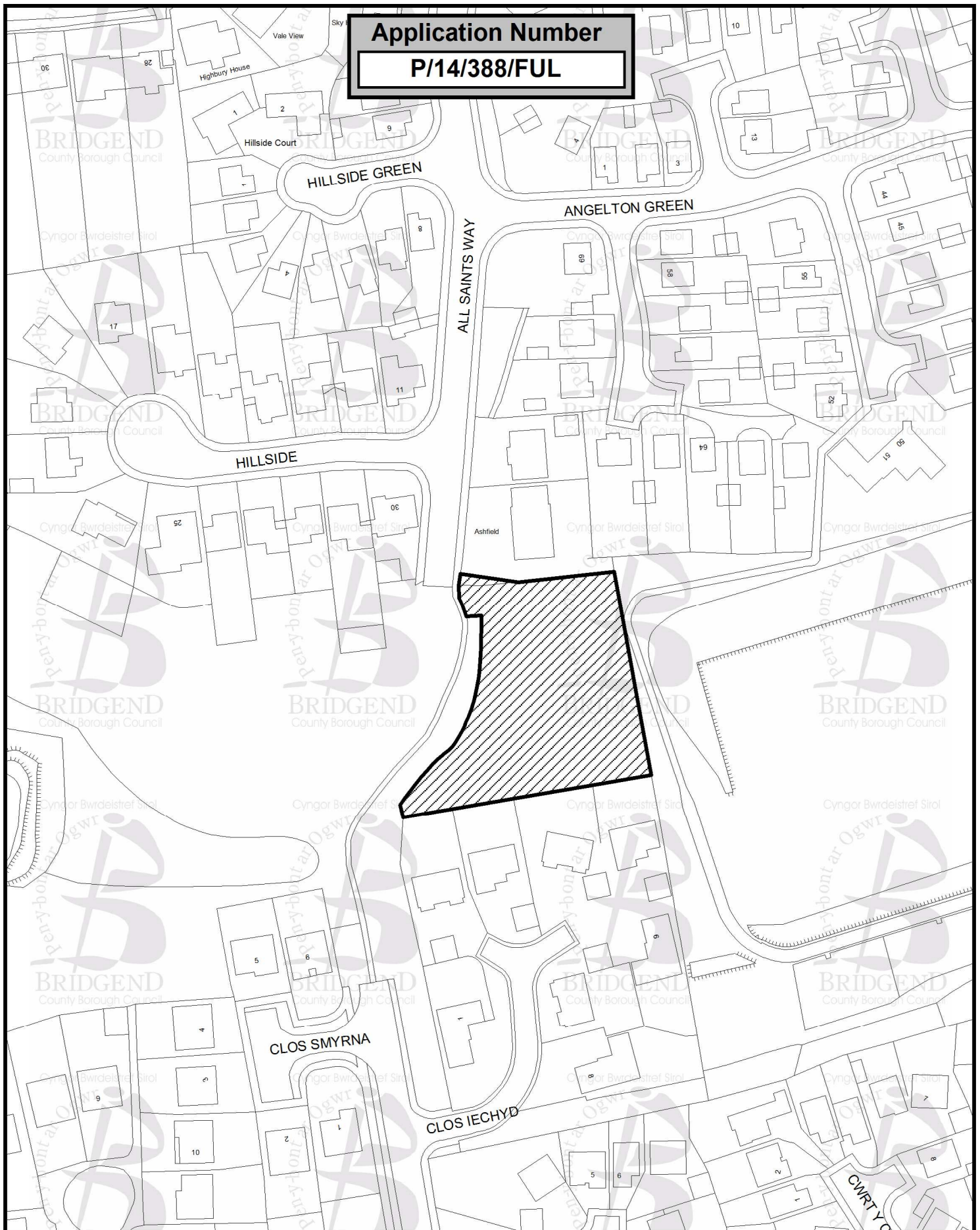
### NEGOTIATIONS

Negotiations were undertaken in regard to the layout, highway implications and S106 contributions.

An amended plan, which reduced the overall development from 5 to 4 dwellings was received on 18 August 2014 and a contribution sum of £73,428 in respect of affordable housing was agreed on 5 July 2015.

Application Number

P/14/388/FUL



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Scale 1:1,250

Date Issued:  
23/12/2015

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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Following discussions in relation to land ownership and site access a further amended layout plan was received and neighbours were re-consulted on the application.

## **CONSULTATION RESPONSES**

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

Notified on 6th June 2014

#### **Councillor D Lewis**

Has requested that the application is subject of a Full Committee Site meeting in relation to infrastructure, access, drainage and privacy.

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

Has no objection to the proposal subject to conditions.

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

Requested that a condition be attached to any permission granted.

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

Advised the collection of refuse/recycling will have to take place close to the boundary of the site adjacent to the nearest adoptable highway i.e. All Saints Way.

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

Advised on Drainage and requested that a condition be attached to any consent granted.

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

Has no observations to make on the proposal.

#### **Natural Resources Wales**

Requested that notes be attached to any permission granted.

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

Advised on sewerage

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

Requested that a note be attached to any permission granted.

#### **Chief Fire Officer**

Advised that there should be vehicle access for a pump appliance within 45m of all points of any dwelling house.

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

Advised that it is unlikely that significant archaeological features would be disturbed during the proposed development that would require mitigation.

#### **Head Of Parks & Playing Fields**

Raised no objection to the development and advised that, as the site proposes less than 10 dwellings, an offsite contribution towards public open space is not required.

## Head Of Property & Finance

Advised that the application site was not within BCBC ownership.

### REPRESENTATIONS RECEIVED

#### Objections Were Received From The Following Local Residents:, -

L & I Jenkins - 1 Clos lechyd, Pen y Fai (requested to speak at Committee)  
N Thomas - 2 Clos lechyd, Pen y Fai (requested to speak at Committee)  
L Mellor - 3 Clos lechyd, Pen y Fai (requested to speak at Committee)  
D Evans - 4 Clos lechyd, Pen y Fai (requested to speak at Committee)  
D Lambert - 5 Clos lechyd, Pen y Fai  
R Rees - 7 Clos lechyd, Pen y Fai  
K & A Lang - 3 Clos Smyrna, Pen y Fai  
G Jenkins - 4 Clos Smyrna, Pen y Fai (requested to speak at Committee)  
A Nicholas - 6 Clos Smyrna, Pen y Fai  
D & D Matthews - 6 Clos lechyd, Pen y Fai  
A Thomas - 7 Hillside, Pen y Fai  
CM Bunn - 11 Hillside, Pen y Fai  
A Morgan - 30 Hillside, Pen y Fai (requested to speak at Committee)  
Mr & Mrs Shelly - 14 Hillside, Pen y Fai  
R Williams - 70 Chantal Avenue, Pen y Fai  
J Powell - 60 Angelton Green, Pen y Fai  
Mr & Mrs Job - 65 Angelton Green, Pen y Fai  
Mr & Mrs D Shaw - 66 Angelton Green, Pen y Fai  
Mr & Mrs Packman - 67 Angelton Green, Pen y Fai  
S Roberts - 5 Angelton Green, Pen y Fai  
M Griffiths - 8 Angelton Green, Pen y Fai  
K & R Collins - 4 Angelton Green, Pen y Fai  
M Hart - 1 Clos y Talcen, Pen y Fai  
P Wickes - 17 Blease Close, Wiltshire

The objections have been summarised as follows:-

1. Visual impact/ design out of keeping
2. Loss of privacy
3. Dominate the properties on Clos lechyd and impact on residential amenities
4. The application site is a habitat for protected species, including bats, slow worms and mice. An ecological survey should be submitted.
5. Unable to view plans on the Council's website and no site notices have been erected
6. Highway and pedestrian safety concerns
7. Parking problems
8. Noise pollution
9. Restrictive covenants on the land
10. Further development will exacerbate the existing drainage problems & increased surface water run-off and flooding
11. Overdevelopment of this area of Pen y Fai
12. Public Right of Way should be protected
13. The proposed houses will not assist with housing shortage
14. Development in a Green belt area
15. Drainage will be linked to properties on Clos lechyd and access to the drains will not be given to the applicant.
16. Loss of light and overshadowing to properties of Clos lechyd

17. Disturbance caused by dust and building works
18. Boundaries of the site have been moved
19. Applicant has been working with BCBC on a joint development
20. The application forms states that there are no trees on site
21. Potential for further development
22. The land is rock and will require pile driving which will cause damage to surrounding properties
23. Steep nature of the land is not appropriate for residential development
24. Impact on the existing footpath, loss of countryside feel and green space
25. Loss of views
26. Archaeological impacts
27. Lack of Transparency
28. Japanese Knotweed on site
29. The area was designated as a playing field in the UDP

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

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

The application has been assessed by both the Council's Ecologist and Natural Resources Wales. It is not necessary for any additional ecological survey works to be undertaken on the site and no objections to the proposal have been raised subject to a condition regarding the control of Monbretia and Himalayan Balsam.

Site Notices were erected, neighbours that share a boundary were notified and the application plans are available to view on line.

The Transportation Development Control Officer has assessed the amended scheme and has no objections to the proposal in terms of its impact on highway and pedestrian safety and parking provision. Furthermore, the application does not propose a highway linking All Saints Way to Clos Smyrna nor does it propose to remove the footpath linking the areas.

The introduction of 4 residential dwellings is not considered to give rise to any overriding concerns in terms of noise pollution.

Restrictive covenants are a private matter outside of the planning process.

The Land Drainage Officer and Welsh Water Dwr Cymru have assessed the scheme and have not raised any objections to the proposal, but have requested that a pre-commencement condition be attached to any permission granted requiring a full integrated drainage system to be submitted to and agreed in writing by the Local Planning Authority (LPA).

The application site does not include the footpath to the west and, as such, there will not be any adverse affect of the footpath in the long term. However, during construction of the dwellings there may be some disruption to the Public Right of Way at the point of the proposed site access. The developer may require a temporary closure of the Public Right of Way before works commence and a note shall be attached to any permission granted advising the developer of this.

The proposed layout of 4 dwellings on this site is not considered to be overdevelopment as it does not result in any unacceptable levels of dominance, overshadowing or an infringement in privacy standards.

The addition of 4 dwellings contributes to the housing provision within the County Borough.

The application site is not located within a Green Wedge as defined by the Local Development Plan (LDP)

With regard to access being denied to the developer to connect with drainage at neighbouring properties, this is a private matter between the parties involved.

Any damage caused to neighbouring property by the development is a private matter between the parties involved.

In terms of the claim that the boundaries of the site have been moved, amended plans have been received to reflect the land in the ownership of the applicant and the Property Department of the Council has confirmed that the application site is not within the Council's ownership.

The Local Planning Authority is not aware of the applicant working with BCBC on a joint development as suggested.

Whilst the application form states that there are no trees on the site visit it was evident at the time of the site visit that trees were present on site. A number of trees have been removed since the submission of the application, however, the trees are not protected by a Tree Preservation Order and the site does not lie within a Conservation area. Any infringement of the Wildlife and Countryside Act 1981 is a matter for the Police Wildlife Liaison Officer.

Any disturbance and nuisance caused during the construction phase will be for a short term only and is not considered a valid reason for refusal.

Any application for future development would be assessed on its own merits.

Loss of view is not a material planning consideration.

Glamorgan Gwent Archaeological Trust have assessed the scheme and advised that it is unlikely that significant archaeological features would be disturbed during the proposed development.

With respect to the concern expressed in regard to the loss of green space and the loss of the 'countryside walk', the site is private land located within the settlement boundary of Pen y Fai, between two urban developments. The land is not available for public use and is not easily accessible. Whilst, the proposed development will result in the removal of the 'countryside' feel of the footpath, the land is in private ownership along the boundary of a small area in between two residential developments and there is a green natural space to the west of the path. Furthermore, the site boundary does not abut the footpath and an area measuring 6m at its widest part and 2m at its narrowest part will remain between the site and the footpath allowing for natural vegetation on this section and providing a degree of openness. Consequently, it is not considered reasonable to refuse planning permission for this reason.

The application site is located within the settlement boundary of Pen y Fai as defined by Policy PLA1 of the Local Development Plan.

With regard to the comments in respect to lack of transparency, all the planning documents are available for inspection by the public at the Civic Offices.

A condition is recommended in respect of the removal of non-native species on site.

The site was designated for a playing field in the UDP, however, this was not implemented and the designation was removed as part of the LDP.



The land is in private ownership and there is currently no access to the playing field to the east through the development site. Access is available via Angelton Green and whilst it is noted that there are limited access points it is considered unreasonable to expect the developer of 4 dwellings to provide a new public access to the playing fields and such a requirement would not be reasonable.

## **APPRAISAL**

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

The application seeks planning permission for the erection of 4 detached four bedroom dwellings on this parcel of land to the south of All Saints Way, Pen y Fai. Access to the site will be gained via Ashfield, All Saints Way.

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

Policy COM3 states that residential developments within settlement boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites on vacant or under-utilised land will be permitted. The proposed dwellings are considered to be compliant with Policy COM3 of the LDP.

The application proposes a site in excess of 0.15 hectares and consequently triggers the affordable housing requirement as outlined in Policy COM5 of the LDP. A S106 Agreement will be required to ensure that a contribution of £73,428 (index linked) towards affordable housing in the area is made.

Note 1 of SPG 16: Educational Facilities & Residential Development states that contributions towards educational facilities will be sought from developments which propose 5 or more residential units, where existing capacity is unsatisfactory. In this instance the application proposes 4 dwellings and, as such, does not trigger the requirements for educational contributions.

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

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

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

In terms of dominance and overshadowing the application site is located at a higher level than the properties to the south at Clos Iechyd. Plots 2 & 3 of the proposed development will be located directly to the north of 2-5 Clos Iechyd. The distance between the nearest point of the proposed dwelling on Plot 2 and the rear elevation of 3 Clos Iechyd is 20.8 m and the nearest corner of the dwelling of Plot 2 and the rear garden boundary of 3 Clos Iechyd is 9.6m. The distance between the nearest point of the dwelling at Plot 3 and the rear elevations of 4 & 5 Clos Iechyd is 23m and the distance from the rear boundaries is in excess of 11m. Given the distances between the properties of Clos Iechyd and the proposed dwellings, the development is not considered to give rise to any overriding concerns in regard to dominance or overshadowing. Furthermore, the application site is located directly to the north of the properties on Clos Iechyd which will minimise any overshadowing.

The proposed dwelling at the north of the site, Plot 1, will be at a lower level than the existing property to the north, Ashfield House, and, as such, will not result in any adverse overshadowing of Ashfield House.

In respect of the access to the site, the vehicles will pass the front elevation of Ashfield. In order to overcome any concerns in relation to the residential amenity of Ashfield a condition is recommended requiring appropriate boundary treatment to be erected along the eastern boundary of the access. Whilst the boundary treatment will have an impact on the outlook of the ground floor lounge window at Ashfield, as this lounge is also served by patio doors on the southern elevation, the impact on residential amenities is not considered to be so adverse as to warrant refusal of the scheme.

In terms of privacy the development does not propose any habitable room windows which would overlook any neighbouring property boundaries at a distance less than 10.5m or directly face any habitable room windows in existing properties at a distance less than 21m. Whilst mutual overlooking will be possible between rear gardens of the existing properties on Clos lechyd and the proposed properties, the distance between the properties is considered to comply with SPG02 and is a similar layout to many other housing developments found within the County Borough. Consequently, the proposed development is not considered to infringe privacy standards.

In terms of visual amenities, the design of the proposed dwellings will reflect the design of the existing dwelling to the north, Ashfield House and, consequently, the development is considered to be acceptable in terms of visual amenities. In order to ensure the materials used in the external surfaces of the proposed dwellings are suitable, a condition shall be attached to any permission granted requiring details of the materials to be submitted to and agreed in writing by the Local Planning Authority.

The site is bounded by large detached properties to the north and south and the scale of the proposed dwellings is, therefore, considered to be in keeping with the character of the immediate area.

The application site is located directly to the west of a large area of public open space. It is not considered justified to request a public open space contribution in this instance given the limited nature of the development (less than 5 dwellings). Furthermore, the Parks and Playing Fields Manager has not raised any issues regarding the provision of open spaces.

Whilst determining this application Policies PLA1, COM3, COM5 & SP2 of the Bridgend Local Development Plan and Notes 1, 2, 6 & 8 of Supplementary Planning Guidance 2 were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

(A) The applicant enter into a Section 106 Agreement to provide a financial contribution for the sum of £73,284 (index linked) towards the provision of affordable housing;

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the

aforementioned Section 106 Agreement, as follows:-

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

CD/PR/01 REV H (received 20 November 2015)

CD/PR/03 (received 5 June 2014).

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

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

Reason : To ensure that the general amenities of the area are protected and the residential amenities of the occupiers of Ashfield are preserved.

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

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

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

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

- 5 The private drive and associated turning facility shall be completed in permanent materials prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety.

- 7 No development shall commence until a scheme for the provision of 13 off street parking spaces (3 spaces per dwelling plus 1 visitor space) has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented in

permanent materials before the development is brought into beneficial use and thereafter retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 8** The proposed vision splay shown on drawing CD/PR/01 shall be provided before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety

- 9** Prior to any works commencing on site a Construction Management Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Construction Management Method Plan shall include:-

- Details of wheel washing facilities, including a temporary 20m x 5.5m hardstanding
- Details of a site compound and car parking

The development thereafter shall be carried out in accordance with the agreed Method Statement.

Reason: In the interests of highway safety.

- 10** Notwithstanding the requirements of condition 1, no development shall take place until the exact siting and finished floor levels of the dwellings have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the residential amenity.

- 11** Notwithstanding the requirements of condition 1, no development shall commence until a scheme showing an area for refuse and recycling collection has been submitted to and agreed in writing by the Local Planning Authority. The area shall be implemented as agreed prior to the beneficial occupation of any dwelling on the site and retained thereafter.

Reason: In the interest of residential amenities.

- 12** Prior to any works commencing on site an invasive non-native species protocol shall be submitted to and agreed in writing by the Local Planning Authority. The protocol shall detail the containment, control and removal of Monbretia and Himalayan Balsam on site. The measures shall be carried out in accordance with the agreed protocol.

Reasons: In the interests of ecology and bio-diversity

- 13** 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 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.

\* 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) In respect of condition 4, the following information is required:-

- Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- A timetable for its implementation
- A management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime
- Confirmation/agreement in principle from DCWW regarding the acceptability of connections to the public sewer

c) The 'Private Drive' will not be adoptable by the Highway Authority.

d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Civic Offices, Angel Street, Bridgend or by telephone on (01656) 642541.

e) With regard to condition 9, the Construction Management Method Statement should incorporate the means of importation of earthwork material, including a daily limit on earthwork deliveries, no deliveries 30 minutes either side of school opening and closing times, together with details of the route to be taken by earthworks vehicles when approaching and departing the site.

f) The developer should consider porous surfacing materials for hardened areas such as driveways in order to limit surface water run-off. In this respect concrete or tarmac should not be considered as first options.

g) If any archaeological features are disturbed during construction works the developer should contact Glamorgan Gwent Archaeological Trust on 01792 655208.

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

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

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

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

l) No work to disturb or obstruct the route of the Right of Way can be undertaken unless and until any temporary footpath closure, if required, is granted.

m) Birds (as well as their nests and eggs) are protected under the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally or recklessly, damage or destroy an active birds nest or any part thereof.

n) The developer is advised that consideration should be given to the provision of nest boxes within the development for bat and bird species. The incorporation of bat bricks, bat tiles and bat boxes in the development would also provide summer roosting opportunities for bats.

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

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

**Background Papers**

None

## RECOMMENDATION : SECTION 106

**REFERENCE:** P/15/368/OUT

**APPLICANT:** JRT,MARDAN (STEVENAGE) LTD, LODGEGROUND  
C/O C2J ARCHITECTS UNIT 1A COMPASS BUSINESS PARK PACIFIC  
ROAD OCEAN PARK, CARDIFF

**LOCATION:** LAND AT PARC EWENNI EWENNY INDUSTRIAL ESTATE BRIDGEND

**PROPOSAL:** CONSTRUCTION OF UP TO 240 RES. UNITS, 1123M.SQ OF  
A1/A2/A3/D1 /D2 DEVELOPMENT, PUBLIC OPEN SPACE & HIGHWAY  
WORKS

**RECEIVED:** 3rd June 2015

**SITE INSPECTED:** 10th July 2015

### APPLICATION/SITE DESCRIPTION

This application was included on the agenda for the November Committee but a request to defer consideration was granted at the meeting. Reproduced below is the original report. The observations of the Highways Department have now been received and are included within the Consultation Responses with the additional suggested conditions and planning obligation relating to the provision of an active travel route linkage from the application site to the wider community

Members will recall that a Development Control Committee Site Visit was undertaken on 25 November 2015. The application proposes the construction of up to 240 residential units together with the provision of 1,123sq.m.of A1/A2/A3/D1 and D2 development, provision of public open space and associated highway infrastructure on land on the southern side of the A473 at Waterton, Bridgend. The site encompasses the car sales enterprise on the western side of the existing western access, the Penybont Gym and commercial unit, all of the units on the Ewenny Industrial Estate which are accessed from a secondary access point to the west of Travis Perkins and the John Raymond Transport Depot but excludes the Travis Perkins Builders Merchants. The application is in outline with all matters reserved for future consideration apart from access. The application has been accompanied by a number of reports in respect of the following matters:-

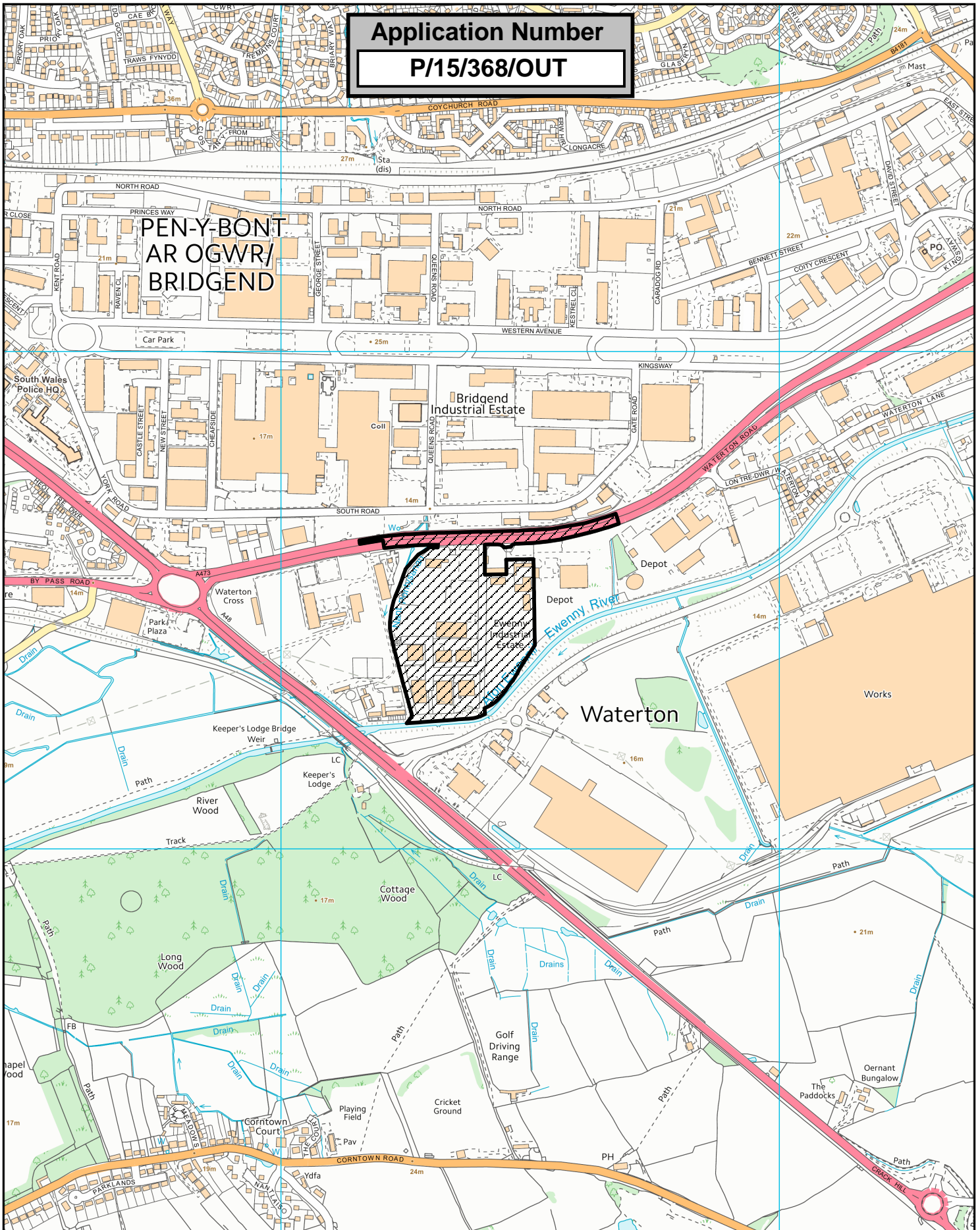
- \* Transport Assessment
- \* Flood Consequences Assessment
- \* Drainage Strategy Report
- \* Utilities Report
- \* Air Quality Assessment
- \* Environmental Noise Assessment
- \* Phase 1 Geo Environmental Report
- \* Extended Phase 1 Habitat Survey and Bat Emergence Check.

The Indicative Site Layout, which forms part of the submission, indicates that access into the site will be obtained via a new traffic light controlled junction located adjacent to the watercourse that runs along the western site boundary and approximately where the car sales building currently exists. A principal spine road leads in a southerly direction from the access point until it meets an internal spine road running east-west, which provides linkages into future developments to the west on the South Wales Police Ground and to the east on Council owned land. A commercial hub containing A1/A2/A3 uses and retaining the existing Penybont Gym facility is shown on the western side of the north/south spine road. Residential development is proposed to surround this commercial hub with an area of approximately 1.8 acres of public

Application Number

P/15/368/OUT

PEN-Y-BONT  
AR OGWR/  
BRIDGEND



Waterton



Page 28

Scale 1:10,000

Date Issued:  
18/11/2015

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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(100023405)

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Cyngor Bwrdeistref Sirol





open space located in the south western corner of the site. The separate existing access into Travis Perkins will be retained.

## RELEVANT HISTORY

**P/10/351/FUL**

APPROVED 15-07-2010

+conditions

CHANGE USE FROM TRANSPORT DEPOT TO CHILDRENS PLAY & CHILDCARE FACILITY, COMMERCIAL GYMNASIUM & CATERING FACILITY

**P/96/374/OUT**

WITHDRAWN 21-08-1996

## RETAIL SALES MOTOR CARS GARAGE AND SHOWROOM FACILITIES

## 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 16th July, 2015.

## NEGOTIATIONS

Considerable discussion has taken place between the Public Protection Department and the applicant's acoustic consultants regarding the submitted Environmental Noise Assessment. In addition the Transport Assessment, which accompanies the submission, has been forwarded to transport consultants acting for the Council for consideration and audit. A report prepared by the Council's consultants has been forwarded to the applicant's agent to seek clarification on a number of aspects of the highway proposals and a rebuttal statement has been received from the applicant's transport consultants. Assessment of this statement is currently ongoing and an update and the formal observations of the Highways Department, if available will be reported to Committee on the Addendum Sheet.

## CONSULTATION RESPONSES

### Town/Community Council Observations

Notified on 18th June 2015

**Councillor E Venables**

Objects to this application on the following grounds:-

1. Installation of traffic lights:-
  - (a) Consider that these will extend the journeys of residents living at Waterton Close;
  - (b) Same problem will occur for future residents where Council Depot is currently;
  - (c) Residents and other travellers may drive into the development site and turn around rather than using Waterton Cross roundabout;
  - (d) In the original Masterplan there was to be a roundabout which would alleviate extra journey times and keep A473 free flowing.
2. Displacement of traffic - Traffic may either use the B4181 to travel to Bridgend town or use the road near the Ford Plant to access the A48. This already occurs but consider that more locals will do this if traffic lights are installed.
3. Transport Assessment - this estimates the number of residential units on the entire allocation

within the Local Development Plan and predicts a flow. This prediction does not take into account the redevelopment of the eastern section of the LDP allocation. In addition predictions are based on peak hours whereas there are also high volumes at other times and therefore consider that overall usage should be used.

4. Issues for new residents at Parc Afon Ewenni - some of roads appear not to include turning facilities; footpath connections between the different roads should be included; parking spaces for retail area/gym appear too limited; lack of children's play area; any previous contamination by Ordnance Factory should be dealt with prior to occupation of the site; noise barrier/mitigation would need to be incorporated into redevelopment; visual screening around Travis Perkins and central gym/retail area should be included in the scheme and that residential properties are provided with adequate rear private amenity space rather than at the front of the property.

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

The proposed development has been supported by a transportation assessment, which has been independently checked by the Council's consultants. Whilst the conclusions indicate that the proposed signalised junction at the site access and the wider highway network will accommodate the development traffic, there will be a delay to through traffic along the A473. It should be appreciated, however, that the current extant uses on the site could generate a significant increase in traffic, particularly heavy goods vehicles along the A473 corridor if returned to full use. With the current multiple accesses onto the westbound carriageway, these movements need to utilise the roundabout junctions at Waterton and Coychurch to undertake "U" turns to access/egress the site, which currently affect the efficiency of the two signalised roundabouts. The proposed access arrangements are considered to improve the current situation by reducing the number of access point, providing an all movement junction to reduce "U" turn movements at the Waterton and Coychurch roundabouts whilst also providing controlled pedestrian/cycle crossing facilities across the dual carriageway.

