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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 Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

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

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

**Dyddiad/Date:** Date Not Specified

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, 9 June 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 6 July 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 5 - 14  
To receive for approval the minutes of the Development Control Committee of 12 May 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 15 - 22  
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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We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

7.	<u>Development Control Committee Guidance</u>	23 - 26
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(d)	P/16/151/FUL - 12 Tythegston Close, Porthcawl	61 - 66
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(g)	P/15/845/FUL - Land West End of Lansbury Close, Maesteg	81 - 96
(h)	P/16/189/FUL - Gate House R/O 34 Park Street, Bridgend	97 - 106
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(j)	P/12/796/FUL - Land at Ty Draw Farm, Pyle, Bridgend	165 - 166
9.	<u>Draft revisions to Planning Policy Wales Chapter 6: The Historic Environment</u>	167 - 176
10.	<u>Development Control Site Visit Panel</u>	177 - 178
11.	<u>Nomination and Appointment to the Rights of Way Sub-Committee</u>	179 - 180
12.	<u>Appeals</u>	181 - 188
13.	<u>Training Log</u>	189 - 190
14.	<u>Urgent Matters</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**

Corporate Director Operational and Partnership Services

**Distribution:**

Councillors:

N Clarke  
GW Davies MBE  
PA Davies  
L Ellis  
CA Green  
DRW Lewis

Councillors

JE Lewis  
HE Morgan  
LC Morgan  
D Patel  
JC Spanswick  
G Thomas

Councillors

M Thomas  
JH Tildesley MBE  
C Westwood  
R Williams  
M Winter  
RE Young



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# Public Document Pack Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 12 MAY 2016

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 12 MAY 2016 AT 2.00 PM

## Present

Councillor M Thomas – Chairperson

N Clarke	PA Davies	CA Green	RC Jones
DRW Lewis	JE Lewis	HE Morgan	D Patel
JC Spanswick	G Thomas	JH Tildesley MBE	C Westwood
R Williams			

## Officers:

Craig Flower	Planning Support Team Leader
Nicola Gandy	Principal Planning Officer
Rhodri Davies	Development and Building Control Manager
Claire Hamm	Conservation and Design Team Leader
Tony Godsall	Traffic & Transportation Manager
Eilian Jones	Senior Planning Officer
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Satwant Pryce	Head of Regeneration and Planning
Elizabeth Woolley	Senior Planning Officer
Gary Jones	Head of Democratic Services
Mark Galvin	Senior Democratic Services Officer - Committees

## 721. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor GW Davies MBE  
Councillor LC Morgan  
Councillor M Winter

## 722. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor NC Clarke – P/15/787/FUL – Personal interest as a Member of Porthcawl Town Council who takes no part in planning matters, and also a prejudicial interest as a patient of the Portway surgery and therefore of the proposed development. Councillor Clarke left the meeting whilst this item was being discussed. P/15/648/OUT, P/15/647/CAC and P/16/173/FUL, as a Member of Porthcawl Town Council who takes no part in planning matters.

## 723. SITE VISITS

RESOLVED: That Committee agreed to confirm a date of Wednesday 8 June 2016 for proposed Site Inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

724. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 31 March 2016 be approved as a true and accurate record.

725. PUBLIC SPEAKERS

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

<u>Name</u>	<u>Planning Application No.</u>	<u>Reason for speaking</u>
S. Judd	P/15/648/OUT	Objector
G. John	P/15/648/OUT	Applicant
S. Judd	P/15/647/CAC	Objector
G. John	P/15/647/CAC	Applicant

726. AMENDMENT SHEET

The Chairperson advised that in accordance with procedures and protocols, and following the Chairperson's consent, Members had received the Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council's Procedure Rules, in order to allow for the Committee to consider modifications to the Committee report, so as to take account of any late representations and revisions that require to be accommodated.

727. P/15/647/CAC - ST CLARES CONVENT, CLEVIS LANE, PORTHCAWL

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

<u>Code No.</u>	<u>Proposal</u>
P/15/647/CAC	Demolition of buildings on the site inc. Convent building, Prayer Centre and Clevis Cotts. & remove part of wall

The Condition 3 attached to the application for Conservation Area Consent, be amended to read as follows:-

Condition 3:

3. No development shall take place, including any works of demolition/site clearance until a Construction Traffic Management Plan and Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall provide for:-

- (i) The proposed timetable for the phasing of demolition works.
- (ii) The timing of HGV construction traffic to/from the site to avoid school starting and leaving times.
- (iii) The routing of HGV construction traffic to/from the site to avoid the southern end of Clevis Lane.
- (iv) The parking of vehicles of vehicles of site operatives and visitors.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 12 MAY 2016**

- (v) Loading and unloading of plant and materials.
- (vi) Storage compound for plant and materials to be used in the construction phase and any retained from the demolition phase.
- (vii) Wheel washing facilities.
- (viii) Measures to control the emission of dust and dirt from the demolition and construction phase.
- (ix) Provision of temporary traffic and pedestrian management along Clevis Lane.
- (x) Methods of dealing with any controlled waste including removal to a registered site by a registered waste carrier.
- (xi) Details of fencing for the protection of retained trees protected by a Preservation Order before any equipment, machinery or materials are brought onto the site for the purposes of the development. The fencing shall be maintained throughout the course of the development, with no other materials stored or placed in any area fenced in accordance with this condition. The ground levels within the fenced areas shall not be altered nor shall any excavation be made.

The demolition and construction works shall thereafter be undertaken in accordance with the agreed method Statement and Traffic Management Plan.

Reason: In the interest of highway safety.

728. P/15/847/FUL - ST JOHNS AMBULANCE HALL, BEDFORD CLOSE, CEFN CRIBWR

RESOLVED: That the following application be deferred until further land ownership issues on the site are resolved:-

<u>Code No.</u>	<u>Proposal</u>
P/15/847/FUL	Create 12 flats comprising 3 x 2 bed flats and 9 x 1 bed flats in one 2 storey building

729. P/16/43/FUL - WINDRUSH, HEOL LAS, MAWDLAM TO HEOL DREWI, TON KENFIG, KENFIG, BRIDGEND

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

<u>Code No.</u>	<u>Proposal</u>
P/16/43/FUL	New dwelling

730. P/16/173/FUL - 36 FFORDD SANDERLING, PORTHCAWL, BRIDGEND

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

<u>Code No.</u>	<u>Proposal</u>
P/16/173/FUL	Extend and re-orientate dwelling including partial demolition to provide additional accommodation and sea views.

731. P/13/808/OUT - LAND OFF OAKWOOD DRIVE, MAESTEG

RESOLVED: That the following application be deferred, in order to negotiate increased on-site provision of open space.

Code No. Proposal

P/13/808/OUT Mixed-Use development:138 dwellings, public house, restaurants, retail and employment

732. APPEALS

RESOLVED: (1) That the Appeal received since the last Committee report, Code No. A/16/3145806 (1774) and Application No. P/15/493/FUL, be noted.

(2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeal, has directed that the Appeal be ALLOWED subject to Conditions (Appendix A to the report refers):-

Code No. Subject of Appeal

A/15/3133430 (1764) 5.1MW Solar array with Inverter stations, switchgear cabins, fencing, CCTV & access: Land north Brynheulog, Caerau Park, Maesteg

(3) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeals has directed that they be DISMISSED (Appendices B and C to the report refers):-

Code No. Subject of Appeal

A/15/3140007 (1766) Single storey split level dwelling with double garage: land adjoining 22 Sycamore Close, Litchard, Bridgend

A/15/3140154 (1767) Outline application to demolish 2 No. dwellings and erect 1 No. dwelling and garage: Mayfield, Laleston

A/15/3137898 (1768) Retention of two storey garage with store above (re-sub of P/12/714/FUL): Land at Dan Yr Eglwys Farm, (Ty Newydd farm) Bettws

(4) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeal has directed that the Appeal be DISMISSED and the Enforcement Notice be upheld with variation (Appendix D to the report refers):-

Code No. Subject of Appeal



C/15/3139097 (1769)      Non-compliance with approved plans P/12/714/FUL, Land at Dan Yr Eglwys Farm, Bettws

733. WLGAS DRAFT PLANNING COMMITTEE PROTOCOL - FORMAL CONSULTATION RESPONSE

The Corporate Director Communities submitted a report, to seek Development Control Committee Members' approval of the Local Planning Authority's formal consultation response to the Draft Planning Committee Protocol prepared by the Welsh Local Government Association (WLGA).

The Development and Building Control Manager advised that Members should recall an initial draft of the consultation response was presented to the Development Control Committee for comment on 31st March, 2016 and was considered as part of the Member Training Session on the same day.

He then referred to paragraph 3.2 of the report, and confirmed that 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.

As a result of the study, the Welsh Government had 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 was attached at Appendix 1 to the report, and the Officer's draft response to the consultation questions attached at Appendix 2.

The Development and Building Control Manager stated that the existing Development Control Committee Protocol was included within the Council's "Planning Code of Practice – How We Deal with Planning Applications and Other Planning Issues". The Planning Department also published a note on the Council's website which explains public speaking procedures at Development Control Committee meetings (Appendix 3 of the report referred).

He then stated that the WLGA drafting group, following the end of the consultation period, would then review all comments received and would amend the protocol where appropriate. It was anticipated that the final version of the protocol would be available in June 2016 for consideration by each local authority at the appropriate Council meeting.

RESOLVED:                      That the Committee approved the consultation response to the draft Planning Committee Protocol produced by the WLGA at Appendix 1 to the report.

734. PROPOSED EXTENSION TO PORTHCAWL CONSERVATION AREA AND PROPOSED ARTICLE 4(2) DIRECTION

The Conservation and Design Team Leader presented a report (together with Appendices A, B and C), the purpose of which, was to advise Members of the feedback received from the public consultation on the proposed extension of the Porthcawl Conservation Area, and to seek approval for revising the designation to include the new area.

She reminded Members that on 15 October 2015, the Committee authorised Officers to consult on the proposed extended Conservation Area boundary. This decision was made in the context of the benefits of conservation area designation in preserving or enhancing the special character of Porthcawl, and with a view to the submission of a Phase II THI bid to the Heritage Lottery Fund in August 2016.

The consultation was launched at the Jennings Open Day on 20 November 2015, with Consultation letters being sent to all properties within the existing and proposed conservation area. An exhibition was held for 2 weeks in the Grand Pavilion Café, where Officers attended each morning to discuss issues and views raised by local residents and visitors on the proposed plans to extend the conservation area. As a result of this and other discussion sessions, of the comments received as feedback shown in paragraph 4.1 of the report, and re-assessment of the new area to be included in the Conservation Area, the Committee

- RESOLVED:**
- (1) To approve the extension of the Porthcawl Conservation Area to include the additional area shaded in red at Appendix C to the report.
  - (2) Authorised Officers to notify property owners affected

735. **TRAINING LOG**

- RESOLVED:** That the Committee noted and agreed the up and coming Training sessions for Members, with the addition of a training session on the Open Space Supplementary Planning Guidance Note once that has been drafted, as detailed in the report of the Corporate Director Communities

736. **URGENT ITEMS**

None

737. **P/15/787/FUL - ADJ. BELLWAY DEVELOPMENT OFF NEWTON NOTTAGE ROAD, NEWTON, PORTHCRAWL**

- RESOLVED:**
- (1) That having regard to the following application, the applicant enters into a S 106 Agreement to secure that:-
    - (i) The Primary Health Care Centre shall be operated in accordance with the submitted Travel Plan
    - (ii) The Primary Health Care Centre shall be operated in accordance with a Parking Management Plan to be agreed in writing by the Local Planning Authority
    - (iii) The applicant provide an extended bus service from Nottage to the Primary Health Care centre for the period the building is utilised as a Primary Health care Facility
    - (iv) Prior to any planning permission being issued the applicant contributes £8,000.00 (index linked) towards the provision of a traffic order and necessary signs and line painting
    - (v) Prior to any planning construction commencing on site an area of land within close proximity to the site shall be secured by the developer to provide a

- minimum of 20 staff car parking spaces for the period the building is utilised as a Primary Health Care facility.
- (vi) The Applicant pays a contribution of £6,000 towards the provision of a Bus Shelter at the bus stop on Newton Nottage Road.

<u>Code No.</u>	<u>Proposal</u>
P/15/787/FUL	Primary Care Centre, Pharmacy with undercroft car park, associated works and landscaping

The following conditions be added:-

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

- i. The routing of HGV construction traffic to/from the site directly to the A4106
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along Newton Nottage Road and Woodland Avenue.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

12. No development shall commence until a scheme for the provision of 20 off site staff off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use and shall be retained for parking purposes thereafter.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of 21 cycle parking stands has been submitted to and agreed in writing by the Local Planning Authority. The stands shall implemented before the development is brought into beneficial use and retained as such thereafter.

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

14. The proposed means of access shall be laid out with 3.0 metre radius kerbing on both sides of the entrance, constructed and retained in permanent materials with vision splays of 2.4m x 14m to the South West and 2.4m x 25 to the North East before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

15. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

16. No development shall commence until a scheme for the provision of a Traffic & Delivery Management Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the facility shall be made in accordance with agreed Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

17. No development shall commence until a scheme for the provision of pedestrian crossing facilities across the A4229 Pyle Road at the Northern Splitter Island of the A4229 / A4106 / Fulmar Road roundabout has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include Stage 2 Safety Audit which shall be submitted to and agreed in writing by the Local Planning Authority before any works commence. Such scheme shall be implemented as agreed by the Local Planning Authority prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

18. No development shall commence until a scheme for the provision of a safe pedestrian route between the site and the agreed off-site staff off street parking area has been submitted to and agreed in writing by the Local Planning Authority. Any required footway improvement works shall be implemented in permanent materials before the development is brought into beneficial use.

Reason: In the interests of highway safety and promoting Active Travel.

19. No works shall commence on site until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of a shared cycleway/footway on the Southern side of Newton Nottage Road, between the site and existing cycleway along Woodland Avenue together with an uncontrolled pedestrian crossing facility on Woodland Avenue in proximity to its junction with Newton Nottage Road. Such a scheme shall be implemented, as agreed, in permanent materials before the development is brought into beneficial use.

Reason: In the interests of highway safety.

738. P/15/648/OUT - ST CLARES CONVENT, CLEVIS LANE, PORTHCOWL

**RESOLVED:** (1) That having regard to the following application, the applicant enters into a S 106 Agreement to:-

1. Provide a financial contribution of £416,208.00 towards the provision of affordable housing.
2. Provide a financial contribution of £5,640.00 towards the upgrading of a local play facility

3. Provide a financial contribution of £7,000.00 to cover the cost of a Road Traffic Order in respect of amending and extending the existing One Way Traffic Order that applies to the southern section of Clevis Hill.
4. Agree that no demolition or site clearance works shall be commenced until a contract for carrying out development works has been made and submitted to the Local Planning Authority and a detailed scheme for the redevelopment of the site has been approved.

<u>Code No.</u>	<u>Proposal</u>
P/15/648/OUT	Demolition of St Clares Convent & Redevelop site for Residential Use

That Condition 1 be amended to read as follows:-

1. The development, hereby approved, shall be limited to no more than 12 dwellings, comprising 11 new build single units together with a further single residential unit created from the partially retained Prayer Centre Building with the access located to the south of the retained section of the Prayer Centre Building and shall be substantially in accordance with the 1:500scale sketch site plan dated 24<sup>th</sup> February 2016.

The Condition 4 attached to the Outline application be amended to read as follows:-

Condition 4:

4. No development shall take place, including any works of demolition/site clearance until a Construction Traffic Management Plan and Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall provide for:-

- (i) The proposed timetable for the phasing of demolition works.
- (ii) The timing of HGV construction traffic to/from the site to avoid school starting and leaving times.
- (iii) The routing of HGV construction traffic to/from the site to avoid the southern end of Clevis Lane.
- (iv) The parking of vehicles of site operatives and visitors.
- (v) Loading and unloading of plant and materials.
- (vi) Storage compound for plant and materials to be used in the construction phase and any retained from the demolition phase.
- (vii) Wheel washing facilities.
- (viii) Measures to control the emission of dust and dirt from the demolition and construction phase.
- (ix) Provision of temporary traffic and pedestrian management along Clevis Lane.
- (x) Methods of dealing with any controlled waste including removal to a registered site by a registered waste carrier.
- (xi) Details of fencing for the protection of retained trees protected by a Preservation Order before any equipment, machinery or materials are brought onto the site for the purposes of the development. The fencing shall be maintained throughout the course of the development, with no other materials stored or placed in any area fenced in accordance with this condition. The ground levels within the fenced areas shall not be altered nor shall any excavation be made.

The demolition and construction works shall thereafter be undertaken in accordance with the agreed method Statement and Traffic Management Plan.

Reason: In the interest of highway safety.

The meeting closed at 3.45 pm

## **DEVELOPMENT CONTROL COMMITTEE**

**9 JUNE 2016**

**AMENDMENT SHEET (AS) - circulated by email 8 June 2016  
Incorporating matters arising from  
Pre-Development Control Committee Meeting  
(Item number preceded by ASA)**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>AS 8b</b>	<b>31</b>	<b>P/15/847/FUL</b>

### **Representations received**

A petition of 48 signatures objecting to the application was received on 6 June 2016. The objections relate to increased parking issues, increased traffic movements, lack of amenity space, removal of wall between site and Bedford Close, plan to trim/thin trees and overlooking.

Further objections were received from Mr P Rayment of 20 Bedford Close which are summarised as follows:-

- Notification placed in paper does not provide correct address
- Application site includes a boundary wall which is not in the ownership of the applicant
- The Council shall be held liable for any costs to rectify or reinstate boundary wall
- Drainage

The observations received can be viewed in full on the application file.

### **Comments on Representations received**

The issues of parking, highway safety, amenity space and overlooking have been addressed in the Committee report.

In respect of any works to trees or planting a condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

The applicant placed an advert in the Glamorgan Gazette on 25 May 2016 to comply with the requirements of the Certificate D, which seeks to notify any landowners or tenants of the application. The wording of the address was provided to the Gazette by the applicant and is considered to be a reasonable description of the site location to ensure that any interested parties can correctly identify the site. Furthermore, the address corresponds with the address on the Council's Local Land and Property Gazetteer.

The applicant, on 25 April 2016, confirmed that the block work wall facing Bedford Close is within their ownership.

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



The development has been assessed by the Land Drainage Officer who requested that a condition be attached to any permission granted.

## **ASA**

A further objection from Mr P Rayment of 20 Bedford Close was sent to members on 8 June 2016 and a copy is attached for information.

## **Recommendation**

The recommendation be amended to:-

That, if committee is minded to grant consent, that plenary powers be given to the Corporate Director Communities to issue a decision after 16 June 2016, subject to no new representations being received that raise new and relevant issues relating to the advert placed in the press on 26 May 2016 and after the applicant has entered into a S106 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, as follows:-

### **AS 8c                      43                      P/16/301/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 8 June 2016. Two local Members, a representative of the Town Council, two local residents and the applicant were in attendance.

### **AS 8e                      59                      P/16/137/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 8 June 2016 and two local Members were in attendance.

Councillor P James requested to speak at the Development Control Committee meeting. The applicant has been informed of their right to speak.

## **Consultation Responses**

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

## **Recommendation:-**

Condition 5 be amended to read:-

5. No development shall commence on site until details of the plant, portable cabins and the storage bays have been submitted to and agreed in writing by the Local Planning Authority. The portable cabins and storage bays shall be implemented as agreed.

Reason: In the interests of visual amenity.

The following conditions be added:-

6. No development shall commence until a scheme for the provision of 10 off street parking spaces and adequate HGV turning facilities 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.

Reason: in the interests of highway safety.

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

Reason: in the interests of highway safety.

8. No development shall commence until a scheme for the provision of an access not less than 5.5 metres wide laid out with 6 metres radius kerbing on both sides of the entrance constructed and retained in permanent materials has been submitted to and agreed in writing by the Local Planning Authority with vision splays of 2.5m x site frontage. The agreed scheme shall be implemented prior to beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

**AS 8f**

**65**

**P/16/130/FUL**

The application was subject to a Development Control Committee Panel Site Visit which took place on Wednesday 8 June, 2016.

The Chair agreed that the report accurately reflects the context of the site and the nature of the development.

**ASA 8g**

**73**

**P/15/845/FUL**

The application is deferred to allow further negotiation on highway / access matters.

**AS 8h**

**89**

**P/16/189/FUL**

The application was subject to a Development Control Committee Panel Site Visit which took place on Wednesday 8 June, 2016.

The Chair agreed that the report accurately reflects the context of the site and the nature of the development.

**AS**

**URGENT ITEM**

**REFERENCE:** P/16/128/FUL

**APPLICANT:** CELTIC ENERGY LIMITED

**LOCATION:** FORMER MARGAM SURFACE MINE FFORDD-Y-GYFRAITH  
BRIDGEND

**PROPOSAL:** PROPOSED ALTERNATIVE RESTORATION AND AFTERCARE  
SCHEME IN RESPECT OF THE FORMER MARGAM SURFACE  
MINE

The Chairperson has accepted this as an urgent item in accordance with Part 4 of the Council Procedure Rules.

The application was reported to a Special Development Control Committee on the 4 May 2016 whereby members were minded to approve the application subject to the signing of a Section 106 agreement and the removal of a holding direction issued by Welsh Government. The holding direction has now been removed and the Section 106 agreement has been progressed and is about to be signed.

The purpose of this report is to advise members of a number of necessary minor amendments to the proposed planning conditions attached to the original report. The amendments are necessary to address typographical/drafting errors and to harmonise the wording with the conditions proposed by Neath Port Talbot in the corresponding application.

This is brought as an urgent item in view of the very tight deadlines associated with the development and the impending commencement of development.

The conditions that require amending are as follows:-

**Condition 7**

Prior to the delivery of any plant/machinery, portable buildings or materials to the site or any works of demolition/site clearance, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i. The routing of HGV construction traffic to/from the site in order to avoid Law Street.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety

The original condition referred to Fountain Road in (i) whereas it should have referred to Law Street.

### **Condition 9**

The rights of way shall be re-instated prior to 31st July 2017 in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority either as per those in shown on Figure 7 – Indicative Proposed Rights of Way or as per any subsequent confirmed Public Path Diversion Order.

Reason: To ensure that public access through the site is available from completion of the development.

The amended condition allows for the Council to have control of the construction and nature of the Rights of Way.

### **Condition 18**

Within 3 months of the date of this permission the developer shall submit a scheme for the written approval of the Local Planning Authority outlining a management and maintenance strategy for all the proposed and retained watercourses, the overspill channel, culverts and surface water management features within the site. The scheme as approved shall thereafter be complied with.

Reason: In the interests of flood prevention.

The original condition did not specify that the development should comply with the details agreed. The amendment corrects this error.

### **Condition 26**

The Great Crested Newt Reasonable Avoidance Measures as set out in section 3.3.24 and 3.3.25 of the Supplementary Mitigation Report shall be implemented during all vegetation clearance, restoration work and outfall construction. If Great Crested Newt are found such works which may adversely affect this species must cease until such time as details of comprehensive mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.

Reason: To protect against the possibility of Great Crested Newts being harmed.

This amendment harmonises with the corresponding condition proposed by NPT and allows for work to continue on site apart from the area affected by the Great Crested Newt mitigation measures. The earlier condition required all work on site to cease until the measures were agreed and in place and would have had an impact on the timescale for completion and the delivery of the scheme.

### **Condition 27**

No restoration works shall be carried out within a buffer zone 25m either side of the Craig Nant yr Aber.

Reason: In the interests of the protection of habitat which contributes to biodiversity on the site.

The condition has been amended to specify restoration works.

**Condition 46**

The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details.

Reason: To ensure adequate treatment and management of the land to an appropriate timescale.

Due to a technical error this condition and reason was not fully reproduced on the original report.

**Recommendation:-**

That the conditions indicated above be amended in place of the respective conditions previously approved.

**MARK SHEPHARD  
CORPORATE DIRECTOR – COMMUNITIES  
9 JUNE 2016**

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## Development Control Committee Guidance

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

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

### STANDARD CONDITIONS

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### STANDARD NOTES

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

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

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

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

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

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

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



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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

## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/624/FUL

**APPLICANT:** MRS L STORER  
C/O PLANR LTD 39 MERTHYR MAWR ROAD BRIDGEND

**LOCATION:** PLOT 5 STABLE LANE OFF NEW STREET PANTYGOG  
PONTYCYMMER

**PROPOSAL:** THREE BEDROOM TWO STOREY DWELLING (RESUBMISSION OF  
P/14/597/FUL)

**RECEIVED:** 24th September 2015

**SITE INSPECTED:** 19th October 2015  
**SITE INSPECTED:** 14th December 2015

## APPLICATION/SITE DESCRIPTION

The application proposes the construction of a detached two storey three bedroom house on land referred to as Plot 5 within a development site known as Stable Lane, off New Street, Pantygog.

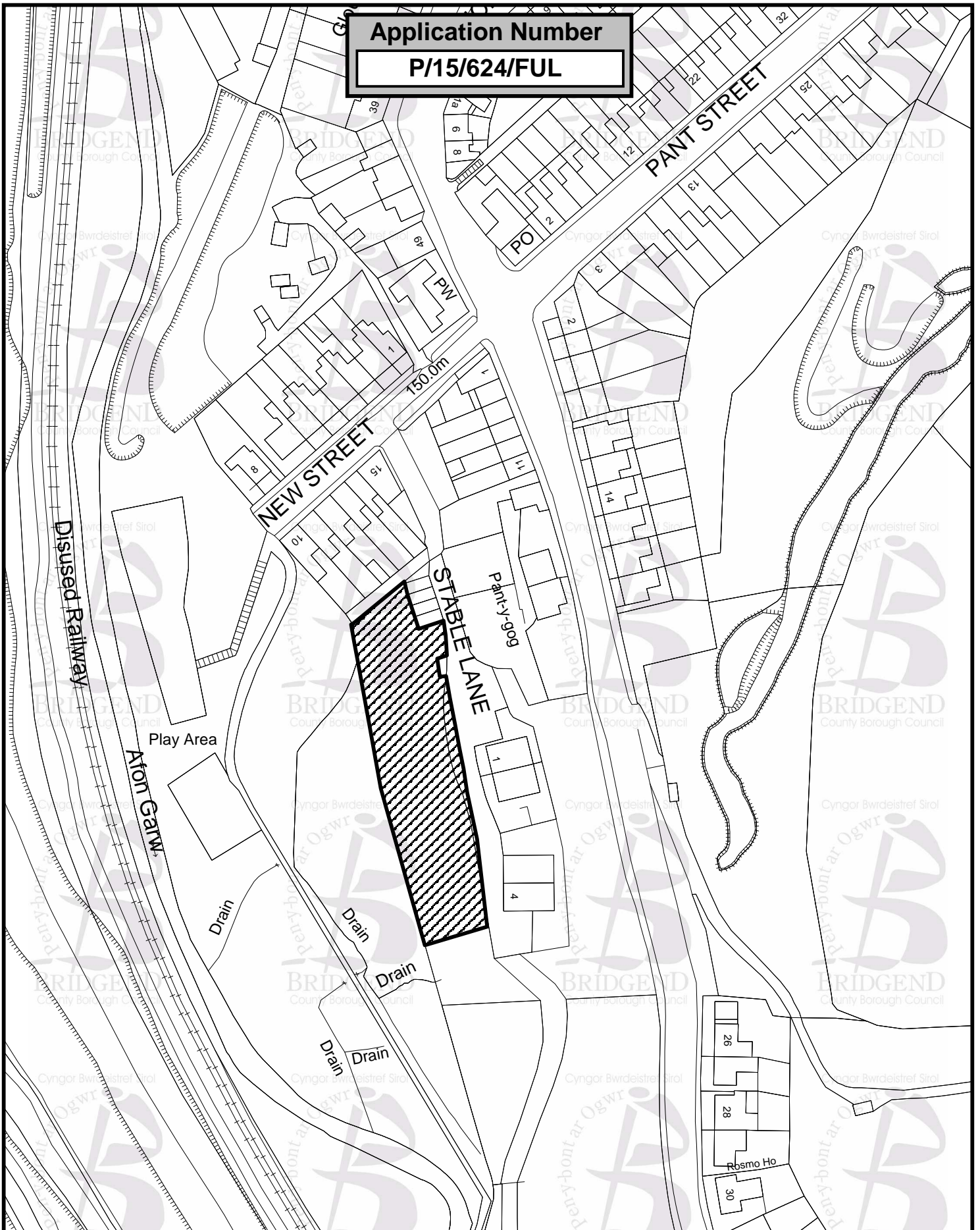
The proposed dwelling is to be located on the western side of the existing access road serving four other, existing dwellings at Stable Lane and immediately to the south of an existing block of garages. The land in this area slopes steeply from east to west and the existing dwellings on the eastern side of the access road appear to have been constructed on a plateau created by cutting into the slope so that the ridges of roofs lie below the level of the adjoining A4064, Cuckoo Street. It also appears that some of the material excavated during the development of the existing properties has been deposited on the western side of the access lane and a relatively flat plateau area created from this material approximately 2-3 metres below the level of the access lane. The application site relates to this lower plateau area.

The dwelling will measure 10.5m by 8.2m reducing to 7.5m in the southern section of the building. The roof is to be pitched with the ridge set at approximately right angles to Stable Lane and will reach a maximum height of 9.4m, measured from the plateau level on which the dwelling is to be established. At lower ground floor level there will be three bedrooms, one of which is en-suite and a family bathroom. A single storey utility room measuring 2.3m by 3m will project from the southern elevation at this level. On the upper ground floor, there will be the main entrance, hallway, WC, lounge and kitchen/dining room. A balcony 2m wide will project across the entire western elevation of the property at this level. Bi-folding doors from the lounge and a patio door type opening from the dining area will provide access onto this balcony area. The external finishes for the proposed dwelling are indicated as natural slate roof with the majority of the walls finished in a smooth render although the southern section of the entrance elevation and the upper section of the western elevation will be clad in horizontal timber planking. The submitted layout plan indicates that two parking spaces will be provided to the south the dwelling, more or less opposite the three parking spaces serving No 1, the existing property on the opposite side of the access road. Annotations on the proposed site layout plan indicated that the upper floor level is to be set at 145.00, which is approximately 1m below the road level.

## RELEVANT HISTORY

Application Number

P/15/624/FUL



Scale 1:1,250

Date Issued:  
03/06/2016

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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<b>P/06/1425/FUL</b>	APPROVED +conditions	15-01-2007
RELOCATION OF EXISTING STABLES		
<b>P/06/86/OUT</b>	APPROVED +conditions	14-07-2006
4 DWELLINGS - OUTLINE APPLICATION		
<b>P/07/1265/OUT</b>	REFUSED	11-12-2007
4 DETACHED DWELLINGS & ASSOCIATED ACCESS ROAD WORKS		
<b>P/07/1472/FUL</b>	APPROVED +conditions	14-05-2008
RELOCATION OF EXISTING STABLES		
<b>P/09/346/RLX</b>	APPROVED +conditions	03-07-2009
EXTEND THE TIME TO SUBMIT RESERVED MATTERS BY TWO YEARS (CONSENT P/06/86/OUT)		
<b>P/10/48/RES</b>	APPROVED +conditions	02-07-2010
5 BED DETACHED DWELLING WITH DOUBLE INTEGRATED GARAGE AND DRIVEWAY WITH 4 PARKING SPACES AND GARDEN AND TERRACED PATIO		
<b>P/10/486/RES</b>	APPROVED +conditions	16-08-2010
1 NO. 4 BEDROOM DETACHED DWELLING AT PLOT 1		
<b>P/10/848/RES</b>	APPROVED +conditions	27-04-2011
2NO. DWELLINGS (APPLICATION FOR APPROVAL OF RESERVED MATTERS)		
<b>P/11/910/RES</b>	REFUSED	31-01-2012
RESERVED MATTERS APPLICATION FOR 2 NO. DWELLINGS		
<b>P/12/94/RES</b>	APPROVED +conditions	28-03-2012
RESUBMISSION OF RESERVED MATTERS APPLICATION (P/11/910/RES) FOR 2NO. DWELLINGS		
<b>P/14/597/FUL</b>	REFUSED	06-11-2014
3 BEDROOM TWO STOREY DWELLING		

#### **PUBLICITY**

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

The period allowed for response to consultations/publicity expired on 26th October, 2015.

## **NEGOTIATIONS**

The applicant's agent was advised of concerns expressed by the Structural Engineer and the Land Drainage Section and requested to commission a new ground investigation report relating specifically to this application site and provide details of how surface water discharges will be dealt with in respect of the proposed development.

Updated information in respect of drainage arrangements was submitted but this proved to be based on inaccurate information and the prospective developer was advised to reconsider this issue. Further details in respect of land stability and drainage was submitted and reviewed.

Both the Structural and Land Drainage Engineers consider that the additional information does not fully address previously identified concerns but recommend that appropriately worded conditions to require a construction management plan, foundation design, certification of the necessary, substantial retaining walls and a comprehensive and integrated drainage scheme may satisfactorily control these matters.

