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Bridgend County Borough Council



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

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*

**Gwasanaethau Cyfreithiol a Rheoleiddiol / Legal
and Regulatory Services**

Deialu uniongyrchol / Direct line /: 01656 643148
Gofynnwch am / Ask for: Mark Galvin

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

Dyddiad/Date: 22 March 2016

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 31 March 2016 at 2.00 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
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 4 May 2016 for a site inspection in respect of the Special meeting of the Development Control Committee of the same date relating to Margam Mine and Wednesday 11 May 2016 for proposed site inspections arising at the ordinary meeting of the Committee dated 12 May 2016.
4. Approval of Minutes 5 - 8
To receive for approval the minutes of the Development Control Committee meeting of 18 February 2016
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

Ffôn/Tel: 01656 643643

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Negeseuon SMS/ SMS Messaging: 07581 157014

[Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: www.bridgend.gov.uk

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Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

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8.	<u>Officer's Reports</u>	
(a)	P/15/62/FUL Former Ogmere Comprehensive School Play Fields, Abergarw Road, Brynmenyn	13 - 26
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9.	<u>Appeals</u>	61 - 70
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14.	<u>Proposed Statutory and Non-Statutory Pre-Application Advice Charging Regime</u>	153 - 170
15.	<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

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MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 18 FEBRUARY 2016 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

N Clarke	GW Davies MBE	PA Davies	CA Green
RC Jones	DRW Lewis	JE Lewis	LC Morgan
D Patel	G Thomas	C Westwood	R Williams
M Winter			

Officers:

Jonathan Parsons	Group Manager Development Control
Craig Flower	Team Leader Technical Support
Rod Jones	Senior Lawyer
Jane Dessent	Lawyer
Robert Morgan	Senior Development Control Officer
Tony Godsall	Traffic and Transportation Manager
Rhodri Davies	Development and Building Control Manager
Julie Jenkins	Development and Building Control Team Leader
Nicola Gandy	Principal Planning Officer
Andrew Rees	Senior Democratic Services Officer – Committees
Sarah Daniel	Democratic Services Officer – Committees
Kevin Stephens	Democratic Services Assistant - Committees

682. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor J Tildesley
Councillor H Morgan

683. DECLARATIONS OF INTEREST

The following Declarations were made:

Councillor R Williams – P15/865/FUL Councillor Williams declared a personal interest as a member of Pencoed Town Council but takes no part in the consideration of planning matters.

Councillor N Clarke – P/15/687/FUL Councillor Clarke declared a personal interest as a Member of Porthcawl Town Council but takes no part in the consideration of planning matters

684. 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 30 March 2016

685. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development Control Committee of the 7 January 2016 were approved as a true and accurate record of the meeting subject to the amendment of the last paragraph of minute no.676 to read as follows:

“He stated that the purpose of the development is not to present detailed proposals, but to set a framework within which a high landmark development can be delivered”

686. PUBLIC SPEAKERS

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

<u>Name:</u>	<u>Planning Application No:</u>	<u>Reason for Speaking:</u>
Ms Leanne Casley	P/15/865/FUL	Objector

687. 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.

688. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

689. OFFICER'S REPORTS

690. P/14/838/FUL - LAND EAST CWM FELIN AND SOUTH, CRAIG TERRACE/ EBENEZER TERRACE, BLACKMILL

RESOLVED: That the following application be deferred to enable the developer to consider the observations from Natural Resources Wales and to submit a revised Flood Consequence Assessment detailing how the flood risk on the development site will be managed.

<u>Code No:</u>	<u>Proposal:</u>
P/14/838/FUL	Erection of 36 dwellings, car parking, an acoustic fence landscaping and associated works

691. P/15/865/FUL - LAND REAR OF 7 HEOL YR ONNEN, PENCOED

RESOLVED: That the following application be approved subject to the conditions outlined in the report of the Corporate Director Communities

<u>Code No:</u>	<u>Proposal:</u>
P/15/865/FUL	2 No. Semi-detached bungalows

692. P/15/693/FUL - REAR OF 69-73 COWBRIDGE ROAD, BRIDGEND

RESOLVED: 1. That having regard to the following application, the applicant enters into a Section 106 Agreement to provide 20% of the units or equivalent financial contribution towards affordable housing

Code No:

Proposal:

P/15/693/FUL

Residential Development of 10 self- contained apartments

2. That the Corporate Director Communities be given plenary powers to issue a decision notice granting the consent in respect of the proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions in his report.

693. P/15/687/FUL WILDERNESS ALLOTMENTS, HEOL Y GOEDWIG, PORTHCAWL

RESOLVED: That the following application be approved subject to the conditions contained in the report of the Corporate Director Communities:

Code No:

Proposal:

P/15/687/FUL

Toilet and storage shed for use by disabled gardening club

694. APPEALS

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

695. TRAINING LOG

The Group Manager Development reported on an updated training log.

RESOLVED:

That the report of the Corporate Director Communities be noted

696. URGENT ITEMS

None

The meeting closed at 14.50 pm

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Development Control Committee Guidance

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

RECOMMENDATION : SECTION 106

REFERENCE: P/15/62/FUL

APPLICANT: PERSIMMON HOMES WEST WALES
C/O MRS SARAH EDWARDS DRAGON HOUSE, PARC Y DDRAIG
PENLLERGAER BUSINESS PARK PENLLERGAER, SWANSEA

LOCATION: FORMER OGMORE COMP. SCHOOL PLAY FIELDS ABERGARW
ROAD BRYNMENYN

PROPOSAL: RES. DEV. FOR 108 DWELLINGS & ASSOC. WORKS INCL.
DEMOLITION OF FORMER CARETAKERS COTTAGE

RECEIVED: 3rd February 2015

SITE INSPECTED: 10th March 2015

APPLICATION/SITE DESCRIPTION

The application proposes the construction of 108 dwellings on land to the eastern side of Abergarw Road, Brynmenyn that was formerly used as playing fields serving Ogmores Comprehensive School. As part of the Borough Council's school modernisation programme, the Comprehensive School has now closed with pupils relocated to a new purpose built school at Ynysawdre (Coleg Cymunedol Y Dderwen). Part of the former school buildings are occupied by a special school/pupil referral unit and pupils attending this facility do so in a secure environment and are not permitted to leave the premises.

The application site extends to approximately 4 hectares and is largely on a flat plateau area created for use as playing fields although a steep slope runs along the south eastern site boundary that effectively segregates the site from the retained educational facility. It was also noted that the land slopes gently towards the western boundary with the A4065 Abergarw Road and also along the northern boundary towards the Trading Estate exit road.

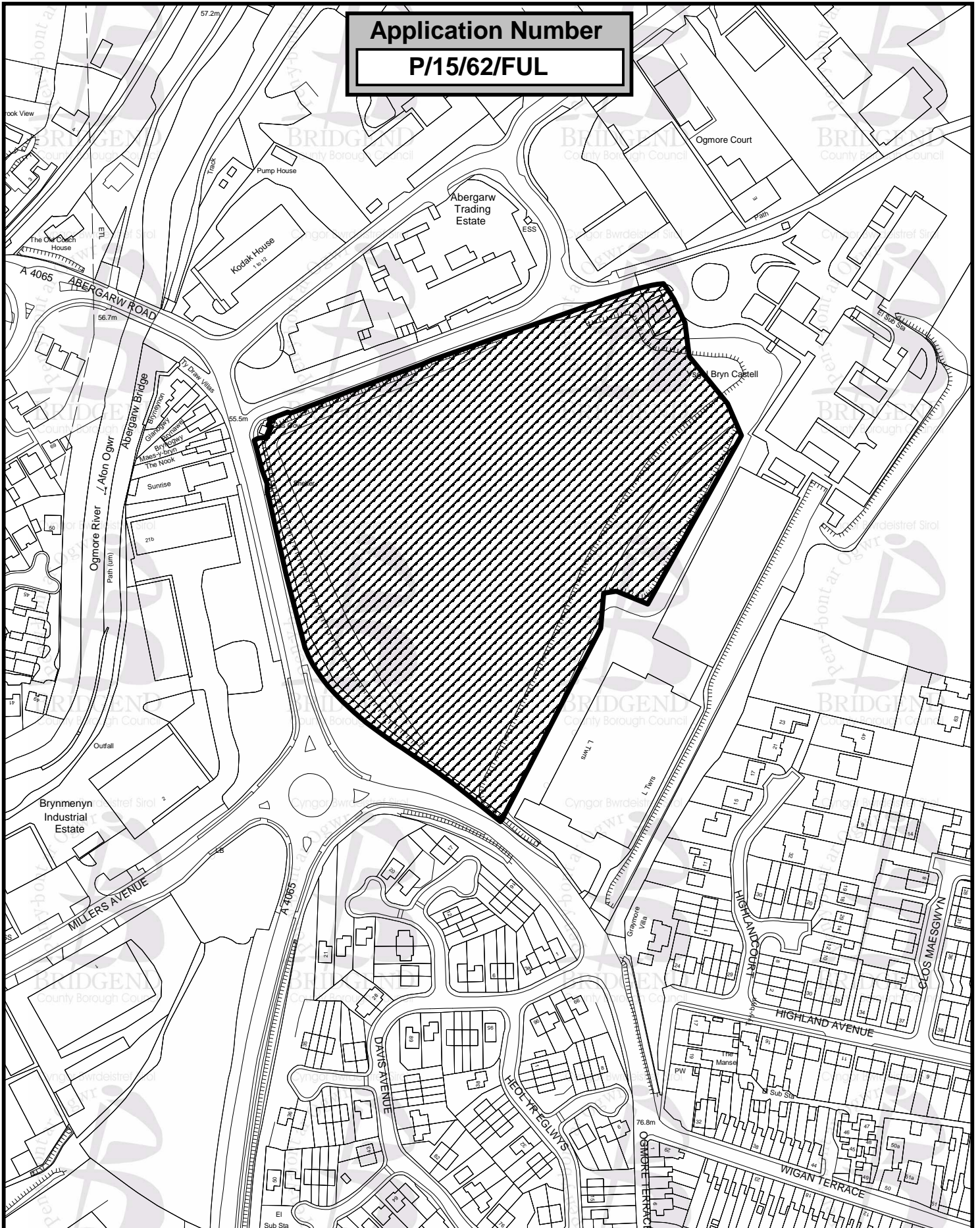
The original application proposed 132 no. dwellings but following prolonged negotiation with the applicants regarding noise mitigation measures to address noise levels generated by the occupiers of factories on the Abergarw Trading Estate that lie opposite the northern site boundary, the scheme has been significantly amended. The initial revised layout included a bund with acoustic fencing reaching an overall height of 4.5m along the majority of the northern boundary to partially address the identified noise sources. That feature resulted in the loss of a number of plots and a reconfiguration of the layout of the development so that only 111 units were then proposed. The development initially included a mixture of 2 and 2.5 storey buildings accommodating 2, 3 & 4 bedroom dwellings.

A further amendment to the layout to address the impact of noise from some of the industrial units on the neighbouring Trading Estate was then undertaken, which has reduced the number of residential units to 108. This final, revised layout retaining the bund and acoustic fencing but replaces the previously proposed 15 detached and semi-detached two storey dwellings with 12 bungalows. The bungalows are two bedroom properties, which have been designed with the living accommodation to the rear and bedrooms to the front facing the internal estate road with the main entrance located at the side of the building.

The layout retains the site entrance in a reasonably central location along the Abergarw Road frontage, with a hierarchy of streets leading to the residential units. The primary streets will run west/east with secondary streets leading off in a north/south direction. Tertiary routes (private drives) of reasonably short lengths will lead from a number of the secondary routes. The external

Application Number

P/15/62/FUL



Scale 1:2,500

Date Issued:
22/03/2016

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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finishes of the proposed dwellings will comprise grey or dark brown roof tiles and facing brickwork with two contrasting bricks identified. Other than the bungalows along the northern boundary adjacent to the acoustic bund, the proposed dwellings will be predominantly two storey in scale with a small number (6) of 2.5 storey units. These larger scale units are located either side of the main entrance to form a strong and balanced frontage onto Abergarw Road. Landscaping details, boundary treatments and a drainage scheme have not been provided in respect of this final layout and will be the subject of conditions.

RELEVANT HISTORY

88/1651 CC 24-FEB-89
2 NO. DOUBLE MOBILE CLASSROOM UNITS

P/14/10/BCB APPROVED 18-02-2014
UNDER REG 3
REFURB & MINOR ALTS INC INT & EXT DOORS & WINDOWS, RECEPTION CANOPY,
REMOVE CLASSROOMS & PROVIDE ADDITIONAL PARKING

PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity will expire on 28 March 2016.

NEGOTIATIONS

As indicated in the description of development, there has been prolonged negotiation to address noise issues emanating from industrial units, which lie on the opposite side of the road that abuts the northern application site boundary. This has resulted in the submission of potential revisions to the layout prior to the finally amended layout being received on 11 March 2016.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 12th February 2015

St Brides Minor Community Council opposes this development because the local infrastructure and public services are inadequate to support a further 132 homes, together with the several hundred additional new dwellings already built and occupied in Brynmenyn, Bryncethin and Sarn/Bryncoch. The highways are already heavily overloaded and to take a few hundred additional traffic movements a day will add to the enormous traffic flow already on the A 4061 through Bryncethin. It is likely that the local primary schools will be unable to accommodate the considerable number of extra places required at the local primary schools.

Head Of Street Scene (Highways)

In initial observations concerns were expressed in terms of cars dominating the street scene in parts of the layout and non compliance with the Authority's parking standards in relation to both resident and visitor parking.

An amended layout for 111 was received on 6 January 2016. A further revised layout reducing the number of units to 108 was received on 11 March 2016. In addition, an updated Transport Assessment, to reflect the revised number of units, was also provided.

Any additional formal comments will be reported to Members as part of the Amendment Sheet.

Destination & Countryside Management

It is considered that there is a risk of encountering bats during the development. It is therefore considered reasonable to require an initial bat survey and report.

Head Of Street Scene (Waste & Recycling)

No objection.

Natural Resources Wales

No objection subject to a condition seeking a pollution prevention method statement.

Welsh Water Developer Services

No objection.

Crime Prevention Design S.Wales Police

General advice in respect of security measures is provided for the developer's consideration and information.

The Coal Authority

No objection.

Group Manager Public Protection

No objection subject to conditions.

Wales & West Utilities

Raise no objection to the proposals.

Glamorgan Gwent Archaeological Trust

There are no archaeological assets within the development site.

Head Of Street Scene (Drainage)

No objection subject to condition.

REPRESENTATIONS RECEIVED

Janice Lewis (Councillor For Bryncoch), 30 Park Place

The A4061 already has an average of 20,000 cars per day and that is without the new developments taking place within the area at this present time which surely has increased. There are problems with residents crossing this road and parents accessing the school. There have been numerous accidents on this road. My objection is to the increase of traffic and that there has not been any allowances for any traffic calming/crossing facilities which are greatly needed in the application. I would also wish to advise that this section of road is used to commute to the M4 East and West from the Rhondda Valleys, Ogmore/Garw Valley and Bettws.

Michael Bennett, (On Behalf Of Weddel Swift And Pin It)

Objects to the application and registers a request to address the Development Control Committee when the matter is considered.

The grounds of objection can be summarised as follows:-

- The introduction of housing close to industrial premises is unacceptable.
- The noise levels and the remediation measures have not been adequately assessed.
- The proximity of new housing may affect the adjoining businesses leading to potential restrictions.
- The development is a departure from the allocation PLA3(12).

Further comments in respect of the amended layout, reducing the number of units to 108, are awaited and will be included on the Amendment Sheet.

Objections Have Been Received From The Occupiers Of, .
Sunrise Bungalow, 30 Leyshon Way, The Nook and Mawr Fryn.

The objections can be summarised as follows:-

- All the tree plantation should be retained and further infill planting undertaken so that proposed dwellings will be screened from view.
- Traffic related problems and highway safety.
- Potential overlooking.
- Noise pollution.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Overlooking & Loss of Privacy - Whilst the unit on Plot 1 will be sited partially opposite the front elevation of Sunrise Bungalow, there will be an intervening distance of approximately 30m between the respective properties. It is therefore considered that the degree of overlooking will be minimal and there is no infringement of the Authority's privacy standard.

Tree Felling - There are approximately four conifer trees to the south of the existing gas governor compound located at the junction of Abergarw Road with the Abergarw Trading Estate access road. None of these trees are protected by a preservation order nor are they considered to constitute specimens of such quality and public amenity value as to warrant the creation of a new Order for their preservation. It is anticipated that it will be necessary to remove these trees in order to facilitate the construction of the dwellings on Plots 1 & 2 and also preserve their residential amenity due to the close proximity of the trees to these plots.

Noise Pollution from Proposed Pumping Station - The final details of the drainage scheme in respect of the current layout have yet to be compiled and therefore the requirement for a pumping station for foul drainage flows has not yet been confirmed. In the event that it is established that such a facility will be necessary, appropriate sound-proofing will ensure that no disturbance is occasioned to existing properties or future occupiers of the proposed development.

Increased Traffic Causing Adverse Impact on Royal Oak Junction at Bryncethin - The application has been accompanied by a Transport Assessment which identifies that, whilst there is an impact on this junction, it is not so significant as to warrant refusing the application on this basis. This has been ratified by the Highways Department.

Noise - Noise surveys have been undertaken, which the Public Protection Department consider robustly assess the sources of noise generated by the industrial units adjoining the application site. On this basis, the planning layout has been amended to incorporate a substantial acoustic

bund and fence along this section of the northern boundary. In addition, the house types in this area of the development have been amended to bungalows, which have been designed with their bedrooms on the elevation facing the internal estate road rather than the bund. Public Protection considers that this arrangement would achieve a noise level that would provide a satisfactory level of residential amenity for future occupiers of these bungalows. However, the operation of a pressure washer at Weddel Swift may still cause an intermittent issue, potentially during the early hours of the morning. In light of this, an appropriately worded condition requiring mechanical ventilation to serve the bedrooms within these units has been recommended although it has been verbally indicated that discussion with the industrial operators will continue with the aim of overcoming this specific issue.

Non Compliance with the Local Development Plan - It has been highlighted that the application has been allocated within the adopted Local Development Plan for a regeneration and mixed use development scheme by Policy PLA3(12) whereas the application proposes entirely residential development on the land. Whilst the allocation sought to deliver a mix of uses comprising residential, transport network improvement, small scale convenience goods and education provision, it is considered that, given the limited nature of the potential retail element within this site and the fact that this could be provided elsewhere to serve the wider area in addition to this new residential development site, the development of the entire application site for residential development would be acceptable. Furthermore, market testing revealed little prospect for a retail facility, at this location, coming forward. The market testing also indicated that siting the proposed retail element in that area of the site adjacent to the northern boundary so that it would mitigate noise from the industrial estate would be unsuitable as potential retailers would require a frontage plot so as to cater for passing trade. Other than this element of convenience goods retailing, all other aspects of the development are considered to satisfy the requirements of the Development Brief, which aims to promote the delivery of a high quality scheme.

APPRAISAL

The application is referred to Committee to consider the numerous objections lodged in respect of the submission.

The application now seeks consent for residential development of 108 units together with associated works. The development includes for the demolition of the former caretaker's property located in the north eastern corner of the site.

The application site is located within the Valley Gateway Strategic Regeneration Growth Area (Policy SP1) and is allocated for a regeneration and mixed use development scheme under Policy PLA3(12) of the Bridgend Local Development Plan (LDP). The allocation proposed to deliver a mix of uses comprising residential development (COM1(33)), improvements to the transport network (PLA8(6)), small scale convenience goods provision (REG5(5)) and reconfigured education provision COM10(6).

In February 2014, the Development Control Committee adopted the Ogmere Comprehensive School Playing Fields Development Brief which reflected the requirements of Policy COM4 of the LDP. This Policy requires new residential development on sites larger than 0.15 hectares to be developed at a minimum density of 35 dwellings per hectare. It acknowledges, however, that a lower density may be acceptable where design, physical or infrastructure constraints restrict the development or where it can be demonstrated that there is a particular lack of choice of housing types within a local community. In this case, the now proposed 108 units on the site, equate to 27 dwellings per hectare, with the layout incorporating an acoustic bund and fencing along the northern boundary to mitigate noise emanating from the industrial units within the Abergarw Trading Estate. It is therefore considered that the reduced density is justifiable partially on the basis of the noise constraint but also because 11% of the units will be bungalows, the availability of which, are extremely limited on new build residential development sites. The proposed residential development is therefore considered to be at a scale and of a type that is compatible

with the Brief and the density is justified in terms of its compliance with Policy COM4 of the LDP.

With regards to the provision of small scale convenience goods provision, Policy REG5 recognises the important role local shopping facilities play in serving their communities, especially in areas of housing growth. Policy REG5 specifically identifies the potential for small scale local retail provision at a number of mixed use site allocations in the LDP, including at Ogmores Comprehensive School, for a very limited development of up to 100sq.m. At the time that the Ogmores Comprehensive School Development Brief was brought forward, this local retailing element was varied and increased to incorporate the retail provision of the nearby Bryncethin Depot site. This was justified on the basis that Bryncethin Depot was the preferred location of the South Wales Police and the Council's joint Fleet Depot.

The Joint Fleet Depot, however, has subsequently relocated to Brackla Industrial Estate and the potential therefore still exists for future local convenience goods retailing at Bryncethin Depot, which could also serve the wider area. There is also the potential to develop such a facility on an alternative site within the vicinity, which would be in accordance with Policy REG5.

Given the fact that alternative provision could be made elsewhere to serve the wider area and new residential development and also that the marketing exercise revealed very little prospect of a facility coming forward at this particular location, it is considered acceptable, in principle, for the whole of the application site to come forward for residential development.

The original proposal comprised 132 new dwellings, which satisfied the requirements of Policy COM1(33) of the LDP, which estimated 130 residential units be delivered on this site. The development at this scale would also fulfil the anticipated levels of development proposed in the Development Brief of between 100 and 130 new homes, however, in order to safeguard the amenities of future occupiers of the dwellings in the northern sector of the development it has proved necessary to revise the layout to include a bund and acoustic fencing, which has resulted in a reduction in the number of units that the site can reasonably accommodate. On the basis that the aim of the Development Brief is to promote the delivery of a high quality scheme, it is considered that the reduction in dwelling numbers to 108 is compatible with both the Brief and the Development Plan.

As the site exceeds 0.15hectares in size, the application is subject to Policy COM5 of the LDP requiring an appropriate element of affordable housing. The site lies within the Bridgend Housing Sub Market, where a target of 20% applies, which would equate to 22 dwellings. However, the Brief states that, having considered the need in the area, the Council's preference would be to secure an offsite contribution. Having consulted the Housing Strategy Manager, it has been confirmed that this is still the preferred option and a specific off site affordable housing scheme has been identified. As such a contribution of £637,728.00 has been requested and will be secured through a Section 106 Agreement.

The residential development of the site is also subject to the requirements of SPG16 Educational Facilities and Residential Development. The brief states that due to capacity issues at all local Primary Schools, a financial contribution would be required towards additional Primary School facilities. The Children's Directorate have confirmed that this is still the case and as such a contribution of £391,512.00 should be provided to enable additional capacity in the local Primary School provision to cater for children generated by the development. In order to comply with CIL Regulations, it will be necessary to specify how the contribution will be used within the Section 106 Agreement.

The development is also subject to the provisions of Policy COM11 of the LDP which requires all new housing developments to provide a satisfactory level and standard of public open space. The Development Brief provides further detail by stating that, if no children's play facilities are provided on site, a financial contribution of £470 per dwelling, totalling £50,760.00, should be sought from the development to contribute towards the provision, or improvement of a suitable

facility off site. Provided the applicant agrees to this contribution, it will again be necessary to specify how the contribution will be used for inclusion within any Section 106 Agreement.

With respect to the delivery of Policy PLA8(6), the requirement for improvement to the local highway network, active travel linkages and junction improvement works will be considered. The applicant's Transport Consultants have undertaken a study of cycle/pedestrian facilities in the vicinity of the application site. The study reveals that, along the site frontage with the A4065 together with the opposite side of Abergarw Road, a 3m wide shared cycle/pedestrian facility should be provided in order to comply with the above Policy and the requirements of the Active Travel Act. It is considered that the section of this proposed facility along the site frontage can be required by condition as part of the works necessary to achieve the central vehicular access to the site. The element of the scheme beyond this frontage section will be secured by a requirement for a financial contribution of £75,000.00 within the necessary Section 106 Agreement.

As indicated in the previous section of this report providing observations on representations received, the Transport Assessment that accompanies the submission demonstrates that the impact of increased traffic generated by the proposed development on the Royal Oak Junction at Bryncethin is not so significant as to cause the junction to fail. Notwithstanding the pre-existing queuing of traffic at this traffic light controlled junction at peak times, the impact of the proposed development does not warrant refusal of the scheme nor can a financial contribution to improvement works to this junction be justified on the 2% reduction in its existing capacity. It is anticipated that the formal observations from the Highways Department will confirm this assessment.

In terms of the details of the scheme, Policy SP2 of the LDP requires all development to 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 and establishes fifteen criteria against which development proposals should be assessed.

As a new residential development of 108 dwellings, it is considered that the layout and dwelling designs are compatible with criteria 2 & 3 (design quality and scale) and, given the constraints of the site, maximises the density at which land can be developed to meet criterion 4 (efficient use of land). The Highways Officer considers that, subject to conditions and the inclusion of a planning obligation in respect of provision of active travel linkages, the submitted proposals satisfy criterion 6 (transport connections and access). South Wales Police Crime Prevention Design Advisor has provided a number of recommendations for the development, which can be attached to the decision notice for the developer's information and consideration thereby ensuring compatibility with criterion 7 (minimising crime).

Criterion 8 requires development proposals to avoid or minimise pollution and identifies noise in addition to air, soil and water. In this case, as described earlier in the report and confirmed in the observations received from the Public Protection Department, there have been prolonged negotiations to overcome noise from the industrial units located to the north of the application site. On the basis that the layout includes an acoustic bund and fence along the northern site boundary and proposes bungalow units on the adjoining plots, the proposals are considered to be acceptable subject to conditions. The Public Protection Department has also suggested conditions to require mitigation measures to address noise nuisance to plots overlooking Abergarw Road which fall within Noise Exposure Category C as identified in the Noise Report, 'Environmental Noise Survey 3582 ENS1 - Rev 3' dated 22nd June, 2015. Whilst such measures to mitigate traffic noise would be beneficial to the residential amenities of future occupiers of these frontage plots, it is considered that this not essential as such future residents would have chosen to live in close proximity to the highway. However, an advisory note can be included to recommend the developer consider such provision.

The Ecologist has advised that, due to the nature of the caretaker's house, its location and the

proximity of known bat roosts and suitable habitats, it is reasonable to require an initial bat survey prior to its demolition. A survey undertaken by Hawkeswood Ecology on behalf of the developer found that there was no direct evidence of bats using the loft space nor was there any direct evidence externally, although there was some potential for bats to gain access to the space between the roof tiles and the underfelt. The Report includes a recommendation that a further survey is undertaken during the appropriate season (Mid May to September) to assess whether the building supports a summer roost. A condition requiring such a survey can be imposed to confirm the initial survey's findings. In the event, that this further survey contradicts the conclusions of the initial survey, the developer will be required to seek a Derogation Licence which will include any mitigation measures. In addition, the inclusion of a condition requiring landscaping of the site will enhance the biodiversity of the proposed development in accordance with the Borough Council's duty under the Natural Environment and Rural Communities Act 2006.

Criterion 12 seeks to ensure that the viability and amenity of neighbouring uses and their occupiers will not be adversely affected. As indicated above, conditions, recommended in respect of noise mitigation measures to address criterion 8, will safeguard the viability of the industrial units along the northern site boundary. Notwithstanding the concerns expressed by the occupiers of some of the dwellings on the opposite side of Abergarw Road, it is considered that the proposed layout does not significantly impact on the amenities of these residents. A condition requiring agreement of land levels particularly along the Abergarw Road frontage will, however, further reduce the impact of these plots on the existing properties.

The final Criterion (13) considered to be relevant requires development proposals to incorporate appropriate drainage arrangements. A detailed drainage scheme is not yet available but it is believed that a condition requiring a comprehensive and integrated scheme for the future agreement of the Authority will address this issue.

During the processing of the application, Policies SP1, PLA3(12), COM1(33), PLA8(6), REG5(5), COM4, COM10(6), COM11 & SP2 together with the Former Ogmere Comprehensive School Playing Field Brief and SPGs 13 (Affordable Housing), 16(Educational Facilities & Residential Development) and 17 (Parking Standards).

CONCLUSION

The application can be recommended for approval as a development that is compatible with National and local planning policies and guidelines and does not adversely affect privacy or visual amenities or highway safety nor so significantly harms neighbours' amenities as to warrant refusal.

The proposed development on an allocated regeneration site would provide 108 dwellings towards the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, and will include proportionate financial contributions towards affordable housing, education facilities, public open space and active travel. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are not any material reasons why planning permission should be refused.

RECOMMENDATION

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

- (a) Provide a financial contribution of £637,728.00 affordable housing.
- (b) Provide a financial contribution of £391,512.00 towards additional Primary School facilities.

(c) Provide a financial contribution of £50,760.00 towards the provision of off site recreation facilities within the area.

(d) Either provide a financial contribution of £75,000.00 to cover the cost of the provision of an active travel route from the application site to link with existing on road cycle routes and routes for pedestrian to the north and south of the application site or, alternatively, provide the route themselves in accordance with a scheme to be agreed with the Local Planning Authority in conjunction with the Highway Authority.

(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 Layout SK-09 received 11 March 2016 together with the following house types plans and elevations for which were submitted on 2 February 2015:-

- * Clayton Corner (Village)CCA-WD16
- * Hanbury (Village)HB-WD16
- * Hatfield (Village)HT-WD16
- * Morden (Village)MR-WD16
- * Moseley (Village)MS-WD16
- * Roseberry (Village)RS-WD16
- * Rufford (Village)RF-WD16
- * Souter (Village) SU-WD16
- * Chedworth Corner Special CDC-WD06
- * Unnamed CD-WD10
- * Garages SGD-01

Together with the Tunstall Bungalow as shown on the plans and elevations received on 11 March 2016.