Whilst the submitted Transport Assessment addresses issues of vehicular movements generated by the development, its content does not fully accord with the Planning Policy Wales and TAN18 in relation to sustainable travel and the provisions of the Active Travel Act have not, therefore, been adequately considered. Despite pre-application advice in this regard and requests for further information, the developer has not provided suitable proposals for the linkages to the wider urban area in accordance with Policy PLA8 of the Local Development Plan. In this respect, the requirements of Policy PLA7 and feasibility work already carried out by the Council's consultants together with the location of reasonable public transport provision, retail and employment facilities and onward links to community facilities have been considered and it has been judged appropriate to require the developer to either provide the linkage or provide a financial contribution to the Authority for the provision of this facility. Without such links, the site would not be considered appropriate for residential use, being remote from services and requiring children residing on the site to be transported to schools.

The assessment of the Transport Assessment indicated that junction design will need to be amended to include for an increase in capacity by providing an extended right turn lane of 45m on route A473 into the site. It is considered that this can be addressed by the imposition of an appropriately worded condition.

The residential site will ultimately need to be covered by a 20mph speed restriction and the developer will also be required to fund the necessary Traffic Orders and signage via a planning obligation.

In light of the foregoing and the fact the development is in outline with all matters reserved other than means of access, the Highways Authority raises no objection subject to conditions.

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

No objection subject to condition.

### **Natural Resources Wales**

No objection subject to conditions.

### **Welsh Water Developer Services**

No objections.

### **Crime Prevention Design S.Wales Police**

Detailed observations providing advice on designing out crime and security issues are submitted for the information and consideration of the developer.

### **Group Manager Public Protection**

Concern raised regarding the assessment of potential noise from adjacent Police facility with regard to dogs and firearms training.

## **REPRESENTATIONS RECEIVED**

### **The Concerns And Objections Received From Local Residents, Can Be Summarised As Follows:-**

Objections received from 6 Duffryn Close, 25 Waterton Close and 15 Waterton Close:-

1. Access from the development site onto the A473 via new traffic light controlled junction will be problematic and cause significant delays for traffic approaching the Waterton roundabout from the east particularly the residents of Waterton Close.
2. It is suggested that access to the development site should be re-directed to the A48.
3. A roundabout controlled junction at the access to the development site would be more appropriate.
4. The additional traffic and the access proposals will represent a safety hazard to school children crossing the A473 and walking to school in Coychurch.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

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

**Proposed Traffic Lights** - The Transport Assessment demonstrates that, even at peak times, journey times will not be so significant as to warrant refusal of the scheme. Whilst the Masterplan Framework and Delivery Strategy for the wider Parc Afon Ewenni Regeneration Area prepared in November, 2011 contained a suggestion for a roundabout controlled access to the east of the application site, this framework has not been formally adopted as Supplementary Planning Guidance. The Transport Assessment is considered to demonstrate that the proposed traffic lights will adequately control traffic flows. With regard to the future impact in the event that the Council owned land to the east of the application site is redeveloped, this would be a matter to be assessed at that time.

**Displacement of traffic** - It is considered that both existing users of the A473 and future traffic generated by the proposed development will access both of these alternative routes via the traffic light controlled junction as there will be no direct access across the River Ewenny to the south.

Transport Assessment - Any future redevelopment of the land to the west owned by the South Wales Police Authority or similarly land to the east owned by this Council will have to provide their own transport assessments based on the traffic conditions prevailing at the time of submission.

Internal Issues within Development Site - The application is in outline with all matters other than access reserved for future approval and, therefore, the submitted layout is purely indicative. Appropriate road widths, car parking levels, turning facilities would be matters to be resolved at reserved matters or detailed application stages should this application be approved. Issues relating to contamination, noise mitigation and the provision of adequate screening/landscaping can be satisfactorily addressed by appropriately worded conditions in the event that this submission is favourably recommended.

## **APPRAISAL**

The application is referred to Committee to consider the concerns and objections raised by the Ward Member and local residents.

During the site inspection, it was noted that the land is reasonably flat in nature. Other than the car sales enterprise, much of the northern section of the site is vacant and is already hard surfaced. Much of the southern section of the site is occupied by the existing unit occupied by Penybont Gym and Econotherm Ltd and the remaining six units on the Ewenny Industrial Estate. The eastern sector of the site is currently occupied by John Raymond Transport Depot which comprises lorry parking and staff car parking with three buildings abutting the eastern site boundary. A landscape buffer of mature trees separates the application site from the River Ewenny, which runs to the south of the site and similarly a buffer runs along the western site boundary adjacent to the watercourse that runs in a north/south direction and joins the River Ewenny in the south western corner of the site. An area of grassland/open space lies immediately to the east of application site and surrounds the County Supplies Building.

The indicative site layout shows access obtained by a single traffic light controlled junction with the A473 located slightly to the west of the existing westernmost access. A commercial hub centred on the retained Penybont Gym/Econotherm building is to be surrounded by residential development but an area of public open space will occupy the southernmost section of the site adjacent to River Ewenny.

The application site forms one part of a larger regeneration and mixed use development scheme as allocated by Policy PLA3(4) of the Bridgend Local Development Plan (LDP). The aim of this allocation is the regeneration of a brownfield and under-utilised site within defined settlements that provides an appropriate mix of land uses. The Policy requires implementation of the identified schemes to be in accordance with a master plan/development brief and/or appropriate planning/highway agreements. In this case, a Masterplan Framework and Delivery Strategy document was prepared in November, 2011 but this has not been formally adopted as Supplementary Planning Guidance. Notwithstanding that the application site forms only part of the overall allocation, it is considered that the indicative layout is generally compatible with the uses proposed within the Development Framework Plan contained in that document.

The allocation proposes to deliver a mix of uses comprising residential development (COM1(3)), improvements to the transport network (PLA8(4)), B1/B2/B8 employment development (REG1(6)), a small scale local service centre (REG5(5)), a community building (COM9(6)) and accessible natural greenspace (COM13(7)).

The application includes for the provision of up to 240 dwellings, the provision of 1123sq.m. of A1/A2/A3/D1/D2 development, public open space and associated highway infrastructure. Taking each of the elements in turn, the residential development is considered to be of an acceptable density and is considered to be in accordance with the LDP.

The application triggers Policy COM5 of the LDP, which in this location requires 20% of dwellings to be provided as affordable housing to be transferred to a registered social landlord (RSL) with an appropriate tenure to be agreed between the applicant and the Housing Strategy Department. As the application is in outline and the total number of units is not yet known, the affordable housing requirement should be expressed as a percentage in a Section 106 Agreement.

The application is also subject to the requirements of Supplementary Planning Guidance (SPG) 16 Educational Facilities and Residential Development. The Children's Directorate have been consulted to ascertain the impact the proposed development will have on local education facilities. According to the formula contained in the SPG, the proposal will generate up to 12 Nursery, 53 Primary, 43 Secondary and 9 Post 16 age children. Local Primary Schools are all at capacity and are forecast to remain so for the foreseeable future. A contribution based on the formula and cost guidance in SPG16 is therefore likely to be requested for Nursery and Primary age children from this site. There is, however, sufficient capacity to accommodate Secondary and Post 16 age children generated by the development. It is important to note that the Section 106 Agreement will need to specify how a contribution would be used to provide additional capacity.

With regards to the A1/A2/A3/D1/D2 development, Policy REG5 recognises the important role local shopping and commercial facilities play in serving their communities, especially in areas of housing growth. Policy REG5(3) therefore facilitates the provision of a new locally scaled service centre of up to 2,000sq.m. to serve the wider regeneration site. As such, whilst agreeing the acceptability of this element of the application in principle, it is important to ensure that any consent is conditioned or appropriately tied to a legal agreement to ensure that the commercial elements of the scheme are implemented and not left vacant after the residential development is constructed. As a minimum, this should secure the provision of serviced land ready for construction, ensure appropriate highway access is provided and ensure that the developer carries out any profiling or levelling of the land as deemed necessary.

With regards to the public open space to be provided as part of the proposals, Policy COM 11 of the LDP requires the provision of a satisfactory standard of outdoor recreation space, which is defined as 2.4 hectares per 1000 people. For a proposal of up to 240 dwellings, this amounts to approximately 1.3 - 1.4 hectares to consist of a combination of outdoor sport, children's play space, allotment provision and accessible natural green space. BCBC's open space audits reveal a general deficit of facilities per head of population in this location. The provision of such facilities must also be considered in the context of the wider regeneration scheme.

Finally, with regard to the delivery of Policy PLA8(4) (requiring improvement to the local highway network) as part of the PLA3(4) mixed use development the Highway Department's assessment of the impact of the proposals on the surrounding highway network has now been completed and concludes that subject to appropriate planning obligations relating to road traffic orders and the provision of an active travel route, required by Policy PLA7(4) and conditions, the development is acceptable.

Policy SP14 acknowledges that the provision of planning obligations can affect the viability of residential development and, therefore, the aforementioned requirement can be subject to negotiation.

The application has been accompanied by a Flood Consequences Assessment(FCA) given that the River Ewenny abuts the southern boundary and the Nant Pont Y Sanau runs along the western site boundary. The assessment confirms that the site is predominantly outside the area which is susceptible to flooding with the layout designed so that any highly vulnerable development will not be located within the identified C2 Flood Zones of the above mentioned watercourses. Natural Resources Wales has confirmed that it agrees with the conclusions of the FCA that the site is not at risk of flooding from fluvial sources.

In respect of ecological and environmental issues, a detailed Extended Phase 1 Habitat Survey and Bat Emergency Check were submitted with the application. The Survey confirms that no evidence of protected species was recorded on the site. Given the site is already largely hard surfaced, there will be no significant loss of natural habitats and the indicative layout shows the retention of the trees and hedgerows currently existing along the application site boundaries. In this regard the development proposals are considered to be compatible with Policy ENV6 of the LDP which requires the retention, conservation or enhancement of existing natural features.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to air pollution, noise pollution, contamination and water pollution. In this regard the submission has also been accompanied by a Geo-environmental Site Assessment to identify possible land contamination hazards and geotechnical hazards. The report considered the previous history of the site and noted that the former Royal Ordnance Factory occupied the land immediately to the north of the site and includes an area south of the A473 potentially used as a "Burning Ground" for the destruction of any rejected munitions. The report concludes that there is a low/medium risk from unexploded ordnance on the site and Natural Resources Wales considers that the biggest risk from a pollution viewpoint would occur during the construction phase. A number of conditions requiring a pollution prevention method statement and further contamination investigation studies have been recommended to ensure that these issues are adequately addressed. Similarly, a condition requiring a comprehensive and integrated drainage system for the development can be imposed to ensure that effective facilities are provided to serve the development, that flood risk is not increased and in the interests of pollution prevention.

With regard to noise pollution, as indicated in the observations received from the Public Protection Department, notwithstanding that an environmental noise assessment has been provided, there remains concern about the impact of noise emanating from the adjoining South Wales Police Ground, which have not been adequately assessed. It has been acknowledged that, as the application is in outline, conditions requiring further noise surveys to assess the noise generated by the Police Dog Kennels and any external tactical training exercises and the impact on any residential development to be located in the vicinity of these noise sources can be imposed.

During the processing of the application Policies PLA3(4), COM1(3), COM4, COM5, COM9, REG1, REG5, SP2, ENV6, ENV7, PLA7, PLA8 and PLA11 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

The application is recommended for approval as the development is considered to comply with National and Council policies and guidelines and will not adversely impact on privacy, visual amenities nor on highway safety along the A473. The development proposal represents an opportunity to rationalise access points from the southern west bound carriageway of the A473 and contribute new dwellings including an element of affordable housing in accord with the allocation Policy PLA3(4) of the Bridgend Local Development Plan.

## **RECOMMENDATION**

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

\* Provide 20% of the units as affordable housing units in accordance with SPG13. The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

\* Provide a financial contribution in accordance with the formula and cost guidance in SPG16 towards the provision of additional nursery and primary school places in the schools serving the Parc Afon Ewenni regeneration site.

\* Provide outdoor recreation space in accordance with Policy COM11 of the LDP with arrangements for future management and maintenance to be agreed in writing by the Council

\* Timing of the payment of the financial contributions is subject to negotiation and will be included in the Section 106 Agreement with phased payments likely to be agreeable.

\* Provide £8,000.00 to fund necessary Road Traffic Orders and signage to achieve appropriate speed restrictions within the development site.

\* Either provide a financial contribution of £400,000.00 to cover the cost of the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route themselves in accordance with a scheme agreed with the Local Planning Authority in conjunction with the Highway Authority.

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

- 1 The consent, hereby granted, relates to the development of the land outlined in red on the 1:2500 scale Location Plan (Drawing No SK(00)01) for up to a maximum of 240 residential units, 1,123 sq.m. of A1/A2/A3/D1/D2 development, public open space and highway infrastructure.

Reason : For the avoidance of doubt and confusion as to the nature and extent of the approved development.

- 2 Before any detailed or reserved matters applications are submitted a comprehensive Development Brief and Phasing Plan covering the entire development site shall be submitted to and agreed in writing by the Local Planning Authority. The Brief and Phasing Plan shall provide a robust framework and establish over-arching principles and parameters, design principles and materials palette, landscaping and programming or phasing of works including the provision of the commercial hub and access thereto. The development within the site shall thereafter conform to the agreed Development Brief and Phasing Plan.

Reason : To ensure that the development is undertaken in an orderly and co-ordinated manner in the interests of visual and residential amenity and highway safety.

- 3 Prior to the submission of any reserved matters or full applications, a further noise survey shall be undertaken, the scope and methodology of which shall be agreed in writing with the Local Planning Authority prior to the survey being undertaken. Thereafter a report which shall include an assessment of the noise generated from the South Wales Police Dog Kennels and external tactical training exercises involving the use of firearms, and the impact that these could have on the proposed residential developments. The report shall also include a mitigation scheme to demonstrate that noise will achieve an appropriate level, to be agreed with the Local Planning Authority. The mitigation scheme shall thereafter be implemented in full prior to the occupation of any dwellings, which have been indicated in the report as being adversely affected by these noise sources.

Reason : To safeguard the residential amenities of future occupiers on the site.

- 4 Not more than 1 unit or any equivalent floor area up to 300 sq.m shall be used for purposes under Class A3 (Food and Drink) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order. In addition not more than 1 unit or any equivalent floor area up to 300 sq.m shall be used for purposes under Class A2 (Financial and Professional Services) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason : For the avoidance of doubt as to the extent of the approved uses within the commercial hub and to ensure that a balance of uses are provided in the interests of the future vitality and viability of the hub.

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

Reason : To ensure safe drainage of the site

- 6 A buffer strip a minimum of 7 metres wide, measured from the top of the bank, should be left free from development (including residential gardens) along the bank of the watercourses (River Ewenny and the Nant Pontysanau) and be so retained in perpetuity.

Reason : For the protection of the riparian corridor and the wildlife that uses it for foraging, shelter and movement.

- 7 No development shall commence on site until a Method Statement detailing all necessary pollution prevention measures for the demolition and construction phases of the development has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement should identify the following as a minimum:-
- \* Storage facilities for all fuels, oils and chemicals;
  - \* Details on any water features on the site and how they will be protected;
  - \* Full details of how any watercourse will be crossed or confirmation that this is not applicable;
  - \* Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on the site;
  - \* Details of the nature, type and quantity of materials to be imported onto the site;
  - \* Measures for dealing with any contaminated material (demolition waste or excavated waste);
  - \* Details on waste types that will be produced and how they will be managed;
  - \* Details of any invasive species that may be present on the site and how they will be managed;
  - \* Identification of any buried services, such as foul sewers, so that they are protected;
  - \* Details of emergency contacts and procedures.

The development shall thereafter be undertaken in accordance with the agreed Method Statement which shall if necessary be efficiently communicated to all contractors and sub-contractors with any deficiencies rectified immediately.



Reason : In the interests of preventing pollution.

- 8** No development shall commence on site until details of a scheme to deal with the risks associated with contamination of the site has been submitted and agreed in writing by the Local Planning Authority. The scheme shall, as a minimum, comprise the following:-
- \* A preliminary risk assessment which has identified all previous use, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks from contamination at the site;
  - \* A site investigation scheme based on the above risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site;
  - \* The site investigation results and the detailed risk assessment and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - \* A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express consent of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the agreed scheme.

Reason : For the protection of the controlled waters at the site, which are of high environmental sensitivity being on Secondary A Aquifer and to prevent contamination.

- 9** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the agreed remediation strategy and the effectiveness of the remediation shall be submitted to and agreed in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority.

Reason : To demonstrate that the remediation criteria relating to controlled waters have been met and to secure long term monitoring of groundwater quality thereby ensuring that there are no remaining unacceptable risk to controlled waters following remediation of the site.

- 10** If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted to and obtained the written consent of the Local Planning Authority for an amendment to the agreed remediation strategy detailing how this unsuspected contamination shall be dealt with. Thereafter such previously unidentified contamination shall be remediated in accordance with the agreed amendment prior to the development being brought into beneficial use.

Reason : Given the extent and complexity of the site, there is the potential for previously unidentified areas of contamination that could pose a risk to controlled waters unless appropriately remediated.

- 11** No infiltration system for the disposal of surface water drainage into the ground is permitted until details have been submitted to and agreed in writing by the Local Planning Authority. Such permission will only be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters. The scheme shall thereafter be implemented in accordance with the agreed scheme.

Reason : To prevent pollution from inappropriately located infiltration systems.

- 12** Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason : To safeguard against the pollution of controlled waters from inappropriate methods of piling.

- 13** There shall be a minimum distance of 12m between front habitable room windows of different dwellings directly facing each other within the development site and a minimum distance of 21m between any other habitable room windows of different dwellings directly facing each other.

Reason : In the interests of privacy.

- 14** The plans and particulars submitted in accordance with the reserved matter in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

- 15** 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.

- 16** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a scheme for the provision of a traffic signal controlled junction at the site access together with closure of existing accesses to Compact Cars/Penybont Gymnastics and Ewenny Industrial Estate and reconfiguration of the Travis Perkins access, broadly in accordance with Drawing No 15441/C/SA/95/100/A03 (Appendix G of the Transport Assessment submitted by Watermans) incorporating road markings, traffic signage and pedestrian and cycle crossing facilities. The scheme shall be accompanied by full engineering details of the junctions, stage 2-4 Road Safety Audits and an Active Travel route audit to support the suitability of the proposed crossings for cyclists. Such a scheme shall be implemented as approved in permanent materials before any dwelling or commercial unit on the development is brought into beneficial use.

Reason : In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

- 17** The easternmost access shall be used to serve Travis Perkins and the County Supplies Depot only and there shall be no vehicular link into or from the development site hereby approved.

Reason : In the interests of highway safety

- 18** Any reserved matters submission shall provide for an internal circular route within the development site suitable for public transport services to serve the development. This route shall be not less than 6.5metres wide with appropriate lane widenings on bends.

Reason : In the interests of highway safety and promoting sustainable travel.

- 19** No individual property or commercial unit shall be served by an individual direct vehicular access onto the A473.

Reason : In the interests of highway safety.

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

(a) The application is recommended for approval as the development is considered to comply with National and Council policies and guidelines and will not adversely impact on privacy, visual amenities nor on highway safety along the A473. The development proposal represents an opportunity to rationalise access points from the southern west bound carriageway of the A473 and contribute new dwellings including an element of affordable housing in accord with the allocation Policy PLA3(4) of the Bridgend Local Development Plan.

(b) The developer is reminded that this consent relates to the redevelopment of the site in the proposed manner only and any demolition works, required to facilitate future development, shall

be the subject of separate demolition prior notification submissions, which should include a full demolition method statement.

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

(d) No surface water will be allowed to discharge to the public highway or the public sewerage system.

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

(f) The proposed development site is crossed by a 1575mm combined public sewer with the approximate position being marked on the attached observations received from Dwr Cymru/Welsh Water. Under the Water Industry Act, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 8 metres either side of the centre line of the public sewer

(g) In order to satisfy the drainage conditions, the following information will be required :-

- \* Agreement of surface water discharge rate to existing watercourses including main river;
- \* Submission and agreement of hydraulic design, including an in principle agreement from Dwr Cymru/Welsh Water with regard to adoption;
- \* Submission and agreement of details with regard to the management of any existing land drainage;
- \* Submission and agreement of management and maintenance regime for any private elements of the attenuation system;
- \* Obtaining appropriate consents in relation to any works affecting adjacent watercourses including the main river.

(h) The observations received from Crime Prevention Design Advisor are attached for the developer's information and consideration.

(i) The developer is advised that any future development on the site should include for future internal accesses to the adjoining allocated development sites to the east and west of the application site.

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

**Background Papers**

None

## RECOMMENDATION : SECTION 106

**REFERENCE:** P/15/379/FUL

**APPLICANT:** HAFOD HOUSING ASSOCIATION LTD  
C/O ASBRI PLANNING LTD UNIT 9 OAK TREE COURT CARDIFF GATE  
BUSINESS PARK CARDIFF

**LOCATION:** LAND OFF COYCHURCH ROAD (ADJ. JUBILEE CRES.) BRIDGEND

**PROPOSAL:** CONSTRUCTION OF 48 DWELLINGS AND ASSOCIATED WORKS

**RECEIVED:** 12th June 2015

**SITE INSPECTED:** 16th August 2015

### APPLICATION/SITE DESCRIPTION

Hafod Housing Association are seeking planning consent for the construction of 48 no. dwellings and associated works on the former site of Bridgend Town Football Club located off the re-aligned and newly constructed section of Coychurch Road.

The site is located in an area that is largely characterised by residential uses, although the town centre lies some 350m to the east, with Bridgend College and the A473 to the south west. The residential character surrounding the site is typically a mixture of post-war units to the north and east and Victorian dwellings to the south and west. The vast majority of dwellings are two storeys in height and are largely terraced units, with semi-detached properties also common. The predominant finishing materials to the walls are render and brick. The colour of the render varies between grey, white and ivory with isolated instances of more vibrant colours. Roofs are largely finished in grey tiles and though most are hipped, there are also plenty of pitched roofs. With regard to architectural detailing the houses are largely simple in form, but with plenty of instances of bay windows and lean-to annexes projecting from the primary elevations.

The site measures approximately 1 hectare, is largely level and adjoins the back edge of the footway and earth embankment that retains Coychurch Road on the western and north-western boundary, the back edge of footway on a small section of Jubilee Crescent to the north east and runs along the boundary of a Children's Playground and allotment gardens to the east. The south eastern boundary of the site immediately adjoins the boundary of 7 College Close and the grassed area that was formed alongside the Cowbridge Road/Coychurch Road traffic light controlled junction.

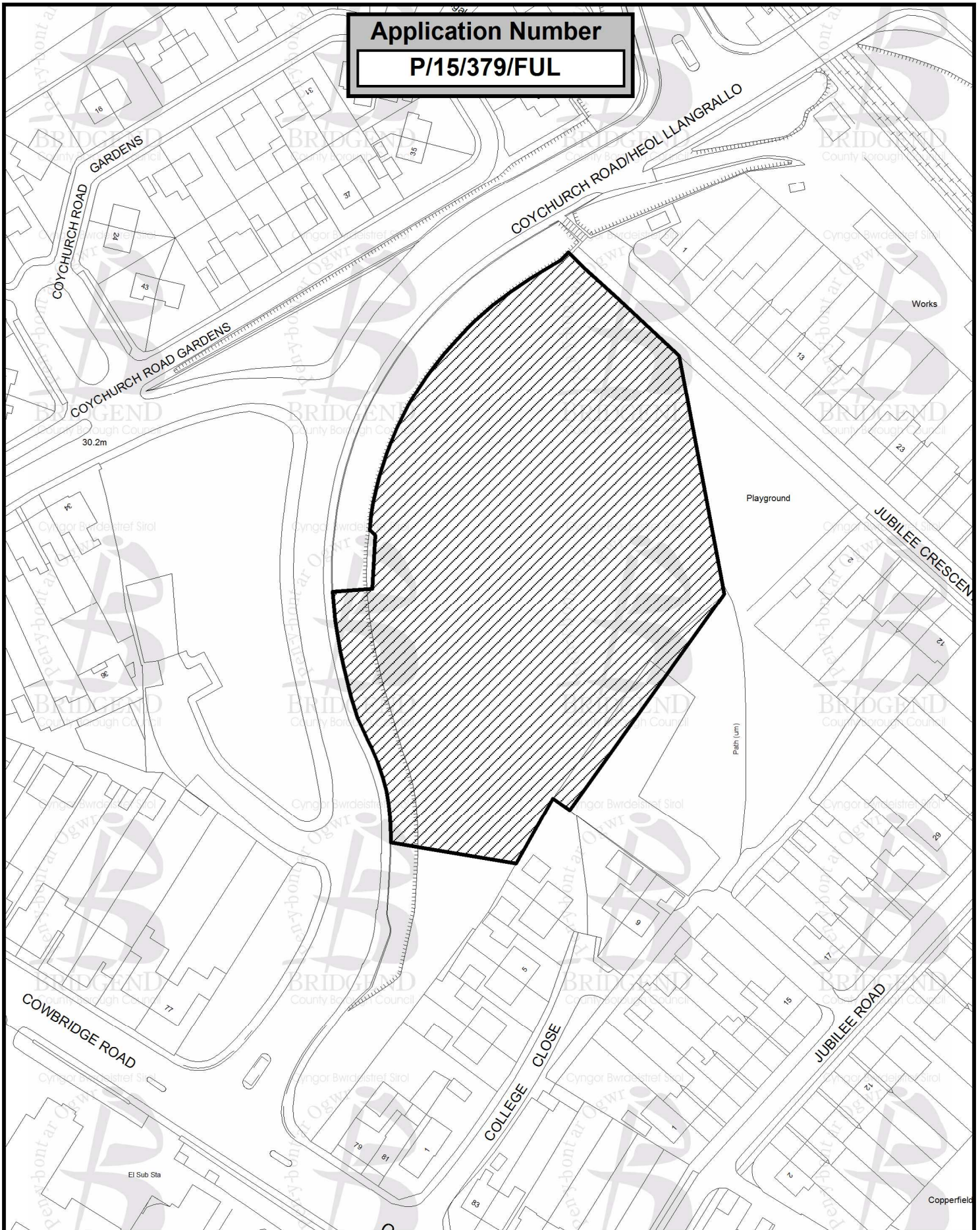
The 48 no. dwellings comprise seven house types ranging from 1 bedroom flats to 4 bedroom semi-detached dwellings. The apartment blocks will be three storeys in height whilst all other dwellings will be two storeys. The Planning Statement confirms that a palette of materials is proposed that will 'complement and enhance' the existing vernacular. Main facing materials for the houses comprise of brick and render whilst the flats will have the same materials, as well as an element of stone walling. Roof tiles are proposed in a dark grey colour.

Access to the site is proposed to be gained from a newly created priority junction arrangement onto Coychurch Road just south of the centre of the western site boundary. The Planning Statement confirms that a total of 72 no. car parking spaces are provided for the proposed residents which it is acknowledged is slightly below the level of car parking required by Supplementary Planning Guidance 17: Parking Standards. The slight reduction is justified on the basis of the site's highly sustainable location. Cycle storage is accommodated in the sheds and stores on site.



Application Number

P/15/379/FUL



Scale 1:1,250

Date Issued:  
23/12/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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

Planning Statement - Asbri Planning  
Design and Access Statement - Asbri Planning  
Transport Assessment & Figures - Asbri Transport  
Transport Assessment Appendices Pack - Asbri Transport  
Drainage Strategy - Smart Associates  
Preliminary Ecological Appraisal and Code for Sustainable Homes Report  
Environmental Noise Survey - Hunter Acoustics  
Site Investigation Report by Integral Geotechnique

#### **RELEVANT HISTORY**

No recent planning history.

#### **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 will expire on 25th November 2015.

#### **NEGOTIATIONS**

Negotiations commenced on 27th July 2015 in response to consultation response and concerns with aspects of the planning layout i.e. house designs, plot sizes etc.

#### **CONSULTATION RESPONSES**

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

Notified on 18th June 2015

Object on the following grounds:

- a) Over-intensification of site;
- b) Concerns about increased volume of traffic along Coychurch Road which is already subject to congestion at peak times of the day;
- c) Concern about volume of planned 3 storey dwellings which are not in keeping with surrounding streets;

##### **Councillor Mrs E M Hughes**

The following comments are offered in response to the proposal:

- \* Only 1-3 Jubilee Crescent have received letters from the Planning Department - need to notify all residents in Jubilee Crescent and Jubilee Road;
- \* Residents are worried that lorries will use Jubilee Road and Crescent to access the site;
- \* Will a playground be provided for this development?
- \* Worries about an increase in traffic due to cars per household - Cowbridge Road already very busy - need to improve traffic management;
- \* Excessive amount of houses.

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

No objection subject to conditions.

**Head Of Street Scene (Drainage)**

If you are minded to grant approval then I would recommend that a pre-commencement condition is required.

**Head Of Parks & Playing Fields**

No objections.

**Natural Resources Wales**

No objection subject to conditions.

**Welsh Water Developer Services**

No objection subject to advisory notes.

**Crime Prevention Design S.Wales Police**

Comments provided - no objection.

**Group Manager Public Protection**

No objection subject to conditions.