## **CONSULTATION RESPONSES**

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

That no development should take place until such time that an adequate entrance road to the development site is constructed

### **Councillor R D Jenkins**

Do not support the application; original consent for only 4 dwellings, plus I do not think any more properties should be built until the works on the access via New Street to widen the highway, etc, have been executed, which was a condition of the original planning consent.

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

The development site, of which this plot forms a part, was originally granted outline consent P/06/86/OUT. That consent required improvements to the junction of the private drive with New Street, Improvements to New Street itself and improvements to the junction of New Street with Cuckoo Street (A4064). Whilst, in principle, the provision of this additional plot could be acceptable in highway terms, the outstanding highway improvements have not been implemented resulting in a substandard highway situation which is not considered appropriate to serve this proposal.

It is noted that the highways improvements referred to above have been included as part of this application. The Highways Engineering Section has confirmed that the original developer of the four existing plots has made progress with regard to discharging the highways conditions by submitting details but has failed to enter into a necessary highways agreement and so the works have not been implemented. It is considered that until such time as these highway improvements have been physically implemented, the development of this plot using the existing substandard highway arrangement would be premature. Appropriately worded conditions to secure these works prior to commencement of the construction of the dwelling are recommended.

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

Initially, it was highlighted that the originally submitted scheme was based on information

previously provided in 2010, which has subsequently been proven to be incorrect. Following consideration of additional information submitted by the applicant and a recent site inspection, it is confirmed that there is a nearby watercourse, which should be capable of accepting surface water flows from the proposed development. Discharge of foul drainage to the adjacent public sewer will require the consent of Dwr Cymru/Welsh Water who may require the applicant to enter into appropriate agreements prior to allowing connection. In the circumstances, it is suggested that a condition requiring the submission of a comprehensive and integrated scheme is imposed on any consent that the Authority may be minded to grant.

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

Initially, it was considered that insufficient information had been submitted to demonstrate the suitability of the ground conditions to support the proposed new dwelling. Concern was also expressed that no details of retaining structures to support the existing private access serving the existing four dwellings.

Following consideration of the additional information submitted by the developer, it is now considered that provided the proposed development can be founded on the mudstone as predicted by the developer's consultant engineer, the proposals may be acceptable.

The assumptions made by the engineer are considered reasonable and the level of the top of the mudstone predicted on the submitted plan show that the property will be found in the mudstone, apart from the south western corner, where the foundations can be extended down to the mudstone.

In a discussion with the case officer, who sought clarification of the above observations, it was recommended that conditions be imposed to ensure appropriate foundations are provided together with a construction method statement and certification of retaining walls and foundations.

### **Welsh Water Developer Services**

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

### **The Coal Authority**

On the basis that the application is a resubmission of the earlier application P/14/597/FUL, the previous comments provided in September, 2014 are reiterated.

In respect of the earlier application, the Coal Authority raised no objection but further more detailed consideration of ground conditions and foundation design may be required.

## **REPRESENTATIONS RECEIVED**

### **Five Objection Letters From Residents Of New Street And, A Petition Containing 19 Signatures Have Been Received**

The grounds of objection can be summarised as follows:-

1. Level of development site is significantly below the access road level.
2. Concern regarding the stability of the site with the potential for the construction phase to cause subsidence or destabilisation of adjoining dwellings and the access road.
3. Proposed external finishes not sympathetic to existing development.
4. Loss of views caused by any boundary fencing/walls.
5. Land drainage problems - in bad weather water flows down the road from north to south with

no drainage system provided.

6. Suitability of access, which appears to include land not within the ownership of the applicant, given that residents in both New Street and Cuckoo Street frequently park in the same area.

7. Any consent could be conditioned to prevent occupation until the originally required highway improvement works are completed but residents note that the Highways Department are unable to enforce this requirement. Previously imposed conditions have not been complied with.

8. Development would not contribute to the social and economic well being of the community but would be more likely to be occupied by people from outside the valley given the costs.

9. Impact on privacy of dwellings on the southern side of New Street.

10. Previous application for this development was refused and therefore there should be consistency with regard this decision.

11. Plot is currently being used as rubbish dump.

12. A further drainage incident on this site occurred in March when the main drain serving this site released its contents onto the community area and public path to the west. Welsh Water reported that the incident was a result of a sewer flood.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

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

**Land Levels-** Whilst the land level within the plot is noted to be significantly lower than the access road, the dwelling has been designed with living accommodation provided at upper floor level, which is to be set only slightly lower than the access road with bedrooms and bathrooms provided underneath in a lower floor.

**Land Stability -**Concerns relate to the stability of the land forming the application site given that it appears to be made up of tipped material excavated during the construction of the existing four dwellings in Stable Lane and thereafter consolidated. The applicant's consultant engineer has confirmed that, based on the original geotechnical report, it has been possible to plot top of rock strike lines under the proposed property and the site in general. By comparing the proposed construction levels with the anticipated top of rock strike lines, it is considered that the majority of the footprint of the dwelling will be founded on a bench cut into the mudstone with the exception of the south western corner where extended depth footings will be required to bear directly onto the bedrock. The split level arrangement includes for the construction of a reinforced concrete retaining wall approximately 3m in height adjacent to the northern and eastern boundaries. Due to the close proximity of the access road and garages, it will be necessary for the retaining wall to be excavated, constructed and backfilled in short lengths. The Structural Engineer has assessed this information and advised that, provided the proposed development can be founded on the mudstone as predicted, the development may be acceptable. As indicated in the Negotiation Section of this report, conditions requiring a construction method statement and certification of retaining structures would be necessary to satisfactorily control this issue.

**Materials -** Whilst objectors consider the proposed external finishes of the dwelling to be out of character with the area, they will reflect some of the material used in the existing four dwellings at Stable Lane. An appropriately worded condition can satisfactorily control this matter.

**Loss of Views -** This is not a material planning consideration.

**Land Drainage Problems -** The information in respect of drainage issues provided by local residents is noted. The Land Drainage Section has requested an appropriately worded condition in order to achieve the provision of an acceptable scheme.

**Access -** many of the concerns expressed by objectors relate to the failure of the developer, of the four dwellings on the remainder of the site, to adhere to conditions attached to the original



grant of planning permission requiring improvements to the access lane itself, the junction with New Street and the junction of New Street with Cuckoo Street. The objectors consider that the present condition of the access is unsuitable to serve the proposed additional dwelling and cater for larger vehicles delivering materials and plant accessing the site during the construction phase. The current application, however, includes the access from the plot to New Street and also that section of New Street up to the junction with Cuckoo Street. The Highways Department considers that, subject to the re-imposition of the conditions attached to the original planning permission requiring the improvement of this entire access before the commencement of development, the proposals are acceptable.

**Social & Economic Well Being** - Given that the scale of the development is a single dwelling, it is considered that it could not significantly contribute to the social and economic well being of the community. Similarly occupation of the dwelling by persons not currently residing in the Valley would not be a material planning consideration.

**Privacy** - The development does not infringe the Authority's privacy standard of 21m between directly facing habitable room windows.

**Dumping of Rubbish** - Objectors have highlighted that there appears to have been fly tipping on the application site. This would be a matter for the landowner to resolve.

**Precedent set by previous refusal** - Whilst it is acknowledged that due regard must be taken of the previous planning history on the site, each application is assessed on its individual merits.

## **APPRAISAL**

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

The application seeks consent for the construction of a detached two storey three bedroom dwelling on land referred to as Plot 5 Stable Lane, Pantygog. The application site is located to the south of 10-15 New Street and on the western side of a partially made up access lane serving four recently completely dwellings on the eastern side of the access, known as Stable Lane.

The application site is located within the settlement boundary for Pontycymmer and Blaengarw as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing building or the re-use of vacant or under-utilised land will be permitted where no other LDP protects the building or land for an existing purpose. It is therefore considered that the proposed development accords, in principle, with this Policy.

In terms of details, the application falls to be assessed against Policy SP2, which 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. The Policy establishes fifteen criteria against which development proposals are assessed and it is considered that criteria 2,3,4,6,12 & 13 are relevant to the proposed development.

The submitted plot layout shows the proposed dwelling sited just under 2m from the southern elevation of the existing garage block and approximately 5m from the northern site boundary with two parking spaces sited approximately 800mm to the south of the proposed dwelling. The chalet bungalow type appearance that will face onto Stable Lane is considered to reflect the other four dwellings within the wider development site. The external finishes of the existing dwellings include stone cladding, render and timber board and the materials for the walls of the proposed dwelling are to be similar render and boarding only. In this regard, it is considered that

criteria 2,3 & 4 have been met.

An amended site location plan now includes the northern section of Stable Lane leading from the application site to its junction with New Street and further, the eastern section of New Street up to the junction with the A4064, Cuckoo Street. It is considered that the submission will provide reasonable access to the site and allow the Highways Department to re-impose conditions in respect of the highway improvements originally required by conditions attached to the outline planning permission relating to the wider development site. In this manner, there would be the prospect of securing significant highway improvements to serve not only the current application site but also the existing four dwellings at Stable Lane and potentially the residents in New Street.

With regard to the proposed parking arrangements, it is noted that these are sited to the south of the proposed dwelling and level with Stable Lane. At this location there is a narrow strip of land (approximately 3m wide) on the western side of the access road and it will therefore be necessary for significant engineering works, including a substantial retaining structure, to be undertaken to create an area of sufficient depth to accommodate the parking spaces. Whilst, no details of these works have been provided as part of the submission, it is considered that appropriately worded conditions can secure such a scheme so that the requirements of criterion 6 can be met.

Criterion 12 seeks to ensure that the viability and amenity of neighbouring uses and their occupiers will not be adversely affected. Local residents consider that the unsuitability of the access to the proposed development adversely impacts on their amenities with incidences of damage to property and flooding caused during the construction of the existing properties on Stable Lane cited. It is clear that substantial engineering operations and retaining structures will be required to support the existing section of Stable Lane providing access to the other four dwellings and the garage block to the north. A condition requiring a construction method statement clarifying how this will be achieved, will mitigate any adverse impact on neighbouring property throughout this phase of the development and will secure highway improvements that will be beneficial to existing residents as well as the development plot.

By extension, it is also considered reasonable to ensure that the amenities of future occupiers of the proposed development, itself, are also safeguarded. In this case, notwithstanding the objections raised by local residents, the proposed dwelling does not directly impact on the amenity of neighbouring residents. The floor plans for the proposed dwelling show the living accommodation set at the upper level with the bedrooms on the lower ground floor. The elevational drawing shows a window serving Bedroom 3 in the northern elevation, which will be only 2m away from the boundary, which will be a 3m high retaining wall required to support the garage block to the north. It is considered that given that this room's principal use will be for sleeping, this arrangement is, on balance, acceptable.

It is noted that due to the difference in land levels and the size of curtilage, some of the amenity space for the proposed new dwelling will be overlooked thereby affecting privacy or amenity to future occupiers. However, there is sufficient land within the plot to provide some private use. A condition requiring agreement of the means of enclosure of the plot is, therefore, considered necessary not only to safeguard the amenity of future occupiers but also to ensure that the means of enclosure itself does not adversely impact on the visual amenities of the existing dwellings in Stable Lane.

The final relevant criterion, 13, requires development proposals to incorporate appropriate drainage arrangements. Notwithstanding that, details of drainage arrangements have not yet been provided, the Land Drainage Section has confirmed that there is a nearby watercourse which should be capable of accepting surface water flows from the proposed development. Discharge of foul drainage will require the consent of Dwr Cymru/Welsh Water who may separately require the developer to enter appropriate agreements prior to allowing connection. A condition requiring a comprehensive and integrated drainage scheme has been recommended

to adequately control this aspect of the development.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site and the proposed development, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Whilst determining this application Policies PLA1, COM3, SP2 of the Bridgend Local Development Plan were considered.

## CONCLUSION

This application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on highway safety nor privacy nor so significantly harms neighbours amenities or those of future occupiers of the proposed dwelling.

## RECOMMENDATION

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

- 1 No development shall commence in respect of the construction of the dwelling, hereby approved, until the junction of New Street/Cuckoo Street has been laid out in permanent materials with vision splays of 2.4m by 70m on the northern side and 2.4m by 60m to the south with 4.5m radius kerbing, associated road markings and traffic signing as shown on drawing 4909.088.05 Rev B.

Reason : In the interests of highway safety.

- 2 No development shall commence in respect of the construction of the dwelling, hereby approved, until New Street has been widened to provide a carriageway a minimum of 5.5m wide for a distance of no less than 50m south west from the junction with Cuckoo Street(A4064) as shown on plan number 4909.088.05 Rev B.

Reason : In the interests of highway safety.

- 3 No development in respect of the construction of the dwelling, hereby approved, shall commence until the first 20m of the access from New Street has been widened to 5.5m wide, reducing thereafter to no less than 3.65m wide as far as the plot entrance and completed in permanent materials.

Reason : In the interests of highway safety.

- 4 Notwithstanding the approved layout, no development shall commence on site until a scheme for the provision of three car parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter be provided in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and so retained in perpetuity to serve the approved dwelling.

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

- 5 The development shall be carried out in accordance with the following approved plans and documents: site location plan received on 13th April, 2016 and plan numbers 01A, 02A, 03C and 4909.088.05 Rev B.

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

- 6 No development in respect of the construction of the dwelling, hereby approved, shall commence until a construction method statement has been submitted to and agreed in

writing by the Local Planning Authority. The construction method statement shall include the following:-

- \* Method of construction of the retaining walls along the northern and eastern boundaries of the residential plot;
- \* Details of the foundations of the dwelling together with their method of construction;
- \* Details of the method of constructing the parking spaces required by Condition 4 including any retaining structures;
- \* The parking of vehicles of vehicles of site operatives and visitors;
- \* Loading and unloading of plant and materials;
- \* Storage compound for plant and materials to be used in the construction phase;
- \* Wheel washing facilities;
- \* Measures to control the emission of dust and dirt from any excavations and the construction phase;
- \* Provision of temporary traffic and pedestrian management along Stable Lane.

The development shall be undertaken in accordance with the agreed method statement throughout the construction phase.

Reason : In the interests of highway safety.

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

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

- 8** Notwithstanding the approved site layout plan, no development shall commence until details of the proposed floor levels of the building and the parking facilities in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 9** 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.

- 10** 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 and shown on plan numbers 01A and 02A.

Reason : In the interests of visual and residential amenities.

- 11** 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.

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

Reason : To ensure safe drainage of the site.

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

(a) This application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on highway safety nor privacy nor so significantly harms neighbours amenities or those of future occupiers of the proposed dwelling.

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

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

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

(e) The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under Section 106 of the Water Industry Act, 1991. If the connection to the public sewer network is either via a lateral drain or via a new sewer, it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement. The design of the sewers and lateral drains must also conform to the Welsh Minister's Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption" 7th Edition.

(f) The presence of any significant unsuspected contamination which becomes evident during the course of the development shall be brought to the attention of the Public Protection Department.

**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**

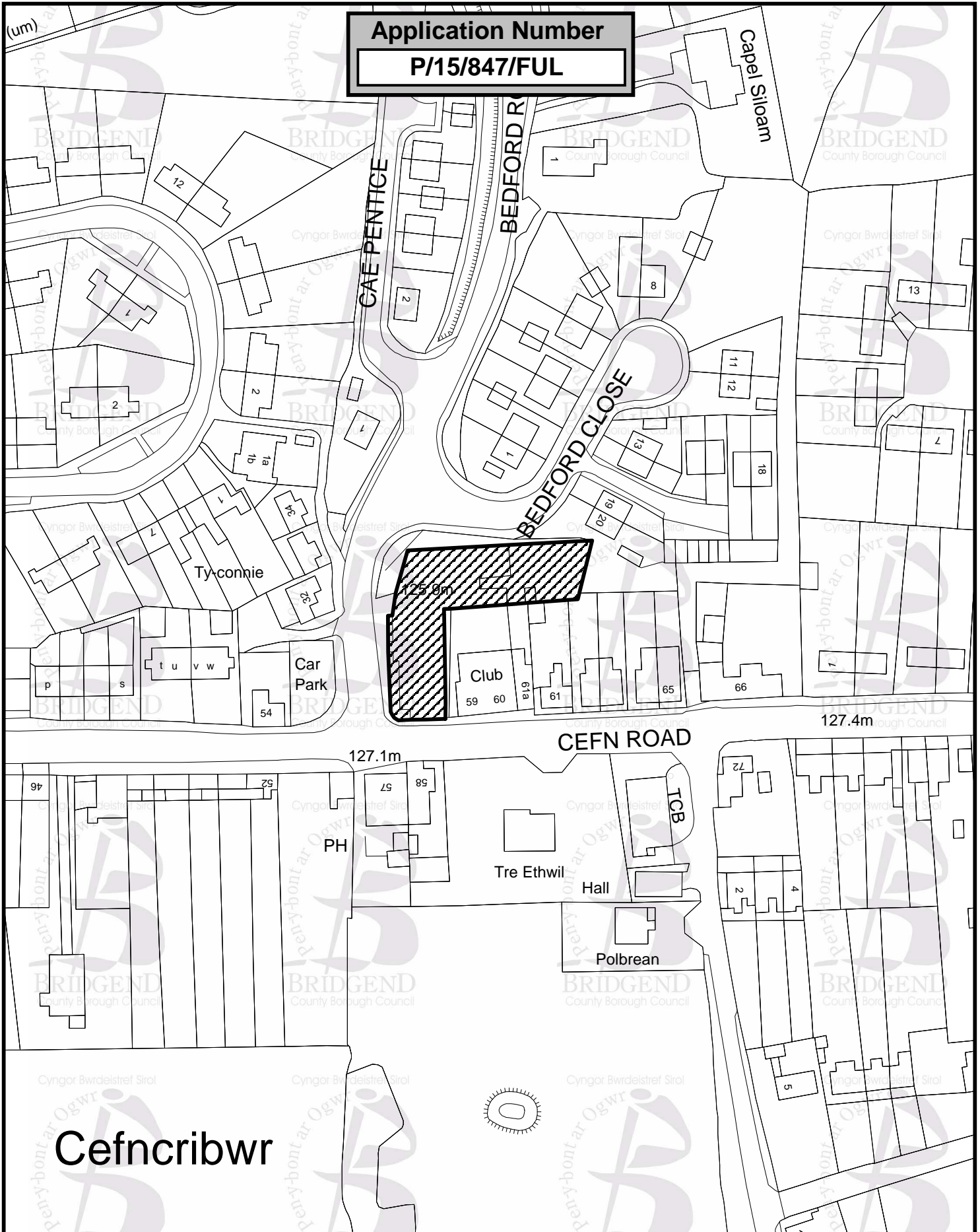
**P/07/1337/FUL** REFUSED 04-01-2008  
CHANGE OF USE OF HALL SECTION OF SITE TO WAREHOUSE STORAGE FROM WHICH SOME RETAIL MAY BE REQUIRED

**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**

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**Scale 1:1,250**

**Date Issued:**  
**03/06/2016**

**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 Sirol  
 Pen-y-bont ar Ogwr

**BRIDGEND**  
 County Borough Council



## **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 and, 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.

The applicant placed an advert in the local press advertising the application as there was found to be some unregistered land on the site and signed a Certificate D.

## **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
- Issues of access rights
- Impact of washing lines on visual amenities
- Living areas are north facing
- Overshadowing
- Visual impact of building
- Impact on Human Rights
- Residential amenities for the future occupiers of the flats

**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 Gwyrdd. 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 advertised the proposal in the press and has served Notice on all known landowners associated with the site and has submitted Certificate D. The applicant has also confirmed that the boundary wall along the southern boundary of the site is within their ownership.

Right of access is a private matter between the land owner and the developer.

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 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 Local Planning Authority is satisfied that it has considered the Human Rights Act in the consideration of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

A condition is recommended requiring details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority, this will ensure that the type of boundary treatment to be erected will provide a suitable outlook for occupiers of the ground floor flats.

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 was deferred at the Development Control Committee on 31st March 2016 to resolve landownership issues and concerns in respect of the design of the building. The applicant confirmed that all landowners associated with the site have been formally notified of the application and Certificate B has been completed in accordance with the regulations. However, new information came to light suggesting that the highway verge is not owned by the Highway Authority and, subsequently, the suggestion was deferment again at the 12 May 2016 committee meeting to allow the applicant sufficient time to take reasonable steps (a site notice and a press notice) to identify the owner of the land. Certificate D has been completed. A notice was published in the press on 26 May 2016 and the Local Planning Authority is now satisfied that the relevant landowners have been notified of the application.

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 in a two storey linear building. The access to the first floor will be via the porches, which break up the expanse of the front elevation. 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, although 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, separated by a highway.

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. The development will not cause any adverse 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.

In terms of dominance, Note 1 of Supplementary Planning Guidance 02: Householder Development states that no Extension should unreasonably dominate the outlook of an adjoining property. In this instance, given the position of the proposed building in relation to No. 20 Bedford Road, there will be no unreasonable overbearing impact to the dwellinghouse, however there

may be a limited dominating impact to part of the garden area. No. 20 Bedford Close is served by a particularly large garden area which is on a number of different levels. The area of the garden closest to the application site is at a higher level than the dwelling house and is currently occupied by a poly tunnel and trampoline, this area does not benefit from a particularly open aspect or any uninterrupted views to the west. The blank elevation of the proposed building will be approximately 3m from the garden reducing to 90cm at the closest part adjacent to the area the poly tunnel is located. Whilst it is accepted that the development will dominate the westerly view from this part of the garden it is considered that the proposed building would not dominate the overall garden area to such an extent as to warrant refusal of the scheme, given the large garden area serving No. 20 Bedford Road, the orientation of the proposed building in relation to the property and the differing levels and sections of the garden.

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 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 distribution of parking 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 a communal outdoor amenity 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 to 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. The applicant has also confirmed that the boundary wall is within his control.

Having regard to the above, the proposed development is considered to comply with Policy SP2 of the LDP and the principles contained within 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 perpetuity in line with Local Development Plan policy.

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

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the site it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

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.

\* 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 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

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/16/301/FUL  
**APPLICANT:** FILCO FOODS LTD  
19 BOVERTON ROAD LLANTWIT MAJOR

**LOCATION:** FILCO SUPERMARKET CAR PARK HERMON ROAD CAERAU  
MAESTEG

**PROPOSAL:** NEW BUILD 2NO. SEMI-DETACHED 2-BED HOUSES INC.  
ALTERATIONS TO FILCO CARPARK SIZE

**RECEIVED:** 14th April 2016

## APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 2 semi-detached two bedroom dwellings. The proposed dwellings measure 8m x 5m and will be finished with pitch roofs reaching a maximum height of 7.5m. The dwellings will accommodate an open plan living/kitchen/dining room and a w.c. at ground floor level and 2 bedrooms and a bathroom at first floor level. Each property will be served by an area of private amenity space and 2 off street parking spaces.

The application site is currently a car park, separated from the car park serving the supermarket to the north by a set of railings, at Hermon Road, Caerau. Access to the site will be directly off Hermon Road.

## RELEVANT HISTORY

**P/07/3/OUT** REFUSED 23-04-2007  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 8 No. 2-BEDROOM  
FLATS

**P/08/457/FUL** APPROVED 14-11-2008  
+conditions  
6 TWO BEDROOM TERRACED DWELLINGS WITH PARKING & AREA FOR COMMUNITY  
PARKING

**P/15/705/FUL** REFUSED 11-02-2016  
PROPOSED NEW BUILD 2NO. SEMI- DETACHED 2-BEDROOM HOUSES

APPEAL REF : 1546 8 FLATS AT LAND ADJ TO FILCO SUPERMARKET CAR PARK -  
ALLOWED 15 NOVEMBER 2007

## PUBLICITY

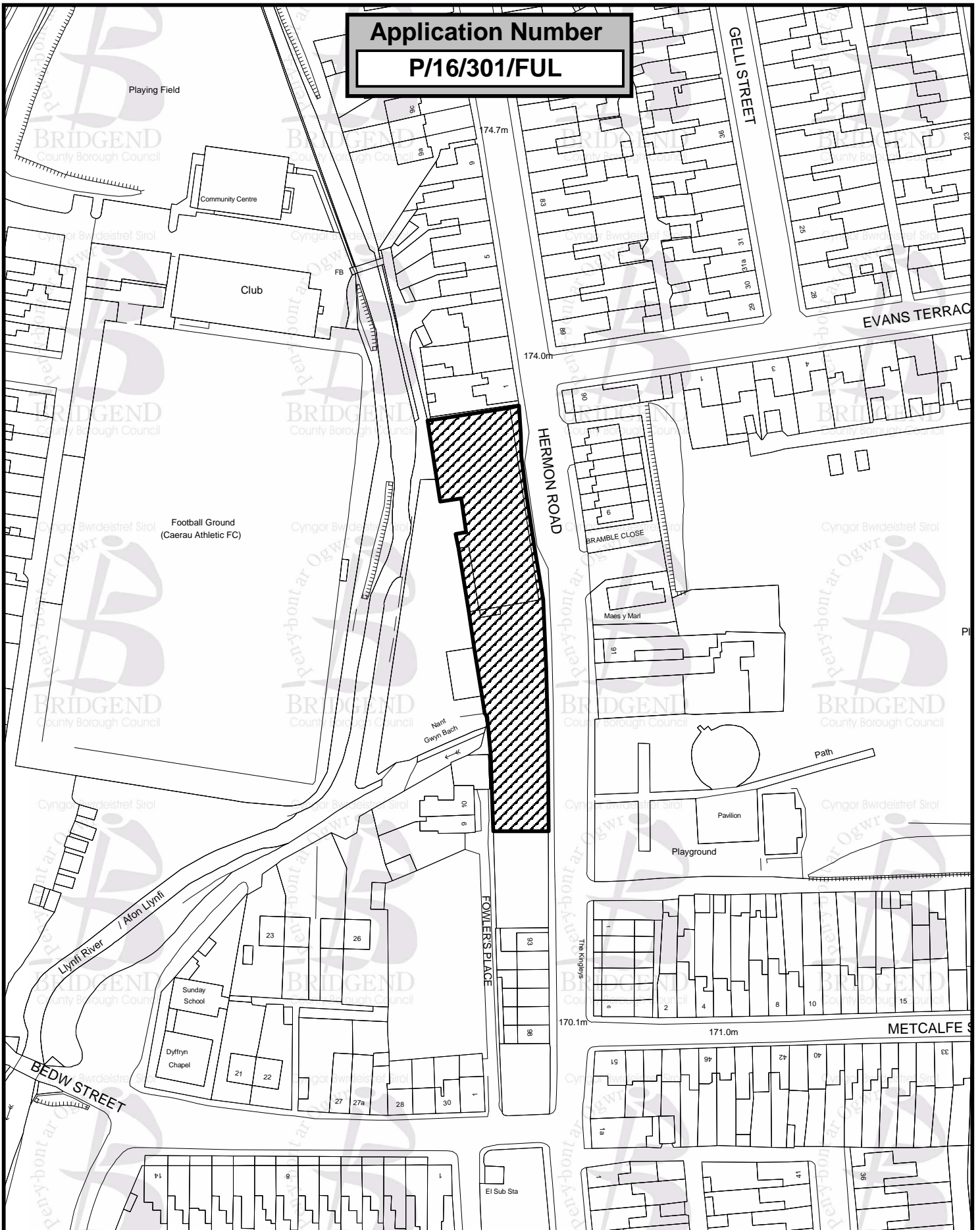
The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

Application Number

P/16/301/FUL



Scale 1:1,250

Date Issued:  
03/06/2016

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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(100023405)

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Cyngor Bwrdeistref Siro



## NEGOTIATIONS

None

## CONSULTATION RESPONSES

### Town/Community Council Observations

Notified on 20th April 2016

Raised the following concerns:-

- Parking issues
- Over intensification of site
- Loss of access to footpath to Bedw Street
- Original plan was refused

### Councillor W Davies

Objects to the proposal and requested to speak at the Development Control Committee meeting.

The objections are outlined below:-

'The site currently has limited parking provision and it is noted that the proposed development would seriously reduce off street parking. This I consider is unacceptable as it would ultimately result in an increase of on-street parking to the detriment of the free flow of traffic and highway safety.'

### Councillor P J White

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

### 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.

### Welsh Water Developer Services

Advised on sewerage

## REPRESENTATIONS RECEIVED

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

C Parry - 9 Fowlers Place

E Roberts - 10 Fowlers Place

The objections are summarised as follows:-

- Highway and pedestrian safety
- Impact on parking provision
- Impact on access over site
- Loss of light
- Impact on privacy
- Damage to retaining wall

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The application has been assessed by the Transportation Development Control Officer who has no objection to the proposal in terms of highway and pedestrian safety and parking provision subject to conditions.

There is no formal Right of Way located on the site. Whilst, it is noted that the development would restrict access to Fowlers Place via the car park, access to Hermon Road will still be possible via Bedw Street. Furthermore, the developer could erect a boundary fence under permitted development rights which would also restrict access.

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

In regard to the stability of the retaining wall a condition could be attached to any permission requiring a certificate from a Structural Engineer certifying any retaining walls.

## **APPRAISAL**

The application is referred to the Development Control Committee in view of the objection from the local member and the concerns from Maesteg Town Council.

The application seeks permission to erect two semi-detached dwellings with associated parking and amenity space.

The application is an amendment to a previously refused planning application for two dwellings on the site (P/15/705/FUL refers). The application was refused for the following reason:-

'The proposed development would result in an insufficient level of off street parking to serve the food store to the north of the site, resulting in additional on-street parking, and creating highway safety hazards to the detriment of highway safety and the free flow of traffic which is contrary to Policy SP2 of the Local Development Plan (2013) and SPG17: Parking Standards (2011)'

The current application differs from the previously refused application in that the red line boundary also includes the Filco supermarket store to the north of the site and further detail in respect of the floor area and operation of the store has been submitted. The red line boundary amendment allows the Local Planning Authority to control the retail floor area of Filco Stores in connection with the proposed development and the parking implications.

The application site is located within the settlement boundary of Maesteg, Nantfyllon & Caerau, as defined by Policy PLA1 of the Local Development Plan (LDP) and, as such, Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlement boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.'

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

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

The application site is currently a car park to the south of the car park serving Filco supermarket, the car parks are divided by a set of railings. 9 & 10 Fowlers Place are located to the west of the site and the car parking area serving 93 - 98 Hermon Road is located to the south of the site.

The proposed dwellings will be on a higher level than the properties to the rear, 9 & 10 Fowlers Place, however they will be located directly in front of the garage serving No. 10 rather than the dwelling house and will be some 26m north of 93 Hermon Road. As such, the proposed dwellings are not considered to give rise to any overriding concerns in respect of overshadowing or dominance.

The dwellings have been designed so as to ensure that there are no habitable room windows directly overlooking neighbouring properties at a distance less than 21m between facing windows. The proposed development is, therefore, considered not to infringe privacy standards.

In regard to the residential amenities of future occupiers of the dwellings the development is served by a sufficient level of amenity space and off street parking. In terms of the residential amenity serving unit 1, the first floor windows at 10 Fowlers Place will overlook part of the garden serving unit 1, however No. 10 is on a lower level than the application site and the site will have boundary treatment which will provide screening and a suitable level of privacy. A condition shall 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.

There are no dwellings located directly to the front of the site.

In terms of visual amenities, the properties will front Hermon Road and will form part of the street scene of that road, which is comprised of a wide variety of house types and building styles. The proposed dwellings are of a traditional design and have been finished with pitched roofs which reflect the style of roof form found on many of the dwellings on Hermon Road and are, therefore, considered to be in keeping with the street scene and character of the area.

In order to ensure that the materials used in the external surfaces of the proposed dwellings respect and enhance the character of the area a condition could be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority.

In terms of highway safety and parking provision, the proposal is to build on part of an existing car park. The floor area of Filco Food stores, which is owned by the applicant, has recently been substantially reduced to reflect reduced trading conditions from 443sqm to 290sqm and the storage area has been increased, this is reflected on the submitted plans and a condition is recommended restricting the retail use.

The Transportation Development Control Officer has assessed the scheme and considers the level of parking which is to remain is appropriate to serve the reduced retail operation subject to conditions.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the

exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given that the site is currently used as a car park it is considered there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policies PLA1, COM3 & SP2 of the Bridgend Local Development Plan, Notes 1,2,6,8,10,11 & 12 of Supplementary Planning Guidance 2 and Supplementary Planning Guidance 17: Parking Standards were considered.