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

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

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 details of the proposed floor levels of the buildings in relation to existing ground levels at the adjoining public highway known as A4065, Abergarw Road 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.

4 No development shall take place until there has been deposited with the Local Planning

Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to the difference in level between estate road and plot will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason : In the interests of highway safety and to ensure a satisfactory form of development.

- 5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, detailing how road and roof/yard water and land drainage run off will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason : To ensure that effective drainage facilities are provided for the development and that flood risk is satisfactorily managed.

- 6 Prior to the commencement of development to provide the dwellings on Plots 97-108 inclusive and Plots 14-18 inclusive, details of a 4.5m acoustic bund, to be provided along the northern site boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall include a location plan showing the precise siting of the barrier, construction details and evidence to confirm that the barrier will achieve the level of attenuation identified by Hunter Acoustics Ltd in its report predicting the noise from the industrial units at the closest residential receptors. Thereafter the barrier shall be provided in accordance with the agreed details prior to the dwellings on these plots being brought into beneficial use and be so retained in perpetuity.

Reason : In the interests of residential amenity.

- 7 The bedrooms to the dwellings on Plots 97-108 and Plots 14-15 shall be provided with standard thermal double glazing together with mechanical ventilation and so retained in perpetuity.

Reason : In the interests of the residential amenities of future occupiers of these Plots to mitigate potential noise nuisance from nearby industrial units.

- 8 Details of a 2.5m high close boarded fence, with any fence having a minimum mass of 7kg/square metre, or other means of enclosure to be erected along the south eastern site boundary adjacent to the sports fields shall be submitted to and agreed in writing by the Local Planning Authority. The agreed fence/enclosure shall thereafter be erected on the top of the embankment bordering the sports fields prior to any of the dwellings on Plots 49- 53 inclusive, Plots 57 & 58, Plots 77 -79 inclusive and Plots 94&95 being brought into beneficial use and thereafter retained in perpetuity.

Reason : In the interests of residential amenity by reducing noise impact from the sports fields.

- 9 No development shall commence until a Pollution Prevention Method Statement detailing all necessary pollution 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 Method Statement shall identify as a minimum:-

- * Storage facilities and emergency containment for all fuels, oils, chemicals and explosive and any other polluting substances;
- * Construction compounds, car parks, offices etc.;
- * Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run off;
- * Details of maintenance of site access/haulage roads to ensure no polluting discharge;
- * Measures for dealing with any contaminated material (demolition or excavated);
- * Details of emergency contacts
- * Works timing;
- * Phasing of works/responsible proactive construction methods;
- * Environmental monitoring schemes;
- * Removal of waste - duty of care; and
- * Details of any imported waste materials.

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

Reason : To prevent pollution.

- 10** Prior to any works to demolish the Caretaker's House being commenced, a further bat survey shall be undertaken during the appropriate season (Mid May-September) to assess whether the building supports bats during the summer season and a report, which shall include any mitigation measures if considered necessary, submitted to and agreed in writing by the Local Planning Authority.

Reason : To ensure that a full assessment of the building's potential to support this European Protected Species has been completed.

- 11** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission.

Reason : In the interests of visual and residential amenities.

- 12** 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.

- 13** No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the

development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

- 14** 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.

- 15** Details of a scheme for waste collection point facilities, to facilitate the collection of refuse and recyclates for the future residents of properties accessed via a private driveway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed waste collection point facilities shall be provided in accordance with the agreed scheme prior to the occupation of any such dwelling.

Reason : In the interests of highway safety.

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

(a) The application can be recommended for approval as a development that is compatible with National and local planning policies and guidelines and does not adversely affect privacy or visual amenities or highway safety nor so significantly harms neighbours' amenities as to warrant refusal.

The proposed development on an allocated regeneration site will provide 108 dwellings towards the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, and will include proportionate financial contributions towards affordable housing, education facilities, public open space and active travel. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are not any material reasons why planning permission should be refused.

(b) The developer is advised that in order to satisfy the drainage condition, it will be necessary for the following information to be provided:-

- * Written agreement of the discharge rates to the main river from Natural Resources Wales.
- * Approval in principle of the foul and surface water drainage system being adopted under a Section 104 Agreement with Dwr Cymru/Welsh Water.
- * The proposed surface water drainage system, in accordance with the agreed discharge rate, must show how the 1:30 probability and how the up to 1:100 probability will be managed including +30% allowance for climate change.
- * A management and maintenance scheme for the lifetime of the development for all non adoptable (private) drainage system to secure the operation of the scheme throughout its lifetime.
- * Submission and agreement of how the land drain shown, noted on the eastern boundary, is to be managed without conflict to the adoptable system.
- * Acceptance that any elements of the surface water attenuation system, which falls within the private areas will require removal of all permitted development rights associated in order to ensure the integrity of the system.

(c) The developer is reminded that in the event that the further bat survey in respect of the Caretaker's House confirms that the building supports bats, it will be necessary for a Derogation Licence to be obtained.

(d) The developer is requested to consider the inclusion of acoustic glazing and ventilation systems to the properties fronting onto Abergarw Road to ensure that appropriate internal noise levels both during the day (35dBA LEQ 16) and night (30dBA Leq8) is achieved in the interests of the amenities of future occupiers.

(e) The observations received from Dwr Cymru/Welsh Water are attached for the developer's information and consideration in respect of sewers, drainage and provision of water supply.

(f) The observations from the Crime Prevention Design Advisor and Wales & West Utilities are attached for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : SECTION 106

REFERENCE: P/15/847/FUL

APPLICANT: DARLOW LLOYD CONSTRUCTION LTD.
8 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL ESTATE PYLE

LOCATION: ST JOHNS AMBULANCE HALL BEDFORD CLOSE CEFN CRIBWR

PROPOSAL: CREATE 12 FLATS COMPRISING 3 X 2 BED FLATS AND 9 X 1 BED FLATS IN ONE 2 STOREY BUILDING

RECEIVED: 21st December 2015

SITE INSPECTED: 27th January 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 12 flats on this parcel of land at the junction of Cefn Road with Bedford Road, Cefn Cribwr. The site previously accommodated a St Johns Ambulance Hall, running west to east along the northern boundary, and a club house, running north to south along the western boundary. Both buildings have now been demolished and the site is enclosed by Heras fencing.

The proposed building will measure 44.5m x 7.5m and will be finished with a pitched roof reaching a maximum height of 7.6m. The building will accommodate 9 x one bedroom flats and 3 x two bedroom flats. The development will be served by 11 off street parking spaces and access will be gained via Bedford Road. Two areas of communal amenity space are proposed to the south of the building and an enhancement is proposed to the existing community planting area to the west of the site including a landscaped area.

The applicant, a construction firm, has advised the Local Planning Authority that the site is being developed on behalf of a registered social landlord, Valleys to Coast Housing Association.

RELEVANT HISTORY

P/07/1337/FUL REFUSED 04-01-2008
CHANGE OF USE OF HALL SECTION OF SITE TO WAREHOUSE STORAGE FROM WHICH SOME RETAIL MAY BE REQUIRED

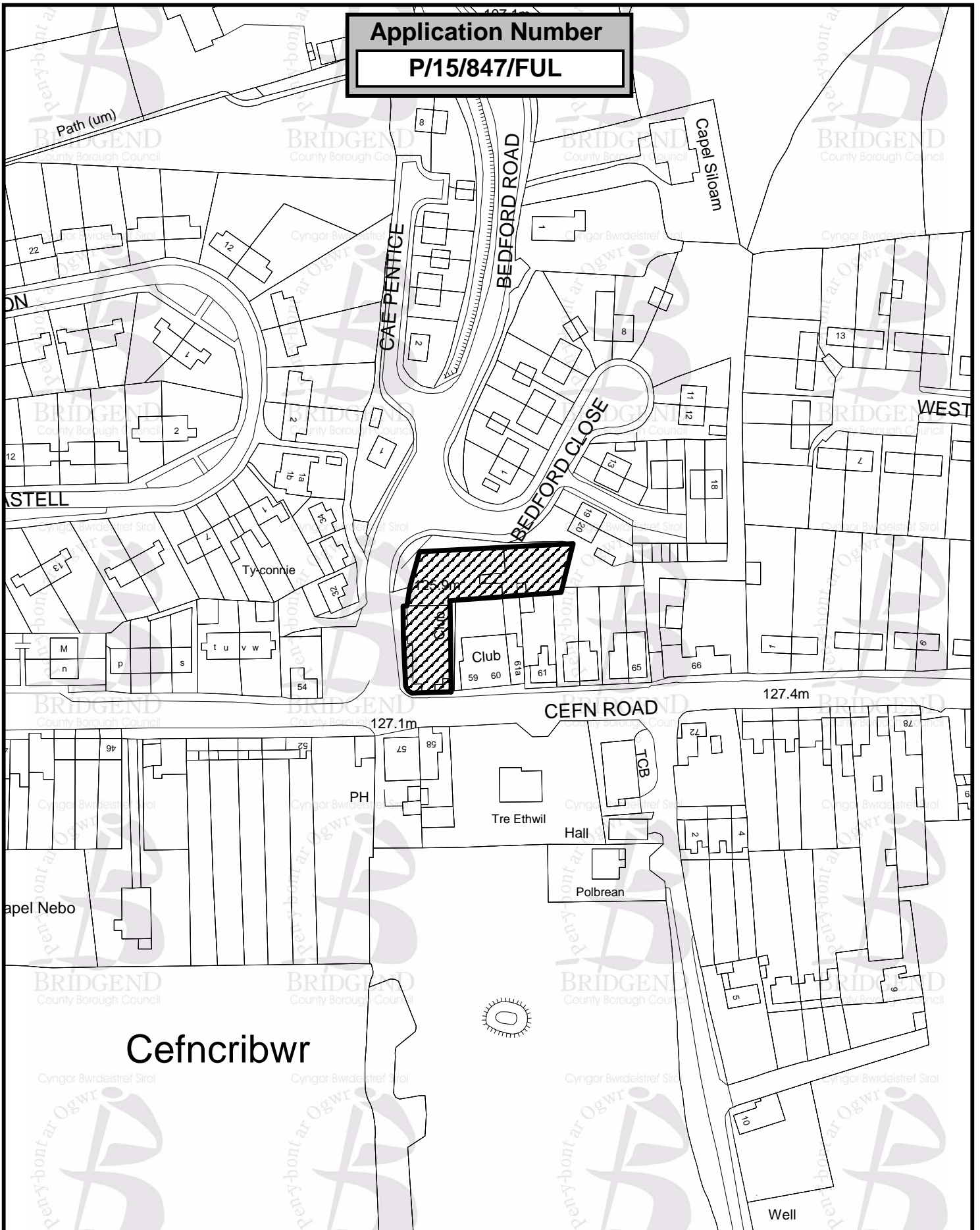
P/07/160/OUT APPROVED 24-05-2007
+conditions
DEMOLISH EXISTING CLUB HOUSE & ERECTION OF RESIDENTIAL HOUSING

P/11/87/OUT APPROVED 19-04-2011
+conditions
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (2 DWELLINGS) WITH ACCESS OFF BEDFORD ROAD

P/13/75/FUL APPROVED 03-07-2013
+conditions
DEMOLISH EXISTING CLUB AND ERECT 3 TRADITIONALLY CONSTRUCTED RESIDENTIAL UNITS

Application Number

P/15/847/FUL



Cefncribwr



Scale 1:1,500

Date Issued:
22/03/2016

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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(2016) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Siro



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 7th March 2016.

NEGOTIATIONS

A meeting was held with the applicant, the local Member and members of the community group Y Cefn Gwyrdd. Discussions took place in respect of amendments to the primrose garden to the west of the site, following the meeting amended plans were received on 12 February 2016.

The applicant was also requested to amend the level of amenity space and add some interest to the visible blank elevation, an amended plan was received on 25 February 2016.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 29th December 2015

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Head Of Street Scene (Drainage)

Requested that a condition be attached to any permission granted.

Wales & West Utilities

Advised on the position of apparatus.

Crime Prevention Design S.Wales Police

Is generally pleased with the site layout but advised that the entrance to the site should be restricted to one vehicle/pedestrian entrance.

Group Manager Public Protection

Requested that a condition be attached to any permission granted.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

- A & P Davies - 6 Bedford Close
- H & J Stenner - 7 Bedford Close
- A, M & D Baldwin - 13 Bedford Close
- P Rayment - 20 Bedford Close (requested to speak at committee)
- M Thomas - 2 Heol Shon
- Y Cefn Gwrdd

A petition of 35 signatures was received which related to the loss of the planted bank to the west

of the site and the visual impact of the rotary lines.

The objectors were generally in support of the site being developed for affordable housing.

Objections are summarised as follows

- Loss of planted area to the west of the site
- Lack of landscaping
- Visual impact of retaining wall and washing lines on the entrance to Bedford Close
- Highway and pedestrian safety
- Parking concerns
- Overdevelopment of site
- Land not in the ownership of the applicant
- Impact of washing lines on visual amenities
- Living areas are north facing
- Overshadowing
- Visual impact of building

Letters Of Support Were Received From The Following:, -

J Mason - Y Cefn Gwyrdd, 6 Bedford Road
J Davies - 14 Bedford Road
A John - 23H Cefn Road
W Evans - 23R Cefn Road
M Reynolds - Skerview, Tyfry Road
K Burnell - Cefn Cribwr Sport & Social Club
Royal British Legion

The reasons of support are as follows:-

Highway safety improvements

The type of accommodation is required in the area

Opportunity to downsize

Enhancement to visual amenities

Off road parking

Benefits for local community

A better scheme than the schemes originally permitted on the site

Removal of fly tipping

COMMENTS ON REPRESENTATIONS RECEIVED

The amended plans reflect the discussion with the community group, Y Cefn Gwrdd. The western boundary retaining wall has been set back from the footpath and has been stepped to include an area for planting. The amended scheme will continue to allow the community to use this area and is considered acceptable in terms of visual amenity as it will soften the impact of the wall. A condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

The Transportation Development Control Officer has assessed the scheme and considers it to be acceptable in terms of highway and pedestrian safety and parking provision.

The proposed development has sufficient space to provide an area of communal amenity space and off street parking provision. A condition is attached to the recommendation requiring a scheme showing an increased level of amenity space and an amended parking layout to be submitted to and agreed in writing by the Local Planning Authority. The development is,

therefore, not considered to result in the overdevelopment of the site.

The applicant has served Notice on the relevant land owners and has submitted Certificate B.

The rotary dryers have been removed from the layout plans, however, the erection of washing lines is not considered development.

In respect of the request for the site to be served by one means of access only, a condition will be attached to any consent granted requiring a scheme for boundary treatment to be submitted to and agreed in writing by the Local Planning Authority. However, a separate pedestrian access is preferred in terms of pedestrian safety.

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

APPRAISAL

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

The application seeks planning permission for the erection of 12 flats on a parcel of land off Bedford Road, Cefn Cribwr.

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

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

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

The proposed flats will be accommodated a two storey linear building. The access to the first floor flats will be via the proposed porches, which break up the expanse of the front elevation. The scale and form of the development is similar to the rows of traditional modest terraced properties found on Cefn Road. The proposed development is considered to reflect the scale and form of the terraced properties on Cefn Road and is also reflective of the linear form of the St Johns Ambulance Hall which occupied the site prior to its demolition. Whilst there are a number of rows of terraced properties in proximity to the site, the area of Cefn Cribwr, in which the development is proposed, does not have a predominant building style and comprises buildings in a variety of designs. As such, it is considered that the proposed development is not out of keeping with the character of the area.

The rear elevation of the proposed development will be visible from Bedford Close and will be on a higher level. However, the principal elevation faces Cefn Road and the development is, therefore, considered to be more aligned to that street scene than Bedford Close. It is acknowledged that Bedford Close has its own character, however, this is limited to Bedford Close itself as the dwellings around the junction of Bedford Road and Cefn Road are, again, of differing styles. Consequently, the proposed building is considered to be an acceptable addition to the area.

With regard to the design of the proposed flats, the surrounding properties are finished with a mixture of external materials, however, the proposed use of render, brickwork quoins and

red/brown concrete roofs tiles would reflect the materials used in a number of the existing nearby dwellings and buildings.

In respect of the impact of the development on residential amenities, 20 Bedford Close is located to the north eastern boundary of the site, 61a, 61 and 62 Cefn Road are located to the south eastern corner of the site and the British Legion building is located to the south of the site. There are also residential properties to the west of the site along Cefn Road and to the south at Bedford Close, however, there is a highway separating these properties from the site.

The proposed development will be in close proximity to the front garden and driveway area of 20 Bedford Close. The development proposes habitable room windows overlooking this area, however, as this area is already publicly visible from the entrance of Bedford Close with Bedford Road and from within Bedford Close, it is considered that the proposed development would not exacerbate the existing situation to such an extent as to warrant refusal of the scheme. In terms of overshadowing, the proposed development is on a higher level and in close proximity to No. 20. However, the development will not cause any overshadowing to the front elevation as the dwelling is set at an angle facing away from the development and the overshadowing will only occur over the driveway area and secondary front garden. No. 20 has a large rear garden and, whilst the development will cause some overshadowing to this area, during the evening, it will not be so harmful to the residential amenities of No. 20 as to warrant refusal of the scheme.

The first floor flat to the eastern corner of the site will overlook the rear garden areas of 61a, 61 and 62 Cefn Road. In order to overcome any overlooking concerns the applicant has proposed to obscurely glaze the kitchen window of the end first floor flat. This is considered acceptable, in this instance, as the window serves a small kitchen which would be used as a food preparation area rather than a kitchen which also enjoys habitable uses such as dining. Furthermore, there is a large outbuilding to the rear of 61 Cefn Road and the garden serving this property is of a considerable size.

There are no habitable rooms on the rear elevation of the British Legion building (59 and 60 Cefn Road) and, as such, the proposal does not raise any concerns in this respect. However, there are first floor windows on the proposed development directly facing the rear of the British Legion which may be affected in terms of noise. In order to safeguard the residential amenities of the future occupiers of the development, conditions are recommended requiring the windows to be fixed pane and requiring a scheme for the mechanical ventilation of the rooms the windows serve to be submitted to and agreed in writing by the Local Planning Authority.

With regard to the residential amenities of the future occupiers of the flats, the flats are modest in scale and areas of communal open space are proposed to serve the development. The development has a slight over provision of parking spaces and, as such, a condition is recommended requiring a scheme to amend the parking layout and communal amenity area to be submitted to and agreed in writing by the Local Planning Authority so as to ensure that a larger area of open space can be provided. Whilst, this area is modest in scale it will provide an option for the occupiers of the flats to sit outdoors. The planted area to the western side of the site and the creation of the memorial garden to the front of the site will also provide some outdoor amenity provision. There is also a large area of public open space at Bedford Park which is approximately 650m the north of the site.

The rear lounge and bedroom windows of the ground floor flats will be within close proximity to the boundary of the site, however, the boundary treatment proposed is a 1m high metal railing, which will allow for an acceptable outlook from these windows.

Having regard to the above, the proposed development is considered to comply with Policy SP2 of the LDP and the principles of SPG02 and SPG08.

The application proposes 12 residential units which triggers the affordable housing requirement

as outlined in Policy COM5 of the LDP. The applicant has indicated that the development will be entirely affordable housing, however, a S106 Agreement will be required to ensure that a minimum of 30% of the units will be retained as affordable housing in line with Local Development Plan policy.

The proposed development is considered to be acceptable in terms of parking provision and highway safety.

Whilst determining this application Policies SP2, COM3, COM5 of the Bridgend Local Development Plan (2013), Notes 1, 2, 6, 8, 10, 11 & 12 of Supplementary Planning Guidance 2: Householder Development (2008) and Supplementary Planning Guidance 08:Residential Development (2008) were considered.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and Council's guidelines and is acceptable in terms of its impact on privacy, visual amenities and residential amenities. The proposed development is also considered to be acceptable in terms of highway safety and parking provision and will provide much needed Affordable Housing in this part of the Borough.

The representations received have been taken into account however, they do not outweigh the merits of the development and the Local Development Plan.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to provide a minimum of 4 units as affordable units in perpetuity which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

(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:-

R112-05D A1 Proposed Site Plan (received 12 February 2016)
R112-06C- A1 Proposed Plans and Elevations (received on 25 February 2016)
R112-08B A3 sections Through Community Planter (received 12 February 2016)
R112-09 A2 Ground and First Floor (received on 25 February 2016)

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

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

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

- 3 No development shall take place until a scheme for mechanical ventilation serving the first floor south facing bedrooms of the units directly opposite the rear of the British Legion has been submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed as agreed prior to those units being brought into beneficial use and retained in perpetuity.

Reason: In the interests of residential amenity.

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

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

- 5 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building and boundary treatment 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.

- 6 No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 7 No development shall take place on site until a scheme for the provision of 10 parking spaces, a turning area, cycle stands and an amended amenity area has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials. The development shall be carried out in accordance with the agreed details prior to the first beneficial use of the development and thereafter retained in perpetuity.

Reason: To ensure adequate off street parking and amenity space is provided in the interests of highway safety and the residential amenities of future occupiers.

- 8 The proposed access shall be set back not less than 1 metre from the back edge of the footway with the boundary splayed at 45 degrees either side, and shall be laid out with vision splays of 2.4m x 35m measured to the centre of the carriageway to the north and 2.4m x 30m to the south before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 9** The adjacent Cefn Road/Bedford Road junction shall be laid out with an eastern vision splay of 2.4m x 43m before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 10** 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.

- 11** The first 2m of the northern site boundary (measured from the back edge of footway) shall be reduced in height to no more than 0.9m so as to minimise potential vehicular conflict between vehicles utilising the proposed access and the adjacent northern access and shall be retained at this height (no more than 0.9m) at all times.

Reason: In the interests of highway safety.

- 12** The south facing bedroom windows serving the first floor two bedroom units directly facing the rear of the British Legion shall be fitted with fixed pane windows before the development is brought into beneficial use. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity in respect of noise.

- 13** Notwithstanding the submitted information, no works shall commence on site until a demolition method statement detailing the means of demolishing the existing building has been submitted to and agreed in writing by the Local Planning Authority. The agreed statement shall be adhered to throughout the demolition works.

Reason: In the interests of highway safety.

- 14** No development shall commence until details of facilities for wheel cleansing during the demolition and construction works have been agreed in writing by the Local Planning Authority. Such facilities shall be provided and retained, in full working order, as agreed, before and for the duration of the demolition and construction works.

Reason: In the interests of highway safety.

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

a) Notwithstanding the objections raised, 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 order to satisfy Condition No. 2, the following supplementary information is required:-

- Ground investigation report to confirm acceptability of any proposed infiltration system;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;

- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

e) The developer is advised that Wales and West Utilities have apparatus in the area and is advised to contact them on 02920 278835.

f) The developer is advised to contact the Highways Authority to discuss a scheme for the provision of temporary traffic and pedestrian management along Cefn Road and Bedford Road during the construction works.

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/11/OUT
APPLICANT: MR P RYALL
GREENFIELD HOUSE 38 COYCHURCH ROAD PENCOED

LOCATION: LAND AT 38 COYCHURCH ROAD PENCOED

PROPOSAL: ERECTION OF 2 DETACHED HOUSES AND SHARED DRIVEWAY

RECEIVED: 8th January 2016

SITE INSPECTED: 19th January 2016

APPLICATION/SITE DESCRIPTION

The outline application proposes to establish the principle of constructing two detached dwellings on land currently forming the curtilage of 38 Coychurch Road, Pencoed. All matters are reserved for future approval. The indicative layout, which accompanies the submission, shows the dwellings set parallel to the dwellings in MacDonald Avenue with access obtained from a private driveway that will link to the turning head at the northern end of MacDonald Avenue, where a gateway currently exists. The principal elevations of the proposed dwellings will therefore face eastwards towards Coychurch Road. The Design and Access Statement for the application clarifies that the dwelling adjacent to 26 MacDonald Avenue will measure 7.5m by 8.5m whilst the second dwelling, which is to be set in a larger plot, will occupy a footprint of 8m by 9.5m and both dwellings will have a ridge height between 7.5m and 8m. The proposed external finishes are to be facing brickwork with artificial slate roofs and windows and doors will be of white UPVC.

The surrounding area is primarily residential in nature.

RELEVANT HISTORY

P/15/10/OUT WITHDRAWN 11-11-2015
ERECTION OF 4 NO. DETACHED DWELLINGS

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 9 February 2016.

NEGOTIATIONS

None

CONSULTATION RESPONSES

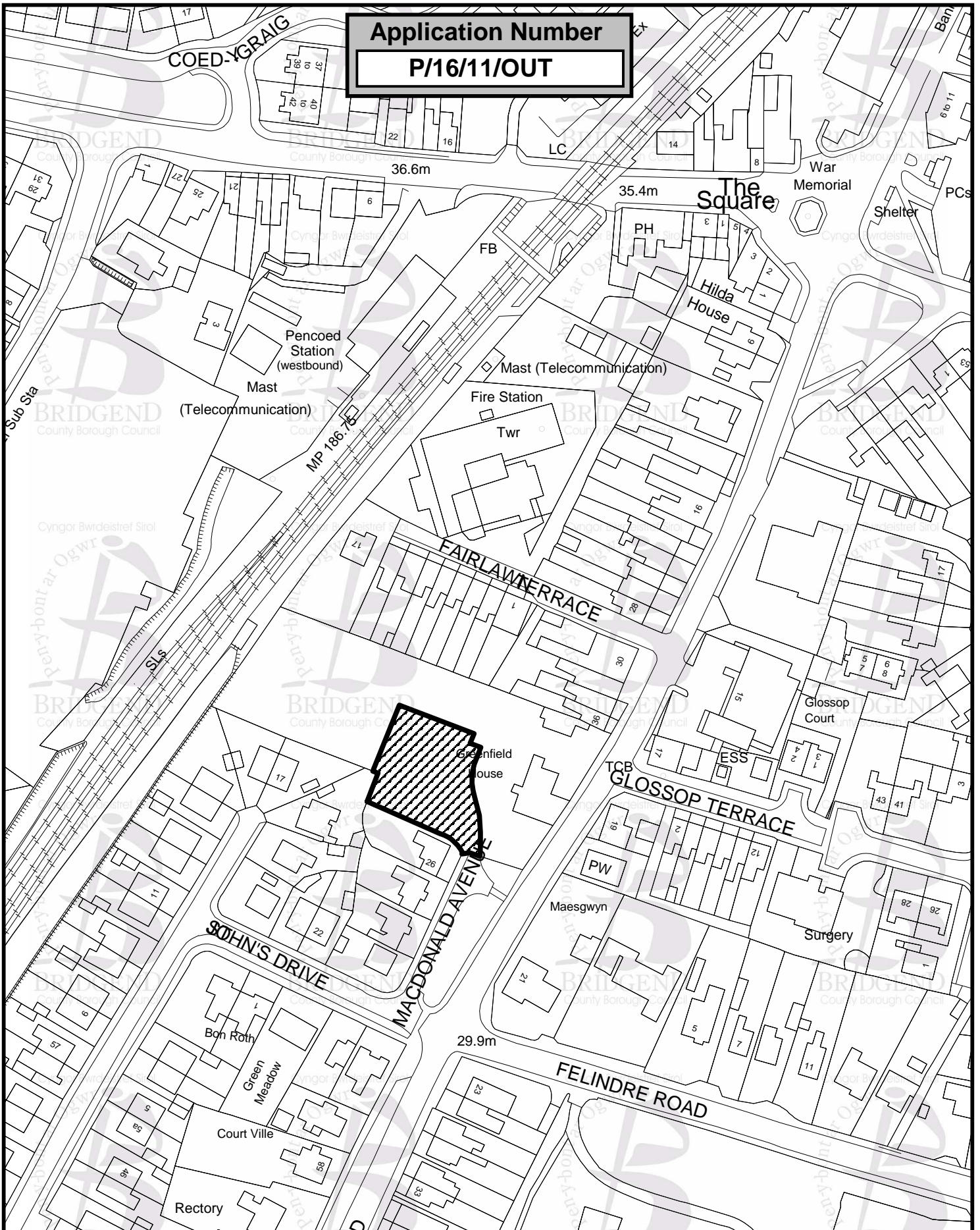
Town/Community Council Observations

Notified on 12th January 2016

This Council acknowledges the principle of potential residential infill development at this site but seeks the following considerations:-

Application Number

P/16/11/OUT



Scale 1:1,500

Date Issued:
22/03/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



- 1 - having regard to the previous application, now withdrawn, P/16/11/OUT appears to be the initial phase of a larger development?
- 2 - the scale and character of any dwellings should relate to the existing neighbouring homes.
- 3 - the existing access highway, Macdonald Avenue, is sub-standard and further compromised both during & post development (construction vehicles & refuse collection etc,.) Has the applicant/BCBC considered a direct private drive access for the 2 dwellings from Coychurch Road over land in the applicants control? (front garden of No. 38)

Head Of Street Scene (Highways)

No objection subject to conditions.

Head Of Street Scene (Drainage)

No objection subject to a condition requiring a scheme for the comprehensive and integrated drainage of the site.

Natural Resources Wales

No objection subject to condition.

Welsh Water Developer Services

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

REPRESENTATIONS RECEIVED

Objections Have Been Received, From:-

1 Fairlawn Terrace;
9 Fairlawn Terrace;
36 Coychurch Road;
26 MacDonald Avenue (2 identical letters) - Register a request to speak at Committee.

The grounds of objection relate to:-

Status of the Site
Site Access
Privacy
Domination and Overshadowing
Visual Impact
Inadequate drainage
Flood Risk
Historic Footpath
Open Space
Biodiversity and loss of protected trees

COMMENTS ON REPRESENTATIONS RECEIVED

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

Status of the Site - Notwithstanding whether the application site is considered to be brownfield or greenfield, it lies within the settlement boundary for Pencoed and Policy COM3 of the Bridgend Local Development Plan promotes the re-use of vacant or under-utilised land for small-scale residential development where no other LDP policy protects the land for an alternative use.