**REPRESENTATIONS RECEIVED****Letters Of Objection Have Been Received From The Following, :**

D Phillips - 15 Jubilee Road;  
S Wallace - 21 Jubilee Road;  
J G Palmer - 3 College Close;  
R Grainger - 4 College Close;  
S L Collins - 5 College Close;  
J Taylor - 7 College Close;  
J Figgis - 1 Jubilee Crescent;  
Mrs Johnston - 2 Jubilee Crescent;  
K Clark - 3 Jubilee Crescent;  
T Shales - 6 Jubilee Crescent;  
C Smith - 6 Jubilee Crescent;  
N Davies - 10 Jubilee Crescent;  
S Davies - 19 Jubilee Crescent;  
G & L Humphries - 23 Jubilee Crescent;  
C Vaughan - 38 Coychurch Road Gardens;  
N Rayment - 41 Coychurch Road Gardens;

Concerns have also been expressed by the following:

S Harris - 9 Jubilee Crescent;  
E Talbot - 21 Jubilee Crescent;  
R M Loosmore - 127 Merlin Crescent (Allotment Garden Holder)

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

1. Existing road infrastructure (A473/B4181) unable to cope with existing traffic - queuing currently a problem at peak times. Unsuitable access - small roundabout access would be more appropriate; development will exacerbate existing problems of on-street car parking associated with Bridgend College; proposed scheme is deficient in car-parking for those living and visiting



the houses subject of this application. Can the proposed layout accommodate emergency vehicles?

2. Density too high;

3. Land should be retained for recreational purposes. Another loss of greenspace vastly reducing the area of natural habitat resulting in lowering of local biodiversity;

4. Social housing not a compatible use - concerned about behaviour of future residents.

5. Will playground be provided as part of new development?

6. Three-storey development inappropriate for this location; not in keeping with the scale of residential properties in the vicinity. Development will affect outlook from existing properties, the open aspect from properties in Jubilee Crescent will be lost, impacting on the levels of daylight and privacy currently enjoyed.

7. Occupiers of 7 College Close have specifically requested that the developer provide a 2.1m high solid boundary wall between the development site and said property to safeguard amenities - this would replace an existing 1.8m fence that is inadequate.

8. Existing sewerage infrastructure will be unable to cope with additional flows from development, a number of blockages have been recorded in recent years resulting in flooding in College Close - this matter needs to be addressed before planning consent is granted.

9. Construction works will create a disturbance - noise and light pollution etc. Light from vehicles will shine into windows of properties on Jubilee Crescent. Concerns that Jubilee Crescent will be used as a construction access to the development site.

10. The Planning Statement suggest that pre-application consultations have been undertaken with local residents - this is not the case.

11. Unknown and known contaminates, dust and pollutants becoming air borne during the development process will create a hazard to short and long term health that also may detrimentally affect local residents.

12. Devaluation of property.

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

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

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

The application has been accompanied by a Transport Assessment (TA) which the Council has referred to external consultants for verification. Whilst the highway network onto which the site gains access is subjected to high traffic volumes, particularly during the AM and PM peak hours it is evident from the submitted information that the development would generate in the order of 20 vehicle trips in the AM peak hour (8-9am) and 26 in the PM peak hour (5-6pm). Capita have concluded that, 'this will have an insignificant impact on the highway network, particularly as the trips will be dispersed to the junctions to the north and south of the site'. In order to put it into context the level of traffic generated equates to 1 vehicle every 6 minutes at each of the junctions

at either end of the Coychurch Road link road in the morning and 1 every 4.5 minutes in the afternoon. Such vehicle traffic is not considered to be material.

Furthermore, the TA has examined the highway network serving the site and concluded that it is adequate to serve the proposed development.

The Transportation Development Control Officer has also examined the proposed road junction and the proposed parking arrangements. It has been concluded that the development is acceptable.

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

2. Concerns have been expressed by residents as to the number of dwellings proposed as part of the application. These matters will be considered in detail in the appraisal section of the report.

3. Notwithstanding the former use, the application site is not allocated for recreational purposes but rather for residential development under Policy COM1 (8) of the Bridgend Local Development Plan, being located within the Bridgend Strategic Regeneration Growth Area. It was estimated that 40 units would be delivered on site during the plan period. The loss of greenspace and habitat has been examined through the submission of a Phase I Habitat Survey and Reptile Report. The Council's Ecologist considers the site to be of low ecological value but indicates that the northern and south eastern edges of the site offer some potential for reptile habitation. It is recommended that a planning condition be imposed requiring a method statement for site clearance (including details of avoidance of harm to reptiles and nesting birds) to be agreed prior to any building works commencing. The Council will also be requiring biodiversity enhancements to ensure compliance with S40 of the Natural Environment and Rural Communities Act 2006 and this will be achieved through planning conditions.

4. Objections made on the basis of the social mix and behaviour of the future tenants are not justified nor are they material planning considerations.

5. The existing children's playground adjacent to the development site and accessed from Jubilee Crescent is not affected by the development although no direct means of access to this facility is achievable from the development site. No additional formal provision is offered by this development although to ensure compliance with Policy COM11, a financial contribution will be sought from the development to an equivalent value that can be used to upgrade the existing nearby facilities.

6. Representations have also been received as to the appropriateness of the site to accommodate three storey housing. For the reasons set out in the appraisal section of the report, the designer's response to the context in terms of scale is considered acceptable.

7. The request by the resident to improve the boundary fence to the rear of 7 College Close has been passed to the development company. From the submitted layout the land immediately adjoining the fence on the development side will be used for visitor parking spaces served from a new turning head to the rear of plots 1 and 2. To accommodate a diverted sewer and the required 'falls', it will be necessary to raise site levels 500mm above existing so consequently the existing 1.8m high fence may not provide sufficient screening. Finished site levels are uncertain at this stage so it is considered reasonable to impose a planning condition that requires the agreement of a scheme to mitigate the impact of the development and change in levels on the nearest neighbouring property.

8. Both Dwr Cymru Welsh Water and the Council's Land Drainage Section have commented on the proposed development and drainage strategy and whilst DCWW have offered no objection,

the Council's Land Drainage Section have indicated that the principles of the drainage scheme are agreed. There is still however a considerable amount of detail to be submitted, which includes an updated drainage layout, levels, sections and calculations. DCWW should also provide confirmation that they are prepared to enter into a S104 Agreement to secure the adoption of the drainage. Although the Council's Land Drainage Section has recommended that a decision is delayed on the application until the aforementioned details are submitted and assessed, they have indicated that a robust pre-commencement planning condition could be imposed if the application is to be determined prior to the submission of the drainage information.

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

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

11. Natural Resources Wales, in their consultation response, have indicated that the construction phase presents a moderate to high pollution risk and have requested the submission of a comprehensive pollution strategy to be agreed prior to development commencing. The submitted Site Investigation report confirms that asbestos was found in one of the trial pits on site. The quantification test confirms that the material would be classed as inert waste which would pose no significant threat to human health or the environment. If such material is found, other legislation will control its removal and disposal. The developer will screen and test any topsoil that is retained and reused on site.

12. The devaluation of property is not material to the consideration of this planning application.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents, the Town Council and the local Ward Member.

The application seeks planning consent for the construction of 48 no. dwellings and associated works on the former site of Bridgend Town Football Club, located off the re-aligned and newly constructed section of Coychurch Road.

The main issues relevant to the determination of this application are:-

- (i) whether the development complies with the policies of the Bridgend Local Development Plan and will deliver the necessary infrastructural improvements;
- (ii) the effect of the development on the existing drainage systems, highway network and highway safety generally; and,
- (iii) the effect of the proposal on the character and amenities of the area and specifically those enjoyed by local residents.

In accordance with the adopted Local Development Plan, the application site is located within the settlement boundary of Bridgend and is allocated for residential development under Policy COM1

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

As a proposal of over 5 units, the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that all 48 units will be provided as social rented accommodation. In order to safeguard compliance with the LDP, the affordable housing target of 20% for the Bridgend area should be secured through a Section 106 Agreement.

With regards to education, the scheme meets the threshold of 5 or more residential units identified in SPG16 as being large enough to place increased pressure on local educational facilities. However, the Children's Directorate have confirmed that there is sufficient capacity in the local primary and secondary schools to accommodate the additional pupils that can be expected to be generated by the development. As such, a contribution will not be required.

With regards to Outdoor Recreation Facilities, Policy COM11 of the LDP requires provision of 2.4ha per 1,000 people. For a proposal of 48 dwellings, this amounts to approximately 2,700sqm to consist of a combination of outdoor sport, children's play, amenity space and allotment space. BCBC's open space audits reveal a deficit in the locality. The Parks and Playing Fields Section have indicated that an existing Children's Play Facility is located adjacent to the site and, as an alternative to onsite provision and the subsequent cost of maintaining the facility, a financial contribution could be sought to improve this existing facility. Based on current rates for provision in BCBC, the contribution required would equate to a figure of £470 per dwelling.

As indicated in the previous section of the report the impact of the development on the highway network has been thoroughly examined by the Transportation and Engineering Section, as has the submitted layout, to establish whether it accords with both national and local guidance. The impact of the development on the immediate and surrounding road network and the sustainability of the proposed off and on street parking arrangements have been the focus of the objections received from local residents. In applying the aforementioned guidance (Manual for Streets and the Car Parking Guidelines refers) the layout and associated highway works are considered to be in compliance. Accordingly, no objections to the development have been received from the Group Manager Transportation and Engineering.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP states:-

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

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

The number of units proposed by the development has been a specific concern of a number of objectors. Policy COM4 of the LDP establishes a density requirement of at least 35 dwellings per hectare. The supporting planning statement acknowledges that delivering 48 dwellings on a 1ha site equates to a density of 49 per hectare, well in excess of the minimum level as set out in policy. The developer seeks to justify this level based on Planning Policy Wales, which advocates higher density development in sustainable locations, and the number of flats proposed. Whilst undoubtedly the site is closely linked to the town and all public transport connections, increased densities should not be accepted if the living environments created are poorly designed.

For many of the properties, the level of private amenity space is extremely modest with garden lengths of a number of the properties measuring less than 10m. The revised layout has sought to address the Department's concerns on this matter and improvements have been achieved across the layout. The building footprints have been reduced on Plots 15-20 and whilst the garden lengths range between 6-7m, the units will overlook the existing children's play facility and housing on Jubilee Road beyond. Consequently, the outlook for the future occupiers is relatively open.

For Plots 7-9 (inclusive) the garden size is restricted with the minimum Welsh Design Quality Requirement just being achieved. Being located close to the new site access and Coychurch Road, the layout proposes a 2.1m high fence around the rear and side garden, to ensure that amenities are protected in terms of privacy and noise. Such an arrangement does however restrict the level of useable space and outlook and does not achieve the highest quality in design. The designer has been asked to review this aspect of the layout and it is possible that a revised plan addressing this specific concern will be received prior to the Committee meeting. This will be brought for Members consideration via the amendment sheet.

Residential properties in the vicinity of the development site are generally two storeys in scale and, therefore, the introduction of three storey units as proposed must be considered carefully to ensure that amenities, both in terms of visual and residential, are not affected. Positioned at the centre of the development site, the three storey flats will be surrounded by two storey development which will provide the foreground when viewed from the adjacent housing areas. Although the development site is relatively flat, the re-aligned Coychurch Road rises some 5m above. Furthermore, three storey development in the non-domestic setting of Bridgend College site provides the wider context. On this basis, it would be difficult to sustain an argument that the development would be so incongruous as to warrant a refusal of planning permission.

The three storey flats will be some considerable distance from existing properties in Jubilee Road, Jubilee Crescent and College Close. Domination of outlook and overshadowing are not acknowledged as factors given the separating distances both in terms of the flats and all other properties proposed on the submitted layout. Furthermore, the Council's privacy standard will be more than exceeded.

The house types proposed as part of the original submission included elements of inappropriate design with poor form and detailing resulting in dwellings with little architectural merit. The revised planning layout has been accompanied by amended house types which have a simple form with an appropriate palette of materials. It should ensure that the new buildings are a local visual asset even if they are architecturally undistinguished.

In summary, the scale and density of the scheme are generally in keeping with its surroundings. The designer has also sought to safeguard the amenities of existing residents with reference to the siting of the dwellings to ensure that their privacy will be protected, and their outlook will not be dominated or overshadowed. It is considered that the revised layout appropriately addresses the safeguarding of neighbouring residential amenity.

The implementation of biodiversity enhancements, as required by conditions 4 and 14, will help contribute to the environmental sustainability of the development and will demonstrate compliance with S40 of the Natural Environment and Rural Communities (NERC) Act 2006.

With regard to site drainage, it is understood that the drainage strategy for the site is acceptable although the points of connection to the existing system will need to be agreed with Dwr Cymru / Welsh Water. The imposition of a planning condition that will require the agreement of a comprehensive drainage scheme for the site prior to development commencing should provide sufficient protection to the existing drainage infrastructure and the amenity of residents.

In general, the proposal accords with Council policies and guidance with regard to the effects of

the development on the character and the amenities of the neighbours and the area.

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

## **CONCLUSION**

This application is recommended for approval because the development complies with the policies of the Bridgend Local Development Plan and will deliver affordable housing on a sustainable site without any significant impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents will be safeguarded.

## **RECOMMENDATION**

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

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

(ii) Provide a financial contribution of £22,560 on the commencement of development towards the upgrading of an existing play area in the vicinity of the application site.

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

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers 3359/PA/001, 003 (Revision E), 004 (Revision A), 101 (Revision A), 011 (Revision B), 012 (Revision A), 013 (Revision B), 014 (Revision A), 015 (Revision B), 018 (Revision A), 019 (Revision B), 020 (Revision A), 021 (Revision B), 022 (Revision A), and 023 (Revision B) and the following documents: Preliminary Ecological Appraisal and Code for Sustainable Homes Report, Environmental Noise Survey - Hunter Acoustics and the Site Investigation Report by Integral Geotechnique.

Reason: For the avoidance of doubt as to the nature and extent of the approved development.

- 2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings 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 soft and hard landscaping scheme. 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 a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

- 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. The scheme shall include a revised boundary treatment along the shared boundary with 7 College Close, the design and scale of which will be determined by the finished levels of the site. 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 take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

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

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

- 8 No development shall commence until such time as a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures for the operational and post operational phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The (CEMP) shall identify as a minimum:

- a. Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances;
- b. Construction compounds, car parks, offices etc.
- c. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off;
- d. Works timing and phasing of works/responsible proactive construction methods;
- e. Details of maintenance of site access/haulage roads to ensure no polluting discharge;
- f. Measures for dealing with any contaminated material (demolition waste or excavated

waste);

g. Environmental Monitoring Schemes and Environmental Protection methods;

h. Details of emergency contacts;

The (CEMP) should then be efficiently communicated to all contractors and subcontractors and implemented throughout the period of construction.

Reason: To prevent pollution.

- 9** No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of noise mitigation and ventilation works to ensure that the habitable rooms in the properties achieve an internal noise level of 35 dBA Leq 16 hour during the day (07.00 to 23.00 hours) and 30 dBA Leq 8 hour at night (23.00 to 07.00 hours). The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from:

(i) An upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to

(ii) A lower rate between 10 and 17 litres per second against zero pressure.

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

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

- 10** The development shall be carried out strictly in accordance with the mitigation measures set out in paragraphs 11.3 to 11.7 of the Intégral Geotechnique (Wales) Limited Site Investigation Report (dated April 2015).

Reason: For the avoidance of doubt and in the interests of safety.

- 11** No development shall commence on site including any works of site clearance, until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

(i) Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during the demolition and construction of the development; and

(ii) Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highways; and

(iii) A scheme of temporary traffic management to facilitate the construction of the proposed junction onto Coychurch Road and any other element of the road construction where such traffic management is necessary; and

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

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



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

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

- 13** No development shall take place, including any works of site clearance until a 'Site Clearance Method Statement' has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for avoidance of harm to reptiles and nesting birds. The development shall be carried out strictly in accordance with the agreed method statement.

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

- 14** No development shall take place until a scheme for the erection of bird and bat boxes and a programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

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

- 15** Notwithstanding the submitted details, the means of access from the site onto Coychurch Road shall be laid out and constructed with minimum 10.5m radius kerbing and minimum vision splays of 2.4m x 45m in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 16** No structure, erection or planting exceeding 0.9m above carriageway levels shall be placed within the required vision splay areas identified in Condition 15 above at any time.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety

- 18** No dwelling shall be occupied until the individual drive and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout and shall be retained thereafter for parking purposes.

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

- 19** The engineering recommendations contained in the submitted Site Investigation Report - Job No: 11356 prepared by Intégral Geotechnique (Wales) Limited (dated April 2015), including details of remedial works and precautions necessary in relation to the structural design of the dwellings and the design, construction and maintenance of the proposed highways and associated retaining walls, sewers and attenuation structures shall be undertaken in accordance with requirements of the report as appropriate to the structures or roads to be constructed. In addition, the precautionary works shall take account of the potential for solution cavities to appear beneath the roads serving the development.

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

- 20** No works shall commence on site until such time as a scheme, including engineering details, has been submitted to and agreed in writing by the Local Planning Authority for the provision of an access road to afford access to the existing highway surface water attenuation tank located to the south of the site. Such a scheme shall be implemented, as agreed, in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

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

(a) This application is recommended for approval because the development complies with the policies of the Bridgend Local Development Plan and will deliver affordable housing on a sustainable site without any significant impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents will be safeguarded.

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

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

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

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

(f) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

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

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

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

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

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

(l) Details of any retaining walls within the site to be submitted to the Authority shall include comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway, the design details duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

The retaining wall associated with Plots 1 - 6 that is to be located at the base of the embankment, is considered to be accommodation works associated with the development and, therefore, the long-term maintenance of it will rest with the developer and not the highway authority despite the fact that the walls will support the highway known as Coychurch Road.

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

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

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

(p) An information pack containing public transport information including timetables shall be provided by the developer upon occupation of each residential unit.

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

(r) It will be necessary for the developers to complete a Stopping Up Order under Section 247 of the Town and Country Planning Act 1980 to extinguish highway rights on those parts of the existing maintainable highway that are to become redundant as a result of the development proposal. The stopped up areas will revert back to the original owner on completion of the stopping up procedures.

The process of making an Order takes about 13 weeks but developers need to be made aware from the onset that the Secretary of State for Wales cannot make an order retrospectively and this means that, if any road works associated with this planning consent is commenced, the process becomes ultra vires which will have serious consequences for the procedure and, therefore, the developer.

Developers will be expected to deal direct with the Welsh Government in relation to the

completion of the stopping up procedures involved. The procedure is fairly straightforward and involves the completion of a form and the provision of plans marked up in a specific manner and supporting documentation as per the guidance notes attached to the form. The highway authority will assist by approving the marked up plans prior to submitting the form. The form can be downloaded via [www.gov.uk/government/publications/stopping-up-and-diversion-of-highways](http://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways) or can be obtained from the highway authority.

(s) The planting scheme associated with Conditions 11 and 12 should involve low-growing and spreading plants to create ground-cover that forms a rapid, dense cover, to suppress germination and development of weed seeds and to eliminate the need for weed control measures thereby creating a low-maintenance regime.

(t) The Welsh Government has introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru/Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

(u) Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of the DCWW website - [www.dwrcymru.com](http://www.dwrcymru.com). Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk).

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

**Background Papers**

None

## RECOMMENDATION : RETROSPECTIVE GRANT WITH CONDITIONS

**REFERENCE:** P/15/661/FUL

**APPLICANT:** MRS DEBORAH SMITH  
9 TREHARNE ROAD CAERAU

**LOCATION:** CAERAU CLINIC DUFFRYN ROAD CAERAU

**PROPOSAL:** CHANGE OF USE OF CAERAU CLINIC TO SOCIAL CENTRE INC.  
MEETINGS, BINGO, SERVING ALCOHOL & ENTERTAINMENT

**RECEIVED:** 2nd October 2015

**SITE INSPECTED:** 19th October 2015

### APPLICATION/SITE DESCRIPTION

The application seeks retrospective planning permission for the change of use of this former clinic to a community centre. The use commenced in July 2015 and this application seeks retrospective consent.

The site lies within a predominantly residential area and the nearest dwellings are situated approximately 17m to the north east.

The Access Statement submitted with the application states that the activities undertaken at the community centre include health & beauty, arts & crafts and IT courses, community group meetings, bingo, coffee mornings, darts matches and snooker games. The applicant has stated that the maximum amount of people attending these activities has been 31.

The applicant has advised that the centre is only open in the evenings 2-3 nights a week and is not open after 2230.

The former use of the building as a clinic falls within class D1 of the Town and Country Planning (Use Classes) Order 1987 and the proposed use as a community centre falls within class D2 of the Town and Country Planning (Use Classes) Order 1987, hence planning permission is required to change the use.

There are no external alterations proposed at the premises.

### RELEVANT HISTORY

None

### PUBLICITY

Neighbours have been notified of the receipt of the application.

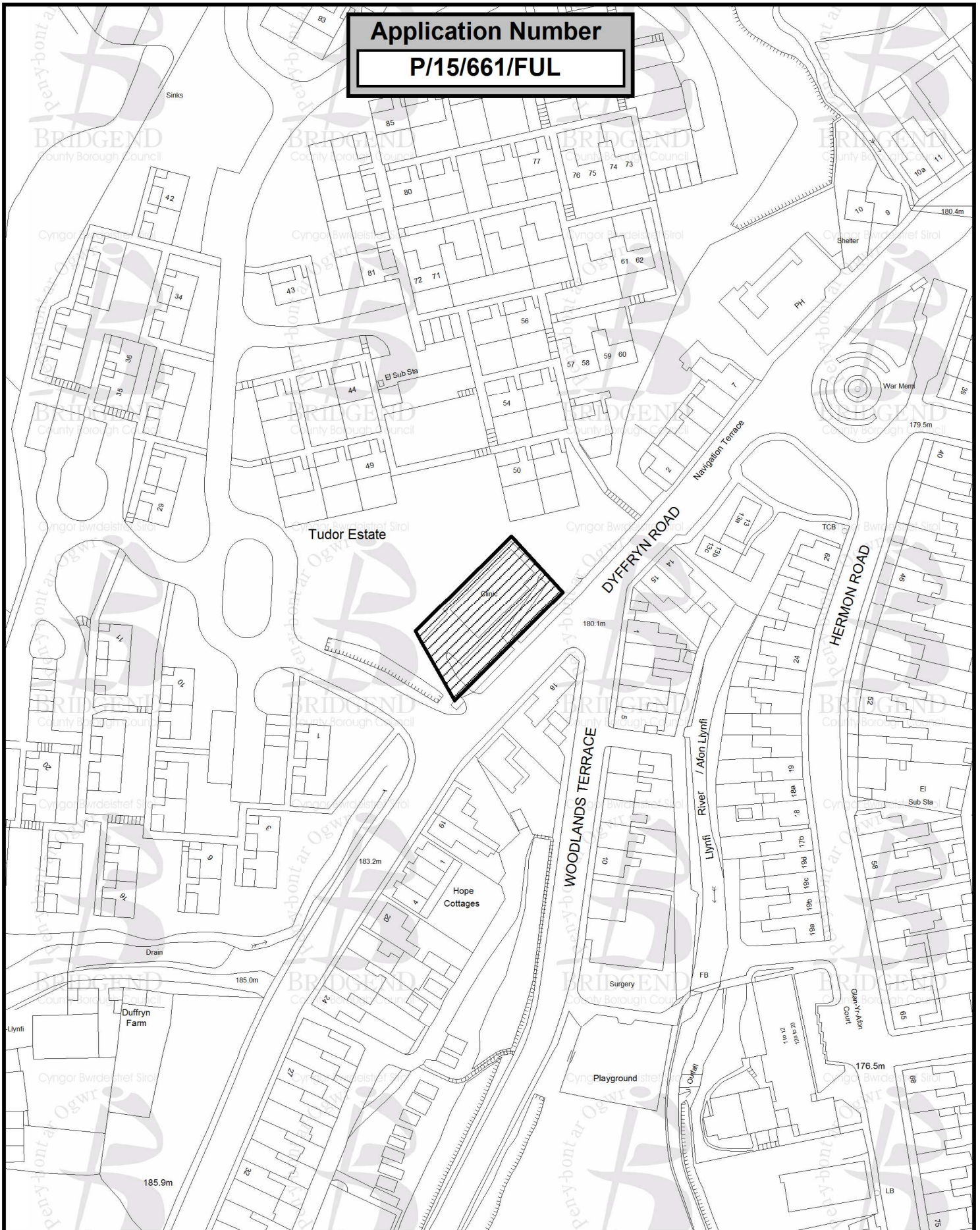
The period allowed for response to consultations expired on 6 November 2015.

### NEGOTIATIONS

The application has been submitted as a result of enforcement investigations.

Application Number

P/15/661/FUL



Page 58

Scale 1:1,250

Date Issued:  
23/12/2015

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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## **CONSULTATION RESPONSES**

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

Notified on 9th October 2015

Has no objection to the proposal.

### **Councillor P J White**

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

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

Advised that they have no objection to the proposal.

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

Has no comments to make on the proposal.

### **Group Manager Public Protection**

Have advised that they are unlikely to have any objections to the proposal.

## **REPRESENTATIONS RECEIVED**

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

E McCulloch - 9 Tudor Estate

M Jones - 30 Tudor Estate

H Thorpe - 47 Tudor Estate(requested to speak at the Development Control Committee)

L Edwards - 48 Tudor Estate

J Hughes - 96 Tudor Estate (requested to speak at the Development Control Committee)

A petition of 13 names and addresses was also received.

The objections are summarised as follows:-

- Loss of clinic facility
- Noise
- Parking provision/ Highway safety
- Antisocial behaviour/Increase in criminal activity
- There are other more suitable facilities within close proximity to the site
- The facility has been operating prior to the submission of the application
- Entertainment License should not be issued.
- Potential impact on property value
- Serving of alcohol could give rise to anti-social behaviour.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The loss of the clinic is addressed in the 'Appraisal' section of this report.

In respect of noise, the application has been assessed by the Group Manager Public Protection who has raised no concerns in respect of noise. However, a condition shall be attached to any permission granted limiting the hours of operation to 10.30pm, which should reduce any disturbance to nearby residential properties late at night.

The Transportation Development Control Officer has advised that the scheme has been



assessed and it is acceptable in terms of highway and pedestrian safety and parking provision, given the former use of the site as a clinic.

Instances of anti-social behaviour are predominantly matters for the Police. Notwithstanding the above, no objections have been raised by the Group Manager Public Protection concerning the proposal. However, a condition limiting the opening hours of the premises to 10.30pm (daily) would assist in mitigating any late night/early morning instances of anti-social behaviour.

Whilst there may be other premises in the locality which could accommodate the proposed use, the Local Planning Authority must consider the application as submitted.

The application was submitted as a result of an Enforcement investigation.

The Entertainment and alcohol licences are subject to separate legislative procedures and the application must be considered in land use terms only.

Potential devaluation of property is not a material planning consideration.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination as a result of the number of objections received from local residents.

The application seeks planning permission for the change of use of this building from a clinic to a community centre.

A clinic falls under class D1 (non-residential institution) of the Town and Country Planning (Use Classes) Order 1987 and the proposed use as a community centre is considered to be a D2 (assembly and leisure) use.

Strategic Policy SP13 of the Local Development Plan (LDP) states that, in order to maintain and improve the quality of life of residents, educational/training, health/well-being, libraries, outdoor and indoor recreation facilities and community buildings will be retained or enhanced. The supporting text at paragraph 6.2.2 states 'It is essential that the quality of the life of all the County Borough's residents is sustained and adequately catered for, and that community services and social facilities continue to address their needs, and are not diminished or undermined by planned growth. Social and community uses and/or facilities include schools, sport, recreation, leisure and cultural facilities, health services, libraries, cemeteries and all types of community buildings including places of worship, and in some cases privately owned community buildings such as crèches, indoor leisure facilities, gymnasiums and public houses.'

The development results in the loss of a clinic facility which serves the community but does provide an alternative community facility. As such, the proposed development is considered to comply with Policy SP13 of the LDP.

Whilst the loss of the clinic facility is disappointing, the retention of such a facility is outside of the control of the Local Authority and the development proposes an alternative community facility.

There are no external alterations proposed and, as such, the development does not raise any concerns in respect of visual amenities.

In terms of residential amenity the application does not propose a predominately A3 (food and drink) use and there is insufficient evidence to indicate that the use is detrimental to residential amenity. However, conditions are attached recommending restricting the use of the building to a community centre and limiting the hours of operation to 0800 - 2230 daily.



Whilst determining this application Policies SP2 & SP13 of the Bridgend Local Development Plan 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 visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

## **RECOMMENDATION**

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

- 1 The premises shall be used for a social centre and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the interests of residential amenities.

- 2 The use hereby permitted shall not be open outside the hours of 0800 to 2230 Monday to Sunday.

Reason: In the interests of residential amenities.

\* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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 visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

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

**Background Papers**  
None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/583/FUL

**APPLICANT:** S A BRAIN & COMPANY LIMITED  
C/O BOYER 1B OAK TREE COURT MULBERRY DRIVE CARDIFF

**LOCATION:** JOLLY SAILOR INN 1 CHURCH STREET NEWTON PORTHCAWL

**PROPOSAL:** PARTIAL DEM OF EXIST BRICK & STONE STORE, PROVISION OF NEW DOOR & OPENING & RECONSTRUCT NEW GABLE END TO STORE

**RECEIVED:** 4th September 2015

**SITE INSPECTED:** 30th September 2015

## APPLICATION/SITE DESCRIPTION

The application seeks consent to partially demolish an existing outbuilding within the curtilage of the Jolly Sailor Public House. The application site lies within Newton Conservation Area, however, the public house is not a Listed Building.

The purpose of the demolition works is to provide external seating for customers. Initially, the external seating area was to be enclosed by a timber shelter. However, this element of the scheme has now been omitted.