## **CONCLUSION**

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



## RECOMMENDATION

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

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

- Proposed Site Plan 13962 PL106 (received on 14 April 2016)
- Proposed Site Plan 13962 PL107 (received on 14 April 2016)
- Proposed Retail Unit Floor Area 13962 PL108 (received on 14 April 2016)
- Proposed Retail Floor space 13962 PL108 (received on 14 April 2016)
- Proposed Ground Floor Plan 13962 PL 110 (received on 14 April 2016)
- Proposed First Floor Plan 13962 PL111 (received on 14 April 2016)
- Proposed Elevations 01 13962 PL140 (received on 14 April 2016)
- Proposed Elevations 02 13962 PL141 (received on 14 April 2016)
- Proposed Elevations 03 13962 PL142 (received on 14 April 2016)
- Proposed Elevations 04 13962 PL143 (received on 14 April 2016)
- E-mail from agent PJJ Architects (received 31 May 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 building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

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

4 Notwithstanding the 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 development which would be permitted under Article 3 and Classes A, B, C & D of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling.

Reason: In the interests of visual and residential amenities.

5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, 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 must be implemented prior to beneficial use.

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

- 6 No development shall commence on site until a ground investigation report and infiltration tests, 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 must be implemented prior to beneficial use.

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

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

Reason: In the interests of safety.

- 8 The retail floor area of the store shall be limited to 290sqm as shown on plan ref: 13962 PL108 (received 14 April 2016) and the use of the separate static storage area shall be ancillary and incidental to the use of the existing retail store and used for no other purpose

Reason: In the interests of highway safety.

- 9 No development shall commence until a scheme for the provision of 15 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use and shall be retained as such in perpetuity.

Reason: In the interests of parking and 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 or highway safety as to warrant refusal.

b) In order to satisfy conditions 5 & 6 the following supplementary information is required:-

- Specialist ground investigation/geotechnical report to confirm acceptability of an proposed infiltration system
- Provide infiltration test 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
- 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; and
- Provide drawings showing the arrangements of the foul and surface water drainage systems.

c) A soakaway may not be viable drainage strategy for this development.

d) Any proposal to utilise a drainage connection to the culverted watercourse would require a

Flood Defence Consent to be applied for from the Flood and Coastal Management section of the Authority.

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

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

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

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/16/151/FUL  
**APPLICANT:** MR P HOWELLS  
12 TYTHEGSTON CLOSE PORTHCAWL

**LOCATION:** 12 TYTHEGSTON CLOSE PORTHCAWL

**PROPOSAL:** PROPOSED SINGLE STOREY EXTENSIONS TO FRONT & REAR AND FRONT AND REAR DORMERS

**RECEIVED:** 25th February 2016

**SITE INSPECTED:** 24th April 2016

## APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect a single storey front extension, front and rear dormer extensions and a single storey extension to the rear of this detached property.

The proposed single storey extension will be an enlargement of the existing single storey front projection and will serve an extended lounge. The extension will measure 2.8m x 5.4m and will tie in with the existing roof reaching a maximum height of 4m.

The proposed rear dormer will be a flat roof dormer and will serve a bedroom. The proposed front dormer will extend the existing gable feature in the front roof slope and will serve a dressing area.

The proposed rear extension will replace the existing conservatory and will serve a sun lounge. The proposed sun lounge will measure 2.9m x 5.2m and will be finished with a mono-pitched roof reaching a maximum height of 3.5m.

The application property is a detached property within Tythegston Close in the western area of Porthcawl.

## RELEVANT HISTORY

None

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 22 March 2016.

## NEGOTIATIONS

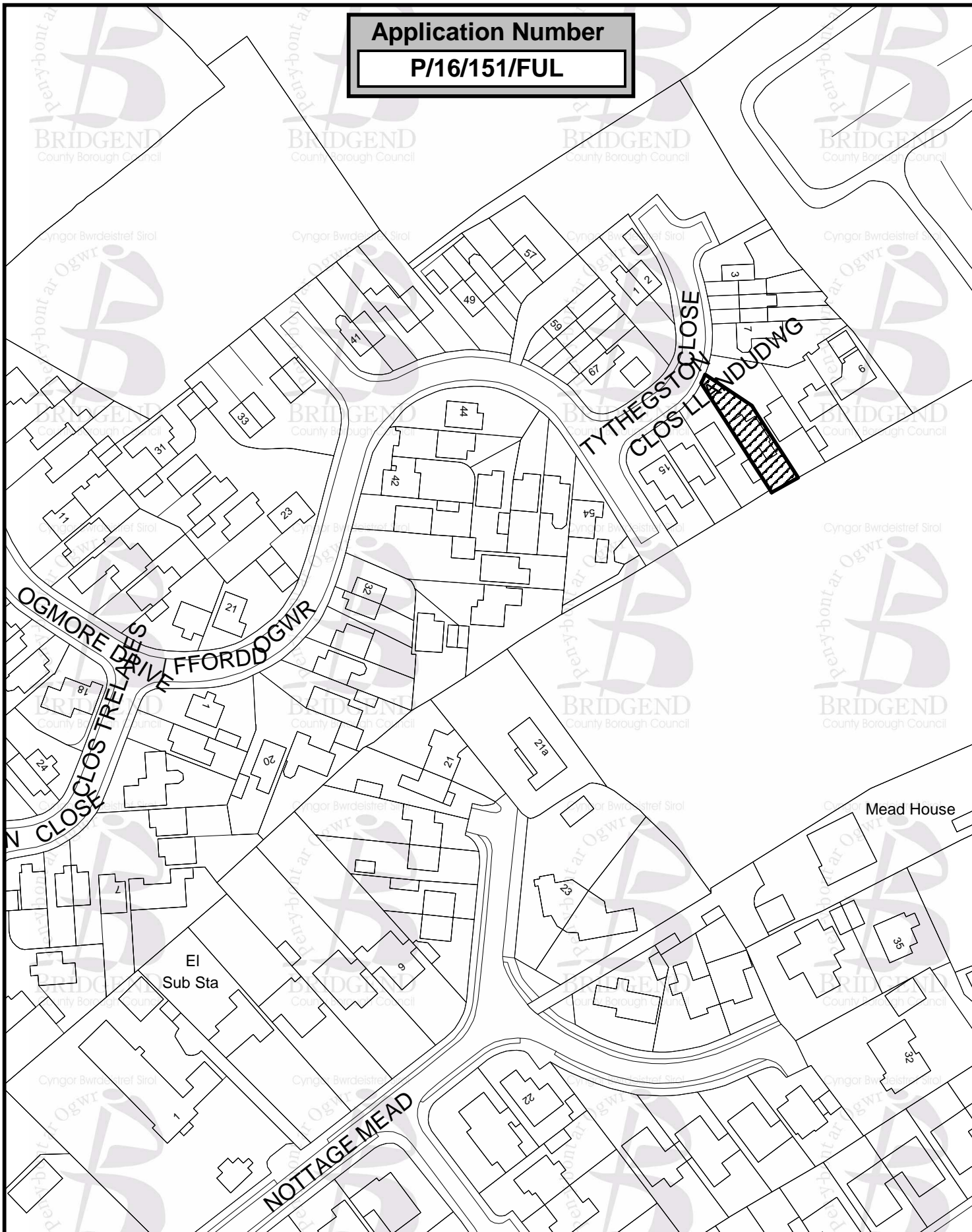
The agent was requested to reduce the scale of the front dormer, to provide a location plan highlighting the correct property and to provide an accurate development description. Amended plans were received on 10 May 2016.

## CONSULTATION RESPONSES

### Town/Community Council Observations

Application Number

P/16/151/FUL



Scale 1:1,250

Date Issued:  
03/06/2016

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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Notified on 1st March 2016

Object to the proposal for the following reasons:-

- Visual Impact
- Overdevelopment of site.

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

Requested that a condition be attached to any permission granted.

### **Wales & West Utilities**

Advised on the location of apparatus.

### **REPRESENTATIONS RECEIVED**

None

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The objections raised by the Town Council are addressed in the Appraisal section of this report.

### **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objection received from Porthcawl Town Council.

The application seeks planning permission to erect a single storey front extension, front and rear dormer extensions and a single storey rear extension at this detached property.

The proposed front single storey extension will be an extension to the existing single storey front projection. The extension will cover a small part of the existing driveway, but will not limit the amount of off street parking to an unacceptable level. The application site is set back from the building line of the property to the west, 13 Tythegston Close, and the property to the eastern side, No. 11, has a similar front projection, consequently, this element of the proposal does not raise any concerns in respect of residential amenity. The proposed extension will not be forward of a definable building line and will be set in from the highway off a private drive. Consequently, it will not be a prominent feature in the street scene. A condition is recommended, however, requiring the materials to be used in the external surfaces to match those of the main dwelling house.

The proposed front gable dormer will be an extension to the existing gable roof feature. It is proposed to increase the height of the gable in line with the ridge of the existing roof and this is considered to be acceptable as there are other properties with large gable features within the street scene. Again, a condition is recommended requiring the materials to be used in the external surfaces to match those of the main dwelling house.

The proposed rear dormer extension will be finished with a flat roof. Whilst this design is not always acceptable, in this instance, it will be located at the rear and will not be visible from any public positions. The dormer proposes one habitable room window which will allow for views over the neighbouring gardens, however, there are existing first floor habitable room windows which already overlook the neighbouring gardens and, as such, the proposed development is not considered to exacerbate the existing overlooking situation to such an extent as to warrant refusal of the scheme. Furthermore, there is an inherent element of overlooking in this built up urban area.

In regard to the proposed rear extension, this will replace the existing conservatory. The projection of the proposed extension into the rear garden area will be 0.6m less than the existing conservatory, however, it will increase in width by 2.2m. The proposed extension is single storey and will be screened from the neighbouring properties by the existing garages. The proposed rear extension is not considered to raise any overriding concerns in respect of residential or visual amenity.

The proposed development is not considered to be overdevelopment of the site as the projection of the proposed rear extension is less than the existing conservatory and there is a sufficient level of off street parking and private amenity space to serve the extended dwelling.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,10,11,12,14 & 18 of Supplementary Planning Guidance 02: Householder Development were considered.

## **CONCLUSION**

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 does it so significantly harms neighbours' amenities or highway safety as to warrant refusal.

## **RECOMMENDATION**

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

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

- Proposed Extension & Loft Conversion (received 10 may 2016)
- Proposed section (received 25 February 2016)

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



extension 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 as agreed 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 Council's guidelines and does not adversely affect privacy or visual amenities nor does it so significantly harms neighbours' amenities or highway safety as to warrant refusal.

b) Wales & West Utilities has pipes in the area. The developer is advised to contact Wales & West Utilities on 0800 111 999 prior to commencing any work on site.

c) 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/16/137/FUL

**APPLICANT:** CARDIFF READYMIX  
C/O JAMIE ELLISON YNYS FACH YARD TAFFS WELL CARDIFF

**LOCATION:** PLOT 116 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL  
ESTATE PYLE

**PROPOSAL:** USE OF LAND FOR CONCRETE MANUFACTURING INCLUDING THE  
INSTALLATION OF A BATCHING PLANT & ANCILLARY DEVELOPMENTS

**RECEIVED:** 22nd February 2016

**SITE INSPECTED:** 7th April 2016

## APPLICATION/SITE DESCRIPTION

The application seeks planning permission to change the use of this site within Village Farm Industrial Estate from a vacant site to a concrete manufacturing facility.

A concrete manufacturing plant falls within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

The development also includes the erection of 2 silos, plant, storage bays and portable cabins on site. The proposed silos will reach a maximum height 9.7m and the plant will reach a maximum height of 7.08m.

## RELEVANT HISTORY

None

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 23 March 2016.

## NEGOTIATIONS

The applicant was requested to provide further information in respect of the manufacturing process. Additional information was received on 29 March 2016.

## CONSULTATION RESPONSES

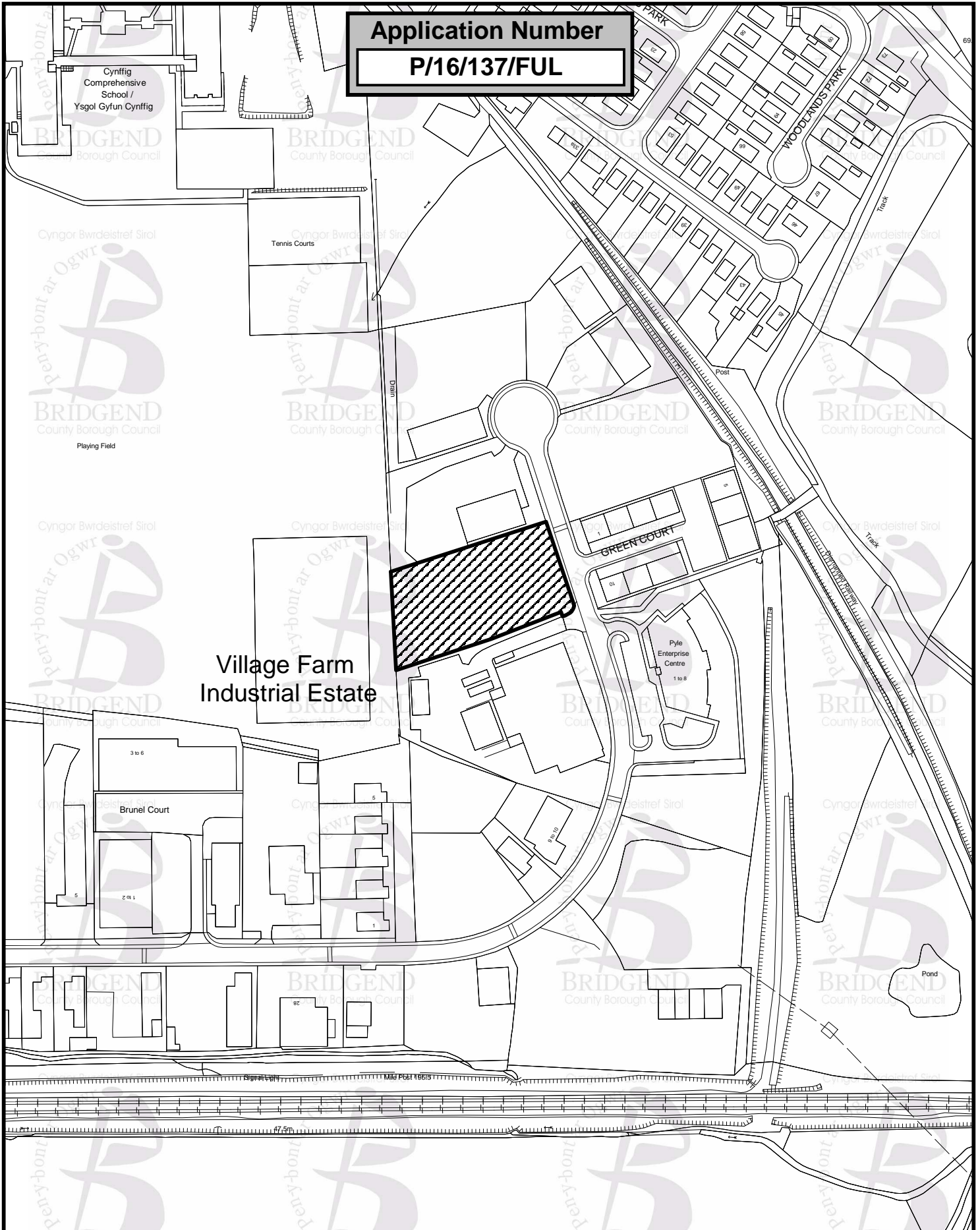
### Town/Community Council Observations

Objects to the proposal for the following reason:-

'The members of Pyle Community Council object to this application as the site of the proposed business backs directly onto Cynffig Comprehensive School. The concrete dust and noise generated by the day to day activities of this business would be detrimental to the School

**Application Number**

**P/16/137/FUL**



**Village Farm  
Industrial Estate**



**Scale 1:2,500**

**Date Issued:  
03/06/2016**

**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 Sirol



environment.'

**Councillor P James**

Objects to the proposal for the following reasons:-

- Dust
- Noise

**Head Of Street Scene (Drainage)**

Requested that a condition be attached to any consent granted.

**Group Manager Public Protection**

Requested that a condition be attached to any permission granted.

**REPRESENTATIONS RECEIVED**

None

**COMMENTS ON REPRESENTATIONS RECEIVED**

The proposed development has been assessed by the Public Protection department in respect of the impact on nearby uses and no objections have been raised subject to two conditions.

The Public Protection department have also advised that an Environmental Permit will be required for the development.

**APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the objection received from the Community Council and the local Member.

The application seeks permission to change the use of this industrial site to a concrete manufacturing plant.

The application site is located within Village Farm Industrial Estate which is allocated and protected for development falling within B1, B2 and B8 employment uses by Policy REG1 (36) of the Bridgend Local Development Plan (LDP). The proposed manufacturing operation falls within Class B2 and, as such, is considered to be an appropriate use within the industrial estate.

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, the application site is located within an industrial estate and there are large detached industrial buildings located on the neighbouring sites. The proposed development is industrial in appearance and is, therefore, considered to be appropriately located within a designated industrial estate. The application does not include details of the proposed portable cabins or storage bays, consequently, a condition is recommended requiring details of both to be submitted to and agreed in writing by the Local

Planning Authority.

Cynffig Comprehensive School building is located approximately 250m to the north west of the application site. The site backs on to the south eastern corner of the school's playing fields. The scheme has been assessed by the Public Protection department of the Council in terms of its impacts on public health. The Public Protection Officer advised that the development will also be the subject of an Environmental Permit for which the developer will have to apply. This is a separate legislative regime and will regulate the public health implications of the development. Particular attention will need to be paid to the control of emissions from the fine limestone dust during deliveries and when that limestone is transferred from the storage bays to the hoppers, and this will be covered by the required Permit.

In respect of noise, a condition is recommended requiring any fixed plant and machinery to be fitted with white noise reversing alarms rather than tonal beepers and another condition is recommended restricting the operating times of the site.

The proposed development is considered to be compliant with LDP policies and will not have a significant adverse impact on visual amenities or public health. Consequently the development is recommended for approval.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The site is located approximately 100m from a SINC. Given the distance between the SINC and the application site and the existing industrial uses of the estate, the development is not considered to have an adverse impact on the SINC.

The site has been cleared of any vegetation, and being located within an existing industrial estate, it is considered there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP

policies.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policies REG1(36) & SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

Notwithstanding the objections received this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect neighbours' amenities or highway safety as to warrant refusal.

## **RECOMMENDATION**

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

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

Complessivo con ingombri (received on 22 February 2016)

Site layout (received on 22 February 2016)

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

- 2 Any fixed plant and machinery and any machinery operating wholly within the site, which are fitted with reversing alarms, shall be fitted with white noise reversing alarms and not tonal reversing beepers.

Reason: In the interests of residential amenity.

- 3 The use hereby permitted shall not operate outside the following times:-

Monday - Friday 07:00-18:00

Saturdays 07:30-12:00

and not at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenities.

- 4 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 commencing.

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

- 5 No development shall commence on site until details of the portable cabins and the storage bays have been submitted to and agreed in writing by the Local Planning Authority. The portable cabins and storage bays shall be implemented as agreed.

Reason: In the interests of visual amenity.

\* 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) Condition 2 does not include delivery vehicles entering and leaving the site.

c) The developer is advised that an Environmental Permit is likely to be required for the development.

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

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

f) The 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 : TEMPORARY GRANT**

**REFERENCE:** P/16/130/FUL

**APPLICANT:** H D LTD  
8 MERTHYR MAWR ROAD BRIDGEND UNITED KINGDOM

**LOCATION:** 32 NOLTON STREET BRIDGEND

**PROPOSAL:** DEMOLITION OF EXISTING OFFICE / WC & CONSTRUCT NEW TAXI OFFICE

**RECEIVED:** 16th February 2016

**SITE INSPECTED:** 8th March 2016

**APPLICATION/SITE DESCRIPTION**

The application proposes the construction of a new taxi office at the recently created car park at Nolton Street on the site of the former Boards Garage. The proposed new taxi office will be located adjacent to the rear elevation of 34 Nolton Street and will follow the south western car park boundary.

The proposed taxi office will have an overall length of 14m and vary in width but reaching 4.75m at its widest. The structure will be flat roofed and single storey reaching 3.3m in height. The building will accommodate a waiting area for customers, control room with rest room facility, WC and manager's office with an external refuse store attached to the side. A canopy over the entrance to the waiting area will project 0.85m from the building and another canopy will wrap around the manager's office. The submitted plans also indicate that a panel in contrasting material will be sited between the window and doorway serving the control room and the canopy around the manager's office and this will project 0.7m above the flat roof. The plans show lettering affixed to this panel, which identify the taxi use of the building.

The Design and Access Statement, which accompanies the submission states that the exterior of the building will be finished in Petersen grey multi-brickwork with the contrasting panel clad with timber. Windows and doors will be powder coated aluminium in dark grey.

**RELEVANT HISTORY**

**P/02/1157/RLX** APPROVED 02-01-2003  
+conditions  
RELAX CONDITION TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RESERVED MATTERS (RETAIL DEVT)

**P/05/1360/RLX** APPROVED 17-11-2005  
+conditions  
DEVELOPMENT OF SITE FOR A1 RETAIL PURPOSES - RELAX CONDITION TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RESERVED MATTERS

**P/08/1099/RLX** APPROVED 29-01-2009  
+conditions  
RELAX TIME CONDITION OF 05/1360 TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RES MATTERS

Application Number

P/16/130/FUL



North arrow pointing North (N), South (S), East (E), and West (W).

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**Scale 1:750**

**Date Issued:**  
03/06/2016

**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 Sirol  
Pent-y-bont ar Ogwr

**BRIDGEND**  
County Borough Council

**P/14/486/FUL** APPROVED 04-12-2014  
temporarily  
DEMOLISH BUILDINGS AND CHANGE USE FROM CAR DEALERSHIP, MOT SERVICE &  
REPAIRS GARAGE TO TEMPORARY CAR PARK

**P/14/487/DPN** WITHDRAWN 02-12-2014  
DEMOLISH EXISTING BUILDING

**P/15/186/FUL** APPROVED 09-06-2015  
temporarily  
CHANGE USE OF OFFICE TO TAXI BOOKING OFFICE

**P/99/755/OUT** APPROVED 02-11-1999  
+conditions  
REDEVELOPMENT OF SITE FOR A1 RETAIL PURPOSES

#### **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23rd March, 2016.

#### **NEGOTIATIONS**

The applicant's agent was contacted to clarify the use of the waiting area, the operation of the business including opening hours. Additional information has been submitted and the content included in the description of the development.

Following a request to the applicant's agent to clarify a number of issues, it has been confirmed that the waiting area will be solely for the use of customers. The operator intends to employ one full time manager and three part time radio/reception staff working on a shift basis. All drivers will be self employed and not based at the site. Additional plans have been provided to confirm that two taxi customer collection bays will be located to the side of the refuse store and manager's officer with two further staff parking spaces alongside these bays. The applicant's agent has highlighted that the majority of the company's taxi drivers will not be required to visit the property to collect customers but will rather be based around the County Borough. The taxi office is to be staffed by a radio operator 24 hours a day on a shift basis. It is intended that the customer waiting facility will only be available from 8.30am until 01:00 hours every day.

#### **CONSULTATION RESPONSES**

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

Notified on 24th February 2016

Object due to the high increase in traffic movements by taxis exiting onto Nolton Street after collecting passengers from the taxi office. Possible impediment to pedestrians using Nolton Street.

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

No objection subject to condition.

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

No objection but recommend the developer contacts Dwr Cymru/Welsh Water to confirm acceptability of the connection into the public sewerage system.

## **REPRESENTATIONS RECEIVED**

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The Town Council has objected on the grounds that the proposed development will result in a high increase in traffic movements to and from Nolton Street, which will possibly impede pedestrians.

The proposed development is located within a car park approved on a temporary basis until 2019 under reference P/14/486/FUL. The approved layout included an area which suggests a pedestrian refuge along the flank wall of 34 Nolton Street within the car park itself. The earlier consent also included conditions requiring the widened access onto Nolton Street to be demarcated with 3m radius kerbing and a scheme of road marking on Nolton Street to ensure the access is kept clear. Whilst these works have yet to be undertaken, an application to discharge is expected. It is considered that these measures will assist pedestrians using this section of Nolton Street to realise the extent of the vehicular access to the car park. It is also highlighted that the principle of changing the use of the existing vacant offices into a taxi booking office has been granted under reference P/15/186/FUL. Given the previous use of the site as a garage, the approved car parking use and use of the existing building as a taxi office and, in light of the clarification of the proposed operation of the taxi business, it is considered that the proposed development will not so significantly impact on pedestrians as to warrant refusal.

## **APPRAISAL**

The application is referred to Committee to consider the objection raised by the Bridgend Town Council.

The application seeks consent for the demolition of the existing vacant office building at the rear of 34 Nolton Street to allow for the construction of a new purpose built single storey taxi booking office. The application site abuts the former Boards Garage Site, which has been demolished and temporary planning permission has been granted for a car park on the site. The application site and wider car parking, referred to above, is located on the western side of Nolton Street and on the southern side of the junction with The Rhiw, Bridgend.

The site lies within the Town Centre where Strategic Policy SP10 of the Bridgend Local Development Plan (LDP) requires new retail, office, other commercial leisure and appropriate employment developments to be focused. All new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor. New retail, office, other commercial and leisure developments should be of a scale appropriate to the centre within which they are located and contribute to or sustain the vitality and attractiveness of that centre within the local retail hierarchy. As indicated earlier in this report planning permission for the change of use of the existing building to a taxi booking office was approved in 2015 (P/15/186/FUL refers). When processing that submission it was considered that the proposed taxi booking office would provide a complimentary facility to both the proposed car park and the retail centre, be modest in scale, set back from the shopping frontage and would not adversely impact on the vitality and attractiveness of the Town Centre. Whilst the current application seeks to remove that existing building to allow for the construction of a purpose built single storey taxi booking office, it is considered that the principle of the taxi office on this site has already been accepted.

Policy SP2 of the LDP requires that 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 Policy establishes fifteen criteria against which development proposals should be assessed. It is considered that criteria 1, 2, 3, 6, 12 & 13 would be relevant to this proposal for a new build taxi booking office. In terms of its siting, design and external finishes, it is considered that the proposed building is of an appropriate scale and appearance that respects the local character of the area and is therefore compatible with criteria 1, 2 & 3. For the reasons outlined above, it is considered that the proposed development meets the requirements of criteria 6 & 12 in that it allows for efficient access and does not adversely impact on the viability and amenity of neighbouring occupiers. The proposed development will connect to an existing main sewer and therefore appropriate arrangements for disposal of drainage will be provided to satisfy criterion 13.

The application site abuts the Merthyr-mawr Road Conservation Area and Policy SP5 of the LDP requires development proposals to conserve, preserve or enhance the built and historic environment of the County Borough and its setting. In particular, proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact on heritage assets including Conservation Areas and their settings. Given the building is modest in scale and will be orientated to face into the existing car park, it is considered that it will not have an adverse impact on the adjoining Conservation Area and therefore is compatible with the above mentioned policy and Policy ENV8, which requires development to respect heritage assets in order to preserve, conserve or enhance local distinctiveness. In addition, the development does not, it is considered, compromise the adjoining regeneration site, which comprises the Rhiw Multi-Storey Car Park and the land adjoining the River Ogmore and is therefore considered to be compatible with Policies SP4, SP5 and REG9(2) of the Local Development Plan.

Adjoining the southern application site boundary, there are a number of mature trees. Section 40 of the Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site and the proposed development on a previously developed site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Whilst determining this application Policies SP10, REG9, SP2, SP3 & SP5 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

(R11) That approval be GRANTED subject to the following condition(s):-

- 1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers AL (00)01B Rev A, AL(01)03 Rev A, AL(01)04.

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

- 2 The use of the building, hereby permitted, shall be discontinued on or before 31st December, 2019.

Reason : To enable the Local Planning Authority to assess the impact the development has on the sustainability and the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent given that the adjoining car park use is also temporary in nature.

- 3 The taxi parking and staff parking spaces shall be completed in permanent materials with the individual spaces clearly outlined and demarcated in yellow thermoplastic lining with the appropriate text Taxi and Staff applied within the spaces in accordance with the approved

plan prior to the development being brought into beneficial use. The spaces shall thereafter be retained for so long as the taxi booking office operates from the premises.

Reason : In the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

(b) The developer is advised to contact Dwr Cymru/Welsh Water to confirm acceptability of connection to the existing public sewerage system.

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

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

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

**Background Papers**

None

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## RECOMMENDATION : REFER TO COUNCIL

**REFERENCE:** P/15/845/FUL  
**APPLICANT:** VALLEYS TO COAST HOUSING  
C/O ASBRI PLANNING LTD UNIT 9 OAK TREE COURT CARDIFF GATE  
BUSINESS PARK CARDIFF

**LOCATION:** LAND WEST END OF LANSBURY CLOSE MAESTEG

**PROPOSAL:** 12 DWELLINGS AND ASSOCIATED WORKS

**RECEIVED:** 18th December 2015

**SITE INSPECTED:** 19th January 2016

## APPLICATION/SITE DESCRIPTION

The application seeks consent to construct 4 x 2 bed dwellings, 4 x 1 bed flats and 4 x 2 bed flats on a parcel of sloping scrub land, located at the end of the cul-de-sac of Lansbury Close, Maesteg. The land is privately owned by a housing association.

The four dwellings would be two-storeys in scale and configured in two pairs but based on three different house types.

House Type A (Plot 1), at its largest dimensions, would measure 7m x 9.5m, and would be finished with a hipped roof, reaching maximum heights of 5.5m (eaves) and 7.8m (ridge).

House Types B and C (Plots 2, 3 and 4), at their largest dimensions, would measure 6m x 9.5m, and would be finished with a hipped roof, reaching maximum heights of 5.5m (eaves) and 7.8m (ridge).

The eight flats would be two-storeys in scale and have the appearance of two pairs of semi-detached dwellings. The flats would be based on two types, to reflect the number of bedrooms within each unit.

Flat Type A (2 bed - Plots 5/6 and 7/8), at their largest dimensions, would measure 9m x 11.5m, and would be finished with a hipped roof, reaching maximum heights of 6m (eaves) and 8.3m (ridge).

Flat Type B (1 bed - Plots 9/10 and 11/12), at their largest dimensions, would measure 8.8m x 9m, and would be finished with a hipped roof, reaching maximum heights of 6m (eaves) and 7.8m (ridge).

## RELEVANT HISTORY

None.

## PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 29 January 2016.

Application Number

P/15/845/FUL



Scale 1:1,750

Date Issued:  
03/06/2016

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



## **NEGOTIATIONS**

The scheme was subject to a previous application which was withdrawn and extensive informal advice was given on various aspects of the proposal (P/14/421/FUL refers). This resulted in the submission of this latest application.

In assessing this application, the applicant was required to submit details concerning retaining walls and the relationship of the proposed development to the supported housing scheme at Heol Gelli Lenor.

## **CONSULTATION RESPONSES**

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

Notified on 22nd December 2015

No objections to the proposal.

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

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

### **Destination & Countryside Management**

No objections to the proposal subject to conditions.

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

Requested clarification on the width of the proposed roads, to ensure that refuse vehicles can access the site.

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

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

### **Natural Resources Wales**

No objections to the proposal subject to advisory notes.

### **Welsh Water Developer Services**

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

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

Provided a series of advisory notes which has been forwarded directly to the applicant's agent.

## **REPRESENTATIONS RECEIVED**

Objections have been received from the following properties:

18 Brynlllywarch  
20 Brynlllywarch  
4 Lansbury Close

Their objections have been amalgamated and summarised as follows:

1. Development out of keeping with the surrounding area
2. Loss of rear access to properties on Brynlllywarch, maintenance of walkway and loss of informal paths within the site
3. Overshadowing and loss of privacy
4. Insufficient Parking and Highway safety
5. Noise and Light Pollution
6. Loss of view and development could be occupied by undesirables

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1. Refer to the 'Appraisal' section of the report

2. The site is generally scrub land with informal paths linking to a further informal path which travels along a former railway line. Several properties from Brynllwarch, which backs onto the site, benefit from rear pedestrian access gates. The plans indicate that access would be maintained, however, they would be redirected along a path which travels between 20 Brynllwarch and the new supported housing scheme at Heol Gelli Lenor (No.12).

The informal paths within the site provide direct routes to residents on Brynllwarch to the path along the former railway. However, this is across private land owned by the applicant and not by neighbouring properties. Residents from Brynllwarch can access the former railway path and a registered public footpath via Lansbury Close, which is an adjacent street. It is, therefore, considered that the proposed development would not be detrimental to neighbouring properties or the wider community.

3. Concerns of overshadowing and loss of privacy have been raised by properties from Brynllwarch. The rear gardens of 17-20 Brynllwarch back onto the northern boundary of the site. The Case Officer had the opportunity to view the site from the curtilage of 18 Brynllwarch. It was noted that the rear gardens of 17-20 Brynllwarch back onto the northern boundary of the site. These properties benefit from long gardens with the development achieving the 10.5m and 21m recommended distances. Furthermore, the gardens of Brynllwarch are on a higher level to the application site whilst the northern part of the development site would be mainly for parking and turning purposes, supplemented with landscaping and boundary walls. The proposed dwellings and flats on the application site would not have any habitable room window directly facing properties on Brynllwarch. Having regard to the above, it is considered that the proposed development would not have any significant adverse impact on the residential amenities, particularly with regards to overshadowing and privacy.