Site Access - The Highways Department has acknowledged that the site would be served off

MacDonald Avenue, which suffers from a substandard width along its entire length, and has therefore recommended conditions to require carriageway widening, an enlarged turning facility and a construction traffic management plan to adequately control the construction phase of the development. The proposed layout suggests that sufficient car parking facilities can be provided within the curtilages of the proposed dwellings to satisfy the Authority's parking guidelines.

Adverse Impact on Amenity of Neighbouring Properties :-

Privacy - The application is in outline with all matters reserved. Whilst the design of the proposed dwellings including window positions have not been provided at this stage, the indicative layout demonstrates that it is possible to site the dwellings so that they will not infringe the Authority's privacy standards of 21m between directly facing habitable room windows. Both proposed dwellings will be provided with a reasonable amount of rear private amenity space similar to the existing properties in MacDonald Avenue and it is therefore considered that this arrangement will not exacerbate the existing overlooking of the rear gardens of the dwellings in St John's Drive. It is also considered that the orientation of the proposed new dwellings will largely safeguard the privacy of the properties and gardens in Fairlawn Terrace.

Domination and Overshadowing - The indicative layout shows the proposed dwellings sited to the north of 26 MacDonald Avenue, which has a ground floor window in its side elevation facing into the application site. Department records confirm that this window serves the kitchen area of a kitchen/dining room, which also benefits from windows in its western and southern elevations. The indicative layout shows the proposed dwelling, on the nearest plot, set away from the common boundary with this neighbour with a driveway and garage abutting the boundary. It is, therefore, considered that the proposed arrangement will not so significantly impact on the amenities of this neighbouring dwelling as to warrant refusal of the scheme. With regard to the other neighbouring dwellings in St John's Drive and Fairlawn Terrace, the distances between the proposed dwellings and these neighbours will not result in domination or overshadowing to an unacceptable degree.

Visual Impact - Local residents consider that, in terms of scale, the proposed development would be out of character with the surrounding area to the south west, which is predominantly characterised by detached and semi-detached bungalows. It was noted during the site inspection that 38 Coychurch Road, the host dwelling, is a substantial two storey property and the dwellings to the north in Fairlawn Terrace comprise two storey terraced properties. It is highlighted that the submission is in outline with no design details for the proposed dwellings, other than the indication in the Design and Access Statement that ridge heights will be between 7.5m and 8m. It is considered that the proposed ridge height will provide a reasonable transition between the dormer bungalows in MacDonald Avenue and St John's Drive and the two storey properties along Coychurch Road and Fairlawn Terrace. A condition requiring further agreement of the materials to be used on the exterior finishes of the proposed development can overcome the concern that facing brick would be inappropriate in this location.

Inadequate drainage - The Land Drainage Section, Natural Resources Wales and Dwr Cymru/Welsh Water are satisfied that a condition requiring a scheme for the comprehensive and integrated drainage of the site will satisfactorily control this issue.

Flood Risk - The application site lies adjacent to a C2 Flood Zone but Natural Resources Wales considered that a flood consequences assessment was not required even though there is a flood risk to the main access/egress onto Coychurch Road. Consideration for a flood management plan to ensure that the site can be safely vacated in a flood event could be required by condition.

Historic Footpath - There is no public right of way running through the application site despite the claim by one local resident.

Open Space - It is highlighted that the application site forms part of a wider orchard/garden area

within the curtilage of Greenfield House, 38 Coychurch Road, Pencoed. Whilst currently much of the area is not enclosed and therefore provides an open area of grassland with trees and shrubs that is publicly visible from the adjoining highway, the landowner could choose to enclose the land with a means of enclosure of up to 2m in height under permitted development rights. It is therefore considered that the residents' assessment of the garden as open space providing a public amenity is inaccurate.

Biodiversity and loss of protected trees - The indicative layout provides for the retention of the protected trees, which will adjoin the western (rear) boundaries of the proposed dwellings. The remainder of the site is largely laid to grass and therefore the impact on local biodiversity would not be so significant as to warrant refusal of the scheme.

APPRAISAL

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

The application is in Outline with all matters reserved for future approval and seeks to establish the principle of constructing two dwellings on land forming part of 38 Coychurch Road, Pencoed. The application site is located to the west and south west (rear) of the host property, 38 Coychurch Road with a private driveway created from the existing gated access onto MacDonald Avenue. The indicative layout shows the dwellings sited slightly behind the front building line of the existing dwellings in MacDonald Avenue and orientated with the principal elevation facing eastwards, parallel to the dwellings in MacDonald Avenue. The indicative layout shows that each of the dwellings will have a driveway leading to a garage attached to their southern (side) elevations. It is also highlighted that the dwellings will be of varying sizes with the scale parameters of the smaller dwelling, adjacent to 26 MacDonald Avenue, measuring 7.5m by 8.5m and the dwelling on the more northerly, larger plot measuring 8m by 9.5m. The ridge height of both dwellings is, however, to be similar with the parameter set between 7.5m and 8m.

The proposal is located within the Pencoed settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP promotes the re-use of vacant or under-utilised land within settlement boundaries for small scale residential development where no other LDP policy protects the land for an alternative use. In this case the land is not protected by any other designation for an alternative use.

Policy COM4 of the LDP requires a density of 35 dwellings per hectare on sites exceeding 0.15 hectares. The current submission would be substantially less being 2 dwellings on a 0.12ha site. The Policy does allow that lower densities may be accepted as a requirement of design, physical or infrastructure constraints and in this case the substandard width of MacDonald Avenue together with the intention to preserve the protected trees on the site is considered to justify the reduction in density. As a site that is less than 0.15 hectares in size, the current proposal does not trigger Policy COM5, which requires the provision of an appropriate element of affordable housing. It is therefore considered that, in principle, the proposed development is compatible with these development plan policies.

Policy SP2 of the LDP requires all development to 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 and establishes fifteen criteria against which development proposals will be assessed. As indicated above, however, the application is in outline with all matters reserved and therefore no details of the design, appearance or landscaping of the site are available at this stage. It is not therefore possible to fully assess the proposals against the policy until a reserved matters or full planning application is submitted for consideration.

However, it is considered that, notwithstanding the local residents' objections, the application site would be capable of accommodating dwellings to meet these requirements. On the basis of

advice from statutory consultees, it is considered that appropriately worded conditions can satisfactorily achieve compliance with the policy. Similarly, for the reasons outlined in the previous section of the report providing observations on representations received, the indicative layout satisfactorily demonstrates that two dwellings can be sited on the land so as to ensure the viability and amenity of neighbouring occupiers will not be adversely affected.

During the processing of the application Policies PLA1, COM3, COM4, COM5 and SP2 of the Bridgend Local Development Plan were considered.

CONCLUSION

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

RECOMMENDATION

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

- 1 This consent shall be limited to two dwellings in conformity with the approved 1:500 scale schematic layout plan received 8 January 2016 and with a maximum height of 8m.

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

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

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

- 3 No development shall commence until a scheme for the provision of a carriageway widening to 4.8m along MacDonald Avenue, together with an enlarged turning facility to cater for calling and service delivery vehicles has been submitted to and agreed in writing by the Local Planning Authority. The widening of the public highway and enlarged turning facility shall be completed in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason : In the interests of highway safety.

- 4 No development shall commence until a construction traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed management plan shall be implemented throughout the site preparation works and construction phase of the development.

Reason : In the interests of highway safety due to the close proximity of the site to schools.

- 5 Any reserved matters submission shall include a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the agreed scheme before the development is brought into beneficial use.

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

- 6 Any reserved matters submission shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site in relation to the adjoining residential properties to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 7 Any reserved matters submission shall include details of the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

- 8 No development shall commence on site until details of fencing or other protection measures around the protected trees along the western boundary of the site have been submitted to and agreed in writing by the Local Planning Authority. The fencing or other agreed method of protecting the trees shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced/protected in accordance with this condition and the ground levels within the fenced/protected area shall not be altered nor shall any excavation be made.

Reason : To safeguard the trees and to maintain and improve the appearance of the area in the interests of visual and residential amenity.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

(b) No surface water shall be discharged to the public highway.

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

(d) In order to satisfy the drainage condition, following supplementary information will be required:-

- * Ground investigation report to confirm acceptability of any proposed infiltration system;
- * Infiltration tests to confirm acceptability of any proposed infiltration system;
- * Details of design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water system;
- * A timetable for its implementation; and
- * 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.

(e) The developer is reminded that the site lies adjacent to a C2 Flood Zone as defined by the Development Advice Maps attached to TAN15. Given that there is a flood risk to the main access/egress to the site, (Coychurch Road), consideration should be given to a flood management plan to ensure that the site can be safely evacuated in a flood event.

(f) The comments of Dwr Cymru/Welsh Water are attached for the developer's information and consideration in respect of connections to the public sewerage system.

(g) It is highlighted that currently refuse collection vehicles do not enter MacDonald Avenue and therefore future occupiers of the dwellings will need to transport their refuse and recycling to an appropriate collection point.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

APPLICATION NO: P/16/80/FUL

APPLICANT NAME & ADDRESS:

MR MARK RICHARDS
ROYAL OAK, STATION ROAD

LOCATION:

LAND REAR OF ROYAL OAK, STATION ROAD, KENFIG HILL

DEVELOPMENT: ERECTION OF 2 DETACHED THREE BEDROOM DWELINGS

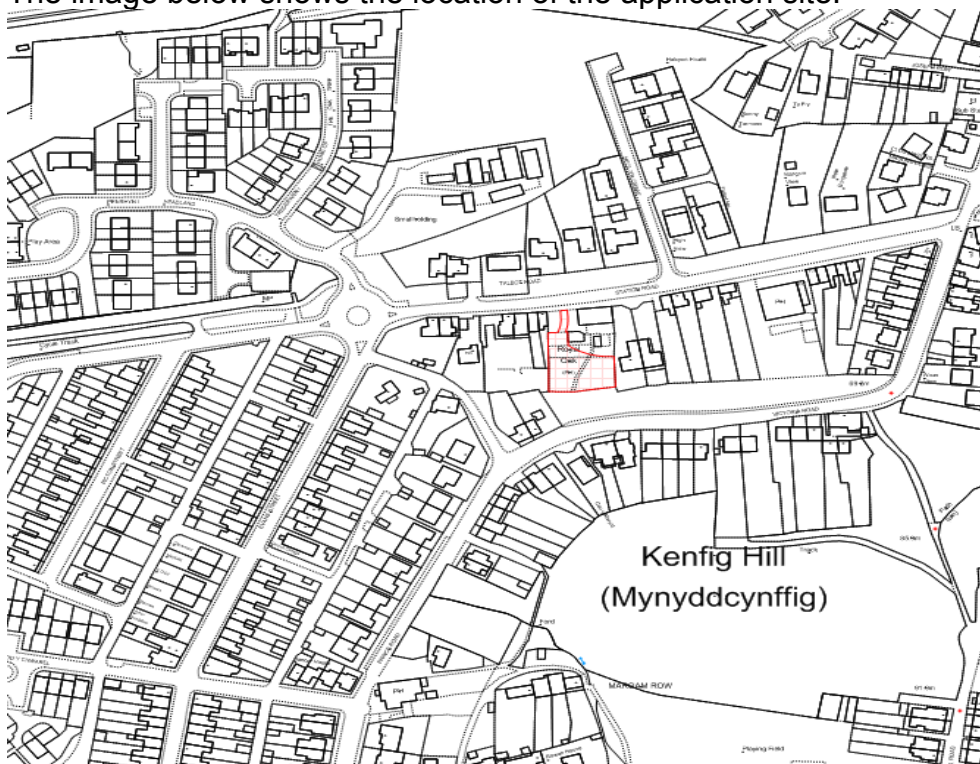
APPLICATION/SITE DESCRIPTION.

The application seeks planning permission for the erection of two detached split level dwellings to the rear of the Royal Oak Public House, Station Road, Kenfig Hill. The site is currently a grassed beer garden serving the Royal Oak and there is a path which provides access from Victoria Road to the public house. The land slopes from Station Road to Victoria Road.

The proposed split level dwellings will be two and a half storey to the front elevation and one and a half storey to the rear to reflect the sloping nature of the land. The proposed dwellings will measure 10m x 7.5m and will reach a height of 9.5m at the front elevation and 7m at the rear elevation.

The dwellings will each comprise a garage, utility, w.c. and hall at basement level, an open plan kitchen/living/dining area at ground floor level and 3 bedrooms, one of which will be ensuite, and a bathroom at first floor level. Access to the site will be gained via the existing hard standing to the west of the Royal Oak and additional parking for the Royal Oak will be provided either side of the shared access drive. An area is proposed towards the front of the site for bin storage. Each property will be served by off street parking provision for 3 cars and an area of amenity space to the rear.

The image below shows the location of the application site.



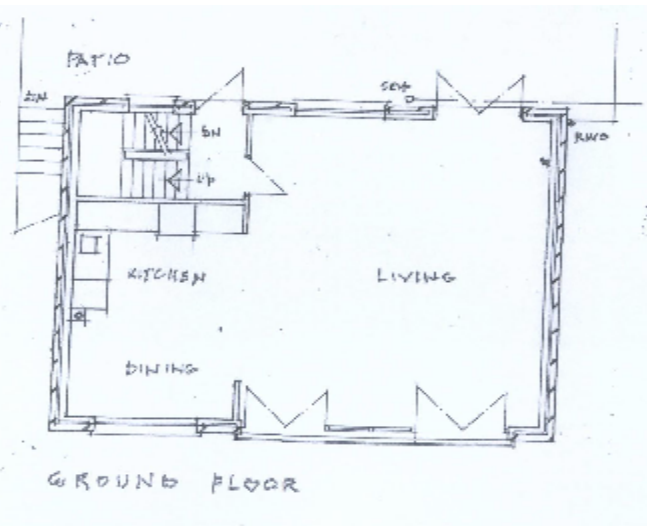
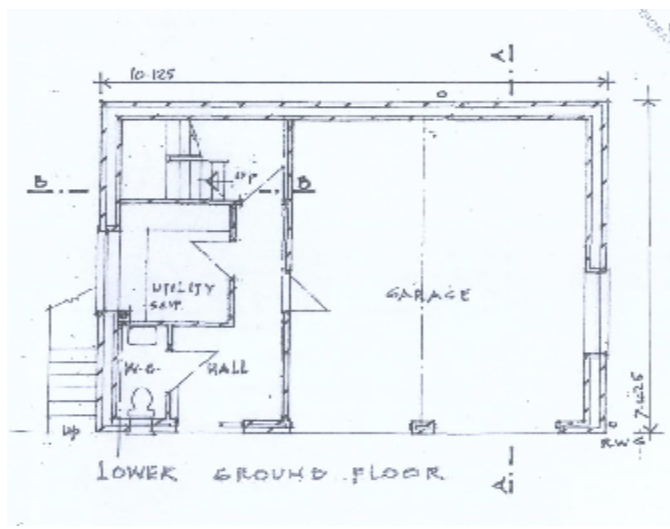
The illustration below shows the proposed **front & rear elevations.**



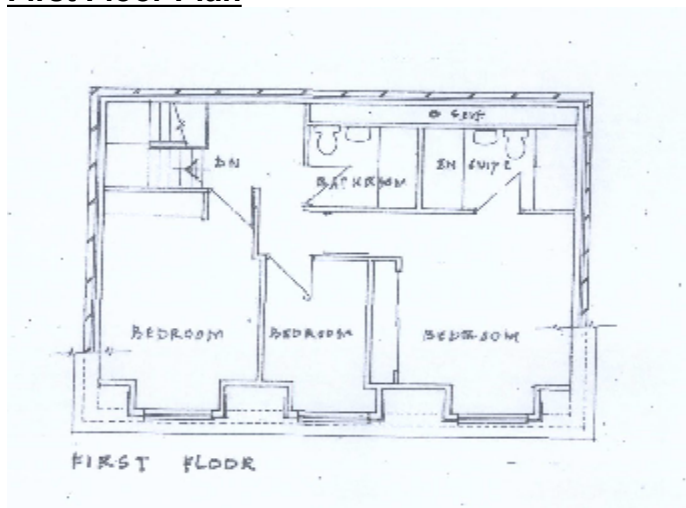
The proposed floor plans are as follows:-

Basement Plan

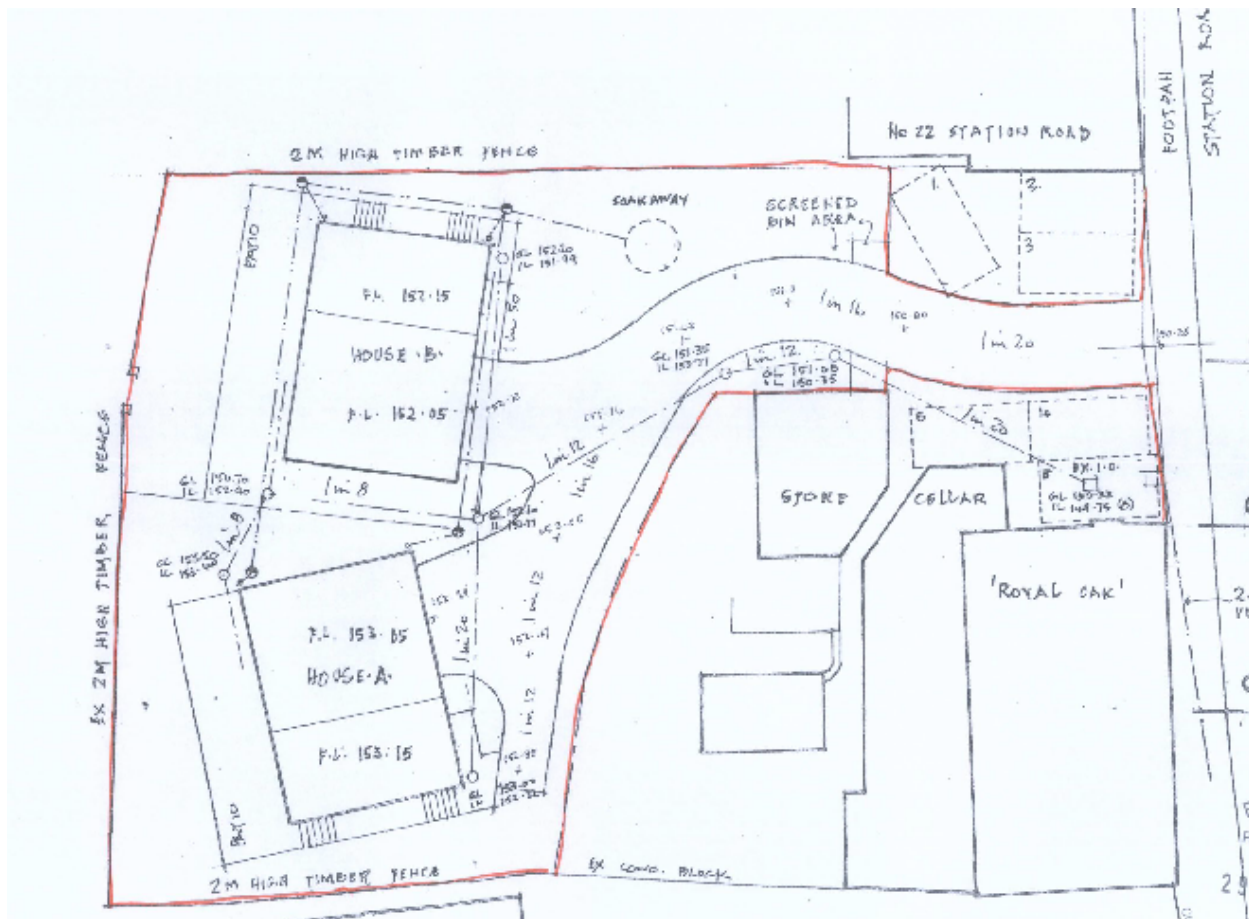
Ground Floor



First Floor Plan



The proposed layout of the site is as follows:-



RELEVANT HISTORY

None

SITE INSPECTED

The site was inspected on 18 February 2016.

NEGOTIATIONS

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

PUBLICITY

The period allowed for response to consultations and publicity expired on 4 March 2016.

CONSULTATION RESPONSES

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

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

Natural Resources Wales has no objection to the application.

Welsh Water advised on sewerage

REPRESENTATIONS RECEIVED

Objections were received from the following local residents:-

J K Adamson - 19 Station Road

R, N, E & C Downs - 3 Victoria Road (requested to speak at Committee)

A Thomas & S Bowen - 4 Victoria Road

M Richards - Can y Gwynt, Victoria Road

B Wakefield - 54 Prince Road

The objections are summarised as follows:-

- Concern in respect of the height and scale of the dwellings
- overlooking and overshadowing of properties on Victoria Road
- Impact on the character of Victoria Road
- Visual impact
- Overdevelopment of site
- Highway and pedestrian safety
- Potential car parking conflicts
- Lack of infrastructure to accommodate two dwellings
- Hedges/boundary treatment along the rear of Station Road should be no more than 2m in height
- Impact of reduced beer garden
- Request made that a 1m high boundary fence is erected along the boundary of the Royal Oak to the front elevation of 20 Station Road.
- Hope that the Public house will be converted to residential
- Disturbance caused during the construction phase
- Plans not drawn to scale
- Concern in respect of ground stability
- Potential impact on green area to the rear of the site.
- Loss of view from Victoria Road
- Potential devaluation of property and impact on future sale of property

COMMENTS ON REPRESENTATIONS RECEIVED

- The issues of scale, over development and the visual and residential impact of the development are addressed in the 'Appraisal' section of the report.
- The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway and pedestrian safety and parking provision.
- In respect of nuisance caused by inappropriate parking this is a matter for the police.
- The proposed development of 2 dwellings is not considered to adversely impact the infrastructure of the local area to such a degree as to warrant refusal of the scheme.

- The Local Planning Authority cannot control the height of hedges along the rear of Station Hill and any fences/walls/railing in excess of 2m from ground level may require planning permission.
- In terms of the impact of the reduced size of the beer garden, there is an area that could continue to be used as outdoor seating. Whilst this will concentrate the area of the beer garden towards the neighbouring properties, as this area is already a beer garden and the public house is not being extended, it would be considered unreasonable to refuse planning permission for the potential impact of the reduced beer garden on the residential amenities of neighbours.
- The area where a 1m high fence is requested is outside the redline boundary and, as such, a condition for this fence cannot be imposed on any permission granted.
- The application does not include the change of use of the public house.
- The disturbance caused by the construction of the dwellings will be for a short time only and is not a reason to preclude planning permission.
- The plans have been drawn to scale and the scale is shown on the plans.
- The application site is not located in a Coal Mining risk referral area, however, a note will be attached to any permission granted advising the applicant to take appropriate investigations in respect of ground stability.
- Loss of view and future sale of property are not material planning considerations.

APPRAISAL

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

The application seeks planning permission to erect 2 detached split level dwellings to the rear of the Royal Oak Public House, Station Road, Kenfig Hill.

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

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

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

In terms of the visual impact of the development when viewed from Station Road, the proposed dwellings will be set back 30m from Station Road and will be at a higher level than the existing properties which front Station Road. The proposed dwellings will be located on a similar level to the existing properties at 19 & 20 Station Road, which are set back approximately 28m from the highway

and are also at a higher level. Whilst, the highest part of the proposed dwellings will be approximately 1.4m higher than the ridge of 20 Station Road, the visual impact of the dwellings from Station Road is considered to be acceptable as it will be set against the back drop of the rising land towards Victoria Road and the properties on Victoria Road.

Station Road is comprised of a variety of house types of differing scale and design. The dwellings will be set back from the highway and will be screened, in part, by the existing public house. It is considered that the proposed dwellings will not have an adverse impact on the character or the visual amenities of the area.

In respect of the visual amenities of Victoria Road, given the sloping nature of the site and the rear boundary fence, the roofs of the proposed dwellings will be the most prominent feature of the development when viewed from Victoria Road. The Dutch hipped style roofs will slope away from Victoria Road and will be some 21m from the footpath and highway at Victoria Road and, therefore, the proposed development is not considered to have an adverse impact on Victoria Road in terms of visual amenity. The properties will front Station Road and are, therefore, considered to form part of the street scene of Station Road rather than Victoria Road.

View from Victoria Road



View from Station Road



A condition is attached to the recommendation requiring details of the materials to be used in the external surfaces of the dwellings to be submitted to and agreed in writing by the Local Planning Authority.

In terms of the impact of the development on residential amenities, the properties to the rear of the site on Victoria Road are over 21m from the site and are on a higher level and, as such, it is considered that the proposed development will not cause any adverse overshadowing or overlooking to the properties on Victoria Road.

The proposed dwelling at House A will be located at a similar level as the existing property to the east of the site, 20 Station Road. The dwelling (House A) is not considered to give rise to any concerns in respect of privacy and overlooking as the new dwelling is angled away from the existing property and there are no side facing habitable room windows proposed. Given the position of the dwelling in relation to No.20 it is considered that it would not cause any adverse overshadowing or dominance. Whilst there is an obscurely glazed window on the side elevation of No. 20 facing the proposed dwelling at House A this window is already partly screened by the existing boundary treatment and a 2m high boundary treatment could be erected, under permitted development rights, which would overshadow the window. Consequently, the proposed development is not considered to adversely affect the residential amenities of 20 Station Road to such an extent as to warrant refusal of the scheme.

In terms of the impact of the proposed development on the residential amenities of the staff accommodation at the Royal Oak, the proposed dwelling at House A has habitable room windows facing the rear first floor windows at the Royal Oak. However, the distance between the habitable room windows is 22m, which is in excess of the distance recommended by Note 6 of Supplementary Planning Guidance 02: Householder Development and, as such, the proposed development is considered acceptable.

22 Station Road is located to the north west of the site and the rear elevation will be 17m north of the front elevation of the dwelling proposed at House B. The dwelling at House B is angled away from the rear of No. 22 and, as such, the overlooking caused by the development is not considered to be so

significant as to warrant refusal of the scheme. Whilst, the proposed dwelling at House B will allow for indirect views over the rear garden of No. 22, overlooking of the garden already occurs from the beer garden. The overlooking of the garden of No. 22 is an existing situation and the proposal to replace the overlooking from the beer garden with indirect overlooking from a residential dwelling is considered to be less intrusive and acceptable in planning terms.

It is considered that the proposed development does not result in the over development of the site as both properties are served by a sufficient level of amenity space and parking provision and do not cause any adverse impacts on residential amenities.

Given the above, the proposed development is considered to comply with Policy SP2 of the [LDP](#).

The application proposes a shared private driveway and, as such, Policy ENV15 of the [LDP](#) is relevant. Policy ENV15 relates to waste management in new development and states that all proposals for new built development should include provision for the proper design, location, storage and management of waste generated by the development. The proposed application includes a bin store at the centre of the site and, in order to comply with Policy ENV15, a condition shall be attached to any permission granted requiring details of a relocated bin collection area.

The proposed scheme is considered to be acceptable in terms of parking provision, turning facilities and visibility for both the proposed dwellings and the Public House.

Whilst determining this application Policies PLA1, COM3, ENV15 & SP2 of the Bridgend [Local Development Plan \(2013\)](#) and Notes 1,2,6,8,10 & 11 of [Supplementary Planning Guidance 2: Householder Development \(2008\)](#) were considered.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and Council's guidelines and is acceptable in terms of its impact on privacy, visual amenities and neighbours' amenities. The proposed dwellings are also considered to be acceptable in terms of highway safety and parking provision both for the dwellings and the existing public house.

The representations received have been taken into account however, on balance, it is considered that do not they outweigh the merits of the development.

RECOMMENDATION

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

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

Site Plan No. 14:04-3 (received on 29 January 2016)
Plans & Sections No. 14:04-4 (received on 29 January 2016)
Elevations No. 14:04-5 (received on 29 January 2016)
Site Sections No. 14:04-2 (received on 29 January 2016)

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

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future

maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use.

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

3. No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the beneficial use of the dwellings.

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

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

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

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

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

6. Notwithstanding the submitted plans, no development shall commence until a scheme showing a refuse collection area to the front of the site has been submitted to and agreed in writing by the Local Planning Authority. The refuse collection area shall be completed in accordance with the agreed layout prior to the development being brought into beneficial and thereafter retained as such in perpetuity.

Reason: In the interests of residential amenity.

7. No development shall commence until details of existing ground levels and proposed finished ground and floor levels 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 for a well planned and integrated development that is in keeping with the immediate area.

8. The parking areas for the Royal Oak and the approved dwellings shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

9. The access drive shall be completed in permanent materials for the first 10 metres in accordance with the details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) Notwithstanding the objections received, This application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b) In respect of Condition 3 the applicant shall ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system, in accordance with principles set out in accordance with TAN15 and the results of the assessment provided to the Local Planning Authority. Where a sustainable scheme is to be provided, the submitted details shall:
- i) Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water.
 - ii) Provide a timetable for its implementation; and
 - iii) Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - iv) Provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.
- c) The developer is advised that the presence of any significant unsuspected contamination which becomes evident during the development of the site should be brought to the attention to the Local Authority's Public Protection Section.
- d) The developer is advised to undertake appropriate ground investigations to ensure there is ground stability within the site.
- e) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- f) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/17/FUL
APPLICANT: MR FERAZ PEERBACCUS
74 HEOL CASTELL COETY LITCHARD BRIDGEND

LOCATION: 74 HEOL CASTELL COETY LITCHARD

PROPOSAL: LOFT CONVERSION RAISING RIDGE HEIGHT AND PORCH EXTENSION

RECEIVED: 11th January 2016

SITE INSPECTED: 11th February 2016

APPLICATION/SITE DESCRIPTION

Full planning permission is sought to raise the ridge height, erect two roof dormers and a porch at 74 Heol Castell Coety, Litchard.