The works to the outbuilding would include partial demolition, the building of a new gable wall for the side elevation of the retained part of the outbuilding and the installation of a new door.

External works are also proposed and would include a platform for the seating area, a gate and boundary walls.

## RELEVANT HISTORY

None.

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 8 October 2015.

## NEGOTIATIONS

The applicant was requested to incorporate a wide door and red-brick detailing into the new front elevation of the outbuilding. The applicant was also requested to retain more stone within the proposed boundary walls and to provide calculations to demonstrate that the outbuilding is below 115 cubic metres.

## CONSULTATION RESPONSES

### Town/Community Council Observations

Notified on 11th September 2015

Application Number

P/15/583/FUL

St Clare's  
Convent  
School

HEOL-Y-GRAIG 20.4m

St Clare's  
Junior  
School

Tennis Courts

RIARS COURT

Clevis Cottage

CLEVIS HILL

CLEVIS LANE

Clevis

Sycamore House

Clevis Court

Orchar  
Cottag

PH

CHURCH

STREET

14.0m

St John The  
Baptist's Church

Cross  
(restored)

Allotment Gardens

Shelter

Lych Gate

11.9m

8.2m

Play Area

Anchorage

New  
House

NEWTON



Scale 1:1,250

Date Issued:  
23/12/2015

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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Objects to the proposal:

The existing stone wall facing onto the highway should be retained as it forms an intrinsic part of the character of Newton Village and its location in the Newton Conservation Area.

**Councillor K J Watts**

Provided the following concerns:

Whilst I can understand the need to modernise and upgrade the facilities this pub has stood in its present form for many, many years and stands in the centre of a conservation area. I therefore have concerns about the partial demolition of a building, albeit a shed, which has been part of the pub's original building. I think some way should be found to retain more of the road side wall whilst opening up the inside of the shed for the proposed use.

**Conservation & Design**

No objections to the proposal subject to a condition.

**Head Of Street Scene (Engineers)**

No objections to the proposal subject to an advisory note.

**Glamorgan Gwent Archaeological Trust**

No objections to the proposal subject to a condition.

**Group Manager Public Protection**

No objections to the proposal.

**REPRESENTATIONS RECEIVED**

**Angela Jones, Sycamore House**

as our home is adjacent to the stone building and forms part of our boundary wall I am concerned with the height aspect of the construction and do not want it to be any higher than the existing boundary wall as this will remove all light from our patio area. Am also concerned with the any further noise issues that may be incurred.

Objections have been received from the following residents:

3 and 4 Church Street  
Morfa Farmhouse, South Road  
Clevis Court, Clevis Lane  
76 Cefn Road  
57 Austin Avenue  
1 Newton Nottage Road

The comments received related to the original submission which included the construction of a shelter to enclose the external seating. Whilst this element has now been omitted from the scheme, the objections received have been summarised as follows:

1. Adverse impact on a building of historic, cultural, architectural and archaeological value and its contribution to the visual amenities of the area, the character and appearance of Newton Conservation Area and the Listed Building, St. John's Church
2. Adverse impact on highway safety
3. Adverse noise and odours
4. Adverse impact on the village green

**COMMENTS ON REPRESENTATIONS RECEIVED**

1. Refer to the appraisal section of the report.
2. The proposed development would simply occupy the existing footprint of the outbuilding and would not extend further into the footway or road. A condition would be imposed for a Demolition Method Statement to be submitted which could control the impact of the demolition works on the adjacent footway and road.
3. The Group Manager Public Protection has no objections to the proposal. The proposed external seating area is considered to be an ancillary and complimentary function of the public house and would not materially increase the amount of noise or odours being generated by the premises. In any case, noise and odours are matters which are controlled by separate legislation and investigated by the Public Protection Department as statutory nuisances.
4. The village green is separated from the application site by the road of Church Street. Since the proposed development would not extend beyond the footprint of the existing outbuilding, it is considered that the scheme would not have any adverse effect on the village green.

## **APPRAISAL**

The application seeks consent to partially demolish an existing outbuilding within the curtilage of the Jolly Sailor Public House and undertake external alterations for the provision of outdoor seating for customers. It is being reported to the Development Control Committee due to the number of objections received.

The outbuilding is located within Newton Conservation Area, as defined by Policy SP5 of the adopted Bridgend Local Development Plan. This Policy states that development should preserve or enhance the built and historic environment of the County Borough and its setting.

Conservation Area Consent specifically considers the impact of any demolition works within designated Conservation Areas on its character and appearance. However, only buildings which exceed 115 cubic metres can be considered. In this particular case, the applicant has clarified within an email that the outbuilding does not exceed 115 cubic metres (114.57 cubic metres). As such, this scheme does not require Conservation Area Consent and the Conservation and Design Team has no objections to the demolition aspects of the proposal.

Notwithstanding the above, Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 recognises that demolition is inherently permitted development. However, there is a degree of control for certain buildings, including those which are within Conservation Areas and non-domestic buildings with a volume exceeding 50 cubic metres. The controls are solely limited to the method of demolition and site restoration and could be considered as part of a planning application or separately under a Demolition Prior Notification. In this particular case, the demolition works have been recognised within the description of this planning application and details concerning the method of demolition and site restoration have been submitted for consideration.

With regards to the method of demolition, the supporting statement indicates that good practice principles would be followed. However, the information provided lacks any site-specific detail, especially with regards to the removal of asbestos material. As such, a condition would be imposed on any consent given, requiring a full Demolition Methodology Statement to be provided prior to any works being undertaken. This would ensure that the general amenities of the area would be safeguarded during the demolition works. The Council's Structural Engineer has no objections to the proposal.

Plans have been submitted detailing the works that would be undertaken following the partial demolition of the outbuilding. Whilst the outbuilding has been part of the fabric of Newton

Conservation Area for many years and is publicly visible from Church Street and adjacent open spaces, this structure is considered not to be a key or landmark building. However, approximately 40% of the existing outbuilding would be retained and through negotiation, the applicant has ensured that the main public elevation would include a door and an opening which replicates the features present on the existing frontage. The characteristic wide door and red-brick surround would form part of the shortened outbuilding, thereby, preserving the character and appearance of the Conservation Area.

Following demolition, a new gable end wall on the eastern elevation would be constructed. The plans note that this elevation would be constructed of stone, whilst slates from the roof of the demolished section of the outbuilding would be reused on the non-public elevation of the retained part of the outbuilding, replacing corrugated sheeting. This would ensure that the outbuilding would be visually compatible with its surroundings, thereby, preserving the character and appearance of the Conservation Area.

The original footprint of the structure would be referenced through the construction of a new stone boundary wall. This boundary wall would be publicly visible from the adjacent footway and road. Stone walls are prevalent within this Conservation Area and form part of the setting of St. John's Church opposite, which is a Grade I Listed Building and The Old School, which is a Grade II Listed Building.

In addressing the comments received from Porthcawl Town Council and the Local Member, a greater amount of stone would be retained, thereby complementing the appearance of the outbuilding and reinforcing the character and appearance of the Conservation Area. A new metal gate would be installed alongside the public house. This would be a small feature and would not have a significant adverse effect on the visual amenities of the area.

Whilst the plans indicate the palette of materials that would be used as part of the development, the specific finishes, particularly colours, have not been specified. As such, and in the interests of preserving the character and appearance of the conservation area, a condition is imposed requiring such details to be agreed. The Conservation and Design Team have no objections to the proposal and consider that the proposed redevelopment of the outbuilding and external works would preserve the character and appearance of the Conservation Area. The scheme, therefore, satisfies Policies SP2, SP5 and ENV8 of the adopted Bridgend Local Development Plan (2013).

Glamorgan Gwent Archaeological Trust (GGAT) has no objections to the proposal but recommends a condition for a programme of building recording and analysis to be undertaken prior to the commencement of demolition.

Sited to the south-west of the outbuilding is a mature horse chestnut. This tree is protected by Tree Preservation Order (1978) OBC No.1 and is located on land maintained by the Highway Authority. This tree is a prominent feature within Newton Conservation Area and shelters the outbuilding which is the subject of this application. Given the proximity of the outbuilding to this tree, it is considered necessary to impose a condition for tree and root protection measures to be submitted and agreed. This would ensure that the tree would be safeguarded from the impact of the demolition and development works.

The new external space would include a customer seating area. This would be enclosed by the new boundary wall. The seating area is considered to be ancillary to the function of the public house and would add to the limited external seating area which currently exists. The Group Manager Public Protection has no objections to the proposal, especially with regards to impact on residential amenity and matters of noise and odours. It is, therefore, considered that the development would not have any significant adverse effect on the residential amenities of neighbouring properties and satisfies Policy EN7 of the adopted Bridgend Local Development Plan (2013).

## CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect visual amenities, the character and appearance of Newton Conservation Area, archaeology, or highway safety, nor so significantly harms neighbours' residential 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 plan:

15/031 Rev. C - Proposed part plan and elevations (received 1 December 2015)

Reason: For the avoidance of doubt as to the nature and extent of the approved development.

- 2 Notwithstanding the requirements of Condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the development hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to preserve the visual amenities of the area and the character and appearance of Newton Conservation Area.

- 3 Notwithstanding the requirements of Condition 1, no development (including demolition) shall commence until a Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The demolition works shall thereafter be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the general amenities of the area and in the interests of highway safety.

- 4 Notwithstanding the requirements of Condition 1, no development (including demolition) shall commence until the implementation of an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority. The programme shall be carried out by a specialist acceptable to the Local Planning Authority and in accordance with a written specification to be submitted to and agreed in writing by the Local Planning Authority.

Reason: The building is of architectural and cultural significance and the specified records are required to mitigate the impact of the development.

- 5 Notwithstanding the requirements of condition 1, no development (including demolition) shall commence until there has been submitted to and agreed in writing by the Local Planning Authority a specification of tree and root protection measures for the Horse Chestnut protected under TPO (1978) OBC No.01 [T32]. The protection measures shall be carried out in accordance with the agreed details and installed throughout the duration of the demolition and development works.



Reason: To ensure the protection of important trees in the landscape.

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

- a. This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect visual amenity, the character and appearance of Newton Conservation Area, archaeology, or highway safety, nor so significantly harms neighbours' amenities as to warrant refusal.
- b. With regards to Condition 3, the applicant/developer is advised that the Demolition Method Statement must include measures relating to the handling and removal of all asbestos material and ensuring there are no adverse impacts on adjacent public footways/road infrastructure.
- c. Whilst the demolition aspects of the proposal is deemed permitted development, the applicant/developer is advised to undertake ecological surveys to ensure that no protected species would be adversely affected by the demolition works.

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

**Background Papers**  
None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/594/FUL

**APPLICANT:** MR NATHAN HILL  
4 HEOL CROES FAEN PORTHCAWL

**LOCATION:** 4 HEOL CROES FAEN NOTTAGE PORTHCAWL

**PROPOSAL:** CREATE NEW FIRST FLOOR BY ALTERING ROOF PITCH, NEW TWO STOREY SIDE EXTENSION AND DORMER EXTENSIONS

**RECEIVED:** 9th September 2015

**SITE INSPECTED:** 30th September 2015

## APPLICATION/SITE DESCRIPTION

The application seeks consent to increase the pitch of the roof of the bungalow to create floorspace at first floor level. This would transform the property into a dormer bungalow. The overall height of the property would increase by 2.2m (from 4.8m to 7m).

As part of the development, a two-storey extension would be constructed on the south-eastern (side) elevation of the property, thereby altering the footprint of the dwelling to an L-shape. This would consist of a single-storey element with dormers in the loft space. This extension would measure 2.6m x 6.3m, reaching maximum heights of 2.5m (eaves) and 6m (ridge).

Four dormer-type extensions would be located on the roof of the property, all of which would be identical in scale, design and appearance (3m wide, maximum projection of 2.7m, with a pitched roof reaching a maximum height of 2.5m). Two of the dormers would be located on the north-western (side) elevation of the main roof of the property, whilst two dormers would be located on either side of the roof of the proposed two-storey extension.

## RELEVANT HISTORY

None.

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 27 October 2015.

## NEGOTIATIONS

The agent was requested to submit amended plans to amend the design and appearance of the development, with particular regards to windows, the appearance of the front elevation and external finishes.

## CONSULTATION RESPONSES

### Town/Community Council Observations

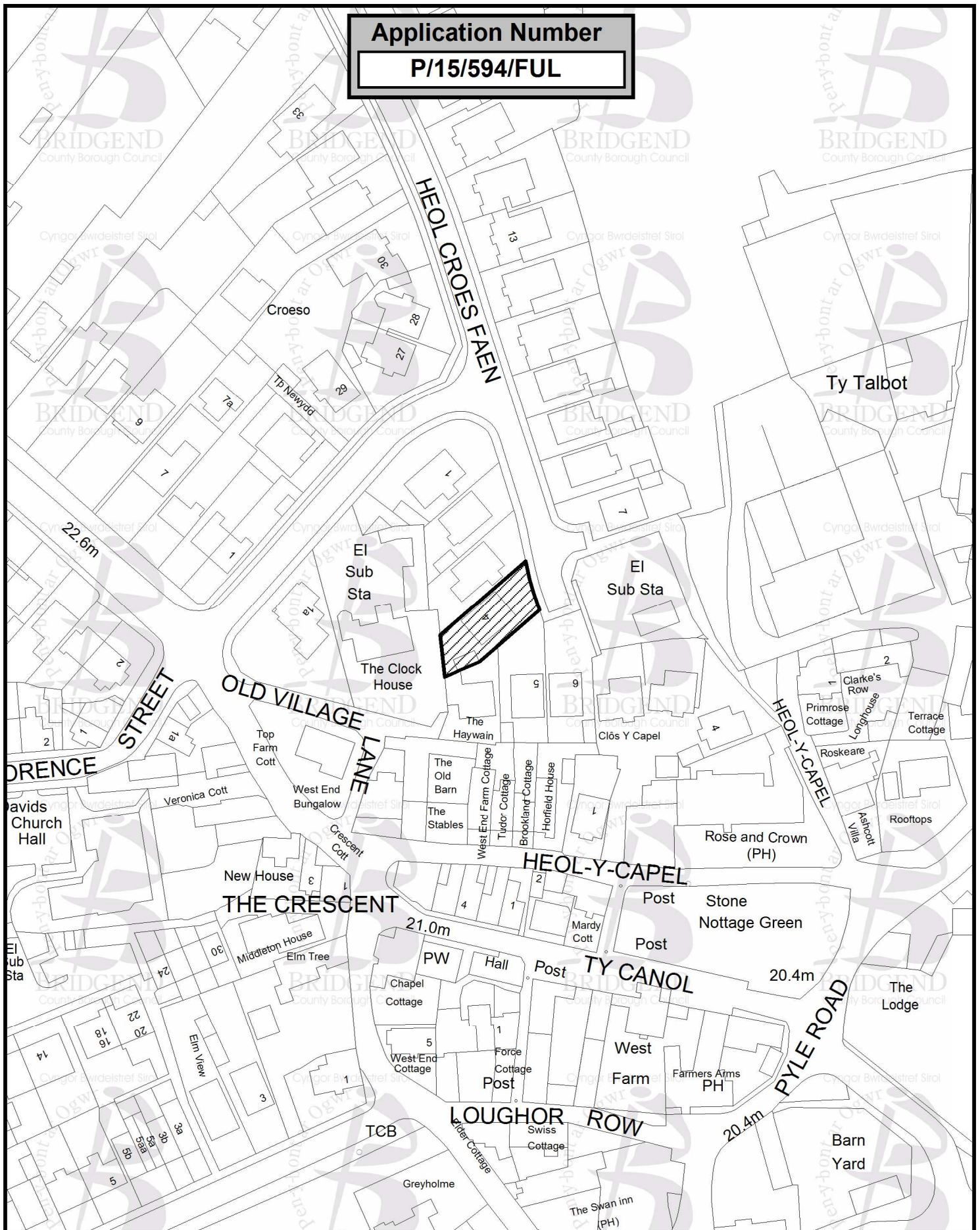
Notified on 29th September 2015

No objections to the proposal.

### Head Of Street Scene (Highways)

Application Number

P/15/594/FUL



Page 72

Scale 1:1,250

Date Issued:  
23/12/2015

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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No objections to the proposal.

**Destination & Countryside Management**

No objections to the proposal subject to advisory notes.

**Welsh Water Developer Services**

No objections to the proposal subject to an advisory note.

**REPRESENTATIONS RECEIVED**

Objections have been received from the following residents:

10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 24, 26, 27, 31, 32, 34, 36, 38, 39 Heol Croes Faen

1. The proposal would set an undesirable precedent within the street since the bungalows are predominantly one level with the same roof line. The development, therefore, would be out of character with its surroundings, including the adjacent Nottage Conservation Area.

2. Insufficient space for off-street parking to accommodate the extended dwelling and highway safety.

**COMMENTS ON REPRESENTATIONS RECEIVED**

Refer to the appraisal section of the report with regards to the response to the objections received.

**APPRAISAL**

The application is reported to Committee in view of the number of objections received.

The application property forms part of an estate in which the street-scene appearance has largely remained unaltered since originally constructed. Having regard to the layout of the estate, the application site is located at the end of the cul-de-sac rather than being part of the prevalent fabric of the street which is characterised by a long straight road extending to the north.

Whilst the end of the cul-de-sac shares several of the characteristics associated with the predominant part of the estate, its context is inherently different. It is a much shorter section of road, defined only by a small cluster of similar bungalows in a staggered layout which contrasts with the linear layout of properties along the dominant northern section of the street. Two-storey dwellings of alternative design, appearance and character are situated in the backdrop of the cul-de-sac, whilst it also includes a large compound serving an electricity substation. These features have altered the setting, character and architectural rhythm of the southernmost section of the cul-de-sac in which the application property is located.

It is also noted that 5 Heol Croes Faen, which is immediately adjacent to the application site, has raised the pitch of its roof to create a similar development as that proposed in this application. This, however, excludes the side extension and dormers (88/1140 refers). On examination of the contents of that planning application, the Case Officer acknowledged that the development would be first of its kind in the street but had regard to the site context, especially that it would be adjacent to two-storey properties.

With regards to this latest application, the proposed development shares the same context as 5 Heol Croes Faen. The pitch of the roof would be raised to a very similar height as that of the adjacent property. Given the staggered layout of this section of the cul-de-sac, the application property is set-back behind 3 Heol Croes Faen and this would limit the visual prominence of the

development when viewed from the prevalent sections of the street. The development would also be seen in context with the development of 5 Heol Croes Faen and other two-storey properties in the background. The adjacent properties define the edge of Nottage Conservation Area and it is visually apparent that the properties within Heol Croes Faen depart from the distinct character and appearance afforded to its designation. Having regard to the above, with particular regards to its context, it is considered that the proposal, in this instance, would not be out of character nor would it set an undesirable precedent within the street.

The proposed two-storey extension would have a sympathetic design and appearance to the host property. It would be clearly subordinate to the main dwellinghouse, due to its ridge being 1m lower than the raised main roof and it would be set-back 5m from the front elevation. The staggered layout of the estate would also conceal the proposed two-storey extension from any prominent public views.

The proposed dormer-type extensions would be new features attributed to a property of this style and character. However, the dormers would be compatible features and would not appear prominent or incongruous features in the street-scene.

Notwithstanding the above, amended plans were requested to ensure that the publicly visible elevations were compatible in their appearance and external finishes to the character and appearance of the cul-de-sac. In this respect, the windows were altered to be more in-keeping with those in Heol Croes Faen. Also, the two dormer-type extensions on the north-western (side) elevation of the main roof of the property have been amended to include windows. This has enhanced their visual appearance, thereby satisfying Note 14 of Supplementary Planning Guidance 2: Householder Development (SPG2).

The amended plans indicate that the palette of external finishes and distinctive patterns associated with the bungalows in Heol Croes Faen would be retained, thereby, referencing and unifying the development as much as possible with the wider estate. However, the external finishes on the elevations of the property would be switched so that it would be mostly render with stone features rather than mostly reconstituted stone with render panels. Since the development would be based on the same palette of materials used within the street and render-based properties can be seen in the backdrop, the proposal would generally be in keeping with the character and appearance to the estate. This configuration would also lighten the impact of the development on the street-scene, particularly in view of the increased height of the property. Despite the uniformity of external finishes within the street-scene, it is acknowledged that the existing property could through utilisation of its permitted development rights change the external appearance of the property so that it is completely different to the other properties in the street.

Notwithstanding the above, since this proposal requires planning permission, the external finishes of the development can be controlled. As such, it is considered that the proposed development would not have such an adverse effect on the visual amenities of the area so as to warrant refusal. In the absence of specific finishes on the plan, it is considered prudent to impose a condition requiring all the external finishes of the development to match those used in the existing property. The development, therefore, satisfies Policy SP2 of the adopted Bridgend Local Development Plan (BLDP) and Notes 11, 12, 14, 15 and 16 of Supplementary Planning Guidance 2: Householder Development (SPG2).

The application site is bounded on three sides by other residential properties. To the immediate south of the site are two properties, namely 5 Heol Croes Faen and 'The Haywain'.

5 Heol Croes Faen is the property which has raised the height of its roof to create space at first floor level. Given the layout of the estate, this property is located at an angle to the application site which is to the north. The front elevation of No.5 is approximately 13m from the side elevation of the application property. The proposed side extension would be adjacent to the drive of the neighbouring property and not directly in-line with any of the windows on the front elevation.

As such, it is considered that this development would not result in any unreasonable loss of amenity to this particular neighbouring property, with particular regards to light, outlook, dominance and privacy. The proposal, therefore, satisfies Policy SP2 of the BLDP and addresses the principles of Note 1, 2, 3 and 6 of SPG2.

'The Haywain' is a two-storey property and lies in the backdrop of the cul-de-sac of Heol Croes Faen. Its rear elevation faces north and backs onto the application site. The proposed development would be approximately 7m from the rear elevation of 'The Haywain' which contains habitable room windows on the ground floor. However, it was noted during the site visit that these windows currently face a shed in its rear garden followed by the detached garage of the application property. Having regard to the relationship between this property and the application site, it is considered that the proposed development would not unreasonably worsen the existing amenities of this neighbour, particularly with regards to light, outlook and dominance. Only limited and indirect views would be possible from the proposed development into the amenity space and window of this neighbouring property. As such, it is considered that this development would not result in any unreasonable loss of privacy. The proposal, therefore, satisfies Policy SP2 of the BLDP and addresses the principles of Note 1, 2, 3 and 6 of SPG2.

To the west of the application site is a large detached property known as 'The Clock House'. There is a boundary wall approximately 2.5m high separating both properties. Since the wall is tapered, the nearest part of the application property to the boundary is approximately 6.5m rising to 12m at the furthest point. This is subsequently followed by the driveway of 'The Clock House'. The application property also angles away from the neighbouring property, thereby, reducing the bulk, scale and massing and, therefore, the impact of the development on this particular property. Due to the height of the wall, the ground floor element of the proposal would not have an adverse effect on 'The Clock House'. New windows would be installed at first floor level, however, these windows would not directly face any habitable room windows nor would they face any outdoor space which has significant amenity value. Having regard to the above, it is considered that the proposed development would not result in any unreasonable loss of amenity to this particular neighbouring property, with particular regards to light, outlook, dominance and privacy. The proposal, therefore, satisfies Policy SP2 of the BLDP and addresses the principles of Note 1, 2, 3 and 6 of SPG2.

To the north of the application site is 3 Heol Croes Faen. This property has a small porch extension on the side elevation facing the application site and a further extension on the rear elevation. Given the staggered layout of the estate, the front elevation of the application property is approximately in-line with the rear elevation of the porch extension at No.3. There are several windows on the side elevation of No.3 that would face the proposed extension. Only one of the windows appears to serve a habitable room (a kitchen). This correlates with the existing internal configuration of the application property which is of the same house-type. However, the kitchen would have had further glazing to the rear elevation which has subsequently been replaced by a single-storey extension.

Whilst it is acknowledged that the proposed development, by virtue of the increase in height and the inclusion of dormers, would result in some loss of amenity to this kitchen window, it currently does not benefit from any significant level of amenity. This is mainly due to its proximity and relationship to the boundary wall and the application property which significantly reduces the outlook and the amount of light entering the room. However, since the roof of the development would angle away from the neighbouring property and the dormers do not significantly increase the bulk, massing and scale of the overall development, it is considered that the scheme would not significantly worsen the existing level of amenity so as to warrant refusal of the scheme. The proposal, therefore, satisfies Policy SP2 of the BLDP and addresses the principles of Note 1, 2, 3 of SPG2.

Notwithstanding the above, it is considered prudent to impose a condition for the two windows serving the dormer extensions and the velux-type window serving the landing to be fitted with

obscure glazing and be non-openable. This would ensure that the privacy of the neighbouring property would be safeguarded, thereby satisfying Policy SP2 of the BLDP and Note 6 of SPG2.

There are other properties further away from the application site, however, the development would not generate any overriding residential amenity concerns with particular regards to light, outlook, dominance and privacy.

The application property would retain an adequate amount of amenity space, thereby satisfying Policy SP2 of the BLDP and Note 8 of SPG2.

The entire frontage of the property and the drive is capable of accommodating off-street parking to serve the extended dwelling. As such, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal and considers that there would be sufficient off-street parking available. It is, therefore, considered that the proposed development would not have any significant adverse effect on parking or highway/pedestrian safety.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities (including the character and appearance of Nottage Conservation Area), 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 plan:

PL001 Rev.6 Existing and Proposed Plans and Elevations (received 8 December 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 external surfaces of the approved development shall match those used in the existing building in accordance with samples or details to be submitted to and approved in writing by the Local Planning Authority prior to their installation on site.

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 Notwithstanding the requirements of Condition 1, the two dormer windows serving the "Shower Room/WC" and "Bedroom" and the velux-type window serving the "Landing" facing 3 Heol Croes Faen shall be fixed pane (non-openable) and fitted with obscure glazing to a minimum of level 4 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the extension hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS



a. This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities (including the character and appearance of Nottage Conservation Area), nor so significantly harms neighbours' amenities as to warrant refusal.

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

c. British bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection, or deliberately capture, injure, kill, or disturb a bat/bats.

d. Contractors should be made aware that there is a small chance of encountering bat roosts unexpectedly during the development work. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from Natural Resources Wales.

e. The applicant/developer is encouraged to install nest boxes within the development for bat and bird species. The incorporation of bat bricks/tiles/boxes into the development would also enhance the ecological value of the site.

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

**Background Papers**

None

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## **APPEALS**

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

<b>CODE NO.</b>	A/15/3135226 (1763)
<b>APP. NO.</b>	P/15/475/FUL
<b>APPELLANT</b>	MR JULIAN REED
<b>SUBJECT OF APPEAL</b>	NEW ACCESS FOR NEW DWELLING AND THE LAURELS HEOL PEN Y FAI PEN Y FAI BRIDGEND
<b>PROCEDURE</b>	HEARING
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was approved with conditions and the appellant is appealing against the conditions 2-7 namely:

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

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

3 The existing boundary wall fronting The Laurels and the new property consented under P/12/656/FUL shall be removed along the frontage of the site with Heol Eglwys and the area fronting the access gates laid out in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

4 Notwithstanding Condition No. 1 and the approved plan the proposed wall along the common boundary of The Laurels and the new property consented under P/12/656/FUL shall not protrude forward (in a northerly direction) beyond the position of the proposed gates.

Reason: In the interests of highway safety.

5 The proposed access drive serving the new property consented under application P/12/656/FUL shall be completed in permanent materials for a distance of no less than 10m from the edge of carriageway in accordance with the details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

6 The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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<b>CODE NO.</b>	A/15/3133430 (1764)
<b>APP. NO.</b>	P/14/543/FUL
<b>APPELLANT</b>	MARCOL AFAN ENERGY

**SUBJECT OF APPEAL** 5.1MW SOLAR ARRAY WITH INVERTER STATIONS, SWITCHGEAR CABINS, FENCING, CCTV & ACCESS: LAND NORTH BRYNHEULOG CAERAU PARK MAESTEG

**PROCEDURE** HEARING

**DECISION LEVEL** COMMITTEE

The application was refused for the following reasons:

1 The proposal solar array and associated works would, by virtue of its prominent location, form and scale, adversely impact upon the integrity of the countryside and the character of the landscape (comprising the Landscape Character Area - LCA 1: Llangynwyd Rolling Uplands and Forestry in which it is located and the adjacent Foel y Dyffryn Special Landscape Area) and would set an undesirable precedent for further applications for similar development in the County Borough, contrary to Policies SP2, SP4, SP8 and ENV3 of the Bridgend Local Development Plan and the emerging Supplementary Planning Guidance: Renewables in the Landscape.

2 Notwithstanding the proposed mitigation works, the proposal solar array and associated works would, by virtue of its prominent location, form and scale, adversely impact upon the visual amenities of the residents in Brynheulog (including Maes yr Awel, Ael Y Bryn and Lon Y Parc), Caerau (including Cymmer Road, Bryn Terrace and Church Street) and users of the Open Access Land and Public Rights of Way to the south, east and west of the development site and would set an undesirable precedent for further applications for similar development in the County Borough, contrary to Policies SP2 (criteria 2 and 12), SP8 and ENV18 (criterion 6) of the Bridgend Local Development Plan and the emerging Supplementary Planning Guidance: Renewables in the Landscape

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**CODE NO.** H/15/3138666 (1765)

**APP. NO.** A/15/11/ADV

**APPELLANT** MR SANJEEV BHAGOTRA

**SUBJECT OF APPEAL** NON-ILLUMINATED ADVERTISEMENT SIGN 1 ROCK STREET ABERKENFIG

**PROCEDURE** WRITTENS REPRESENTATIONS

**DECISION LEVEL** COMMITTEE

The application was refused for the following reasons:

1 The proposed advertisement by reason of its size, siting, design and appearance, would constitute an unduly prominent and incongruous feature in the street scene and would contribute to unwanted clutter, to the detriment of the visual amenities of the locality and contrary to Policy SP2 of the Bridgend Local Development Plan.