4. The Group Manager Transportation and Engineering (Highways) considered that sufficient parking would be provided to serve the proposed development and there is no objection to the proposal subject to conditions and advisory notes. It is, therefore, considered that the proposed development would not have any significant adverse effect on highway/pedestrian safety.

5. It is acknowledged that the proposal may result in a degree of adverse noise during construction works. However, this is likely to be short-term only and insufficient to warrant refusal of the scheme. Once constructed, it is considered that the residential use of the land would not result in any unreasonable levels of adverse noise. In any case, adverse noise is controlled by separate legislation enforced by the Public Protection Department of the Council.

With regards to light pollution, the majority of the site lies within the settlement boundary of Maesteg, in which urban development is generally acceptable, in principle. Artificial lighting is, therefore, commonplace in such areas and this development and the development of the site for residential purposes would not generate such abnormal levels of light pollution so as to be detrimental to visual or residential amenities.

6. These matters are not material planning considerations and therefore cannot be considered during the determination of the application. However, it is noted that the Police have been consulted and they have no objections to the proposal.

## **APPRAISAL**

The application is reported to Committee as part of the proposal is deemed to be out of accord with the adopted Local Development Plan (BLDP) and three objections have been received from local residents.

The vast majority of the application site lies within the settlement boundary of Maesteg, as

defined by Policy PLA1 of the adopted BLDP. Whilst there is a very small strip of land along the southern edge of the site outside the settlement boundary, the proposal would take the development to the nearest defensible and logical boundary, which would be adjacent to an informal footpath which would remain in situ and outside the boundaries of the site.

Whilst the relatively minor extension of the site outside the settlement boundary is within an area of Special Landscape and Sandstone Resource Safeguarding Area (Policies ENV3 and ENV9 of the BLDP respectively), the particular strip of land under consideration by this application is very small and does not unduly undermine or erode the much larger landscape and resource designations. It is considered that the inclusion of this land within the application site boundary would not compromise the integrity of the need to limit urban development within settlement boundaries and protect the countryside and landscape from inappropriate forms of development, as defined by Policies PLA1, ENV1, ENV3 and ENV9 of the BLDP. As such the proposal is considered to be a very minor "technical departure" from the Local Development Plan.

Having regard to the above, it is considered appropriate to assess the application against Policy COM3 of the BLDP which permits residential developments on small-scale sites within settlement boundaries provided that no other BLDP Policy protects the land for an existing or alternative use. In this respect, the vast majority of the site lies within the settlement boundary and is not allocated by the BLDP for any other use. It is, therefore, considered that the proposal, in principle, satisfies COM3 of the BLDP.

The development is subsequently assessed against other Policies within the BLDP. In this respect, the proposal of 12 units triggers the affordable housing target defined by Policy COM5 of the BLDP which, for the Maesteg area, is 15% thus equalling 2 units. The applicant is a housing association and it is understood that all residential units would be used in this manner. However, there will be a requirement for the applicant to enter into a Section 106 agreement to ensure a minimum of 15% affordable housing is provided.

The Principal Section 106 Officer has confirmed that the proposal does not require any financial contributions towards education provision, whilst the proposal does not reasonably require any off-site highway-related infrastructure improvements.

The proposal is also subject to Policy COM11 of the BLDP which states that all new housing developments should provide a satisfactory level of outdoor recreation space. There is adequate provision of public open space in the locality, which includes Tudor Park playing field approximately 200m away from the site. Furthermore the site backs onto open countryside which benefits from a number of informal and formal public footpaths that is accessible to the local community.

Notwithstanding the above, Bridgend County Borough Council's open space audits indicate a lack of children's play provision in this location. In lieu of on-site provision, the proposal requires offsite contribution towards the improvement of an existing facility in the vicinity of the site. In such circumstances, a sum of £470 per dwelling will be required. This contribution does not apply to flats. The development itself would not justify the provision or construction of a play area in itself. The applicant has confirmed that they are willing to provide a financial contribution and the Parks and Playing Fields Department have identified a children's play space within reasonable proximity to the site which is in need of upgrading. The financial contribution is, therefore, justified and would be secured via a legal agreement. As a result of the above, the proposal satisfies Policy COM11 of the BLDP.

The proposal is primarily assessed against Policy SP2 which establishes the criteria for acceptable design of new development and sustainable placemaking.

Lansbury Close and neighbouring streets are mainly characterised by two-storey properties, configured in pairs and finished with hipped roofs. The general scale, bulk and massing of the

proposed dwellings and flats would be compatible with the locality.

The proposal, particularly the design and appearance of the dwelling-units, is deemed to be based on a contemporary interpretation of the existing dwellings within Lansbury Close and nearby streets. It would also be compatible with the contemporary appearance of the supporting housing scheme off Heol Gelli Lenor, which is immediately to the north-west of the application site.

The external finishes of the development would be based on face brick to plinth and smooth and roughcast render for the elevations and grey slate for the roof. These would be compatible with the majority of properties along Lansbury Close and, would result in a proposal that would complement both the urban and rural environments. Subsequently, it is considered that the scheme would not have such an adverse effect on the visual amenities of the area so as to warrant refusal.

Notwithstanding the above, whilst the external finishes are acceptable, in principle, the plans lack specific detail, especially with regards to colours of the elevations of the dwellings. In the interests of visual amenities, it is considered prudent to impose a condition for the external finishes of the development to be agreed.

The main difference between the proposed development and existing properties along the street is that the new residential development would be built with a vertical alignment across the hillside rather the horizontal (sideways) configuration. This would result in each pair having a 'stepped' appearance which does not currently form part of character of the area. Notwithstanding the above, this layout would reasonably relate to the topography of the land, thereby minimising the amount of alterations needed to the existing contours of the land. The finished levels of the site and dwellings indicate that the bulk of the site would be reasonably assimilated within the site, whilst the proposed configuration would make effective use of the site and would provide a more logical termination of the cul-de-sac. It is also acknowledged that the site is located at the very end of the cul-de-sac and would not be a prominent feature in the urban context. Notwithstanding the above, given that the topography of the land is a critical component of the development and that the Highways Authority have also recommended a condition for controlling suitable gradients for parking, it is considered prudent to impose a condition for the finished levels of the site to be agreed.

To complement the dwelling-units and having regard to the urban and rural receptors of the site and topography of the land, extensive boundary treatments and landscaping works are proposed. This is to enhance the setting of the development and to create a sense of space and place. These are considered acceptable in principle, however, it is considered necessary to impose a condition for the materials and all hard and soft landscaping to be agreed.

The plans show small cycle stores within each plot. No specific details have been provided with regards to these structures, therefore, it is necessary to impose a condition for the details of the cycle stores to be agreed.

With specific regard to boundary treatments, whilst the bulk of the proposed development would be carefully assimilated within the hillside, there would be a need to construct retaining walls, especially in areas that would be subject to the greatest changes in levels. Furthermore, given the site context, there is a need for the site to respond to both urban and rural contexts. In addressing this visual transition, extensive negotiation has taken place to secure a 'softer' form of retaining walls, which is of a 'crib-lock' design, along the south-western boundary of the site and to the rear of properties at Heol Gelli Lenor.

Whilst it is acknowledged that the south-western retaining wall would be a relatively substantial feature, it would be in a tapered configuration and complement existing 'crib-lock' walls used as part of the supported housing development off Heol Gelli Lenor (P/12/335/FUL refers). 'Crib-lock'

walls allow planting to be incorporated within the structure, thereby, 'softening' is visual appearance. The boundary treatments, therefore, would not have such an adverse effect on the visual amenities of the area, especially when viewed from open countryside, with well-established residential estates in the background. It is, however, considered necessary, in the interests of safety and given its proximity to an informal footpath, to impose a condition for all retaining walls to be subject to the submission of a certificate from a consulting engineer, confirming that the walls are of appropriate design so as to prevent subsequent ground movement.

The Designing Out Crime Officer from South Wales Police has reviewed the layout of the proposed development and has no objections to the proposal subject to a series of advisory notes to achieve the Secured by Design Award.

Whilst some consideration has been given to hard and soft landscaping works, the details are limited and a full landscaping scheme has not been submitted and a condition is necessary to ensure that the development successfully responds to the urban and rural contexts and reasonably integrates into the connecting part of Lansbury Close.

To further justify the need for the landscaping condition, the site lies within a designated Site of Importance for Nature Conservation (SINC) and there is a need to ensure that any proposed soft landscaping is compatible with the species in its designation.

With regards to the SINC, 'Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether 'the three tests' have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. That there is 'no satisfactory alternative'
3. That the derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'

An ecological survey has been undertaken and a report of the results submitted with the application. Whilst the report indicates that the site is of moderate ecological value, it is noted that it also contains invasive species and represents a very small part of a much larger designation, with its majority being outside the settlement boundary.

Notwithstanding the above, the report does not suggest that the development of the site would be

unacceptable subject to the sensitive implementation of a series of mitigation measures outlined in Sections 9 and 10 of the report. The Council's Ecologist has reviewed the submitted report and agrees with its conclusion. As such, there is no objection to the proposal subject to conditions. Furthermore Natural Resources Wales have no objection subject to advisory notes. Having regard to the above, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

In terms of the impact of the proposal on the future occupiers of the dwellings and flats, it is considered that the habitable rooms of each unit would receive sufficient outlook, natural light and privacy. The combination of boundary treatments and landscaping, together with views of the wider countryside, would create a pleasant living arrangement to the enjoyment of the future occupiers. The proposed dwellings and flats would benefit from adequate outdoor amenity space, appropriate for units containing either 1 or 2 bedrooms. The flats would not benefit from any permitted development rights, whilst dwellings on Plots 1-4 would have sufficient space in and around the properties with no requirement to remove any permitted development rights.

The amenity space, in general, would be reasonably private and usable. The applicant, who also owns the supported housing scheme off Heol Gelli Lenor (Nos.11 and 12), has acknowledged that there would be overlooking into the garden of Flats 11/12. This would mainly be from a first floor habitable room window of the south-eastern corner of 12 Heol Gelli Lenor which would directly face the garden of Flats 11/12 at a distance of approximately 6.5m. This distance is below the 10.5m recommended distance between a habitable room and the boundary of a residential property and, given its elevated position, it would result in unreasonable overlooking in the amenity space of Flats 11/12. However, through negotiation, the applicant has agreed to obscurely glaze the south-western pane within 12 Heol Gelli Lenor, thereby, overcoming the primary privacy concern and could be controlled via a planning condition.

Whilst there would be secondary overlooking from the fire-escape and elevated private parking of 11 and 12 Heol Gelli Lenor into the garden of Flats 11/12, this would be on an infrequent and casual basis and not too dissimilar to views from other nearby streets due to residential estates built on hillsides. It is, therefore, considered that the proposed development would not have any significant adverse effect on the amenities of the occupiers of Flats 11/12.

Flats 5/6, 7/8 and 9/10 back onto open countryside and would be further away from the supported housing scheme off Heol Gelli Lenor. As such, it is considered that the flats would not generate any overriding residential amenity concerns to neighbouring properties.

With regards to dwellings on Plots 1-4, these would back onto the curtilage of 8 Lansbury Close and its side elevation. It was noted during the site visit that 8 Lansbury Close has one window on its side elevation, however, this has been fitted with obscure glazing. The rear elevation of the four dwellings would achieve an approximate distance of 21m between the main side elevation of 8 Lansbury Close.

Whilst the distance between the rear elevation of the four plots and the boundary of 8 Lansbury Close ranges between 8.5m and the recommended distance of 10.5m, this particular area of the garden of No.8 can already be viewed from the existing turning head of the cul-de-sac. Furthermore, No.8 benefits from a large garden and extensive private space at the rear which would be unaffected by the proposed development. Subject to the agreement of site levels and boundary treatments, it is considered that the overall amenity of the occupier of No.8 would not be unreasonably affected by the proposed development.

9 Lansbury Close is located on the opposite side of the road to No.8 and would be adjacent to the eastern part of the site. This property would not be in the immediate vicinity of the proposed dwellings, whilst its outdoor amenity space along the side elevation would be adjacent to parking,



turning areas, boundary treatments and landscaping. It is, therefore, considered that the proposed development would not have any significant adverse effect on the amenities of this property.

The rear gardens of 17-20 Brynllwarch back onto the northern boundary of the site. These properties benefit from long gardens with the development achieving the 10.5m and 21m recommended distances. Furthermore, the gardens of Brynllwarch are on a higher level to the application site whilst the northern part of the development site would be mainly for parking and turning purposes, supplemented with landscaping and boundary walls. A number of properties on Brynllwarch have pedestrian gates providing access from their rear gardens. The plans indicate that access would be retained, supplemented with a path between 20 Brynllwarch and the adjacent supported housing scheme, connecting to Heol Gelli Lenor. Having regard to the above, it is considered that the proposed development would not have any significant adverse impact on the residential amenities of these neighbouring properties, with particular regards to light, outlook, dominance and privacy.

The proposed flats would not benefit from any permitted development rights and it is not considered necessary to remove permitted development rights concerning extensions and roof alterations to the dwellings on Plots 1-4. This is due to the limitations of each plot within the site and the limited adverse impact that such developments is likely to have on the visual amenities of the area and on the residential amenities of neighbouring properties.

Each dwelling would be provided with 2 off-street parking spaces and these would be located at the front of each unit, supplemented with a degree of landscaping. The 8 flats, (consisting of 4 x 1 bed and 4 x 2 bed) would each contain 1 off-street parking space. Furthermore, 4 communal visitor parking spaces would be provided. New turning facilities would be provided which would also benefit existing properties on Lansbury Close.

Subject to adequate boundary treatments and landscaping, which are matters that would be covered by conditions, it is considered that the proposed parking areas would not have a significant adverse effect on the visual amenities of the area.

The road within the site would be 5.5m, supplemented by 1.5m wide footways either side. This would provide sufficient room for refuse vehicles to enter the site.

The Group Manager for Transportation and Engineering (Highways) has no objections to the proposal subject to several conditions and advisory notes. A number of conditions which have been recommended are not necessary since they are governed under separate legislation. It is, therefore, considered that the proposal satisfies Policies SP2, PLA11 and Supplementary Planning Guidance 17.

The Land Drainage Section of the Council and Welsh Water have no objections to the proposal subject to a condition for the drainage details to be agreed and several advisory notes.

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities

- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and, notwithstanding the technical departure, the vast majority of the application site lies within the settlement boundary of Maesteg. Whilst there is a very small strip of land along the southern edge of the site outside the settlement boundary, the proposal would not compromise the fundamental principle of limiting urban development within settlement boundaries and protecting the countryside and landscape designations from inappropriate forms of development. Subject to conditions, the proposal would not adversely affect ecology/biodiversity, highway/pedestrian safety, drainage, privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

(A) That the application be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee is not disposed to refuse for the following reason:-

The vast majority of the application site lies within the settlement boundary of Maesteg and whilst there is a very small strip of land along the southern edge of the site outside the settlement boundary, the proposal would not compromise the integrity of the need to limit urban development within settlement boundaries and protect the countryside and landscape designations from inappropriate forms of development. The development is fully compliant with policy and guidelines in all other respects.

(B) That if Council resolve to approve the proposal the applicant is requested to enter into a legal agreement to:

- i) provide a financial contribution of £1880 towards children's play provision.
- ii) secure two units as affordable housing

(C) That if Council resolve to approve the proposal the following conditions be included on the consent:-

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

3265/PA/004 Rev.A - Proposed Site Layout (received 7 March 2016)

3265/PA/006 - House/Flat Types (received 18 December 2015)

3265/PA/010 Elevations (received 18 December 2015)

3265/PA/011 - Elevations (received 18 December 2015)

100 Rev.P2 - General Arrangement [Sheet 1 of 2] (received 18 December 2015)

101 Rev.P2 - General Arrangement [Sheet 2 of 2] (received 18 December 2015)

102 Rev.P3 - Drainage Layout (received 18 December 2015)

102 Rev.P1 - Crib Wall Elevation (received 10 May 2016)

SK01 - Crib Walling Proposals (received 11 April 2016)

Sections 9 and 10 of 'A Secondary Ecological Appraisal' [Conducted by Just Mammals Consultancy] (received 18 December 2015)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of ecology/biodiversity.

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

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

- 3 Notwithstanding the requirements of Condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include details of both hard and soft landscaping works. The soft landscaping scheme shall include details of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the agreed details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

- 4 Notwithstanding the requirements of Condition 1 and 3, 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. Any tree that is planted is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective within the 3 year maintenance period another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

- 5 Notwithstanding the requirements of Condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials (including colours) and type of boundary treatment (including retaining walls) to be erected. The boundary treatments shall be

completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: In the interests of visual and residential amenities.

- 6** Notwithstanding the requirements of Condition 1, no development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area and in the interests of visual and residential amenities.

- 7** Notwithstanding the requirements of Condition 1, 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 (including those which would have an influence on the highway) will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 8** Notwithstanding the requirements of Condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of any of the residential units hereby approved.

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

- 9** Notwithstanding the requirements of Condition 1, no development shall take place until full details (including the dimensions, design and external finishes) of the proposed Cycle and Bin Stores, as shown on drawing no. '3265/PA/004 Rev.A - Proposed Site Layout' (received 7 March 2016), have been submitted to and agreed in writing by the Local Planning Authority. The stores shall be installed in accordance with the agreed details prior to the development being brought into beneficial use and thereafter retained as cycle and bin stores in perpetuity.

Reason: In the interests of visual and residential amenities.

- 10** Notwithstanding the requirements of Condition 1, no development shall take place until full details (including the design, dimensions, position, projection and external finishes) of the proposed Solar PV Panels to be installed on the dwelling on Plot 4 and flats 5/6, as shown on drawing nos. '3265/PA11 and '3265/PA10 - Elevations' (received 18 December 2015), have been submitted to and agreed in writing by the Local Planning Authority. The panels shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenities.

- 11** Notwithstanding the requirements of Condition 1, no development shall commence until a scheme has been submitted to and agreed in writing showing the south-eastern window of the premises known as 12 Heol Gelli Lenor, which directly faces proposed flats 11/12, as shown on drawing no. '3265/PA/004 Rev.A - Proposed Site Layout' (received 7 March 2016), being fitted with fixed pane obscured glazing to a minimum height of 1.8m from finished floor level of 12 Heol Gelli Lenor. The window shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity and in accordance with the agreed scheme prior to the beneficial occupation of flats 11/12, hereby approved, and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 12** Notwithstanding the requirements of Condition 1, no development shall commence until a site clearance method statement has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include measures to be implemented for the avoidance of harm to reptiles, nesting birds and for detailing the containment, control and removal of invasive, non-native species on site. The site clearance works and development shall be carried out in accordance with the agreed method statement.

Reason: In the interests of ecology and biodiversity.

- 13** Notwithstanding the requirements of Condition 1, no development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

- a) Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during site clearance and the construction of the development; and
- b) Details of a wheel washing scheme to prevent mud and debris from the site clearance and construction traffic being carried out onto the existing maintainable highways;

The agreed Construction Management Plan, shall be implemented for the duration of the site clearance and construction works.

Reason: In the interests of highway safety and general amenities.

- 14** Notwithstanding the requirements of Condition 1 and prior to the occupation of any dwelling or flat, hereby approved, the roads, footways, drives, turning areas and parking spaces, as shown on drawing no. '3265/PA004 Rev.A - Proposed Site Layout' (received 7 March 2016), shall be completed in permanent materials and at gradients that do not exceed 8.33% (1 in 12).

Reason: In the interests of highway safety.

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

a. This application is recommended for approval because the development generally complies with Council policy and guidelines. The vast majority of the application site lies within the settlement boundary of Maesteg and whilst there is a very small strip of land along the southern edge of the site outside the settlement boundary, the proposal would not compromise the fundamental principle of limiting urban development within settlement boundaries and protecting the countryside and landscape designations from inappropriate forms of development. Subject to conditions, the proposal would not adversely affect ecology/biodiversity, highway/pedestrian

safety, drainage, privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. To address Condition 8 (Drainage), the applicant/developer is advised to submit the following details:

(1) Information about the method of discharging surface water, including design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to prevent the pollution of the receiving groundwater and/or surface water.

(2) Provide information concerning the proposed foul drainage system

(3) A timetable for the implementation of surface and foul drainage

(4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.

c. The applicant/developer is advised that Flood Defence Consent may be required should the scheme involve discharging water into a watercourse.

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

e. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

g. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

h. An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

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

j. The applicant/developer is advised that under Sections 40-41 of the Water Industry Act 1991, a contribution towards the provision of new on/off-site watermains and associate infrastructure may be required.

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

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

m. The Highway Authority may require the developer to enter into a Section 38 Road Agreement and a Section 104 Sewer Agreement, including appropriate bonds.

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

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

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

**Background Papers**

None

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## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/16/189/FUL  
**APPLICANT:** SPRING DESIGN CONSULTANCY  
C/O MR ANDREW JAMES UNIT 2 CHAPEL BARNS MERTHYR MAWR  
BRIDGEND

**LOCATION:** GATE HOUSE R/O 34 PARK STREET BRIDGEND

**PROPOSAL:** CHANGE USE INTO A 1 BEDROOM DWELLING

**RECEIVED:** 8th March 2016

**SITE INSPECTED:** 12th August 2015

## APPLICATION/SITE DESCRIPTION

The application seeks full planning consent to convert an existing garage/store to a 1-bedroom residential dwelling. It is understood that the building was historically a coach house. The site is located at the end of a rear lane, off Cae Dre Street and is within Newcastle Hill Conservation Area. The proposal would involve a limited amount of external works, limited to the front elevation and the inclusion of roof-lights.

## RELEVANT HISTORY

62/149 Change of use of No.36 Park Street and three coach houses to the rear to waiting room and surgery (Outline) - Approved

62/192 Change of use of No.36 Park Street and one coach house to the rear to waiting room and surgery (Detailed) - Approved

78/238 Conversion of Coach House to Dietary Health Centre - Refused

79/236 Change of use of Coach House to Storage/Warehousing of Domestic Electrical Appliances - Refused

81/216 Change of use of Coach House from Garage to Rehearsal Room and Sound Recording Studio - Withdrawn

81/1254 Change of use of Coach House to Dental Laboratory to serve Surgery at 26 Park Street and Dormer Extensions - Approved

P/15/285/FUL Change of use of Coach House into a 2-Bed Dwelling - Refused

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 2 June 2016.

## NEGOTIATIONS

Following the refusal of application P/15/285/FUL, to convert this building into a 2-bedroom

Application Number

P/16/189/FUL



Scale 1:750

Date Issued:  
03/06/2016

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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dwelling, the applicant sought informal pre-application advice with the Authority concerning a smaller 1-bedroom scheme (PE/01160/2015 refers). Subject to certain amendments being made to the scheme, a supporting statement to justify how the proposal would overcome the previous reasons for refusal, and appropriate planning conditions, it was advised without prejudice, that the proposal may be considered favourably.

## **CONSULTATION RESPONSES**

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

Notified on 10th March 2016

Objects to the proposal:

1. Poor vehicular access and lack of parking.

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

No objections to the proposal.

### **Conservation & Design**

No objections to the proposal subject to a condition.

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

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

### **Welsh Water Developer Services**

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

## **REPRESENTATIONS RECEIVED**

Objections have been received from the following residents:

2 Elmsfield Court  
3 Elmsfield Court  
34 Park Street  
36 Park Street

Their objections have been amalgamated and summarised as follows:

1. Adverse impact on the visual amenities of the area, including the Conservation Area
2. No parking, adverse impact on highway/pedestrian safety and obstruction of the lane
3. Inadequate provision of outdoor amenity space and storage for refuse
4. The building is unsuitable for residential conversion, resulting in substandard living conditions
5. Loss of residential amenity to properties in Park Street and Elmsfield Court, including loss of privacy and adverse noise and disruption
6. Adverse impact on drainage
7. The development would set a precedent

## **COMMENTS ON REPRESENTATIONS RECEIVED**

In response to objections 1-6, refer to the 'Appraisal' section of the report.

7. The application is assessed on its own merits, in context with current adopted planning policies and guidelines. As such, the proposal would not set a precedent.

Notwithstanding the above, consideration is given to a very similar coach house along the lane which has already been converted into residential use. This was subject to numerous planning applications and an appeal in which the developer was able to overcome the Council's concerns

relating to residential amenity, parking and highway safety. These are material considerations which are appropriate to be taken into account in the determination of this latest application.

## APPRAISAL

The application is referred to Committee due to an objection from Bridgend Town Council and objections received from neighbouring properties.

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

To determine the suitability of the building to be converted into residential use, the scheme is assessed against other relevant policies, guidelines and material considerations. In this respect, Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. Design Guide 1: Dwellings and Domestic Scale Building and Supplementary Planning Guidance 2: Householder Development are also considered relevant in the determination of this application.

In addition to the above, consideration is given to an application that was refused planning permission in 2015, to convert this building into a 2-bedroom dwelling (P/15/285/FUL refers). This application was refused on the following grounds:

1. The proposed development, by reason of its siting, orientation and design, would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties and the future occupiers of the converted Coach House, contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and Note 6 of Supplementary Planning Guidance 2: Householder Development (2008).
2. The proposed development, by reason of its siting, orientation and design, would result in sub-standard living conditions for the future occupiers of the Coach House, by way of limited access to natural light, contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
3. The proposed development would have no provision for outdoor amenity space and, subsequently, would detract from the amenities reasonably expected to be enjoyed by the future occupiers of the converted Coach House, contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and Note 8 of Supplementary Planning Guidance 2: Householder Development (2008).

This scheme attempts to address the previous reasons for refusal, mainly by reducing the number of bedrooms within the building to one, re-designing the internal layout to address privacy and amenity issues and creating a recessed courtyard at the front for a degree of outdoor amenity space.

The building is located within Newcastle Hill Conservation Area, as defined by Policy SP5 of the BLDP. Whilst the building appears to have retained its original shape and its stone frontage, inappropriate materials have been used on other elevations and its openings, which have adversely affected its character and appearance. Furthermore, this building is located at the end of a rear access lane and is largely hidden from any prominent or public views.

According to the submitted plans, the proposed development would predominantly involve internal works. The front elevation would be subject to the greatest external alterations. This would involve the removal of the domestic garage door on the front elevation and a small recessed courtyard would be created. This would enable a degree of outdoor amenity and an

area to store refuse. This courtyard would include the main entrance into the dwelling.

The existing pedestrian door on the front elevation would be removed and partially blocked up to enable a new window to be installed. At first floor level, the glazed door and Juliet-style balcony railings would be removed and replaced by a fixed timber panel with obscure glass.

The side and rear elevations would remain unaltered apart from new velux-type windows being installed with the roof.

The Conservation and Design Team have examined the amended plans and consider that the proposal represents, in principle, an enhancement to the appearance of the coach house.

Whilst limited details have been provided with regards to the side elevations of the recessed courtyard, these would not be significantly visible from public positions. Furthermore, a condition to agree the proposed external finishes of the entire development would ensure that the scheme would not adversely affect visual amenity, whilst the character and appearance of the conservation area would be preserved, if not enhanced. A further condition removing certain permitted development rights, would ensure that the building would retain its character, in the interests of the visual amenities of the area. The scheme, therefore, satisfies the visual amenity criteria of Policy SP2 and Policy SP5 of the BLDP.

The proposed development would introduce a residential (habitable) use into the coach house. A marginally lower standard of amenity could be accepted to serve a 1-bedroom dwelling as it would be akin to a small flat and not capable of being used by a family.

The proposed new residential unit would contain ground floor habitable room windows on the south-eastern (front) elevation. This elevation directly faces the lane, which is approximately 2.9 metres wide, and the rear gardens and properties of Park Street.

The property which is directly aligned with the front elevation of the coach house is Towy Villa (34 Park Street). This neighbouring property has a two-storey rear wing, as per the other terraced properties within this row, however, it has also included a rear balcony. The distance between the front elevation of the coach house and the balcony is approximately 11m. Furthermore, the rear wing of Towy Villa contains a habitable room window (bedroom) and the distance between the front elevation of the coach house and the concerned window is approximately 15.5m. The rear of properties off Park Street is built-up with casual or mutual overlooking.

Whilst large 'see-through' gates have been fitted between 2m high pillars to enclose the curtilage of Towy Villa from the rear lane, the ground floor windows at the front elevation of the application property would initially face the parking area of No.34 and not its immediate amenity space which is the balcony. Furthermore, the habitable room windows of the application building would be recessed approximately 2.3m into the building, thereby increasing the distance between the ground floor habitable room windows of the coach house and those properties of Park Street. This recess would result in a distance in excess of 10.5m to the balcony of 34 Park Street and approximately 18m from the concerned bedroom window. The recess would also create an environment which would limit direct overlooking between properties, thereby ensuring that there is no unreasonable loss of amenity to neighbouring properties or the future occupiers of this one-bedroom unit. A condition would be imposed to ensure that the ground floor window serving the entrance hall would be fitted with obscure glass.

Despite the inclusion of ground floor habitable windows on the front elevation of the application building, the scheme would offer substantial benefits to the privacy of properties off Park Street due to proposed alterations at first floor level of the front elevation. This would ensure that the overall amenities of neighbouring properties off Park Street are not adversely affected. Currently, a Juliet balcony with full-width clear glazing exists and enables significant overlooking into the rear of a number of properties off Park Street. The proposal seeks to replace these features with

a timber panel and small obscure glass panes. The timber panel is a traditional feature of coach houses and has been used in the conversion of a similar coach house further along the lane. This arrangement would remove any significant overlooking from first floor level and would be controlled via a planning condition.

Whilst the bedroom on the first floor would be reliant on velux-type windows alone, the proposal could reasonably achieve the level of amenity suitable for a 1-bed dwelling. Velux-type windows would be inserted on both sides of the roof slope, thereby providing multiple sources and means of outlook and light. These windows would be positioned at a height which is at least 2m above finished first floor level, which would remove any unreasonable overlooking into any neighbouring property, particularly those in Elmsfield Court, Park Street and the existing converted coach house to the rear of 29 Park Street.

It is also acknowledged that this development would facilitate the re-use of a building which, in the context of Newcastle Hill Conservation Area, has a degree of character. This development, subject to conditions, would enhance its character and appearance which represents a material planning consideration in justifying some relaxation of the guidelines, especially when it enables an asset of some heritage value to be retained.

A condition removing certain permitted development rights, especially with regards to roof alterations and retaining the recessed courtyard area would protect the amenities of the future occupiers of the coach house and neighbouring properties.

Whilst there may be a degree of noise and disturbance to local residents during works to convert the building into habitable use, it is considered that once occupied as a residential dwelling, it would not generate such unreasonable level of adverse noise and disturbance so as to warrant refusal of the scheme. It is also acknowledged that adverse noise and disturbance is controlled by separate legislation which would be investigated by the Public Protection Department of the Council.

Having regard to the above, it is considered that the amenities of neighbouring properties and the future occupiers of the coach house would be so adversely affected so as to warrant refusal of the scheme. The development, therefore, satisfies Policy SP2 of the BLDP and Note 6 of SPG2 and addresses the first and second reasons for refusing the previous application, P/15/285/FUL.

Following the dismissed appeal for the Coach House to the rear of 29 Park Street, consent was subsequently granted. The approved application resulted in the coach house benefitting from outdoor amenity space, with an area to sit out and undertake basic outdoor activities such as drying clothes and store household waste.

The coach house, which is the subject of this application, would be a very small 1-bedroom property and close to the town centre. It would have a degree of outdoor amenity space, of a size and environment that is capable of undertaking basic outdoor amenity functions, including the storage of refuse. Subject to a condition removing permitted development rights, including restricting the ability to infill and completely enclose the recessed courtyard, it is considered that the development satisfies Policy SP2 of the BLDP and Note 8 of SPG2 and addresses the third reason for refusing the previous application, P/15/285/FUL.

The proposed converted coach house would not have any off-street parking. Whilst this is not an ideal arrangement, regard is given to the appeal decision for the conversion of the Coach House to the rear of 29 Park Street to a dwelling (P/05/345/FUL refers). Unlike this latest application, in which no off-street parking would be provided, the conversion of the coach house to the rear of 29 proposed one off-street parking space. Whilst the appeal concerning P/05/345/FUL was dismissed, the Inspector stated the following concerning highway matters:

"I note the deficiency in car parking requirements and access. However, Planning Policy Wales

states that, in line with transport choices, minimum parking standards are no longer appropriate. In view of this and the proximity of the site to the town centre and other services, I would not have found that the claimed shortfall in car parking spaces to be of overriding concern."

The scheme, which is for a 1-bedroom property, has been assessed by the Group Manager Transportation and Engineering (Highways). Having considered the previous appeal decision, there is no objection to the proposal and it is considered that the scheme would not have such an adverse effect on highway/pedestrian safety so as to warrant refusal of the scheme. Any obstruction of the lane is matter for the Police and, as such, it is not a material consideration in the determination of this application.