It is proposed to raise the ridge height of the existing two-storey property by a maximum of 1.2m and construct two gable style dormers to the front roof slope of the building. The identical roof dormers would each measure 1.5m in width by 2.0m in height and would be finished in hanging roof tiles. Roof sky lights would also be inserted to the front and rear roof slope of the building. The works would allow two additional bedrooms to be created within the roof space.

The supporting design statement highlights the relatively low, 30 degree roof pitch of the dwelling would be altered to a 40 degree roof pitch to allow the creation of a useable roof space. As part of the proposal a porch structure measuring 2.45m by 2.25m would be erected to the front of the dwelling. The submitted details also indicate a further parking space would be created to the front of the building as part of the proposals.

The application site comprises a detached, two-storey dwelling and its surrounding garden curtilage. It is set within a relatively modern residential estate within the built up area of Litchard.

RELEVANT HISTORY

P/04/1460/FUL APPROVED 07-12-2004
+conditions
SINGLE STOREY EXTENSION TO REAR, 1ST FLOOR EXTENSION OVER EXISTING
GARAGE AND PORCH TO FRONT

PUBLICITY

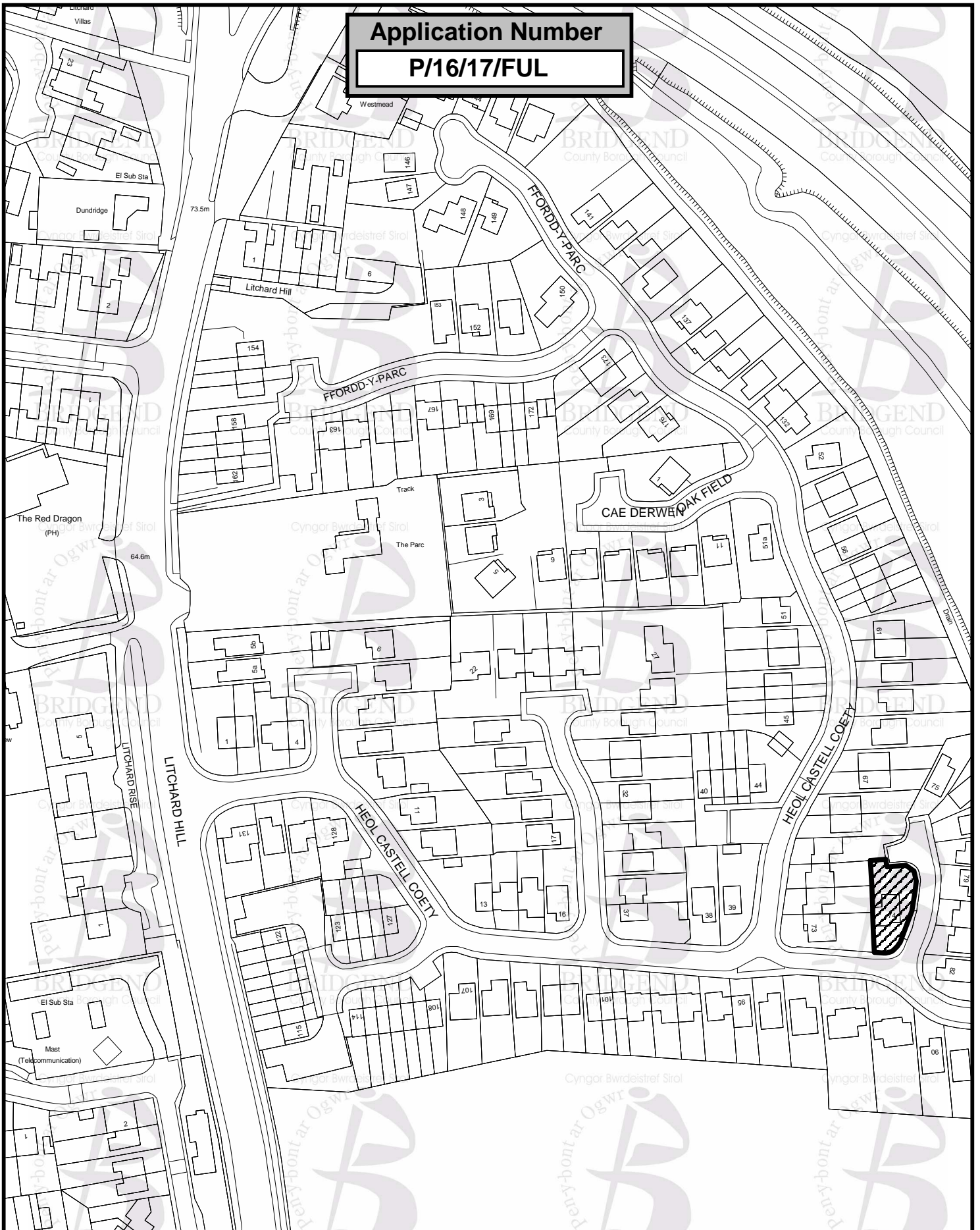
Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 17 February 2016.

NEGOTIATIONS

None.

Application Number

P/16/17/FUL



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Scale 1:1,500

Date Issued:
22/03/2016

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

(c) Crown Copyright and database rights
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(100023405)

(c) Cities Revealed Aerial Photography
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Cyngor Bwrdeistref Siroi

BRIDGEND
County Borough Council

CONSULTATION RESPONSES

Town/Community Council Observations

Object to the raising of the ridge height as it would not be in-keeping with the other houses that surround the site. No objections are raised against the porch extension.

Head Of Street Scene (Highways)

No objections, subject to condition.

REPRESENTATIONS RECEIVED

Objections Have Been Received From:-

Andrew Bennett: 72 Heol Castell Coety

Paul Alexander: 73 Heol Castell Coety

The objections are summarised as follows:

Adverse impact on light levels received by the adjoining properties.
The property is already very imposing due to a previous extension.
Concerns are raised about construction works affecting/disrupting neighbours.
Negative impact on property value.

COMMENTS ON REPRESENTATIONS RECEIVED

* Impact on residential amenity/loss of daylight and visual impact
Refer to the Appraisal section of the report.

* Imposing impact of existing extension
The planning application must be considered on its own planning merits with consent being previously granted for an extension to the property (P/04/1460/FUL refers).

* Construction difficulties/ disruption to neighbours
General concerns raised in regard to construction disturbance and access difficulties are acknowledged although they are not justifiable reasons to warrant the refusal of the planning application.

* Negative impact on property value
Loss of property value is not a material planning consideration.

APPRAISAL

The application is referred to the Development Control Committee due to the objections received from the Community Council (with two local residents also raising concerns with the development).

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,11,12,14,15 and 18 of Supplementary Planning Guidance 02 Householder Development (SPG02) were considered.

The proposal seeks permission for roof alterations to this detached dwelling and the erection of a front porch.

The proposed works are considered acceptable in terms of their design, scale and overall visual

appearance. The proposed roof dormers are sympathetically designed and appropriate in their scale and form. They would be reflective of the gable roof pitch of the main house and would accord with the requirements of note 14 of SPG02 that states: 'Dormer extensions should be sympathetic to the existing house in their shape, position, scale and material'.

It is acknowledged that the raising of the ridge height and roof pitch of the property needs to be given particular attention, although an increase in the ridge height by only 1.2m is considered acceptable, particularly given the context of the application site in this instance. The existing two-storey property is situated on a modern residential estate with neighbouring buildings exemplifying varying design features with properties benefitting from different roof pitches, ridge heights and roof sizes. The property also occupies a standalone plot that is slightly offset from, and perpendicular to, the neighbouring buildings. The application building is not set within a street scene that hosts a rigid pattern of roof heights and shapes, such as a terraced street for example, and therefore the alterations would not appear overly excessive or obtrusive within the context of the surrounding street scene. Furthermore, the proposed porch structure represents a modest and appropriate addition to the building with such front additions also being a common feature of the wider residential estate (planning permission was previously granted for the erection of a similar porch addition at the site (P/04/1460/FUL refers)).

Overall, given the site context, the acceptable design of the dormer and porch additions and the restricted impact of such a limited change to the roof height of the building, the proposal would not have a detrimental effect on the levels of visual amenity currently enjoyed in the area.

Turning to the impact of the scheme on neighbouring residential amenity, and with due regard to the concerns raised by neighbouring residents in terms of light loss in particular, the scheme is considered acceptable in this respect. The existing property is immediately abutted to its western side by the rear garden areas of two residential properties (72 and 73 Heol Castell Coety). The application building is set approximately 11-12 metres from the main rear elevations and principal rear windows of these neighbouring properties. The existing situation causes some reduction in the levels of morning daylight being received at the extreme ends of the neighbouring garden areas and the proposed roof alterations would not significantly alter or harmfully change the existing relationship between the properties.

The application building spans the boundary with the two adjoining garden areas, in line with the original garage structures that separate the main dwellings, but it does not completely enclose either of the adjoining garden spaces. The eaves height of the building would remain as existing and, with a maximum increase of 1.2m being proposed, the general massing and shape of the roof of the building would not significantly change or result in an unreasonable overshadowing or overbearing impact on the neighbouring properties. The dormer additions would be set in from the side elevations of the building and are modest in scale and massing. No side windows are proposed within the altered roof space of the property, with the proposed dormer windows and roof sky lights being appropriately offset from properties situated opposite and to the front of the application site. The proposed front porch is modest in scale and raises no concerns in terms of any impact on residential amenity and privacy currently enjoyed by neighbouring occupiers.

In terms of highway safety, The Group Manager Transportation and Engineering (Highways) has no objections to the proposal, subject to a condition ensuring the provision of three off street car parking spaces at the site. The proposal would, therefore, have no adverse impact on highway safety.

CONCLUSION

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

RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents received 27 January 2016:

Proposed loft conversion and porch extension elevation and layout plans.

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.

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

- 3 No development shall commence until a scheme for the provision of 3 off street parking spaces 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 retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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APPEALS

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

CODE NO. A/16/3143086 (1773)
APP. NO. P/15/634/FUL
APPELLANT MR ANTHONY SMITH
SUBJECT OF APPEAL NEW DWELLING: LAND BETWEEN 16 & 17 HIGH STREET,
OGMORE VALE
PROCEDURE WRITTEN REPS
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development by reason of the restricted nature of the plot would result in an undesirable and cramped form of development, which would afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of the limited usable space, generally restricted outlook and lack of privacy to the future occupiers of the dwelling, contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2014).
2. The erection of a two storey dwelling on this restricted plot would result in potential overlooking and associated loss of privacy for occupiers of adjacent properties, contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2014)

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

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 WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE DISMISSED**

A copy of this appeal decision is attached as APPENDIX A

CODE NO.	A/15/3136250 (1762)
APP. NO.	P/15/279/FUL
APPELLANT	UK POWER RESERVE LTD
SUBJECT OF APPEAL	SMALL SCALE STANDBY ELECTRICITY GENERATION PLANT: LAND AT COITY ROAD BRIDGEND
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

A copy of this appeal decision is attached as APPENDIX B

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



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/01/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/2/16

Appeal Decision

Site visit made on 22/01/16

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

an Inspector appointed by the Welsh Ministers

Date: 18/2/16

Appeal Ref: APP/F6915/H/15/3138666

Site address: 1 Rock Street, Aberkenfig, Bridgend, Mid Glamorgan, CF32 9BD

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Mr Sanjeev Bhagotra against the decision of Bridgend County Borough Council.
 - The application Ref A/15/11/ADV, received on 12 May 2015, was refused by notice dated 17 July 2015.
 - The advertisement proposed is one wall sign/advertising sign.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the sign on the visual amenities of the area and on highway safety.

Reasons

3. The appeal site occupies a corner premises located at the junction of Rock Street with Bridgend Road in the commercial centre of Aberkenfig. Bridgend Road comprises a mixture of commercial and residential properties and with the exception of the ground floor of the appeal site which is currently used as a beauty salon, Rock Street is a predominantly residential street. Rock Street is a narrow cul de sac and at the time of my morning site visit on street parking was evident along its length.
 4. The proposed sign would be erected on the wall between two existing windows on the first floor of the front, southern elevation of the appeal building fronting Rock Street. It would measure 1.72 metres by 1.04 metres, would be constructed of plastic and would be non-illuminated. It would be multi-coloured and would advertise a restaurant located some 2km away.
 5. The appeal building has a dual frontage to Bridgend Road and Rock Street with the elevation facing Rock Street containing a large shop window on the ground floor. The existing beauty salon within the ground floor has its entrance on the splayed corner of
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<http://planninginspectorate.gov.wales/>

the building and there are several signs advertising the business including one above the shop window facing Rock Street. These signs are of appropriate scales to the walls and openings to which they relate and are of subtle and recessive colours and designs.

6. In contrast, the proposed sign would be located at a high level between two domestic windows and would be finished in bright and contrasting colours. Due to its position facing Rock Street, it would visually relate to the predominantly residential character of this street rather than the more commercial character of Bridgend Road. Its large horizontal scale would be out of proportion with the domestic scale windows to either side and to the overall form and scale of the residential street scene. It would be a dominating and incongruous feature emphasised by its position at first floor level. I find that it would be harmful to the visual amenities of the area.
7. I note the objection from the Council's Group Manager Transportation and Engineering. The sign would be visible to drivers travelling in a northerly direction along Bridgend Road within a narrow part of the street that requires motorists to negotiate around on-street parking. Nonetheless, I do not concur with the Council's view that the sign's inherent design by virtue of its content, size of lettering, and variation of font types and colours would necessarily be detrimental to highway safety. I note the Council's reference to research which suggests that driver distraction caused by advertisements is a major contributory factor to road accidents. However, in this particular instance I have little substantive evidence before me that this additional sign, albeit primarily addressing the side street rather than the main street, would provide a significant distraction to drivers taking reasonable care for their own and others safety within a commercial area.
8. Notwithstanding this view, the sign would not be advertising a business operating from the appeal building. It is highly likely that the majority of motorists would associate the presence of the sign with the presence of the restaurant and if wishing to visit would seek to stop and park in its vicinity. I note the comment from a local resident that this occurred when the sign was previously erected on the building without permission and which caused disturbance and increased traffic.
9. I consider that the proposal would result in the likelihood of motorists entering Rock Street looking for the restaurant. Rock Street's narrow, dead end nature with little turning space and on street parking would give rise to an increased risk of motorists reversing onto the busier classified Bridgend Road to exit the street. The junction of Rock Street with Bridgend Road is narrow with substandard visibility particularly to the north and even if exiting in forward gear would not provide acceptable levels of forward visibility. In these respects I find that the proposal would give rise to unacceptable risks to highway safety.
10. The appellant has submitted examples of other signs within the area which he contends are larger and more conspicuous than the appeal proposal. I have not been provided with their full details but I noted on my site visit that there are a number of other signs within the locality. Nonetheless many of these are located on business premises fronting Bridgend Road and are viewed within a more commercial context. Those situated near roundabouts and traffic lights are not directly comparative to the appeal proposal for a sign on an existing building within the town. In any event the presence of other commercial signs within the area does not justify the appeal sign which I have considered with regard to its own particular circumstances and context and which I find would be harmful to the visual amenities of the area and to highway safety.

11. The Council has refused the application on the grounds that it would be contrary to the provisions of policies SP2 and SP3 of the adopted Bridgend Local Development Plan. I have not been provided with the full text of these policies. However whilst the development plan is a material consideration, the power to control advertisements may be exercised only in the interests of amenity and public safety. Consequently, the content of the policies is not in itself decisive.
12. I have taken into account all other matters raised including the support for the proposal and the suggestion by Mr Carwyn Jones MP to the appellant to lodge an appeal but I find no matters that outweigh the harm that I have identified. Matters relating to the Council's handling of the application are not pertinent to my considerations in relation to the merits of the proposal. For the reasons given above I conclude that the display of the sign would be detrimental to amenity and to highway safety and I dismiss the appeal.

Vicki Hirst

INSPECTOR

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 02/02/16
Ymweliad â safle a wnaed ar 02/02/16

Gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : 17 Mawrth 2016

Appeal Decision

Hearing held on 02/02/16
Site visit made on 02/02/16

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers
Date : 17 March 2016

Appeal Ref: APP/F6915/A/15/3136250

Site address: Land at Coity Road, Bridgend, CF31 1PG

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by UK Power Reserve Limited against the decision of Bridgend County Borough Council.
 - The application Ref P/15/279/FUL, dated 28 April 2015, was refused by notice dated 17 July 2015.
 - The development proposed is a small scale standby electricity generation plant in individual sound proof containers.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the future development of the Coity Sidings site for a mixed use scheme comprising residential development, employment use and park and ride facilities and on the wider regeneration of Bridgend.

Reasons

3. The site comprises an area of approximately 0.32 hectares of overgrown, brownfield land located in a central position within the larger linear shaped site known as Coity Sidings. The appeal site is located adjacent to an electricity sub station and in close proximity to the Great Western Avenue community playing fields and residential properties on Tanyrallt Avenue. Vehicular access to the site would be afforded via Coity Road.
 4. The land at Coity Sidings is allocated under Policy PLA3 (3) of the adopted Bridgend Local Development Plan (LDP) (2013) for a regeneration and mixed use scheme. The individual allocations comprise residential development of 140 dwelling (Policy COM1 (4) land for the development of B1 employment uses (Policy REG1 (3)) and a park and ride scheme (Policy PLA7 (21)). The allocated site is a key part of the LDP strategy for the delivery of the Bridgend Strategic Regeneration Growth Area SRGA) and which seeks to ensure the comprehensive redevelopment of brownfield and under-utilised
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sites. The appeal site is within the part of the allocation identified for residential development and based on a density of 35 dwellings per hectare the proposed density of the site would occupy an area which would accommodate approximately 11 dwellings.

5. The development of the appeal site proposes the construction of a small scale electricity generating plant. The plant would include 14 no. generators housed within individual sound proof containers, each with a bank of radiators approximately 2.2 metres in height on the roof to cool the generator and an exhaust stack some 12.5 metres in height from ground floor level, associated workshop and storage, metering room, transformer compound and gas reception kiosk. The site would be enclosed by a 2.4 metre palisade fence.
6. The Council raises no specific objection to the proposed development in respect of its impact on matters such as air quality, noise, ecology or heritage assets. Concern has been expressed about impact of the large delivery vehicles associated with the proposed development on highway safety. However, the Council indicated at the Hearing that this was a matter which they consider could be effectively addressed by condition and I have neither seen nor heard anything to lead me to disagree. The Council's primary concern is that the proposed development would: prejudice the delivery of the Coity Sidings allocation; have an adverse effect on the Council's ability to maintain a 5 year housing land supply; and, in doing so, undermine the delivery of the Bridgend SRGA.

Residential Development

7. With regard to the delivery of the residential element of the Coity Sidings allocation, I am advised that in order to progress the delivery of the allocation the owners of site, Dainton Services Ltd, marketed the site during 2012 and that as part of the exercise the company wrote to a number of national and local housebuilders. I understand that no expressions of interest were received. However, the marketing exercise was undertaken prior to the adoption of the LDP and excluded many of the established national and local builders that operate in the Bridgend area. The circumstances today are significantly different, the inclusion of the site as an allocation in an adopted LDP provides greater certainty and the site is likely to be more attractive as a result. I, therefore, afford the marketing exercise little weight.
8. In terms of the impact of the proposed development on the delivery of the Coity Sidings allocation, the appellant contends that the development of the appeal site would not significantly reduce the number of dwellings that would be constructed on the allocated site or have an adverse effect on its development for residential purposes. Whilst I accept that on the basis of the evidence presented that the proposed development could be located in close proximity to residential properties, I am nevertheless concerned that the overtly industrial appearance of the proposed generating plant would deter housebuilders from developing on the allocated site as a whole. The generating plant in Stock Lane, Chadderton, Oldham, is on an existing industrial estate in an established residential area and therefore not directly comparable to this case.
9. The appellant maintains that the non delivery of the Coity Sidings allocation would not have an adverse effect on the supply of housing land or on the delivery of the Bridgend SRGA. Moreover, the appellant contends the findings of the Council's LDP Annual Monitoring Report (2015) demonstrate that house building rates in Bridgend

exceed the levels anticipated in the LDP for this stage in the plan period and that the delivery of the Bridgend SRGA is 'on track'.

10. The 2015 Joint Housing Land Availability Study (JHLAS) indicates that there is a 5.4 year supply of housing land in Bridgend, this includes an allowance for the development of 120 dwellings at the Coity Sidings site between 2018 and 2020. Evidence submitted by the Council suggests that the removal of these units would reduce the supply of housing land in the County Borough to 4.9 years. The appellant does not specifically dispute this point, but contends that because there is no currently no housebuilder interest, it is unlikely that site would contribute to the supply of housing the land within the timescales envisaged in the JHLAS (2015). Whilst the reduction in the availability of housing land might not be considerable, it is nevertheless sufficient to reduce the housing land supply in the County Borough to less than 5 years and as a consequence below the level which is required by Planning Policy Wales, Edition 8 (PPW) (January 2016) and Technical Advice Note 1 - JHLAS (2015) which, could mean that the Council may find it difficult to resist proposals to develop elsewhere, thereby undermining the LDP's strategy to achieve the regeneration of the area.
11. I note the comments by Dainton Services Ltd that they will oppose the inclusion of the allocated site in future iterations of the JHLAS report. However, this is not a matter for me, rather one that would need to be considered by the Council and JHLAS Group at the appropriate time.
12. In light of the above, I consider that the proposed development would have an adverse effect on the development of the Coity Sidings allocation for residential purposes and would be contrary to the objectives of Policy COM1 (4) of the LDP and PPW.

Employment Use

13. LDP Policy REG1 (3) seeks to deliver Class B 1 uses on the employment element of the allocated site. Both parties agree that the construction of a builders' merchant and a self-storage facility at the site fulfils this requirement. As a consequence I consider that the proposed development would not have an adverse effect on the development of the Coity Sidings site for employment purposes and would comply with the requirements of LDP Policy REG1(3).

Park and Ride

14. In terms of the park and ride facility for Windmill Railway Station, I note that the LDP seeks the provision of 15 dedicated car parking spaces served by a new access road through the proposed residential development. The appellant contends that: there is no demonstrable need for the park and ride facility at the station; the scheme is financially unviable; and will not be delivered in the LDP period.
15. The Council accepts that the park and ride facility is not a pivotal part of the Coity Sidings allocation, but maintains that the scheme is an important element of the Council's Local Transport Plan (2015) and that, subject to the construction of an access road which would be constructed as part of the residential development, the scheme is viable and could be delivered between 2021 and 2025. In support of this the Council has submitted a copy of the Pyle, Windmill, Brackla Stations Car Park Demand Estimates & Business Case (2013). The findings of the business case make clear that the provision of a park and ride facilities at the station would be economically unviable if it were necessary to fund the construction of an access road

as part of the scheme. The provision of park and ride facilities at Windmill Railway Station is therefore dependent on the development of the Coity Sidings site for residential purposes. As a consequence I consider that the proposed development would have an adverse effect on the future provision of park and ride facilities at Windmill Railway Station and would be contrary to the objectives of LDP Policy PLA7 (21).

Other Matters

16. I note that planning permission for the construction of self storage units was granted on the Coity Sidings site by the Council in November 2012. I am advised that permission has been granted on a temporary basis for a period of 5years only, in order to allow for this part the site to be developed for residential purposes during the LDP period.

Conclusions

17. In reaching my decision I have had regard to all the matters raised in support of the scheme including the benefits to the national and local economy through the provision of back up electricity and assist in transition to a low carbon economy. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would not have an adverse effect on the provision employment land, this does not outweigh my concerns regarding the effect of the proposed development on the development of the Coity Sidings site for residential purposes, the park and ride facilities at Windmill Railway Station and delivery of wider regeneration objectives in the Bridgend area.
18. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sean Greany	Appellant
Matthew Hard, MRTPI	Planning Consultant, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Susan Jones BA (Hons), Dip TP, MRTPI	Bridgend County Borough Council
Richard Matthams BA (Hons), PG Dip, MRTPI	Bridgend County Borough Council

INTERESTED PERSONS:

Madeleine Palmer	Dainton Group Services Ltd
Shaun Duncan	Dainton Group Services Ltd

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's Notification of Hearing
- 2 Application Report for PA/335922/14 – Land at Stock Lane, Chadderton, Oldham, OL9 9EY.
- 3 Elevation and location plans for PA/335922/14 – Land at Stock Lane, Chadderton, Oldham, OL9 9EY.
- 4 Memorandum from the Transportation Policy and Development Section, in respect of planning application reference P/12/0807/FUL, dated 12 December 2012.
- 5 Officers' report in respect of planning application reference P/12/0807/FUL, dated 12 December 2012.

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Jonathan Parsons & Rhodri Davies – <i>Development Group</i>	WLGAs Draft Planning Committee Protocol and a Summary of the WG's new Development Management Procedures	31 March 2016	12.45PM
Tony Thickett - <i>Director for the Planning Inspectorate, Wales</i>	"Developments of National Significance"	12 May 2016	12.45PM

Future training sessions

- LDP review workshop session
- "Changing places" by Wayne Crocker – *MENCAP* (June 2016)
- "Designing out crime" by South Wales Police (July 2016)
- Review of recent appeal decisions (August 2016)

Recommendation:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

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REPORT TO DEVELOPMENT CONTROL COMMITTEE

31st March 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

Draft Planning Committee Protocol

1. Purpose of Report

- 1.1 To seek Development Control Committee Members' comments on the Draft Planning Committee Protocol prepared by the Welsh Local Government Association (WLGA) and to consider the draft consultation response prepared by Officers (Appendix 1).

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The Planning (Wales) Act 2015 proposed changes to the way planning decisions are taken, including provisions which allow for standardisation of planning committee arrangements and delegation to officers across Wales.
- 2.2 The Council operates a scheme of delegation where it has delegated powers to officers to determine most planning applications and other related planning submissions. This Authority now determines in excess of 90% of all applications received under delegated power arrangements. All other applications are referred to the Development Control Planning Committee.
- 2.3 The adoption of a standardised planning committee protocol across the 25 Local Planning Authorities in Wales will improve transparency and increase the public understanding of the system. The Council has a statutory duty to provide a planning service and the delivery of a robust decision making process is an important part of the service in line with the Council's Corporate Improvement Plan and Corporate Priorities.
- 2.4 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 The Planning (Wales) Act, which received Royal Assent in 2015, will result in many changes to the planning system in Wales. In addition to legislative change, the Welsh Government Minister for Natural Resources, Carl Sargeant, is advocating culture change, which forms a central principle of the new Act. One element of this suggested culture change revolves around a more consistent approach in the operation of planning committees.
- 3.2 A recent study commissioned by the Royal Town Planning Institute into the "Study into the Operation of Planning Committees in Wales" (undertaken by Arup and Fortismere Associates) provided an insight and recommendations about improving Planning Committees in Wales. The study concluded that there is a wide range of differing practices across Wales and recommended that a national planning committee protocol be prepared.
- 3.3 As a result of the study, the Welsh Government invited local authorities to draft a voluntary planning committee protocol. The drafting group included representatives from the Planning Officer's Society Wales and Planning Solicitors in Local Government. The draft protocol for consultation is attached at Appendix 1 and the Officer's draft response to the consultation questions is attached at Appendix 2.

4. Current Situation

- 4.1 The existing Development Control Committee Protocol is included within the Council's "Planning Code of Practice – How We Deal with Planning Applications and Other Planning Issues" (see Appendix 2). We also publish a note on our website which explains our public speaking procedures at Development Control Committee meetings (Appendix 3).

5. Next Steps

- 5.1 The draft Planning Committee Protocol and the Local Planning Authority's (LPAs) draft response to the questions will be discussed at a Member Workshop before the Development Control Committee on the 31st March, 2016. Any suggested revisions to the draft consultation response from the workshop or from Members after 31st March, 2016 will be reported back to Development Control Committee on 12th May, 2016 for approval before formally submitting our comments to the WLGA before the consultation period closes on 20th May, 2016.
- 5.2 The WLGA drafting group will then review all comments received and will amend the protocol where appropriate. It is anticipated that the final version of the protocol will be available in June 2016 for consideration by each local authority at the appropriate Council meeting.

6. Effect upon Policy Framework & Procedure Rules

- 6.1 It is intended that the final version of the planning committee protocol will be adopted by all LPAs in Wales.

7. Equality Impact Assessment.

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

8. Financial Implications

- 8.1 None.

9. Recommendations

- 9.1 That Members of the Development Control Committee:
- (1) consider the draft Planning Committee Protocol produced by the WLGA (Appendix 1);
 - (2) consider the draft consultation response from the Local Planning Authority (Appendix 1) and provide their comments at the planned workshop session or before Friday 29th April, 2016; and,
 - (3) authorise Officers to amend the draft consultation document and produce a further report on the outcome of the consultation process which will be reported back to Development Control Committee on 12th May, 2016.

Mark Shephard
Corporate Director Communities
31st March, 2016

Contact Officer

Mr. Rhodri Davies

Development and Building Control Manager

Telephone Number: 01656 643152 e-mail: rhodri.davies@bridgend.gov.uk

Background documents

Appendix 1: BCBCs Draft Consultation Response

Appendix 2: BCBCs existing Planning Code of Practice – How We Deal with Planning Applications and Other Planning Issues

Appendix 3: BCBCs Notes on Procedure for Public Speaking at Development Control Committee Meetings

Appendix 1

Draft Planning Committee Protocol

1. Introduction

- 1.1 The Planning (Wales) Act which received Royal Assent in 2015 will result in many changes to the planning system in Wales. In addition to legislative change the Minister is strongly advocating culture change; part of which is a more consistent approach to planning across Wales including greater consistency in the operation of planning committees.
- 1.2 A recent study by the Royal Town Planning Institute into the “Study into the Operation of Planning Committees in Wales” concluded that there is a wide variety of practice in the operation of planning committees across Wales and recommended that a national planning committee protocol be prepared.
- 1.3 As a result of this study, Welsh Government invited local authorities to draft a voluntary planning committee protocol. Through the WLGA a drafting group was established with representatives from the Planning Officers Society Wales and Lawyers in Local Government. The members of this group are:
 - Sioned Wyn Davies, Legal, Democratic and Registration Services Manager, Wrexham CBC
 - Simon Gale, Service Director Planning, RCT CBC
 - Simon Humphreys, Head of Legal Planning & Environment, RCT CBC
 - Roderic Jones, Senior Lawyer, Bridgend CBC
 - Jane Lee, Policy Officer, WLGA
 - Paul Lucas, Director Legal and Democratic Services, RCT CBC
- 1.4 Following a series of meetings, the drafting group has prepared a draft protocol for consultation. The draft protocol is based on the published LLG Planning Code or Protocol 2014.