2 The proposed sign will create a distraction to highway users on the busy classified road, Bridgend Road, to the detriment of highway safety and contrary to Policy SP3 of the adopted Local Development Plan.

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

**CODE NO.** A/15/3129184 (1759)

**APP. NO.** P/14/564/OUT

**APPELLANT** MR & MRS DALTON & MR REES

**SUBJECT OF APPEAL** 1 NO. 5-BED TWO STOREY DWELLING TO BE OCCUPIED BY OPERATIVES OF AN EXISTING RURAL ENTERPRISE: LAND WEST OF

<b>PROCEDURE</b>	HEARING
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED</b>

A copy of this appeal decision is attached as APPENDIX A

A copy of the costs decision is attached as APPENDIX B

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<b>CODE NO.</b>	A/15/3130150 (1760)
<b>APP. NO.</b>	P/15/102/OUT
<b>APPELLANT</b>	MR & MRS R HAYES
<b>SUBJECT OF APPEAL</b>	ERECT A SINGLE STOREY DETACHED BUNGALOW DESIGNED TO ACCOMMODATE A DISABLED PERSON: LAND AT WERN DEW FARM HEOL PERSONDY ABERKENFIG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED</b>

A copy of this appeal decision is attached as APPENDIX C

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<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>	REMOVE CONDITION 4, MODIFY CONDITION 5 TO PERMANENTLY RETAIN MAST D TO BE ERECTED 5HRS IN 24HR PERIOD: 1 GREEN MEADOW CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO A NEW CONDITION</b>

A copy of this appeal decision is attached as APPENDIX D

**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES****Background Papers**

See relevant application reference number.

## APPENDIX A



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### **Penderfyniad ar yr Apêl**

Gwrandawriad a gynhaliwyd ar 6/10/15  
Ymweliad â safle a wnaed ar 6/10/15

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 08/12/15**

### **Appeal Decision**

Hearing held on 6/10/15  
Site visit made on 6/10/15

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 08/12/15**

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**Appeal Ref: APP/F6915/A/15/3129184**

**Site address: Land to the east of Ffordd Y Gyfraith Former Ton Phillip Farm,  
Ffordd Y Gyfraith, Cefn Cribwr, Bridgend**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Dalton and Mr Rees against the decision of Bridgend County Borough Council.
  - The application Ref P/14/564/OUT, dated 1 August 2014, was refused by notice dated 29 January 2015.
  - The development proposed is the erection of 1 No. 5 bed dwelling (two storey) with garage.
- 

### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### **Preliminary Matter**

3. I note that the site address on the planning application is described as 'Land to the west of Ffordd Y Gyfraith Former Ton Phillip Farm, Ffordd Y Gyfraith, Cefn Cribwr, Bridgend'. The appellant's statement confirms that the address is incorrect and that the site is actually located geographically to the east of Ton Phillip Farm. I will determine the appeal on this basis.

### **Procedural Matters**

4. The application is for outline planning permission with all matters reserved and I have proceeded on that basis.

### **Main Issue**

5. The main issue in this matter is whether the rural enterprise justifies the residential accommodation proposed, having regard to the aims of national and local planning policies and guidance which seek to restrict new development in the countryside.
-

## Reasons

6. Local policy in respect of the development of new dwellings on established rural enterprises is set out in Policy ENV1 of the Adopted Bridgend Local Development Plan (LDP) (2014) Planning Policy Wales (PPW) Edition 7 (2014) and supported by guidance contained in Technical Advice Note 6 (TAN 6): Planning for Sustainable Rural Communities (2010). TAN 6 requires that new permanent dwellings should only be allowed to support established rural enterprises where: there is a clearly established functional need; the need relates to a full-time worker; the enterprise 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 financially sound and has a clear prospect of remaining so; that the functional need could not be met by another dwelling or the conversion of an existing building on the land holding; and other normal planning requirements are satisfied.
7. The rural enterprise in this case is Wiggleys Fun Farm, a childrens' activity centre and petting zoo, located close to the rural hamlet of Ffordd Y Gyfraith. The enterprise includes a variety of farm and domestic animals, children's play areas, nature trails and a café and is run by two of the appellants, with the assistance of two full-time and fourteen part-time workers. The appellants contend that for the proper running of the enterprise, and to ensure personal safety, there is a functional need for two full-time workers to be available during most of the day to respond to unexpected situations particularly in relation to animal welfare and criminal activity. Evidence submitted by the appellants in support of the application indicate that since the enterprise opened in July 2012, 38 animals have been lost due to the appellants inability to attend during birth, stolen or killed by predators, there have been 19 instances of theft or vandalism and 19 occasions when the security alarm has been activated when the Farm is closed.
8. I accept that the appellants take seriously their responsibility to ensure the medical welfare of the animals, however I consider, that given the small number and diverse nature of the stock, care can be provided largely during working hours. Moreover, whilst an immediate, regular or unpredicted need may arise this would not be of a scale or frequency that would justify the functional need for one or more full time worker to be readily available at most times. With regard to security, national guidance recognises that crime prevention and the fear of crime can be material planning considerations and as such I have given some weight to these factors. I appreciate the distress that criminal activity at the Farm has caused the appellants, nevertheless I consider that the number and frequency of these incidents over last 3 years is not sufficient to demonstrate a functional need or justify the construction of a dwelling in the countryside. I consider that additional security measures such as a the presence of a security guard or security company patrolling the Farm would be more closely align with the nature of the criminal activity and act as an effective deterrent. Whilst I accept that there is an additional cost associated with the provision of additional security measures I do not consider that this would be disproportionate or adversely affect the profitability of the business. In these circumstances, I do not consider a functional need for the proposed dwelling has been demonstrated and as such the proposal is contrary to LDP Policy ENV1 and national planning policy.
9. The appellants have submitted detailed supplementary information in respect of the work undertaken regularly at the Farm which demonstrates that there is a need for 3.26 full time employees to perform these duties. However, TAN 6 requires that where a functional need has been established, evidence is presented which



demonstrates the one or more full time worker is required at most times to meet that need. The evidence presented by the appellants, which indicates that approximately 1 hour a month is required for the care of animals and, over a 3 year period, up to 13 hours has been required to respond to the activation of security alarms. This equates to approximately 16 hours a year and as such I do not consider that this demonstrates, either individually or cumulatively, the need for one or more full time worker to be present at the enterprise most of the time.

10. In terms of alternative accommodation, whilst no substantive evidence has been presented both parties agree that there are no other dwellings or buildings available in the locality. On the basis of the evidence presented at the Hearing, I accept that this is an accurate reflection of the situation.
11. The financial evidence presented by the appellants as part of the submission and during the Hearing provides information about the current and future profitability of the enterprise. This information takes account of the costs associated with the on-going improvements at the Farm. The evidence demonstrates that the rural enterprise is financially sound, has been profitable for more than one year and has good prospects of remaining so until, at least, 2018. In addition, the appellants have provided information which indicates that the estimated cost of the proposed enterprise dwelling would be roughly £200,000. The Council consider that this to be unrealistic and, based on recent developments in the County Borough, estimates the cost of the dwelling to be between £353,000 and £599,000 approximately. Whilst I recognise that there is a significant variation in estimated costs, in light of the financial evidence that has been provided, I consider that the construction of a dwelling at cost commensurate with the highest estimate could be funded and maintained by the rural enterprise without having an unacceptable impact on its financial soundness.
12. Access to the site is via an agricultural track which connects Ffordd Y Gyfraith and Wiggleys Fun Farm and in doing so would provide a functional link between the enterprise and the proposed dwelling. In order to overcome concerns about highway safety, the appellants have submitted an indicative plan which illustrates how safe access arrangements can be achieved. The Council has confirmed that that the revised arrangements are satisfactory and I agree that the proposals would ensure that the development would not have an adverse impact on highway safety.
13. In addition, the site forms part the Western Uplands Special Landscape Area (SLA), as defined by LDP Policy ENV3, and the Ton Phillip Farm Site of Importance for Nature Conservation (SINC), as defined by LDP Policy ENV4. Whilst no detailed evidence has been submitted, I consider that because of the scale and siting of the proposed development, on low lying land close to existing residential properties, sufficient control could be exercised through the use of conditions to protect the visual and ecological value of the area. As such I consider that the proposed development would comply with LDP Policies SP2, ENV3 and ENV4.
14. In reaching my decision I have had regard to all other matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would meet the financial, alternative dwelling and other planning tests, this does not outweigh my concerns that a functional need has not been demonstrated and that the proposal would result in unacceptable new development in the countryside.

15. For these reasons, I conclude that the appeal should be dismissed.

*Nicola Gulley*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

David Rees	Appellant
Vanessa Dalton	Appellant
Steve Dalton	Appellant
Eric Evans	Solicitor, Appellants Agent
Alan Whiteley	Solicitor

### **FOR THE LOCAL PLANNING AUTHORITY:**

Elizabeth Woolley MSc	Bridgend County Borough Council
Robert Morgan BSc (Hons) ACIHT	Bridgend County Borough Council
Leigh Tuck	Bridgend County Borough Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Location plan showing the appeal site and Wiggleys Fun Farm
- 2 Extract of the Animal Welfare Act 2006
- 3 Sheet showing accumulated profit for Wiggleys Fun Farm
- 4 Letter from Welsh Government dated 29 October 2010
- 5 Build Costs for Wiggleys Fun Farm
- 6 Sales details for Plas-Y-Maraïs, Ffordd Y Gyfraith, Cefn Cribwr, Bridgend
- 7 Photograph of Plas-Y-Maraïs, Ffordd Y Gyfraith, Cefn Cribwr, Bridgend
- 8 Map showing the boundary of the Ton Phillip SINC
- 9 Extract of a internal Memorandum dated 15 October 2014
- 10 Copies of Policies ENV3 and ENV4 of the Adopted Bridgend LDP (2014)
- 11 Plan showing proposed alternative access arrangements
- 12 Council's response to the appellants application for costs
- 13 Extract of the LDP proposals map showing the SINC boundary in relation to the appeal site
- 14 Extract of the LDP proposals map showing the SLA boundary in relation to the appeal site

## APPENDIX B



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

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### Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 6/10/15  
Ymweliad â safle a wnaed ar 6/10/15

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 08/12/15**

### Costs Decision

Hearing held on 6/10/15  
Site visit made on 6/10/15

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 08/12/15**

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**Costs application in relation to Appeal Ref: APP/F6915/A/15/3129184**

**Site address: Land to the east of Ffordd Y Gyfraith Former Ton Phillip Farm,  
Ffordd Y Gyfraith, Cefn Cribwr, Bridgend**

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs Dalton and Mr Rees for a full award of costs against Bridgend County Borough Council.
  - The hearing was in connection with an appeal against the refusal of planning permission for the erection of 1 No. 5 bed dwelling (two storey) with garage.
- 

### Decision

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

### The submissions for Mr and Mrs Dalton and Mr Rees

2. The case was submitted in writing prior to the hearing.

### The response by Bridgend County Borough Council

3. The response was submitted in writing at the hearing

### Reasons

4. Circular 23/93 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
  5. Local Planning Authorities are expected to produce evidence to substantiate each reason for refusal with reference to the development plan and all other material considerations, showing why the development cannot be permitted. The Council's decision was based on three main reasons for refusal relating to the impact of the proposed development on the character and appearance of the open countryside, insufficient justification for the development of a rural enterprise dwelling and the effect of the proposal on highway safety.
-

6. With regards to reasons for refusal Nos. 1 and 2, the appellants contend that the Council failed to give proper consideration to the application and in doing so: did not accept that the proposed self build dwelling would be constructed by the appellants; incorrectly compared the cost of the proposed dwelling to those constructed by volume house builders operating in the locality; misunderstood the financial information presented; and wrongly concluded that the rural enterprise could be run between 9.00am and 5.00pm.
7. Decisions in relation to the development of rural enterprises are based on Policy ENV1 of the Adopted Bridgend Local Development Plan (LDP) (2014) and the guidance contained in Technical Advice Note 6 (TAN6): Planning for Sustainable Rural Communities (2010) and the Rural Enterprise Dwellings TAN 6 – Practice Guidance (2011). Whilst the policy framework sets out the basis for assessing proposals, a degree of judgement is always required about the weight to be afforded to supporting evidence. In this instance, I am satisfied that the Council has rigorously assessed the functional and financial evidence submitted in support of this proposal in accordance with the policy framework and, where necessary, has sought to further inform its assessment by using information from acknowledged sources such as the National Custom and Self Build Association. I am therefore content that Council has provided adequate and reasonable written and oral evidence to substantiate the reasons for refusal Nos. 1 and 2 based on an assessment of the evidence presented to support the proposed development of an enterprise dwelling in the open countryside.
8. With regard to justifying their stance in respect of reason for refusal No. 3 which relates to the impact of the proposed development on highway safety. Whilst I note that this issue has been resolved, I am nevertheless satisfied that it has submitted sufficient evidence to substantiate both this reason for refusal.

### **Conclusion**

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

*Nicola Gulley*

INSPECTOR

## APPENDIX C



### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/15

gan **P J Davies BSc (Hons) MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 19/11/15

### Appeal Decision

Site visit made on 05/10/15

by **P J Davies BSc (Hons) MA MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 19/11/15

**Appeal Ref: APP/F6915/A/15/3130150**

**Site address: Wern Dew Farm, Heol Persondy, Aberkenfig, Bridgend CF32 9RH**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs R Hayes against the decision of Bridgend County Borough Council.
- The application Ref P/15/102/OUT, dated 10 February 2015, was refused by notice dated 23 March 2015.
- The development proposed is the erection of a single storey detached bungalow designed to accommodate disabled person.

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are:
  - a) whether the proposal would be inappropriate development in a green wedge;
  - b) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations; and if so whether very exceptional circumstances exist to justify the harm to the green wedge; and,
  - c) the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Inappropriate Development*

3. The appeal site lies in a designated green wedge where Policy ENV2 of the Bridgend Local Development Plan (LDP) does not permit development which causes, or contributes to, the coalescence of settlements or reduces the openness of land between settlements. This is consistent with Planning Policy Wales Edition 7 (PPW) which contains a presumption against inappropriate development in green wedges. Paragraph 4.8.16 clarifies that the construction of new buildings in a green wedge is inappropriate unless it is for certain purposes, none of which are put forward in support of the proposal in this case. By virtue of its substantial built form and

increased residential activity on an open undeveloped garden, the proposal would invariably reduce the openness of this part of the green wedge. Further, it would add to and begin to consolidate this small dispersed group of buildings in an area intended to protect the urban setting and prevent coalescence. The proposal is therefore inappropriate development that conflicts with the objectives of green wedge designation.

#### *Very Exceptional Circumstances*

4. PPW advises that substantial weight should be attached to any harmful impact which a development would have on a green wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.
5. In considering the above, I have had regard to the need for the development in terms of the mobility issues facing the appellants. However, I have little information before me to demonstrate that any alternative, less harmful, way of meeting this need has been explored, for example by providing an annex to the existing house. I also note that the proposal would make use of previously developed land and is within close proximity to a train station. Whilst these are clearly beneficial points, they are not unusual factors and such arguments could be repeated for many locations within green wedges with cumulative adverse effect.
6. I therefore find that these other considerations do not clearly outweigh the harm that I have identified, and consequently, the very exceptional circumstances necessary to justify the development do not exist.

#### *Character and Appearance*

7. The appeal site lies outside any defined settlement boundary and in the open countryside for the purposes of the LDP. In line with PPW, LDP Policy ENV1 places strict control over new development in the countryside.
8. I accept that the site is not in a traditional countryside setting in the sense of open undulating fields. Nevertheless, it is a large open gap within a small and dispersed group of buildings which are clearly distinguishable from the built up area by reason of their informal layout and low density. The verdant impression created by the mature trees on and near the site as well as the rural nature of the lane serving the site adds to the semi rural context. In my view, the site is in a sensitive area between the built up areas of Sarn and Aberkenfig and within the largely open gap which separates them.
9. PPW advises that infilling or minor extension to existing settlements may be acceptable but in this case the adjacent major road forms a distinct physical barrier between the site and the settlement of Aberkenfig. Similarly, there is an intervening area of predominantly open land which divorces the site from the built up area of Sarn. I would not therefore regard it as an infill site or minor extension in the context of PPW. PPW also advises that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. However, the appeal site is set away from the neighbouring farmhouse with a large visual gap between, and the distance from other dwellings is even greater. The proposal would not therefore comprise infilling of a small gap and neither would it form a minor extension to the group. I note the

planning permission for a dwelling to the south east of the farm house but unlike the appeal proposal this has a closer affiliation in a physical and visual sense to the existing group of buildings. It does not therefore alter my conclusions that the proposal would be harmful to the character and appearance of the surrounding area contrary to the objectives of LDP Policy ENV1.

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

*P J Davies*

**INSPECTOR**



## APPENDIX D



### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/11/15

**gan Richard Duggan BSc (Hons)  
DipTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 26/11/2015**

### Appeal Decision

Site visit made on 13/11/15

**by Richard Duggan BSc (Hons) DipTP  
MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 26/11/2015**

**Appeal Ref: APP/F6915/A/15/3133197**

**Site address: 1 Green Meadow, Cefn Cribwr, Bridgend, CF32 0BJ**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Michael Butler against the decision of Bridgend County Borough Council.
- The application Ref P/15/124/RLX, dated 24 February 2015, was refused by notice dated 30 June 2015.
- The application sought planning permission for 'retention of 3 radio masts/aerials and erection of 1 radio mast/aerial (maximum 6.5m height) for a trial period of 3 years and to be used for a maximum of 3 hours in any 24 hour period from midnight to midnight and lowered to a horizontal position when not in use' without complying with conditions 4, 5 and 6 attached to planning permission Ref APP/F6915/A/12/2172823, dated 2 August 2012.
- The conditions in dispute are:
  - No 4 which states that: *In respect of mast 'D' the permission hereby granted shall endure for a period of 3 years from the date of this permission. Mast 'D' and the associated aerial/antenna 'Cushcraft A-3S' shall be removed from the site on or before 3 years from the date of this permission;*
  - No 5 which states that: *Mast 'D' shall only be vertically erected for a maximum of 3 hours in any 24 hour period (midnight to midnight GMT). For the other 21 hours mast 'D' and the associated aerial/antenna shall be lowered horizontally so that no part of the mast and attachments exceed 2.5m in height from the base level of Mast 'D.'* and
  - No 6 which states that: *The times when mast 'D' is vertically erected and in operational use shall be recorded in a log book and submitted to the local planning authority upon request at any time during the 3 years duration of the planning permission hereby granted.*

### Decision

1. The appeal is allowed and planning permission is granted for the retention of 3 radio masts/aerials and erection of 1 radio mast/aerial (maximum 6.5m height) for a trial period of 3 years and to be used for a maximum of 3 hours in any 24 hour period from midnight to midnight and lowered to a horizontal position when not in use without compliance with conditions 4 and 5 previously imposed on planning permission Ref APP/F6915/A/12/2172823 dated 2 August 2012, but subject to the other conditions

imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:

- 1) Mast 'D' shall only be vertically erected for a maximum of 5 hours in any 24 hour period (midnight to midnight GMT). For the other 19 hours mast 'D' and the associated aerial/antenna shall be lowered horizontally so that no part of the mast and attachments exceed 2.5m in height from the base level of Mast 'D.'

### **Procedural Matters**

2. An application seeking the removal of Conditions 4, 5 and 6 was submitted in February 2015. However, prior to the determination of the application it was confirmed that only Conditions 4 and 5 were being pursued in the application. Therefore, the description of the development on the application form was amended by the Council to read as follows, *'Removal of Condition 4 and amend Condition 5 to allow Mast D to be erected for a maximum of at least 5 hours in any 24 hour period (midnight to midnight GMT)'*. It was on this basis that the Council determined the application and on which I have determined the appeal.
3. The reason for refusing the application did not refer to Condition 4. However, the Council has confirmed that this was due to the fact that it considered it reasonable to allow the permanent retention of Mast 'D' subject to Condition 5 remaining as originally worded. The Council continues to object to the removal of Condition 4 in conjunction with the relaxation of Condition 5 to enable Mast 'D' to be erected for 5 hours in any 24 hour period.

### **Main Issue**

4. The main issue is the effect of removing and/or varying the disputed conditions on the character and appearance of the surrounding area.

### **Reasons**

5. Planning Policy Wales Technical Advice Note (TAN) 19: *Telecommunications* advises that applications to install masts such as those often used by amateur radio operators usually present few potential planning problems in terms of size and visual impact over a wide area. Such masts need to be big enough for technical efficiency but will not normally be of such a scale as to have serious impact on local amenity. It advises that consideration should be given to sympathetic design and camouflage as well as screening to minimise the impact of development on the environment.
6. At the time of my visit the mast was in place and in the upright position. It is sited approximately 14m from Cefn Road behind the existing fence boundary which encloses the garden area. As the mast is sited at a lower level than Cefn Road and the adjoining footway, the lower part of the mast is screened when it is erected by the surrounding boundary enclosures. The mast and aerial project above the existing bungalow in the extended position, but the dwelling screens much of the structure from views along Green Meadow.
7. I saw that the mast is seen within the context of the numerous other substantial structures found along the road, including telegraph poles, overhead wires, street lighting, and the flood lights associated with Cefn Cribwr Rugby Club. These are all prominent structures that dominate the appearance of Cefn Road in close proximity to the appeal site. Accordingly, I share the previous Inspector's assessment that even though the mast and aerial is seen against the sky, given the existence of the other

prominent structures found along Cefn Road, they are not so prominent as to harm the character and appearance of the surrounding area.

8. There is no record of any significant public complaints regarding to the visual impact of the development over the last three years, and it seems to me that little has changed since the temporary planning permission was granted with the acceptance of the previous Inspector that the proposal at that time did not adversely affect the character and appearance of the surrounding area. I acknowledge that the previous Inspector concluded that it was reasonable and necessary to impose a 3 hour time limit condition. Nevertheless, in my opinion, the retention of the mast and aerial on a permanent basis and allowing them to be in use for an additional two hours per day would not have a materially different visual impact on the street scene than the current situation, and would not, therefore, cause harm to the character and appearance of the area. As such, I find that the proposal does not conflict with Policy SP2 of the LDP or with national planning policy guidance contained within TAN19.
9. For the reasons set out above I consider that the disputed condition 4 is not reasonable or necessary taking into account the tests set out within Circular 016/2014. However, I have varied Condition 5 in line with the terms of the application as submitted and taking account of the tests in the Circular.
10. I have taken into account all other matters raised, including the objections and representations raised by local residents. However, I do not believe that the appeal proposal would lead to an adverse impact on the living conditions enjoyed by them or have a harmful effect on highway safety along Cefn Road. With regard to the effect of the development on their television and radio transmission, Government advice in TAN19 states that there are other statutory powers for dealing with interference and that in most situations questions of potential interference are of no relevance to the determination of planning applications for masts.
11. The appellant has drawn my attention to an appeal decision<sup>1</sup> but each case has to be determined on its own particular planning merits and circumstances, particularly where issues of character and appearance are involved. Therefore, I have given this decision no weight in my determination of this appeal.

### **Conclusions**

12. For the reasons given above I conclude that the appeal should be allowed. I will vary the planning permission by removing Condition 4 and varying condition 5.

*Richard Duggan*

INSPECTOR

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<sup>1</sup> Appeal Reference: APP/F6915/A/12/2184511

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

7<sup>th</sup> JANUARY 2016

#### REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

#### COSY CORNER, PORTHCAWL HARBOUR PLANNING DEVELOPMENT BRIEF

##### **1. Purpose of Report**

- 1.1 For the Development Control Committee to consider the Cosy Corner Planning and Development Brief (attached as Appendix 1) and approve its content as a material consideration in the determination of future planning applications for the site.

##### **2. Connection to Corporate Improvement Plan / Other Corporate Priorities**

- 2.1 The approval of the Development Planning Design Brief will contribute to the Council's Corporate Improvement priorities of working together to develop the local economy and working together to make the best use of our resources.

##### **3. Background**

- 3.1 Cosy Corner fulfils an extremely important landscape function, providing extensive community and tourism benefit in terms of valuable amenity space with exceptional, unimpeded views of a collection of historic harbour buildings and marina. In recognition of this, Cosy Corner is shown as 'public open space' in the Bridgend Local Development Plan (LDP) and the adopted Porthcawl Waterfront Supplementary Planning Guidance.
- 3.2 The recent renovation of the marina and the planned mixed-use scheme at the Jennings Building has stimulated interest in the harbour area and in particular the redevelopment of Cosy Corner. However, development on this site represents a change to the uses shown in the Council's existing adopted plans. Council should only consider re-use of the site if it could be demonstrated that development would have exceptional economic and environmental benefits for the town and the wider area, and if a landmark development of exceptional quality is delivered, that off-sets the loss of this highly valuable open space. Therefore, a Planning Development Brief that establishes a planning and design framework is required to safeguard Cosy Corner from inappropriate forms of development.

## **4.1 Current Situation**

4.1 The Planning Development Brief attached as Appendix 1 considers the context of the redevelopment of the site and puts forward a number of development parameters and design principles, which can be used to guide the site's redevelopment. The purpose of the document is not to present detailed proposals, but to set a framework within which a high quality landmark development can be delivered.

4.2 In summary the document comprises:

- The vision - which sets out the Council's requirements for a high quality landmark development that will maximise the potential of existing heritage assets and harbour area;
- The Planning Policy context against which the site will be assessed including national planning policy and the adopted Local Development Plan;
- Site and area analysis - which includes an overview of the site, its location and key characteristic within the coastal urban area;
- An outline of key opportunities and constraints; and
- The overarching design principles and parameters for the site including guidance on:
  - Movement and Access
  - Parking
  - Key frontages
  - Height, scale and massing
  - Detailed design appearance and materials
  - Wider visual impact
  - Public realm and landscape

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

5.1 The Planning and Development Brief will represent a material consideration in the determination of future planning applications for the site.

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

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

## **7. Financial Implications**

7.1 None.

## **8. Recommendations**

8.1 That the Development Control Committee:

- a) Approve the Cosy Corner Planning and Development Brief as Development Control Guidance to be used as a material consideration in the determination of future planning applications for the site; and
- b) Delegate authority to the Group Manager of Development to make any necessary factual and/ or cartographical amendments to the document that may be required prior to formal publication.

**Mark Shephard**  
**Corporate Director Communities**  
7<sup>th</sup> January 2016

### **Contact Officer**

Richard Matthams  
Development Planning – Team Leader  
Telephone Number: 01656 643162, e-mail: [richard.matthams@bridgend.gov.uk](mailto:richard.matthams@bridgend.gov.uk)

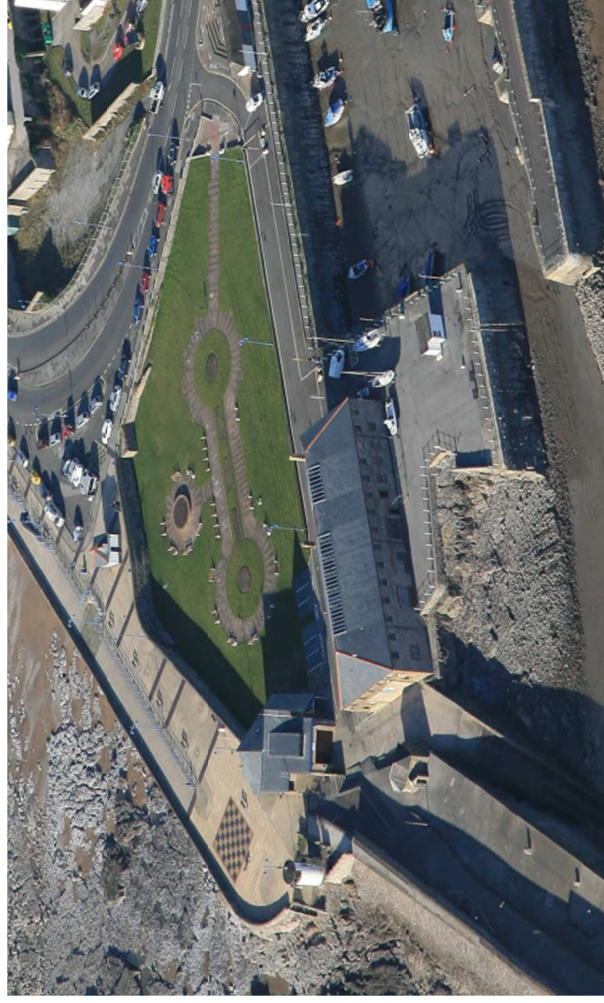
### **Background documents**

Bridgend Local Development Plan (2013)

## APPENDIX A

# PLANNING DEVELOPMENT BRIEF COSY CORNER (January 2016)

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DEVELOPMENT  
PLANNING

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# INTRODUCTION

## Vision

The Council require a high quality landmark development that will maximise the potential of existing heritage assets and their setting and make a statement for the harbour area, whilst forming strong connections with planned development within the wider Porthcawl masterplan / regeneration area and town centre. It is anticipated that a development of exceptional quality at 'Cosy Corner' will bring forward real physical, social and economic benefits for Porthcawl.