The site is not located within a flood risk area. The Land Drainage Section of the Council and Welsh Water have no objections to the proposal subject to a condition and advisory notes. It is, therefore, considered that the scheme would not have any significant adverse effect on drainage or increase the risk of flooding. The site is within an urban area and it is considered that it is within reasonable proximity to other utilities to facilitate the building's use for residential purposes.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the development, which would involve limited external alterations, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity and ecology. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to

meet their own needs (section 5).

The well-being goals identified in the Act are:

- \* A prosperous Wales
- \* A resilient Wales
- \* A healthier Wales
- \* A more equal Wales
- \* A Wales of cohesive communities
- \* A Wales of vibrant culture and thriving Welsh language
- \* A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that, subject to conditions, there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

## **CONCLUSION**

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

## **RECOMMENDATION**

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

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

2169-01 Rev.C - Existing and Proposed Plans & Elevations (received 1 June 2016)

2169/100/02 - Block Plan (received 8 March 2016)

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

- 2 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul and surface water drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the beneficial occupation of the building.

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 detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

- 4 The window serving the ground floor entrance hall and the glass panes serving the first



floor bedroom on the south-eastern (front) elevation of the building, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received 1 June 2016) shall be fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to beneficial residential occupation of the building and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 5** The timber panel serving the first floor bedroom on the south-eastern (front) elevation of the building, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received on 1 June 2016) shall be fixed and non-opening. The panel shall be fitted prior to the beneficial residential occupation of the building and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 6** Notwithstanding the requirements of condition 1, the velux-type roof windows, hereby approved, shall be installed at a minimum height of 2m from the finished first floor level.

Reason: In the interests of privacy and amenities.

- 7** The recessed courtyard, as shown on drawing no. '2169-01 Rev.C - Existing Proposed Plans & Elevations' (received on 1 June 2016), shall remain open for outdoor use and shall not be infilled or blocked-up at any time.

Reason: In the interests of residential amenities.

- 8** 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 development, which would be permitted under Article 3 and Classes B and C of the Order, shall be carried out at any time on the dwelling, hereby approved.

Reason: In the interests of visual and residential amenities.

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

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

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

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

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

e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

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

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

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

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

**Background Papers**

None

**APPLICATION NO:** P/13/808/OUT

**APPLICANT NAME & ADDRESS:** PONTARDAWE COAL & METALS CO. LTD, C/O THE URBANISTS, THE CREATIVE QUARTER, 8A, MORGAN ARCADE, CARDIFF, CF10 1AF

**LOCATION:** LAND OFF OAKWOOD DRIVE, MAESTEG

**DEVELOPMENT:** MIXED-USE DEVELOPMENT: 138 DWELLINGS, PUBLIC HOUSE, RESTAURANTS, RETAIL AND EMPLOYMENT

## **APPLICATION / SITE DESCRIPTION**

This planning application was submitted in 2013 by Pontardawe Coal and Metals Company Ltd (PCMC) who acquired the majority of the site in early 2012. The land was previously occupied by general industrial uses (Budelpac COSi and Cooper Standard) which ceased in 2008 and, subsequently, the site was cleared of the former factory buildings. The application is made in outline with all matters reserved for subsequent approval. This development relates to a comprehensive mixed-use development.

The proposed development area comprises 4.9 hectares within the freehold ownership of PCMC and 2.75 hectares within the freehold ownership of Bridgend County Borough Council (BCBC). The planning proposals have, therefore, been prepared with involvement from several Council Departments.

## **BACKGROUND**

The Outline planning application was submitted in November 2013. On 26 June 2014, the Development Control Committee resolved to approve a development on this site consisting of:

- i) no more than 115 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial unit measuring no more than 929sqm
- ix) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

The development was approved subject to a number of planning conditions and the applicant entering into a Section 106 Agreement to:

- i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order;
- ii) Construct an extra care facility;
- iii) Provide a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP);
- iv) Provide a riverside walkway;
- v) Ensure that the land identified as Employment Land is re-profiled, surfaced, fully serviced and includes a highway access

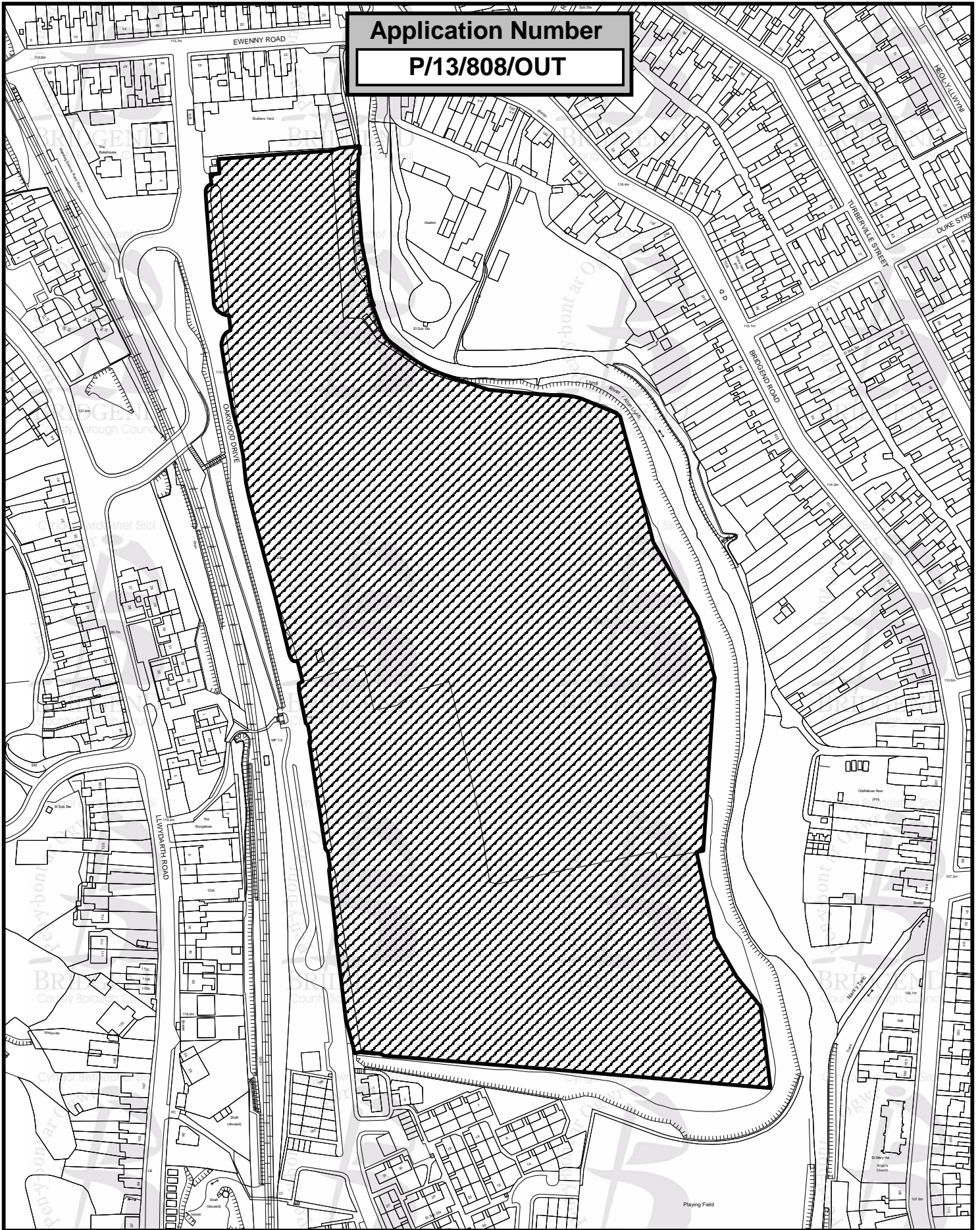
The original Committee report and amendment sheet can be found under Appendix A.

## **POST RESOLUTION**

Since the resolution to grant the permission was made, there have been on-going discussions between the agent and the Council in terms of implementing the project. The viability of the project was examined in detail through the appointment of Savills, on behalf of the applicant, and by Alder King on behalf of the Council.

Application Number

P/13/808/OUT



Scale 1:2,500

Date Issued:  
03/06/2016

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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Additionally, the principle of providing an extra care facility on the site was revisited, especially since the Council, in discussion with service providers, has subsequently identified an alternative site within Maesteg for this purpose.

Having considered the viability and proposed outcomes of the project, the applicant has requested modifications to the scheme. On 12 May 2016, Members of the Development Control Committee resolved to defer the application, to enable further discussions to take place between the Authority and the agent. The focus of the discussion was based on the aim to increase on-site provision of open space instead of the £35,000 off-site contribution offered by the applicant to enhance existing provision in the locality.

As a result of the above, the applicant has requested the following modifications:

- i) To omit the requirement for the provision of an extra care facility and increase the number of dwelling-units on the site from 115 to 138 by utilising the land previously allocated for the extra care facility and make a financial contribution of £200,000 in lieu of direct on-site provision of affordable housing;
- ii) To omit the provision of a river walkway and instead, provide alternative recreation spaces within the site
- iii) Modifications to the wording of several planning conditions, to allow additional flexibility in their implementation

## **PUBLICITY**

The initial changes to the Masterplan were subject to public consultation. The period allowed for response to consultations/publicity expired on 25 April 2016.

## **CONSULTATION RESPONSES**

1. Maesteg Town Council - Supports the proposal
2. Cllr. Ceri Reeves - Has requested a site meeting and to speak at Committee
3. Group Manager Public Protection - No objections to the proposal
4. Group Manager Transportation and Engineering (Highways) - No objections to the proposal
5. Natural Resources Wales - No objections to the amended proposal.

## **REPRESENTATIONS RECEIVED**

1. Maddock Kembery Meats Ltd (Maesteg Abattoir), Bridgend Road, Maesteg:

The agent acting on behalf of the Abattoir submitted a copy of their original comments.

2. E.T & S. Construction Ltd., 244 Bridgend Road, Maesteg:

Support the proposal.

3. Mr. K. Phillips, 227 Bridgend Road, Maesteg:

Objects to the proposal on the following grounds:

- i) Adverse noise
- ii) No demand for a public house or residential
- iii) Adverse impact on the town centre

- iv) Highway safety
- v) Adverse visual impact during construction

## COMMENTS ON REPRESENTATIONS RECEIVED

The original comments made by the Abattoir and the occupier of 227 Bridgend Road have already been covered and addressed within the Committee Report dated 6 June 2014 (Appendix A). It is noted that 227 Bridgend Road is approximately 200m away from the area of the Masterplan which is changing from an Extra Care Facility to additional residential units. The Abattoir is located approximately 300m away from the relevant area of the Masterplan. Furthermore, the removal of the river walkway is likely to reduce the public interaction and views of the abattoir and properties on Bridgend Road from the application site. As such, the replacement of the extra care facility with housing and the removal of the river walkway do not materially alter the comments made in the previous Committee report.

Whilst it is acknowledged that the construction phase may have a degree of visual impact, this is likely to be short-term only and it would be unreasonable to refuse the application on this basis.

## MASTERPLAN

The Masterplan has been updated to reflect the modifications requested by the applicant. The Plan is largely unaltered apart from:

1. The south-eastern corner of the site which demonstrates residential development instead of an extra care facility.
2. Alternative recreation open-spaces which have also increased in size.

**As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the impact of the changes to the Masterplan, the Heads of Terms and associated planning conditions.**

## APPRAISAL

**i. To omit the provision of an extra care facility and increase the number of dwelling-units on the site from 115 to 138 by utilising the land previously allocated for the extra care facility and make a financial contribution of £200,000 in lieu of direct on-site provision of affordable housing.**

Policy COM1(17) of the adopted Bridgend Local Development Plan (BLDP) allocates the site for residential development and, based on average densities, the site can accommodate approximately 115 units. The original scheme also included a 50-bed extra care facility which would bring the provision up to 165 units.

The site is not allocated within the BLDP for the provision of an extra care facility. The provision of this facility was in lieu of affordable housing and satisfied Policy COM5.

As a result, the Masterplan has been modified to omit the extra care facility and utilise this space to increase the number of traditional dwelling-units on the site from 115 to 138. The scale parameters of the proposed dwellings would remain as stated on the original Masterplan. Whilst the extra care unit would have been a building with a smaller footprint than additional housing, its scale would have been greater. The modified Masterplan would bring a more consistent and uniform scale to the overall development.

The potential layout would result in the creation of an entirely new residential estate which, subject to more specific design details, is likely to create its own character and identity. However, at this Outline stage, it is considered that the scale parameters and indicative layout, in principle, are acceptable and would not appear so out of character with its surroundings as to warrant refusal.

The revised proposal for 138 dwellings triggers Policy COM5 of the BLDP which requires 15% affordable housing in the Upper Llynfi Valley. The supporting text to COM5 states that it is the Council's preference for affordable housing provision to be met on site, but exceptional circumstances may exist where this is considered to be unfeasible or unviable and would not deliver the Council's strategic objectives. In such cases, payment of a commuted sum may be considered as an acceptable alternative.

The supporting text of Policy SP14 of the BLDP states that the importance of development costs, including the costs of fulfilling planning agreements, should not prejudice development that supports the Council's aspiration to regenerate and improve the County Borough. It is also noted that if such costs would result in a proposal becoming unviable, the Council may conclude that the benefits of the development outweigh the benefits of securing the infrastructural requirements. In such cases, a developer is required to demonstrate this through a detailed viability appraisal, in accordance with advice contained within Supplementary Planning Guidance 13: Affordable Housing (2007).

In this regard, the applicant has submitted a detailed financial appraisal that has undergone various revisions and independent verification on behalf of the Council, to demonstrate that exceptional circumstances apply to this proposal, necessitating a relaxation of the affordable housing target and provision of a monetary contribution in lieu of on-site provision.

The developer has sought to demonstrate that a shortfall in viability exists as a result of the costs associated with the purchase of the land, the mixed use nature of the proposals, the abnormal site development costs and the relatively low level of local house prices. The appraisal has been carefully scrutinised by the Principal S.106 Officer and has been subject to independent verification, with justification sought from the applicant for the various costs provided.

Whilst the purchase of land is a known cost, to be borne by the majority of development proposals, the abnormal site development costs are exceptional characteristics of this scheme and will undoubtedly have a negative impact on the viability of the project. These characteristics are largely due to the previous industrial use of the site and the significant adverse ground conditions which require extensive remediation in order to bring the site up to a standard to accommodate new development. This includes the need to remove vast amounts of hard-core left by the previous uses on the site and the presence of a mine shaft which requires capping. Furthermore, the mixed use nature of the proposals requires substantial site remediation and primary infrastructure work to be undertaken up-front in order to make the site more marketable. It is extremely unlikely that this scheme could be delivered without undertaking a substantial amount of costly work up-front. Although the precise value of abnormal costs may change, the Council accepts the conclusion of the viability assessment.

Whilst this needs to be balanced against the financial return to be gained from the sale of the residential element of the proposals and the letting of the retail / commercial components, sales values and demand for residential development in this part of the County Borough will be lower than elsewhere, particularly when compared to areas closer to the M4 corridor. This has been demonstrated in the Affordable Housing Viability Study prepared on behalf of Bridgend County Borough Council as part of the Local Development Plan evidence base. It is also acknowledged that there has been no large scale housing development in Maesteg since the peak of the market. There must, therefore, be recognition of the speculative nature, and associated risks, of delivering such a major development in this part of the County Borough. In this particular case, the extent of the up-front costs associated with the site and the lower sales values of the residential phase of the development represents a clear and apparent risk to the overall viability of the scheme.

Whilst the initial Viability Appraisal did not provide a commuted sum towards affordable housing, the process of careful scrutiny and extensive negotiation has led to various revisions of the appraisal. The latest appraisal, which is to be considered as part of this proposal, is deemed by the Council to provide a realistic and reasonable assessment of the viability of the scheme. Based on this appraisal, it is possible to secure a commuted sum of £200,000 towards the provision of affordable housing.

It must be acknowledged that the commuted sum represents a significant increase to the original viability appraisal submitted by the applicant. This figure is derived from a reduction in the level of developer's anticipated profit in the scheme, which must be noted to be a level that is below market

expectations. In light of the marginal viability, it is considered that the benefits the proposals will provide through the construction of 138 dwellings in an area of minimal new house building, is a significant benefit to the Llynfi Valley and justifies a relaxation of Policy COM5. It is, therefore, considered that the commuted sum proposed by the applicant towards affordable housing is acceptable in lieu of on-site provision. It is considered necessary to secure this through a legal agreement and the relevant Heads of Terms have been formulated as listed under the 'Recommendation' section of this report.

**ii. To omit the provision of a river walkway and instead, provide alternative recreation spaces within the site**

Policy COM11 of the adopted Bridgend Local Development Plan (BLDP) states that all new housing developments should provide a satisfactory level of outdoor recreation space or its equivalent value. This requirement is in addition to the basic amenity space requirements necessary to meet the individual needs of occupiers.

The original Masterplan indicated that general public open space would be provided along the eastern boundary of the site with the creation of a new river walkway. The original Masterplan did not include any specific details concerning the river walkway, other than an indication of its potential route which followed the river and spanned the length of the site.

Since the Development Control Committee resolved to approve the original development, further consideration has been given to the river walkway. It became apparent that there were a number of issues associated with its deliverability, particularly those relating to its construction, future maintenance and liability. Furthermore, the walkway lacked connectivity at the northern end of the site and would terminate rather abruptly with users having to turn back rather than access other parts of the site or existing roads and paths. Having regard to the above, it is reasonable to conclude that, whilst the walkway met the requirements of Policy COM11, there was sufficient scope to consider more appropriate provision of open space which would have greater benefits to future residents of the proposed development and the local community.

On 12 May 2016, Members of the Development Control Committee resolved to defer the application, to enable further discussions to take place between the Authority and the agent. The focus of the discussion was based on the aim to increase on-site provision of open space instead of the £35,000 off-site contribution offered by the applicant to enhance existing provision in the locality.

The application proposes to provide a range of recreational facilities. The Masterplan includes on-site provision of a Local Area for Play (LAP) for children. This is supplemented by the more formal on-site provision of a Local Equipped Area for Play (LEAP).

The Masterplan has been amended to increase the provision of open space within the site. The additional areas are to the south and east. This increase represents informal play areas totalling 3,400 sq. m. and a further 800 sq. m. of formal play areas. The site cannot accommodate any further open space as this would result in the loss of dwelling-units which would severely compromise the overall viability of the scheme, as discussed in detail above.

The above provision exceeds the requirement for children's playing space (0.8 Ha per 1000 population), as defined by Criterion 2 of Policy COM11 of the adopted Bridgend Local Development Plan (BLDP). A relatively recent survey of Maesteg (2014) highlights that there is a surplus of allotment space (criterion 3) and, in terms of the provision of general outdoor space (criterion 1), there is already sufficient provision in Maesteg. In any case, the future occupiers of the dwellings on the application site would be within 300m of accessible natural green space (criterion 4).

In addition to the above, since Members resolved to defer the application in May, a scheme has been granted planning permission to enhance approximately 70 hectares of outdoor recreational open space on land reclaimed from the former Maesteg Washery and Coegnant Colliery (P/16/291/FUL refers). This land, which is approximately 1km away from the application site, has been transferred to Natural Resources Wales (NRW) on a long lease. NRW has recently planted approximately 60,000 trees on



the site which, subject to the implementation of the above mentioned planning permission, would significantly enhance the provision of open space serving the Llynfi Valley.

It must be noted that Policy COM11 allows for flexibility. Whilst securing outdoor recreation space from residential development is 'based on' addressing four specific criteria, the Policy acknowledges that it is 'subject to negotiation'. In this particular case, such requirements must be balanced against the viability of the overall scheme which remains a fundamental material planning consideration in the determination of this application and is such that it cannot be set aside lightly. As such, and based on increases in on-site provision of open spaces, the proposal is deemed to satisfy Policy COM11 of the BLDP. Their implementation, inclusive of arrangements for their management, would be secured through a legal agreement. The Heads of Terms have been amended accordingly, as listed under the 'Recommendations' section of this report.

The masterplan has been amended and now includes 4,200 square metres of open space within the site. As such this now fully complies with Policy COM11

### **iii) Conditions**

The agent has reviewed the planning conditions that were imposed on the original Development Control Committee Report (Appendix A). Whilst several conditions require modification as a result of updates to the Masterplan, the agent has requested additional flexibility to the wording of several conditions, particularly with regards to the timing of submitting information to address pre-commencement conditions and their implementation. For example, given the mixed-use nature of the proposal, it is highly unlikely that all phases of the development would be commencing simultaneously. Several conditions have, therefore, been modified to be more pragmatic so that they address each phase of development and are 'triggered' when that particular phase is to be brought forward for construction.

Several conditions have been modified after consultation with the Group Manager Public Protection, Group Manager Transportation and Engineering (Highways), and changed to procedures in the processing of applications.

For clarity, all 48 conditions have been re-produced and can be found under the 'Recommendations' Section of this report.

### **Biodiversity/Ecology**

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment";
2. That there is "no satisfactory alternative";
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

The scheme has been subject to biodiversity/ecology report which was considered by the Council's Ecologist. There are no objections to the proposal subject to conditions and, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity/ecology. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

### **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

### **CONCLUSION**

Having considered all relevant evidence and material planning considerations, this Outline application is again recommended for approval because the development complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to Maesteg Town Centre nor so significantly harm neighbours' amenities as to warrant refusal.

It is concluded that the benefits of the development are a significant material consideration in the determination of this application which outweigh any shortfall in infrastructural requirements. As referenced within the original Committee report, matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and, in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

## RECOMMENDATION

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

(i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order to ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, and to ensure on-street parking is not generated in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site.

(ii) Provide a financial contribution for the sum of £200,000 towards affordable housing.

(iii) Provide on-site a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) with a combined total of 4,200 square metres, prior to the completion of the 50th residential unit built on the site. The specification of the Local Area of Play and Local Equipped Area of Play, including precise location, size and future maintenance and management requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(iv) Ensure that the land identified as Employment Land on Plan Number: Masterplan 15095 F002 Rev. C (received 20 May 2016) is re-profiled, surfaced and fully serviced, including a highway access of appropriate size and standard, in accordance with a scheme and method statement to be submitted and approved in writing by the Council, no later than the construction of the 50<sup>th</sup> residential unit on the site.

(B) The Corporate Director Communities be given plenary powers to notify the Welsh Government of the intention to approve the application in accordance with Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012.

(C) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal should the Welsh Government offer no adverse comments to the application and once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

1. The development shall be carried out in conformity with the following drawings:

Site Boundary Plan (received 22 November 2013)  
Masterplan 15095 F002 Rev. C (received 20 May 2016)  
Parameters Plan 15095 F003 Rev. C (received 20 April 2016)

Reason: To avoid doubt or confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

2. Notwithstanding the submitted plans the consent hereby granted shall be limited to:

- i) no more than 138 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) 1 larger B1 industrial unit measuring no more than 929sqm
- viii) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

Reason: To avoid doubt and confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

3. No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel washing facilities
  - v. measures to control the emission of dust and dirt during construction
  - vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
  - vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
  - viii. Approximate timescales of each operational phase;
  - ix. Operational hours;
  - v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
  - x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement.

Reason: In the interests of highway safety and general amenities.

4. There shall be no direct means of vehicle access from Oakwood Drive into the area of land accommodating the fast food restaurants, as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016).

Reason: In the interests of highway safety.

5. There shall be no means of vehicle access into the western site boundary for the first 80m (measured from the northern site boundary - the communal boundary with the adjacent builders merchants), as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016)

Reason: In the interests of highway safety.

6. The main access points into the site shall be no less than 40m apart (measured from the centre of each junction).

Reason: In the interests of highway safety.

7. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting 43 Ewenny Road and 1 Oakwood. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

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

8. Notwithstanding the submitted plans, and prior to the commencement of each phase of the development, hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme showing vehicular turning facilities for that particular phase. The turning facilities shall be designed so as to enable vehicles to enter and leave in a forward gear. The turning facilities shall be implemented in accordance with the agreed scheme and completed prior to the respective proposed

development associated with that phase of development being brought into beneficial use. The agreed turning facilities shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety.

9. All vehicle accesses linking onto Oakwood Drive shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

10. No structure, erection or planting exceeding 0.9m 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. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along Oakwood Drive between Ewenny Road and 1 Oakwood. Such a scheme shall include appropriate signage and carriageway markings and shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway safety.

12. Notwithstanding the submitted plans, no phase of development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along the internal access roads within that phase. Such a scheme shall include measures to reduce vehicle speeds to no more than 20mph and shall be fully implemented, along with the appropriate signage and carriageway markings, in accordance with the agreed scheme before that phase of development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

13. No development shall commence until a scheme for the provision of improvements to the two bus stops sited on the A4063 in the vicinity of 26 Bethania Street has been submitted to and agreed in writing by the Local Planning Authority. The improvement works shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: To promote sustainable means of transport to/from the site.

14. No development shall commence until a scheme for the provision of pedestrian crossing points at appropriate locations across: Oakwood Drive, the road linking Oakwood Drive with the A4063, each of the accesses into the site, and the roads between 2 and 31 Oakwood, and 48 and 49 Oakwood has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall consist of dropped kerbs and tactile paving and shall be implemented before each related phase of development is brought into beneficial use and retained as such thereafter in perpetuity.

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

15. No development of the fast food / restaurant buildings (Buildings A) shall commence until a scheme for the provision of a physical barrier incorporating an anti-dazzle function along the first 70m of the site frontage (measured from the northern site boundary), as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016), has been submitted to and agreed in writing by the Local Planning Authority. The barrier shall be installed in accordance

with the agreed scheme and implemented prior to the beneficial use of any of the fast food / restaurant buildings commencing.

Reason: In the interests of highway safety.

16. This permission granted does not extend to any matters which are by other conditions required to be further approved by or agreed with the Local Planning Authority, notwithstanding that all or any such matters are included or referred to on the submitted plan.

Reason: For the avoidance of doubt as to the extent of permission hereby granted.

17. Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority, details of the location, layout and mitigation measures to be applied to any business capable of giving rise to odour nuisance. The agreed mitigation measures shall be implemented prior to the beneficial occupation of that business premises and any equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: In the interests of amenities.

18. Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority an options appraisal and remediation strategy giving full details of the remediation measures required in residential gardens/soft landscaped areas and how they are to be undertaken. Development shall be carried out in accordance with the agreed appraisal and strategy.

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

19. Prior to the beneficial occupation of any part of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy referred to in condition 18 above, and the effectiveness of the remediation shall be submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. The report shall also include:

- i) A 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan;
- ii) Reports on monitoring, maintenance and any contingency action;
- iii) A final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring

The long-term monitoring and maintenance arrangements shall be implemented in accordance with the agreed reports and plan(s).

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

20. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out on that phase of development until there has been submitted to and agreed in writing by the Local Planning Authority a remediation strategy. The strategy shall include details of all measures for the treatment of any unsuspected contamination. Development shall be carried out in accordance with the remediation strategy.

Reason: In the interests of amenities.

21. No development shall commence of the fast food / restaurant buildings (Buildings A) until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.0m

high acoustic barrier to be erected immediately west of the car park and 'drive through' to the northernmost fast food restaurant. The scheme shall also include the design details of the barrier and construction material. The barrier shall be erected in accordance with the agreed scheme prior to the beneficial occupation of any of the 'drive through' restaurants hereby approved and shall be so retained in perpetuity.

Reason: In the interests of amenities.

22. No development shall commence of the food retail unit (Building E) until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.3m high and 3.0m high acoustic barrier at the locations recommended in Section 6.2.2 of the Noise Impact Assessment (conducted by Waterman Transport & Development Limited - received 25 November 2013). The scheme shall also include the design details of the barriers and construction material. The barriers shall be erected in accordance with the agreed scheme and in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The barriers shall be so retained in perpetuity.

Reason: In the interests of amenities.

23. The A1 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Monday-Saturday  
0700-2200 hours Sundays

Reason: In the interests of amenities.

24. The A3 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Sunday-Thursday  
0700-midnight Friday-Saturday

Reason: In the interests of amenities.

25. Deliveries to the A1, A3 and B1 units, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) shall be restricted to:

0700-2200 hours Monday-Friday  
0800-2200 hours Saturday-Sunday

Reason: In the interest of amenities.

26. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), or The Town and Country Planning use Classes (Order) 1987 no development which would be permitted under Article 3 and Class B of Part 3 to Schedule 2 (Change of Use) of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenities.

27. Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a detailed noise assessment to ensure that the rating level (when assessing the noise using BS4142) of the cumulative noise generated from fixed plant and any other operations which fall within the scope of BS4142 as measured (or where this is not possible, calculated) as an A-weighted equivalent continuous sound pressure level (LAeq),

in free field conditions at the boundary of any residential premises, shall not exceed the following:

Daytime (0700-1900 hrs)	Evening (1900- 23.00hrs)	Night (23.00-07.00hrs)
49dB LAeq,1hr	43dBLAeq,1hr	40dB LAeq, 5mins

28. Any subsequent reserved matters application for employment uses (B1) shall include the submission of a report which reviews the noise likely to be emitted as a result of the employment uses. The report shall include:
- i) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations
  - ii) details of fixed plant, including the location and noise levels to be emitted from the plant
  - iii) hours of operation
  - iv) details of deliveries
  - v) any mitigation measures

Reason: In the interests of amenities.

29. The remedial measures for the shallow workings and the stabilisation and remediation works for the mine entries, shall be carried out in accordance with the documents titled:

Report on Site Investigations (2010) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Site Investigations (2013) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Reason: In the interests of safety.

30. No development shall commence until the mitigation measures and recommendations identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013) have been completed in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures and recommendations shall be carried out in accordance with the agreed timetable.

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity.

31. Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of an Ecological Management Plan, as identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013).

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity.

32. No development shall commence until a scheme for the eradication and/or control of Japanese Knotweed & Himalayan Balsam has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology.

33. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including attenuation to brownfield run-off, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development hereby approved commencing..



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

34. No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority to include a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. Development shall be carried out in accordance with the agreed scheme and implemented prior to the beneficial occupation of any of the development hereby approved.

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

35. No development shall commence on site until a detailed, comprehensive and site-specific emergency flood plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details on the designated emergency routes and the method of how on-site occupants will be notified of the flood event.

Reason: To ensure that flood risk is clearly identified and that all parties are aware of the associated risks.

36. Prior to the construction of each building, hereby approved, 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 that building has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

37. Prior to the construction of each phase of development, hereby approved, 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 (including noise barriers) to be erected for that phase of development 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.

38. Prior to the construction of each building, hereby approved, no development shall take place until details of the proposed floor levels of that building in relation to existing ground levels and the finished levels of the site has 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.

39. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist and no work shall commence until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within three months of the fieldwork being completed by the archaeologist.

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

40. Prior to the construction of each phase of development, hereby approved, full details of both hard and soft landscape works for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include: the 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 landscaping works shall be carried out in accordance with the agreed details and implemented prior to the occupation of any part of that phased of development or in accordance with a programme to be submitted to and agreed in writing by the Local Planning Authority prior to any development of that phase commencing on site.

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

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

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

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

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

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

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

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

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

42. No development shall take place until a schedule of landscape maintenance (excluding domestic gardens) 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.

43. There shall be no amalgamation of Units marked 'C' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

44. There shall be no amalgamation of Units marked 'D' and 'E' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

45. Unit marked 'D' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) shall only be used for the sale of bulky goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

46. There shall be no subdivision of Unit marked 'D' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

47. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the agreed details.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

48. Piling or any other foundation designs using penetrative methods shall not be permitted in the construction of the development hereby approved.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

#### **ADVISORY NOTES**

As detailed in the report to Committee on 26 June 2014.

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

**Background Papers : None**

# APPENDIX A

## DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

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

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

b) The applicant is advised that off street parking for the proposed dwelling must be provided to the satisfaction of the Local Planning Authority and your attention is drawn to SPG17 - Parking Standards 2010.

c) A sufficient area of land will need to be set aside between the existing and proposed dwellings to cater for the required replacements/additional off street parking, and common turning facility. It is envisaged that the proposed replacement garage will need to be omitted to cater for these works, with the overall parking and turning scheme resulting in a smaller rear garden to 25 West Road (as provided for 23 West Road adjacent to the site).

d) The applicant is advised to check the deeds of the property prior to commencing development to ensure there are no restrictive covenants.

e) The applicant is advised that the porch on the front elevation of 25 West Road may require separate planning permission. The applicant is advised to contact the Local Planning Authority regarding this matter.