2.0 The Protocol

- 2.1 The primary aim of the protocol is to improve consistency across the 25 LPAs while ensuring a level of local flexibility through discretion of the Chair and locally determined procedures such as the committee meeting running order. Planning Committees have different names in different local planning authorities therefore where the term “planning committee” appears in the text this has been inserted in brackets.
- 2.2 It is intended that the protocol will complement any national and local codes on Councillor Conduct and the general arrangements regarding the running of meetings. This protocol is specific to Planning and covers the following areas:
 - Relationship to the Members’ Code of Conduct
 - Development Proposals and Personal and Prejudicial Interests

- Fettering Discretion in the Planning Process
- Member Involvement at the pre-application stage
- Contact with Applicants, Developers and Objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site Visits/Inspections
- Public Speaking at Meetings
- Public Speaking Procedures
- Role of Officers
- Decision Making
- Cooling Off Period
- Duties of the Chair
- Role of Members at a Planning Appeal
- Training
- Customer Care
- Advice for the public on attending and speaking at the Planning Committee

3.0 How to respond

- 3.1 The WLGA welcomes comments on the protocol and has inserted questions in the consultation draft of the protocol to prompt responses. The closing date for comments is Friday 20th May 2016. Please send comments to Jane Lee by email jane.lee@wlga.gov.uk or by post to WLGA, Local Government House, Drake Walk, Cardiff, CF10 4LG.
- 3.2 The drafting group will review these comments and make changes to the protocol where appropriate. It is anticipated that the final protocol will be available in June for consideration by each local authority at the appropriate Council meeting.

Draft Planning Committee Protocol

1.0 Introduction

- 1.1 **The aim of this Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.3 You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.4 **When the Protocol applies:** this protocol applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 If you have any doubts about the application of this protocol to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

Q1. Do you agree with having a national planning protocol?

In principle, yes. Particularly if a level of local flexibility is allowed as suggested in paragraph 2.1.

2. Relationship to the Code of Conduct

Do apply the rules in the Code of Conduct first, which must always be complied with.

Do then apply the rules in this Members' Planning Committee Protocol, which seek to explain and supplement the Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this protocol, you may put:

- the Council at risk of proceedings on the legality of the related decision or maladministration; and

- yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the Code of Conduct, in a complaint being made to the Ombudsman.

3. Development Proposals and Personal and Prejudicial Interests

Conduct of All Members

Do disclose the existence and nature of your interest as required by the Code of Conduct.

Do then act in accordance with the Code of Conduct. Where your interest is a personal and also a prejudicial interest:

- Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the [planning committee]
- Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

Do note that you will be able to speak at a [planning committee] where you have a prejudicial interest if and only to the same extent that a member of the public would have a right to speak on that item but remember that you must withdraw from the meeting as soon as you have finished speaking.

Do notify the Monitoring Officer in writing of your own planning applications and note that:

- you should send the notification no later than submission of that application;
- the proposal will always be reported to the [planning committee] as a main item and not dealt with by officers under delegated powers;
- you must not get involved in the processing of the application; and
- it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

Q2. Do these proposals differ from the protocol you have in place? Do you see any difficulties with adopting these proposals?

- i) No
- ii) No

4. Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

4.1 Members of the Planning Committee

Don't fetter your discretion by approaching the decision with a closed mind.

Do be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

Do keep at the front of your mind that, when you come to make the decision, you

- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
- must keep an open mind and hear all of the evidence before you, including the written report, the officers' presentation of the facts and their advice, any oral or written representations received and the arguments from all sides;
- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations.

Do be aware that you can be found to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the community council, for example, or both a unitary authority councillor), provided:

- the proposal does not substantially effect the wellbeing or financial standing of the consultee body;
- you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;

- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or community, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

Do explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (Use the disclosure form provided for disclosing interests.)

Do remember that as a Member of the [planning committee] subject to the provisions of the Code of Conduct and provided that you have not pre-determined the application you can speak and vote on any application which comes before the Committee.

Where an application comes before the [planning committee] which falls within the electoral area of a Member that Member can: -

- act as a Member for their electoral ward in dealing with the application; or
- act as a Member of the [planning committee] in relation to the application.

Where a Member acts as a Member for their electoral ward:

- they will be able to speak on an application but not vote on that application
- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member for their electoral ward
- the Chair shall invite the Member to speak following any public speakers but before any debate starts. If the Member decides not to speak on the Application they shall not be given a further opportunity to speak.
- once the Member has exercised their right to speak or indicated that they do not wish to speak they shall leave the [planning committee] area until the item is dealt with.

Where a Member acts as a Member of the [planning committee] for an application in their electoral ward:

- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member of the [planning committee]

- the Chair shall explain to all present that the Member will not be acting as a local member for that application and may speak in the debate and vote.

Do seek advice from the [Monitoring Officer] before the meeting of the [planning committee] where you have an interest under the Code of Conduct in an item in your electoral ward {NB the Code of Conduct is due to be amended and para 10(2)(b) is likely to disappear}

Q3. Does the proposal regarding voting differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

i) Yes - Ward members are allowed to vote and are not required to notify the chair.ii) No.

4.2. Member involvement at the pre-application stage

Do be aware that in your role as an elected member, you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

Do be aware that you can through personal significant involvement in preparing or advocating a proposal be, or be perceived by the public as being, no longer able to act impartially.

Do consider yourself able to take part in a consultation on a proposal and, if you are a member of the [planning committee], the subsequent determination of the application provided that: -

- You do not in any way commit yourself as to how you may vote when the proposal comes before the [planning committee] for determination;
- You focus only on site factors and site issues;
- You do not excessively lobby fellow councillors regarding your concerns or views not attempt to persuade them how to vote in advance of the meeting at which the planning decision is take;
- You are not involved in negotiations regarding the application. These should be conducted by officers separately from any pre-application discussions members have been involved in.

At a pre-application consultation: -

- Do ask relevant questions for the purpose of clarifying your understanding of the proposal;
- Do remember that the presentation is not part of the formal process of debate and determination of any application.

Q4. Are members currently involved in pre-application discussions? Do you see any difficulties with adopting these proposals?

- i) Yes – occasionally either as part of their Town/Community Council meetings or when participating as the Local Ward Member in pre-application meetings between the developer and the Local Planning Authority. The current protocol limits member involvement if approached by a developer.
- ii) We can foresee an issue with the statutory pre-application consultation process coming in for major developments from 16th March, 2016 (with a transition period up until 1st August, 2016) where the developer will be expected to have consulted the “Community Consultee” (Town/Community Council with a Local Ward Member potentially involved) and include any response/comment in a Pre-application Consultation report to be submitted with the application. This could be deemed to prejudice their views on a particular scheme. Also, “excessive lobbying” would need to be defined and would be difficult to identify, monitor and control any lobbying of Members.

5. Contact with Applicants, Developers and Objectors

Do refer those who approach you for planning, procedural or technical advice to officers.

Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

Do otherwise:

- follow the Authority's rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts

and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

Don't attend a planning presentation without requesting an officer to be present.

Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

Do be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

Q5. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No. Members need to declare any contact.
- ii) Yes – the LPA are not expected to be involved at the pre-application consultation stage and would not attend any pre-application consultation presentation to Town/Community Councils.

6. Lobbying of Councillors

Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or offer a firm point of view that it amounts to the same thing.

Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

Don't accept gifts or hospitality from any person involved in or affected by a planning proposal.

Do copy or pass on any lobbying correspondence you receive to the [Development Control Manager] at the earliest opportunity.

Do promptly refer to the [Development Control Manager] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

Do inform the [Monitoring Officer] where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

Do note that, unless you have a personal interest which is also a prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:

- Listening to or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

Q6. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No
- ii) No.

7. Lobbying by Councillors

Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRW, Ramblers Association or a local civic society), but you should disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

Don't excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

Don't decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

Q7. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) Yes – current protocols do not allow any lobbying of fellow members.
- ii) It would be difficult to define, monitor and control any excessive lobbying of fellow members.

8. Site Visits/Inspections

8.1 Site visits are fact-finding exercises, the sole purpose of which is to allow the [planning committee] to look at the site and its surroundings and shall only be held when the [planning committee] are unable to reach an informed decision without seeing the site for themselves and an inspections would have substantial benefit.

Examples where a site visit would NOT be appropriate include: -

- Where purely policy matters or issues of principle are at issue;
- A Member wishes to consider boundary or neighbour disputes;
- To consider issues of competition;
- To consider loss of property values;
- Simply at the invitation or request of the local Member;
- Where you disagree with the conclusion reached in the Officer's report;
- To consider issues which are not material planning considerations;
- Where Members have already visited the site in the last 12 months, other than in exceptional circumstances, details of which shall be minuted.

8.2 In all cases where a decision is made to conduct a site visit the full planning reasons and details of the issues to be inspected during the site visit shall be minuted.

If a site visited is conducted as a member of the [planning committee]:

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the [planning committee]
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the [Ward] [local] Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the [Development Control Manager] about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.
 -

Q8. Do you see any difficulties with adopting these proposals?

- i) **No. There are similar arrangements already in place.**

N.B. Some LPAs do not allow a member who was not present at the site visit to take part in the decision/vote.

9. Public Speaking at Meetings

Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

Do ensure that you comply with the Council's procedures in respect of public speaking.

Q9. Does your authority allow public speaking? If not are there any reasons why public speaking cannot be allowed?

Yes. 3 mins per speaker or up to 10 mins per speaker on Extraordinary Applications.

10. Public Speaking Procedures

10.1 Public speaking shall be permitted at a [planning committee] in accordance with the following procedures: -

- A member of the public who wishes to speak at the [planning committee] must notify the [Development Control Manager] in writing at least 2 working days prior to the date of the [planning committee] where the planning application will be considered. In exceptional circumstances, the Chair may agree to hear late requests.
- Where an application is deferred (following an application where Members have indicated that they are minded to either grant or refuse contrary to officer recommendation) then public speakers will not be heard on the second occasion that the application is before Members subject to the Chairman's discretion, in exceptional circumstances, to allow such speakers.
- Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. Where there is more than one speaker objecting to the application then the five minutes is a total for all objectors.
- Visual aids and other supporting evidence will not be permitted.
- A member of the public addressing the [planning committee] is not permitted to put questions to Members or Officers but this will not prevent Members asking the public speaker questions through the Chairman.
- The order for public speaking shall be:
 - The applicant/professional adviser of the objector
 - Supporters of the applicant
 - Objector/ professional advisers of the objectors
 - Response by the applicant
 - Community Councillor
 - Local Member or adjoining Ward Member
- Consideration of an application will not be delayed simply because an objector, the applicant, Community Councillor or Ward Member is not present providing that they have been appropriately informed of the date of the meeting and of their right to speak at the meeting.

Q10. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) Yes – speakers have 3 mins each unless it is an Extraordinary Application where they have up to a maximum of 10 mins to address Committee (apart from County Borough Councillors not on Committee or the representatives of a Town/Community Council). Also, in order to be allowed to speak at Committee, objectors/supporters must submit their request to speak at Committee at the same time as they submit their comments (i.e. within the first 21 days).
- ii) Yes – members of the public who wish to speak at Committee should submit their request to speak as part of their initial consultation response. This allows the LPA to understand their issues and the likely content of their speech and take steps to ensure that persons with similar concerns organise themselves and appoint a representative.

It is considered that 5 mins in total is not sufficient for “each side” to address Committee, particularly if there are several issues to consider and the Chairs’ discretion to extend is likely to be inconsistent and open to challenge.

Also, would the time be paused to allow more than one speaker from each side to take over? BCBC consider that it is reasonable to allow each speaker 3 mins each to address Committee with scope to appoint a representative of a group or the community to address Committee to avoid repetition of points.

11. Role of Officers

Don’t put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [Development Control Manager], which may be incorporated into any committee report).

Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council’s Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute’s Code of Professional Conduct. As a result, planning officers’ views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

12. Decision Making

Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.

Do come to meetings with an open mind and demonstrate that you are open-minded.

Do comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

Do have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].

Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

Q11. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No
- ii) No

N.B. the local Member can formally request that an application be referred to the Development Control Committee by notifying the Corporate Director in writing/electronically within 21 days of the circulation of details of the application (i.e. the weekly list of applications) of the material planning reasons why the Councillor considers the application should be considered by the Committee.

13. Cooling Off Period

13.1 Where Members of the [planning committee] are minded to take a decision against Officers recommendation, Members should defer consideration of that matter to the next meeting of the Committee in order to receive a further report from [Development Control Manager], if necessary, in consultation with the [Legal and Democratic Services Officer], upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

Q12. What are your views on having a cooling off period?

A cooling off period is already in place at BCBC. In cases where Members overturn an Officer's recommendation for approval, the reasons are drafted and reported back to members at the next Development Control meeting. In cases

where Members overturn an Officer's Recommendation for refusal, conditions are drafted and reported back to members at the next Development Control meeting.

14. Duties of the Chair

- 14.1 The Chair shall make clear to everyone present the capacity in which a Member is speaking on a specific application unless that Member is a Member of the [planning committee] and taking part in the debate.
- 14.2 The Chair shall make clear to everyone present when the [planning committee] is moving to the debate stage on any application.
- 14.3 The Chair shall make clear to everyone present at the [planning committee] that a debate or speech must relate to planning issues relevant to the application.
- 14.4 The Chair shall ensure that all Members of the [planning committee] who are entitled to vote on any particular application understand what they are voting for and whether the vote is on an amendment of on a recommendation.
- 14.5 The Chair will be responsible for making clear to everyone present at a meeting what the decision is on an application

Q13. Are these duties different from current duties? Do you consider that training for Chair of Planning Committee would be required?

- i) No
- ii) Yes – every time the Chair of Development Control Committee is replaced.

15. Role of Members at a Planning Appeal

- 15.1 Where a [planning committee] refuse an application contrary to officers' recommendation the planning officers' professional code will prevent them from supporting the committee decision at appeal.
- 15.2 It is acceptable for a member of the [planning committee] to advocate the decision made by the [planning committee] but it is recommended that an officer provides technical support to the Member at the appeal and deals with any technical or process issues raised by the Inspector or other participants.
- 15.3 A Ward Member or Non-Committee Member is entitled to make representations at the appeal but they should offer local views and not the views of the [planning committee]
- 15.4 A Member who disagrees with the [planning committee] should not make opposing representations at an appeal and should accept the decision of the [planning committee] as being fair, open and democratic. Where a Member wishes to make representations at an appeal that are contrary to the decision of

the [planning committee] they should first inform the [Development Control Manager] of their decision so that the Planning Inspectorate can be informed. Members in these circumstances must understand that the views that they put forward do not represent the views of the Council or the [planning committee].

Q14. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No. Usually the member who has proposed/seconded the motion is required to give evidence in any hearing or inquiry and to lead the Council's case
- ii) No

16. Training

- 16.1 All Members of the [planning committee] must undertake training in accordance with the relevant training scheme (local or national) before participating in any decision making at meetings.
- 16.2 Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

Q15. Do you currently require planning committee members to undertake training before participating in any decision making? Would you support a national approach to provision of training resources?

- i) No, however, regular training and workshop sessions are held on specific topics as well as an annual 'basic' planning law session. New members joining the committee are offered 1:1 training.
- ii) Yes, a national scheme would ensure consistency as well as up to date information.

17. Customer Care

- 17.1 The Planning Authority will adopt a procedure which sets out the way in which each application will be dealt with. This procedure should cover cut off time for representations and how late representations to the report are managed, how members' questions will be dealt with, moving and seconding of recommendations from officers and how amendments will be dealt with.
- 17.2 Local Planning Authorities are not obliged to notify objectors that the application is going to committee. It is however advised that interested parties are made aware that information regarding committee agendas is available on the Council website and therefore they are advised to regularly check the Council website.

- 17.3 As part of the proper administration of the meeting any members of the public who attend shall be shown to the public gallery and provided with sufficient copies of the Agenda for the meeting. In addition copies of the procedure adopted by the Council for the conduct of the meeting should be made available.
- 17.4 Members of the public who have requested an opportunity to speak on an application shall be shown the location where they will be able to address the [planning committee] and when their opportunity to address the [planning committee] will arise.
- 17.5 The Chairman shall make clear to everyone present which Agenda item the [planning committee] is considering at any specific time and shall identify the application number and page number on the Agenda and the site address.
- 17.6 The Chairman will confirm the order of speaking on an application. The Chairman shall identify to the [planning committee] the public speaker and the capacity in which they address the [planning committee]. The Chairman will confirm to the public speakers the time permitted to address the [planning committee]. If a Member who is speaking has a right to speak but not to vote the Chairman shall make clear the capacity of that Member at the meeting.
- 17.7 When a decision is taken on any application, the Chairman shall make clear to all present at the meeting the decision taken by the [planning committee] on that item.

Q16. Do these proposals differ from the current customer care arrangements you have in place? Do you see any difficulties with preparing a local procedure as set out in paragraph 15.1?

- i) No
- ii) No

18. Advice on attending and speaking at the [Planning Committee]

- 18.1 The Council shall publish on its web site advice to the public on attending and speaking at the [planning committee].

Suggested provisions: -

1. How do the Council decide planning applications?

Over three-quarters of the planning applications submitted to the Council are decided by officers under delegated powers. The rest are decided by Elected Councillors at the [Planning Committee]. The full list of matters that should be considered by the Committee can be found in the scheme of delegation on the Council's website – www.xxxx.gov.uk/planning

The following procedures and guidance are designed to ensure fair play and the smooth conduct of the [Planning Committee] meeting.

2. Can I speak at Committee?

Yes - but there are some procedures that need to be followed and these are outlined below.

3. How do I get to speak at Committee?

If you wish to speak at the Committee, you must notify the [Development Control Manager] in writing, at least 2 working days before the date of the Committee meeting at which the planning application will be considered. This will allow reasonable notice for the applicant to be contacted and make arrangements for them, or their agent, to speak and respond to you, should they so wish.

Notification of a written request to speak at the Committee which is received less than 2 days before the date of the meeting will not be accepted, unless there are exceptional circumstances. These will be determined by the Council Legal Officer, in consultation with the Chairman of the Committee.

4. What if a lot of people want to speak?

If a number of people wish to speak either for, or against, a particular planning application on similar grounds, you should try to combine your representations with them and nominate one spokesperson to speak on your behalf. This will avoid unnecessary repetition at the Committee meeting.

5. What can I expect at Committee?

As long as you have registered to speak there is nothing you need to do when you arrive at the Committee as the Chairman will let you know when it is your turn to speak.

First, the Chairman will open the meeting and ask the Members of the Committee to declare whether they have any personal and/or prejudicial interests in any of the applications that are to be discussed. If any Member does have a prejudicial interest you will see they leave the room when that application is being discussed. Further information on personal and prejudicial interests can be found on the Council's website – www.xxxx.gov.uk

The Chairman will then introduce the application to be considered. Public speaking will normally come next. Consideration of an item will not be delayed if a person who has registered to speak is not present.

Example The order for public speaking is likely to be as follows:

1. The applicant
2. The applicant's professional advisers
3. Supporters of the applicant
4. Professional advisers of the objectors
5. Objectors

6. Response by the applicant

It is important to be aware that public speakers will be expected to sit at a microphone at the front of the meeting. If you think that this situation could make you nervous you may want to think about preparing some notes of what you want to say to help you on the night, or perhaps ask someone to speak on your behalf.

Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. All speakers must comply with the directions of the Chairman, should he/she interrupt them during their speech.

6. What are Site Visit Committees?

Sometimes, even before the public speaking has started, a Member of the Committee may request that consideration of the application is deferred for a site visit. If the Committee agrees with this request then there will be no further discussion on the application at the meeting, and you will not be invited to speak.

Members of the Committee (not necessarily the whole Committee) will make a formal visit to the application site within a couple of weeks in order to assess the situation on site. You will not be able to make representations to the Members of the site visit Committee.

The application will then be reported back to the next available meeting of the Committee, along with an update from the site visit meeting. It is expected that you would still wish to address the Committee but if this is not the case then you should notify us of this change.

7. What happens after the public speaking?

Once all of the people who have registered to speak on the application have spoken, the matter will then be considered and debated by Members. In some cases the Chairman may invite the Planning Officer to make a short presentation on the application to the Committee or update Members on any late representations that have been received.

Members will then 'vote' on the application through a show of hands, which will normally lead to one of three outcomes:

- they may vote to defer determination of the application to a later meeting if it is felt that further information or amendments are needed before a decision can be made;
- they may vote to agree with the Planning Officer's recommendation to approve or refuse the application; or
- they may vote to disagree with the Planning Officer's recommendation.

If the resolution is to go against the Planning Officer's recommendation then the application will not usually be determined at that meeting. The application will be considered again at a further meeting of the Committee with an additional report looking at the implications of going against the Planning Officer's

recommendation. You will not normally be able to speak when the application is reported back. Members are not bound by their original resolution and can, following consideration resolve to agree with the Planning Officer's recommendation.

General advice

The law of defamation applies to any statement made in public. It is important, therefore, that you exercise extreme caution if you make personal comments about either applicants or objectors.

You should not enter into any dialogue with the Members of the Committee at the meeting.

Meetings of the Development Control Committee are normally held at am/pm in the Committee Chamber, Council Offices. General enquiries in respect of meetings should be made to the Council's Member Services Support Team, tel, email: If you want to know when, or if, a particular planning application is due to be considered by the Committee, please contact.

Q17. Do you have any additional comments not covered in the questions above?

At BCBC, we carry out site visits on major or contentious applications the day before the Development Control Committee with the agreement of the Chair of DC Committee. This tends to avoid any requests for applications to be deferred for a site visit.

Some LPAs allow speakers who cannot attend a subsequent meeting the opportunity to address members at the initial meeting if Members have voted to defer an application.

Most LPAs webcast their meetings now and speakers should be notified that they will be part of the live webcast before finally deciding to proceed or not.

The current public speaking protocol dictates that applicants can only address the committee where there is an objector who also wishes to speak. There is some merit in allowing developers to address the committee regardless of whether there is an objector or not.

Appendix 2

PLANNING CODE OF PRACTICE
HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER
PLANNING ISSUES

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1. INTRODUCTION

The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be highly contentious because its decisions affect the daily lives of individuals, landowners and developers. This is heightened by the openness of the system and the legal nature of Development Plans and decision notices. In considering planning applications and reaching planning decisions the requirements of the individual, whether the applicant or a neighbour, have to be balanced against the broader public interest.

It is important that the process is open and transparent. In other words the planning process should not only be fair but it should be seen to be fair. Reports on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in Assembly guidance for Councillors and Officers in dealing with planning matters. Members are advised to read all the guidance material provided by the Council (BCBC Website) including the guidance through the 'Planning Portal' available using the internet all of which provides useful background to the Code of Practice.

This Code of Practice provides guidance to elected Members, Officers, applicants and developers on the planning process. It is supplementary to the Bridgend Member and Officer Codes of Conduct which are contained in the Council Constitution.

Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the Development Plan, Supplementary Planning Guidance, Design Guides and associated documentation.

2. ROLE OF MEMBERS AND OFFICERS

2.1 General

2.1.1 Differing Roles

Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not individual Councillors, and Member's instructions may only be given to Officers through a decision of the Council, its Executive or a Council Committee.

2.1.2 Relationship and Trust

It is important that a good relationship exists between Councillors and Officers and that this is based on mutual trust and understanding of each others positions. This relationship and trust must never be abused or compromised.

2.2 Role of Officers

The Officer's function is to advise and assist Councillors in the formulation of planning policies in the determination of planning applications. Officers should:-

- Provide impartial and professional advice.
- Make sure that all the information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation.
- Carry out the decisions made by Councillors in Committee or through the delegated authority of the Corporate Director Communities.
- Update Members on new legislation and guidance.

2.3 Role of Councillors

2.3.1 Upholding Policy

The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan. As a general principle there is an expectation that Councillors will uphold the Council's planning policies.

2.3.2 Planning consideration

It falls to the Development Control Committee to determine planning and related applications within the context of these planning policies. When Councillors come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Ward Views

Where a planning application relates to an elected member's ward the views of the local Member are important to the Officers and to the Chair and Members of the Development Control Committee. Local Members can be approached by applicants and by objectors and should consider whether their interests have been prejudiced and should disclose this to the Planning Case Officer and Principal Legal Officer at the Development Control Committee. Members should not become too closely identified with special interest groups if they wish to vote in the Development Control Committee. Whilst Members have a responsibility to their constituents including those who did not vote for them their overriding duty is to the whole County.

2.4 Member / Officer Contact

2.4.1 Understanding roles

The Officer/Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.

2.4.2 Contact & Appointments

In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Members should not seek advice or information from other Officers. This is in the interests of efficiency and to avoid duplication of effort and confusion in what is a very busy service which has to operate within very tight timescales.

2.4.3 Assistance from Officers

Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between Officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the Officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Customer Care Centre staff. Members rooms can be utilised and suitable rooms, preferably with access to a computer, can be made available by mutual agreement if privacy is required.

2.4.4 Non interference

It is acknowledged that Members and Officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on Officers to make a particular recommendation.

3. TRAINING

3.1 Undertaking training

Members of the Development Control Committee shall undertake appropriate training and this training will also be offered to all Members. A Member speaking or voting at Development Control Committee should have received training in planning policies and procedures.

3.2 Core training

Core Training will consist of sessions covering planning procedures, the Development Plans, Supplementary Planning Guidance, Design Guides and material planning considerations, probity and the application of this Code of Practice.

3.3 Other training

There will be other training arranged by Officers in consultation with Members in the form of additional sessions, seminars and workshops on topical issues and to keep Members up to date on new procedures, advice and guidance.

3.4 Attendance & Monitoring

Members of the Development Control Committee should attend a minimum of 75% of the training arranged over a period of 2 years. Attendance records will be monitored and reported to the Council; any Member who fails to attend the stated minimum training sessions may be removed or suspended from the Committee.

4. REGISTRATION AND DECLARATION OF INTERESTS

4.1 Code of Conduct

Councillors should follow scrupulously the Council's Constitution and the **Councillors' Code of Conduct** in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Councillor should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a Member considers he/she may have a personal interest they should consult the Monitoring Officer or a Senior Officer of the Legal & Regulatory Services Officer's Department for advice on their position.

4.2 Relationship with Third Parties

If a Member of the Development Control Committee has had such a significant personal involvement with an applicant, agent, landowner or other interested party whether or not in connection with the particular matter under consideration by the Committee, which could possibly lead to the reasonable suspicion by a member of the public that there may be any possibility that the involvement could affect the Councillor's judgement in any way, then the Councillor should consider carefully whether the involvement amounts to a personal interest, which would debar him / her from participation in the decision-making process.

4.3 Personal Interests

4.3.1 Disclosure

The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Councillor's dealings with Council Officers, or with other Councillors. Where a Councillor has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Councillor is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Councillor, but the Monitoring Officer is there to advise. If there is any doubt in a Councillor's mind, he/she should seek early advice from the Monitoring Officer or other senior Officer of the Legal & Regulatory Services on their position. Councillors should err on the side of declaring an interest when they are not sure.

4.3.2 Interests

Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the Development Control Committee.

4.3.3 Action when interest declared

Where a Member has decided he/she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his/her ward such a Member may arrange for another Member to act as local Member instead. In such a situation the local Member should inform the Monitoring Officer and the case Officer of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

4.4 Declaration

4.4.1 When declaring an interest at Committee, this should be done at the beginning of the meeting. Councillors should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

4.5 Register

4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Councillor has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

4.6 Dual Community/Town Council Membership

4.6.1 Interest

Membership of a Town/Community Council which has expressed a view on a planning matter does not in itself mean that the Councillor cannot take part in the determination of the matter when it comes before the Development Control Committee provided that the Councillor has kept an open mind and not committed himself/herself to a final view on the matter until all the arguments for and against have been aired at Committee. If the Councillor has been a party to the decision making process of a planning application at a Town/Community Council meeting then they should declare an interest at the Development Control Committee and not take part in the decision making process. Members should always declare a personal interest where they are a member of a Town/Community Council even if they did not take part in the decision making process at that Council.

4.6.2 Town & Community Applications

Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application.

5. LOBBYING

5.1 Lobbying

Is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Councillors before a planning application is determined. This can help Councillors' understanding of the issues and concerns associated with an application. The Councillor should take care not to make any comments in such discussions that might lead anyone to think that they had taken a firm view on the application.

5.2 Decision on Merits

However, Councillors are under an obligation to determine matters on their merits. That means that they should not take a firm view on a planning matter before receiving and reading any Officer's report or receiving any new information reported to the Committee. Whilst Members of the Committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the

Development Control Committee meeting. To avoid compromising their position before they have received all the relevant information, Councillors are advised that they should:-

- Refer applicants / developers who approach them for planning or procedural advice to the case Officer.
- Avoid making it known in advance whether they support or oppose the proposal.
- Avoid campaigning actively in support of a particular outcome.
- Not put pressure on Officers to make a particular recommendation in their report.
- Direct lobbyists or objectors to the case Officer, who will include reference to their opinions where relevant in their report.
- Make it quite clear that they will not make any final decision on the proposal until they have received full information at the Development Control Committee.

5.3 Contact

Members should declare significant contact with applicants and objectors. Significant contact is where a Member has been contacted (either orally or in writing) and believe his/her interests have been prejudiced. Members should always remember that the test as to whether their interests have been prejudiced is not just what they consider to be the case but what a reasonable bystander who is aware of all the facts of the contact would consider to be the case.