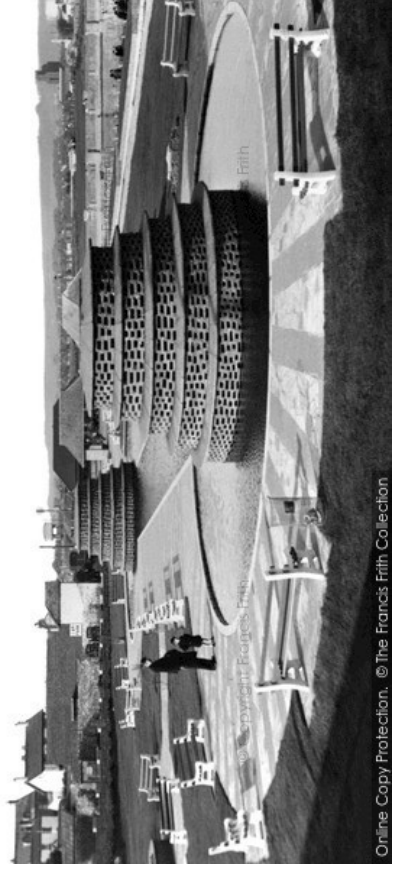
Cosy Corner provides considerable benefits to Porthcawl in terms of open space, landscape and views to historic assets and the recently refurbished harbour. However, the location of the site also provides an opportunity (provided that it is sensitively designed) for a landmark building, if it is demonstrated that the development would have exceptional economic and environmental benefits for the town and the wider area. Its southerly outlook, expansive views of the Bristol Channel and English coast beyond, and its relationship with the existing town and harbour create a set of local characteristics that are unique not only in the context of Welsh seaside towns but within the UK itself.

The redevelopment of the area provides an excellent opportunity for the town to continue its renewal as envisaged by the Council's Local Development Plan and Supplementary Planning Guidance (SPG) for the Porthcawl Regeneration Area. The re-use of the site will have economic and environmental benefits for the town itself and the wider area.



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## PURPOSE OF THE BRIEF

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The purpose of the Design Brief is to establish a planning and design framework, which should be acknowledged and used in the formulation of detailed proposals. Alternative options and forms of design will be considered, though the broad principles of the Brief must not be compromised. This document is not a formal Supplementary Planning Guidance; however it has been approved by the Councils Development Control Committee as Development Control Guidance making it a material consideration in the determination of any future planning application.

The successful redevelopment of this area could assist in delivering the overall regeneration strategy for Porthcawl. However, given the existing benefits that the site already provides in terms of open space it is essential that any development contributes significantly to the the harbour area and the enhancement of the Conservation Area, whilst protecting the setting of the listed buildings adjacent to the site.

This brief is a guide to the requirements of the Council in the development of the land. The normal procedures for planning consent still apply and this document is supportive of that process. Potential applicants are strongly advised to enter into pre-application discussions with the Council prior to submitting a formal planning application.

This guidance is designed to be flexible and aims encourage innovative and high-quality design.

### **The key delivery objectives are to:**

- Deliver a high quality landmark development;
- Achieve a design that relates to the historic, cultural and physical context, both aesthetically and practically;
- Provide innovation in design and sustainability;
- Provide a high quality public realm;
- Provide safe and attractive pedestrian links to the Eastern Promenade and the wider Town Centre; and
- Minimise the impact of vehicular traffic within the development promoting walking and cycling.

# SITE AND CONTEXT

## Planning Policy

This section provides an overview of relevant planning policy against which development proposals will be assessed.

### Planning Policy Wales

Planning Policy Wales (Edition 7, July 2014) (PPW) seeks to utilise the planning system to achieve sustainable development across Wales. PPW states that, to achieve this, development proposals should have a number of objectives, including the following which are particularly relevant to Cosy Corner:

- Locate developments so as to minimise the demand for travel, especially by private car;
- Minimise the risks posed by flooding;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;
- Help to ensure the conservation of the historic environment and cultural heritage;
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space; and
- Respect and encourage diversity in the local economy.



In respect of Conservation of the Historic Environment, PPW objectives are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to
- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

The guidance within PPW is supplemented by a range of other Technical Advice Notes (TANs) that will also require consideration as future proposals for the building are developed. However the following are particularly relevant:

- TAN 12: Design (2014);
- TAN 15: Development and Flood Risk (2004);
- TAN 18: Transport; and
- Active Travel (Act) Wales 2013





### **Bridgend Local Development Plan (LDP)**

While national planning guidance can provide a general overview with regard to certain development areas, it is left to local planning policy to provide the detail and clarity in relation to specific sites. The Bridgend LDP was adopted in September 2013 and contains a number of policies that are of importance to the consideration of any redevelopment proposals for the building. Some policies are of greater significance to the development brief site, although many more generic policies will also have an impact on the regeneration of the site:

#### **Strategic Policy SP1: Regeneration-Led Development**

Strategic Policy SP1 seeks to ensure that new developments in Bridgend County Borough are distributed in accordance with the LDP strategy.

#### **PLA2: Implementation of Regeneration Strategies**

PLA2 recognises that the County Boroughs regeneration priorities are central to the LDP Strategy which directs development to those areas currently subject to area based regeneration strategies. Proposals for development or actions which are contrary to the objectives and aims of a strategy and or programme will not be permitted. Development of Cosy Corner will therefore need to demonstrate that it makes a positive contribution to the overall regeneration of the Porthcawl Waterfront.

#### **Policy PLA3: Regeneration and Mixed Use Development Schemes**

This is the primary site specific policy which directly affects the Cosy Corner site and the wider regeneration area of which it forms a part. Its role is to facilitate the redevelopment of identified regeneration and mixed-use sites, which offer opportunities for comprehensive regeneration schemes that, will enhance the environment and economy of the County Borough. The Porthcawl Waterfront Regeneration Area is specifically allocated under Policy PLA3(8) as the main focus of future development opportunities in Porthcawl. The regeneration area provides a unique opportunity to create a vibrant new focus that will bring social, economic and environmental benefits to the Town itself and the wider area.



### **Strategic Policy SP2: Design and Sustainable Place Making**

Strategic Policy 2 introduces 15 Sustainable Place making criteria which will be applied to all development proposals across the County Borough. This Policy represents the starting point for the assessment of all planning applications which are received by the Local Planning Authority. Policy SP2 demands a high quality of design incorporating equality of access in all development proposals. Design and Access Statements will be used within the Development Control process and should contain information relating to each of the 15 criteria (where appropriate) to ensure this policy is implemented effectively.

### **Strategic Planning Policy SP3: Strategic Transport Planning Principles**

Strategic Planning Policy 3 states that all development proposals should promote safe, sustainable and healthy forms of transport through good design enhanced walking and cycling provision, and improved public transport provision.

### **Strategic Policy SP4: Conservation and Enhancement of the Natural Environment**

Strategic Policy SP5 acknowledges that the County Borough has a rich and varied biodiversity and identifies the Glamorgan Heritage Coast as one of the finest stretches of undeveloped coast in England and Wales and its landscape is important within the national context. As such, it occupies the highest tier of landscapes of importance in the County Borough. It merits a very high degree of protection in planning policy. Development which is likely to have a detrimental impact on the landscape of the area including wider views will only be permissible under the most exceptional of planning circumstances, and then only if it is of such importance to the national interest that the preservation of the undeveloped natural beauty of these areas are outweighed.

### **Policy PLA4: Climate Change and Peak Oil**

The Councils primary concern with respect to future development is a potential risk to life especially for residential development in tidal (including estuarine) and coastal locations, such as Porthcawl. All new development sites proposed in the LDP, including the Porthcawl Waterfront (PLA3(8)) have been assessed by the Council using data supplied by Natural Resources Wales. However, these assessments and the work undertaken as part of the LDP Strategic Flood Consequences Assessment (SFCA) should only be regarded as the starting point for more detailed scrutiny of future proposals. More detailed Flood Consequences Assessments (FCAs) will be required on specific sites at the planning application stage.

### **Policy PLA7: Transportation Proposals (3) (9)**

Policy PLA7 safeguards land for transportation proposals.

### Strategic Policy SP5: Conservation of the Built and Historic Environment

Strategic Policy SP5 makes it clear that development should conserve, preserve or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon heritage assets including listed buildings and conservation areas. The supporting text to SP5 specifically states that the Built and Historic Environment is fundamental to the LDP Strategy and to achieving sustainable development. Development proposals must take account of heritage assets where these are directly or indirectly affected. Development which directly affects architecturally or historically important buildings and conservation areas (and their settings) must take account of their specific characteristics and ensure that the heritage assets are preserved and/or enhanced.

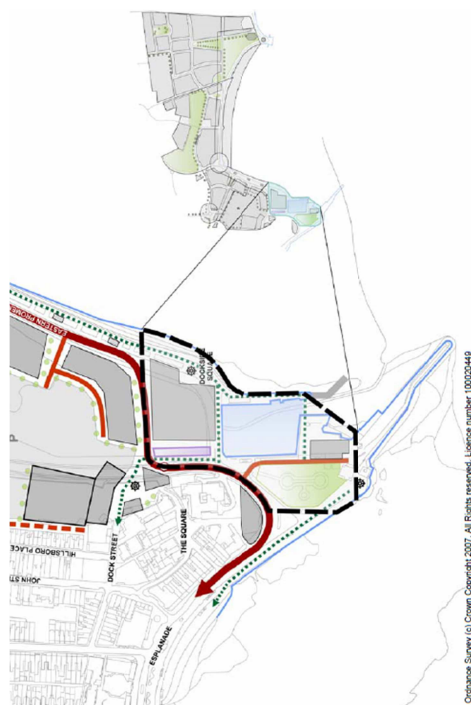
### Seven Bays Project - Porthcawl Waterfront - Supplementary Planning Guidance (SPG)

Cosy Corner is located within the area covered by the Porthcawl Waterfront SPG, which was adopted by the Council in November 2007. The SPG does not form part of the LDP itself; however its proposals are consistent with the relevant LDP policies.

The Porthcawl Waterfront planning guidance provides details of the type of development envisaged for individual 'Character Areas' and sets out the general principles that developers will be expected to demonstrate when bringing forward proposals for the site. Cosy Corner is situated in the Harbour Quarter character area.

The Harbour Quarter is one of the most important character areas contained within the guidance. It envisages a revitalised harbour, focussed around a permanent body of water surrounded by a high quality environment. The Harbour Quarter is proposed as the setting for a range of new leisure and commercial uses, including the refurbishment of Jennings (which has now been granted planning permission).

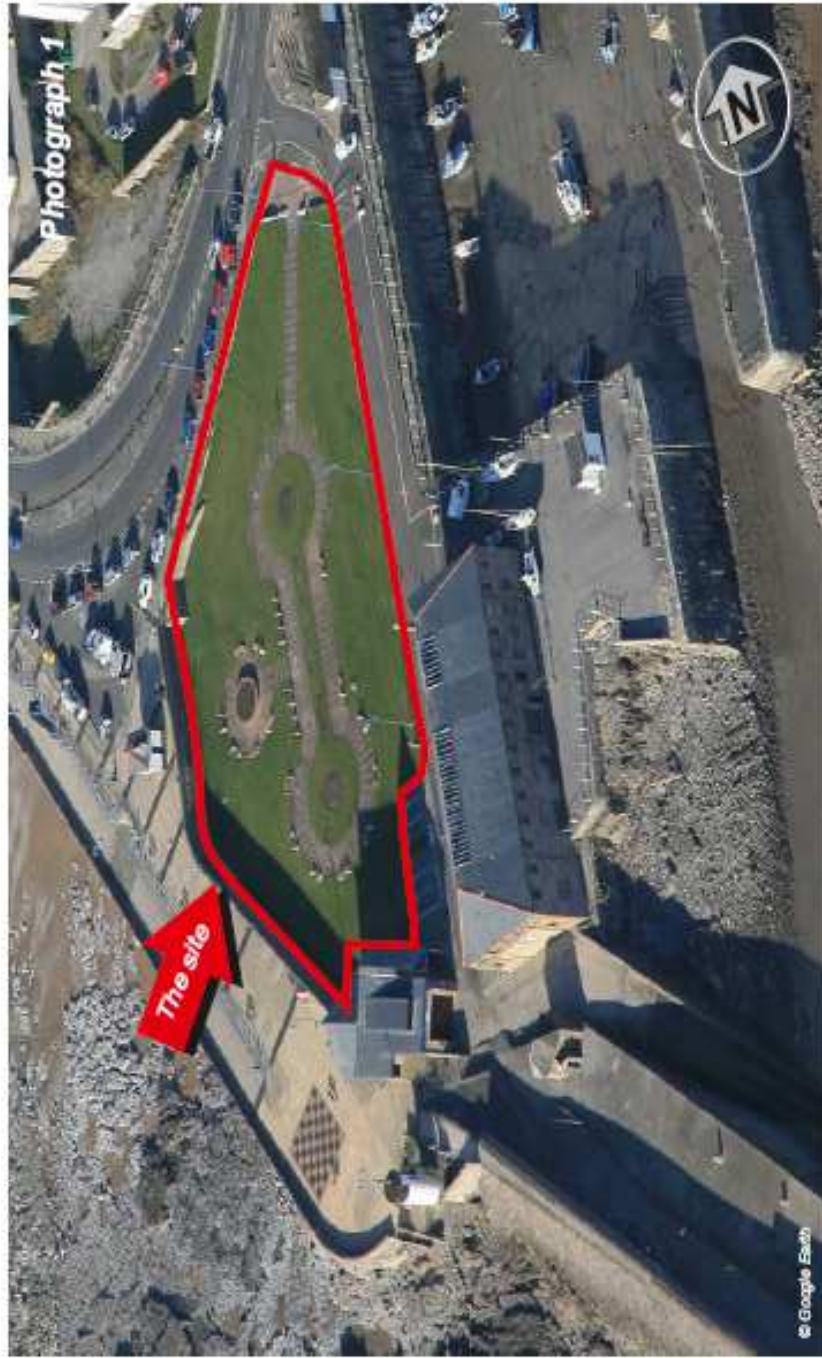
The proposals for this area are for comprehensive regeneration, involving a full scale refurbishment of the harbour itself, new lock gate and introduction of pontoons to increase the total number of boat berths. The scheme will also include the development of land immediately north of the harbour for indoor leisure uses. Cosy Corner as part of the proposals for the Harbour Quarter shows the existing underused open space as a possible amphitheatre and with outdoor play equipment, connecting the existing seafront with the new harbour. Land north of the Harbour will now form part of an updated masterplan for the area which is being prepared by consultants NLP will be released for public consultation in early 2016.





## The Development Site

The site is a large sunken, grassed area adjacent to the Jennings Building, Outer Harbour Basin and West Pier, that is partially enclosed by a high curved quarried stone wall which slopes downwards to the entrance to Porthcawl Harbour just off the Esplanade. The site is at the northern end of the linear public space known as the Seafront Promenade. The site extends to 0.41 hectares and is accessed via Eastern Promenade, which also provides access to the Jennings Building, the RNLl Building and the Harbour.

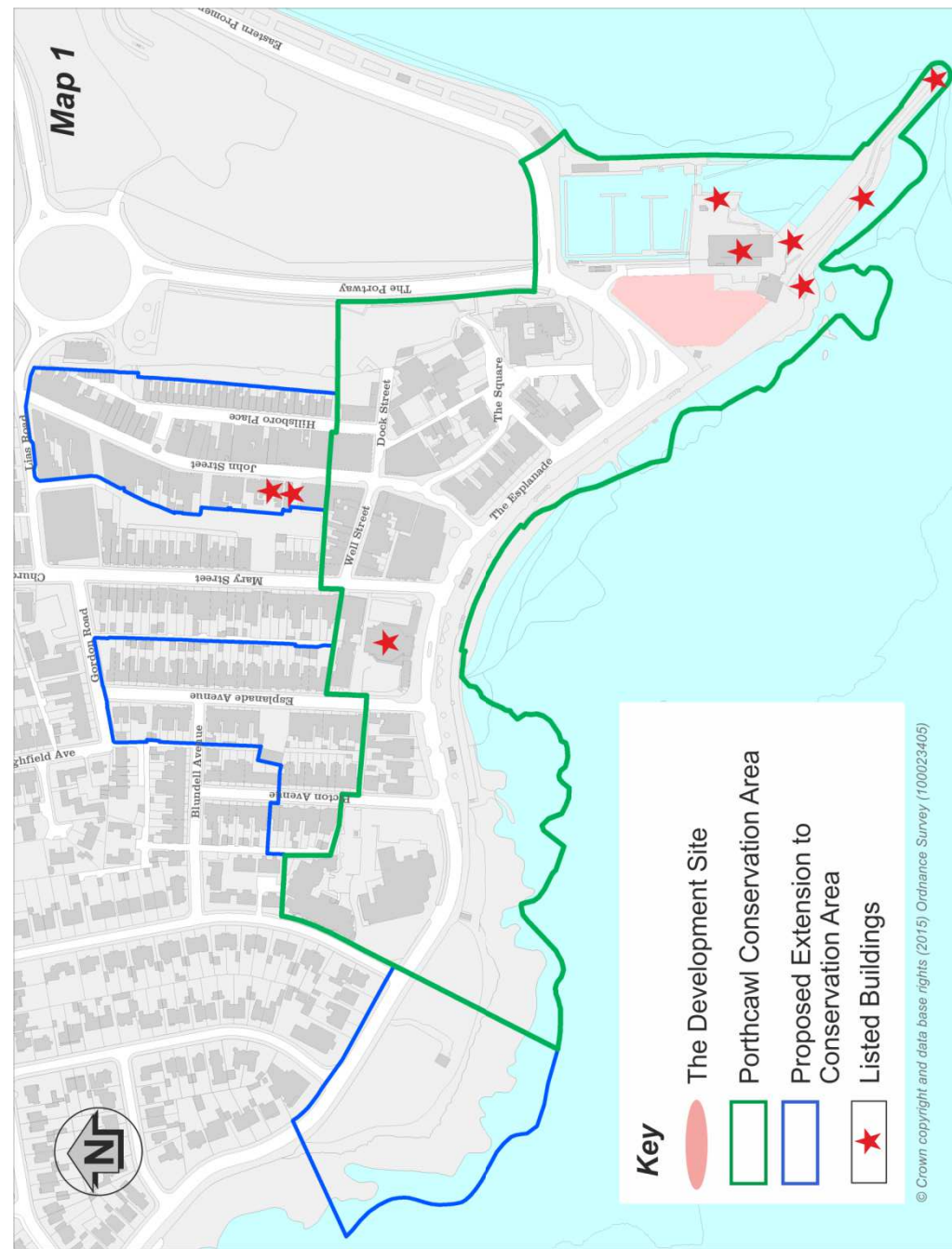


## Land Ownership

The site is within the Council's ownership. Cosy Corner fulfils an extremely important landscape function providing extensive community benefit in terms of amenity space with exceptional views. Cosy Corner is envisaged as enhanced outdoor public amenity space in the adopted Porthcawl Waterfront SPG and there is a duty on the Council to ensure that the re-use of the site will deliver exceptional economic and environmental benefits for the town itself and the wider area. The Council will only consider redevelopment of this key site if a high-quality landmark development that delivers these benefits can be achieved.

## Porthcawl Conservation Area

The Site is located within the Porthcawl Conservation Area adjacent to Porthcawl Harbour. The site and the adjacent Jennings building and its surroundings have a clear historical importance within this area. This is set out in greater detail in the Porthcawl Conservation Area Designation Report document in Appendix 1.



The Council has prepared a draft Conservation Area Appraisal. The draft CAA recommends the extension of the Conservation Area which is outlined in blue on Map 1 and will be subject to public consultation in early 2016.

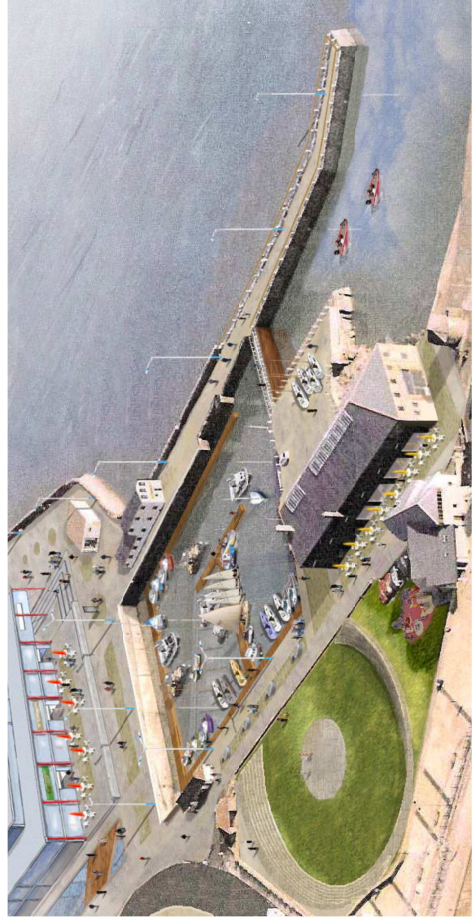
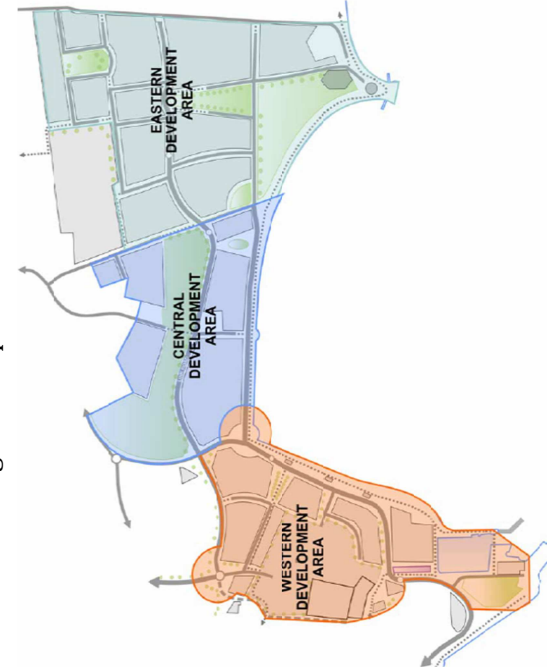


## Porthcawl Regeneration

Cosy Corner forms part of the Porthcawl Waterfront Regeneration proposal which represents an exciting opportunity to bring forward appropriate development on brownfield land comprising over 100 acres on the coastline of South Wales. The regeneration of the waterfront will create a vibrant new focus that will bring social, economic and environmental benefits for the town itself and the wider area.

The regeneration builds on the vision for Porthcawl which aims to create a premier seaside resort of regional significance through the comprehensive regeneration of this key waterfront site. It proposes a broad distribution of a variety of land uses across the area, including residential, leisure, retail and community provision. It also includes significant new areas of attractive open space along the seafront. Key elements of the waterfront will be the creation of new, high quality promenades between the harbour and Trecco Bay, and the regeneration of the harbour area itself.

Renovation of the harbour has been completed and this is situated immediately adjacent to the Jennings building and Cosy Corner forms a major part of the first phase of the regeneration proposals. The £3.4million harbour improvements include a new lock gate, pedestrian footbridge and pontoon system, while the number of berths has been more than doubled to 70, all of which have been allocated in readiness for its opening as the new Porthcawl Marina. The harbour area is a major focus within the regeneration area and the development of Cosy Corner offers a unique opportunity to take advantage of this prime location.



## Historic Context

Prior to becoming 'Cosy Corner', the site formed part of the entire Porthcawl Dock undertaking. It is thought that the land on which 'Cosy Corner' stands was first acquired after the enactment of the Duffryn Llynvi and Porthcawl Railway Act (1829) enabling the D.L.P.R to raise funds and expand the footprint of Porthcawl Dock. The port was formally shut down in 1906, and Cosy Corner thrived as a recreational area embracing its new role as a popular seaside resort with summer shows being advertised as early as 1910.

When George Beynon's Cosy Corner Theatre came on the scene in 1923, it put on newly released films and repertory company productions. In fact, its wide stage was the original venue of the still running, Porthcawl Amateur Operatic and Dramatic Society. In 1930, the lease of the Cosy Corner Theatre passed to Michael Shanly, who later built a wooden roller-skate board park in front of the theatre, as well as several other wooden buildings along the western side of the site adjacent to the stone wall.

In 1939, Cosy Corner along with many other places in Porthcawl was requisitioned for the war effort. In the aftermath of WWII, it seems that the lease of Cosy Corner Theatre was taken over by Western Enterprises Limited, before being purchased by P.U.D.C in 1948. The area subsequently lay undeveloped until 1952, when Cosy Corner reinvented itself as a landscaped public amenity that included a grassed area, ample seating and 2 shallow ponds shaped in a figure-eight in which stood the famous 'bee-hive' structures.

People from far and wide still hold warm memories of Cosy Corner, both from the interwar years and in the aftermath of WWII. In the 1950's Cosy Corner was the place to be. It had synergy. It was near to Porthcawl town centre as well as the action at Coney Beach, the Slip, the Pier and the then recently opened Eastern Promenade. After the harsh restrictions of war and the difficult post-war period of austerity, Cosy Corner's newly revamped public space became a destination of choice for many and a place for younger generations to congregate. As well as a very sociable space to be in during the summer season, especially during the 'Miners Fortnight' in the 1950's, Cosy Corner was the venue for street theatre and entertainment.

These days, at the outset of the 21<sup>st</sup> Century, Cosy Corner has a different identity to the one that it had in either the 19<sup>th</sup> or 20<sup>th</sup> Centuries. While it is situated in Porthcawl's Conservation Area and was once part of the industrial and maritime footprint of the Porthcawl Dock, Cosy Corner does not



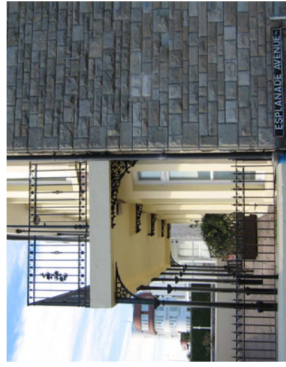
have listed status, unlike some of the surrounding buildings and structures in the Harbour-side. Even so, it can be said that Cosy Corner has gained a foothold insofar as it still retains the status of a public space and leisure amenity for Porthcawl that it initially acquired in the first half of the 20<sup>th</sup> Century.

Cosy Corner does not draw the same level of crowds of residents or holiday-makers that it once did in the inter-war and post-war years, nevertheless, Cosy Corner remain an integral part of the Porthcawl townscape. The nearby Outer Harbour Basin and the West Pier, together with the Pier and the Porthcawl Lighthouse, have been successfully restored. In addition the Pilots Lookout and Customs House have been restored recently through the Townscape Heritage Initiative Scheme. In contrast, Cosy Corner looks tired and abandoned and is showing the ill-effect of its use as a spill-over and storage area from the recent Harbour-side renovations. *(Source: A Character Study of Porthcawl's Maritime and Industrial Area Porthcawl Civic Trust Society August 2015)*





## Architectural Context



The architectural character of the promenade is reasonably modest, with predominantly lightly coloured rendered buildings and a degree of consistency of eaves and ridge heights with occasional detailing such as expressed gables. Building frontages are articulated by bay windows, overhanging eaves and recessed balconies. Architectural styles on the Seafront Promenade vary from modified art deco (Seabank Hotel), arts-and-crafts and Victorian three-storey lodging houses, many of which now have commercial uses at ground floors. Other notable historic buildings on the seafront include the Grand Pavilion, Pier and Lighthouse and the Seabank Hotel. The overall composition of this linear space is of a relatively calm unity of scale, height and massing, held together by the predominant use of light coloured render on buildings set below pitched roofs of slate and tile. The frontage is punctuated with a number of notable buildings such as the Grand Pavilion, and, more recently, Esplanade House. Of key significance is the arc of the bay around which the composition is wrapped.

There are four buildings of significance that punctuate the townscape. The Seabank Hotel acts as a visual bookend at the western end, moderately large in itself and emphasised by the elevated ground level.



The pivotal building in the centre is Esplanade House, similar in scale to the demolished Esplanade Hotel that used to be the focal building. Also at the centre of the arc is the comparatively low Grand Pavilion, which is nevertheless assertive because of its strong architectural character. The Pier hotel is also a traditional building in a pivotal location in context of the site.



The Jennings Building is a large building at the eastern end of the Esplanade. It does not, however, quite act as a balance to the Seabank Hotel at the western end because it is physically separated from the run of buildings by the road and Cosy Corner. It is also set on low-lying land. The other buildings of the Esplanade are mostly background buildings but ones that contribute positively to this seafront. To the north of the site is The Square. This intimate environment, where some of Porthcawl's earliest domestic buildings can be found, has a great deal of character, albeit currently compromised by the use of the space as a car park. An unadopted lane leads from The Square to the site and then along the north western boundary. Any development of the site will be a focal feature of this lane and will have an impact on the character of the lane and square (*Source: Harbour View Development Brief*).