ITEM:

6

RECOMMENDATION : SECTION  
106

REFERENCE: P/13/808/OUT

APPLICANT: PONTARDAWE COAL & METALS CO. LTD  
C/O MR J W MELVILLE BRAILSFORD HALL BRAILSFORD  
DERBYSHIRE

LOCATION: LAND OFF OAKWOOD DRIVE MAESTEG BRIDGEND

PROPOSAL: MIXED-USE DEVELOP - EXTRA CARE FACILITY (50 BEDS), PUBLIC  
HOUSE, RESTAURANTS, RETAIL, EMPLOYMENT & 115 DWELLINGS

RECEIVED: 8th November 2013

SITE INSPECTED: 10th December 2013

### APPLICATION/SITE DESCRIPTION

This planning application is submitted by Pontardawe Coal and Metals Company Ltd (PCMC) who acquired the majority of the site in early 2012. The land was previously occupied by general industrial uses (Budelpac COSi and Cooper Standard) which ceased in 2008 and, subsequently, the site was cleared of the former factory buildings. The application is in outline form with all matters reserved for subsequent approval for a comprehensive mixed-use development.

## DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

The proposed development area comprises 4.9 hectares within the freehold ownership of PCMC and 2.75 hectares within the freehold ownership of Bridgend County Borough Council (BCBC). The planning proposals have therefore been prepared with the involvement from several Council Departments.

In terms of context, the site is located on land occupied by the former Ewenny Road Industrial Estate. To the east is the River Llynfi, to the west is the site access road and Maesteg railway line, both of which are parallel to the site in a north-south orientation. To the south is Oakwood, a housing estate managed by Valleys to Coast Housing (V2C). Also to the south is an under-utilised recreation area which forms the north east corner of the V2C estate. Further south is an additional recreation area which includes playing fields, tennis courts, a bowls green and children's play area.

The majority of the wider environment in this area of Maesteg is residential and ad-hoc local shops. Of note, however is the builder's yard and café located to the north, an abattoir located to the north-east (on the opposite side of the river) and a small newsagent/grocery shop to the south-west (at the entrance to Oakwood residential estate). The type and nature of the residential accommodation varies from traditional terraced streets to more modern housing estates of detached and semi-detached properties, including the 'Radburn' design of the Oakwood residential estate.

The site has been almost entirely cleared of any buildings/structures and currently consists of an expanse of relatively flat areas of concrete and levelled hardcore. Access to the site is via an unnamed link over the railway leading to Oakwood Drive that runs along the length of the western boundary of the estate. Oakwood Drive terminates in the Oakwood estate to the south but connects to Ewenny Road in the north providing a link to the residential area on the eastern side of the valley.

There are no vehicle or pedestrian links from the site over the Llynfi River to the east. There are a number of pedestrian links over the railway line which appear to be underutilised but allow connectivity from the site to the existing residential areas in the west. The Ewenny Road train station is located to the north of the site with a pedestrian connection from the unnamed link road to the site.

There are additional constraints associated with the site, as it is almost entirely within Zone C2 Flood Risk Area, there are issues of land contamination as a result of the previous industrial uses and there are two recorded coal mine entries within the site, with the main Oakwood Colliery Shaft being approximately 230m deep and filled to an "unknown specification". There are no treatment details recorded for the other mine entry.

This outline planning application seeks consent for a mixed use scheme including residential, employment/industrial, retail, leisure and an extra care facility on the former Ewenny Road Industrial Estate. The extent of the application area covers 7.65 hectares of entirely brownfield land. A Masterplan has been prepared to demonstrate an indicative layout and the variety of proposed land-use designations across the site.

Prior to the submission of this application a screening opinion was submitted to determine whether an Environmental Impact Assessment would be required (P/13/741/SOR refers). It was concluded "that the proposed use would not have significant environmental affects above the previous use in the context of Circular 02/99 Environmental Impact Assessments". Notwithstanding the above, a number of statutory consultees provided comments and requested the submission of variety of reports, surveys and assessments that were necessary to accompany this current outline application. Those submitted include: Noise and Air Quality

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014**

Assessments, Contamination and Ground Investigation Surveys, Cultural Heritage and Archaeology report and Transport Assessment and an Ecology Assessment.

Members are informed that this outline application seeks only to establish the principle for the development since all specific matters such as access, appearance, landscaping, layout and scale have been reserved for subsequent approval.

### **RELEVANT HISTORY**

<b>P/06/1000/FUL</b>	<b>APPROVED</b> temporarily	<b>27-09-2006</b>
<b>DRILLING OF METHANE WELL</b>		
<b>P/12/530/DPN</b>	<b>DPN approve</b>	<b>04-09-2012</b>
<b>DEMOLISH LAST REMAINING BUILDING ON FORMER FACTORY SITE</b>		
<b>P/13/741/SOR</b>	<b>EIA not required</b>	<b>05-11-2013</b>
<b>SCREENING OPINION FOR MIXED USE DEVELOPMENT</b>		

### **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 30 December 2013.

### **NEGOTIATIONS**

During the assessment of this application, the agent was requested to:

1. Amend the Masterplan to reconfigure the layout of the two 'drive-thru' restaurants (in the interests of residential and visual amenities);
2. Submit an Archaeological Survey (to properly assess the merits of the proposal and in the interests of archaeology);
3. Submit a statement addressing the initial flood risk concerns of Natural Resources Wales (in the interests of water management);
4. Amend the Masterplan to include maximum ridge heights of all proposed buildings/structures (to properly assess the merits of the proposal);
5. Submit a viability assessment and a statement addressing matters associated with affordable housing and public open space (to properly assess the merits of the proposal and in the interests of sustainability and residential amenities);
6. Submit a statement addressing issues associated with Policies REG5 and REG11 of the adopted Bridgend Local Development Plan (to properly assess the merits of the proposal);

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014**

7. Submit a Flood Management Plan (in the interests of safety)
8. Amend the plans to include public open space and outdoor play areas (in the interests of amenities).
9. Confirm the acceptability of the Heads of Terms.

### **CONSULTATION RESPONSES**

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

Notified on 27th November 2013

No observations to make on the proposal.

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

No objections to the proposal subject to planning conditions and advisory notes. There is also a requirement for the applicant to enter into a legal agreement for the payment of the sum of £7,000 for the creation and extension of a traffic order.

#### **Bcbc Emergency Planning Dept.**

Commented that this is a matter for Natural Resources Wales to consider.

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

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

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

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

#### **Communities - Housing Manager**

No objections to the proposal since the provision of extra care meets the requirement of addressing the Corporate Project for Transforming Residential Care for Older People.

#### **Natural Resources Wales**

Flooding:

A Flood Consequences Assessment has been submitted with the application. NRW confirms that the technical analysis of flood risk for the application site is sound.

They also confirm that the development would not give rise to flooding on areas outside the application site and increased flood risk associated with the proposal lies either on the site or within land owned by the Council. However, the FCA has demonstrated that flood risk can be satisfactorily managed on site and that residential, commercial/retail, industrial uses and general infrastructure would be within acceptable limits.

NRW considers that the FCA has underestimated the flood risk associated with emergency access/egress to and from the site via the only possible route, namely Oakwood Drive. Under such circumstances, they have advised consultation with all Emergency Services.

Non-flooding matters:

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

**Welsh Water Developer Services**

No objections to the proposal subject to advisory notes.

**P.C. Kevin Ellis - Licensing Officer**

No comments to make on the proposal.

**Crime Prevention Design S.Wales Police**

No objections to the proposal subject to advisory notes.

**Glamorgan Gwent Archaeological Trust**

A request was made for the submission of an archaeological desk-based assessment and an archaeological evaluation of the site. Following examination of this report, they have recommended that further archaeological work is undertaken since the submitted report concludes:

"Landscaping and redevelopment works are likely to have affected archaeological remains, but the extent of survival and condition of archaeological remains, and the depth at which they may be buried is unclear, there is considered to be a moderate potential for remains of archaeological interest to survive on the site. All of which are considered to be of local importance. A programme of targeted archaeological evaluation is recommended to more accurately assess the archaeological resource and allow a full mitigation strategy for the proposed development to be devised."

**The Coal Authority**

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

**Network Rail (Western Region)**

Objects to the proposal:

After studying the details supplied and consultation with our Operations Risk Advisor, Network Rail objects to this application as currently proposed.

We note the developer has identified the railway crossings as the main pedestrian/cycle links to the site which will significantly increase pedestrian usage at the 3 footpath crossings in the vicinity and have safety implications. The increased use of the crossings cannot be looked upon favourably by Network Rail and some form of mitigation may be justified to reduce any safety concerns.

Should the Applicant/Council wish to discuss the matter of the level crossings further with regard to minimising potential safety issues, please contact us to agree potential improvements to the level crossing and to minimise the risk of accidents from the envisaged increased use that will result from this proposal.

Network Rail is likely to withdraw any objection if an acceptable solution can be found regarding the potential safety issues associated with the increased use of the level.

**Head Of Parks & Playing Fields**

Provided comments in response to the standard and specification of public open spaces.

**Welsh Ambulance Service**

No comments to make on the proposal.

**Police Territorial Support & Planning Support Unit**

A response was received via the Council's Emergency Planning Services:



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"We would not advise on this. We had this query a couple of years ago - we are not the subject matter experts, that surely is NRW."

### **S. Wales Local Resilience Forum**

Commented via the Council's Emergency Planning Services that flooding is a "matter for Natural Resources Wales and Local Authority Development Control Teams".

### **Destination & Countryside Management**

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

## **REPRESENTATIONS RECEIVED**

### **David Glyn Elias, 263 Bridgend Road**

Supports the proposal.

### **Mrs L Laskey, 207 Bridgend Road**

Supports the proposal.

### **R & K Phillips, 227 Bridgend Road**

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

1. Overlooking/privacy
2. Noise
3. Overshadowing
4. Devaluation of property

### **Byron Davies (Shadow Minister For Transport & Regeneration), National Assembly For Wales**

Support the development in principle but objects to the proposed scheme on the following grounds:

1. It is felt in the interests of sustainability; the Local Planning Authority should consider established retailing areas before out-of-town sites. The underlying belief is that, to permit more shops being built, would ultimately take further trade away from the town centre. Indeed, existing small businesses may relocate to this area, creating even more empty shops in the town centre. At present there are 13 empty shops. Classes A1, A2, A3 and D1 retail; financial, betting shops, hot/cold food outlets; and clinics respectively, are normally associated with town centres.
2. Drive-thru A3 uses in a built up residential could attract noise and anti-social behaviour
3. Whilst it is appreciated that 60 units of extra care residential units are proposed, there would appear to be no provision for affordable housing.
4. Constituents also point out concerns that the south east corner of the site, earmarked for business use, has been known to flood

### **Mr. W.E. Harris, 3, Oakwood Drive,**

Objects to the proposal and requests to speak at Committee:

1. The opening hours of the fast food outlets/residential amenity
2. The proposed entry road is opposite the house.
3. Highway/pedestrian safety.

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### **Mr N B Thomas, 219 Bridgend Road**

Supports the proposal but raised the following concerns:

1. Security
2. Privacy
3. Noise
4. Litter (especially along the river)

### **John Matthews On Behalf Of, Maesteg Abattoir**

Supports the development in principle but raised the following concerns:

1. Potential adverse impact on the abattoir business, especially with the psychological effects of eating within close proximity to the abattoir and that it could generate unjustified public complaints. Recommended that retail and/or employment facilities are situated in the northern part of the development site.
2. Requests that adequate landscaping is provided/retained along the river to ensure that the abattoir is screened from the development site.
3. The abattoir lies within a flood risk area and any development of the application site (in particular surface water run-off) must not result in further increases in the risk of flooding.

### **Mr Graham James Smith, 247 Bridgend Road**

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

1. Health and Safety
2. The restaurants would be in close proximity to an existing abattoir resulting in adverse smell/odour
3. Impact of the development on an existing mine shaft within the site
4. Adverse impact on the town centre - suggested that a petrol station on the site would be more suitable

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### 1. Highway/Pedestrian Safety

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to the applicant entering into a legal agreement to implement highway safety measures and subject to a number of conditions and advisory notes. This matter is fully assessed under the appraisal section of the report.

### 2. No provision of affordable housing.

Following consultation with the Group Manager Housing and Community Regeneration, it is considered that Extra Care is required in line with the Corporate Project for transforming residential care for older people. It is considered that the proposed Extra Care facility, in lieu of direct provision of affordable housing, would be suitable as a means of meeting the requirements set by Policy COM5 of the BLDP.

### 3. Flooding

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Refer to the appraisal section of the report.

### 4. Safety: Impact on the mine shaft.

The site is known to contain past mining features. A comprehensive site investigation has been undertaken with a series of recommended stabilisation and remediation works. This report has been thoroughly considered by a number of consultees, including the Public Protection Department of the Council, The Coal Authority and Natural Resources Wales. No objections have been raised subject to conditions and advisory notes to ensure the implementation of the recommended works. It is, therefore, considered that the proposed development would not pose any abnormal safety issues associated with the redevelopment of a site of this scale within an urban area.

### 5. Adverse impact on health and residential amenity: Adverse noise, odour, litter and the psychological effect of eating within close proximity to an abattoir.

The application proposes two 'drive-through' type restaurants and a family restaurant. There is an abattoir located across the river to the north-east of the site. Noise and Air Quality assessments have been submitted with the application. The reports have been thoroughly considered by the Public Protection Department of the Council and no objection has been raised subject to conditions and advisory notes. One of the conditions requires the submission of mitigation measures for any new business on the site which is capable of giving rise to odour nuisance and several other conditions refer to the control of noise at the site. Further conditions would be imposed to control the hours of opening of all proposed non-residential premises.

The abattoir is an existing and well-established premises situated in an area that is predominantly residential. It is located on the opposite side of the river to the application site, with the main abattoir building located approximately 50m from the boundary of the site. A number of trees and vegetation are located along the river banks. Additionally, the abattoir is located at a significantly lower level than the application site. Whilst the application proposes two restaurants and a public house/restaurant and the perceived psychological effects are acknowledged, it is not considered that the two uses are incompatible with one another. The Group Manager Public Protection has not raised any adverse comments in respect of this particular matter.

With regards to litter, this application seeks only to establish the principle of the development and is in outline form with all matters reserved for subsequent approval. In this context, it is not considered that the proposed uses, including the number of units proposed and their dimensions, would result in such adverse levels of litter as to be significantly detrimental to the general amenities of the area. An advisory note would, however, be attached on any outline planning consent issued, advising that any detailed plans submitted with any future reserved matters application for the food-related units, should contain details of external customer litter bins and appropriate storage/service areas for commercial wastes.

### 6. One of the entry roads into the site is opposite No.3 Oakwood Drive

Whilst this application in outline form with all matters reserved for subsequent approval, the original Masterplan did indicate an access road, predominantly serving the 'drive-through' type restaurants, being located immediately opposite 3 Oakwood Drive.

To avoid undue adverse impact on neighbouring properties, in particular 1, 2 and 3 Oakwood Drive, the Masterplan was amended with a reconfigured layout. This has resulted in the repositioning of the access point to be further south and not in the immediate proximity of neighbouring properties. Further conditions have been recommended by the Group Manager

## DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Transportation and Engineering (Highways) which restricts vehicular access on certain sections of Oakwood Drive.

### 7. Impact on the residential amenities of Nos.219 and 227 Bridgend Rd.

The impact on the general residential amenities of neighbouring properties has been considered within the appraisal section of the report. However, with specific regards to the comments made by 219 and 227 Bridgend Road, they are located to the east of the application site and are on the opposite side of the river.

No.219 is located 80m from the application site and it has a long rear garden and its rear boundary is approximately 30m from the boundary of the application site.

No.227 is located 70m from the application site and it also has a long rear garden and its rear boundary is approximately 25m from the boundary of the application site.

Having regard to these distances and that they are located on the opposite side to the river to the application site and on different grounds levels, it is not considered that development of the site for mixed use purposes would have any significant adverse effect on their residential amenities.

### 8. Impact on the vitality and viability of Maesteg town centre

This aspect of the proposal has been thoroughly considered in the appraisal section of the report. In summary, having regard to the retailing, commercial and leisure components of the proposed development, it is considered that the overall scheme will not have a detrimental impact on the vitality and viability of Maesteg Town Centre and would make a significant contribution to the economic regeneration of the Llynfi Valley in terms of new job creation and the provision of new housing and services. The scheme is, therefore, considered acceptable in principle, and satisfies Policies PLA3, REG5(4) and REG11(1) of the BLDP.

### 9. Devaluation of property

This is not a material planning consideration and, therefore, cannot be considered in the determination of this planning application.

## **APPRAISAL**

This application is reported to Committee in view of it being a major application and objections received from Network Rail and neighbouring properties.

This is an outline application with all matters reserved for subsequent approval concerning a comprehensive mixed-use development including: residential, employment/industrial, retail, leisure and extra care provision. The extent of the application area covers 7.65 ha of entirely brownfield land. A Masterplan has been prepared to demonstrate an indicative layout and the variety of proposed land-use designations across the site.

Members are informed that this outline application only seeks to establish the principle for the development since all specific matters such as access, appearance, landscaping, layout and scale have been reserved for subsequent approval.

The proposal includes zones for employment, extra care provision, leisure, retail (including bulky goods) and residential uses. The proposal also provides public open space, mainly through the

## DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

inclusion of equipped and unequipped areas for play for children and the enhancement of the riverside setting through the creation of a river walkway and the provision of a safe and attractive link between Ewenny Road to the existing residential area to the south.

The Masterplan establishes a clear hierarchy of uses with leisure and retail zones at the northern end of the site and employment/industrial and extra care uses to the south. The proposed residential area lies at the centre of the site, between the leisure/retail zones and the extra care facility and employment/industrial zone. This broad layout provides convenient access to and from all the proposed land-uses, thereby emphasising the desire to create a legible and sustainable community.

The site is allocated as a Regeneration and Mixed Use Development site by Policy PLA3(7) of the adopted Local Development Plan (BLDP). This is one of the key development sites identified in the Plan within the Maesteg and the Llynfi Valley Strategic Regeneration Growth Area (SRGA), where the majority of future growth in the County Borough is to be focussed.

Within Policy PLA3(7), several other policies specifically identify the site for a range of uses. These are:

COM1(17) Residential Development: 125 units  
REG1(10) Employment (B1, B2 & B8 uses): 3.5 hectares  
REG5(4) Local Retailing: Up to 1,000sq m net  
REG11(1) Bulky Comparison Goods: 5,400 sq m net

The proposed development incorporates each of these uses within the scheme and they are subsequently assessed below:

### RESIDENTIAL DEVELOPMENT

Policy COM1(17) allocates the site for 125 residential units. The outline scheme indicates that, using average densities, the site can accommodate approximately 115 units. The scheme also shows a 50 unit extra care facility which would bring the provision up to 165 units.

The Design and Access Statement explains that the residential element of the scheme is likely to contain a mixture of 2, 3 and 4 bedroom units predominantly two-storeys in height with some three-storey town houses. The Masterplan specifies a maximum eaves height of 10m and maximum ridge height of 14m. The surrounding area generally consists of two-storey dwellings. The potential layout would result in the creation of an entirely new residential estate which, subject to more specific design details, is likely to create its own character and identity. However, at this outline stage, it is considered that the scale, in principle, is acceptable and would not appear so out of character with its surroundings as to warrant refusal.

Due to the number of residential units proposed at the site, other policies in the Plan apply such as the provision of affordable housing, educational facilities and public open space.

In this respect, Policy COM5 of the BLDP states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. Maesteg is located in the Western Settlements, Ogmere Vale, Garw & Upper Llynfi housing market area and, as such, 15% of the units should be provided as affordable housing.

It is noted that the scheme includes the provision of a 50 unit Extra Care facility. Following consultation with the Group Manager Housing and Community Regeneration, it is considered that Extra Care is required in line with the Corporate Project for transforming residential care for

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older people. It is considered that the proposed extra care facility in lieu of direct provision of affordable housing would be suitable as a means of meeting the requirements set by Policy COM5 of the BLDP. It is, therefore, considered necessary to secure this through a legal agreement. The Heads of Terms have been formulated, in conjunction with the Group Manager Housing and Community Regeneration and the Principal Section 106 Officer, and are listed under the 'Recommendation' section of this report.

The plans indicate that the Extra Care building would have maximum dimensions of 64.5m x 39m with maximum heights of 11m (eaves) and 16m (ridge). The design and access statement explains that this facility is likely to be three storeys in height. The Masterplan indicates that this facility would be located at the south-eastern corner of the application site. Whilst it would be a relatively large building, it is likely that this facility would be sited away from the main transport routes and surrounded by mainly two-storey industrial and residential units to the north and west and trees and landscaping along the south and east. At this outline stage, it is considered that the scale, in principle, is acceptable and would not appear so out of character with its surroundings as to warrant refusal.

### EDUCATIONAL FACILITIES

Supplementary Planning Guidance 16: Educational Facilities and Residential Development (SPG16) explains that contributions towards educational facilities will be sought from all proposals of 5 or more residential units where development is likely to increase demand on local schools beyond their existing or planned capacity.

In this particular case, the Children's Directorate have indicated that there is no requirement for a contribution towards education provision due to available capacity in local schools.

### PUBLIC OPEN SPACES

Policy COM11 of the BLDP states that all new housing developments should provide a satisfactory level of outdoor recreation space or its equivalent value. This requirement is in addition to the basic amenity space requirements necessary to meet the immediate needs of occupiers.

The Council's recreation space standard is 2.4 hectares per 1000 (population) to consist of outdoor sport, children's play space and/or allotment provision. For a site consisting of approximately 115 dwellings (excluding the extra care unit), this would equate to approximately 0.6 hectares.

The indicative Masterplan has been amended to include on-site provision of a Local Area for Play (LAP) for children. This is supplemented by the more formal on-site provision of a Local Equipped Area for Play (LEAP).

General public open space would be provided along the eastern boundary of the site with the creation of a new river walkway. This would complement the existing open spaces within the Oakwood Estate and Garth Playing Fields, both of which are located to the south of the application site. Following discussions with the Head of Parks and Playing Fields, this provision is considered to be sufficient to address the requirements of Policy COM11 of the BLDP.

Having regard to the above, it is considered necessary to secure the relevant facilities through a legal agreement. The Heads of Terms have been formulated in conjunction with the Section 106 Officer and these are listed under the 'Recommendations' section of this report.

**EMPLOYMENT DEVELOPMENT**

According to Paragraph 1.2.1 of the recently published Technical Advice Note 23: Economic Development (TAN23): "The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development."

In weighing the economic benefits of a planning application against social and environmental factors and other material planning considerations, TAN23 outlines three tests, namely:

1. Alternative sites
2. Jobs accommodated
3. Special merit

As part of the mixed use allocation of the whole site, Policy REG1(10) of the BLDP formally allocates and protects the site for employment development specifically for uses falling within classes B1 (Businesses and Light Industry), B2 (General Industry) and B8 (Storage and Distribution), as defined by the Town and Country Planning (Use Classes) Order 1987. Since the site is allocated for employment uses, there is no requirement to consider alternative sites.

The application proposes to retain 1.06 hectares for employment purposes. Whilst this is below the 3.5 hectares identified within Policy REG1(10) of the BLDP [also see Appendix 1: A1.7 PLA3(7) of the BLDP], it is considered that the viability of this site has been impacted upon by the significant constraints placed upon it by its former industrial use.

As a result, it is accepted that the proportion of land allocated for the range of uses to be accommodated on the site would fluctuate in order to ensure that the site remains viable with a realistic prospect of the scheme being actually developed. Paragraph A1.7.2 of the BLDP also promotes the site as 'a flexible regeneration opportunity to create a new mixed-use neighbourhood'.

In addition to viability issues, consultation with the Property and Economic Development Departments of the Council has confirmed that the current demand for employment land is weak, especially in the Llynfi Valley, where there are currently high vacancy rates within existing established Industrial Estates.

It is, however, acknowledged that this is a mixed-use development and that despite issues concerning viability and weak market conditions, employment land must have a realistic prospect of being developed.

Whilst the Masterplan illustrates several B1 units on the site, it is considered inappropriate, due to the circumstances described above, to require the applicant to construct a specified number and size of employment units at this outline stage

It is considered more appropriate for employment land to be designed to be as flexible as possible, to cater for future use when market conditions and demand improve. A legal agreement which requires the applicant to level, surface with access and service the employment land in readiness for a future employment occupier would achieve this and, consequently, this has been specified within the Heads of Terms listed under the 'Recommendations' section of this report.

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Notwithstanding the above, it is noted that the proposed extra care facility will be a significant employer, typically creating approximately 80 jobs alone. This, coupled with the jobs created from the retailing and commercial elements of the scheme, is likely to generate significant employment opportunities for the local community. This satisfies the second test of TAN23.

Having regard to the above, the provision of employment land is more appropriately considered holistically rather than in isolation. This reinforces the mixed-use designation of the whole development site. The allocation of the site within the Development Plan for mixed use purposes would generate wider economic, social and environmental benefits to the Llynfi Valley and this is considered to provide special merit to the scheme. As such, the application meets the final test of TAN23.

### RETAIL AND COMMERCIAL DEVELOPMENT

Policy REG5(4) of the BLDP provides for local retailing and commercial development up to a total of 1000sq m. on the site.

Whilst the total retailing and commercial development proposed at the site exceeds the threshold of Policy REG5(4) of the BLDP, the applicant has provided reasonable evidence, predominantly on viability and market conditions, to justify the overall approach to the scheme:

"Whilst the LDP allocation is for 5,400 square metres of bulky goods and 1,000 square metres of retail and leisure, this does not result in achieving a viable retail/leisure destination."

"We have reviewed the market and brought together retail and leisure units. The proposal will embrace all aspects of this market to create a sustainable environment for both consumers and businesses."

For the purpose of this assessment, the retail development is divided into two separate elements (general and bulky goods) whilst there are additional commercial facilities proposed, namely in the form of two 'drive-thru' type restaurants and a public house.

### GENERAL RETAILING

Unit C on the Masterplan would form a block of non-bulky goods retail units with maximum dimensions of 30m x 20m and maximum heights of 6m (eaves) and 11.5m (ridge).

Units D and E would form a second but larger block to include food retailing store and bulky-goods store. The maximum dimensions of this block would be 60m x 22m with maximum heights of 7.5m (eaves) and 14m (ridge).

The Masterplan indicates the retailing quarters to be located at the north-western end of the site. In this regard, the indicative layout is considered to be acceptable, in principle, since the retailing units would be separated from residential uses by one of the principle estate roads within the site. The retailing units would also be predominantly adjacent to the leisure quarters consisting of restaurants, a public house and public open spaces. Due to the types of uses in this vicinity, the character of this part of the proposed development would be defined by larger units and lower density when compared to the proposed residential quarters.

The dimensions of the retailing units are, therefore, considered compatible with the scale of nearby buildings. The predominant separation of non-residential units to the residential quarters by an estate road would enable an appropriate change in the character and visual dynamics of the site as a whole. Consequently, this element of the scheme, in principle, is acceptable to



satisfy the requirements of this outline application, and would not appear so out of character with its surroundings as to warrant refusal.

Units C and E (food retail and non-bulky comparison goods) equate to a total of 704sq m. This is in accordance with Policy REG5 which allows for up to 1000sq m. However, in order to achieve the desired 'local retail centre' feel of the development, conditions would also be imposed to prevent Units C (3 units) being combined into larger units. In addition, and for the same reason, a condition would be imposed so that Unit E, an A1 convenience goods store, could not be combined or merged into Unit D to form one larger store. These conditions would ensure that the retail element of the scheme remains 'local' in nature, catering for demand in the immediate area for retail provision, in accordance with Policy REG5 of the BLDP. The size of the proposed units (subject to these conditions) will ensure that this particular centre is not seen as a competitor to the retailing offered within Maesteg town centre.

## **BULKY GOODS**

Notwithstanding the retailing allocation specified under Policy REG5(4) of the BLDP, the 'bulky' goods retail provision is primarily considered separately against Policy REG11(1).

In this respect, Unit D on the Masterplan is proposed to be used for bulky goods retailing. However, this is deemed to be significantly below the allocation specified under Policy REG11(1) of the BLDP.

Traditionally, bulky goods retailers have been accommodated in larger 'warehouse' type buildings where large showrooms and storage areas are necessary to accommodate the 'bulky' goods. However, paragraphs 5.2.36 and 5.2.37 of the BLDP takes a pragmatic approach to this type of retailing, recognising the difficulties in this market at the present time.

It is also becoming increasingly prevalent for operators in the current market to seek smaller type premises, whilst recognising that such units are not outrightly suitable in town centre locations given the type of bulky goods that would be on sale. It is also worth noting that smaller bulky-goods units could act as 'incubators' for new businesses starting-up in this particular market.

The applicant was, however, requested to submit evidence to demonstrate that there is a lack of bulky goods retailer interest and demand for large-scale bulky goods units in the local vicinity. As part of their evidence, they explain:

"The market for bulky goods is at rock bottom with the loss of Focus, Comet and MFI. In addition bulky retailers such as PC World their sister business decided to house the two businesses in one unit and this has also inhibited bulky retail demand. DIY and electrical stores have always been the anchor for any retail destination. Thus the slow recovery in bulky retail will take many years to gain pace to create a destination, if ever, in a location such as Oakwood Drive."

In addition to the above, the most up-to-date retail survey for Maesteg Town Centre indicates that there are only 4 units with floor spaces between 400sqm and 500 sq m (out of 167 units where the average floor space is 161 sq m).

Having regard to the above and notwithstanding the requirements of Policy REG11(1) of the BLDP, it is considered that a reasonable case has been submitted to justify a reduced level of provision for bulky goods and that it would not unreasonably undermine the vitality and viability of Maesteg town centre, especially since the retail units proposed are very few in numbers, with the main purpose of catering for local demand or to offer a type of retailing that is not prevalent within, or suitable for, a town centre location.

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Therefore, provided a condition is imposed restricting the use of Unit D to bulky goods retailing only, it is considered that the size of proposed Unit D would not have a detrimental impact on the vitality and viability of the town centre.

### LEISURE

There is a significant amount of additional commercial development in the form of 2 fast food restaurants (Units A) and a family pub / restaurant (Unit B). These facilities would represent the leisure quarter within the development site.

Units A would each have a maximum footprint of 25m x 25m with maximum heights of 5m (eaves) and 10m (ridge). The Masterplan indicates that the two units would be located at the northern end of the site, in a potentially spacious configuration due to the provision of a car park. The leisure quarter would form the gateway to the development site, being located along the principle transportation and pedestrian routes. They are likely to be considered as landmark buildings within the site and, consequently, their potential siting and scale reflects this ethos.

In this regard, the indicative layout is considered to be acceptable, in principle, due to the character of this part of the proposed development being defined by larger units and lower density when compared to the proposed residential quarters. The scheme, in principle, satisfies the requirements of this outline application and would not appear so out of character with its surroundings as to warrant refusal.

In policy terms, a typical A3 use that would be considered in the context of the site specific Local Service Centre/District Centre (defined by Policy REG5 of the BLDP) are those smaller-scale A3 uses which could represent ancillary retail services suitably located in a Service Centre location. These include such uses as cafes and hot-food takeaways occupying units similar in size to the non-food retail units proposed on the site (Units C on the Masterplan).

In light of the above, 'drive-thru' restaurants, as proposed in this particular proposal, do not strictly 'fit' within the nature of A3 uses catered for in Policy REG5(4) and, as such, should be considered in the context of Policy REG5 more generally which states:

"Where a local need is identified, either through new residential development or as part of comprehensive mixed-use developments proposed in Policy PLA3 or in an existing area or under-provision, proposals for new small-scale, local convenience and comparison good retailing and services will be permitted."

Given the unique nature of the 'drive-thru' units, they require an out-of-centre location. Furthermore, this type of facility is not to be found anywhere in the Llynfi Valley at the present time and, therefore, they would not prejudice the vitality and viability of the town centre. It is also considered that these units would contribute towards the overall employment generation of the site, the local economy and reinforce the mixed use nature of the whole development.

With regards to the proposed public house, it is considered that this represents an appropriate form of retail service development which can be justified on a basis of identified need for this nature of facility at this location. In this respect, it is considered reasonable to conclude that a residential development of 115 dwellings, with other residential, industrial, commercial, retailing and leisure facilities would generate a demand for a family-type public house.

Having regard to all the retailing, commercial and leisure components of the proposed development, it is considered that the overall scheme will not have a detrimental impact on the vitality and viability of Maesteg Town Centre and would make a significant contribution to the

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economic regeneration of the Llynfi Valley in terms of new job creation and the provision of new housing and services. The scheme is, therefore, considered acceptable in principle, and satisfies Policies PLA3, REG5(4) and REG11(1) of the BLDP.

### RESIDENTIAL AMENITY

Since all matters have been reserved for subsequent approval, it is only possible to consider the general residential amenities of neighbouring properties and those which would occupy the future residential development on the site against the impact of the entire proposed development.

The site is located in an area that is predominantly residential. Contrastingly, the site has been used for industrial purposes and most of the industrial activity was present before the establishment of residential uses, especially with regards to the development of Oakwood Estate. In this regard, the amenities of neighbouring residential properties have largely been recognised in conjunction with adjacent industry.