5.4 Ward Councillors

Members must advise the Ward Councillor as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

5.5 Monitoring Officer

Councillors should in general, avoid organising support for or against a planning application. Where a Councillor does organise support for or against a planning application then that Councillor should not vote at Development Control Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer or other Senior Officer of the Legal and Regulatory Service Officers Department.

5.6 Predetermination

If a Councillor expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If a Councillor does express an opinion, then they should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.

5.7 Members function

Provided that Councillors comply with 5.2, 5.3, 5.4, 5.5 and 5.6 above they are able to:-

- Listen and receive viewpoints from residents, constituents or other interested parties.
- Make comments to residents, constituents, interested parties, other Councillors or Officers.
- Seek information through the appropriate channels.
- Bring to the Committee's attention views / opinions of residents, constituents or other interested parties.
- Participate in the decision making process.

5.8 Disclosure

If however a Councillor has not complied with 5.2, 5.3, 5.4, 5.5 and 5.6 above and has made it clear that he or she has predetermined the matter they should not speak or vote on the matter.

6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

6.1 Not to be delegated

Planning applications submitted by or on behalf of Members, or Officers employed in the Development Department, or Officers involved in the planning process or the close relatives* of Members or such Officers where the Officer or Member knows of the application shall be decided by the Development Control Committee and not by the Corporate Director Communities under delegated powers if a material planning objection to their application is received.
[* Close relative is defined as spouse, partner, parent, child or sibling].

6.2 Declaration of Interest

A Member affected by clause 6.1 shall declare the interest at any meeting of the Development Control Committee to determine the application, take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.

6.3 Officer affected

The affected Officer shall take no part in the processing of the application and its determination.

7. APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 Equal footing Council Applications

It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

7.2 Council applications - Consultation

All such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations.

7.3 Transparency

In order to ensure transparency and openness in dealing with such applications Council proposals (save for discharge of conditions) will be determined by the Development Control Committee if a material planning objection is received and not by the Corporate Director Communities Officer under delegated powers.

8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS

8.1 Pre Meeting (Breaches of Planning Control)

Pre-application meetings between Officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at Officer level and Members shall, wherever possible, refer requests for such advice to the Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

- **It will be made clear** at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Development Control Committee or any member of the Committee.
- **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.
- **Where** exceptionally meetings are to involve Councillors the meetings will be arranged by and attended by Officers.

9. DEVELOPMENT CONTROL COMMITTEE SITE VISITS

9.1 Purpose

9.1.1 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.

9.2 Request for a Site Visit

9.2.1 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 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 cannot be undertaken for inappropriate reasons (see Paragraph 9.2.2)

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

9.2.2 Inappropriate Site Visit

Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at 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

9.3 Format and Conduct at the Site Visit

9.3.1 Attendance

Members of the Development Control Committee, the local Ward Member(s) 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.

9.3.2 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 and the local Ward Member(s) and one objector who has registered a request to speak at Committee 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.

9.3.3 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.

9.3.4 Record keeping

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

9.3.5 Site Visit Summary

In summary site visits are:-

- 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.

9.3.6

The frequency and reason for site inspections will be monitored and reports will be submitted periodically to Committee, in order that these guidelines can be kept under review.

10. PROCEDURE AT DEVELOPMENT CONTROL COMMITTEE

10.1 Delegation

The majority of planning applications are determined by the Corporate Director Communities Officer under the Council's Delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the Development Control Committee such requests should be justified by clearly identifying in writing why a Committee decision is required. This is generally done on the return notification form sent out to Members. The delegated arrangements shall be in accordance with the Council's scheme of Delegation of Functions.

10.2 Reports

Officers will produce written reports on all planning applications reported to Committee. In respect of each proposal the report will include, amongst other matters:-

- description of the proposal
- description of the site
- responses to consultations and officer observations thereon.
- summary of objections and / or support received
- relevant site history
- relevant Development Plan policies
- relevant planning guidance where appropriate
- any other material planning consideration

- an appraisal by the Case Officer which will include the relevant views of other consulted Officers within the Development Department
- a clear recommendation
- brief details of any conditions to be imposed or;
- full details of reasons for refusal.

10.3 Late observations

Late observations received by 4.00 p.m. the day before a Committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting. Members should not attempt to introduce documentation at the Committee meeting where the Planning Officer has not had an opportunity to consider the contents of the documentation. This is essential to ensure Members receive properly considered and correct advice.

10.4 Officer Report at Committee

The Planning Officer will at the Chairs request briefly introduce each item highlighting the key issues for Members consideration.

10.5 Deferment

Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.

10.6 Public Speaking will take place in accordance with the agreed Public Speaking arrangements.

11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

11.1 Reasons

From time to time members of the Development Control Committee will disagree with the professional advice given by the Corporate Director Communities. The Committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members are minded to make a decision contrary to the Officer's recommendation the application should be referred to the next meeting of the Committee to enable officers to advise Members further. Where a Member proposes a recommendation contrary to the Officer's recommendation then the proposer should set out clearly the material planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken. In cases where the Development Control Committee decides for good and valid reasons to depart from the Corporate Director Communities recommendation, the Committee must always define the reasons for rejecting the Officer's recommendation and those reasons must be recorded in the minutes of the meeting.

11.2 Amending Conditions

In the case of conditions which the Committee wishes to add or amend, the drafting is delegated to the Corporate Director Communities and, if appropriate, in consultation with the Chair of Committee.

11.3 Refusal Reasons

In cases of refusal the reasons shall be clearly stated and agreed by Members.

12. APPEALS AGAINST COUNCIL DECISIONS

12.1 Officers Role

Where an appeal arises against a decision, Officers will usually present the case on behalf of the Council. In giving evidence Officers will present the best possible case on the Council's behalf having regard to, and complying with, the Royal Town Planning Institute's Code of Professional Conduct.

12.2 Committee Members Role

In cases where the appeal is against a decision which the Development Control Committee has made contrary to the Officer's recommendation, the Planning Case Officer may be able to give evidence, but in some major cases, consultants may be employed if the Corporate Director Communities considers that Officers previously stated views may be unhelpful to presenting the Council's case.

12.3 Decisions contrary to Officers advice

In instances where the appeal is against a decision made contrary to Officer Recommendation the mover or seconder of the motion at Committee, or in exceptional cases another Member of Committee so nominated, can attend and give evidence at the public inquiry or local hearing. In appeals heard by way of written representation the Council's submission will include a written statement from such a Member referred to above.

12.4 Members support of an appellant

Where a member, who has expressed support for the applicant at the time of the decision, decides to make representations supporting the appellant, that member must ensure that those representations are qualified at the beginning of an appeal to confirm that those representations are not the view of the Local Planning Authority but are purely the view of that particular member.

12.5 RTPI Code of Conduct

Where the Corporate Director Communities clearly feels that Officers would be unable to defend such decisions on appeal (due to requirements of the Professional Code of Conduct of the Royal Town Planning Institute) then this shall be made known to the Committee. In such cases the Committee may nominate (at least) two of its Members who voted contrary to the recommendation to appear at any appeal and explain the Committee decisions and the reasons for them.

The Royal Town Planning Institute Code of Professional Conduct requires, inter alia, that Planning Officers who are Members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

13. PLANNING OBLIGATIONS

13.1 Merits

The Development Control Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been offered by the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

13.2 Contact to be avoided

Councillors should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. REGULAR REVIEW OF DECISIONS

14.1 Sampling Decisions

As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

14.2 Annual Review

Such a review will take place annually and briefing notes will be prepared for each case. The Development Control Committee will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

15. COMPLAINTS

Any issues or concern arising from this Code of Practice can be raised with the Chairperson of the Development Control Committee, the Monitoring Officer, or the Legal Officer present at Committee. (The Council also has a formal complaints system in operation, which can be used if necessary).

NOTES ON PROCEDURE FOR PUBLIC SPEAKING AT DEVELOPMENT CONTROL COMMITTEE MEETINGS

Introduction

The following notes are designed to help you to decide if you are eligible to speak at Committee and if so how to go about it, should you wish to do so (please note some 85% of all applications are dealt with under delegated powers and are not reported to Committee).

The Meetings

The Development Control Committee is normally held at the Civic Offices Angel Street, Bridgend, CF31 4WB every fourth Thursday. The applications that are to be discussed at Committee are set out on a report which is available beforehand. You are advised to arrive no later than 20 minutes before the meeting which starts at 2pm. A clerk will advise on seating and answer any other queries. **Speakers should advise the Council in advance if they have any special needs.**

Are you eligible?

You should be one of the following:-

- A County Borough Councillor not on the Development Control Committee within whose ward the application is situated, or a Cabinet Member;
- An objector against the application or their representative who has submitted an objection in writing detailing your concerns (an 'anonymous' objector would not qualify);
- A representative of a Town or Community Council;
- The applicant or their agent/advisor (if an objector or a Town or Community Council or a County Borough Councillor not on Committee speaks against your proposal)

How do I go about it?

It is your responsibility to check whether the application is to be considered by Committee by contacting the Case Officer. You can ring the Department to ascertain the date of the Committee meeting at which the application is due to be considered, please telephone (01656) 643155 or check 'milestones' on the application search of the planning page of the Council website or I will endeavour to notify you when the application you are interested in is to be reported to Committee. Whilst notification letters are sent out 6 days before committee, I am unable to guarantee the postal service. Please note that you will only have a short period in which to decide if you want to speak.

When can I see the Officer's report?

The report is available for public inspection from the Monday before the meeting at the Civic Offices, Angel Street, Bridgend or on the planning web page accessible via www.bridgend.gov.uk

How can I register my desire to speak?

If you wish to speak you should write to the Development Department as soon as possible and no later than **four clear working days** before the date of the Committee meeting including details of a day time telephone number. You also must confirm between 8.30am and 10.00am on the day of Committee that you still intend to speak or no longer wish to speak by phoning the Cabinet and Committee Officer on (01656) 643148.

How is the speaking organised?

Where more than one objector registers to speak, they will be encouraged to appoint a spokesperson, only one objector can speak per application. This could be a representative of the relevant Town or Community Council or County Borough Councillor not on Committee. Where no agreement can be reached by the objectors the Chairman will allot the time to the first person to register. The County Borough Councillor not on Committee speaks first and the objector speaks next.

How will the scheme work for Applicants/Agents?

Once it is known that an objector has registered to speak against an application the applicant or agent will be notified by the Development Department. If the applicant or agent wish to exercise the right of reply they must notify the cabinet and committee officer on tel (01656) 643148 between 10.00am - 10.30am the day of committee.

Time will be allowed for speaking immediately after the objector and Town/Community Council representative/ County Borough Councillor not on Committee or Cabinet Member has spoken. No guarantee will be given that an application will be determined at any particular Committee nor that an objector will actually speak, in which event the applicant or agent will not be able to speak.

How the scheme will work for Town and Community Councils?

Town and Community Councils will continue to be notified as at present of the receipt of all planning applications in their area. If the Town/Community Council resolve to object to any application and notify the Development Department as above, they will be entitled to address the Development Control Committee.

How long can I speak?

Objector, Applicant, Agent or County Borough Councillor not on Committee or Cabinet Member -**Up to three minutes maximum**. This limit will be strictly observed.

Extraordinary Applications

In the case of extraordinary applications Committee will consider whether public speaking rights need to be extended. If Committee agree objectors and applicants will each have up to a maximum of 10 minutes to address Committee. This time can be shared amongst different objectors or representatives on behalf of the applicant. County Borough Councillors not on Committee and the representatives of a Town/Community Council will continue to have 3 minutes to address Committee.

What can be said at Committee?

- Comments should be limited to relevant Planning issues already raised in the written representations or application. These may include:-
 - Planning policies, including those in the Development Plan;
 - Appearance and character of development, layout and density;
 - Traffic generation, highway safety and parking;
 - Overshadowing, overlooking, noise disturbance or other loss of amenity.
- Matters that cannot be considered by Committee include:-
 - Boundary disputes, covenants and other property rights;
 - Personal remarks (eg. The applicant's motives);
 - Rights to a view or potential devaluation of property.

The presentation of plans, drawings or other visual aids, the taking of photographs or the use of voice recording equipment will not be permitted. Speakers may not ask questions of others at the meeting, nor will others be allowed to ask questions of them unless the Chairman wishes to seek clarification.

Speakers can ask for plans/documents submitted with the application and for O.S. plans to be displayed but facilitating such requests will use up part of their speaking time.

Who else can speak?

Officers of the Council - to present report recommendation and provide advice.

Members of the Committee - to consider and reach decision.

When is the decision made?

Usually immediately after the discussion by a majority vote of the Committee Members. Sometimes a decision will be deferred for further information, revised plans or a Members' site visit. Deferred cases are normally brought back to the following meeting and if you wish to speak again, or someone else wishes to speak, then you will need to follow the above procedure. Please be aware that the Members have to balance different factors and come to an objective decision based on planning considerations. If they refuse an application contrary to the Officer's recommendation, they will need to be able to support that decision on appeal.

Can I appeal against the decision?

Only if you are the applicant.

What happens after the Committee?

The Committee's decision and the reasons for it will be confirmed to applicants and objectors in writing. Normally applicants (or their agents) will be notified of the decision within three working days, and objectors shortly afterwards.

What happens once a decision is made?

Persons who have written to the Council will be notified of the outcome in writing. If the applicant was not determined the way you would have wished, try to understand how it was looked at by the Council. The Development Control service is committed to best practice and encourages feedback from customers.

Louise Fradd
Corporate Director - Communities

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

31st March 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

New Development Management Procedures introduced by the Welsh Government

1. Purpose of Report

- 1.1 To update Development Control Committee Members on the Welsh Government's new Development Management Procedures that came in to force on 25th February, 1st March and 16th March, 2016. The report is for noting.
- 1.2 A member workshop session on the new procedures (and the WLGA's Draft Planning Committee Protocol plus our draft response to that consultation) will take place before the Planning Committee meeting on 31st March, 2016.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The changes to the development management system apply to all Welsh Local Planning Authorities as part of implementing the Welsh Government's wider positive planning programme. The delivery of the County Borough's statutory planning function has links to the Council's Corporate aims in particular 1. Supporting a successful economy.

3. Background

- 3.1 A letter issued by the Welsh Government (WG) on 1st February, 2016 advised Local Planning Authorities of the impending changes to the development management system in Wales (see Appendix 1). WG subsequently hosted workshops with both the public and private sectors during February, 2016. Council officers notified local planning agents/architects of the impending changes on 29th February, 2016.
- 3.2 The changes will cover the following areas of Planning:
 - Development Management Procedures
 - Permitted Development and Use Classes – Houses in Multiple Occupation
 - Enforcement
 - Environmental Impact Assessment Regulations
- 3.3 The following subordinate legislation came into force on 16th March 2016.
 - The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 ("the Order")
 - The Town and Country Planning (Validation Appeal) (Written Representations Procedure) (Wales) Regulations 2016
 - The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016

- 3.4 These bring into effect and provide the detail for various provisions set out in the Planning (Wales) Act 2015.
- 3.5 Some of the provisions being commenced contain transitional arrangements. These are set out in the Planning (Wales) Act 2015 (Commencement No.3 and Transitional Provisions) Order 2016. In addition a number of amendments have also been made to development management procedures set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) using existing powers in the Town and Country Planning Act 1990.

4. Current Situation

4.1 The main changes to Development Management Procedures are as follows:

- It is proposed to implement a mandatory **pre-application consultation** process for major developments;
- The changes require that all local planning authorities in Wales must provide a **statutory pre-application advice service**;
- **Design and Access Statements** will only be required for the major developments or applications for some developments in Conservation Area's/World Heritage Sites;
- Applicants can **appeal against the invalidation of an application** within 2 weeks of the notice letter;
- Where a LPA receive an application for the approval of conditions or reserved matters they will have the **discretion to decide whether to consult statutory consultees for their views**;
- **Statutory Consultees must provide a substantive response** to a consultation within 21 days unless a longer period is agreed with the LPA;
- Any **post submission amendments** to a scheme for a major development will be the subject of an extra fee (£190) and the period to determine that application will be extended by a statutory additional 4 week period;
- **Decision notices** will be updated, issued to the applicant and published on the register every time a condition is discharged, or a reserved matter is approved or a condition is varied or removed;
- Applicants/developers for major developments are **required to notify the LPA of the proposed date for the commencement of development and display a site notice and a plan** of the site area confirming the planning permission;
- The introduction of a new use class C4 for the use of a dwellinghouse as a small **House in Multiple Occupation** where it is occupied by 3 to 6 unrelated people who share one or more basic amenities. The provision enables use class C4 to revert to use class C3 without requiring planning permission;
- LPAs will be able to **decline to determine an application for planning permission** if an enforcement notice has been issued;
- An **Enforcement Warning Notice** can be served by LPAs to ensure the submission of a retrospective application where the unauthorised development could be made acceptable by the imposition of a condition(s);
- **Landowners will not be able to appeal against an Enforcement Notice on Ground A** (i.e. that planning permission should be granted) if planning permission has already been refused and the decision has been upheld at appeal;

- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 **raise and amend the thresholds at which certain types of developments will need to be screened to determine whether EIA is required;**
- Any applicable **screening threshold now applies to the development as a whole** and not just to the change or extension; and,
- Requirement for the LPA to **provide a screening opinion**, indicating that an assessment is required (a 'positive screening opinion') or is not required ('a negative screening opinion'). The 1999 EIA regulations did not require the provision of a negative screening opinion.

4.1 A summary of the main changes and their implementation dates is attached at Appendix 2.

5. Next Steps

5.1 WG has released a document highlighting frequently asked questions about the new development management procedures (see Appendix 3) and they intend to publish additional information in a 'Development Management Manual'.

6. Effect upon Policy Framework & Procedure Rules

6.1 The new Development Management Procedures are part of the statutory planning framework and will be implemented by all LPAs in Wales.

7. Equality Impact Assessment.

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

8. Financial Implications

8.1 None.

9. Recommendations

9.1 That Members of the Development Control Committee:

- (1) Note the content of this report on the new Development Management procedures as implemented by the Welsh Government.

Mark Shephard
Corporate Director Communities
31st March 2016

Contact Officer

Mr. Rhodri Davies

Development and Building Control Manager

Telephone Number: 01656 643152, e-mail: rhodri.davies@bridgend.gov.uk

Background documents

Appendix 1: Dear Chief Planning Officer letter from the Chief Planner, WG dated 1st February 2016

Appendix 2: Summary of the main changes that will affect LPAs

Appendix 3: Frequently Asked Questions about the new Development Management Procedures

**Adran Cyfoeth Naturiol
Department for Natural Resources**



**Llywodraeth Cymru
Welsh Government**

Ein cyf/Our ref: MA/L/CS/0222/15
To: Chief Planning Officers
cc. Statutory Consultees

1 February 2016

Dear Colleague

This letter provides information on a number of changes to the development management system on March 16th. The changes will cover the following areas of Planning:

- Development Management Procedures
- Permitted Development and Use Classes – Houses in Multiple Occupation
- Enforcement
- Environmental Impact Assessment Regulations

Development Management Procedures

The following [subordinate legislation](#) has been laid before the National Assembly for Wales today, and will come into force on the 16 March 2016.

- The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (“the Order”)
- The Town and Country Planning (Validation Appeal) (Written Representations Procedure) (Wales) Regulations 2016
- The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016

These bring into effect and provide the detail for various provisions set out in the Planning (Wales) Act 2015 (“the 2015 Act”). In addition a number of amendments have also been made to development management procedures set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) using existing powers in the Town and Country Planning Act 1990 (“the 1990 Act”), as part of implementing the Welsh Government’s wider positive planning programme.

An explanation of the main changes to the development management process is provided below. It is our intention to publish additional information in a

'Development Management Manual' in March to coincide with the coming into force of the above legislation.

Pre-Application Consultation

Detailed guidance on the requirement for pre-application consultation under Section 17 of the Planning Wales Act 2015 is contained in **Annex 1** to this letter.

It is important to note that whilst the provisions contained within the DMPWO for pre-application consultation in respect of applications for major development will come into force in March 2016 the requirement for applicants to submit the pre-application consultation report (PAC) will not be a validation requirement for applications made before 01 August 2016.

This transition period will allow prospective applicants who will be submitting after the 01 August to undertake pre-application consultation, and will place a duty on statutory consultees to provide substantive responses within 28 days to these requests. However, it will not prejudice applicants who are due to imminently submit a planning application, and would find that it would not be valid because the statutory requirements of the pre-application process have not been undertaken.

REFERENCE

Article 4 of the Order introduces a new Part 1A into the DMPWO in relation to pre-application consultation. Part 1A sets out the requirement to carry out pre-application consultation, how such consultation must be publicised, who must be consulted, a duty for specialist [statutory] consultees to respond to such a consultation, and the form and content of pre-application consultation reports.

Local Planning Authority Pre-application Services

The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016 require all local planning authorities (LPAs) in Wales to provide a statutory pre-application service.

Applicants must submit a completed pre-application advice enquiry form containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:

- Name, address and contact details
- Description of the proposal (including an indication of increase in floor space, and/or number of new units proposed)
- Site Address
- Location Plan

- Fee

The fees that can be charged for statutory pre-application services are the same across Wales, although vary depending upon the size and scale of the proposed development:

Householder - £25

Minor development - £250

Major development - £600

Large major development - £1000

The regulations require LPAs to provide a written response to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.

As a minimum, applicants for householder developments should expect to receive the following information within their written response:

- The relevant planning history of the site
- The relevant development plan policies against which the development proposal will be assessed
- Relevant supplementary planning guidance (i.e. design, conservation etc.)
- Any other material planning considerations
- An initial assessment of the proposed development, based on the information above

For all other development proposals, applicants should receive all the information outlined above, as well as whether any Section 106 or Community Infrastructure Levy contributions are likely to be sought and an indication of the scope and amount of these contributions.

Without payment of the appropriate fee, the LPA will be under no obligation to accept a pre-application enquiry form.

If, in the opinion of the LPA, a pre-application enquiry form is submitted without the correct fee, the LPA should explain to the applicant as soon as possible in writing that the pre-application service cannot begin until the correct fee is received and identify what payment is due.

If a fee is paid to the LPA but the pre-application enquiry is subsequently rejected as being invalid for any reason except for payment of an incorrect fee, the fee must be refunded.

A model template of a pre-application enquiry form is provided as **Annex 2** to this letter.

We intend to collect information on the number of enquiries received and the time authorities take to respond via the Development Management Quarterly Survey from end of March 2016.

REFERENCE

Section 18 of the 2015 Act inserts section 61Z1 (Wales: pre-application services) and section 61Z2 (Pre-application services: records and statements of services) into the 1990 Act. The Town and Country Planning (Pre-Application Services) (Wales)

Regulations 2016 make provision for:

- the provision of statutory pre-application services by LPAs in Wales;
- the retention of records of the pre-application services requested and provided; and
- publication on the LPA website of information on the type of pre-application services provided and details of the fees payable for the different types of development.

Design and Access Statements

The requirement for a Design and Access Statement (DAS) will change on the 16 March 2016. The requirement to submit a DAS with a planning application will only apply to the following:

- All planning applications for “major”¹ development except those for mining operations; waste developments; relaxation of conditions (section ‘73’ applications) and applications of a material change in use of land or buildings
- All planning applications for development in a conservation area² or World Heritage Site³ which consist of the provision of one or more dwellings or the creation of floorspace of 100 sq. m. (gross) or more.

For those planning applications that do not require a DAS, LPAs have the ability to request further information about the design during the pre-application and determination processes if it will assist them in making a decision on the application in light of development plan design policies. However, any information required must now be both material to the determination of the application, and reasonable relative to the nature and scale of the proposed development⁴.

Content of a Design and Access Statement

The DMPWO has been amended so that a DAS must:

- explain the design principles and concepts that have been applied to the development.

- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.
- explain the policy or approach adopted as to access and how policies relating to access in the development plan have been taken into account
- explain how specific issues which might affect access to the development have been addressed.

The scope of a DAS should be agreed wherever possible at the pre-application stage of development to ensure all relevant issues are covered.

REFERENCE

Article 9 of the Order will substitute Article 7 of the DMPWO with a new version. This sets out that Design and Access Statements will be required for major development, or in a designated area (i.e. conservation area or World Heritage Site) for one or more dwelling or a building with a floor space greater than 100 square metres. This will only apply to planning applications made on or after the 16 March 2016.

¹“Major” development is defined in article 2 of the DMPWO.

²“Conservation Area” is defined in section 91 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) as an area designated under section 69 of that Act.

³“World Heritage Site” is defined as property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage.

⁴Section 62(4A) of the 1990 Act now applies in Wales in respect of applications for planning permission made on or since 16 March 2016.

Invalid Applications: Notice and Appeal

Notice - Local Planning Authorities

New provisions that allow for an appeal against the decision of a LPA that an application is invalid come into force on 16th March. This provision applies to

both applications for planning permission and for any consent, agreement, or approval required by any condition or limitation subject to which planning permission has been granted.

If the LPA considers that an application for planning permission (or anything accompanying it) does not comply with a validation requirement (see Section 62 of the 1990 Act) they must give a notice to the applicant informing them that the application is invalid.

This notice must identify the particular requirements in question (in relation to Section 62 of the 1990 Act) and explain why the application does not comply with the validation requirements.

In the case of an application for a consent, agreement, or approval (required by any condition or limitation subject to which planning permission has been granted) the LPA must give notice that an application is not valid if they consider that the application does not comply with the terms of the planning permission, because the applicant has failed to include information in the application or to provide documents or other materials with it. The notice in this case must identify what information, documents or materials are required to be submitted.

A notice that an application is not valid must inform the applicant that they have a right to appeal to the Welsh Ministers via the Planning Inspectorate within two weeks of the date of the notice, and include the relevant contact details for the applicant to make an appeal if they so choose

A template model notice is attached as **Annex 3** to this letter to assist LPAs.

Making an Appeal – Appellants

Following the receipt of a notice that an application is invalid an applicant has a period of two weeks from the date of the notice to submit an appeal against the invalidation of their application to the Welsh Ministers.

The appeal must be made by submitting a form published by the Welsh Ministers (this will be available via the Welsh Government website before the 16 March 2016) and submit alongside it the following information:

- A copy of the notice served by the LPA
- A copy of the application made to the LPA
- A copy of the forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence which were submitted to the LPA in connection with the application
- A copy of the notice of the decision to grant planning permission (*note this is only relevant where the appeal relates to an application for a consent, agreement, or approval required by any condition or limitation subject to which planning permission has been granted*)

The appellant must also send to the LPA, as soon as reasonably practicable, a copy of the form (and documents) served on the Welsh Ministers so that the

authority is aware that an appeal has been made, and what information has been lodged in challenge to the notice The LPA therefore knows to take no further action on the application until the outcome of the appeal is known.

Whilst appeals can be lodged in hardcopy and by post, appellants are encouraged to submit all information electronically to make the process as efficient as possible.

When the Planning Inspectorate receive an appeal (on behalf of the Welsh Ministers) they will write to both the appellant and the LPA to inform them of the appeal reference number. The Welsh Ministers have set a target of 21 days for the Planning Inspectorate to consider and determine appeals against the invalidation of applications.

If the appeal is upheld then the information that is being sought by the LPA does not need to be submitted in order for the application to be found valid. If the appeal is dismissed the applicant must decide whether to submit the information or withdraw the application. The applicant is encouraged to contact the local planning authority to inform them of their intention, and the likely timescale.

Where an appeal is dismissed, and the information required has not been submitted within a reasonable timescale, or the applicant has simply not informed the LPA of their intentions, then the authority should return the application and associated fee to the applicant.

REFERENCE

Article 13 of the Order makes various amendments to Articles 8, 22, and 23 of the DMPWO to define the meaning of a valid application, and to introduce the information that must be given to an applicant where a (non-validation) notice is made by the local planning authority under Section 62ZA of the 1990 Act.

Article 13 also inserts Article 24C into Part 5 of the DMPWO. Article 24C prescribes how an applicant can appeal to the Welsh Ministers against a notice that their application is invalid and prescribes the time limit of two weeks to do so from the date of the notice.

The Town and Country Planning (Validation Appeal) (Written Representations Procedure) (Wales) Regulations 2016 prescribe how appeals are to be dealt with once received by the Welsh Ministers (or a person appointed by the Welsh Ministers), and include that the appeal notice and documents that accompany it comprise the appellant's representation, and the non-validation notice issued by the local planning authority comprise their representation in relation to the appeal.

Consultation in Respect of Certain Applications

Local Planning Authorities discretion to consult

Where a LPA receive an application for the approval of conditions, or reserved matters from the 16 March 2016 they will have the discretion to decide whether to consult statutory consultees for their views.

Where a LPA choose to consult they will be required to provide the following information to a consultee in order for it to be a valid consultation, and trigger the 21 day timescale for response:

- A copy of the application form
- The reference number allocated by the LPA to the original application
- Any drawings in connection with the relevant application; and
- Any report issued to the LPA in connection with the relevant application

The statutory consultation period of 21 days will commence either on the day on which the views of the consultee are sought, or where there is more than one document the day upon which the last of those documents is received by the consultee if sent at different times.

It is not proposed to require consultation to take place by a particular method (e.g. hardcopy or electronic) and therefore how each LPA currently chooses to consult statutory consultees should not need to change. However, where a LPA writes or emails statutory consultees to inform them that these details can be found on the authorities website (rather than email the information as attachments or provide hardcopies) the 21 day period will only be taken to have commenced when the last of these documents is available to view on that website.

Duty of Statutory Consultees to respond

Upon receiving a consultation from the LPA, a statutory consultee must provide a substantive response to the consultation within a period of 21 days unless they agree in writing with the LPA an alternative time period.

For the purposes of a consultation on the approval of conditions or reserved matters a substantive response is one which:

- States that the consultee has no comment to make
- States that the consultee has no objection to the matters which are subject to the consultation and refers the person to standing advice
- Advises of any concerns identified in relation to the matters which are the subject of the consultation, and how those concerns can be addressed; or
- Advises that the consultee objects to the matters which are the subject of the consultation and sets out the reasons for the objection.

Each statutory consultee must provide to the Welsh Ministers not later than 01 July each year (commencing July 2017) a report setting out their compliance with providing a substantive response within the statutory timescale.