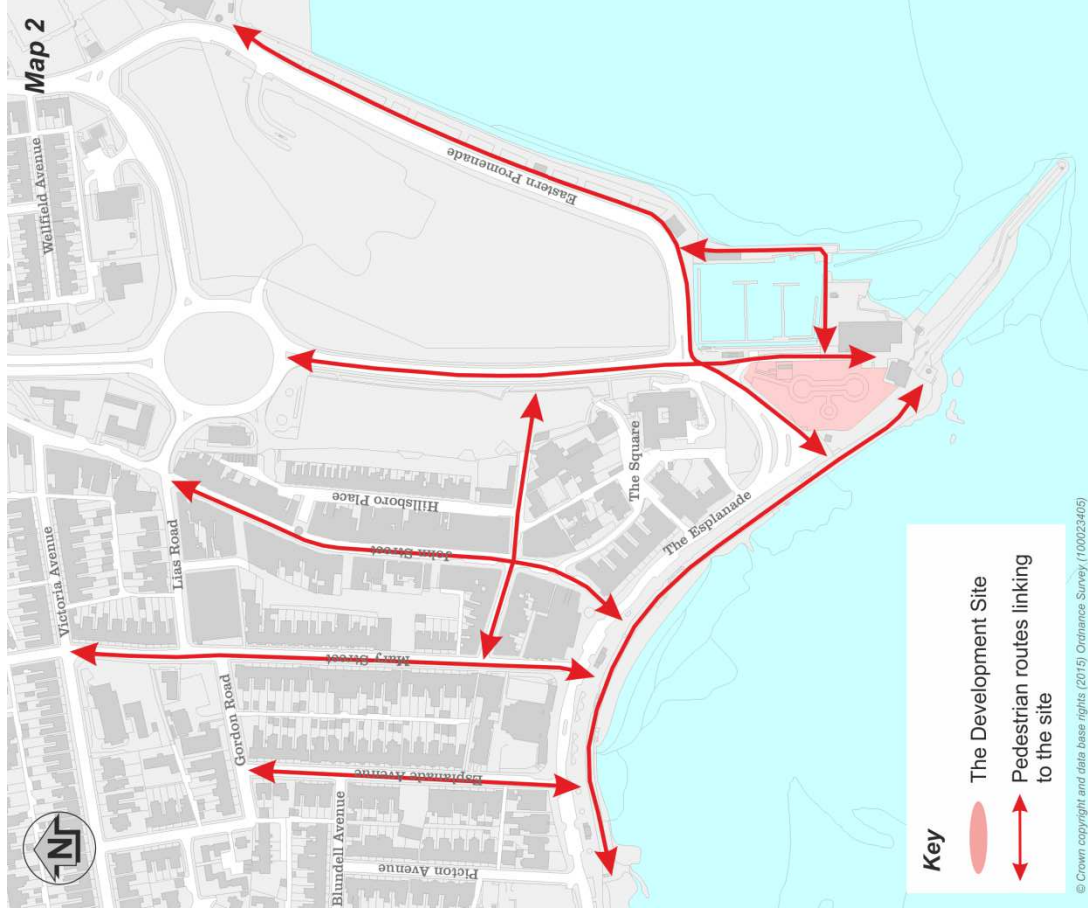
# SITE AND AREA ANALYSIS

This section of the Brief reviews the issues and opportunities relating to the main urban design elements of the site and the surrounding area.

## Movement and connections

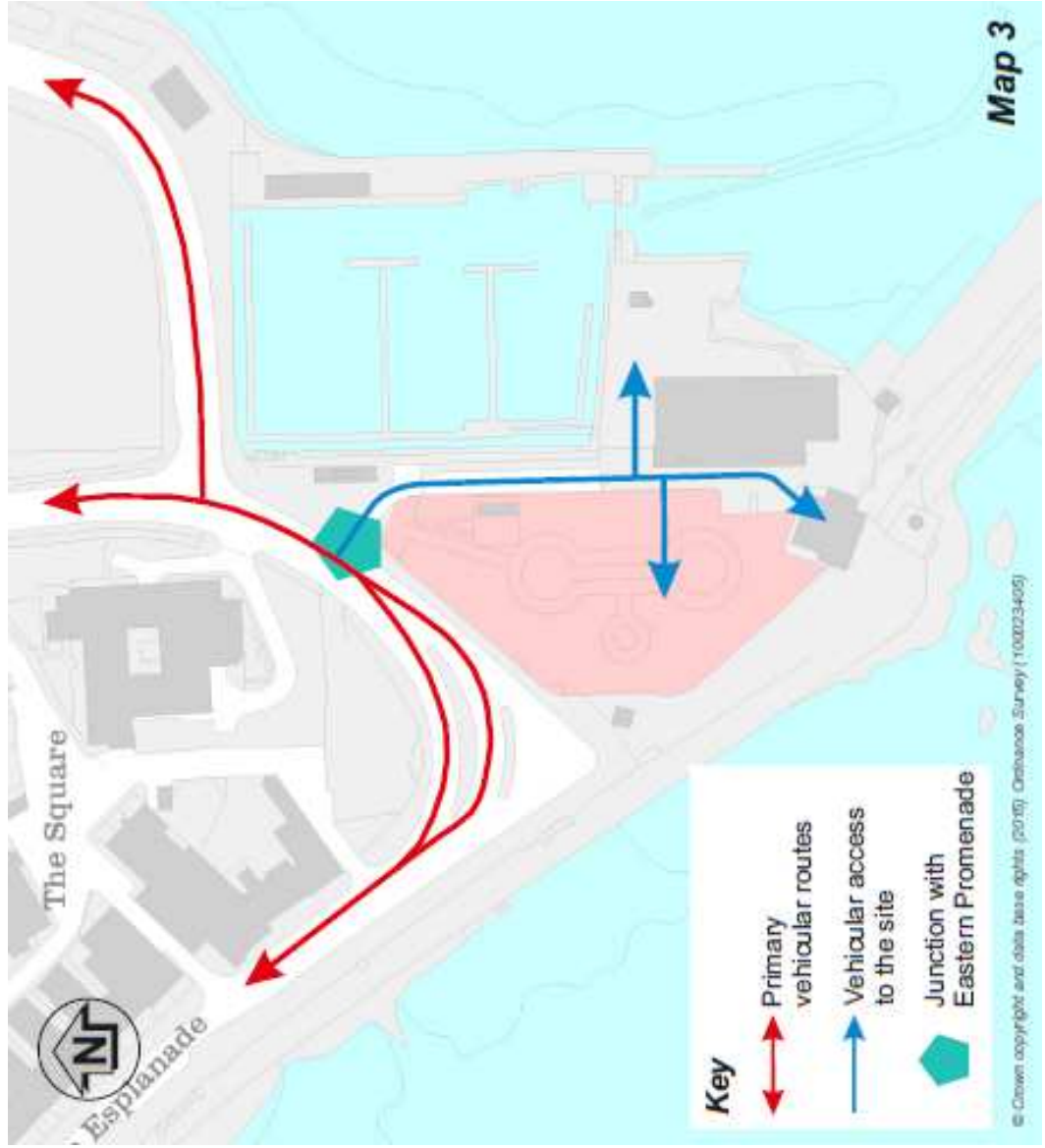
### Pedestrian routes

Map 2 shows the main pedestrian routes linking the site to the surrounding area.



## Vehicular Access

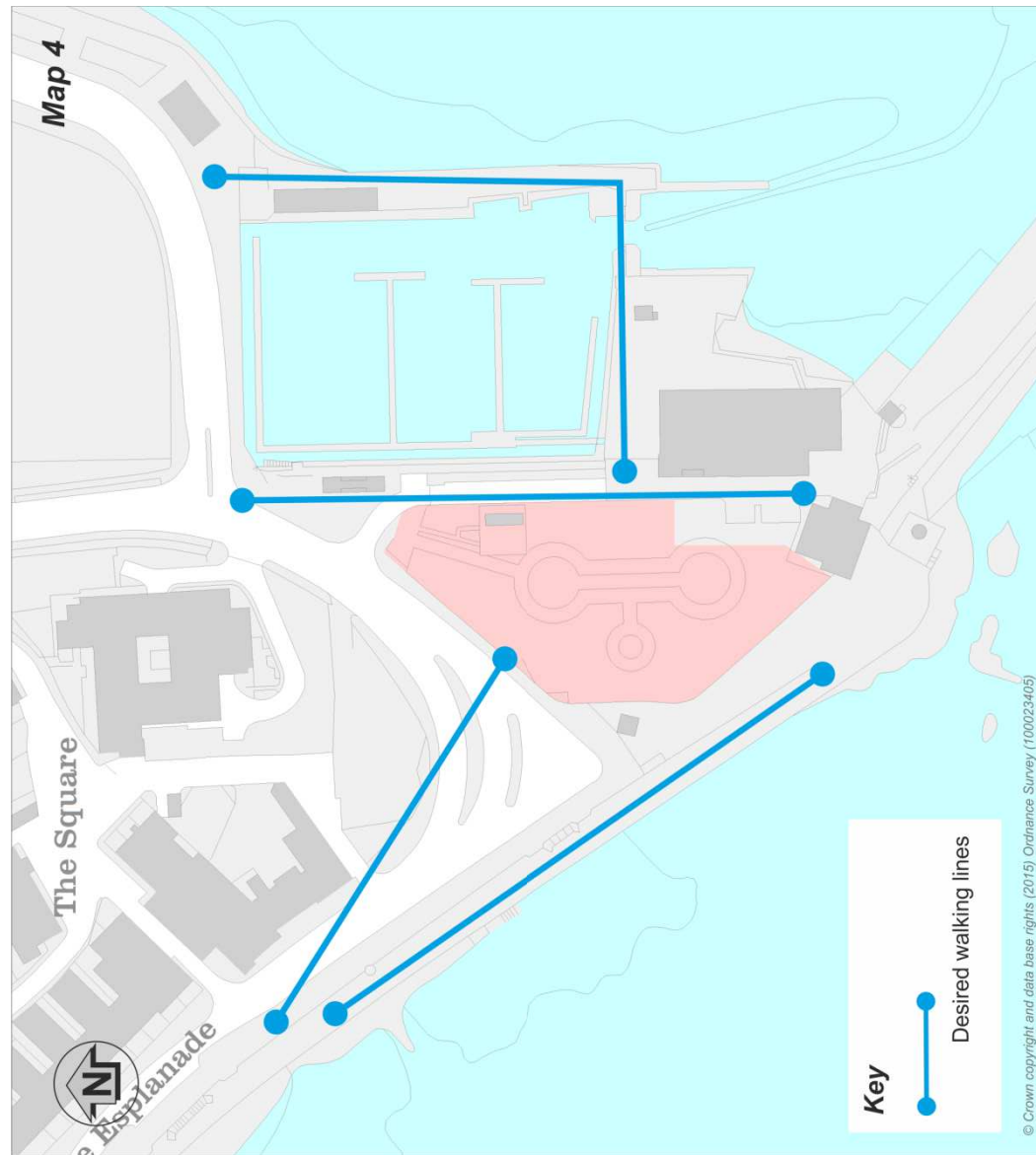
There is a direct vehicular access to the site from Eastern Promenade servicing the Jennings Building, the Marina, RNLI Building and potentially the development site.



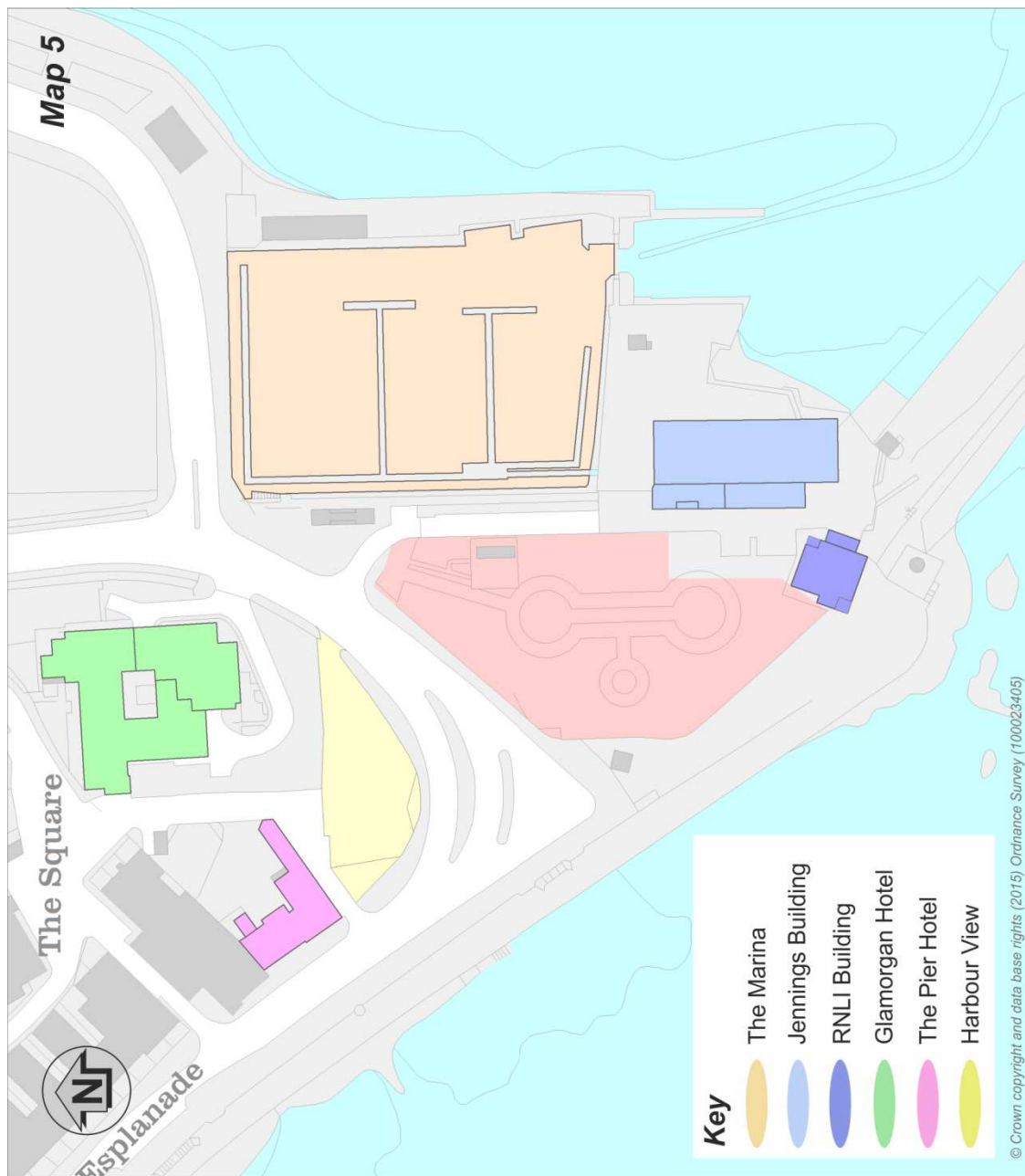


## Desire lines

The blue lines indicate the 'desire lines' where people will naturally want to walk.

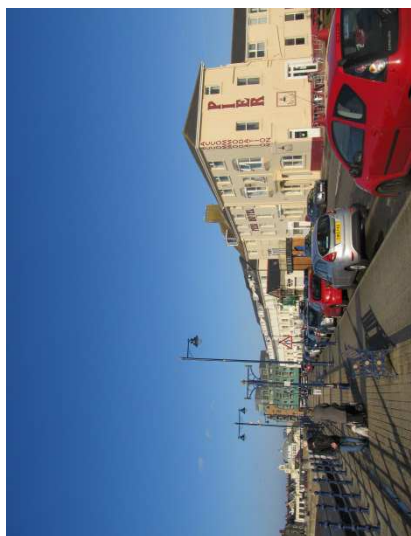
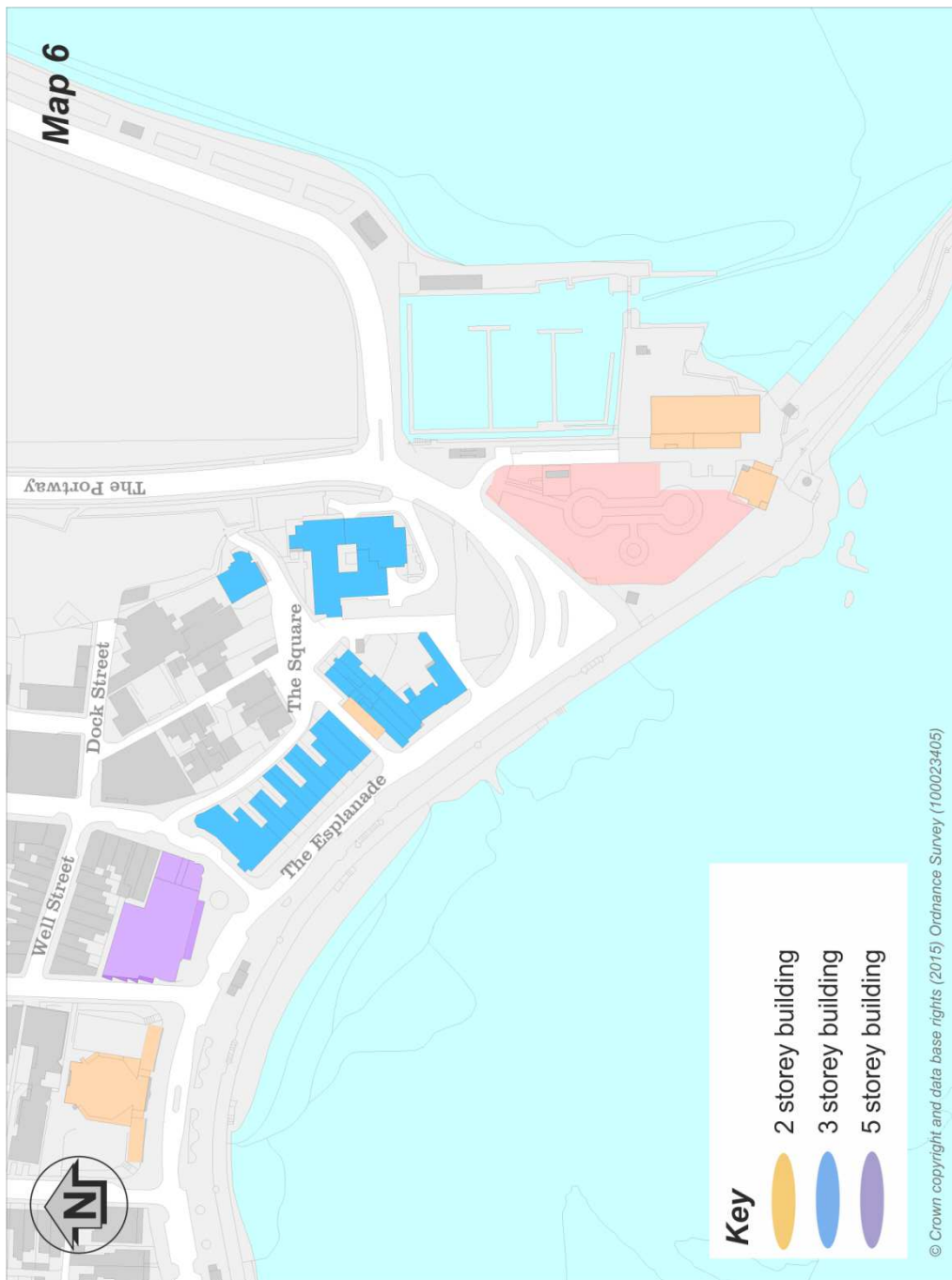


## Existing land uses and activity



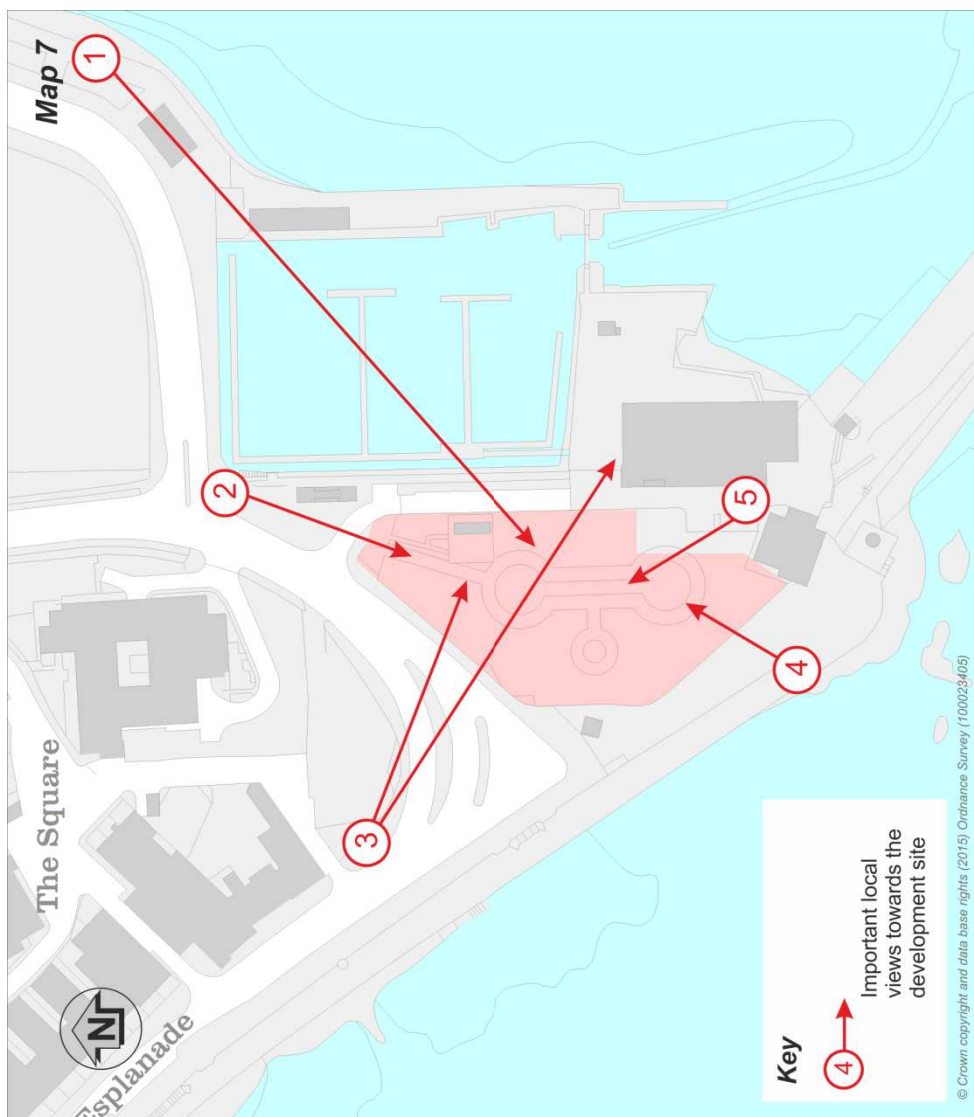
## Building Heights

The scale of surrounding development differs around the site. There is a general pattern of three storey buildings to the north of the site along Eastern Promenade; to the south-east of the site the Jennings and RNLI buildings are approximately two storeys.



## Important Views

An important issue when considering the development of 'Cosy Corner' is the effect on existing views and vistas in Porthcawl. It is therefore important to identify each of these views.



1. From the east: key view from the Eastern Promenade, Sandy Bay, Rhych Point and the heritage coast looking west towards the site and the Jennings Building.
2. From the north: key view from the Portway looking south towards the site.
3. From the west: key view from Eastern Promenade looking east towards the Harbour
4. From the south: key view looking north across the site towards the Glamorgan Hotel

In addition, the Glamorgan Heritage Coast extends up to the eastern boundary of Trecco Bay Caravan Park at its most westerly point. It merits a very high degree of protection in planning policy. Development which is likely to have a detrimental impact on the views of the protected coast will not be permitted.



## Topography

The land slopes from the east to the south corner of the site. There is approximately a 4 metre difference in height between the site's highest and lowest points.



## Acceptable Uses

The following primary uses are considered acceptable in principle:

- A3 Food and Drink - Restaurants and Cafes;
- D1 Non-residential Institutions – Museums, art galleries etc.;
- D2 Assembly and Leisure – Indoor sports and leisure; and
- Public open space.

These uses are considered to be acceptable in principle and are intended to introduce vibrancy and activity capitalising on the sites location immediately adjacent to Porthcawl's attractive and recently refurbished harbour.

A residential or guest accommodation use on the upper floors may be acceptable but must be clearly subordinate to the main uses; to support the primary uses and improve the viability of any proposal.

It should be noted that a detailed Flood Consequences Assessment (FCA) may be required and would need to demonstrate that the site could comply with the requirements of Technical Advice Note 15: Development and Flood Risk (2004).

## Opportunities and Constraints

In order to consider the form of development that may be acceptable in planning terms, this section of the Brief summarises the key constraints and opportunities which exist on the site based on analysis of the preceding sections.

Clearly there are linkages between the opportunities and constraints listed in the table below. In addition, there are potential benefits/impacts where the impact is much wider than the site itself. Together with the relevant national and LDP policies, the opportunities and constraints help form the basis of the development principles outlined in the following section.

Opportunities	Constraints
Prime location at the heart of tourist activity in one of Wales popular seaside resorts;	Varied topography and its impact on the form of development and connectivity;
Potential to increase pedestrian permeability and links within the site, through to the town centre and the surrounding area;	Vehicular access points of limited width and limited parking;
Location on the edge of the town centre and resultant flexibility of uses permissible within the context of PPW;	Conservation Area designation and the need to ensure height/scale of new building is compatible with the character of the surrounding development and setting of nearby listed building;
Attractive and prominent setting, complemented by historic urban grain and character of area, the adjacent Jennings Building and spectacular views across the harbour;	Impact of topography on pedestrian and disabled access to the site;
Proximity to other potential regeneration sites;	The visual and transport impact of any subsequent redevelopment of the site; and
Site in public ownership and available for comprehensive regeneration;	The need to maintain views and protect the amenities and settings of buildings to the north/East may limit the height of buildings.
Opportunity to promote sustainable development;	
Opportunities to take advantage of south and east facing aspects of buildings to maximise sea views and solar gain;	
Prominent views across the coast towards and from the site;	

Existing public parking is available in nearby parts of the town centre;

A range of complementary commercial/residential uses may be appropriate given its relationship with the town centre;

Redevelopment with active uses at ground level could create a vibrant street scene, during both day and night;

Improved visual and pedestrian links to encourage pedestrian movement from the town centre through the area down to the harbour and promenade;

Opportunity for landscaping/creating open spaces/ viewing platforms/terraces and public art;

To provide a focal point at the harbour, which is a tourist destination;

Provision of a leading tourism/leisure facility for visitors and locals, which has the potential to enhance and develop the multiplier effect of tourism to the Borough of Bridgend;

Heavy pedestrian footfall along Eastern Promenade; and

To create frontages that are active both day and night

# DESIGN PRINCIPLES

The value of good design is recognised as being essential to the development and to the sustainable regeneration of Porthcawl. A poor quality environment is both economically and socially unacceptable. Poor design is now proven to be costly. New development will be required to successfully regenerate this important part of the town and improve place perception and sense of place.

The Development Principles which are described on the following pages have been produced in order to help guide detailed design work and future planning applications. These Principles are formulated in order to clearly set out, aspects of design which are considered important to BCBC Council whilst providing the future developer (and their design team) ample scope for interpretation and innovation. A series of parameters plans have been prepared which serve to spatially represent the key design principles.

 <p><b>Legibility</b></p> <p><b>How physical qualities make a place understandable</b></p>	 <p><b>Permeability</b></p> <p><b>Accessibility (visual and physical)</b></p>	 <p><b>Visual Appropriateness</b></p> <p><b>Visual meaning and interpretation</b></p>
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## Movement and Access

The key underlying objectives informing the movement and access strategy for the site are as follows:

- Prioritise pedestrian movement across the site area, seeking to minimise the impact of the topography, especially for individuals with restricted mobility;
- Promote pedestrian links between the site, the Promenade and town centre;
- Within the site area restrict vehicular movement and parking. Access to limited staff and services vehicles may be acceptable.

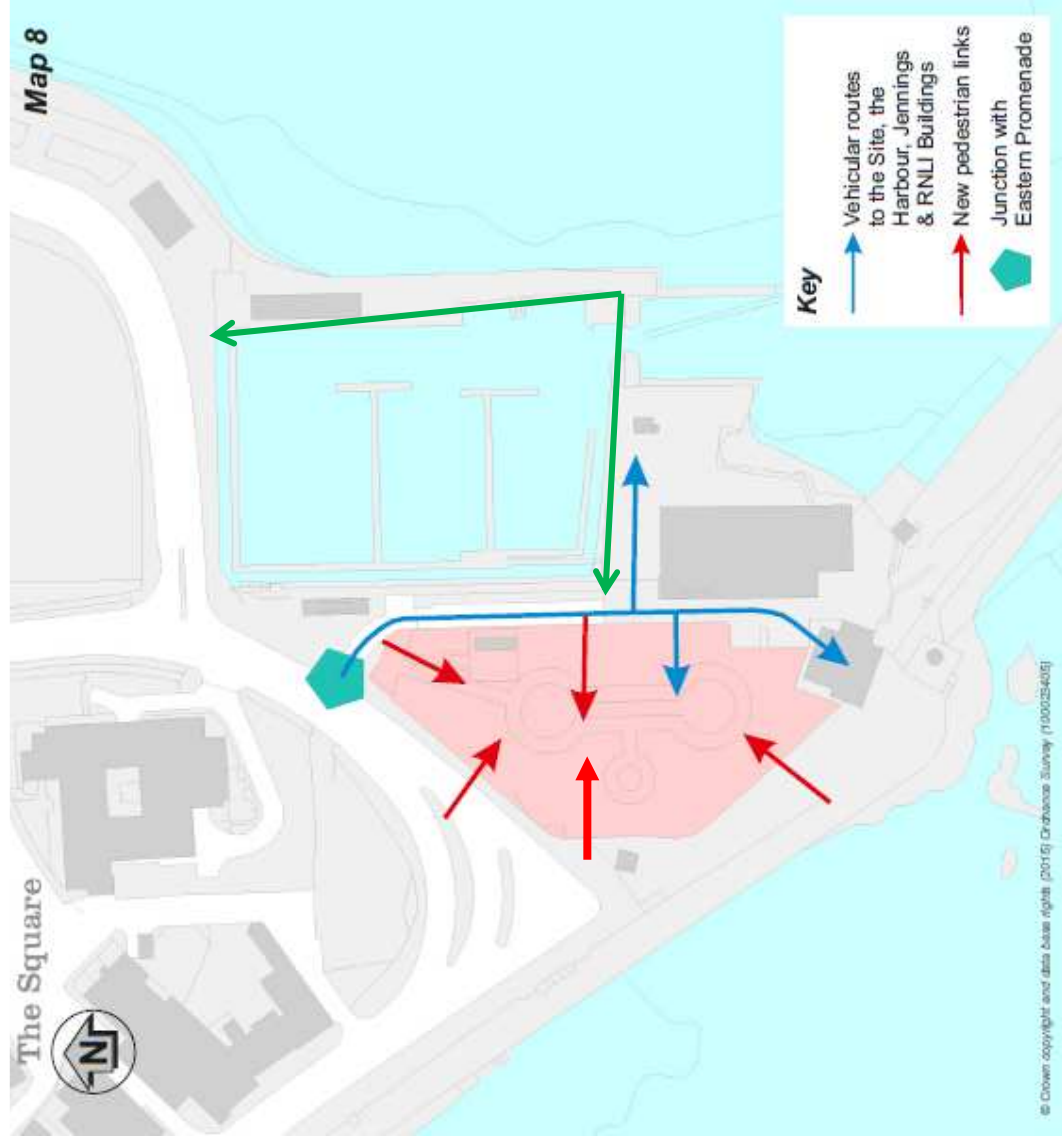
The above objectives need to be considered in the context of other priorities in this Brief, such as securing regeneration of the area and enhancing the public realm. There are a number of highway considerations that developers should take into account when preparing a development scheme within the site area. Any proposal should provide details of:

- Potential effects on the surrounding highway network and traffic management through the provision of a transport assessment;
- Access/egress points;
- Visibility splays;
- Servicing arrangements (and vehicle turning areas);
- Parking arrangements;
- Proximity/ease of access to public transport; and
- Opportunities to improve routes and secure parking for cyclists;



The existing wall bounding the site and the topography discourages pedestrian movement and connectivity.