Notwithstanding the above, the proposed development would result in improvements to the general amenities of neighbouring residential properties since the amount of industrial land would be significantly reduced. Furthermore, the largest proposed allocation within the site would be residential, thereby reinforcing the residential character of the immediate area. It is also noted that whilst the site is allocated for B1, B2 and B8 uses, the proposed plans indicate that only B1 units (Businesses and light industry) would be present of the site. This is likely to have a reduced adverse impact than heavier industrial uses specified within B2.

*It is acknowledged that there would be retailing, leisure, commercial and industrial uses within the site, however, only a small number of units would be attributed to each of these uses, thereby reducing their intensity and overall impact on neighbouring properties/land uses.*

The whole mixed-use nature of site has been designed to promote a live/work arrangement and whilst this type of arrangement can generate some amenity issues, in view of the proximity of one use to another, it is not considered to be as intensive as the site previously operating as wholly industrial in an otherwise residential area. Furthermore, the Masterplan shows non-residential uses being generally grouped along the periphery of the site and predominantly separated from residential uses by roads or landscaping. The positions of the two A3 units and the road layout serving these units have been amended to avoid undue adverse impact on neighbouring properties, in particular 1, 2 and 3 Oakwood Drive.

Notwithstanding the above, the use of several planning conditions can mitigate any significant adverse effect between neighbouring uses. For example, restricting operating times on non-residential would ensure no unreasonable adverse effect on the residential amenities of neighbouring properties or on the future occupiers of those dwellings within the development site. Such operating times would be consistent with the view of the Group Manager Public Protection and guidance contained in Supplementary Planning Guidance 14: Hot Food Takeaway Establishments.

The Group Manager Public Protection has recommended several other conditions relating to contamination, noise, air quality and residential amenity and, subject to their imposition, it is not considered that the proposed development would have any significant adverse effect on the residential amenities of neighbouring properties or on the future occupiers of those dwellings within the development site. In addition, The Coal Authority has also examined the site investigation reports and has no objection to the proposal subject to conditions and advisory notes.

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Having regard to the above and the proposal, which is in outline form with all matters reserved for subsequent approval, it is considered that the scheme satisfies Policies SP2 (Design and Sustainable Place Making) and ENV7 (Natural Resource Protection and Public Health) of the BLDP.

### HIGHWAYS

The application has been accompanied by a Transportation Assessment and a Travel Plan, which on the request of the Highway Authority, has been independently checked by an external transportation consultant. The Group Manager Transportation and Engineering (Highways) has reviewed the proposals and the conclusions of the external consultant and has provided the following comments:

"I am mindful of the previous industrial use of this approximate 7.7Ha (77,720sqm) employment site, which employed a large number of people and generated car, LGV and HGV traffic on a daily basis.

Given the amount of traffic generated by the previous industrial activities accommodated within the site, the amount of traffic (in land use terms) which could have been generated on this large industrial brownfield site, and the sustainable location of the site in close proximity to bus stops and a rail station, it is considered that the proposed development is likely to result in a net decrease in daily vehicle movements when compared to the former use.

The proposal is also considered to remove a significant amount of extraneous industrial related traffic movements (namely HGVs) from the highway network. Whilst the operational activities associated with the various uses will generate a degree of LGV/HGV movements on a daily basis (such as deliveries to the retail and B1 units), they will more than likely be lower than those movements previously generated by the former industrial uses. Such an arrangement will be of benefit to highway safety, and the general free flow of traffic on the highway network.

Notwithstanding the above considerations, a Transportation Assessment has been submitted by the applicant, which on the request of the Highway Authority, has been independently checked by an external transportation consultant. I have been advised that the trip generation calculations and associated traffic growth parameters used throughout the assessment are robust and accurate. A number of junctions within the Llynfi Valley have been assessed, and taking into account the traffic generated by the former uses, on balance the proposed development is considered unlikely to have a significantly detrimental effect on the local highway network.

The applicant has also submitted a detailed Travel Plan which sets out a range of measures within an Action Plan, designed to promote the use of sustainable modes of transport by users of the site. If successfully implemented and appropriately monitored over time, the actions would reduce the amount of traffic generated by the development, particularly during the weekday peak periods which cater for commuter, school based journeys etc.

To further enhance the sustainability credentials of this site, the nearest public transport facilities along the A4063 serving the northbound and southbound services will need to be improved.

To ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, I will require traffic calming measures to be implemented along Oakwood Drive. The new access roads within the site will also need to be designed to limit vehicle speeds to no more than 20mph (enforced by a 20mph traffic order). To ensure on-street parking is not generated along Oakwood Drive in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site, I will require the existing waiting restrictions along Oakwood Drive to be

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extended accordingly.

The creation and extension of the above traffic orders will need to be fully funded by the applicant. It is considered that this may be most appropriately controlled/secured via a S106 planning obligation, which will require the applicant to pay the sum of £7,000 prior to any planning consent being granted."

In view of the above mentioned comments, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a legal agreement, the payment of the sum of £7000 and a number of planning conditions and advisory notes. This financial contribution has been included in the 'Recommendation' Section of the report.

### NETWORK RAIL

An objection has been received from Network Rail due to the existing railway crossings being identified as the main pedestrian/cycle like to the site which would significantly increase pedestrian usage and consequently pose a safety risk.

The applicant's agent has responded by stating:

"The Design and Access Statement identifies the railway crossings as links to the site on the context plans. This is a statement of fact rather than an intention to increase use of them. The (existing) highway crossings are more direct to the town centre than the pedestrian crossings. The development site was previously occupied employment land, which would have generated considerably more pedestrian movements to and from the site (from surrounding residential areas) than the proposed development."

In addition to this response, the Group Manager Transportation and Engineering (Highways) has confirmed that highway enhancements would need to be secured to other existing pedestrian routes which would improve the connectivity of the site to the town centre and other parts of Maesteg.

*Notwithstanding the above, it must be emphasised that these are existing pedestrian crossings for which Network Rail has not provided any evidence to demonstrate that the crossings are currently unsafe or how any additional footfall would make the crossings unsafe.*

Whilst additional footfall may result in greater costs to Network Rail in maintaining the crossings, this is not considered to be such a material planning consideration as to warrant refusal.

Notwithstanding the objection of Network Rail, it must be noted that this is a key regeneration site for Maesteg which aims to become a destination for residential, employment, retailing and leisure uses. As such, there is a possibility of benefits to the Train Operating Company from the scheme as a result of increasing passengers using train as a mode of transport.

### FLOODING

The application site lies almost wholly within Zone C2 on the Development Advice Map (DAM) published by Welsh Government in support of Technical Advice Note 15 (TAN15). This document explains that highly vulnerable development, which includes residential, 'should not be permitted' in Zone C2 and that an application could be refused on this basis.

Notwithstanding the above, a comprehensive Flood Consequence Assessment (FCA) has been submitted which has been examined by both the Council's Drainage Team and Natural

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Resources Wales (NRW). This was also supplemented by a clarification statement (received 21 February 2014) following the initial response of NRW. NRW provided their formal comments concerning drainage/flooding on 28 February 2014.

In summary and based on the FCA and the supporting statement, NRW has confirmed that the technical analysis of flood risk for the application is sound. The development would not give rise to flooding on areas outside the application site. Any increased flood risk associated with the proposal lies either on the site or within land owned by the Council. However, the FCA has demonstrated that flood risk can be satisfactorily managed on site and that residential, commercial/retail, industrial uses and general infrastructure would be within the compliant fluvial and tidal thresholds specified under Table A1.14 of TAN15 (either 1 flood event in 100 years or 1 flood event in 200 years). In this respect, the proposed development is not considered to give rise to a flood risk to such an extent as to be deemed harmful.

However, the FCA has underestimated the flood risk associated with emergency access/egress to and from the site via the only possible route, namely Oakwood Drive. The threshold for emergency access, as specified under Table A1.14 of TAN15, is more stringent (0.1%). The access route also fails the recommendations for maxima rate of rise and speed of inundation of flood water (specified under Table A1.15 of TAN15 as: 0.1m/hr and 4 hours respectively).

Notwithstanding the above, this particular issue needs to be placed into perspective since the FCA concludes that the proposal only exceeds the guidance of TAN15 by approximately 1.75 hours during a 0.1% probability flood event, which is a 1 in 1000 chance of a single flood event in any one year. Based on the current Masterplan, it must also be stated that the 1.75 hour flooding risk would be limited to the access only and not to the buildings or sensitive land uses. Additionally, Paragraphs A1.14 and A1.15 both explain that the threshold tables should not be regarded as prescriptive.

The response of NRW quotes an extract of a letter sent from the Welsh Government to all Local Planning Authorities in January 2014 stating:

"In providing their expert technical advice, NRW will comment on the acceptability of flooding consequences in terms of the risks to people and property within the development. However they will not comment on whether safe access and egress can be achieved to and from the site as this is a matter for the emergency services to determine on a site by site basis depending upon operational capabilities and equipment. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners."

The Senior Policy Manager of the Welsh Government was contacted with regards to the relevant contact persons for all Emergency Services, however, such a list was not provided. Under such circumstances, the Council has undertaken extensive measures to consult with all emergency services, which includes: The Ambulance Service, The Fire Service, The Police, the Council's Emergency Planning Team and the South Wales Local Resilience Forum (SWLRF).

Both the Ambulance and Fire Services have responded with no objections to the proposal. Despite several attempts to contact the Police, no response has been received other than the Force Operations, Territorial Support & Planning Support Unit stating that this is not a matter that it within their remit and would refer such matters to NRW (email received 24 March 2014). The Council's Emergency Planning Team and the South Wales Local Resilience Forum have also confirmed that this is a matter they would refer to NRW.

The applicant's agent has responded to the final comments of NRW by submitting an Outline Emergency Flood Plan which illustrates some of the measures that could be taken to minimise

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the risk to residents, employees and visitors to the site. Measures include: Encouraging occupants to sign up to Natural Resources Wales's Automated Flood Warning Service, the designation of Flood Wardens, Flood Monitoring Equipment and protocols on what actions to take during and after a flood event.

Given that the application is outline form with all matters reserved for subsequent approval, the Emergency Flood Plan acknowledges that a more robust Plan will need to be submitted since the nature and extent of the proposed measures will depend on the precise layout of the site.

It is therefore considered necessary to impose a condition for a further Emergency Flood Plan to be submitted with any subsequent reserved matters application. This plan would ensure that flood risk to occupants of the site could be minimised as far as possible.

It is noted that the Group Manager Transportation and Engineering (Highways) has recommended traffic speed reductions measures to be implemented along Oakwood Drive (between Ewenny Road and No.1 Oakwood) and the internal access roads within the development site. Whilst this could affect flooding, it has been indicated that these measures are likely to be minor works that could be limited to single carriageway widths. It is also acknowledged that notwithstanding the flooding issue associated with the roads, that the Highway Authority could implement the improvement works under permitted development rights and/or the Highways Act 1980.

### DRAINAGE AND UTILITIES

Natural Resources Wales (NRW) have submitted separate correspondence relating to all other (non-flooding) aspects of the scheme that falls under their remit. Their comments primarily relate to drainage and contamination matters. In this respect, they have no objections to the proposal subject to a series of conditions and advisory notes.

The Council's Land Drainage Section has also responded with no objections to the proposal and recommended drainage-related conditions and advisory notes which are similar to those requested by NRW. This includes the submission of a comprehensive drainage scheme at the reserved matters stage.

Welsh Water also has no objections to the scheme subject to several advisory notes.

The site is brown-field land, located within the settlement boundary, and is well-served by a range of other utility services.

Having considered all relevant evidence and material planning considerations associated with the drainage and flooding aspects of the proposal, it is considered that the scheme only marginally exceeds the guidance of TAN15, and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

Notwithstanding the above, members should be aware that Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012 requires the need to notify the Welsh Government of applications where they are minded to grant planning permission for certain types of development. With regards to this particular application, the residential element of the scheme, which is in excess of 10 units, is wholly within Zone C2 Flood Risk Area and in accordance with Circular 7/12, there would be a requirement to notify the Welsh Government if it is minded to grant planning permission.

### ECOLOGY/BIODIVERSITY

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The entire site is brownfield land, predominantly consisting of permanent material or hardcore. The eastern boundary of the site, however, contains trees and vegetation which follows the path of the River Llynfi.

There are no statutory sites or non-statutory designated sites immediately on or adjacent to the development site. The application has, however, been accompanied by an Extended Phase I Habitat Survey.

The report identifies that the site qualifies as an Open Mosaic Habitat on Previously Developed Land, a 'Priority Habitat' of the UK Biodiversity Action Plan (BAP) and listed in Section 42 of the Natural Environment and Rural Communities Act 2006 as a 'habitat of principal importance for conservation of biological diversity in Wales'. Where development proposals may affect national or local BAP habitats or species the same principles apply as to locally designated sites (paragraph 5.5.4 of Technical Advice Note 5 refers). The survey also identifies that the proposed development could potentially have adverse impacts in varying degrees on a range of protected species, including common reptiles, otter, nesting birds and, also, foraging bats. The survey notes that Japanese Knotweed and Himalayan Balsam have been identified on or adjacent to the site.

Notwithstanding the above, the Survey concludes that any detrimental effects on wildlife and habitats arising as a result of the development could be minimised or appropriately mitigated for. Recommendations and mitigation measures have been specified in Chapter 7 of the survey report and, subject to the imposition of planning conditions to secure their implementation, it is not considered that the proposed development would have any significant adverse effect on ecology and biodiversity. The Council's Ecologist has no objections to the proposal subject to conditions and advisory notes.

### CODE FOR SUSTAINABLE HOMES AND BREEAM

The application has been accompanied with BREEAM and Code for Sustainable Homes pre-assessments which confirm that the minimum sustainability and energy efficiency standards are met. However, it is noted that the requirements for BREEAM and Codes for Sustainable Homes imposed by TAN22 are to be relaxed by the Welsh Government.

### POLICE

In addition to the comments made by the Police concerning flooding, the Crime Prevention Design Advisory has examined the Masterplan and has no objections in principle to the development subject to a series of advisory notes. The advisory notes are applicable to the submission of a more detailed application and, as such, the comments have been forwarded in full to the applicant's agent.

### ARCHAEOLOGY

The application site includes the sites of the Oakwood Colliery (later the Maesteg Merthyr Colliery), a small coke works and two farms, Maesteg Isaf and Maesteg Canol. These sites have been largely destroyed and replaced with further industrial developments (which have also been demolished). It is acknowledged, however, that it is possible that remains of these sites survive below the current surfaces.

Glamorgan Gwent Archaeological Trust (GGAT) requested a report on the Cultural Heritage and Archaeology of the site. They have examined the contents of the report and recommend that



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further archaeological work would be required.

Notwithstanding the above, the most relevant Policy within the BLDP that concerns archaeology is Strategic Policy SP5 (Conservation of the Built and Historic Environment). This Policy states:

"Development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting.

In particular, development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon the following heritage assets:

- SP5(1) Listed Buildings and their settings;
- SP5(2) Conservation Areas and their settings;
- SP5(3) Scheduled Ancient Monuments;
- SP5(4) Sites or Areas of Archaeological Significance;
- SP5(5) Historic Landscapes, Parks and Gardens or;
- SP5(6) Locally Significant Buildings."

The Proposals Plan which accompanies the BLDP allocates sites or areas of archaeological significance. In the case of this particular application, it is not allocated as a site or area of archaeological significance. Having regard to the archaeological report and the type of past structures that may be present at the site, it is concluded that the archaeological issues associated with the site are not of national importance. In accordance with Paragraph 6.5.1 of Planning Policy Wales, the Local Planning Authority must take a balanced view of such archaeological matters with all other material planning considerations in the determination of this application.

In this particular case, the site is allocated as a Regeneration and Mixed Use Development site of the BLDP. It is one of the key development sites identified in the Plan within the Maesteg and the Llynfi Valley Strategic Regeneration Growth Area, where the majority of future growth in the County Borough is to be focussed. This demonstrates that there is a clear need for the development and a compelling economic basis has been made for this scheme to be positively considered. Notwithstanding the archaeological issues, the proposal has a number of other social and environmental benefits such as the provision of new housing (including Extra Care) and leisure facilities, and the provision of river walkways and public open spaces. It is unlikely that such wider benefits would have been generated if the site remained in industrial use.

Under such circumstances, it is recommended to impose a condition on any consent issued for a watching brief to be undertaken so that any archaeological features that are discovered during the course of the development is properly recorded within a detailed report undertaken by a qualified archaeologist. This is considered appropriate and reasonable to a scheme which may only encounter archaeological features that are not of national importance. Subject to the imposition of such a condition, it is not considered that the scheme would have such an adverse effect on archaeological resources as to warrant refusal.

### **CONCLUSION**

Having considered all relevant evidence and material planning considerations, this outline application is recommended for approval because the development generally complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to

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Maesteg Town Centre nor so significantly harms neighbours' amenities as to warrant refusal. Matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

### **RECOMMENDATION**

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

(i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order to ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, and to ensure on-street parking is not generated in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site.

(ii) Construct an extra care facility prior to the completion of the 50th open market dwelling built on the site. The Particulars concerning number of units, precise location, size, access, parking provision and transfer price to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development and to form part of a supplemental agreement;

(iii) Provide a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) as shown on the amended illustrative master plan (ref: G2795(05)010) prior to the completion of the 50th residential unit built on the site. The specification of the Local Area of Play and Local Equipped Area of Play, including precise location, size and future maintenance requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(iv) Provide a riverside walkway (as indicated on the illustrative master plan) prior to the occupation of the 50th residential unit built on the site. The specification for the walkway, including precise location, size and future maintenance requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(v) Provide 929 sq m (10,000 sq ft) of industrial starter unit floor space in accordance with a specification to be agreed with the Council prior to the 50th residential unit built on the site, or other trigger to be agreed in writing. The remainder of the land indicated as B1 employment on the illustrative master plan to be levelled and surfaced with access and services provided for its future use.

(B) The Corporate Director Communities be given plenary powers to notify the Welsh Government of the intention to approve the application in accordance with Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012.

(C) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal should the Welsh Government offer no adverse comments to the application and once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

- 1 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in conformity with the following drawings:

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Site Boundary Plan (received 22 November 2013)  
Masterplan G2795(05)010 (received 9 June 2014)  
Parameters Plan G2795(05)011B: Rev.B (received 9 June 2014)

Reason: To avoid doubt or confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

**2** Notwithstanding the submitted plans and unless otherwise agreed in writing by the Local Planning Authority, the consent hereby granted shall be limited to:

- i) no more than 115 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial unit measuring no more than 929sqm
- ix) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

Reason: To avoid doubt and confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

**3** No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
- vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
- viii. Approximate timescales of each operational phase;
- ix. Operational hours;
- v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
- x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and general amenities.

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- 4 There shall be no direct means of vehicle access from Oakwood Drive into the area of land accommodating the fast food restaurants, as shown on drawing number: MasterPlan G2795(05)010 (received 9 June 2014).

Reason: In the interests of highway safety.

- 5 There shall be no means of vehicle access into the western site boundary for the first 80m (measured from the northern site boundary - the communal boundary with the adjacent builders merchants), as shown on drawing number: G2795(05)010 - Masterplan (received 9 June 2014).

Reason: In the interests of highway safety.

- 6 The main access points into the site shall be no less than 40m apart (measured from the centre of each junction).

Reason: In the interests of highway safety.

- 7 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting 43 Ewenny Road and 1 Oakwood. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

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

- 8 Notwithstanding the submitted plans, no development shall commence until a scheme showing vehicular turning facilities for each land use has been submitted to and agreed in writing by the Local Planning Authority. The turning facilities shall be designed so as to enable vehicles to enter and leave in a forward gear. The turning facilities shall be implemented in accordance with the agreed scheme and completed prior to the respective proposed development associated with each land use being brought into beneficial use. The agreed turning facilities shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 9 All vehicle accesses linking onto Oakwood Drive shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

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Reason: In the interests of highway safety.

- 11 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along Oakwood Drive between Ewenny Road and 1 Oakwood. Such a scheme shall include appropriate signage and carriageway markings and shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway safety.

- 12 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along the internal access roads within the site. Such a scheme shall include measures to reduce vehicle speeds to no more than 20mph and shall be fully implemented, along with the appropriate signage and carriageway markings, in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

- 13 No development shall commence until a scheme for the provision of improvements to the two bus stops sited on the A4063 in the vicinity of 26 Bethania Street has been submitted to and agreed in writing by the Local Planning Authority. The improvement works shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: To promote sustainable means of transport to/from the site.

- 14 No development shall commence until a scheme for the provision of pedestrian crossing points at appropriate locations across: Oakwood Drive, the road linking Oakwood Drive with the A4063, each of the accesses into the site, and the roads between 2 and 31 Oakwood, and 48 and 49 Oakwood has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall consist of dropped kerbs and tactile paving and shall be implemented before each individual development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 No development shall commence until a scheme for the provision of a physical barrier incorporating an anti-dazzle function along the first 70m of the site frontage (measured from the northern site boundary), as shown on drawing number: G2795(05)010 - Masterplan (received 9 June 2014), has been submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details prior to the beneficial use of the proposed development.

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Reason: *In the interests of highway safety.*

- 16** This permission granted does not extend to any matters which are by other conditions required to be further approved by or agreed with the Local Planning Authority, notwithstanding that all or any such matters are included or referred to on the submitted plan.

Reason: For the avoidance of doubt as to the extent of permission hereby granted.

- 17** No development shall commence until specific details of the location, layout and mitigation measures to be applied to any business capable of giving rise to odour nuisance has been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the agreed mitigation measures shall be implemented prior to the beneficial occupation of that business premises and any equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: In the interests of amenities.

- 18** Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority an options appraisal and remediation strategy giving full details of the remediation measures required in residential gardens/soft landscaped areas and how they are to be undertaken. Development shall be carried out in accordance with the agreed appraisal and strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 19** Prior to the beneficial occupation of any part of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy referred to in condition 18 above, and the effectiveness of the remediation shall be submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. The report shall also include:

- i) A 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan;
- ii) Reports on monitoring, maintenance and any contingency action;
- iii) A final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring

Unless otherwise agreed in writing by the Local Planning Authority, the long-term monitoring and maintenance arrangements shall be implemented in accordance with the agreed reports and plan(s).

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Reason: In the interests of amenities.

- 20** If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out on that phase of development until there has been submitted to and agreed in writing by the Local Planning Authority a remediation strategy. The strategy shall include details of all measures for the treatment of any unsuspected contamination. Development shall be carried out in accordance with the remediation strategy.

Reason: In the interests of amenities.

- 21** No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.0m high acoustic barrier to be erected immediately west of the car park and 'drive through' to the northernmost fast food restaurant. The scheme shall also include the design details of the barrier and construction material. The barrier shall be erected in accordance with the agreed scheme prior to the beneficial occupation of any of the 'drive through' restaurants hereby approved and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 22** No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.3m high and 3.0m high acoustic barrier at the locations recommended in Section 6.2.2 of the Noise Impact Assessment (conducted by Waterman Transport & Development Limited - received 25 November 2013). The scheme shall also include the design details of the barriers and construction material. The barriers shall be erected in accordance with the agreed scheme and in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The barriers shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 23** The A1 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Monday-Saturday  
0700-2200 hours Sundays

Reason: In the interests of amenities.

- 24** The A3 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Sunday-Thursday  
0700-midnight Friday-Saturday

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Reason: In the interests of amenities.

- 25** Unless otherwise agreed in writing with the Local Planning Authority, deliveries to the A1, A3 and B1 units, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) shall be restricted to:

0700-2200 hours Monday-Friday  
0800-2200 hours Saturday-Sunday

Reason: In the interest of amenities.

- 26** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), or The Town and Country Planning use Classes (Order) 1987 no development which would be permitted under Article 3 and Class B of Part 3 to Schedule 2 (Change of Use) of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenities.

- 27** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a detailed noise assessment to ensure that the rating level (when assessing the noise using BS4142) of the cumulative noise generated from fixed plant and any other operations which fall within the scope of BS4142 as measured (or where this is not possible, calculated) as an A-weighted equivalent continuous sound pressure level (LAeq), in free field conditions at the boundary of any residential premises, shall not exceed the following:

Daytime (0700-1900 hrs)	Evening (1900- 23.00hrs)	Night (23.00-07.00hrs)
49dB LAeq,1hr	43dB LAeq,1hr	40dB LAeq, 5mins

- 28** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a report which reviews the noise likely to be emitted as a result of the employment uses on the site. The report shall include:

- i) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations
- ii) details of fixed plant, including the location and noise levels to be emitted from the plant
- iii) hours of operation
- iv) details of deliveries
- v) any mitigation measures

Reason: In the interests of amenities.

- 29** Unless otherwise agreed in writing by the Local Planning Authority, the remedial measures for the shallow workings and the stabilisation and remediation works for the mine entries, shall be carried out in accordance with the documents titled:



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Report on Site Investigations (2010) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Site Investigations (2013) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Reason: In the interests of safety.

- 30** No development shall commence until the mitigation measures and recommendations identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013) have been completed in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures and recommendations shall be carried out in accordance with the agreed timetable.

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity

- 31** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of an Ecological Management Plan, as identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013).

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity

- 32** No development shall commence until a scheme for the eradication and/or control of Japanese Knotweed & Himalayan Balsam has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology.

- 33** No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including attenuation to brownfield run-off, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 34** No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority to include a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. Development shall be carried out in accordance with the agreed scheme and implemented prior to the beneficial occupation of any of the

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development hereby approved.

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

- 35** No development shall commence on site until a detailed, comprehensive and site-specific emergency flood plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details on the designated emergency routes and the method of how on-site occupants will be notified of the flood event.

Reason: To ensure that flood risk is clearly identified and that all parties are aware of the associated risks.

- 36** 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.

- 37** 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 (including noise barriers) to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 39** The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist and no work shall commence until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within three months of the fieldwork being completed by the archaeologist.

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

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- 40 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.

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

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

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

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

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

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

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

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

- 42 No development shall take place until a schedule of landscape maintenance (excluding domestic gardens) 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

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amenity, and to promote nature conservation.

- 43** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no amalgamation of Units marked 'C' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 44** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no amalgamation of Units marked 'D' and 'E' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 45** Unless otherwise agreed in writing by the Local Planning Authority, Unit marked 'D' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014) shall be used for the sale of bulky goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 46** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no subdivision of Unit marked 'D' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 47** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the agreed details.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

**48** Unless otherwise agreed in writing by the Local Planning Authority, piling or any other foundation designs using penetrative methods shall not be permitted in the construction of the development hereby approved.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

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

a. Having considered all relevant evidence and material planning considerations, this outline application is recommended for approval because the development generally complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to Maesteg Town Centre nor so significantly harms neighbours' amenities as to warrant refusal. Matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

b. The applicant/developer will be required to enter into a legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway improvement and traffic calming works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

c. With regard to Conditions 11 and 12 (speed reduction and traffic calming measures), the applicant/developer is advised that it would be of benefit to consult with the Highway Authority before submitting any schemes.

d. Off street parking, both operational and non-operational, and cycle parking must be provided for each of the proposed land uses to the satisfaction of the Local Planning Authority and attention is drawn to Supplementary Planning Guidance 17 (SPG17) 'Parking Standards 2010'.

e. The applicant/developer is advised that any proposed 'Private Drives' will not be adopted by the Highway Authority.

f. The applicant/developer is advised that there may be a requirement to enter into a Section 59 Agreement for extraordinary maintenance liability (in accordance with the Highways Act 1980)

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prior to any consent being granted to make certain the applicant/developer can be held fully liable for any deterioration of the highway as a result of the construction works.

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

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

i. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

j. The applicant/developer is advised that The Coal Authority recommends that the mine adit and necessary clearance zone is further considered and defined on the layout submitted for reserved matters approval.

k. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action.

l. The applicant/developer is advised that building over, or within, the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately.

m. The applicant/developer is advised that the foul flows from the proposed development shall be connected into the 225mm combined sewer that crosses the site between manholes 5586901503 and 5586903404.

n. Foul water and surface water discharges shall be drained separately from the site. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

o. The applicant/developer is advised to provide a suitable grease trap to prevent entry into the public sewerage system or matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

p. The proposed development site is crossed by a 225mm and a 600mm public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the 225mm public sewer, and within 6 metres either side of the centreline of the 600mm public sewer.

## DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

q. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

r. The applicant/developer is advised that the detailed plans submitted with any future reserved matters application for the food-related units, should contain details of external customer litter bins and appropriate storage/service areas for commercial wastes.

s. In order to satisfy condition 33 (drainage), the applicant/developer is advised to submit the following information:

i. Calculations to support the attenuation to brown field run-off rates within the surface water drainage proposals

ii. Supporting calculations of the design rates

iii. 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.

t. The applicant/developer is advised to submit copies of the "completion/verification" reports with regards to Asbestos Containing Materials (ACM) on-site to the Public Protection Department of the Council so that they can be reviewed to confirm that the site no longer poses a risk with regards to ACM.

u. The applicant/developer is advised that as part of addressing condition 37 (boundary treatments) the gardens of the public house (other than any garden areas which may be re-located to the front of the premises) should be enclosed with a 2.6m barrier which should be extended around the perimeter of the car park.

v. The applicant/developer is advised that should the design details of the development change significantly from the master plan to the extent that it will invalidate the conclusions and mitigation measures outlined in the noise report, a further noise assessment shall be submitted to demonstrate that the noise from the development will not adversely affect any residential premises.

w. The applicant/developer is advised that no window to a habitable room of any proposed dwelling should directly face such a window of another dwelling at a distance of less than 21m. A habitable room includes a bedroom, lounge, living room, dining room, study and a kitchen but not a bathroom, hall or utility room.

x. The applicant/developer is advised that the distance between any habitable room window at first floor level (or above) and the directly facing boundary of another property should be at least 10.5m (increasing to 12m if the window is to a living room).

y. The applicant/developer is encouraged to produce a pack containing information relating to accessing alternative modes of transportation, including public transport information such as timetables and the locations of nearby active travel routes (walking and cycling) and bus/rail facilities to the occupiers (residents/staff) based within each building, upon occupation of each of the buildings.

z. The applicant/developer is advised to inspect the full correspondence and advisory notes from all statutory consultees. Copies are available on the Council's planning web page: [www.bridgend.gov.uk/planning](http://www.bridgend.gov.uk/planning) (Planning Application Search Tool).

z.1 The applicant/developer is advised that 'bulky goods' premises is generally defined as a

**DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014**

building or place that contain goods of a large physical nature (for example DIY, furniture, carpets) that require large areas for storage or display. Additionally, bulky goods are goods that, due to their such size or weight, require a large area for handling, display or storage, as well as vehicle access to the site of the building (or place) by members of the public in order to load or unload the goods into or from their vehicles after purchase or hire.

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**ITEM:** 7 **RECOMMENDATION: REFER TO COUNCIL**

**REFERENCE:** P/13/938/FUL

**APPLICANT:** MR D WILLIAMS  
30 CWRT PANT YR AWEL LEWISTOWN BRIDGEND

**LOCATION:** REAR OF 29-34 CWRT PANT YR AWEL LEWISTOWN BRIDGEND

**PROPOSAL:** INCLUSION OF LAND WITHIN CURTILAGE & RETAIN GARDEN STRUCTURES

**RECEIVED:** 31st December 2013

**APPLICATION/SITE DESCRIPTION**

The retrospective planning application seeks planning permission to include a parcel of land to the rear of 29-34 Cwrt Pant yr Awel, within the curtilage of 30 Cwrt Pant yr Awel, Blackmill Road, Lewistown.

**RELEVANT HISTORY**

None.

**PUBLICITY**

The application has been advertised in the press and on site.  
Neighbours have been notified of the receipt of the application.  
The period allowed for response to consultations/publicity expired on 18 March 2014

**NEGOTIATIONS**

None.

**CONSULTATION RESPONSES**

**Town/Community Council Observations**  
Notified on 10th January 2014



**DEVELOPMENT CONTROL COMMITTEE**

**26 JUNE 2014**

**AMENDMENT SHEET**

Reason: In the interests of pollution prevention

**4**                      **27**                      **P/14/310/FUL**

The applicant's agent clarified in writing on 19 June 2014 that the proposed development will not overhang any neighbouring properties.

The final sentence of the Appraisal Section (Page 30) should be removed.

**5**                      **32**                      **P/13/166/OUT**

A Full Committee Site Visit was held on Wednesday 25 June 2014. The Local Member and the applicant were in attendance.

CONSULTATION RESPONSES

Land Drainage requested that a condition and notes be attached to any permission granted.

Recommendation

The following condition be added:-

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.

Notes

No surface water is allowed to discharge to the public highway

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

**6**                      **39**                      **P/13/808/OUT**

A Full Committee Site Visit was held on Wednesday 25 June 2014. A representative of Maesteg Town Council was present.