REFERENCE

Article 8 of the Order inserts Article 15C and 15D into the DMPWO. Article 15C specifies that for the purposes of consultation under Section 100A of the 1990 Act there is a 21 day period for a statutory consultee to respond to the LPA once the document(s) have been received. Article 15D sets out the information that a LPA must provide to a statutory consultee, including a copy of the application form relating to the relevant application, the reference number allocated to the original application, any drawings in connection with the relevant application, and, any report in connection with the relevant application.

List of Statutory Consultees

The Order has updated Schedule 4 of the DMPWO to redefine the thresholds for consultation with existing statutory consultees, and has introduced Water and Sewerage Undertakers as a statutory consultee on certain planning applications.

Section 73 Applications (to remove or vary a condition)

Article 10 of the Order inserts Article 15ZA into Article 15 of the DMPWO 2012, which introduces the provision that the LPA may (not must as the case now) consult a statutory consultee (falling within Schedule 4 of the DMPWO) where a Section 73 application has been made.

Post Submission Amendments

From the 16 March any applicant who has submitted a major planning application, who wishes to amend their proposal, will be required to pay a fee of £190 when they submit an amendment.

Upon receipt of all the documents accompanying the amendment and the fee the local planning authority will have a statutory additional 4 week period (if required) in which to consider the new information before making a determination.

REFERENCE

Article 11 of the Order amends Article 22 (time periods for decisions) of the DMPWO, and makes provision for an additional 4 weeks before an LPA must notify an applicant of a decision where an amendment is made to the application prior to its determination.

Regulation 5 of The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016 inserts regulation 16(A) [Fees for post submission amendments to major development applications] into the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 to require the payment of a fee of £190

Decision Notices

From the 16 March 2016 LPAs must ensure that new decision notices, issued on or after this date, specify the plans and documents (reference numbers) in accordance with which the approved development is to be carried out.

Where a planning application is approved on or after the 16 March 2016 the decision notice that grants the principle of the development (i.e. outline or full planning permission) is to be updated, and a revised version issued where any subsequent consents are given; such as details required by a condition (including reserved matters applications), or the removal or variation of a condition are approved.

As a minimum the revised version of the notice must include:

- the reference number that has been allocated to the subsequent application (for consent or approval of condition)
- the date on which the decision was made
- the effect of the decision (i.e. how the permission or condition has been changed)
- the name of the body that made the decision (in the event that such a consent or approval was made under an appeal)
- the revision number (so that it is clear that the notice has been amended)

There is nothing in the regulations precluding an LPA from including any additional informative on revised notices that they consider relevant to assist the applicant.

As a Section 73 application if granted results in a new planning permission a new decision notice must be issued rather than producing an amended

version of the original decision notice. Care is needed when subsequent applications are made in respect of the development, to understand against which permission (the original or that made through the section 73 application) that the applicant wishes to gain approval.

As each LPA has different software that produces decision notices we do not intend to impose a template setting out how this information should be set out. Therefore each Local Planning Authority should consider the most effective way for them to meet these mandatory requirements, aiming to make the revisions as easily understood by members of the public as possible.

For clarity the requirement to revise decision notices does not apply to any planning permission where a decision notice was issued prior to the 16 March 2016, therefore this will not apply retrospectively to existing planning permissions.

REFERENCE

Article 12 of the Order inserts Article 24A into the DMPWO which sets out that the person to be notified with a revised decision notice is the applicant, and that such a revised notice must include the reference number, date and effect of the decision, the name of the body that made the decision, and, the revision number.

Notification of Commencement of Development & Display of Notice

The requirement to notify the local planning authority of the commencement of development and to display a notice on site does not apply to planning permissions granted consent before the 16 March 2016.

Notification

When an developer who has the benefit of planning permission for major development wishes to commence their development, they must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the DMPWO (**Annex 4**). They must submit the completed form to the relevant LPA (or authorities if a site straddles more than one authority area).

The submission of an incomplete form does not necessarily preclude an applicant from commencing development at the date specified. However, section 71ZB(5) of the 1990 Act ensures that any planning permission is only deemed to be granted subject to the duty to provide notification before development commences. Therefore, an incomplete form would represent a breach of condition and the applicant could be subject to enforcement action by the LPA.

Whilst LPAs are not required to acknowledge the submission of the notification notice a basic confirmation of receipt is encouraged so that developers can proceed knowing that the LPA is aware of when they will be starting on site.

As the requirement to notify is a condition to the planning permission, it is expected that the LPA will place a copy of the notice on the relevant planning file to demonstrate compliance with Section 71ZB(5) of the 1990 Act.

The notification form also acts as a check sheet as the developer needs to identify and confirm that all pre-commencement conditions have been complied with. LPAs should use the opportunity of a notice being served to review compliance with conditions and pursue enforcement action where necessary.

Display of a Notice

As part of the requirements for notification of development, applicants are also required to display a notice which confirms the granting permission of development at, or near the development site, and provide a plan indicating the site area of the development.

The site notice to be used is provided in Schedule 5B (**Annex 5**) of the DMPWO. The site notice must be displayed at the location on the notification of development notice.

The site notice must be displayed at all times while the development is being carried out (this is considered to be while the development is under construction), at the specified location from the date the development commences.

REFERENCE

Article 12 of the Order inserts Article 24B into the DMPWO. This specifies that for major development the notice to be given to a LPA before beginning any development must be in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect). Article 24B also specifies that the notice to be displayed (as required by Section 71ZB of the 1990 Act) at all times when development is being carried out must be in the form set out in Schedule 5B (a newly inserted Schedule) (or in a form substantially to the like effect). The site notice must be firmly affixed and displayed in a prominent place, be legible and easily visible, and, be printed on durable material.

Local Development Order

The Order amends the DMPWO to remove the restriction that a Local Development Order could not be made for development falling within Schedule 2 of the Planning (Environmental Impact Assessment) (Wales) Regulations 2016. It is envisaged that this will be most relevant to urban development projects.

Permitted Development and Use Classes Order

Houses in Multiple Occupation

[The Town and Country Planning \(Use Classes\) \(Amendment\) \(Wales\) Order 2016](#) has been made and comes into force on 25 February 2016. The related [Town and Country Planning \(General Permitted Development\) \(Amendment\) \(Wales\) Order 2016](#) (“the GPDO Amendment Order 2016”) has been laid before the National Assembly for Wales and will also come into force on 25 February 2016.

The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 amends the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
 - include a definition of “single household” which applies to use class C3(a) only;
 - remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

New use class C4, subject to an exception, covers use of a dwellinghouse as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. In broad terms, this use occurs where tenanted living accommodation is occupied by 3 to 6 people, who are not related and who share one or more basic amenities, as their only or main residence.

The GPDO Amendment Order 2016 amends Part 3 (changes of use) in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 to give permitted development rights to changes of use from buildings used as a small scale houses in multiple occupation (new use class C4) to use as dwellinghouses (use class C3). The provision enables use class C4 to revert to use class C3 without requiring planning permission.

Enforcement

Article 5 of The Planning (Wales) Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2016 brings the following sections of the 2015 Act in relation to planning enforcement into force on the 16 March 2016:

Section 32 - Power to decline to determine an retrospective application

LPAs can decline to determine an application for planning permission where an enforcement notice has been issued before the application is submitted (planning applications submitted on or after the 16 March). This has the effect of giving the LPA the discretion whether to consider the same issue twice, first in their decision to issue an enforcement notice and second through the consideration of a retrospective planning application.

Section 43 - Enforcement Warning Notices

An Enforcement Warning Notice (EWN) is intended for use where a LPA considers that an unauthorised development could potentially be made acceptable with control through the imposition of conditions if a planning application were made.

The serving of an EWN constitutes the taking of enforcement action under Section 171A of the 1990 Act, therefore further enforcement action can be taken in respect of the breach within four years of the initial notice being issued.

There is no right of appeal against an EWN, however if a retrospective application is submitted as a result of the EWN, an applicant does have the right to appeal either the refusal of planning permission, or the service of an enforcement notice, as with any other retrospective planning application.

Use of an EWN can effectively ensure that an acceptable form of development is achieved without the LPA having to over enforce, making for a swift conclusion to breaches of planning control compared to an enforcement notice, which can be subject to an appeal by the recipient of the notice.

A model EWN is provided as **Annex 6** to this letter.

Section 44 - Appeal against enforcement notice: deemed application for planning permission

Section 44 of the 2015 Act amends the process where an appeal is made under Section 174 of the 1990 Act. The appellant must now identify that they wish to make an appeal under ground (a) and pay a fee for the Planning Inspectorate to consider if planning permission should be granted. If they comply with these steps they will be deemed to have made a planning application.

This would not apply in cases where, before 16 March, an enforcement notice is issued under section 172 of the 1990 Act and not withdrawn under section 173A of that Act.

Section 45 - Restrictions on right to appeal against planning decisions

An appeal cannot be brought if planning permission was not granted under Section 174 of the 1990 Act against an enforcement notice if it would involve the granting of planning permission of matters stated in that notice. This restriction also applies where an enforcement notice is served in respect of a condition that ought to be discharged and it is not discharged under Section 177 at appeal.

Working alongside section 32 of the 2015 Act regarding retrospective applications, this restriction ensures that an enforcement appeal made under ground (a) provides the only route for the landowner/occupier to secure planning permission once an enforcement notice has been served.

This would not apply to an appeal made under section 78 of the 1990 Act before 16 March 2015.

Section 46 - Restrictions on right to appeal against enforcement notice

Section 46 of 2015 Act places a restriction on the right to appeal against an enforcement notice. Where an enforcement notice is issued after a decision to refuse planning permission has been upheld at an appeal for a related development, section 46 prevents an appeal being brought on the ground that planning permission should be granted for the breach identified by the enforcement notice, i.e. section 174(2)(a) of the 1990 Act. Furthermore, an appeal cannot be brought under section 174(2)(a) that a condition should be discharged if the enforcement notice was issued after a decision to grant planning permission subject the condition or limitation was upheld under section 78.

This would not apply in cases where, before 16 March 2015, an enforcement notice is issued under section 172 of the 1990 Act and not withdrawn under section 173A of that Act.

Environmental Impact Assessment Regulations

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (“the 2016 EIA Regulations”) have been laid before the National Assembly. These Regulations consolidate, update and replace the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as amended, (“the 1999 EIA Regulations”). These Regulations transpose, amongst other things, the European Directive 2011/92/EU, on the

assessment of the effects of certain public and private projects on the environment into the Welsh planning system.

The 2016 EIA Regulations contain two different commencement dates. All regulations except those relating to LDOs are scheduled to come into force on 01 March. Regulation 38, Schedule 5 and Schedule 9 paragraph 8(3) (which relate to Local Development Orders) will come into force on 16 March. This coincides with the amendments to the DMPWO made by the Order.

Screening thresholds

The regulations change the threshold where a screening should be undertaken on projects that fall within industrial estate development and the urban development project categories. Where projects fall within a sensitive area¹ all projects will continue to require screening.

The category for urban development projects now contains three criteria, where, if any of the criteria are exceeded by the project, the development should be screened for significant impacts on the environment.

In determining whether EIA is necessary for an individual project, the selection criteria set out in Schedule 3 to the 2016 EIA Regulations which are relevant to the proposed development, must be taken into account. LPAs should also be mindful of the amendment to the provision of negative screening decisions detailed below.

REFERENCE

The 2016 EIA Regulations raise and amend the thresholds in Schedule 2 at which certain types of development project will need to be screened in order to determine whether EIA is required under the Directive.

The threshold for industrial estate development projects is raised from areas exceeding 0.5 hectares to areas exceeding 5 hectares (in paragraph 10(a) of the table in paragraph 2 of Schedule 2).

In the case of urban development projects, the existing threshold of 0.5 hectares is raised and amended such that a project needs to be screened if—

- the development includes more than 1 hectare of development which is not dwellinghouse development; or
- the development includes more than 150 dwellinghouses; or
- the area of the development exceeds 5 hectares (see paragraph 10(b) of the table in paragraph 2 of Schedule 2).

A definition of “dwellinghouse” is inserted in regulation 2(1) for clarification in this context

¹Sensitive area is defined as any of the following—

(a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981;

- (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;
- (c) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;
- (d) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;
- (e) an area of outstanding natural beauty designated as such by an order made under section 82(2) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000;
- (f) a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010;

Changes or extensions to existing projects

Changes or extensions to Schedule 1 or Schedule 2 development which may have significant adverse effects on the environment fall within the scope of the Directive. The 2016 EIA Regulations implement a judgment¹ from the High Court of Justice that any applicable screening threshold apply to the development as a whole once modified, and not just to the change or extension as provided in the 1999 EIA Regulations.

Where the change or extension itself would fall within one of the descriptions in Schedule 1, it constitutes a Schedule 1 development and EIA is always required. Otherwise, where the project as a whole exceeds the criteria set in Schedule 1 or 2, and if the project as changed or extended may have significant adverse effects on the environment, it is considered to be Schedule 2 development. A screening opinion is then required on whether the development is likely to have significant effects on the environment.

When the LPA undertake this screening exercise, they must consider the effect of the development as changed or extended. When considering the effect of this development it should be undertaken in the context that development consent already exists for the development as originally granted.

REFERENCE

Paragraph 13 of the table in paragraph 2 of Schedule 2 contains an amendment to the provisions relating to changes or extensions to existing development, so that the effects of the development as a whole once modified are considered.

¹High Court of Justice, R (on the application of Baker) v Bath and NE Somerset Council, 20109 J.P.L. 1498 [2009] A.C.D. 37.

Screening decisions

Having completed a screening exercise, the 2016 EIA regulations require the LPA to provide a screening opinion, indicating either that an assessment is required (a 'positive screening opinion') or is not required ('a negative screening opinion'). The 1999 EIA regulations did not require the provision of a negative screening opinion. The use of a checklist in undertaking screening exercises can assist in ensuring that opinions are proportionate to the development.

REFERENCE

Regulation 4(5) and (7) of the 2016 EIA regulations introduce a requirement for the reasons for negative screening decisions to be provided and placed on Part 1 of the register, to be available for public inspection.

Consultation requirements for multi-stage consents where the Environmental Statement remains valid

The 2016 EIA regulations require applications for multi-stage consents to be screened to

- (i) to check if EIA is needed when it had not been required at outline stage; and,
- (ii) to check if additional environmental information is required at the subsequent consent stage (i.e. an application for approval of reserved matters) when an Environmental Statement (ES) had already been produced.

This was a requirement in the 1999 EIA regulations. Where an application triggers either (i) or (ii) the public consultation procedures set out in the regulations apply to the ES. Where the environmental statement previously provided remains fit for purpose the public consultation process does not need to be repeated.

REFERENCE

Regulation 8 of the 2016 EIA Regulations limits the requirement for subsequent applications to be subject to the EIA process to those cases where the development in question is likely to have significant effects on the environment which were not identified at the time that the initial planning permission was granted.

European Directive 2009/31/EC on the Geological Storage of Carbon Dioxide

Paragraph 21 of Schedule 1 of the 2016 EIA Regulations includes sites for the geological storage of carbon dioxide. Installations for the capture of carbon

dioxide streams for the purposes of geological storage are included in order to implement requirements in the Directive on the Geological Storage of Carbon Dioxide (Directive 2009/31/EC)

Provide for EIA where LPAs make LDOs for development schemes that comprise Schedule 2 EIA development

Regulation 38 of the 2016 EIA Regulations requires a LPA who propose to make a LDO, to decide whether development is EIA development; and if it is, to take certain steps to enable them to take the environmental information into consideration before making the order.

Modification and discontinuance orders

Regulation 39 applies when a LPA or the Welsh Ministers propose to make either a section 97 order under section 97 or 100 of the 1990 Act, or an order under section 102 or 104 of that Act.

Developments of National Significance

Regulations 27 to 36(2) are provisions relating to applications for planning permission made directly to the Welsh Ministers.

Summary of changes

Some of the main changes that will affect LPAs are summarised in the table below:

SUMMARY OF ACTIONS
From 25 February LPAs must: <ul style="list-style-type: none">• Determine planning applications for changes of use to Class C4: Houses in Multiple Occupation• Take action against unauthorised changes of use that are unacceptable in planning terms in relation to the new use class.
From 1 March LPAs must: <ul style="list-style-type: none">• Use the new screening thresholds for industrial estate and urban development projects• Apply the revised project categories for changes or extensions to EIA projects and for projects concerning the geological storage of Carbon Dioxide• Provide reasons for negative screening opinions• Check whether additional environmental information is required at the subsequent consent stage

- Consider the need for EIA when preparing modification and discontinuance orders

From 16 March LPAs must:

- Provide pre-application services when requested to do so
- Issue a notice if an application is found to be invalid
- Apply the revised thresholds for statutory consultees including the addition of water and sewerage undertakers
- Charge for post-submission amendments
- Revise decision notices to reflect any subsequent consents
- Receive notification from developers that they intended to commence development on site and pursue enforcement action where necessary

From 16 March LPAs may:

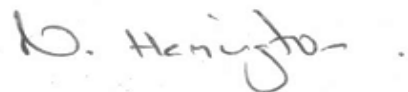
- Consult statutory consultees in respect of applications for the approval of conditions or reserved matters
- Decline to determine retrospective applications where an enforcement notice has been served
- Serve an enforcement warning notice
- Grant an LDO for a category of development falling under Schedule 2 of the EIA Regulations

From 1 August developers must:

- Undertake pre-application consultation for planning applications for major development
Provide a report of pre-application consultation in order to submit a valid planning application for major development

If you have any queries regarding any of these provisions please contact Hywel Butts (Head of Development Management) in the first instance.

Yours sincerely



Neil Hemington

Prif Gynllunydd | Chief Planner

Cyfarwyddiaeth Cynllunio | Planning Directorate

Yr Adran Cyfoeth Naturiol | Department for Natural Resources

Appendix 2

The main changes that will affect LPAs are summarised in the table below:

SUMMARY OF ACTIONS
<p>From 25 February LPAs must:</p> <ul style="list-style-type: none">• Determine planning applications for changes of use to Class C4: Houses in Multiple Occupation• Take action against unauthorised changes of use that are unacceptable in planning terms in relation to the new use class.
<p>From 1 March LPAs must:</p> <ul style="list-style-type: none">• Use the new screening thresholds for industrial estate and urban development projects• Apply the revised project categories for changes or extensions to EIA projects and for projects concerning the geological storage of Carbon Dioxide• Provide reasons for negative screening opinions• Check whether additional environmental information is required at the subsequent consent stage• Consider the need for EIA when preparing modification and discontinuance orders
<p>From 16 March LPAs must:</p> <ul style="list-style-type: none">• Provide pre-application services when requested to do so• Issue a notice if an application is found to be invalid• Apply the revised thresholds for statutory consultees including the addition of water and sewerage undertakers• Charge for post-submission amendments• Revise decision notices to reflect any subsequent consents• Receive notification from developers that they intended to commence development on site and pursue enforcement action where necessary
<p>From 16 March LPAs may:</p> <ul style="list-style-type: none">• Consult statutory consultees in respect of applications for the approval of conditions or reserved matters• Decline to determine retrospective applications where an enforcement notice has been served• Serve an enforcement warning notice• Grant an LDO for a category of development falling under Schedule 2 of the EIA Regulations
<p>From 1 August developers must:</p> <ul style="list-style-type: none">• Undertake pre-application consultation for planning applications for major development• Provide a report of pre-application consultation in order to submit a valid planning application for major development

APPENDIX 3

New Development Management Procedures – March 2016

Frequently asked questions about changes to development management procedures introduced in March 2016

Pre-application consultation and pre-application services

- 1. I intend to apply for planning permission for major development. Do I need to consult the local planning authority and the local highway authority as part of the new pre-application procedures?**

Section 61Z of the Town and Country Planning Act (as amended) (“the 1990 Act”) requires applicants to consult the specialist consultees listed in schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2016 when their proposed development falls within a relevant category. For some development types this may be the local highway authority. The local planning authority does not have to be consulted but the applicant can choose to request advice from its pre-application service.

- 2. Is the pre-application consultation process a way for developers to obtain the view of the local planning authority before going through the pre-application process and paying a fee?**

No. The consultation required by section 61Z of the 1990 Act does not involve the local planning authority. It is anticipated that the pre-application consultation with the local planning authority will be undertaken very early in the process to help inform the content of an application, and to understand its chance of success. The pre-application consultation must be accompanied by a draft application, and therefore will most likely occur at a later point in time.

- 3. In cases where there is a dispute over the fee to be paid for statutory pre-application service, will the local planning authority’s decision be final?**

Yes

4. Will the Development Management Quarterly Survey Statistics only count enquiries that are submitted through the statutory pre-application service?

Yes

5. What is the rationale behind the requirement that developers undertake pre-application consultation?

It is to provide an opportunity for statutory consultees and the public to see development proposals and to raise any issues, or areas of concern that the developer may need to address before submitting an application. It is intended to ensure that such issues are identified from the outset so that all relevant material considerations can be considered by the applicant rather than only being raised when an LPA formally consults on an application.

6. How is large major development defined? And where is the guidance contained?

Large major development is defined as development exceeding 24 dwellings, or 0.99 hectares, or 1,999 square metres.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016 adds a new schedule 4 to The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015.

This identifies the fees payable in relation to:

- The erection of dwellinghouses
- The erection of buildings (other than dwellinghouses)
- The making of a material change in the use of building or land

- The winning and working of minerals, or the use of land for mineral working deposits (flat fee of £600)
- Waste development (flat fee of £600)

7. Why has the criteria for large majors been set at 25 dwellings or more, and not something like 200 dwellings?

The criteria is to apply on a national basis, and therefore needs to reflect the likely scale of development both in urban and rural locations. Our research found that this threshold is broadly used by many local planning authorities in relation to their discretionary pre-application advice service.

8. When would you use a discretionary pre-application advice service rather than the statutory pre-application advice service introduced by the regulations?

Discretionary advice would be appropriate, for example when a householder or other party wants to find out if a proposed extension would fall within permitted development limits or not, or wishes to know what surveys may be required.

The statutory pre-application advice service applies to planning applications (householder, outline and full) where the enquirer wishes to discover the relevant planning policies that would be applied by the local planning authority, any other material considerations, an indication of how the proposal would be assessed against the policy and material considerations to be taken into account by the authority (i.e. approved or refused) and any planning obligations (Section 106 of the 1990 Act) or Community Infrastructure Levy payments required, and has submitted a pre-application enquiry form.

9. Does the statutory pre-application service extend to listed building enquiries and advice on advertisements?

No. Advice for listed building consent applications and advertisements should be provided through the discretionary service offered by each local planning authority. Article 4 of the Town and Country Planning (Pre-application Services) (Wales) Regulations 2016 stipulates that qualifying applications are applications for planning permission made to a local planning authority for the development of land.

10. Would advice specifically sought with regard to bats or trees fall under the statutory pre-application advice service?

No. The Town and Country Planning (Pre-application Services) (Wales) Regulations 2016 identifies that a qualifying application needs to be made on the pre-application enquiry form, and that the local planning authority must provide a response in accordance with Regulations 7 & 8. Therefore any specific survey advice should be sought outside of the statutory pre-application advice service.

11. Is there any ability for authorities to apply their own local exemptions?

No – to access the statutory service, an applicant must submit the enquiry form and fee. If they do not do this then the local planning authority may choose to provide advice in accordance with any discretionary service that they offer.

12. What if they want informal advice?

If a prospective applicant has not submitted a pre-application enquiry form and paid the requisite fee then the local planning authority does not have to provide the statutory pre-application service, and is free to provide advice on a discretionary basis.

13. The definition of “householder application” does not appear in Article 2(1) of the Town and Country Planning (Development Management Procedure (Wales) Order 2012

The definition was inserted into the Town and Country Planning (Development Management Procedure (Wales) Order 2012 by the Town and Country Planning (Development Management Procedure) (Amendment) Order 2015. Householder application is defined as:

““householder application” (*cais deiliad ty*)” means an application for—

- (a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
- (b) change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
 - (i) any other application for change of use,
 - (ii) an application for erection of a dwellinghouse, or
 - (iii) an application to change the number of dwellings in a building;”;

14: What if the site notice put up by the developer is removed?

Providing developers have taken reasonable steps to protect the site notice and, if needs be, replace it then if the notice is removed, obscured or defaced before the end of the 28 day publicity period then the developer will be considered to have complied with their statutory duties.

15: What is the role of local councillors in pre-application consultation?

Developers are required to inform all local councillors that are responsible for the electoral ward in which the proposed development is located. If the proposed development straddles a number of electoral wards, all local councillors within those wards will need to be notified by letter. The letter will need to contain the same information as provided in the site notice and neighbour letters.

The local councillor(s) should convey the opinion of their constituents.

16: What if the land adjacent to the development site is unregistered?

The Pre-application Consultation Report should identify how the developer has used best endeavours to determine ownership (for example by including the details of a land registry search showing that the land is not registered)

17: Is the publication of the development proposal on a website sufficient to meet the requirements of the legislation in respect of public consultation?

In cases when the developer has made the relevant information available on a website, the location for public viewing can be a library or other public building where computer facilities are made available to the general public.

18: Will the local planning authority be required to host and display pre-application documents on behalf of developers undertaking public consultation as part of the pre-application consultation process?

No. It is expected that the developer will make the information available on a website.

Developers should note that local planning authorities are under no obligation to host or display information within their planning offices as part of this process. Any building that the public is freely able to access can be used. Public buildings such as libraries, community centres and leisure centres would be appropriate as well as buildings used by town and community councils. Offices or shops such as estate agencies or even supermarkets could be used. It will be for the developer/agent to obtain agreement from the property owner to display any hard copy materials.

Local planning authorities should not be expected to answer public enquiries at this pre-application stage. Developers should make it clear in all pre-application material that all queries should be directed to them, or their agents.

Design and Access Statements

19: Is there a requirement to produce an Access Statement where public access involved if there would be a Change of Use?

No.

20: Will TAN12 be updated, and if so when?

Yes, 16th March 2016.

Invalid Application Notices

21: What should happen if an application is found to be invalid at a later date after it has been registered?

The local planning authority would need to serve a notice that the application is invalid.

22: If an appeal is successful, is the start date taken to be the date of the initial submission or the appeal decision date?

The application would be valid from the date it was originally submitted. Therefore local planning authorities will need to issue notices in a timely manner so as to ensure that an application can be processed within the statutory deadline should any appeal be upheld. Authorities will need to take into account the applicants 14 day appeal window, the 21 day period Welsh Ministers have to determine an appeal and then the statutory consultation period for the application should the appeal be successful.

23: Can local planning authorities continue to use an informal approach to solving validation issues with applicants?

It is considered that minor issues such missing red lines, signatures or orientation arrows are better dealt with using informal communication means if they can be resolved in a few days. The Welsh Government expects the validation exercise to be undertaken within five working days after which a notice should have been served if the application is invalid.

Local planning authorities are encouraged to take a proportionate approach when applying the requirements of the standard application form and any local information requirements when deciding if an application (including any other consents, agreements and approvals) is valid.

Consultations in Respect of Certain Applications

24: Will local planning authorities be able to determine an application within a statutory target where they request a discretionary consultation under section 100A of the Town and Country Planning Act 1990?

Yes, if a statutory consultee fails to provide a substantive response within the agreed timeframe the LPA will be free to determine the application. The right of the applicant to appeal non-determination is preserved.

As a result of the new legislation, statutory consultees are now required to report to the Welsh Ministers on their performance in providing a substantive and timely response.

Post Submission Amendments

25: Does the fee apply to each individual amendment or can amendments be grouped together?

A £190 fee is payable for each group of amendments submitted at the same time. For example, if four amendments are submitted to the authority together on the same date, a single fee of £190 is payable, however, if amendments are submitted on four different occasions, a fee of £190 is payable per amendment.

26: Do the time and fee measures only apply where the applicant has requested amendments?

No, the measures apply regardless of whether the applicant, local planning authority or statutory consultee requested the amendment. It is for the applicant to decide whether to submit the amendment in the knowledge that this will trigger a requirement of a fee, and additional time.

This provision applies only where a minor material amendment is being made to the application, and will not be relevant where additional or further

information is requested in the form of surveys or reports to justify the design or location of the development.

27: What if an applicant refuses to submit an amendment requested by the local planning authority or statutory consultee?

The local planning authority should determine the application.

28: How will post submission amendments affect reporting on authority performance via the Development Management Quarterly Survey?

Where an amendment triggers a 4 week time extension, as long as the local planning authority determines the application within the 12 week timeframe (or where the 8 weeks has already expired, within 4 weeks of the amendment having been submitted), then the application can be recorded as being determined within the “agreed extension of time” category (Column H of the spreadsheet).

Decision Notices

29: How do we issue approvals of reserved matters applications?

The outline planning permission decision notice should be revised to indicate that reserved matters were approved, the reference number of that approval, the date of the decision, and who made the decision.

If conditions are being attached to the reserved matters approval, this should be made clear on the outline planning permission decision notice. Either the

conditions can be added to the outline decision notice (making clear they relate to specific reserved matters) or a cross-reference can be made to a separate reserved matters decision notice issued under the reserved matters application reference number.

30: How do we issue approvals of Section 73 applications?

A successful application under Section 73 of the Town and Country Planning Act 1990 results in the grant of a new planning permission. A developer is therefore able to decide whether to be bound by the original permission, or the one revised under Section 73. Therefore where an authority has determined that the matters being applied for under a Section 73 application are acceptable, they will issue a new decision notice with the reference number of the Section 73 application on it.

When issuing a Section 73 permission to remove or amend a condition on the original permission, that decision notice should state all the conditions (which they consider necessary) of the original permission, to avoid the possibility of the new permission being interpreted as having no conditions or only those that were amended. Where some conditions have already been discharged then the LPA will need to decide whether to copy across these conditions together with any reference number and date of approval, or to list any additional plans, drawings, or reports that were submitted to approve such conditions and require that development is built in accordance with these details.

31: How do we issue approvals for non-material amendment applications?