Map 8 shows the proposed access/movement strategy, including a number of options to provide new pedestrian access links from the Promenade improving pedestrian connectivity and integrating the site with the wider area.



Whilst not strictly part of the Brief area, consideration should be given to maintaining the pedestrian link from Eastern Promenade via the Marina to Cosy Corner. This link is shown in green.

Other measures to encourage pedestrian movement may include:

- Provision of appropriately sited seating areas, so as to offer a resting place for those with restricted mobility;
- Development of a lighting scheme to improve safety and natural surveillance;
- Improved signage showing links between the site, town centre, seafront and other key locations (this should ideally be considered as part of a comprehensive strategy for the town centre as a whole, rather than just the Brief area); and
- Providing facilities for cyclists, e.g. signage and cycle stands.



There is an opportunity to improve pedestrian connectivity to the site via the Promenade by improving signage.

## Parking

The provision of parking associated with redevelopment of Cosy Corner would need to be handled sensitively and discussions should take place at an early stage with Bridgend County Borough Council as to the best approach to manage parking demand. **Car parking must be limited to operational uses, for deliveries, harbour operations and potential ancillary residential units. Visitor parking will be discouraged because extensive areas of surface level car parking would be an inefficient use of land and would be unsympathetic to the character and appearance of the Conservation Area.**

Parking, taking the form of an undercroft, or provided on more than one level, may be acceptable subject to consideration of the following factors:

- The impact on highway/pedestrian safety;
- The location and visual impact of any entrance;

- The topography of the site;
- The design and massing of the development, as well as implications for the urban grain; and
- The impact on the character, appearance, fabric, architectural interest and structural integrity of heritage assets.

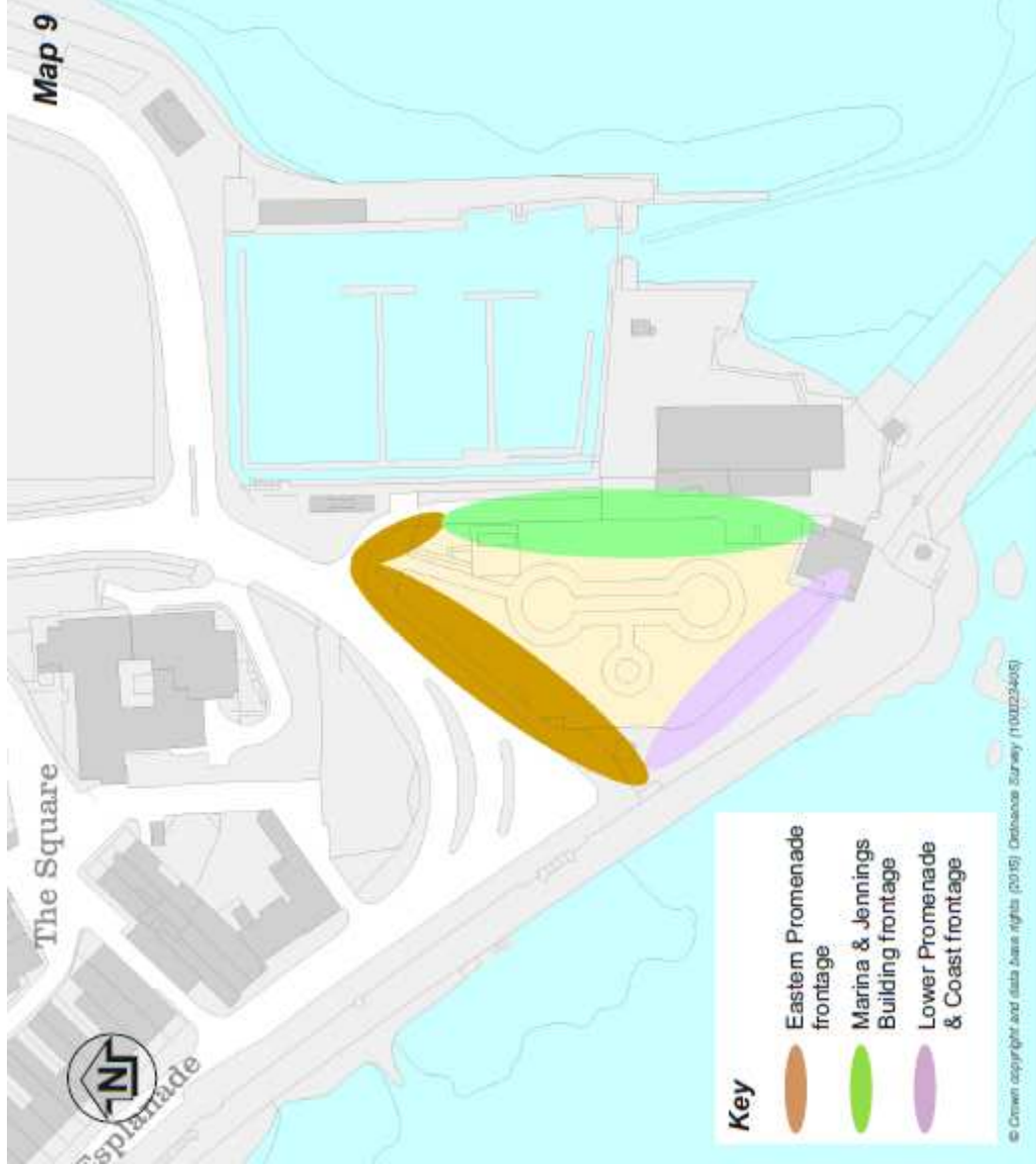
## Urban Layout and Design

The design and layout should reflect the site's context, character and local distinctiveness, including:

- The protection or enhancement of elements contributing to character, such as the retention in part of the existing stone boundary wall where appropriate;
- A response to architectural context and scale. The Development Brief envisages a building that will compete with, the well-mannered seafront architecture that is the predominant characteristic of the Porthcawl frontage;
- Its relationship to views (to and from the site), vistas and landmarks for orientation;
- Its potential as a landmark development of exceptional quality;
- The use of locally distinctive traditional materials and architectural details; and
- Its location within a designated Conservation Area and proximity to listed buildings and structures.

## Key frontages

The plan below shows the sites key frontages.



Eastern & Northern Promenade frontage



Lower Promenade & Coast frontage



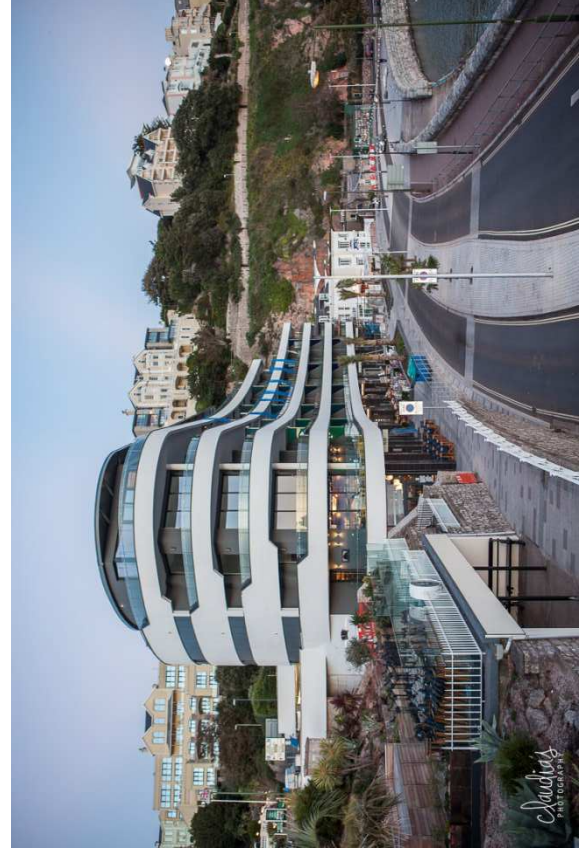
Unusually all of the site's potential frontages / elevations are considered important and should make a positive contribution to the street scene. This can be achieved by delivering 'active' frontages that are well-designed by adding interest, life and vitality to the public realm. This is can be achieved by the articulation of facades in a way which includes:

- frequent doors and windows with few blank walls;
- articulation of facades with projections such as bays and porches; and
- internal uses visible from the street, particularly on non-residential uses.

It is essential that there is a clear distinction between public and private space so that all publicly accessible parts of the development are fronted by active frontages - with entrances (or at the very minimum animated frontages where there is visual connectivity between occupants inside the building and those outside in the public realm).

The layout should not result in ambiguous space that is not clearly public or private (such as alleyways or other 'leftover space').

All public open space / realm and streets must be overlooked by development. In this regard care must be taken to avoid a layout and building footprint that result in blank elevations that front a public street.

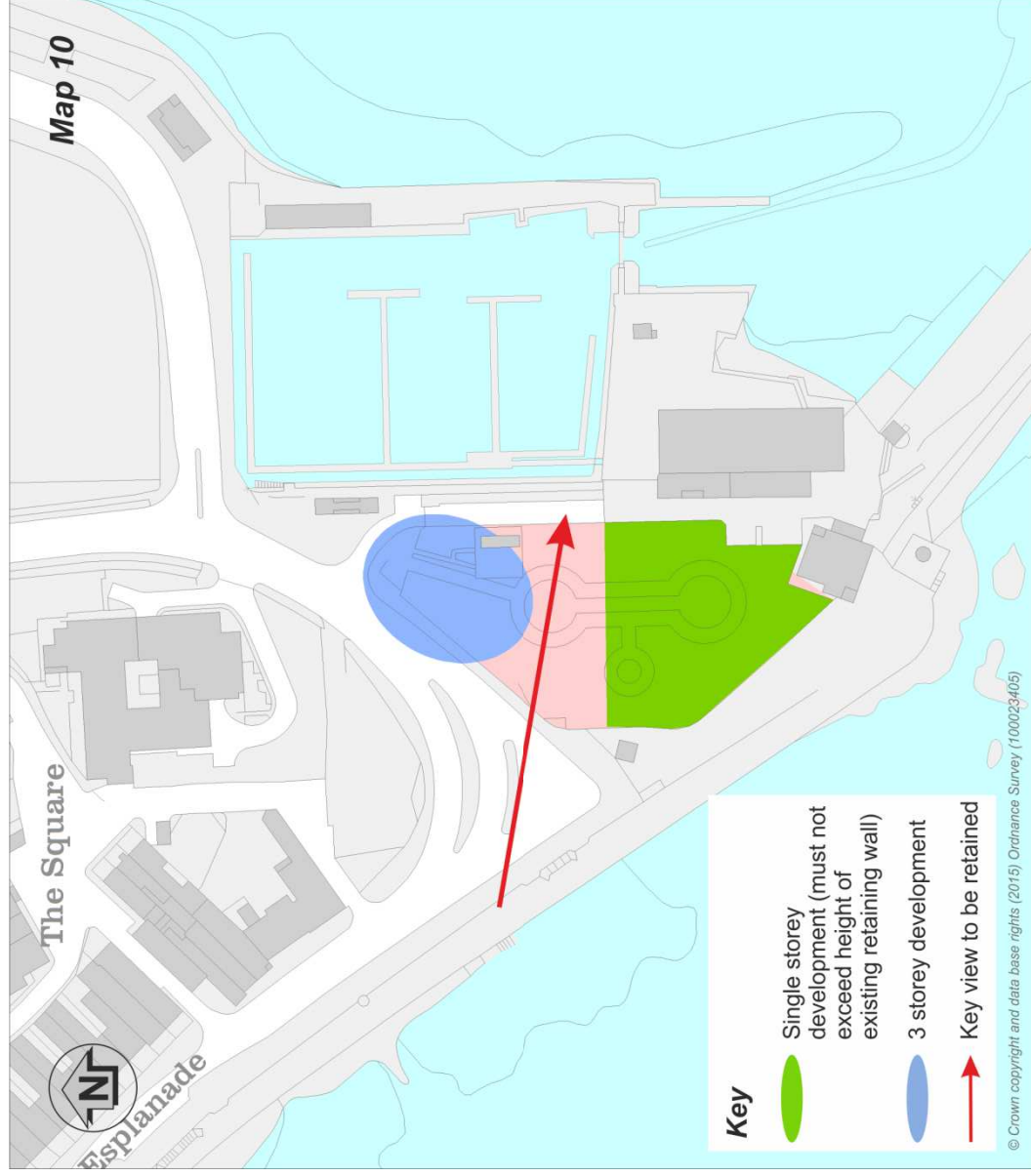


## Height/Scale/Massing

All proposals will be required to provide full justification for the height, scale and massing of any new building through submissions in the Design and Access Statement. This should be accompanied by 3 dimensional analysis and cross-sectional drawings to show how development would relate to the historic townscape and topography.

Scale, height and massing of the proposed development on the site will largely be governed by the surrounding buildings; the topography; the general patterns of heights in the area and key views, however, relating the new development to the general pattern of heights should not preclude some variety in terms of building heights on appropriate parts of the site.

The Brief envisages a building that will not exceed 3 storeys. However a taller building of exceptional design could be considered as a feature at the northern end of the site fronting the Promenade subject to it contributing to the enhancement of the Porthcawl Conservation Area and not presenting a negative impact on the setting of the listed buildings, particularly from the Esplanade, from the breakwater or the harbour. There may be some scope to incorporate further floor space into the roof





space of any new building(s) or to setback upper floors, so that they are recessive in form from key viewpoints.

Attention and care will be needed to ensure the satisfactory juxtaposition between new built form and the retained historic Jennings Building as well as views and vistas in and out of the area both from the ground and afar. Map 10 shows how development heights could be arranged across the site to remain sympathetic to the scale of their immediate street surroundings.

### Roofscape

The Cosy Corner site is in a prominent position within the Conservation Area. The topography and surrounding features provide a defined setting for the site and, as explained earlier in this document, any building on this site will need to respond positively to the context of the site in terms of topography and architectural vernacular whilst having the expression to be interpreted as an important landmark building in its own right.

A key element of the structure will be the design of the roofscape and how it is viewed from the harbourside and from the town. It is envisioned that the roofscape of the building will provide visual interest from all vantage points through the use of contrasting materials and finishes. Reflective roofing materials should be considered that reflect the sun creating an attractive shimmering effect when viewed from afar.





## Heritage Assets

The site area is defined by its heritage setting. Set out below are a number of key features:

- The special historic and architectural interest of the Jennings Building which is grade 2 listed should where possible be enhanced;
- The status of the Brief area as a Conservation Area requires careful design to ensure the existing character and appearance of the area is retained, and where possible enhanced;
- A key aspect of the character of the Conservation Area is the interplay between existing buildings, the Eastern Promenade / public realm, historical features, such as the boundary wall and key frontages.



Applicants will be expected to provide sufficient detail on the potential impact that development will have on the Jennings as a listed building and its setting, archaeological remains and the Conservation Area. There are opportunities to enhance the appearance of the Conservation Area and setting of the listed building. These include:

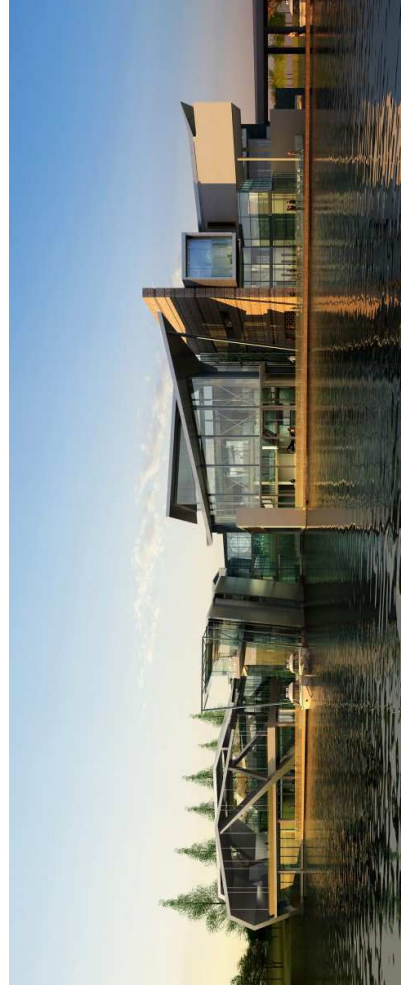
- Careful consideration should be given to detailed design in terms of the scale and rhythm of architectural features such as window and door openings, so as to enhance the setting of adjacent listed building. Blank elevations will not be acceptable;
- The use of traditional materials in an imaginative way that reflects the development's maritime position and respects adjacent traditional groupings of buildings.
- Views of the sea from west, east and north and south east (breakwater particularly) should be retained/enhanced.

## Detailed Design Appearance and Materials

The Brief does not prescribe a particular architectural approach, but it does require proper attention to “place-making”. In Porthcawl this depends upon principles that are well illustrated in the historic urban form and scale of the Harbour area / town centre and which are the basis for creating a development designed for human interaction and enjoyment. This does not imply a default to historic styles or pastiche, and there is an opportunity to achieve an exemplar of contemporary design while reflecting the materials, scale and urban grain of its historic context.

When appraising designs, consideration should be given to the principles set out in Planning Policy Wales, TAN12: Design (2014) and the following:

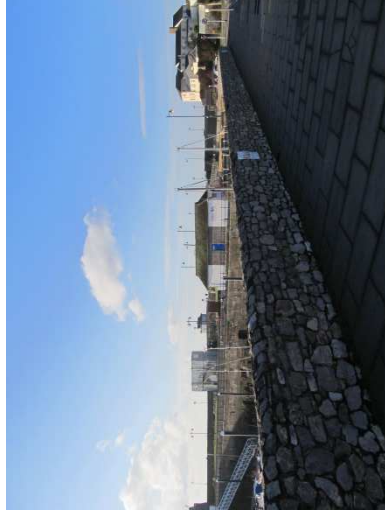
- The use of existing materials in and around the site;
- Materials and use of colour should be mindful of the Jennings Building (listed building), wider conservation area designation and the area’s maritime & industrial heritage; and
- Location of development in relation to the seaside character of Porthcawl.





The appearance of new development should be mindful of the setting of the adjacent listed building and the character and appearance of the Conservation Area. However, materials and colours could be more expressive to fit in with the character of the seafront and create a lively and attractive appearance helping to encourage leisure and tourism.

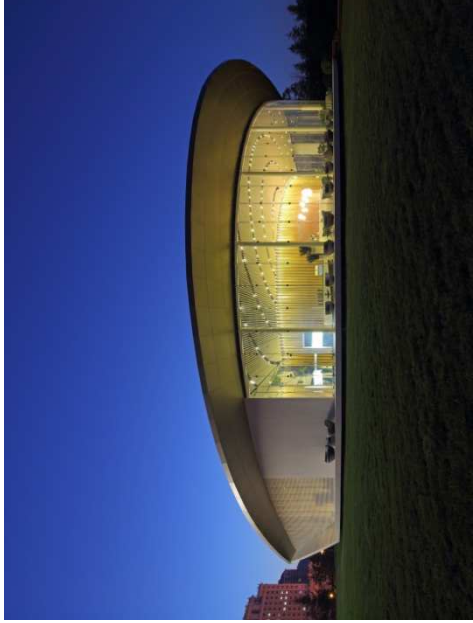
The pictures below show the traditional stone that is used throughout Porthcawl Harbour side.



The pictures below show how contemporary design can utilise traditional stone to great effect.



The fenestration pattern of doors, windows and other detailed design features will be an important consideration and extensive use of glazing to maximise the panoramic views is generally encouraged. This would deliver benefits associated with solar gain and where the building would be used for leisure uses and community uses improve the offer of all-weather facilities with panoramic sea views.





Any openings for vehicles or servicing should be kept to the minimum size required and designed in a manner which reduces any adverse visual impact.

Details such as extraction flues, vents, air conditioning units, balcony railings, aerials, renewable energy, telecommunication equipment, lift shafts, etc. should be considered early in the design process. The objective should be to integrate them seamlessly into the development, rather than adding them on as an afterthought, which may result in a cluttered skyline and/or harm the character of building.



An excellent example of art deco architecture along Frinton seafront that integrates services seamlessly into the development.



Inappropriately sited air conditioning units that are visually intrusive.



Drain pipes that ruin the buildings facade.

## Wider Visual Impact

As well as improving the character and appearance of the Conservation Area, the proposed development should have regard to their visual impact within the wider townscape setting. Maintaining the strategic views from the site will act as reminders contributing to its sense of place. Notable landmarks include:

- Jennings Building;
- Lifeboat Station;
- Breakwater Wall and Lighthouse Marker;
- Lookout tower at Rhych Point (eastern end of Sandy Bay);
- Dune System to rear of Sandy Bay;
- Distant views of Ogmore-by-sea and the cliffs of the Glamorgan Heritage Coast; and
- Open sea views



Given the scale, sensitivity and prominence of the site, any planning application (particularly if it proposes a taller building), should be accompanied by a Visual Impact Assessment which may be part of the Design and Access Statement.

## Public Realm and Landscape

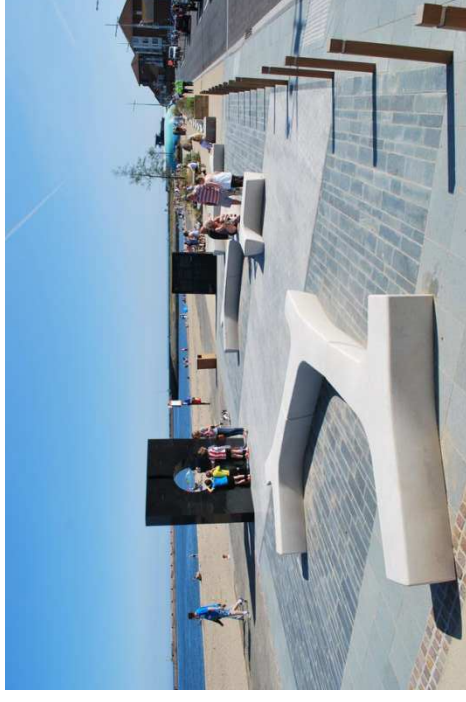
It is a key aim of the Brief that the overall quality of public realm is enhanced through hard and soft landscaping. Whilst the precise details would normally be secured by way of planning conditions it is important that landscape/public realm proposals are considered as a key part of the overall concept from the project's inception. **In addition, it is important that new public realm is considered in the context of the wider existing public realm beyond the boundaries of the Brief area and accords with the emerging masterplan and design code being produced for the Porthcawl waterfront area.**

It is strongly recommended that a landscape architect forms part of the design team from an early stage. The Brief aims to ensure that the spaces around and between the new development and the Jennings Building, including new and existing routes are sensitively landscaped to be visually inviting and pedestrian friendly. This should be executed in a manner which complements the architecture of buildings and integrates with existing public areas.

Development proposals should encourage 'dwell time', accommodating public open space where users are able to 'dwell' rather than it being seen as a pedestrian thoroughfare.

In devising a detailed design developers should give consideration to the following elements:

- Paving materials;
- Boundary treatments (walls);
- Signage;
- Lighting schemes;
- Benches;
- Public art (where it could act as focal points for key areas of public realm); and
- Soft landscape, including trees and shrubs.





A robust palette(s) of hard and soft materials, including street furniture, should be devised in the preparation of proposals. This should be applied consistently across the site and be mindful of integration with existing quality landscape, **according with the emerging masterplan and design code being produced for the Porthcawl waterfront area.**

The effective use of lighting will be encouraged. Consideration should be given to a range of lighting solutions including:

- Street lighting – wall mounted is preferred where possible and appropriate to reduce street clutter, otherwise street lamps that form part of a comprehensive palette(s) of landscape materials and street furniture to ensure coordination and visual harmony;
- Sensitive architectural lighting to highlight historic buildings at night;
- Landscape lighting to highlight soft landscape, such as trees, at night;
- Lighting to aid movement and legibility, e.g. bollard lighting along footways; and
- Sensitive illuminated signage.





## Flexibility for Future Use

For 'Cosy Corner' to be a successful place, development that serves a narrowly defined range of purposes should be avoided. The approach at 'Cosy Corner' needs to deliver simple and robust building forms, not so tightly designed for a particular use but designed to allow for later change of use and conversion.

## Summary - Key Design Considerations

- There is an opportunity to use contemporary architecture in a traditional setting responding to the historic context of the area;
- The developer needs to examine the physical and historical context of Porthcawl and how the new development could integrate into the town;
- The development should be sympathetic in scale, mass and bulk to surrounding buildings including the proposed regeneration of the Jennings Building;
- There are three public frontages to this site and innovative design and active frontages must be provided for each elevation;
- A building of exceptional quality in terms of design and materials that responds to the topography of the site must be delivered, reflecting its prominent location, as the gateway to the Harbour and its location within the Conservation Area and adjacent to listed buildings;
- The northern end of the site could be able to accommodate a taller building subject to scale, mass and materials used. Please also see key in illustration (overleaf) regarding the landmark building;
- Connections, views and vistas from the Eastern Promenade (including the proposed are also important in achieving a development with integrates with the town centre;
- The creation of a positive and enhanced public realm along with improved pedestrian linkages to the rest of the town centre especially;

- High quality hard landscaping is required throughout. It is important to integrate visual and physical connections between public spaces within and outside the site; and
- The development should be adaptable for new uses in the future.

# Contacts

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## **APPENDIX 1 - CONSERVATION AREAS IN THE COUNTY OF BRIDGEND**

### **PORTHCAWL**

**Designated: 31st August 1973**

#### **Special Architectural and Historic Interest**

Porthcawl is a noted resort and dormitory town, situated on the coast, seven miles west of Bridgend.

Until the turn of the eighteenth century, a stone cabin on Porthcawl Point, used in connection with a small and exposed natural harbour, was the only permanent building in the area.

The town owes its existence to the selection of this small harbour as the coastal termination of a horsedrawn tramroad completed in 1828, which served the developing iron and coal industries of the Mid Glamorgan Valleys. A small tidal dock, periodically improved and later re-developed into a seven-and-a-half acre floating basin, was never a wholly successful enterprise and finally closed at the turn of the century having lost its trade to its larger and newer competitor, Port Talbot. In one year, however, it had exported 227,000 tons in 800 vessels. Spanish ore for use in the furnaces of the Llynfi Valley was also imported via Porthcawl.

In the second half of the nineteenth century the town development became increasingly linked with its reputation as a resort and watering place and it is to this element in its growth that Porthcawl owes its particular seaside character.

The conservation area contains those parts of the town which were substantially completed during its period of industrial growth before 1885. It includes the original tidal basin, breakwater and harbour light, an area of industrial archaeological significance, which imparts the maritime character peculiar to the town.

#### **Character and Appearance**

The Square and its immediate environs, where the informality of the earliest domestic buildings associated with the port create an intimate scale and character, provides a foil to the nearby terrace of three-storey lodging houses built later in the century on the developing promenade. The short

sweep of the promenade from the breakwater to the rising ground of Irongate Point is now the only development of its type in the County, retaining its original character and scale. The newer lower promenade, built in more recent years, is an uncluttered and functional element which in no way detracts from the predominantly Victorian character of the sea front.

**Listed Buildings**

The Grand Pavilion	Grade II
The Breakwater	Grade II
Jennings Warehouse	Grade II
Lighthouse on Breakwater	Grade II
The Look-out Tower	Grade II
The Old Customs House	Grade II
Walls of the Outer Basin and West Pier/Quay	Grade II

**Scheduled Ancient Monuments**

Nil

**Buildings of Local Importance**

Esplanade Hotel  
Seabank Hotel

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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, BCBC</i>	"Paid pre-application service" -workshop session	22 January 2016	AM

Future training sessions  
Appeal decisions

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

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

**Background Papers**  
None.

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