Cllr. Ross Thomas submitted the following comments:

"I support the development of this site *in principle* in the knowledge that it is a key, strategic location for the regeneration of Maesteg and the wider Llynfi Valley. Once the home of two major multi-national operations with a combined workforce in excess of 1,000 people (much of it locally-based), this site has been the subject of much local discussion and debate over the past few years.

I recognise the decline in industry - locally, regionally and on a national level - and a move by national government towards supporting the 'service sector' which, in the main, bases itself in areas where existing infrastructure is well-developed and in close proximity to major travel networks (rail, road etc.) To this end, I am aware that we would struggle to attract any sort of development that would bring with it mass employment potential on a scale previously enjoyed at this site. Nonetheless, I am keen to ensure that the developments that do take place realise as much employment potential as is possible.

My primary concern is in the development of smaller units at this site. On balance, I believe it would be far more beneficial to create a small number of bigger units rather than a large number of small units. The occupancy rate of similar such (small) units in the Llynfi Valley is already low. The site lends itself ideally to attracting a few larger stores which could not be accommodated in Maesteg town centre i.e. DIY and general homeware stores. My fear is in the 'pull' factor to this site to the detriment of the town centre, including but not restricted to the new Market Square. There will need to be a concerted effort to avoid this at all costs and ensure that this site and the town centre are **equally attractive** in what they offer for potential visitors and footfall, and that both link well with each other, more particularly when attracting footfall from outside of the valley."

In response to the comments received from Cllr. Thomas, refer to the 'Appraisal' section of the report (sub-headings 'General Retailing' and 'Bulky Goods').

The following amendment to Heads of Terms (v) is recommended:

Ensure that the land identified as Employment Land on Plan Number G2795(05)010: Masterplan (received 9 June 2014) is re-profiled, surfaced and fully serviced, including a highway access of appropriate size and standard, in accordance with a scheme and method statement to be submitted and approved in writing by the Council, no later than the construction of the 50<sup>th</sup> residential unit built on the site.

7

75

P/13/938/FUL

A Full Committee Site Visit was held on Wednesday 25 June 2014. The Local Member and the applicant were in attendance.

10

81

TRAINING LOG

Facilitator

Subject

Date

Time

Craig Flower  
and Jonathan Parsons

"Life of a Planning  
Application"

21<sup>st</sup> August

12.45

**MARK SHEPHARD**  
**CORPORATE DIRECTOR – COMMUNITIES**  
**26 JUNE 2014**

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**REFERENCE :** P/12/796/FUL

**PROPOSAL :** RESIDENTIAL DEVELOPMENT OF 94 DWELLINGS & OUTLINE APPLICATION FOR INDUSTRIAL / COMMERCIAL USE ON 2.23 HA.

**LOCATION :** LAND AT TY DRAW FARM PYLE BRIDGEND

Planning permission for the mixed use development of land at Ty Draw Farm was granted on 22 January 2014 subject to a Section 106 agreement which required, amongst other things, that the developer create a plateau on the northern part of the site to facilitate its development for commercial / industrial use in accordance with a scheme and method statement to be submitted to and approved by the Local Planning Authority no later than 2 years from the date of the occupation of the first dwelling on the site.

The proposal was submitted as a 'hybrid' application, with full planning consent granted for the residential part of the site and outline consent granted for the commercial / industrial part to the north. An access off the main estate road will be provided to the plateau to enable a future developer to come onto the site and complete the commercial / industrial development on that part of the site as part of an approved reserved matters application.

The Planning Department has received a request to revise the date for receipt of a re-profiling scheme from 2 years to 3 years from the date of the occupation of the first dwelling on site. Persimmon Homes who have partnered with the site owner, South Wales Land Developments, to deliver the residential housing have confirmed that the first dwelling on the site was occupied on 30<sup>th</sup> June 2014.

South Wales Land Developments have been marketing the site since the granting of consent, and the overwhelming response from potential employment generating occupiers is that, in order to make the site more attractive to them, more work than originally envisaged may be required to provide a roadside frontage to aid visibility in addition to the levelling of the site. This is likely to include the removal of a 4m high roadside embankment and potential thinning of some of the trees fronting the site, which are both located on land owned by BCBC. Consideration of the acceptability of any engineering work required in this regard would be subject to a separate planning application.

The request to extend the timescale for submission of the re-profiling scheme has been made in order to provide additional time to fully understand the work required in consultation with interested commercial parties.

It is considered that such an extension is justified on the basis of the active marketing undertaken by the owner and the need to ensure that the right scheme for the site is submitted. It will however be necessary to formalise the matter via a deed of variation to the Section 106 Agreement and it is recommended that the Council's Solicitor be instructed to prepare the deed of variation. All other obligations will remain as agreed.

### **Recommendation**

The request to vary the S106 Agreement through a Deed of Variation be approved.

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

### **Background Papers**

None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

#### REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

##### Draft revisions to Planning Policy Wales Chapter 6: The Historic Environment

### 1. Purpose of Report

- 1.1 To advise Development Control Committee Members of the Council's draft response to the Welsh Government's (WG) consultation on proposed changes to planning policy for the historic environment (Appendix 1) following the DC Committee Member Workshop session held on 23 May 2016.
- 1.2 The draft policy document resulted from informal feedback received by the WG on draft planning policy documents made available to inform the scrutiny of the Historic Environment (Wales) Act 2016. It is intended that the WG will consult on a historic environment Technical Advice Note during Summer 2016.

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

- 2.1 The Historic Environment (Wales) Act 2016 received Royal Assent on 21 March 2016. The Act forms part of a suite of legislation, policy, advice and guidance that makes important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment.
- 2.2 Planning Policy Wales (PPW) provides national planning policy supporting the protection of the historic environment through the planning system. The planning policy contained within Chapter 6 has not substantially changed since the first version of PPW was published in 2002. Changes to the current Chapter 6 of PPW are proposed to ensure:
  - national planning policy fully meets objectives for a well-protected and accessible historic environment that contributes to quality of life and place
  - policy accounts for a suite of recent legislation and guidance that has or is in the process of being prepared for the protection and sustainable management of the Welsh historic environment.
- 2.3 The planning system plays a significant role in the protection and conservation of the historic environment while helping it accommodate and remain responsive to present-day needs. Chapter 6 of PPW sets out our national planning policy in relation to this role.
- 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 Revisions to Chapter 6 of PPW are needed in order to reflect the Welsh Government's objectives for a well-protected and accessible historic environment

that contributes to quality of life and place. In particular the Chapter needs to take account of Cadw's *Conservation Principles* for the sustainable management of the historic environment, which were published in 2011 including an updated statement of purpose with a strong focus on the sustainable management of the historic environment. The revised chapter reflects how the historic environment contributes to the Welsh Government's seven well-being goals for a sustainable Wales as set out in the Well-being of Future Generations (Wales) Act 2015.

- 3.2 Protection and enhancement of historic assets is central to this, achieved through the positive management of change based on a full understanding of the nature and significance of historic assets, as well as recognition of the benefits that they can deliver and the role they play in a vibrant culture and economy.

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

- 4.1 The Local Planning Authority and Building Conservation Officers currently refer to advice contained with Chapter 6 of Planning Policy Wales (8<sup>th</sup> Edition – January 2016) and Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.

#### **5. Next Steps**

- 5.1 The response to the WG's proposed revisions to Planning Policy Wales Chapter 6: The Historic Environment will be formally submitted to the WG before the deadline of 13 June 2016 under delegated powers.
- 5.2 The WG intends to publish a summary of the responses to this document and the Chapter will be revised to meet the needs of a modern and accountable system for considering how the historic environment is managed through the planning system

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

- 6.1 It is intended that Chapter 6 of PPW will be updated and used as guidance 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. Recommendation**

- (1) That Members note the content of this report and the LPA's draft response to the WGs consultation (Appendix 1).

**Mark Shephard**  
**Corporate Director Communities**



**Contact Officer**

Mr. Rhodri Davies

Development and Building Control Manager

Telephone Number: 01656 643152 e-mail: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)

**Background documents**

**Appendix 1:** BCBCs Draft Consultation Response to the WG's proposed revisions to Planning Policy Wales Chapter 6: The Historic Environment

## CONSULTATION FORM

### Draft revisions to Planning Policy Wales Chapter 6: The Historic Environment

We want to know your views on the proposed changes to the Welsh Government's planning policy on the historic environment.

Please submit your comments by 13 June 2016

If you have any queries on this consultation, please email: [planconsultations-j@wales.gsi.gov.uk](mailto:planconsultations-j@wales.gsi.gov.uk) or telephone: 029 2082 3524

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

#### Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you do not want your name and address to be shown on any documents we produce please indicate here**

**If you do not want your response to be shown in any document we produce please indicate here**

## CONSULTATION FORM

### Draft Revisions to Planning Policy Wales Chapter 6: The Historic Environment (Consultation)

Date		
<b>Name</b>	Claire Hamm	
<b>Organisation</b>	Bridgend County Borough Council	
<b>Address</b>	Civic Offices Angel Street <b>Bridgend</b>	
<b>E-mail address</b>	claire.hamm@bridgend.gov.uk	
<b>Telephone</b>	01656 643164	
<b>Type</b> <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	<p><b>Do you agree with our objectives for the historic environment? If not, what objectives would you like to see or how would you change the existing objectives?</b></p> <p>Section 6.2 of draft PPW Chapter 6 refers to our revised objectives for the historic environment.</p>	X
<b>Agree</b>		√
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		
<b>Further comments</b>		
<ul style="list-style-type: none"> <li>• The move towards a more flexible approach based on the “sustainable management of change” is welcomed, particularly where the original use of historic buildings is no longer viable e.g. chapels.</li> <li>• The objective to recognize the contribution of the historic environment to economic vitality and quality of life is noted but it should be made clearer what proposals are planned by Welsh Government to communicate this and to what audiences. Will this result in additional resources being allocated to this sector particularly in light of conservation staff resources in local authorities.</li> <li>• In order to preserve and enhance Conservation Areas as far as possible, automatic article 4 Directions would lessen the burden on local authorities to serve individual directions and this is seen as a missed opportunity in the Historic Environment (Wales) Act 2016 and subsequent regulations. It is hoped that the guidance relating to conservation areas is detailed enough, particularly in relation to demolition of buildings is clear and detailed enough to assist local authorities in consistency of decision making.</li> <li>• The impact of renewable energy equipment on the character of historic buildings is often a difficult balance to strike, particularly in the case where the impact cannot be mitigated by careful design and there are very few options available.</li> </ul>		

Q2	<p><b>Do you agree that the roles and responsibilities of those involved in the planning process relating to the historic environment are clear and well defined? If not, how would you clarify them?</b></p> <p>Section 6.3 of draft PPW Chapter 6 provides information on the roles and responsibilities of those involved in the planning process relating to the historic environment.</p>	X
----	--	---

<b>Agree</b>	√
<b>Neither Agree nor Disagree</b>	
<b>Disagree</b>	
<b>Further comments</b>	
<ul style="list-style-type: none"> <li>Local Planning Authorities are required to formulate and publish proposals for the preservation and enhancement of the area and review their areas from time to time. It is clearly a statutory duty but the requirement is vague, will be subject to the Authority's Corporate Priorities and will ultimately be dictated by resources available. More clarity should be provided in the TAN or the Conservation guidance if these actions are going to be considered as a priority by LA's.</li> <li>Difficulties in use of Local Authorities powers when the issue is general lack of maintenance by owners of historic buildings, where the building is generally a visual detractor from the environment rather than being considered "at risk" or in poor condition. The introduction of interest rates and land charges to recover costs is insufficient to encourage some Local Authorities to bear the costs of urgent works as the resource is not available for local authorities to spend.</li> <li>The role of the new Advisory panel is unclear, will there be repetition with Historic Environment Group?</li> <li>Role/responsibilities of the owners / occupiers/developers is omitted which can strongly influence how effective the planning process is in the protection of the historic environment. Is there an overarching role that Welsh Government via Cadw can play in the communication/ awareness raising with owners/developers in light of overstretched conservation Officer resource.</li> </ul>	

<b>Q3</b>	<b>Do you agree that the approach to be taken in the preparation of development plans fully considers the historic environment? If not, how would you suggest that this is overcome?</b>	<b>X</b>
	Section 6.4 of draft PPW Chapter 6 refers to consideration of the historic environment in the Local Development Plan process.	
	<b>Agree</b>	√
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<ul style="list-style-type: none"> <li>This response does depend on what stage the Local Development Plan is at and at</li> </ul>		

what stage these changes / guidance can be built into any review.

- Need to consider the inclusion of the HER in the LDP and also additional training in the use of the HER due to its raised profile for the the day to day development management process
- Inclusion of relevant policies for the preparation of local lists is straightforward. However locally listed buildings have no statutory protection from demolition (unless they are in a conservation area) and are we in danger of raising expectations of the local community?

<b>Q4</b>	<b>Do you agree that the approach to be taken during the Development Management process when determining applications relating to historic environment designations fully considers the historic environment? If not, how could this be improved?</b>	<b>X</b>
	Section 6.5 of draft PPW Chapter 6 refers to the approach to be taken during the Development Management process when determining applications relating to historic environment designations.	
	<b>Agree</b>	√
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
	<ul style="list-style-type: none"> <li>• Welcome Heritage Impact Assessments and associated guidance to replace Design and Access statements</li> <li>• Exemplar schemes often rely on funding assistance and the understanding and imagination of owners / architects. Is it time that good examples are pooled to provide an invaluable resource for agents / architects – as was discussed for Church and Chapels – Strategic Action Plan for Churches and Chapels.</li> <li>• Concern over the impact of statutory undertakers on Conservation Areas e.g. Installation of broadband cabinets</li> <li>• Minor alterations in a Conservation Area can occur which are not classed as development</li> </ul>	

<b>Q5</b>	<b>Do you agree that it is appropriate to include text on Enabling Development as national planning policy? If not, is this a matter more appropriate to set out within Cadw's guidance on the historic environment?</b>	<b>X</b>
	Paragraphs 6.5.27 and 6.5.28 of draft PPW Chapter 6 provide text on the consideration of enabling development during the determination of planning applications.	
	<b>Agree</b>	√
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
Could be used in exceptional circumstances and by referencing in National Policy a stronger case can be made where necessary.		

<b>Q6</b>	We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.	<b>X</b>
<b>Further comments</b>		
<ul style="list-style-type: none"> <li>• Planning / Conservation staff resources are already overstretched and concerns are raised over additional expectations on the Authorities e.g. local list. Resources are stretched to the extent that Listed buildings cannot be regularly monitored in terms of condition and Officers are often forced into providing a reactive rather than proactive service.</li> <li>• Buildings at Risk – will any of the changes in chapter 6 (or Historic Environment (Wales) Act 2016 assist local authorities in dealing with those buildings most at risk? They are unlikely to in reality due to resource levels and adversity to risk</li> </ul>		

### How to respond

Please submit your comments by 13 June 2016, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to :  <a href="mailto:planconsultations-j@wales.gsi.gov.uk">planconsultations-j@wales.gsi.gov.uk</a>            [Please include <b>Planning Policy Wales Chapter 6: The Historic Environment consultation</b> in the subject line]</p>	<p>Please complete the consultation form and send it to:            Planning Policy Wales Chapter 6 Consultation            Planning Policy Branch            Planning Directorate            Welsh Government            Cathays Park            Cardiff            CF10 3NQ</p>

Additional information
<p>If you have any queries about this consultation, please            Email: <a href="mailto:planconsultations-j@wales.gsi.gov.uk">planconsultations-j@wales.gsi.gov.uk</a>            Telephone: 029 2082 3524</p>



## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

9 JUNE 2016

#### REPORT OF THE DIRECTOR – OPERATIONAL AND PARTNERSHIP SERVICES

##### DEVELOPMENT CONTROL COMMITTEE SITE VISIT PANEL

#### 1. Purpose of Report .

- 1.1 The purpose of this report is for the Development Control Committee to nominate three Members to form the Committee's Site Visit Panel, to comprise of the Chairperson, Vice-Chairperson, and a third Member, and to also nominate a reserve Member to sit on the Panel should any of the three nominated Panel Members be unavailable.

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

- 2.1 The establishment of necessary Committees and other bodies fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its Corporate Priorities.

#### 3. Background.

- 3.1 At a meeting of the Development Control Committee on 31 May 2012 after the last County Borough Elections, the Committee agreed to establish a Site Visit Panel.
- 3.2 The Committee at the above meeting appointed 4 of its Members to form the Panel, in order to undertake visits of planning application sites, with the composition of this Panel being as detailed in paragraph 1.1 of this report.

#### 4. Current situation / proposal.

- 4.1 The recent Annual meeting of Council approved a change to the membership of the Development Control Committee, and therefore, as a result of this, the formation of the Panel needs to be re-considered.

#### 5. Effect upon Policy Framework and Procedure Rules.

- 5.1 This report accords with the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.

#### 6. Equality Impact Assessment.

- 6.1 There are no equality implications regarding this report.

#### 7. Financial Implications.

- 7.1 The cost implications relating to the report will be met within existing budgets allocated for Members allowances.

**8. Recommendation.**

8.1 That the Development Control Committee nominate Members to sit as its Site Visit Panel, to include:

- The Chairperson of the Development Control Committee;
- The Vice-Chairperson of the Development Control Committee;
- A third Member;
- A reserve Member (to sit on the Panel should any of the above be unavailable).

**P A Jolley**

**Corporate Director – Operational and Partnership Services**

**2 June 2016**

**Contact Officer: M A Galvin**  
**Senior Democratic Services Officer - Committees**

**Telephone: (01656) 643148**

**Email: [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk)**

**Postal address: Democratic Services Section**  
**Operational and Partnership Services**  
**Civic Offices**  
**Angel Street**  
**Bridgend CF31 4WB**

**Background documents:**

Report (and Minute) of the Development Control Committee dated 31 May 2012 entitled Site Visit Panel

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

09 JUNE 2016

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

##### NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE

**1. Purpose of Report .**

- 1.1 The purpose of this report is for the Development Control Committee to nominate and appoint the members to the Rights of Way Sub-Committee.

**2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.**

- 2.1 The establishment of necessary Committees and other bodies fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its Corporate Priorities.

**3. Background.**

- 3.1 The remit of the Development Control Committee includes for the nomination and appointment of 6 of its Members to form the Rights of Way Sub-Committee, with the Chairperson and Vice-Chairperson of the Development Control Committee fulfilling the same role for the Rights of Way Sub-Committee.
- 3.2 The recent Annual meeting of Council approved a change to the membership of the Development Control Committee and therefore, as a result of this, the nomination and appointment to the Rights of Way Sub-Committee now needs to be re-considered.

**4. Current situation / proposal.**

- 4.1 The Rights of Way Sub-Committee currently consists of six Members of the Development Control Committee and it is proposed that no change is made to the number of Members on the Sub-Committee.
- 4.2 The political balance of the Sub-Committee, based upon the number of Members it comprises of is as follows:-

Labour	- 4 Members	- (to include the Chairperson
Independent/Alliance	- 1 Member	and Vice-Chairperson of the
Independent/Annibynnwr	- 1 Member	Development Control
		Committee)

**5. Effect upon Policy Framework and Procedure Rules.**

- 5.1 This report accords with the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.

**6. Equality Impact Assessment.**

6.1 There are no equality implications regarding this report.

**7. Financial Implications.**

7.1 There are no financial implications regarding this report.

**8. Recommendation.**

8.1 That the Development Control Committee is recommended to nominate and appoint six (6) Members from this Committee, to form the membership of the Rights of Way Sub-Committee, to include:

- 4 Labour Members (including the Chairperson and Vice-Chairperson of the Development Control Committee),
- 1 Independent/Alliance Member
- 1 Independent/Annibynwr Member

**P A Jolley**

**CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES**

**09 JUNE 2016**

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Operational and Partnership Services  
Civic Offices  
Angel Street  
Bridgend CF31 4WB

**Background documents:**

There are no background documents in relation to this report

## APPEALS

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

<b>CODE NO.</b>	A/16/3141978 (1770)
<b>APP. NO.</b>	P/15/387/FUL
<b>APPELLANT</b>	MRS H PERRETT
<b>SUBJECT OF APPEAL</b>	CREATE LARGER BALCONY 5M X 2.2M: LOCKS COTTAGE LOCKS COMMON PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.</b>

A copy of this appeal decision is attached as APPENDIX A

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<b>CODE NO.</b>	A/15/3141349 (1771)
<b>APP. NO.</b>	P/15/543/FUL
<b>APPELLANT</b>	MR BEN BOARD
<b>SUBJECT OF APPEAL</b>	RETENTION OF BUILDING AS BUILT (AMENDMENT TO P/13/147/FUL) FOR USE AS STUDIO DWELLING BY FAMILY MEMBER: 133 COWBRIDGE ROAD BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	COMMITTEE
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.</b>

A copy of this appeal decision is attached as APPENDIX B

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### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

See relevant application reference number.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/04/16

gan **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/05/16

## Appeal Decision

Site visit made on 14/04/16

by **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 06/05/16

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**Appeal Ref: APP/F6915/A/16/3141978**

**Site address: Locks Cottage, Locks Common, Porthcawl, Bridgend CF36 3HU**

**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 grant of planning permission subject to conditions.
- The appeal is made by Mrs Hazel Perrett against the decision of Bridgend County Borough Council.
- The application Ref P/15/387/FUL, dated 13 June 2015, was approved on 18 August 2015 and planning permission was granted subject to conditions.
- The development permitted is the creation of a larger balcony.
- The condition in dispute is No 2 which states that:  
*'Prior to the beneficial use of the balcony hereby approved, a 1.8m high solid and obscure screen shall be erected along the entire southern end of the balcony, facing 14 Hutchwns Close. The screening shall be retained in perpetuity'.*
- The reason given for the condition is:  
*'In the interests of residential amenity'.*

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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the condition is reasonable and necessary having regard to the living conditions of neighbours, in particular the privacy of the occupants of 14 Hutchwns Close.

### Reasons

3. The appeal site is a detached dwelling with its rear elevation facing Locks Common and the coastline beyond. Its relationship with the closest neighbouring property to the south, 14 Hutchwns Close, is such that it is sited beyond the rear elevation and angled away from this neighbouring dwelling.
  4. It currently has a modest, semi-circular balcony on its rear elevation which, owing to the siting relationship that I have described together with its limited depth and width, allows for little overlooking of the house or private garden at No 14. That is, any overlooking from this balcony is restricted to the western extremities of the neighbouring garden only.
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5. In comparison, the balcony approved under P/15/387/FUL is of a rectangular form and materially larger than the existing, shown on the approved drawings as measuring some 4.5 metres wide by 2.5 metres deep. To this end, it would be brought closer to the boundary with the neighbouring property and extend further into the garden of the appeal site when measured from the rear elevation of the dwelling.
6. The effect of this larger balcony is that it would afford a greater degree of overlooking of the neighbouring garden and would also provide views back towards the neighbouring dwelling over and above that which currently exists. The existing balcony is of a restricted size and shape such that its use is extremely limited. In comparison, the approved balcony is of a size that would enable sitting out for prolonged periods and for several occupants at a time, and would therefore allow for a much more intensive use.
7. At my site visit, I saw that the garden of No 14 is already overlooked to some extent by a window in the first floor side elevation of the appeal dwelling. However, the existence of this window is not adequate reason to add to the lack of privacy of the occupants of the neighbouring dwelling in a manner which I have already shown to be more intrusive than that which currently exists.
8. Furthermore, the presence of people on a balcony of the size and proximity of that approved would be a far more noticeable and obvious intrusion than if the same people were within the confines of a building or using the existing balcony.
9. Hence, the inclusion of the privacy screen required by Condition 2 of the permission would mitigate the additional harmful overlooking impact that I have described. I consider that, without the screen, the proposal would adversely affect the privacy of the occupants of No 14 to the detriment of the living conditions that they should reasonably expect to enjoy. In this context, it would conflict with Policy SP2 of the adopted Bridgend Local Development Plan (LDP) 2013 which requires that new development should ensure that *inter alia* the amenity of neighbouring uses and their occupiers would not be adversely affected.
10. The Council also cites its Supplementary Planning Guidance (SPG) 02 '*Householder Development*' which was adopted in 2008 as SPG to the Bridgend Unitary Development Plan (UDP). However, the UDP has been superseded by the LDP, and the Council has not confirmed that it has been formally adopted as SPG to the LDP. Nevertheless, it is helpful insofar as it advises that a balcony should be located or screened to prevent or minimise overlooking. For the reasons I have described, I consider that the privacy screen would protect this interest.
11. Consequently, and having regard to the advice in Welsh Government 016/2014 '*The Use of Planning Conditions for Development Management*', I find a condition requiring a 1.8m high solid and obscure screen to be erected along the entire southern end of the balcony facing 14 Hutchwns Close to be both reasonable and necessary to protect the living conditions of the occupants of this neighbouring dwelling.
12. I note the appellant's contention that the privacy screen would affect the aesthetics of the balcony. Be that as it may, I do not find that this matter outweighs the harm to living conditions that I have otherwise identified or that the condition should be removed on this basis.

**Conclusion**

13. For the reasons I have given, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Melissa Hall*

Inspector



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/04/16

**gan Melissa Hall BA (Hons), BTP, MSc, MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 24/05/16**

## Appeal Decision

Site visit made on 14/04/16

**by Melissa Hall BA (Hons), BTP, MSc, MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 24/05/16**

**Appeal Ref: APP/F6915/A/15/3141349**

**Site address: 133 Cowbridge Road, Bridgend CF31 3BD**

**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 grant of planning permission subject to conditions.
- The appeal is made by Mr Ben Board against the decision of Bridgend County Borough Council.
- The application Ref P/15/543/FUL, dated 18 August 2015, was approved on 16 October 2015 and planning permission was granted subject to conditions.
- The development permitted as described on the decision notice is the retention of building as built (amendment to P/13/147/FUL) for use as studio dwelling by family member.
- The condition in dispute is No 3 which states that: *'The building shall not be brought, whether wholly or partially, into residential occupation until three parking spaces have been provided in permanent materials within the site in accordance with the approved block plan. The car parking spaces shall thereafter be retained for parking purposes in perpetuity.'*
- The reason given for the condition is: *'To ensure adequate off street parking is provided in the interest of highway safety.'*

### Decision

1. The appeal is allowed and planning permission Ref P/15/534/FUL for the retention of building as built (amendment to P/13/147/FUL) for use as studio dwelling by family member granted on 16 October 2015 is varied by deleting Condition 3 and substituting it for the following condition:

"3) Within one month of the date of this decision, a scheme for the provision of one off-street parking space shall be submitted to and agreed in writing by the local planning authority. The off-street parking space shall be provided in permanent materials in accordance with the agreed scheme within three months of the date of the written agreement of the scheme and shall thereafter be retained."

### Procedural Matters

2. The planning application form describes the development as the *'Change of use of existing workshop into studio type dwelling for use by family member'*. However, that description was amended by the Council to also include the retention of the building 'as built'. It is on this basis that the Council made its decision and upon which I determine the appeal.

## Background

3. Planning permission was granted for a two storey side extension, the extension of the existing single storey extension to create a second storey, the creation of additional parking and construction of a new workshop under Ref P/13/147/FUL. Whilst it is the appellant's understanding that this permission required the provision of 3no car parking spaces, the Council has confirmed that no condition requiring the provision or retention of the spaces was attached to the permission. Rather, the Council has stated that the submitted plans indicated that 3no off-street spaces would be provided and that it considered this provision acceptable, not least due to the pressure for on-street parking in the vicinity. However, in the absence of a condition on the planning permission to this effect, there is no means of securing this provision.
4. The appellant has confirmed that no work has yet been undertaken in relation to the extensions to the dwelling. However, I understand that work commenced on the workshop albeit it became apparent to the Council that the development was not being carried out in accordance with the plans approved under P/13/147/FUL. Consequently, a subsequent application made under P/15/543/FUL sought to regularise the situation, but also included the conversion of the workshop building to what the Council describes as a 'studio dwelling' incorporating a lounge, kitchen, one bedroom and a bathroom to be used by a family member in association with the main dwelling. In granting planning permission for the building in October 2015, the Council imposed a condition to the effect that 3no off street parking spaces shall be provided prior to the residential occupation of the building. It is this condition with which the appellant takes issue and which is therefore the subject of this appeal.

## Main Issue

5. Against this background, the main issue is whether the condition is reasonable and necessary having regard to the nature of the development and highway safety.

## Reasons

6. The appeal dwelling fronts the A473 Cowbridge Road. However, as there are parking restrictions in the form of double yellow lines to the front of the property and it is elevated above the road with steps up to the property providing pedestrian access only, the principal access to the dwelling is to the rear.
7. The rear of the property is located at the end of a narrow cul-de-sac and off a turning head on Uxilla Terrace. At the time of my site visit, I observed that there is significant pressure for on-street parking and, owing to the restricted width of the road, vehicles are parking on the footway and there is little opportunity for vehicles to pass side by side. I also acknowledge the concerns of other parties in this regard.
8. Nevertheless, I am also told that the appeal site did not benefit from any off-street parking provision prior to the planning application being made in 2013 but relied wholly on on-street parking; the photographs provided appear to corroborate this insofar as they show a solid wall with close boarded fence and a pedestrian access gate only abutting the highway.
9. From my reading of the Council's evidence, the appropriate level of off-street parking for a three bedroom dwelling is 3no spaces. Thus, in determining the original application in 2013 for the extensions to the dwelling and the construction of a workshop, the Council concluded that the 3no parking spaces shown on the submitted drawings would be acceptable and would accord with its adopted Supplementary

Planning Guidance 17 '*Parking Provision*'. Although I have not been provided with a copy of this guidance, the appellant has not disputed the total number of parking spaces being sought.

10. However, I note that the application made under P/15/543/FUL was limited only to the workshop building and its conversion to residential use. That is, it did not include the extensions to the main dwelling approved under the previous application.
11. At the time this subsequent application was made, the Council was content to rely on the 3no spaces shown on the submitted drawings. However, it is clear that such a requirement relates to the dwelling as extended and the use of the former workshop building as a studio dwelling. It therefore follows that if the work in respect of the construction of the extensions to the dwelling has not commenced, requiring the provision of the total number of spaces shown on the approved drawings would not be justified.
12. Whilst the Council makes reference to Welsh Office Circular 35/95 '*The Use of Conditions in Planning Permissions*', it has been replaced by Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*' which outlines the six tests for the validity of planning conditions. In particular, paragraph 3.15 states that a condition must fairly and reasonably relate to the development to be permitted.
13. In this context, a condition would not be reasonable if it attempts to control something not created by it in the first place or simply to meet a need that already exists. As the appeal before me relates to the 'studio dwelling' only, and this development in itself would not create a demand for 3no car parking spaces, a condition seeking the provision of this number of spaces would be both unnecessary and unreasonable. Furthermore, it would be unreasonable to require this number of parking spaces simply because there is already an existing need due to considerable pressure for on-street parking in the vicinity. It would therefore fail the tests outlined in the Circular in this regard.
14. Nevertheless, I accept that the studio dwelling would potentially generate a parking requirement in its own right and in the long term, notwithstanding that it is currently occupied by a family member who does not own a car. To this end, the Council suggests an amendment to the wording of the condition to the effect that one parking space should be provided within 3 months following the approval of a parking scheme. I consider that a requirement to provide 1no off-street parking space would accord with the aims of Policy SP2 of the adopted Bridgend Local Development Plan 2013 to ensure that the amenity of neighbouring uses and their occupants would not be adversely affected. Having regard to the advice in the Circular, I find such a condition to be both reasonable and necessary in the interest of highway safety.
15. The Council has suggested a second condition requiring the submission of a scheme for 2no additional off street parking spaces, which should be provided before the extensions to the host property at 133 Cowbridge Road are brought into beneficial use. However, if the Council considered that the provision of these spaces was necessary for the original development comprising of the extensions and the workshop to proceed, it ought to have imposed such a condition on planning permission P/13/147/FUL.
16. That is, having regard to the advice in the Circular, it is not appropriate to impose this condition retrospectively on a permission which relates to a different form of

development and the requirement does not reflect the nature and scale of that now proposed. Whilst I note the concerns of the Council and residents regarding on-street parking pressure in the vicinity, such a condition would not meet the tests outlined in the Circular and should not therefore be attached to the permission.

**Conclusion**

17. For the reasons I have given, and having regard to all matters raised, I conclude that the appeal should succeed. I shall vary the planning permission by deleting the disputed condition and substituting it for an amended Condition 3 as indicated in my decision.

*Melissa Hall*

Inspector

## **TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Mike Harvey – <i>Secured By Design - South Wales Police</i>	“Designing out crime”	9 June 2016	12.45pm
Tony Thickett – <i>Director for the Planning Inspectorate Wales</i>	“Developments of national significance”	7 July 2016	12.45pm
Susan Jones – <i>BCBC Development Planning Manager</i>	“Local Development Plan review workshop”	4 August 2016	12.45pm

### **Future training sessions**

- Wayne Crocker (MENCAP) – Changing places
- Review of recent appeal decisions
- Active travel plans
- Advertisement control
- Workshop on the draft Open Space SPG

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

None.

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