An application made under Section 96A of the Town and Country Planning Act 1990 (“the 1990 Act”) is not an application for planning permission as any approval given amends the original planning permission.

Section 71ZA of the 1990 Act specifies where the local planning authority must give a revised version of the decision notice. As a non-material amendment falls within Section 71ZA(4)(b) the authority should update the original decision notice with details of the non-material amendment(s) made. Depending on the nature of the amendment(s), this may include a variation to the specified plans or to conditions attached to the consent.

32: Is there a model decision notice available?

No. Due to the different administration software being used by local planning authorities it is necessary to retain flexibility in the layout of notices that will allow authorities to try out different approaches to select what works best for them.

Enforcement

33: Does the new Section 78(4AA) of the Town and Country Planning Act 1990 prevent a Section 78 appeal from being brought against the refusal of an application for planning permission if the appellant has appealed an enforcement notice served in respect of the same development on grounds other than ground (a) set out in Section 174?

Yes. On determination of an appeal against an enforcement notice, if planning permission was not granted under section 177, the appellant can not subsequently appeal any decision by the local planning authority to refuse retrospective planning permission for the breach of control.

It is anticipated that this situation will not occur that frequently because local planning authorities will now be able to use Section 70C to decline to determine a retrospective application for planning permission where an enforcement notice has been served.

34: How are Enforcement Warning Notices recorded?

Enforcement Warning Notices will be recorded on the local planning authorities register of enforcement and stop Notices, required by section 188 of the Town and Country Planning Act 1990 (“the 1990 Act”). Section 43 of the Planning (Wales) Act 2015 amends section 188 of the 1990 Act to include Enforcement Warning Notices.

35. What ‘teeth’ is it intended that an Enforcement Warning Notice will have in the planning enforcement process?

Where an Enforcement Warning Notice is issued, it constitutes the taking of enforcement action under Section 171A of the Town and Country Planning Act 1990. Therefore, a local planning authority can take further enforcement action in respect of the breach within four years of the initial notice being issued.

It is also a clear signal that, if a retrospective planning application is submitted, adequate control could be applied to the development to make it acceptable, without it; the development is unacceptable and further enforcement action will be taken.

36. Is the fee for a deemed application in an enforcement appeal payable to the Planning Inspectorate only?

Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 requires fees in respect of deemed applications in enforcement appeals are paid to the local planning authority rather than, as previously the case, half to the local planning authority and half to the Welsh Ministers

37. Should an Enforcement Warning Notice be used as a precursor to an Enforcement Notice, or can the local planning authority move straight to issuing an Enforcement Notice where appropriate?

An Enforcement Warning Notice is only intended for use where a local planning authority considers that an unauthorised development could potentially be made acceptable with control. The authority must believe that there is reasonable prospect of the development being granted planning permission when issuing an Enforcement Warning Notice as oppose to an Enforcement Notice. In instances where the unauthorised development is unacceptable, and unlikely to receive planning permission were a retrospective application submitted, an Enforcement Notice must be issued.

Housing in Multiple Occupation

38: Do Houses in Multiple Occupation (HMOs) benefit from permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995?

Whether or not a HMO falls within the new C4 use class does not affect whether it has permitted householder development rights. Where a HMO is a dwellinghouse but not a flat, for the purposes of the GPDO it will benefit from permitted changes under Part 1 of Schedule 2

However, if the dwellinghouse is extended using permitted development rights and is then used to accommodate more people, the use of the dwellinghouse may result in a material change of use that would require planning permission.

MARGAM OPENCAST COAL SITE (OCCS)

Background

Members will recall that the issues surrounding the above site were discussed at previous meeting of the Development Control Committee.

For information, the previous reports may be accessed here:-

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

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

<https://democratic.bridgend.gov.uk/mgChooseDocPack.aspx?ID=2351>

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

Since the last update report, a planning application for an alternative restoration has been received (P/16/128/FUL). Full details may be found by entering the application reference number here:-

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

A corresponding application has been submitted to Neath Port Talbot County Borough Council.. Consultation with the affected communities has been undertaken and officers from both authorities are in discussion with the applicant and statutory consultees.

In view of the complexity of the application and the strict timescales for implementation of the scheme should it be approved, the Chair has agreed to hold a special meeting of the Development Control Committee on Wednesday 4th May 2016 at 2.00pm. The meeting will be preceded by a site visit to the Bridgend element of the site at 10.00 am.

Members will also be aware the public speaking protocol allows for extended public speaking rights for extraordinary planning applications. Due to the history of the site and the significant impact on the communities nearby it is considered that extended speaking be appropriate in this case. This will allow an objector and the applicant 10 mins to address the Committee with the local members and the Community Councils being allocated 3 minutes.

RECOMMENDATION

That Committee agree that the extended public speaking protocol for extraordinary planning applications be invoked for consideration of planning application P/16/128/FUL.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

31st March 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

Proposed Statutory and Non-Statutory Pre-Application Advice Charging Regime

1. Purpose of Report

- 1.1 To seek Development Control Committee Members' approval for the adoption of a statutory and an updated non-statutory/bespoke pre-application advice charging regime.
- 1.2 A member workshop session on the new Development Management procedures will take place before the Planning Committee meeting on 31st March, 2016 which will include a summary of the Welsh Government's proposals for a statutory pre-application advice service that came into force on 16th March, 2016.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The changes to the development management procedures (insofar as they relate to pre-application advice services provided by Local Planning Authorities) apply to all Welsh Local Planning Authorities as part of the Welsh Government's wider positive planning programme.
- 2.2 The delivery of of the County Borough's statutory planning function has links to the Council's Corporate Priorities in particular number 1 Supporting a successful economy.

3. Background

- 3.1 Bridgend CBC has operated a system of charging for pre-application advice since April 2011 (see existing pre-application guidance note at Appendix 1).
- 3.2 The Planning (Wales) Act 2015 (6th July, 2015) introduced new pre-application processes that will be key to the delivery of effective frontloading of applications. More specifically, Section 18 of the Act (see Appendix 2) introduced a new statutory requirement for LPAs to provide pre-application services to applicants.
- 3.3 The regulations have set a standard, national fee for the purposes of the statutory pre-application service and this came into force on 16th March, 2016 under Parts 1 and 2 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016.
- 3.4 Any additional written advice from, or meetings with, LPAs regarding a pre-application enquiry will not form part of the statutory (basic level) service. However, the Welsh Government are actively encouraging LPAs to provide a more comprehensive pre-application service over and above the statutory minimum and recognise that this may be subject to a discretionary charge under section 93 of the Local Government Act 2003.

- 3.5 Members will recall the Workshop Session on 22nd January, 2016 which included a summary of the proposed changes and a discussion on the proposed charging regime for the Council's non-statutory service. The workshop explored charging levels, the expected response times, in-house specialist advice and exceptions to charging.
- 3.6 The new regulations require all local planning authorities in Wales to provide a statutory pre-application advice service. Applicants must submit a completed pre-application advice enquiry form containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:
- Name, address and contact details
 - Description of the proposal (inc. an indication of increase in floor space, and/or number of new units proposed)
 - Site Address
 - Location Plan
 - Fee
- 3.7 The fees that will be charged for the statutory pre-application services are the same across Wales, although they also vary depending upon the size and scale of the proposed development:
- Householder - £25
 - Minor development - £250
 - Major development - £600
 - Large major development - £1000
- 3.8 The regulations require LPAs to provide a **written response** to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.
- 3.9 As a minimum, applicants for householder developments should expect to receive the following information within their written response:
- The relevant planning history of the site
 - The relevant development plan policies against which the development proposal will be assessed
 - Relevant supplementary planning guidance (i.e. design, conservation etc.)
 - Any other material planning considerations
 - An initial assessment of the proposed development
- 3.10 For all other development proposals, applicants will receive all the information outlined above, as well as whether any Section 106 or Community Infrastructure Levy contributions are likely to be sought and an indication of the scope and amount of these contributions. Without payment of the appropriate fee, the LPA will be under no obligation to accept a pre-application enquiry form.
- 3.11 The WG will collect information on the number of enquiries received and the time authorities take to respond via the Development Management Quarterly Survey from the end of March 2016.

3.12 The BCBC Pre-Application Advice Guidance Note will be updated to differentiate between the statutory and non-statutory streams of pre-application advice.

3.13 An informal consultation exercise with local planning agents was undertaken in February 2016. No comments were received.

4. Current Situation

4.1 As our pre-application advice guidance note and pre-application enquiry form have not been reviewed since 2011 and Planning application fees were increased by approximately 15% in October 2015, it is proposed to update our guidance and charging regime to include the basic service as required by the Welsh Government and our own charges for a more bespoke/comprehensive level of service.

4.2 The main changes to how we currently apply our pre-application advice include:

- a tailored and equitable charging system for different types and scale of development;
- a new charge for householder design advice;
- a bespoke and comprehensive advice service to developers to include meetings and site visits; and,
- an initial free “scoping” meeting with developers on major developments (of up to an hour) to identify the information required to be included with a pre-app submission and the required input from other departments of the Council such as Highways and Public Protection etc.

4.3 Under the new regulations applicants for major developments and for developments of national significance (DNS) must now seek pre-application advice from the local planning authority. Pre-app advice for minor and householder development is not mandatory. Householder advice is currently provided free of charge. The WG scheme now introduces a £25 charge for advising if planning permission is required for a householder extension.

4.4 Developers will have a choice as to which service they wish to receive from the LPA - the WG statutory scheme, which does not involve a meeting or internal consultations, or the BCBC scheme, which may involve a free scoping meeting, consultation with various internal specialists and further meetings/site visits as necessary. Discretionary advice would be appropriate, for example when a householder or other party wants to find out if a proposed extension would fall within permitted development limits or not, or wishes to know what surveys may be required.

4.5 If a prospective applicant has not submitted a pre-application enquiry form and paid the requisite fee then the local planning authority does not have to provide the statutory pre-application service, and is free to provide advice on a discretionary basis.

4.6 The proposed charging schedule, which includes the statutory and non-statutory/discretionary services, is attached at Appendix 3.

5. Next Steps

- 5.1 The WGs statutory service came into force on 16th March, 2016.
- 5.2 The Council's non-statutory service (charging schedule and guidance note) will be reported to Cabinet With a view to being introduced in May or June 2016.

6. Effect upon Policy Framework & Procedure Rules

- 6.1 The new Development Management Procedures and the statutory pre-application advice service have to be implemented by all LPAs in Wales.
- 6.2 The Welsh Government actively encourages LPAs to provide a non-statutory pre-application advice service in tandem with the statutory service.

7. Equality Impact Assessment.

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

8. Financial Implications

- 8.1 The pre-application advice service will result in the use of additional staff resources but this will be off-set by the income generated.
- 8.2 The HMRC have confirmed through the CIPFA VAT Committee that the pre-application service provided by Welsh LPAs is carried out under a statutory requirement and, when the system came into force on the 16th March 2016, the statutory service is to be treated as non-business and outside the scope of VAT. The non-statutory/discretionary service will remain VAT-able and the charging schedule includes VAT.

9. Recommendations

- 9.1 That Members of the Development Control Committee:

- (1) Approve the content of this report and the proposed charging regime before referring the matter to Cabinet.

Mark Shephard
Corporate Director Communities
31st March 2016

Contact Officer

Mr. Rhodri Davies
Development and Building Control Manager
Telephone Number: 01656 643152, e-mail: rhodri.davies@bridgend.gov.uk

Background documents

- Appendix 1:** BCBC's Existing Pre-Application Advice Guidance Note (since April 2011)
Appendix 2: Section 18 of the Planning (Wales) Act 2015
Appendix 3: Proposed Statutory and Non-Statutory Pre-Application Advice Charging Schedule

Appendix 1

BRIDGEND COUNTY BOROUGH COUNCIL - COMMUNITIES DIRECTORATE - DEVELOPMENT GROUP

CHARGING FOR PRE-APPLICATION ADVICE - GUIDANCE NOTE

We encourage and welcome the opportunity to provide advice before an application is made. Our aim is to enable and promote high quality development. We have reviewed how we can put more effort into achieving this. Whilst we have to introduce charges, they will enable us to provide a more responsive and professional service which will reduce uncertainty and be highly cost effective for people preparing a planning application. These fees are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable.

The advice is intended to help you understand the best way to go about seeking permission. It should not be confused with whether you need planning permission which is handled through a different process.

There are considerable benefits in seeking our advice as

- It gives you an opportunity to understand how our policies will be applied to your development.
- It can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscape, noise, flooding, transport, contaminated land, ecology or archaeology.
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more quickly.
- It may lead to a reduction in time spent by your professional advisors in working up proposals.

It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application.

In addition to determining applications for planning permission, advertisement consent and listed building consent, the Development Control Section is able to provide you with advice and information on a variety of topics such as design.

You may be able to find the information you need on the planning pages of our website www.bridgend.gov.uk/planning or on the Planning Portal's website www.planningportal.gov.uk. Householders seeking to extend their homes can access our expert system as to whether planning permission is required and can also access our Supplementary Planning Guidance advice on householder development on the web.

Charges will now be made for pre-application advice, compliance checks and researching planning histories for permitted development restrictions.

WHAT MATTERS CAN BE COVERED?

The matters which could be the subject of pre application advice include:-

- Planning History of the site;
- Statutory designations of the site, such as Conservation areas, listed buildings, protected trees, nature conservation etc.
- Relevant planning policies and other material factors applying to the site/development
- The necessary forms, plans and fee

- Supporting information and documents including Access and Design Statements and Energy Efficiency requirements
- Advice regarding the procedure, consultation arrangements and estimated time scale for processing the application;
- Any requirements for developer contributions to the infrastructure necessary to support the proposed development, for example affordable housing, open space, accessibility etc;
- Informal, and without prejudice, comments on the content, preparation and presentation of an application likely to satisfy the Council's planning policies;
- The merits of draft proposals (e.g. appropriateness of design) **and**
- The provision of copies of any relevant documents, subject to the Council's standard charges for documents.

INFORMATION WE WILL NEED FROM YOU

We will always ask you to write to us with details of your proposal if you want us to comment on a particular building, extension, design etc. If you wish us to meet you on site or outside the Council Offices or involve the Legal Officer, you will need to pay an additional fee.

For **all enquiries** you will need to send us the following as a minimum:

- Written details of the address and proposal;
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put;
- Site location plan with the site clearly marked (to a recognised scale, north point etc);
- Sketch drawings providing details of the proposal (to a recognised scale);
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address;
- Request for a site meeting (if any)
- The appropriate fee - **No detailed work will be undertaken until the full fee has been paid.**
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

A standard form is available for use on the planning page of the Council's website.

WHAT WE WILL DO

On receipt of your initial enquiry, we will decide whether it requires pre application advice and what type of advice is most suitable. We will then check that the appropriate fee has been paid. If it has not, we will write to you confirming that we will not progress your enquiry until the appropriate fee has been paid.

Once the fee has been paid, your enquiry will be allocated to an appropriate officer.

We will do our best to reply within 20 working days; however we cannot guarantee a response within this time period. In particularly complex cases, more time may be needed and we will advise you when you may expect a reply.

The written reply setting out our advice will comprise the service for the standard charge. Further enquiries will be charged another fee.

If we do not have enough information to answer your enquiry then we will write to you by letter or email, setting out what information we need. If the enquiry relates to a major proposal then you will be contacted by the officer allocated to your enquiry, who will confirm whether there is sufficient information to provide advice and, if not, will ask for additional information. In either case, the clock will stop until all of the information is received.

Where a meeting is sought, we will arrange a suitable date depending on the complexity of the scheme and the amount of work that will be needed beforehand. This may include any time necessary to obtain initial views of other interested parties such as the Highways Engineer, Design Quality Officer etc. However, no meetings will take place without prior sight of the requested information.

Attendance of other officers at the meeting, including specialist advisors, will be at our discretion but will not require the payment of additional fees.

Following the meeting, we will confirm the advice in a letter or email. Again, this will usually be within 20 working days unless the proposal is particularly complex, when an alternative timescale will be agreed at the end of the meeting.

Should a further meeting be required, the scope for such a meeting will be established beforehand together with the relevant fee which must be received together with any relevant document before the subsequent meeting.

Any meeting will normally take place at the Civic Offices, Bridgend. The Development Control Manager may exceptionally vary this to allow a request for a meeting on site or outside the Civic Offices. If so, the fee will be adjusted to reflect time and cost spent travelling.

The Development Control Manager has the right to decline a request for pre application advice where it is not considered either appropriate or necessary.

WHAT ARE THE CHARGES?

Major Developments

- New residential development of 10 or more new dwellings or on 0.5ha of land or more;
- Change of use of buildings or and where the gross floorspace or site area is 1,000m² or more;
- New non-residential buildings and extensions to non-residential buildings of 1,000m² or more of gross floorspace;
- Mixed use developments where the combined gross floorspace is of 1,000m² or more.
- Other large scale or complex/specialist applications that require significant officer input (e.g to cover cases such as a Wind Farm which might otherwise fall as a 'minor development' based on these criteria)

Fee

- *£250 plus VAT (total fee £300) or 1% of the appropriate fee under the Application Fees Regulations, whichever is the greater, for written advice only. Additional advice may be required and will be charged at the same rate;*
- *£500 plus VAT (total fee £600) or 1.5% of the appropriate fee under the Application Fees Regulations, whichever is the greater for up to an hour long meeting plus written*

confirmation, additional meetings may be required and these will be charged at the same rate. The Development Control Manager will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary.

Minor Developments

- New residential developments of 1 to 9 dwellings;
- Residential conversions involving change of use to more than one dwelling;
- Change of use of buildings or land where the gross floorspace or site area is less than 1,000m²;
- New non-residential buildings and extensions to non-residential buildings from 100m² to less than 1,000 m² of gross floorspace;
- Mixed use developments where the combined gross floorspace from 100m² to less than 1,000 m².
- Advertisements

Fee

- *£150 plus VAT (total fee £180) for written advice only. Additional advice may be required and will be charged at the same rate;*
- *£250 plus VAT (total fee £300) for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Development Control Manager will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary.*

In the Development Control Manager's absence a Development Control Team Leader or the Development Planning Manager will act on his behalf.

Householder Development/Heritage Proposals (Listed Buildings, Conservation Area Consent, Design in Conservation Areas)/Council Proposals/Town/Community Council proposals/Where Permitted Development Rights Removed/District Valuer queries/Tree advice /A small development for a non profit making community facility scheme by a registered charity or Voluntary Sector Organisation.

In addition there will be no charges for:

- *Enquiries relating to developments involving the enlargement or change of use of existing business by up to 500 square metres falling within Use Classes B1, B2 and B8.*
- *Initial enquiries relating to key employment and regeneration sites identified in the Development Plan for uses falling within Use Classes B1, B2 and B8. (The provision of detailed advice following that initial meeting would be subject of the existing pre-application advice arrangements.)*

What the costs cover

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

Any requests for written advice must be accompanied by the relevant fee otherwise advice cannot be provided. Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Sites may not be artificially divided in an attempt to attract a different tariff. Multiple requests will attract the appropriate multiple fees. The Development Control Manager has the right to determine the fee. In the event of any disputes, the issue will be referred to the

Head of Regeneration and Development whose word will be final. Where the appropriate fee is not paid within 15 works days after a reminder, no response will be given.

We would prefer payment to be made by credit card by telephoning the department (tel. No. 01656 643675) where the payment can be taken. Alternatively you may pay by cash at the Customer Services Centre of Bridgend County Borough Council.

PLEASE NOTE

Our pre application advice service is offered to both developers and individual applicants including householders. In either case there are some general points which you should take into account before you contact us:

- Try to contact us at the earliest reasonable opportunity in your project;
- Undertake some initial research yourself including looking at our notes on how to submit a valid application;
- Sound out the views of those who may be affected by your proposals;
- Remember the more information you can give us, the more accurate and helpful our response can be - vague proposals can receive only vague advice. The key to the success of this service will be you providing us with adequate information in advance - this is set out in more detail in the documents mentioned above; and
- On complex issues be prepared to seek private professional help - our service is not intended to be an alternative to employing professional consultants.

We will always do our best to give you the best advice we can on the information which is to hand. However, you need to be aware that any advice given by Council Officers for pre application enquiries does not constitute a formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of our ability but without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It will be made by the Development Control Committee or by planning officers and be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s). However, any pre application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

Please note that the weight given to pre application advice will decline over time, and can be superseded by new government advice or new planning policies.

Fees are non refundable.

Research of Permitted Development Rights and Planning Histories

This provides confirmation of whether or not permitted development rights have been removed from a dwelling. You may need to know this to confirm if planning permission is required or not.

- Research on Permitted Development Rights per plot: £30*
- Research on Planning Histories per plot back to 1974: £30*

- Research on whether planning conditions discharged for minor/householder applicants £30*
- Research on whether planning conditions discharged for major applications £80*
- * *All charges include 20% VAT*
- If no research is required there will be no fee but a charge of £7.20 per decision notice and S106 Agreement will apply.

Appendix 2

Section 18 of the Planning (Wales) Act 2015

18 Requirement to provide pre-application services

In TCPA 1990, after section 61Z (as inserted by section 17) insert—

“61Z1 Wales: pre-application services

(1) The Welsh Ministers may by regulations make provision for and in connection with the provision of pre-application services by a local planning authority in Wales or the Welsh Ministers.

(2) Regulations under this section may, in particular, make provision—

(a) about circumstances in which pre-application services are required to be provided (including provision about the form and content of requests for pre-application services, and information that is to accompany a request);

(b) about the nature of the services required to be provided, and when and how they are to be provided;

(c) for information and documents relating to services provided under the regulations, or relating to requests for such services, to be published or otherwise made available to the public, or to persons specified in the regulations, by a local planning authority or the Welsh Ministers;

(d) about other steps required to be taken by any person in connection with, or for the purposes of, the provision of services under the regulations.

(3) References in this section and section 61Z2 to pre-application services are to services provided to a person, in respect of a qualifying application proposed to be made by the person in respect of the development of land in Wales, for the purpose of assisting the person in making the application.

(4) A “qualifying application” is an application, under or by virtue of this Part, that is of a description specified in regulations made by the Welsh Ministers.

61Z2 Pre-application services: records and statement of services

(1) The Welsh Ministers may by regulations make provision requiring—

(a) records to be kept of requests for pre-application services;

(b) records to be kept of pre-application services provided;

(c) a statement, giving information about the range of pre-application services provided by an authority or the Welsh Ministers, to be prepared and published or otherwise made available.

(2) The regulations may, in particular, include provision about—

(a) the form and content of the records to be kept;

(b) the form and content of the statement;

(c) the way in which records are to be kept;

(d) the publication of the statement and the persons to whom, and circumstances in which, it is to be made available.

(3) Regulations under this section or section 61Z1 may contain incidental, supplementary and consequential provision.”



BRIDGEND COUNTY BOROUGH COUNCIL DEVELOPMENT MANAGEMENT

Guidance on Pre-Application Charges –
 Welsh Government Statutory Service to take effect from 16th March, 2016
 BCBC Service to take effect from 2nd May 2016

Category/Scale of Development	Written Only Statutory service from 16 th March, 2016)	Advice (WG service from 16 th March, 2016)	Written Response (BCBC from April 2016)	Advice Only from April Meeting (site or office)	Written and a 1 hour Meeting (site or office)	Advice and 1 hour Meetings	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Householder Advice re: Permitted Development	-	£25	£25	£50	£25	£50	£25	14
Householder design advice	£25	£90	N/A (site visit inc. in fee)	N/A	£50	£50	£50	21
Planning History	-	£50 per plot	N/A	N/A	N/A	N/A	N/A	21
PD Rights Removal	-	£50 per plot	N/A	N/A	N/A	N/A	N/A	21
Compliance with Conditions/Notices	-	£50/£150	£100/£300	£100	£50	£50	£50	14
Works to Protected Trees	-	£50	£100	£250	£100	£100	£100	14
Minor Agricultural and Forestry Development	-	£150	£250	£350	£200	£200	£200	21
Minor Commercial Development/CoU* (up to 500 sq. m. gross floorspace)	£250	£250	£350	£350	£200	£200	£200	21
Minor Works to Listed Buildings/in Con Areas	-	£100	N/A (site visit inc. in fee)	N/A	£50	£50	£50	21
Adverts	-	£100	£150	£150	£100	£100	£100	21
Copies of Decision Notices	-	£10	N/A	N/A	N/A	N/A	N/A	7
Copies of S.106 Legal Agreements	-	£10	N/A	N/A	N/A	N/A	N/A	7
Copies of TPO	-	£10	N/A	N/A	N/A	N/A	N/A	7
Confirmation conditions/S.106 have been discharged	-	£100	£150	£150	£150	£150	£150	14

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

Category/Scale of Development	Written Only Statutory service from 16 th March, 2016	Advice (WG service from 16 th March, 2016)	Written Response (BCBC from April 2016)	Advice Only from April	Written and a Meeting (site office)	Advice and a 1 hour Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Larger Scale Development								
New dwellings/conversion to residential								
1-2 dwellings	£250		N/A site visit inc.		£350		£100	21
3-4 dwellings	£250		N/A site visit inc		£500		£200	28
5-9 dwellings (inc. Planning Obligations)	£250		N/A site visit inc		£1000		£300	35
Rural Enterprise Dwelling	£250		N/A site visit inc		£600		£250	35
Barn Conversions	£250		N/A site visit inc		£500		£200	28
Agricultural and Forestry Development (500-1000 sq. m.)	£250		£300		£400		£150	28
Commercial Development/CoU *	£250		£750		£850		£250	35
Non-PD Domestic Scale Renewable Energy Schemes**								
- Small Scale Hydro Schemes	£250		£250		£350		£100	28
- Solar Panels/Photovoltaics	£250		£250		£350		£100	28
- Single Turbines up to 40m to blade tip	£250		£500		£600		£200	35

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

** To be confirmed by the Planning Officer based on the details provided

Category/Scale of Development	Written Only Statutory service from 16 th March, 2016	Advice (WG service from 16 th March, 2016)	Written Response (CBC from April 2016)	Advice/ Only from April	Written Meeting (site or office)	Advice and a 1 hour Meeting (site or office)	Additional Advice Meetings	Written and/or	Target Response Time from Enquiry or Meeting Date (Days)
Major Development									
(N.B. first scoping meeting with Officers is free)									
10 or more dwellings (or 32 dph) inc. Planning Obligations	£600 < 25 units £1000 > 24 units		N/A site visit inc.		£2500	£2500	£1000		35
Agricultural and Forestry Development (> 1000 sq. m.)	£600 < 2000 sq. m. £1000 > 1999 sq. m.		N/A site visit inc.		£5000	£1500	£500	£2500	42
Commercial Development/CoU * (> 1000 sq. m.)	£600 < 2000 sq. m. £1000 > 1999 sq. m.		N/A site visit inc.		£2500	£3000	£1000	£1000	42
Commercial Renewable Energy Schemes (inc. EIA)									
- Hydro Schemes	-		N/A site visit inc.		£500	£500	£100	£100	35
- Waste to Energy Schemes	-		N/A site visit inc.		£5000	£5000	£300	£300	42
- Solar Parks/Farms	-		N/A site visit inc.		£5000	£5000	£500	£500	42
- Wind Farms	-		N/A site visit inc.		£5000	£5000	£750	£750	42
Winning and Working of Minerals	£600		N/A site visit inc.		£5000	£5000	£500	£500	42
Waste Development	£600		N/A site visit inc.		£5000	£5000	£500	£500	42

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

“Major development” is defined as development involving any one or more of the following:

- a) the winning or working of minerals or the use of land for mineral-working deposits¹;
- b) waste development;
- c) the provision of dwellinghouses where
 - i) the number of dwellinghouses to be provided is 10 or more; or
 - ii) the development is to be carried out on a site having an area of 0.5 hectare or more and is not known whether the development falls within paragraph (c)(i);
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or,
- e) development carried out on a site having an area of 1 hectare or more. (as defined in Article 2 of the *Town and Country Planning Development Management Procedure (Wales) Order 2012*).

Exemptions

Town Council/Community Council Enquiries (except for Commercial Development)

Registered Charities

Other BCBC Service Areas

Non-profit making groups/Community Interest Companies/Churches etc.

Conservation advice - urgent structural repairs to Listed Buildings only

Works to improve access for registered disabled

Specialist Advice	Additional Cost Per Hour (inc. meetings/site visits)	Additional flat rate cost per major development
BCBC Ecologist	£50	£300
BCBC Highways	£50	£300
BCBC Building Conservation/Heritage	£50	£300
BCBC Public Protection	£50	£300
BCBC Economic Development	£50	£300
BCBC Parks	£50	£300

Local Planning Authority Pre-application Services

The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016 require all local planning authorities (LPAs) in Wales to provide a **statutory pre-application service**.

Applicants must submit a completed pre-application advice enquiry form containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:

- Name, address and contact details
- Description of the proposal (including an indication of increase in floor space, and/or number of new units proposed)
- Site Address
- Location Plan
- Fee

The fees that can be charged for statutory pre-application services are the same across Wales, although vary depending upon the size and scale of the proposed development:

Householder - £25

Minor development - £250

Major development - £600

Large major development - £1000

The regulations require LPAs to provide a written response to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.

As a minimum, applicants for householder developments should expect to receive the following information within their written response:

- The relevant planning history of the site
- The relevant development plan policies against which the development proposal will be assessed
- Relevant supplementary planning guidance (i.e. design, conservation etc.)
- Any other material planning considerations
- An initial assessment of the proposed development, based on the information above

For all other development proposals, applicants should receive all the information outlined above, as well as whether any Section 106 or Community Infrastructure Levy contributions are likely to be sought and an indication of the scope and amount of these contributions.

Without payment of the appropriate fee, the LPA will be under no obligation to accept a pre-application enquiry form.

If, in the opinion of the LPA, a pre-application enquiry form is submitted without the correct fee, the LPA should explain to the applicant as soon as possible in writing that the pre-application service cannot begin until the correct fee is received and identify what payment is due.

If a fee is paid to the LPA but the pre-application enquiry is subsequently rejected as being invalid for any reason except for payment of an incorrect fee, the fee must be refunded.

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